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Ohio Administrative Code

Rule 5180:2-5-35 Foster youth bill of rights.

Effective: October 25, 2026

(A) What are the rights of a youth in care?

No court, agency, resource caregiver, residential facility or any employee, volunteer, intern or subcontractor of an agency, court or residential facility is to in any way violate any of the following or other legally established rights of children:

(1) The right to be free from physical, verbal, and emotional abuse and inhumane treatment.

(2) The right to be protected from all forms of sexual abuse and exploitation.

(3) The right to receive timely and consistent access to:

(a) Housing that is a clean and safe living environment, free of infestation and contaminants. This includes the right to enter their housing at any time during their placement.

(b) Food in accordance to rule 5180:2-7-06 or 5180:2-9-20 of the Administrative Code. This includes the right to have other special considerations regarding food as a result of trauma included in their service and/or case plan.

(c) Clothing appropriate to the child's age and personal preference. This includes the right to participate and provide input regarding the selection of their clothing.

(4) The right to privacy and personal belongings.

(5) The right to their own money. As age and developmentally appropriate, the right to earn their own money, open a bank account, and be provided guidance on how to save and spend money. For youth age fourteen and older, this is to be addressed as a part of the youth independent living plan pursuant to rule 5180:2-42-19 of the Administrative Code.

(6) The right to visitation and communication with parents, siblings, other family members, non-related kin, friends and significant others from whom they are living apart, in accordance with the child's service or case plan. Unless restricted in the case plan or in accordance to paragraph (C) of this rule, the youth has the right to communicate with these persons in private.

(7) The right to contact their attorney, caseworker, custodial agency worker, probation officer, court appointed special advocate (CASA) and guardian ad litem (GAL) as well as other professionals involved with the youth in private, within twenty-four hours of the request. Each of the phone numbers for these individuals

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and the recommending and custodial agency hotline is to be accessible to the youth.

(8) The right to have their opinions heard and be included when any decisions are being made affecting their lives. As age or developmentally appropriate, this includes the right to be invited to and prepared for meetings and court hearings including information about their permanency options.

(9) The right to receive timely, adequate, and appropriate medical care, dental services, vision care, and mental health services. This includes the right to have appointments scheduled and be transported to these appointments.

(10) The right to enjoy freedom of thought, conscience, and religion or to abstain from the practice of religion.

(11) The right to receive appropriate and reasonable guidance, support, and supervision from adults in their lives including parents, resource caregivers, agency staff, mentors, youth advisory boards, and others, as applicable.

(12) The right to participate in an appropriate educational program including the following:

(a) The right to provide their input regarding selection of schools consistent with the Every Student Succeeds Act (ESSA) 2015.

(b) The right to participate in educational and school related activities, without any barriers to access.

(c) For youth aged fourteen and older, the right to have access to information regarding vocational and post-secondary educational programs and financial assistance for post- secondary education.

(13) The right to life skills preparation pursuant to rule 5180:2-42-19 of the Administrative Code.

(14) The right to participate in age-appropriate extracurricular, enrichment, and social activities per section 2151.315 of the Revised Code.

(15) The right to protection against being discriminated against or harassed on the basis of race, sex, gender, gender identity, sexual orientation, disability, religion, color or national origin.

(16) The right to be informed, in an age-appropriate way, that they may have an independent attorney represent them in court proceedings involving allegations

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of abuse or neglect. The custodial agency must explain this right verbally and in writing, provide contact information for legal resources, and assist the youth in connecting with an attorney if the youth requests representation.

(B) How are foster youth informed of these rights?

(1) The custodial agency is to ensure the foster youth bill of rights and/or a copy of the DCY 01677 "Foster Youth Rights Handbook" pursuant to rule 5180:3-13-90 of the Administrative Code, along with the agency's complaint procedure, pursuant to rule 5180:2-33-20 of the Administrative Code, are explained to each child as developmentally appropriate and provided to all children in custody.

(2) A residential facility is to include the foster youth bill of rights in the handbook for residents and their families required pursuant to rule 5180:2-9-15 of the Administrative Code. The residential agency is to ensure the following:

(a) Children in the care of the agency have ongoing access to the handbook for residents and youth aged fourteen and older have ongoing access to the DCY 01677.

(b) The foster youth bill of rights, along with the facility's complaint procedure pursuant to rule 5180:2-9-24 of the Administrative Code is to be clearly posted in each facility so that it may be easily seen by all children.

(3) An agency operating a foster care or independent living program is to include the foster youth bill of rights in any handbook used by the agency for children in the care of the agency. The agency is to ensure children in the care of the agency:

(a) Are provided the foster youth bill of rights and the agency's complaint procedure which are explained to each child as developmentally appropriate and provided to all children.

(b) Have ongoing access to the handbook, if applicable, and the agency's complaint procedure.

(c) Youth aged fourteen and older have ongoing access to the DCY 01677.

(C) Can a foster youth's rights be restricted?

Restrictions upon a child's rights should be reserved only for instances where it is necessary for the health and safety of the child or others. If an agency places any restrictions upon a child's rights for more than two hours, the agency is to:

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(1) Inform the child immediately and the child's custodian within twenty-four hours of the conditions of and the reasons for the restriction of rights.

(2) Place a written report summarizing the conditions of and reasons for the restriction of the child's rights in that child's record maintained pursuant to rules 5180:2-5-10 and/or 5180:3-1-70 of the Administrative Code.

(3) Inform the individual of the conditions of and reasons for the action, as appropriate, when a restriction of a child's rights affects another individual.

(4) Document review of this decision at least weekly. Any such restriction is to be included in the service and/or case plan and approved by the child's custodian.

(D) Can caregivers still discipline or supervise foster youth?

Nothing in this rule prevents a resource caregiver or residential facility from providing care, supervision, and discipline pursuant to rule 5180:2-7-09 or 5180:2-9-21 of the Administrative Code.

(E) What happens if caregiver rights conflict with foster youth rights?

If the rights of a youth, as established in this rule, conflict with the rights of a resource family or resource caregiver, as established in rule 5180:2-42-20 of the Administrative Code, the rights of the youth is to preempt the rights of the resource family or resource caregiver.

(F) Can foster youth sue if their rights are violated?

People can file lawsuits for many reasons; however, this rule does not create a legal basis for filing a lawsuit against the department, the recommending agency, or the custodial agency.