

84072 Personal Rights

(a)

Each facility licensed to provide foster care for six or more children shall post a listing of a foster child's rights. The rights posted in the facility shall be consistent with the list of rights specified in Welfare and Institutions Code section 16001.9(a) and as specified in subsection (d). (1) Pursuant to Health and Safety Code section 1530.91(b), any facility licensed to provide foster care for six or more children must use material developed by the Office of the Foster Care Ombudsperson to satisfy the posting of the foster child's rights specified above.

(1)

Pursuant to Health and Safety Code section 1530.91(b), any facility licensed to provide foster care for six or more children must use material developed by the Office of the Foster Care Ombudsperson to satisfy the posting of the foster child's rights specified above.

(b)

The licensee shall provide each child and their authorized representative, regardless of whether the child is in foster care, with the information listed in subdivision (c) at the following times. (1) Upon placement in a facility; (2) At the request of a child; and (3) Each time a new right has been added to subsection (c) or Welfare and Institutions Code section 16001.9.

(1)

Upon placement in a facility;

(2)

At the request of a child; and

(3)

Each time a new right has been added to subsection (c) or Welfare and Institutions Code section 16001.9.

(c)

Pursuant to subdivision (b), the licensee shall provide each child with the following information: (1) An age or developmentally appropriate orientation that includes an explanation of the rights of the child, as specified in subsection (c) below and in Welfare and Institutions Code section 16001.9, and addresses the child's questions and concerns; (2) A written copy of these rights; (3) Contact information for the agencies the child may contact concerning violations of these rights and other complaints, including the address, email address, and telephone number of the California Department of Social Services Community Care Licensing Division and Foster Care Ombudsperson, and; (4) Provisions of law regarding complaints including, but not limited to, the confidentiality of complaints.

(1)

An age or developmentally appropriate orientation that includes an explanation of the rights of the child, as specified in subsection (c) below and in Welfare and Institutions Code section 16001.9, and addresses the child's questions and concerns;

(2)

A written copy of these rights;

(3)

Contact information for the agencies the child may contact concerning violations of these rights and other complaints, including the address, email address, and telephone

number of the California Department of Social Services Community Care Licensing Division and Foster Care Ombudsperson, and;

(4)

Provisions of law regarding complaints including, but not limited to, the confidentiality of complaints.

(d)

The licensee shall ensure that each child, regardless of whether the child is in foster care, is accorded the personal rights specified in Welfare and Institutions Code section 16001.9 and below, as applicable: (1) To live in a safe, healthy, and comfortable home where they are treated with respect. If the child is an Indian child, to live in a home that upholds the prevailing social and cultural standards of the child's Indian community, including, but not limited to, family, social, and political ties. (2) To receive adequate and healthy food. (3) To receive an age-appropriate allowance. (4) To visit the facility with their relatives and/or authorized representative(s) prior to admission. (5) To file a complaint with the facility, as specified in Section 84072.2. (6) To have the facility inform their authorized representative(s) of their progress at the facility. (7) To have communications to the facility from their relatives and/or authorized representative(s) answered promptly and completely. (8) To have visitors visit privately during waking hours without prior notice, provided that such visitations do not infringe upon the rights of other children; do not disrupt planned activities; and are not prohibited by court order or by the child's authorized representative(s). (A) The child has the right to private visits and contact with the following: 1. Siblings, family members, and relatives. Visits by the child's siblings, family members, and relatives can only be prohibited by court order. 2. Authorized Representative. 3. Other visitors. (B) Rules regarding visitation hours,

sign-in rules and visiting rooms can be established but shall apply to all visitors.

(9) To be provided with and allowed to possess and use adequate personal items, consistent with Welfare & Institutions Code section 16001.9(a)(3), which includes their own:

- (A) Clothing items, provided the clothes are age-appropriate.¹ Clothing provided for school shall not violate school standards. 2. Clothing shall respect the child's culture, ethnicity, and gender identity and gender expression.
- (B) Toiletries, grooming and personal hygiene products, including enclosed razors used for shaving, as age and developmentally appropriate. 1. Toiletries, and grooming and personal hygiene products, shall respect the child's culture, ethnicity, and gender identity and gender expression. (C) Personal belongings, including items that were a gift to the child unless prohibited as part of a discipline program.

(10) To have storage space for private use. (11) To be free from unreasonable searches of personal belongings. (12) To possess and use their own cash resources except as specified in Section 84026, and to maintain a bank account and manage personal income consistent with the child's age and developmental level, unless prohibited by the case plan. (13) To make, send, and receive confidential telephone calls and other electronic communications, unless prohibited by court order.

(A) Reasonable restrictions to telephone use may be imposed by the licensee. The licensee shall be permitted to:

- 1. Restrict the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received;
- 2. Restrict phone use in accordance with the facility's discipline program;
- 3. Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies.

(B) All restrictions shall be documented in the child's needs and services plan or the facility's discipline policies, and be signed by the child's authorized representative. (C) Calls permitted to be restricted by

subsections (A)1. and (A)2. above shall not include calls to the child's authorized representative, placement agency, family members (including siblings and relatives, except by court order), social workers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), probation officers, representatives designated by the child's Indian tribe to participate in the juvenile court proceeding, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson. (14) To send and receive unopened mail unless prohibited by court order and have access to letter writing material. (15) To be provided the names and contact information for social workers, probation officers, attorneys, service providers, foster youth advocates, Court Appointed Special Advocates (CASAs), and education rights holder if other than the parent or parents, and when applicable, representatives designated by the child's Indian tribe to participate in the juvenile court proceeding. (A) The child has the right to communicate with these individuals privately. (16) To contact the California Department of Social Services Community Care Licensing Division or the Foster Care Ombudsperson, immediately upon request, regarding violations of rights to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints. (17) To have social contacts with people outside of the foster care system, including, but not limited to, teachers, coaches, religious or spiritual community members, mentors, and friends, and if applicable, tribal members and members of the Indian community consistent with the prevailing social and cultural standards of the Indian child's tribe. (18) To be accorded dignity in their personal relationships with staff and other persons. (19) To be free of physical, sexual, emotional, or other abuse, and from corporal or unusual punishment, exploitation, infliction of pain, humiliation, intimidation,

ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including, but not limited to, interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning. (20) To be free to attend religious services, activities, and ceremonies of the child's choice, including, but not limited to, engaging in traditional Native American religious practices, and to have visits from the spiritual advisor of the child's choice. Attendance at religious services, activities, and ceremonies in or outside of the facility, shall be on a completely voluntary basis. (21) To have caregivers, child welfare and probation personnel, and legal counsel who have received instruction on cultural competency and sensitivity relating to sexual orientation, gender identity and gender expression, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender children in out-of-home care. (22) To participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, access to computer technology and the internet, consistent with the child's age, maturity, developmental level, sexual orientation, and gender identity and gender expression. (23) To not be locked in any room, building, or facility premises at any time, unless the child is placed in a community treatment facility. (A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of children provided the children are able to exit the facility. (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the children are able to exit the facility and with the prior approval of the licensing agency. (24) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below. (A) Postural supports shall be limited

to appliances or devices including braces, spring release trays, or soft ties used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc.¹.

Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports. (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request. (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the child. (D) The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 80020(a) or (b), has been secured. (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports. (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a child's hands or feet. 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited. (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below. 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation

including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request. 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices. (H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes. (25) To access and receive health-related services, as defined in Section 84001(h)(2), with reasonable promptness that meets the needs of the child. (26) To participate in decisions regarding health-related services and treatment, including but not limited to, the following: (A) Choosing, whenever feasible and in accordance with applicable law, their own health care provider, if they are 12 years or older and payment for the service is authorized under applicable federal Medicaid law or other approved insurance. (B) Communicating with their health care provider regarding any treatment concerns or needs. (C) Requesting a second opinion before being required to undergo invasive medical, dental, or psychiatric treatment. (27) To personally consent to or decline medical services related to the following, without the consent or knowledge of any adult, including but not limited to, a parent, guardian, licensee, social worker, probation officer, judge or authorized representative: (A) The prevention, diagnosis or treatment of pregnancy, including but not limited to: female or male birth control or protection, pregnancy testing, and perinatal care, at any age. (B) Abortion, at any age. (C) Sexual assault or rape, at any age. (D) The prevention, testing, and treatment of sexually transmitted diseases, at 12 years of age or older. (E) Mental health services, at 12 years of age or older. (28) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic

group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and gender expression, mental or physical disability, or HIV status. (A) This includes the right of an Indian child to be free from discrimination based on the child's political affiliation with an Indian tribe or Alaskan village. (29) To obtain, possess and use contraception as well as medications for the prevention or treatment of pregnancy, including but not limited to: prenatal vitamins, birth control medication, emergency contraception, long acting reversible contraceptives, condoms, and barrier methods. (30) To obtain, possess, and use contraception as well as medications for the prevention or treatment of sexually transmitted diseases at 12 years of age or older. (31) To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections. (32) Except in an emergency, to be free of the administration of medication or chemical substances, and to be free of all psychotropic medications unless prescribed by a physician, and in the case of children, authorized by a judge, without consequences or retaliation. (33) To have a placement that utilizes trauma-informed and evidence-based de-escalation and intervention techniques. (A) Law enforcement intervention shall only be requested when there is an imminent threat to the life or safety of a child or another person or as a last resort after other diversion and de-escalation techniques have been utilized and only upon approval of a staff supervisor. (B) Law enforcement intervention shall not be used as a threat or in retaliation against the child. (34) To attend Independent Living Program classes and activities, if the child meets the age requirements, and to not be prevented from attending as a consequence or punishment. (35) To work and develop job skills at an age-appropriate level, consistent with state law. (36) To attend school.

(37) To maintain privacy regarding sexual orientation and gender identity and gender expression, unless the youth permits the information to be disclosed, or disclosure is required to protect their health and safety, or disclosure is compelled by law or a court order. (38) To confidentiality of medical and mental health records, including, but not limited to, HIV status, substance use disorder history and treatment, and sexual and reproductive health care, consistent with existing law. (39) To be referred to by the child's preferred name and gender pronouns.

(1)

To live in a safe, healthy, and comfortable home where they are treated with respect. If the child is an Indian child, to live in a home that upholds the prevailing social and cultural standards of the child's Indian community, including, but not limited to, family, social, and political ties.

(2)

To receive adequate and healthy food.

(3)

To receive an age-appropriate allowance.

(4)

To visit the facility with their relatives and/or authorized representative(s) prior to admission.

(5)

To file a complaint with the facility, as specified in Section 84072.2.

(6)

To have the facility inform their authorized representative(s) of their progress at the facility.

(7)

To have communications to the facility from their relatives and/or authorized

representative(s) answered promptly and completely.

(8)

To have visitors visit privately during waking hours without prior notice, provided that such visitations do not infringe upon the rights of other children; do not disrupt planned activities; and are not prohibited by court order or by the child's authorized representative(s). (A) The child has the right to private visits and contact with the following: 1. Siblings, family members, and relatives. Visits by the child's siblings, family members, and relatives can only be prohibited by court order. 2. Authorized Representative. 3. Other visitors. (B) Rules regarding visitation hours, sign-in rules and visiting rooms can be established but shall apply to all visitors.

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The child has the right to private visits and contact with the following: 1. Siblings, family members, and relatives. Visits by the child's siblings, family members, and relatives can only be prohibited by court order. 2. Authorized Representative. 3. Other visitors.

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Other visitors.

(B)

Rules regarding visitation hours, sign-in rules and visiting rooms can be established but shall apply to all visitors.

(9)

To be provided with and allowed to possess and use adequate personal items,

consistent with Welfare & Institutions Code section 16001.9(a)(3), which includes their own: (A) Clothing items, provided the clothes are age-appropriate.1. Clothing provided for school shall not violate school standards. 2. Clothing shall respect the child's culture, ethnicity, and gender identity and gender expression. (B) Toiletries, grooming and personal hygiene products, including enclosed razors used for shaving, as age and developmentally appropriate. 1. Toiletries, and grooming and personal hygiene products, shall respect the child's culture, ethnicity, and gender identity and gender expression. (C) Personal belongings, including items that were a gift to the child unless prohibited as part of a discipline program.

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Toiletries, grooming and personal hygiene products, including enclosed razors used for shaving, as age and developmentally appropriate. 1. Toiletries, and grooming and personal hygiene products, shall respect the child's culture, ethnicity, and gender identity and gender expression.

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(C)

Personal belongings, including items that were a gift to the child unless prohibited as part of a discipline program.

(10)

To have storage space for private use.

(11)

To be free from unreasonable searches of personal belongings.

(12)

To possess and use their own cash resources except as specified in Section 84026, and to maintain a bank account and manage personal income consistent with the child's age and developmental level, unless prohibited by the case plan.

(13)

To make, send, and receive confidential telephone calls and other electronic communications, unless prohibited by court order. (A) Reasonable restrictions to telephone use may be imposed by the licensee. The licensee shall be permitted to: 1. Restrict the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received; 2. Restrict phone use in accordance with the facility's discipline program; 3. Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies. (B) All restrictions shall be documented in the child's needs and services plan or the facility's discipline policies, and be signed by the child's authorized representative. (C) Calls permitted to be restricted by subsections (A)1. and (A)2. above shall not include calls to the child's authorized representative, placement agency, family members (including siblings and relatives, except by court order), social workers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), probation officers, representatives designated by the child's Indian tribe to participate in the

juvenile court proceeding, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson.

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Restrict phone use in accordance with the facility's discipline program;

3.

Impose restrictions to ensure that phone use does not infringe on the rights of others or restrict the availability of the phone during emergencies.

(B)

All restrictions shall be documented in the child's needs and services plan or the facility's discipline policies, and be signed by the child's authorized representative.

(C)

Calls permitted to be restricted by subsections (A)1. and (A)2. above shall not include calls to the child's authorized representative, placement agency, family members (including siblings and relatives, except by court order), social workers, attorneys, service providers, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), probation officers, representatives designated by the child's Indian tribe to participate in the juvenile

court proceeding, Community Care Licensing Division of the California Department of Social Services or the State Foster Care Ombudsperson.

(14)

To send and receive unopened mail unless prohibited by court order and have access to letter writing material.

(15)

To be provided the names and contact information for social workers, probation officers, attorneys, service providers, foster youth advocates, Court Appointed Special Advocates (CASAs), and education rights holder if other than the parent or parents, and when applicable, representatives designated by the child's Indian tribe to participate in the juvenile court proceeding. (A) The child has the right to communicate with these individuals privately.

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(16)

To contact the California Department of Social Services Community Care Licensing Division or the Foster Care Ombudsperson, immediately upon request, regarding violations of rights to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.

(17)

To have social contacts with people outside of the foster care system, including, but not limited to, teachers, coaches, religious or spiritual community members, mentors, and friends, and if applicable, tribal members and members of the Indian community consistent with the prevailing social and cultural standards of the Indian child's tribe.

(18)

To be accorded dignity in their personal relationships with staff and other persons.

(19)

To be free of physical, sexual, emotional, or other abuse, and from corporal or unusual punishment, exploitation, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including, but not limited to, interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.

(20)

To be free to attend religious services, activities, and ceremonies of the child's choice, including, but not limited to, engaging in traditional Native American religious practices, and to have visits from the spiritual advisor of the child's choice. Attendance at religious services, activities, and ceremonies in or outside of the facility, shall be on a completely voluntary basis.

(21)

To have caregivers, child welfare and probation personnel, and legal counsel who have received instruction on cultural competency and sensitivity relating to sexual orientation, gender identity and gender expression, and best practices for providing adequate care to lesbian, gay, bisexual, and transgender children in out-of-home care.

(22)

To participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, access to computer technology and the internet, consistent with the child's age, maturity, developmental level, sexual orientation, and gender identity and gender expression.

(23)

To not be locked in any room, building, or facility premises at any time, unless the child is placed in a community treatment facility.(A) The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules

for the protection of children provided the children are able to exit the facility. (B) The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the children are able to exit the facility and with the prior approval of the licensing agency.

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The licensee shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of children provided the children are able to exit the facility.

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The licensee shall be permitted to utilize means other than those specified in (A) above for securing exterior doors and windows only provided the children are able to exit the facility and with the prior approval of the licensing agency.

(24)

Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (A) through (F) below. (A) Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc. 1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports. (B) All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request. (C) Approved postural supports shall be fastened or tied in a manner which permits quick release by the child. (D) The licensing agency shall approve the use of

postural supports only after the appropriate fire clearance, as required by Section 80020(a) or (b), has been secured. (E) The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports. (F) Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a child's hands or feet. 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited. (G) Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a client's mobility but rather protect the client from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing agency as specified below. 1. All requests to use protective devices shall be in writing and include a written order of a physician indicating the need for such devices. The licensing agency shall be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request. 2. The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices. (H) Under no circumstances shall postural supports or protective devices be used for disciplinary purposes.

(A)

Postural supports shall be limited to appliances or devices including braces, spring release trays, or soft ties used to achieve proper body position and balance, to improve a client's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a client from falling out of bed, a chair, etc.1.

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All requests to use postural supports shall be in writing and include a written order of a physician indicating the need for such supports. The licensing agency shall be authorized to require other additional documentation in order to evaluate the request.

(C)

Approved postural supports shall be fastened or tied in a manner which permits quick release by the child.

(D)

The licensing agency shall approve the use of postural supports only after the appropriate fire clearance, as required by Section 80020(a) or (b), has been secured.

(E)

The licensing agency shall have the authority to grant conditional and/or limited approvals to use postural supports.

(F)

Under no circumstances shall postural supports include tying of, or depriving or limiting the use of, a child's hands or feet. 1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility shall be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.

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2.

The licensing agency shall have the authority to grant conditional and/or limited approvals to use protective devices.

(H)

Under no circumstances shall postural supports or protective devices be used for disciplinary purposes.

(25)

To access and receive health-related services, as defined in Section 84001(h)(2), with reasonable promptness that meets the needs of the child.

(26)

To participate in decisions regarding health-related services and treatment, including but not limited to, the following: (A) Choosing, whenever feasible and in accordance with applicable law, their own health care provider, if they are 12 years or older and payment for the service is authorized under applicable federal Medicaid law or other approved insurance. (B) Communicating with their health care provider regarding any treatment concerns or needs. (C) Requesting a second opinion before being required to undergo invasive medical, dental, or psychiatric treatment.

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Choosing, whenever feasible and in accordance with applicable law, their own health care provider, if they are 12 years or older and payment for the service is authorized under applicable federal Medicaid law or other approved insurance.

(B)

Communicating with their health care provider regarding any treatment concerns or needs.

(C)

Requesting a second opinion before being required to undergo invasive medical, dental, or psychiatric treatment.

(27)

To personally consent to or decline medical services related to the following, without the consent or knowledge of any adult, including but not limited to, a parent, guardian, licensee, social worker, probation officer, judge or authorized representative: (A) The prevention, diagnosis or treatment of pregnancy, including but not limited to: female or male birth control or protection, pregnancy testing, and perinatal care, at any age. (B) Abortion, at any age. (C) Sexual assault or rape, at any age. (D) The prevention, testing, and treatment of sexually transmitted diseases, at 12 years of age or older. (E) Mental health services, at 12 years of age or older.

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The prevention, diagnosis or treatment of pregnancy, including but not limited to: female or male birth control or protection, pregnancy testing, and perinatal care, at any age.

(B)

Abortion, at any age.

(C)

Sexual assault or rape, at any age.

(D)

The prevention, testing, and treatment of sexually transmitted diseases, at 12 years of age or older.

(E)

Mental health services, at 12 years of age or older.

(28)

To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity and gender expression, mental or physical disability, or HIV status.(A) This includes the right of an Indian child to be free from discrimination based on the child's political affiliation with an Indian tribe or Alaskan village.

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(29)

To obtain, possess and use contraception as well as medications for the prevention or treatment of pregnancy, including but not limited to: prenatal vitamins, birth control

medication, emergency contraception, long acting reversible contraceptives, condoms, and barrier methods.

(30)

To obtain, possess, and use contraception as well as medications for the prevention or treatment of sexually transmitted diseases at 12 years of age or older.

(31)

To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections.

(32)

Except in an emergency, to be free of the administration of medication or chemical substances, and to be free of all psychotropic medications unless prescribed by a physician, and in the case of children, authorized by a judge, without consequences or retaliation.

(33)

To have a placement that utilizes trauma-informed and evidence-based de-escalation and intervention techniques. (A) Law enforcement intervention shall only be requested when there is an imminent threat to the life or safety of a child or another person or as a last resort after other diversion and de-escalation techniques have been utilized and only upon approval of a staff supervisor. (B) Law enforcement intervention shall not be used as a threat or in retaliation against the child.

(A)

Law enforcement intervention shall only be requested when there is an imminent threat to the life or safety of a child or another person or as a last resort after other diversion and de-escalation techniques have been utilized and only upon approval of a staff supervisor.

(B)

Law enforcement intervention shall not be used as a threat or in retaliation against the child.

(34)

To attend Independent Living Program classes and activities, if the child meets the age requirements, and to not be prevented from attending as a consequence or punishment.

(35)

To work and develop job skills at an age-appropriate level, consistent with state law.

(36)

To attend school.

(37)

To maintain privacy regarding sexual orientation and gender identity and gender expression, unless the youth permits the information to be disclosed, or disclosure is required to protect their health and safety, or disclosure is compelled by law or a court order.

(38)

To confidentiality of medical and mental health records, including, but not limited to, HIV status, substance use disorder history and treatment, and sexual and reproductive health care, consistent with existing law.

(39)

To be referred to by the child's preferred name and gender pronouns.

(e)

A licensee shall not subject a child to harassment, punishment, or retribution for exercising the personal rights specified in subsection (c) and Welfare and Institutions Code section 16001.9.

(f)

Nothing in this section shall be interpreted to require a licensee or facility staff to take any action that would impair the health and safety of children in out-of-home placement consistent with Welfare & Institutions Code section 16001.9(c).