

# YOUR CASE, YOUR RIGHTS: YOUR GUIDE TO EXERCISING SELF-ADVOCACY



## NACC Brief for Attorneys to Support Clients in Exercising Their Rights

### INTRODUCTION

In 2024, the National Association of Counsel for Children’s (NACC) National Advisory Council on Children’s Legal Representation (NACCLR) produced *Your Case, Your Rights: Your Guide to Exercising Self-Advocacy*. This resource was created by former foster youth for current foster youth to support young people in identifying, protecting, and exercising their legal rights, and informed by attorneys who advocate for and with foster youth. This brief for attorneys can be used to supplement the tools for youth, which include:

- **NACC’s *Your Case, Your Rights: Your Guide to Exercising Self-Advocacy National Map***: This map can help youth, attorneys, and other child welfare professionals locate their state / jurisdictional foster youth bill of rights, agency rights documents, and other identified rights for youth.
- **NACC’s *Your Case, Your Rights: Your Guide to Exercising Self-Advocacy Companion Guide***: This guide was developed to help foster youth prepare themselves for each step necessary to exercise their rights.
- **NACC’s *Your Case, Your Rights: Your Guide to Exercising Self-Advocacy Interactive Journal for Youth***: This template was developed to support youth reflect, brainstorm, and prepare their self-advocacy talking points and plan.
- **NACC’s *Your Case, Your Rights: Your Guide to Exercising Self-Advocacy Interactive Journal for Youth (lite version)***: This template is a more concise and accessible document for younger audiences and/or lower reading levels.
- **NACC’s *Your Case, Your Rights: Your Guide to Exercising Self-Advocacy Video Series* (coming soon)**: This video series will help show youth ways that they can exercise their rights.

### SUPPORTING CLIENTS IN EXERCISING THEIR RIGHTS

We encourage you to review the above resources and then follow the steps listed here.

1. **Establish expectations with your client about how to work together.** Partner with your client on what communication looks like between you two so they know how to reach you and the limits and scope of how you can support them. Review with them:



- What is the best way for you and your client to contact each other?
    - What is easiest?
    - What is most confidential?
    - How often you will you visit your client?
  - If your client calls you and leaves a message, how soon should they expect to hear back from you?
    - What about on weekends and nights and regular business hours?
  - Who should your client contact if they don't hear back from you?
- 2. Believe and empower your client.** Have conversations with your client regarding their rights. They should understand not only that they *have* legal rights, but also why it's important for them to know about them, to self-advocate, and ensure accountability if they believe their rights are not being met. To empower your clients:
- Be a caring and authentic listener. Check in regularly to offer encouragement and gauge how the client feels about knowing, protecting, and exercising their rights. By building a relationship with them, youth are more likely to disclose any right violations and feel encouraged to advocate themselves with you as part of their support system.
  - Help them develop self-affirmations. In our surveys and focus groups with current / foster youth and foster youth attorneys, not only did many share they did not know they had rights, but also many felt they weren't worthy of advocacy or exercising their rights. Our [interactive journal](#) for youth addresses this with some self-affirmation exercises.
  - Ask questions about why they believe their rights are important. We suggest using the key principles of motivational interviewing concepts for a positive, goal-oriented discussion with [this child-welfare focused resource](#).
- 3. Help your client to discover and locate their rights.** Provide your client with their foster youth bill of rights and other legal rights documents. Conduct further research on what rights may exist for your client through training, publications, and peer consultation.
- 4. Break down legal jargon/complex language for your client.** Check in with your client as they are provided with case plans, court reports, notes, foster youth bill of rights or agency rights documents, or other documents with complex or legal terminology. Ideally, this should happen whenever clients are receiving important documents or in situations such as court proceedings where jargon is frequently used. Youth may not recall in the moment what terms they are unfamiliar with, might not want to admit they don't know something, or may have developmental or learning abilities that impact how they understand and process such information. In our [interactive journal for youth](#), we've created an exercise for youth to track terms they could need your help understanding.
- 5. Communicate to your client to not be worried about language specificity to initiate reporting a violation of rights.** Exercising your rights doesn't just mean "exercise your rights when they are written exactly in a way where your situation 100% matches the language written in your foster youth bill of rights with perfect clarity." You can support your client by reading their foster youth bill of rights or agency rights document to see what is written and how the youth interprets that in the context of their life. Do not dismiss client concerns, even if your jurisdiction lacks clear legal rights language on a particular issue. Instead, support them in building a plan for reporting and addressing these concerns. Even if a legal right is not explicit in statute, it may fall under the court's plenary powers, best interest lens, and *parens patriae* duty.



6. **Offer self-advocacy support to your client.** Help your client develop strong self-advocacy skills by role playing conversations. Present your client with a hypothetical scenario and then ask, “how would you advocate for yourself” or “what would you say in this situation?” Then help them develop specific talking points that focus on the facts of the violation, the evidence, and the intended outcome in a clear, concise, and respectful manner.
7. **Support your client to gather information and evidence.** Encourage your client to collect and share documentation as it relates to their concerns. This may include text messages, pictures, emails, school reports, court reports, or case files or any other forms of formal or informal communications. The goal is to support your client in showing the “who, what, when, where, and how” as far as how their rights have been (or currently are being) violated. You may also want to advise your client on how to be discreet throughout this process, especially if retaliation may occur. This could include making a plan with your client on who *not* to share certain information with and permissible ways to collect and gather information in foster home and congregate care settings. Please see the template and considerations on this in our [interactive journal](#).
8. **Help your client define their pathway for reporting the violation of rights.** There are many paths for clients to report violations of their rights such as directly to you as their attorney, to the courts, to a local ombudsmans, or to a caseworker or supervisor, etc. You can best equip your client by providing them with all of the options for reporting a concern as well as the potential pros and cons and other important contextual information of working with each party and the limitations of each. This information is laid out specifically in the *Your Case, Your Rights: Your Guide to Exercising Self-Advocacy Companion Guide*.
9. **Encourage your client to utilize their support systems.** Retaliation can be real, and although it should not happen, it does. Depending on the preferred channel for reporting violations of rights, there are different levels of confidentiality youth are provided with or realistically can have. The limits and extent of attorney / client confidentiality should be reviewed with foster youth as well as who is a mandated reporter in their life. However, once a concern is relayed, there is a good chance the report will get back to key people in your client’s life (their resource parent and case worker, for example). It is important your client be aware of this risk and that they have a strong support system throughout the reporting process in case there is backlash or attempts of retaliation. Our [interactive journal for youth](#) also has exercises for youth to name their support systems and how to contact them. Help your client brainstorm and map out their connections to important people in their lives for support and comfort as indicated in step 1 and discuss the pros and cons of self-reporting a rights violation versus having you, their attorney, report on their behalf.
10. **Inform your client of systemic advocacy opportunities in your state/jurisdiction.** Be aware of advocacy spaces within your state/jurisdiction including youth advocacy non-profits, local and [statewide youth advisory boards](#), any national advocacy spaces with a local presence (if they exist in your area), and relevant community-based or school-related organizations. Our [guide](#) and [interactive journal](#) for youth have such organizations and steps to get involved to get you started. Staying up-to-date with these services can help youth who want to broaden their advocacy to the systems level, feel empowered to use their voice and their experiences for change, and explore intersectionality of other identities and topics that matter to them (e.g., LGBTQ+ organizations, race equity organizations and affinity groups, etc.). ■