

Promoting Normalcy for Children and Youth in Foster Care

EXECUTIVE SUMMARY

Many of us recall doing the “typical” things during our teenage years: going to a friend’s house, taking a school trip, working an after-school job, joining a club, dating, attending the prom, and learning to drive. While we may take them for granted, these “normal” experiences help youth develop interests, acquire skills, and build lasting, supportive relationships. But because of real and perceived constraints, foster youth are often denied the chance to participate in the everyday activities essential for their successful transition to adulthood. Consequently, youth who “age out” of the foster care system experience worse life outcomes than their peers, including homelessness, unemployment, and poverty.

The Preventing Sex Trafficking and Strengthening Families Act of 2014 is a groundbreaking federal law designed to promote well-being and normalcy for youth in foster care.¹ The Act directs state child welfare agencies, contracted providers, and courts to facilitate age-appropriate experiences for these youth and take other steps to support normalcy and promote permanency. In the area of normalcy, the Act specifically requires states to:

- Ensure that children who are most likely to remain in foster care until age 18 years of age engage in age- or developmentally-appropriate activities.
- Institute the reasonable and prudent parent standard for youth participation in activities.
- Develop standards and training on the reasonable and prudent parent standard for foster parents and caregivers.
- Implement contract requirements so that child care institutions always have an individual onsite who is designated to exercise the reasonable and prudent parent standard.
- Institute liability protections that ensure protection when the reasonable and prudent parent standard is applied by foster parents.
- Mandate judicial review of normalcy for youth who have a permanency goal of Another Planned Permanent Living Arrangement (APPLA).
- Require participation of youth age 14 and older in case planning and identification of advisors/advocates.
- Mandate provision of a list of rights to youth age 14 and older.
- Mandate inclusion of youth age 14 and older in transition planning for a successful adulthood.

States are required to implement many of the Act’s provisions by September 29, 2015 in order to remain in compliance with the requirements of Title IV-E of the Social Security Act.²

Prior to its passage, several states already had implemented policies and practices aligned with the new federal law's provisions. The experiences in these jurisdictions, and best practice in working with older youth, inform the core components of an effective normalcy law. This white paper recommends that states enact legislation and regulation that:

- 1. provides a right for children in foster care to engage in age- or developmentally-appropriate activities, and an affirmative obligation on the child welfare agency to provide these opportunities.**
- 2. enforces normalcy provisions by requiring a) inclusion of age-appropriate activities in each child's case plan, b) judicial oversight, and c) youth-friendly grievance procedures.**
- 3. supplies youth with a document describing their rights under federal and state law and youth-friendly grievance procedures.**
- 4. clarifies that providing normalcy to youth in foster care does not alter the legal rights of biological parents.**
- 5. ensures meaningful implementation of normalcy provisions in all congregate settings, including the appointment of a "caregiver" as a contract condition.**
- 6. codifies the reasonable and prudent parent standard and clarifies the scope of decision-making authority and considerations for decision making.**
- 7. requires training and guidance for caregivers, public private child welfare agency staff, the judiciary, and attorneys on the reasonable and prudent parent standard.**
- 8. affords protections from liability to foster parents and caregivers who follow the reasonable and prudent parent standard.**

Implementation of the new law's normalcy provisions is only one step toward a larger goal of creating a child welfare system that is more developmentally appropriate; such a system is trauma informed, and responsive to the needs and voices of youth and emerging adults. Normalcy is truly achieved when children and youth learn skills, take advantage of opportunities, and develop relationships while growing up in a stable, loving family and a supportive community. Thus, the child welfare system as a whole must re-double its efforts to find permanency within families for all foster youth, including older youth in care.

To see the full report *Promoting Normalcy for Children and Youth in Foster Care*, visit <http://www.jlc.org/resources/publications>

ENDNOTES

- ¹ For an excellent analysis of issues surrounding implementation of the entire law see Children's Defense Fund, Child Welfare League of America, First Focus, Generations United Foster Family-Based Treatment Association, Voices for Adoption, *Implementing the Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183) To Benefit Children and Youth* (January 14, 2015), (hereinafter "Implementing the Strengthening Families Act") available at <http://www.childrensdefense.org/library/data/implementing-the-preventing.pdf> (last accessed May 4, 2015).
- ² For more information on the effective dates of each provision and options for extensions see *Implementing the Strengthening Families Act*, *supra* note 1 and Administration for Children and Families, Information Memorandum, NEW LEGISLATION - Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, ACYF-CB-IM-14-03 (October 23, 2014), available at <http://www.in.gov/children/files/ACYF-CB-IM-14-03.pdf> (last accessed May 4, 2015).