



Implementing Public Law 113-183

Adopted November 2014

Overview

Last year, the National Foster Care Youth & Alumni Policy Council drafted one of its first sets of recommendations, titled Reducing the Vulnerability of Foster Youth to Predators and Sex Trafficking. We are pleased that leaders from both the executive and legislative branch incorporated so many provisions in Public Law 113-183 that aligned with the priorities of the Council.

As the Administration begins to examine strategies for implementation of Public Law 113-183, the Council has decided to offer input about effective strategies from the perspective of youth who have personal experience in the foster care system. It is important to the Council that many of the provisions of the legislation originated from or included the voice of youth, and that youth voice continues to be heard in implementation of this important legislation.

When Congress began to show interest in addressing the growing number of youth entering into domestic sex trafficking, particularly youth who were in foster care, the Council determined it was important to advocate for policies that would address the causal forces of foster youth becoming vulnerable to predators or sex trafficking. Children are brought into a system designed to protect them, yet this system allows them to fall victim to predators and others who desire to prey upon vulnerabilities. While research has yet to show the exact cause of why foster youth are disproportionately victims of sex trafficking, young people have begun to provide their own perspective about why the system designed to protect them has instead made them more vulnerable.

The Council proposes the following recommendations for implementation of Public Law 113-183 to ensure a youth-driven approach from the top down, as well as the bottom up. Involving youth is not only best practice, but is an integral component of an effective child welfare system. As such, the Council makes one comprehensive recommendation:

Strongly advise and support States, tribes, and jurisdictions to involve the Council in the implementation. The Council proposes that as the ACF provides regulations and guidance to states, the ACF continue to have ongoing conversations with the Council. Council members are excited to provide input and technical assistance as States and jurisdictions put plans into place to implement normalcy, prudent parenting, and notification of youth rights into place. Furthermore, we ask that the ACF strongly encourage states to involve their own young people in the implementation of the new law's provisions, just as young people have been consulted at the federal level. This will help to ensure the new law's provisions are carried out in the spirit intended – and in a way that is youth and alumni informed – to improve outcomes for foster youth by reducing their vulnerability to predators and traffickers.

Other Council recommendations have been categorized according to the Pub. L. 113-183 provisions as they apply to: youth rights, prudent parenting and normalcy, participation in case planning, documents when exiting care, and preventing long-term foster care.

PRIORITIES

- **Encourage states to include our input in the development of foster youth rights.** Current and former foster youth must be included in discussions regarding their rights while in care. While states may take varied approaches to the development of these rights, youth deserve to be present during these important discussions. Youth involvement will help ensure every right – no matter the content – is explained in a way that makes sense to young people.

Youth voice: "Including the voice of youth and alumni will give current foster youth inspiration and hope. I know first hand from working with attorneys and social workers as an advocate that what I say to the youth will trump whatever they say to the youth. So, we take the team approach, which consists of the attorney for the child, social worker and myself (the youth advocate), and by taking this approach we truly get the best results. I strongly feel a team approach should be applied in the development of Foster Youth Rights"

- **Provide specific guidance about how – and how often – rights must be provided to us.** While the law requires youth to be notified at their case plan hearings, much happens in a youth's case before these plans are finalized. In addition, many youth are not aware case plan hearings exist, let alone their right to attend. We urge the ACF to provide specific guidance to states about dissemination requirements of rights. In too many states, a list of youth rights exists – somewhere – but youth are not aware of the list's existence. The foster care system must do a better job at communicating rights to

youth in care, as well as provide access to a complaint or appeals process. The Council strongly urges the ACF to provide guidance to states that include:

- Youth must receive their rights within 72 hours of entering foster care.
 - Youth should acknowledge receipt of rights with every placement change and at every case hearing.
 - States should require that rights are publicly posted in all congregate care facilities, and readily accessible to youth in foster homes.
- **Provide requirements about items that must be included in a list of rights.** A list of rights should be required to provide information about a youth rights in specific areas, such as education, health, family connections, case plan participation, etc. Council members would be pleased to provide a comprehensive list of items that States should include in a list of rights.

Too many times, youth are limited by “mythical rules”, which may or may not be grounded in fact. For example, it is common for young people to be told that they are not allowed to stay over at a friend’s house without background checks. In some cases, however, there is not written guidance or policy that states this rule. In other cases, policies like this are buried in bureaucratic policies that are not accessible to young people. Requiring States to address specific items in a list of rights will help to ensure that youth are not defenseless against uninformed or myth-guided rule makers, including foster parents and workers. This will also help us communicate our rights to other systems we must work with, including education, health and mental health.

Youth voice: “Access to youth rights is necessary. There is so much curriculum and information for providers to do their job, but youth are not given anything to really know what foster care is. The system is set up to console and help transition the foster parents and providers and not the youth who is the one that experienced the trauma.”

- **Encourage states to educate other stakeholders about our rights.** Supportive adults (foster parents, biological family members, educators, attorneys, counselors, advocates, etc.) should be regularly informed of the rights of youth in foster care. Information regarding the rights of youth as well as reporting procedures should be incorporated in trainings and hearings, so that supportive adults may act as advocates for youth in foster care.

Youth voice: “It will be best if all the individuals that the youth feels most connected to are all on the same page. For example, I had a mentor from the Boys & Girls Club that was provided with very little information regarding my foster care case because he was not a family member or my foster parent. I would have loved for my mentor to be a part of the planning team for my well being.”

- **Require states to include a youth-friendly grievance process with every list that is distributed to us.** Foster youth may be hesitant to report any violation of rights, even if they are informed of their rights and reporting procedures. Foster youth need multiple opportunities to report any violation of rights and feel safe in doing so. If a violation occurs in the foster home, foster youth will need an opportunity at school as well as other child serving agencies to make a report, and vice versa. Every foster child needs to feel that there are multiple places and people to be safe and feel protected.

Youth voice: "Clarifying what rights youth in care have is an amazing advancement, but without multiple enforcement procedures available to the youth, the rights virtually mean nothing. Showing that violators of youth's rights can be safely reported is key to a youth feeling empowered, ultimately allowing them to realize they have a level of control over their lives that many do not feel they have."

Requiring youth rights serves no purpose if youth have no way to report it. Many Council members recount fears of retaliation from either an agency or a foster parent if they disclosed abuse. Procedures should be developed to protect youth who elevate grievances. Grievance procedures should also allow a young person to proactively check on the progress of handling of a complaint.

Youth voice: "Foster youth should feel safe in knowing that their rights are valid and not just a pretty document but something that is enforced and that they can count on to protect them and meet their needs."

While violations may get reported by adults via child abuse hotlines, these hotlines are often not set up to be grievance hotlines. Instead, progressive states have set up foster youth ombudsman hotlines with trained staff to handle grievances. These hotlines are posted on all materials related to youth rights and provide a clear message that the state protects the rights of children. We propose that these hotlines are suggested as a best practice model.

- **Adopt a formal, federal definition of normalcy.** Normalcy is a concept that is often discussed in foster care circles, is nearly always named as a top priority when foster youth advocates assemble, yet lacks a formal definition which can guide child welfare stakeholders. The Council seeks a definition of normalcy that recognizes the role of normalcy in youth development.

The Council defines normalcy as the opportunity for children and youth in and out- of-home placement to participate in and experience age and culturally appropriate activities, responsibilities and life skills that promote growth and development.

Youth voice: "I believe normalcy is allowing foster care youth to have the same opportunities as those children living with biological parents. Too often there is a stigma attached to the term "foster care" and the children that come from it. The world seems to believe that foster care is where the difficult or criminal children go but that is far from the truth. Normalcy is trying to let these foster care youth to live as close to a regular and normal life as they can with the situation they are in."

- **Do not allow states to disqualify us from extracurricular or other activities based solely on our foster care status.** Foster youth cultivate meaningful connections by participation in extracurricular and other activities, and often times have to give up activities they are involved with, including sports or religious commitments. Every youth in foster care is at risk of losing these connections every time they move to a new placement. Discussion about prudent parenting and the right to continue to engage in these activities should be discussed during placement decisions so that foster youth are placed in families that are able and willing to respond to their needs. For some youth, these extracurricular activities serve as a lifeline to supportive adults, peers we trust, and even to connections that could provide permanence.

Youth voice: "Starting the basketball Varsity team as a freshman in high school was amazing. However, when I entered care at 15, the group home I was at did not allow us to play sports. Each youth should have the opportunity to sit down and discuss whether or not they should be allowed to participate in extracurricular activities, especially contact sports."

- **Include us in developing and providing technical assistance to states regarding prudent parenting decisions.** According to PL 113-183, HHS will provide technical assistance to state to implement the Prudent Parenting standard. The Council urges HHS to partner with young people in developing and providing this technical assistance.

Both the foster parent and youth should be empowered to make decisions. While this standard reduces liability for participation in activities it does not set a standard for the expectations of allowable activities. There have been many instances where foster parents and caseworkers have denied normalcy opportunities to foster youth. Foster youth are not told why they are denied these opportunities. If a decision is made about the participation in normalcy activities, and the youth does not agree, they should have access to a grievance process.

Youth voice: "Normalcy is different for everyone. For me, it means being able to participate in the same extra curricular activities as my friends and being able to stay at friends' houses overnight. For adolescents, normalcy can mean the world, but the definition of normalcy will vary based on individual experiences."

The Council's very first set of priorities, titled FIVE IDEAS, asks that the empowerment and engagement of young people be legitimized and supported. Idea #2 specifically requests support for youth engagement in case planning. The Council applauds the provision in the new law that requires youth be given the opportunity to become involved in the development of their case plan and transition plan, starting at age 14. We additionally appreciate that youth will have the option to invite two people of their choice to attend planning meetings.

- **Provide training & technical assistance to States so they are able to meaningfully engage youth.** We must ensure that 'youth engagement' means that a youth is provided the opportunity to provide his/her wishes, strengths, challenges and concerns, and must be involved in the development of the case plan from the start.
 - Youth must be provided with training or support to make their participation meaningful.
 - Each jurisdiction should build capacity to ensure that adults guiding the case planning process are well versed in meaningful youth engagement.
 - Training for the two youth-selected team members – we know that there are many youth involved in a young person's life whom are not necessarily well-versed in how the child welfare system works.

- **Instruct HHS Court Improvement Programs to provide training and technical assistance to state and tribal court systems about our participation in the case planning process.** The Council also highly encourages the ACF to provide guidance to states that quality youth engagement in case planning should include timely notice. Youth must be provided adequate notice as well as a method to be excused from school or other activities (or accommodation of a new meeting time) if they are to be engaged in case planning.

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About the Council: The National Foster Care Youth and Alumni Policy Council convenes to provide federal stakeholders with relevant and timely information as policies and procedures are created that will affect children and families throughout the country. The Council represents a collective viewpoint of youth and alumni who have personal experience in the child welfare system. The Council is a partnership between Foster Care Alumni of America and FosterClub, with generous support from Casey Family Programs.

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