

FACT SHEET: Advocating for “Normalcy” and Promoting Case Engagement for Older Youth

Youth in foster care should not be restricted or isolated from social and recreational activities that are healthy and developmentally appropriate for their age. The federal “Preventing Sex Trafficking and Strengthening Families Act of 2014” amended the Adoption and Safe Families Act (ASFA) to include provisions about supporting “normalcy” for foster youth as well as new requirements surrounding APPLA goals.

What is the Reasonable and Prudent Parent Standard?

- The updated federal law requires CFSA to implement a “reasonable and prudent parent standard” for decision-making surrounding activities for youth in foster care. This is “the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child . . . to participate in extracurricular, enrichment, cultural, and social activities.”¹
- What activities are contemplated under this standard?²
 - ➔ Social activities, travel, part-time work, attendance at family or cultural celebrations, opportunities to budget, college visits, sports, bands and clubs
 - ➔ Promote skills needed to transition to adulthood
 - ➔ Support/ affirm racial, ethnic, gender, sexual and cultural identity of the child
 - ➔ Promote skill-building for foster youth who are pregnant or parenting.
- All foster parents and group home staff must receive training on applying the standard.
- Law encourages caregiver autonomy and promotes thinking beyond mere physical safety.
 - ➔ Mandates liability policies to reduce concern about allowing children to engage in developmentally appropriate activities
 - ➔ Practice Tip: No guidance about youth 18-21 years old who are already legal adults.
- Does not infringe on protected parental rights, such as education and medical decision-making.
- For APPLA youth, court must make finding about whether reasonable and prudent parent standard is being implemented and whether the youth has regular opportunity to participate in age and developmentally appropriate activities.³
 - ➔ Practice Tip: Although this specific requirement only applies to APPLA youth, best practice is for the court to make this inquiry for respondents, regardless of age or permanency goal.
- Court may issue orders or discuss action steps to address any barriers to youth participation, including transportation, funding, etc.
- Best Practice: Caseworker and GAL visits should include discussion about participation in normative activities and interests (such as teams, hobbies, jobs and other celebrations); action steps to overcome barriers should be incorporated into the youth’s case plan.

¹ 42 U.S.C. 675 (10)(A) (2012).

² Webinar: Creating Effective Normalcy Policies, Juvenile Law Center 2015, <http://jlc.org/calendar/2015-12/trainingwebinar/webinar-creating-effective-normalcy-policies>.

³ §§ 675 (5)(B) and 675A (a)(3).

Court Hearings for Youth with APPLA Goals

- Federal law now eliminates APPLA as a permanency goal for youth under 16 years old.⁴
- At permanency hearings, court must make a judicial determination explaining why APPLA is still the best permanency plan and why it is not in the best interest of the child to be returned home, adopted, placed with a legal guardian, or placed with a fit and willing relative.⁵
- At each permanency hearing, CFSA must: (1) document the intensive, ongoing and unsuccessful efforts for family placement, adoption, or placement with a guardian, including efforts to locate biological family members using search technologies (including social media); (2) ask the child about the child's desired permanency outcome; (3) specify the steps the agency is taking to ensure the reasonable and prudent parent standard is being followed, and that the child has regular, ongoing opportunities to engage in age- or developmentally-appropriate activities.⁶
- Court must consult with youth about proposed permanency and transition plan.⁷

Case Management

- Case Plan: Youth age 14 and older are entitled to be involved in the development of their own case plan. They are also entitled to select up to two individuals (other than foster parent or social worker) to be a part of their case planning team. Case plan must include a signed acknowledgement that it has been provided to the youth.
- Bill of Rights: Youth age 14 and older are entitled to receive a list of their rights, and a grievance procedure must be available.⁸
- Vital Documents: Youth emancipating from foster care and youth who have been in care for at least six months are entitled to receive official copies of their birth certificate, social security card, health insurance information, medical records, and identification cards.⁹
- Credit Reports: For youth age 16 and older, CFSA must provide them a copy of their credit annually and assist in correcting any inaccuracies.¹⁰

⁴ § 675 (5)(C)(i).

⁵ § 675a (a)(2).

⁶ § 675a.

⁷ § 675 (5)(C)(iii); *see also* Administrative Order 16-04: Children in Court Policy in Abuse and Neglect Proceedings, Superior Court of the District of Columbia (April 28, 2016), <http://www.dccourts.gov/internet/documents/16-04-Children-in-Court-Policy-April-28-2016.pdf>.

⁸ Youth may pursue a Fair Hearing if services listed in their case plan are not delivered or are rendered without taking into account the client's choice of service. *See Fair Hearings Policy*, Child and Family Services Agency (2009), http://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/Program_FairHearings.pdf. Furthermore, CFSA's Administrative Issuance on the Bill of Rights for Youth in Care includes the complaint process: http://cfsa.dc.gov/sites/default/files/dc/sites/cfsa/publication/attachments/AI%20-%20Bill%20of%20Rights%20for%20Youth%20in%20Care%20%28final%29_1.pdf.

⁹ § 675(5)(I).

¹⁰ *Id.*