

Foster Care Bill of Rights Facilitation Guide

Strengthening Families Act (SFA), Youth Bill of Rights Focus Groups Facilitator's Guide

Overview

Here is the guide to lead the focus group on the foster care bill of rights. This guide includes a step-by-step process for you to get input from the youth and young adults you work with. Thank you for leading a focus group.

Background

Strengthening Families Act (SFA):

- What SFA is:
 - A new federal law
 - The main focus of the SFA is normalcy
 - It includes other topics like human trafficking prevention and data collection
- What SFA does:
 - Implements the Reasonable and Prudent Parent Standard to allow foster parents and designated staff at group homes to use their best judgment in making decisions as to what activities that youth can participate in.
 - Limits the use of Independent Living as a court-ordered permanency goal,
 - Involves youth ages 14 and older in their case planning and provides them with a foster care “bill of rights”
 - Provides young adults with important documents (birth certificate, social security card etc.) before they “age out” of foster care

Focus group purpose

The purpose of the focus group is to get the input of youth and young adults who currently are or were in the foster care system to assist in the development of the Nebraska's Youth Bill of Rights.

What can a Bill of Rights (BOR) actually do?

*Handout #1 – What is a RIGHT?

This document summarizes this question. You will give a copy to each participant and will read it out loud with them. You may want to familiarize yourself with it first. Take home points are:

1. There are some things that are clear rights (like the freedom of speech).
2. But other things probably can't be a right, like ensuring total respect from everyone, a spot on the varsity team and unlimited access to a cell phone. They can make suggestions, but not everything will be included in the final document. The goal is for young people to know their options!

*Handout #2 – Nebraska Foster Youth Bill of Rights (BOR) Ideas

This is a resource for discussion only! This document is not intended to be restrictive of other ideas or narrow the focus of the group, but to act as a list of options you can use as the facilitator during discussion as needed. Anything underlined and red is language required by LB 746. **Bold** is language from current DHHS BOR.

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Focus Group Basics

Attendees:

- Works best in groups of 12 youth/young adults or less
- A facilitator - adult
- A note-taker – not involved in the process

Materials Needed:

- A chair for each participant
- SFA Prezi and computer / projector to play for all participants
- Handout #1: “What is a Right (print 1 for each person or project on wall)
- Handout #2: “Nebraska Foster Youth Bill of Rights (BOR) Ideas (print 1 double-sided for each person or project on wall)
- Blank paper / pencils

Set-up:

- Arrange chairs in a circle or around a table
- Identify one facilitator to lead the discussion (adult)
- Identify one person who will take notes
- Pull up SFA Prezi and make sure it will play. Located at:
http://prezi.com/dihybcajbinr/?utm_campaign=share&utm_medium=copy&rc=ex0share
- Have the facilitated survey pulled up and available for the note-taker:
<https://www.surveymonkey.com/r/ZDBR8G3>

******Dear Facilitator: We tried to make it easier for you and after each step we bolded and underlined what we thought you could say to start the conversation....**

(it will look just like this above in the rest of the document)

Tips and Tricks

- Try to keep participant number around 12
- Plan on 1 hour to complete questions
- Review the facilitated survey questions before hand to assist in the flow of the focus group
- Ensure the space allows for confidential conversations
- Minimize nonparticipating (Facilitator or Note Taker) adults/staff in the room
- Encourage all participants to speak up
- Allow silence
- Minimize talk on other subjects or side conversations
- Get through as many questions as possible, but don't rush.
- Allow the youth to give in-depth answers which may require prompting or questions to draw them out
- Allow them to write down responses they do not feel comfortable sharing in group

Contacts if you have Questions:

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Facilitation Steps

Welcome: **READ THIS TO THE GROUP:** “Welcome and THANK YOU for being here today. The work we do here today will have a positive impact on youth in care for many years to come. This is an opportunity for you to tell the people that make the rules – what you think. Adults need your help through your voice so they can be good advocates. I will be reading some things from this book to you, because I don’t want to miss anything.”

1. **Introductions:** I would like everyone to state their name and [ice breaker].....
 - Go around the room and have them state their name and answer icebreaker? like:
 - Ex: Name the weirdest thing they have ever eaten
 - Try to think of something that is strength based & personal. You don't want the ice breaker to sabotage your success!
2. **Session Overview:** Just so you know, the reason we are here is to gather the voice of young people in creating recommendations for a Foster Care Bill of Rights for Nebraska as the state implements a new law called the Strengthening Families Act or SFA. We will watch a video about this in a minute
 - Inform them that many of these focus groups are taking place across the state
 - It will take about 1 hour & there will be in-depth discussion for each question
3. **Review Confidentiality:** We want you to know your input today helps adult “get” what the youth and young adults in Nebraska are saying. But you need to know that ABSOLUTELY NO names will be shared. The information will be given in a private meeting and will just focus on the themes that were common across the state. They will NOT share personal stories.
4. **Ground Rules:** We want you to feel safe to share, so ground rules are.....
 - Ensure the space is safe and confidential.
 - Create expectations or respect for the group
 - Ask the group what ground rules to use and write on board
 - Offer pre-set ground rules (use ‘I’ statements, be honest, no judging)
5. **Complete Info Sheets:** The only information given about you will be: the number that attended, your gender, age, and the area if the state you are from.
6. **Handouts:** You should have the following in front of you....
 1. Handout #1: “What is a Right” (print 1 for each person or project on wall)
 2. Handout #2: “Nebraska Foster Youth Bill of Rights (BOR) Suggested List”
 3. Blank paper & pencil for things you want to write down and not say out loud
7. **Questions:** Now I am going to start the questions and we’ll watch a video.....
 - Walk through each of the questions, allow time for everyone to respond.
 - Ask prompting questions / open ended questions.
 - Can flow as a conversation so it is less formal.
 - Complete survey once conversation is complete.

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Opening Question: Please name one right you feel ALL youth in care should be given?

Start the Prezi

Slide 1: I am going to play Georgia's video on SFA (say Strengthening Families Act instead of SFA until youth are familiar with term) even though it isn't 100% true for Nebraska - it is about 95% correct....

- This is to give them a general overview of what Strengthening Families Act is.

Slide 2: Let's look at Handout #1 -to help clarify what all this "rights stuff" means....

- Provide Handout #1 "What is a Right" document.
- Go around the room and have each of them read a paragraph.

Slide 3 & 4: These items HAVE TO BE included in our policy....

- These items must be included in the Nebraska's Youth Bill of Rights per policy.

Slide 5: Let's look at Handout #2 to help us with these questions....

- Provide Handout #2 and on slide review DHHS's first draft of the Foster Youth BOR (Bill of Rights).
 - a. What rights should stay?
 - b. What should be changed?
 - c. What's missing?

Slide 6 & 7: So the current BOR has a list of responsibilities attached to it.....

- They did this to help youth understand what's expected of them. Do you think:
 - d. That the responsibilities should be included with the bill of rights?
 - e. Should the responsibilities be a separate document?
 - f. Why or why not?
 - g. Is there anything you would change about the responsibilities?

Slide 8 & 9: Let's look at what other states are doing, what do you think?.....

- We need the young peoples' voices to develop the Nebraska's Youth Bill of Rights.
- Take a look at examples on Slide 9 of what other states have put in their Youth Bill of Rights to gather inspiration during the creation of the Nebraska's Bill of Rights!

Slide 10: So after you think about it for a while, if you want to provide more information privately, you can go online and answer these questions....

- Enter all the suggestions into the survey to be considered.
- Young people also have the ability to enter any suggestions on another survey if they would like to complete this on their own.
 - The web address to do so is: <https://www.surveymonkey.com/r/Z2R69ZG>
 - It is also available on the Nebraska Children's Website at: <http://www.childrens.nebraska.gov/News/BORSurvey.html>
 - If possible, share the link to the survey on your website or through social media and direct youth to find the link at that location.

Wrap-Up: Thank you again for participating....

- Thank participants for their openness and time,
- Answer any questions they may have,

Post-session Steps:

- Survey can be completed after compiling all of the information.

Handout #1 - What is a RIGHT?

Before we get started, let's try to understand a little bit about what a **right** actually *is* and *is not*. Then you will better understand what a Bill of Rights can and cannot actually do.

Basically, a **right is something that is legally protected**. A right could be a freedom, liberty, or a privilege that is stated somewhere in the law. It may be stated in the Constitution, a law, a judge's decision in a case, or the government's written policies.

Some rights can be enforced legally and others cannot. In other words, most of the time, if your right is violated, you can file a lawsuit to fix the problem. . But, not always. It depends on the way the law was written and what kind of right it is.

Let's try some examples about foster care...Here are **some clear rights** for youth in care:

- Youth in foster care have constitutional rights just like everyone else. For example, the freedom of speech and the right to due process (i.e., specific types of fairness in laws and the court process).
- Youth in foster care also have rights that are in Nebraska's laws. For example, youth in foster care have a right to:
 - A safe and appropriate placement,
 - A case plan and transition plan,
 - A medical exam and treatment,
 - Attend the same school, and
 - Be placed or have visits with your siblings, unless that is not safe.

But some other things are **not so clear and not technically be a right**...

- For example, we can't create a right for all youth in foster care to have an iPad or to be on the varsity basketball team.
- Also, some things that are vague might not be rights or may require lawyers to argue *a lot* before we know if it is actually a right. For example, "the right to be treated with respect" or "the right to be who I am." Everyone *should be* treated with respect, but it's not obvious if that is technically a *legal* right.

If this doesn't make perfect sense, that actually means you are probably getting it!

It is okay to include some personal things on the list. Even if there may not be anything *legal* that can be done to fix these things, if they are ignored, there are still **other non-legal things young people can do** - like talking to your caseworker or using a grievance process. The goal is for young people to know their options!

Handout #2 Nebraska Foster Youth Bill of Rights (BOR) Ideas

Personal Rights

- **to be treated with respect**
- **to be safe and well cared for** and to avoid exploitation
- **to be who I am**
- **to have my basic needs met**
- to keep my personal belongings with me and to age appropriate privacy unless there is just cause for supervision to prevent self-harm or harm to others
- to have confidentiality consistent with state and federal law
- to be free from unreasonable searches of personal belongings
- to be free from harassment, corporal punishment, unreasonable restraint or confinement (i.e., solitary, lockdown, segregation), and physical, sexual, emotional and other abuse
- to attend religious services and activities of my choice that may be reasonably accommodated and be placed as far as practical with someone of my own religion
- to be in an environment that maintains and reflects my culture as may be reasonably accommodated
- **to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities and to have my caseworker and judge consult with and talk to me about my opportunities to participate in activities**
- 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, immigration status, color, religion, gender, gender identity and expression, sexual orientation, mental or physical disability, medical diagnosis, , and foster care status (religion repeated twice)

Family Connection Rights

- **to have lifelong family connections** (*LB746 & in BOR*)
- to have reasonable efforts made to reunify me with my parents and to be preferentially placed with my relatives if I cannot remain with my parents
- to have reasonable efforts made to place me and my siblings in the same foster or adoptive placement and/or to have frequent or ongoing communication with my siblings unless it is not safe (and if it is not safe, I have have a right to know the reasons it has been determined not safe)
- **to safely visit** and communicate with **my family** and other significant people in my life (unless a judge says you cannot or HHS sets reasonable limits)
- A pregnant or parenting youth has a right to raise and make decisions for my own children ,children, as any other minor would, unless a judge says I do do not

Notice and Assistance If Rights Are Not Met

- to be given verbal and written information about how and to whom I can make a request to participate in age or developmentally appropriate activities if I am in a group home
- to receive a hard copy of these rights within seventy-two hours of placement and at every dispositional, review and permanency planning hearing and to have them explained to me in an age or developmentally appropriate manner
- **to seek assistance**, free from retaliation, **if these rights aren't being met**

Handout #2 Nebraska Foster Youth Bill of Rights (BOR) Ideas

Youth Voice and Participation Rights

- to have contact with caseworkers, attorneys, probation officers, CASAs, foster youth advocates and supporters, or anyone else involved with or (in) my case
- **to know when court hearings are scheduled and to attend** and participate in **hearings regarding my care** unless a judge determines it is not in my best interests
- to have a guardian ad litem attorney to represent my best interests
- to meet with my guardian ad litem within two weeks and at least once every six months
- to have my own court-appointed attorney if my interests are in conflict with what my guardian ad litem believes is in my best interests
- to be involved in the development of my own case plan and transition plan, and to have individuals selected by me participate on my team
- to attend and participate in family team meetings, treatment team meetings, and school meetings
- to have my voice heard in my case

Access to Information and Services Rights

- **to be fully informed about what is happening to me** and to understand the system or systems in which I am involved in an age appropriate manner
- **to have adequate health care, including mental health care** and substance abuse treatment
- to have a medical exam within two weeks of removal from my home
- to be informed about the types of physical and mental health care I receive, to see and understand my treatment plan and have a say in treatment decisions being made
- to be informed about medications, medication options, and have a voice in decisions about prescription of medication (unless a doctor or judge says I cannot refuse to take medications)
- to have age-appropriate, medically accurate information on sexual and reproductive health
- **to receive a good, stable education**
- to attend the same school (or as before,) prior to foster care unless a judge or your caseworker determines it is not in your best interest
- **to receive a free credit report annually** and help resolving any inaccuracies
- to access my personal information (e.g., birth certificate, health records)
- to have honest and clear communication

Permanency and Placement Rights

- **to have permanency**
- to live in the most family-like setting that is safe, healthy, comfortable, and meets my needs
- to have minimal placement changes and a stable and nurturing living environment

Transition to Adulthood Rights

- to receive skills, knowledge and resources needed to be a successful adult (*LB746 & in BOR*)
- to have a transition plan created from age 14 and older that addresses the following needs: education, employment, health care and eligibility for Medicaid, behavioral health treatment and support, financial assistance, housing, relationship development, and other adult services
- to receive information about the Bridge to Independence program if I am in an out-of-home placement at (or from) age 16 or older