

## The Training Subcommittee

### Initial Recommendations to the Normalcy Taskforce

July 13, 2016

#### Foundational Principles

The Strengthening Families Act (SFA), passed as [LB746 \(2016\)](#), represents a culture shift that allows children and youth to grow and thrive in less restrictive, more family like environments and participate in age and developmentally appropriate activities. This culture shift has already begun and will continue to change as new elements of the act are implemented. Training for parents, caregivers, stakeholders and staff is necessary to make these changes. This document represents a template that can be used to coordinate training for the core components of the SFA. This document is not intended to be prescriptive, or to require any agency to adhere to the standards herein but is as a thoughtful contribution to the process of culture change and education.

#### Proposed Training Methods

- 1. Trainings should be archived, continuously available, and accessible on mobile devices when possible.** Trainings should be accessible to staff and stakeholders in an archived form, preferably on a website, so that training can be accessed according to their schedules and workloads. Trainings that can be accessed on mobile devices are ideal for staff who travel or have out-of-office duties. Parents and caregivers can also benefit from this format, allowing them to quickly get information to make decisions for the youth in their care.
- 2. Trainings should be short form when possible.** The Department of Health and Human Services (DHHS) currently utilizes a format called “Quick Tips” to get information to employees in an accessible and actionable format. When possible, this or a similar format should be utilized to reduce the amount of time that employees spend in training. Agencies who do not currently use this format are encouraged to begin.
- 3. Trainings should include an evaluation component.** This will ensure that trainings are effective and individuals are receiving the information they need to successfully implement the SFA.
- 4. Trainings should be universal and fluid enough to be utilized by a system wide audience.** Trainings should be broad enough that multiple stakeholders playing different roles can view it, when possible. Some trainings may be so technical or specialized in nature that this recommendation will not be applicable.

#### Proposed Training Frequency

- 1. Trainings on the SFA should be incorporated into initial hire and preservice trainings.**

2. **Training should be made available and required as soon as possible for professionals and families who are already system involved.** Entities will need time to determine how new provisions of law impact their practices and policies and determine the content and method of training. Training should be made available as soon as possible after it is created.
3. **Refresher trainings should occur annually, or on an as needed basis.** Evaluations may show that refresher trainings are needed more or less often. DHHS currently implements a Continuous Quality Improvement (CQI) process that uses data to identify areas that need improvement or are working well. One way that DHHS responds to data is increased information and trainings for staff. The Training Subcommittee supports and encourages the use of the CQI process to identify areas that need refresher training for staff. Refresher trainings should be short form and in a format that can be accessed at staff's convenience, when at all possible.

## **Essential Components of the Strengthening Families Act**

The SFA has many components and each is essential to creating normalcy for children in out of home placement. This document breaks the SFA down to its elements to make recommendations regarding the content of training and the individuals who should receive training on each element. This is meant to be a guide for stakeholder organizations to create comprehensive training programs tailored to their needs, and not meant to create requirements for any particular organization or agency.

### **1. Reasonable and Prudent Parenting Standard (RPPS)**

#### **1. RPPS Definition**

- a. The standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interest 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 in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities.

#### **2. RPPS Decisions**

- a. Caregivers are responsible for making RPPS decisions.
- b. "Caregiver" means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution in which a child in foster care has been placed.

#### **3. Application of RPPS**

- a. Caregivers shall use the reasonable and prudent parenting standard in determining whether to give permission for a child to participate in extracurricular, enrichment, cultural and social activities.

#### **4. Caregiver considerations when applying RPPS**

- a. The child's goals and input;

- b. To the extent possible, the input of the parent of the child;
- c. The child's age, maturity, and developmental level to maintain the overall health and safety of the child;
- d. The potential risk factors and the appropriateness of the extracurricular, enrichment, cultural or social activity;
- e. The best interests of the child, based on information known by the caregiver;
- f. The importance of encouraging the child's emotional and developmental growth;
- g. The importance of providing the child with the most family like living experience possible;
- h. The behavioral history of the child and the child's ability to safely participate in the proposed activity;
- i. The child's personal and cultural identity; and
- j. The individualized needs of the child

**5. RPPS and Biological Parents**

- a. A parent should be consulted about his or her views on the child's participation in the age or developmentally appropriate activities during the planning process, to the extent possible.

**6. RPPS and Child Care Institutions**

- a. The presence of at least one onsite official who, with respect to any child placed at the child-care institution, is designated to be the caregiver who is (a) authorized to apply the RPPS to decisions involving the participation of the child in age or developmentally appropriate activities, (b) provided with training in how to use and apply the RPPS in the same manner as foster parents are providing training and (c) required to consult whenever possible with the child and staff members identified by the child in applying the reasonable and prudent parent standard.
- b. Also require, as a condition of each contract entered into by a child-care institution to provide foster care, that all children who are placed at the child-care institution be notified verbally and in writing of the process for making a request to participate in age or developmentally appropriate activities and that a written notice of this process be posted in an accessible, public place in the child-care institution.

**7. DHHS Requirements**

- a. Contract requirement for child care institutions to have a designated staff person to make RPPS Decisions, and a that children are noticed of a written policy to request activities.
- b. Ensure that each foster family home and child care institution has policies consistent with the RPPS provisions of the SFA and promote and protect the ability of children to participate in age or developmentally appropriate activities.

- c. Adopt and promulgate rules and regulations regarding training for foster parents so that they will be adequately prepared with appropriate knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities.
- d. Courts and DHHS should work collaboratively to remove or reduce barriers to a child's participation in age or developmentally appropriate activities.
- e. Document parent consultation about his or her views on the child's participation in age or developmentally appropriate activities and document the consultation in the court report filed pursuant to Neb. Rev. Stat. 48-285.
- f. Document the steps the department is taking to ensure that the caregiver follows RPPS, that the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, and that the department has consulted with the child in an age or developmentally appropriate manner about the opportunities for them to participate in such activities.

## **8. Court and Legal Professional Requirements**

- a. At every dispositional, review, or permanency planning hearing, the juvenile court shall make a determination regarding (a) steps DHHS is taking to ensure the foster home or child care institution is following the reasonable and prudent parenting standard, (b) whether child has regular, ongoing opportunities to engage in age or developmentally appropriate activities and (c) whether the department has consulted with the child in an age or developmentally appropriate manner about the opportunities of the child to participate in such activities.
- b. Guardian ad Litem shall make a report of the compliance with the Nebraska Strengthening Families Act.
- c. Courts and DHHS should work collaboratively to remove or reduce barriers to a child's participation in age or developmentally appropriate activities.

## **9. Child Advisor**

- a. Child may select an advisor who can, as necessary, advocate for the child with respect to the application of the reasonable and prudent parenting standard and for the child on normalcy activities. DHHS may reject an individual selected by the child if DHHS has good cause to believe the individual would not act in the best interests of the child.

### **Who should be trained?**

#### **1. Families**

- a. Children
- b. Youths
- c. Parents and Caregivers

#### **2. Caseworkers**

- a. DHHS and Lead Agency Caseworkers
- b. Caseworker Supervisors

3. **Child Welfare**
  - a. Foster Care Agency Staff
  - b. Service and Advocacy Agency Staff
  - c. Group Home Staff
  - d. Shelter Care Staff
  - e. Court Appointed Special Advocate (CASA) Workers
  - f. Foster Care Review Office (FCRO) Board Members and Staff
4. **Legal**
  - a. Attorneys
  - b. Guardians ad Litem
  - c. Judges
5. **Juvenile Justice**
  - a. Probation Staff
  - b. Juvenile Justice Related Organizations
6. **Other**
  - a. Schools
  - b. Tribes
  - c. Mental Health Providers
7. **Public**

## **2. Another Planned Permanent Living Arrangement (APPLA)**

1. **APPLA**
  - a. APPLA is for youth who are sixteen years of age and older, and who have APPLA as the recommended or court approved permanency plan.
  - b. Should include identification of significant, supportive connections with identified adults willing to be consistently involved in the child's life as the child transitions to adulthood
2. **DHHS Requirements**
  - a. Make and document intensive, ongoing, and as of the date of the hearing, unsuccessful efforts to secure a placement for the child with a fit and willing relative, a legal guardian, or an adoptive parent.
3. **Court and Legal Professional Requirements**
  - a. The court shall ask the child about the desired permanency outcome for the child.
  - b. Court should make a determination explaining why, as of the date of the hearing, another planned permanent living arrangement is the best permanency plan for the child and the compelling reasons why it continued to not be in the best interests of the child to return home, be placed for adoption, be placed with a legal guardian, or be placed with a fit and willing relative; and

- c. The Court should make a determination that DHHS has met the requirements in subdivisions (a) and (b) of this subsection before approving a permanency plan of APPLA for a child sixteen years of age or older

### **Who should be trained?**

#### **1. Families**

- a. Youths
- b. Parents
- c. Caregivers

#### **2. Caseworkers**

- a. DHHS and Lead Agency Caseworkers
- b. Caseworker Supervisors

#### **3. Child Welfare**

- a. Foster Care Agency Staff [If working with youth]
- b. Service and Advocacy Agency Staff [If working with youth]
- c. Group Home Staff [If working with youth]
- d. Shelter Care Staff [If working with youth]
- e. CASA Workers
- f. FCRO Board members and Staff

#### **4. Legal**

- a. Attorneys
- b. Guardians ad Litem
- c. Judges

#### **5. Juvenile Justice**

- a. Probation Staff
- b. Juvenile Justice Related Organizations

#### **6. Other**

- a. Tribes
- b. Mental Health Providers

#### **7. Public**

## **3. Youth Bill of Rights**

#### **1. Bill of Rights Application**

- a. The bill of rights applies to youth who are aged fourteen years or older who are in a foster family home or child-care institution.

#### **2. Rights Included**

- a. Rights to education, health, visitation, and court participation, the right to be provided with a copy of any consumer report and additional rights of the child to (1) understand the system or systems in which the child is involved; have his or her voice heard in his or her case; maintain family connections; access personal information; honest and clear communication, have his or her basic needs met; learn life skills needed to successfully transition to adulthood; and

live in the most family like setting that is safe, healthy, and comfortable that meets the child's needs.

**3. Youth Notice of Rights**

- a. Child receives the Bill of Rights in a document provided as part of the plan described in Neb. Rev. Stat. 43-285(2).
- b. The youth must sign an acknowledgement that he or she has received a copy of the document and that all of the rights contained in the document have been described to him or her.
- c. Document will be provided to the child in a hard copy and offered within 72 hours of being placed in a foster family home or child-care institutions and at every dispositional, review, and permanency planning hearing.
- d. Department shall require, as a condition of each contract entered into by a child-care institution to provide foster care, that the child-care institution publically post the document described in this section in an accessible location.

**Who should be trained?**

**1. Families**

- a. Children
- b. Youths
- c. Parents
- d. Caregivers

**2. Caseworkers**

- a. DHHS and Lead Agency Caseworkers
- b. Caseworker Supervisors

**3. Child Welfare**

- a. Foster Care Agency Staff
- b. Service and Advocacy Agency Staff
- c. Group Home Staff
- d. Shelter Care Staff
- e. CASA Workers
- f. FCRO Board Members and Staff

**4. Legal**

- a. Attorneys
- b. Guardians ad Litem
- c. Judges

**5. Juvenile Justice**

- a. Probation Staff
- b. Juvenile Justice Related Organizations

**6. Other**

- a. Tribes
- b. Mental Health Providers

**7. Public**

## **4. Youth Participation in Case Planning**

### **1. Application of Youth Participation Provisions**

- a. When a juvenile who is adjudged to be under subdivision (3)(a) or (c) of Neb. Rev. Stat. 43-247, the courts may require DHHS create a proposed plan for the care, placement, services, and permanency which are to be provided to such juvenile and his or her family.
- b. For a child who is fourteen years of age or older, and in the legal custody of DHHS, the plan should include a written independent living transition.

### **2. DHHS Requirements**

- a. Provide opportunities for the child, in an age or developmentally appropriate manner, to be consulted in the development of his or her plan as provided in the Nebraska Strengthening Families Act.
- b. Document the efforts made to involve and engage the child in the development of the plan.
- c. Consult the child for any revision of the independent living transition proposal.
- d. Describe the services needed for the child to transition to a successful adulthood as provided in the SFA in the independent living transition proposal.

### **3. Court and Legal Professional Requirements**

- a. Include a finding regarding the appropriateness of the programs in the independent living proposal to help prepare the child for the transition from foster care to successful adulthood at every permanency or review hearing.
- b. Ask the child, in age or developmentally appropriate language, if he or she participated in the development of his or her written independent living transition proposal at every permanency and review hearing.
- c. Make a finding regarding the child's participation in the development of his or her plan as provided in the Nebraska Strengthening Families Act.

### **Who should be trained?**

#### **1. Families**

- a. Children
- b. Youths
- c. Parents
- d. Caregivers

#### **2. Caseworkers**

- a. DHHS and Lead Agency Caseworkers
- b. Caseworker Supervisors

#### **3. Child Welfare**

- a. Child Placing Agency Staff [If working with youth]
  - b. Child Caring Agency Staff [If working with youth]
  - c. Group Home Staff [If working with youth]
  - d. CASA Workers
  - e. FCRO Board members and Staff
- 4. Legal**
- a. Attorneys
  - b. Guardians ad Litem
  - c. Judges
- 5. Juvenile Justice**
- a. Probation Staff
  - b. Juvenile Justice Related Organizations
- 6. Other**
- a. Tribes
- 7. Public**

## **5. Pre-Discharge Documents**

- 1. Application of Pre-Discharge Documents Provisions**
- a. Children, on or before the date the child reaches eighteen or nineteen years of age or twenty one years of age if the child participates in the bridge to independence program, if the child is leaving foster care.
- 2. Documents to be Provided**
- a. Certified copy of birth certificate and facilitate securing a federal social security card when eligible [this provision existed prior to the passage of LB746 (2016)]
  - b. Health insurance information and all documentation needed to enroll in Medicaid coverage under Nebraska law as a former foster child as available under the Federal Patient Protection and Affordable Care Act, [42 U.S.C. 1396a\(a\)\(10\)\(A\)\(i\)\(IX\)](#), as such act existed on January 1, 2013. [Health insurance information is a new provision with LB746 (2016), requirement for Medicaid documentation pre-existed LB746)
  - c. A copy of the child's medical records
  - d. A driver's license or identification card issues by a State of Nebraska a copy of the child's education records
  - e. A credit report, as defined in [15 U.S.C. 1681a\(d\)](#), and pursuant to [42 U.S.C. 675\(5\)\(I\)](#) as such sections existed on January 1, 2016.
  - f. Contact information, with permission, for family members, including sibling, with whom the child can maintain a safe and appropriate relationship, and other supportive adults

- g. A list of local community resources, including, but not limited to, support groups, health clinics, mental and behavioral health and substance abuse treatment services and support, pregnancy and parenting resources, and employment and housing agencies.
  - h. Written information, including, but not limited to, contact information, for disability resources or benefits that may assist the child as an adult, specifically including information regarding state programs established pursuant to 42 USC 677, as such section existed on January 1, 2016, and disability benefits, including supplemental security income pursuant to 42 USC 1382 as such existed on January 1, 2016, if the child may be eligible as an adult;
  - i. An application for public assistance and information on how to access the system to determine public assistance eligibility
  - j. A letter prepared by the department that verified the child's name and date of birth, dates the child was in foster care, and whether the child was in foster care on his or her eighteenth, nineteenth, or twenty-first birthday and enrolled in Medicaid while in foster care.
  - k. Written information about the child's Indian heritage or tribal connection, if any; and
  - l. Written information on how to access personal documents in the future.
- 3. Court and Legal Professional Requirements**
- a. Court shall make a finding as to whether the child has received the documents at the independence hearing.
- 4. DHHS Requirements**
- a. Provide youth with all documents listed above
  - b. Document that the child was provided these documents in the transition proposal.
- 5. State Requirements**
- a. Waive fees associated with obtaining a certified copy of the child's birth certificate or obtaining an operator's license or a state identification card.

### **Who should be trained?**

- 1. Families**
  - a. Children
  - b. Youth
  - c. Parents
  - d. Caregivers
- 2. Caseworkers**
  - a. DHHS and Lead Agency Caseworkers
  - b. Caseworker Supervisors
- 3. Child Welfare**
  - a. Foster Care Agency Staff [If working with youth]

- b. Service and Advocacy Agency Staff [If working with youth]
  - c. Group Home Staff [If working with youth]
  - d. Shelter Care Staff [If working with youth]
  - e. CASA Workers
  - f. FCRO Board Members and Staff
- 4. Legal**
    - a. Attorneys
    - b. Guardians ad Litem
    - c. Judges
  - 5. Juvenile Justice**
    - a. Probation Staff
    - b. Juvenile Justice Related organizations
  - 6. Other**
    - a. Tribes
  - 7. Public**

## **6. Sex Trafficking Prevention**

While LB746 (2016) does not directly address trafficking, the prevention of sex trafficking is a major component of the federal law which LB746 implements. The Normalcy Taskforce has made the prevention of sex trafficking a priority through the Trafficking Subcommittee, which has been tasked with preventing sex trafficking through focusing on youth missing from placement and the application of normalcy. Many groups are working diligently to train and inform professionals, families, and the public about sex trafficking prevention. The Training subcommittee supports wide reaching training on recognizing and responding to signs of trafficking.

### **Core Components**

- 1. Identification and response to signs of sex trafficking.**
- 2. Coordinated response to youth missing from placement.**
- 3. Reduce youth missing from placement by application of normalcy.**
- 4. Culture change from “problem youth” to system ownership.**

### **Who should be trained?**

- 1. Families**
  - a. Children
  - b. Youth
  - c. Parents
  - d. Caregiver
- 2. Caseworkers**
  - a. DHHS and Lead Agency Caseworkers

- b. Caseworker Supervisors
- 3. Child Welfare**
  - a. Foster Care Agency Staff
  - b. Service and Advocacy Agency Staff
  - c. Group Home Staff
  - d. Shelter Care Staff
  - e. CASA Workers
  - f. FCRO Board Members and Staff
- 4. Legal**
  - a. Attorneys
  - b. Guardians ad Litem
  - c. Judges
- 5. Juvenile Justice**
  - a. Probation Staff
  - b. Juvenile Justice Related Organizations
- 6. Other**
  - a. Schools
  - b. Tribes
  - c. Mental Health Providers
- 7. First Responders**
  - a. Law Enforcement
  - b. EMTs
- 8. Community Organizations with Contact with Youth**
  - a. Afterschool Programming
  - b. Churches
  - c. Independent Child Care Centers
- 9. Public**

## **7. Grievance Process**

The Normalcy Taskforce created the Grievance Subcommittee to make recommendations for establishing a grievance process for youth who believe that they are not being heard or do not have access to RPPS activities. The Training group awaits the final recommendations of the Subcommittee, and recommends that the training on the eventual process established include the following elements and audience.

### **Core Components**

- 1.** Which body, person, or agency will be the first step in addressing a child's grievance.
- 2.** The manner in which grievances are to be communicated,
- 3.** Who can file a grievance on behalf of the youth

4. Whether the grievance will be anonymous, how the youth can protect him or herself from retaliation
5. What remedies are available to the youth; and
6. Any appeal process that is available to the youth.

### **Who Should be Trained?**

- 1. Families**
  - a. Children
  - b. Youth
  - c. Parents
  - d. Caregivers
- 2. Caseworkers**
  - a. DHHS and Lead Agency Caseworkers
  - b. Caseworker Supervisors
- 3. Child Welfare Professionals**
  - a. Foster Care Agency Staff
  - b. Service and Advocacy Agency Staff
  - c. Group Home Staff
  - d. Shelter Care Staff
  - e. CASA Workers
  - f. FCRO Board Members and Staff
- 4. Legal**
  - a. Attorneys
  - b. Guardians ad Litem
  - c. Judges
- 5. Juvenile Justice Professionals**
  - a. Probation staff
  - b. Juvenile Justice Relations Organizations Staff
- 6. Other**
  - a. Schools
  - b. Tribes
- 7. Public**

|               |                                    | RPPS | APPLA                        | Youth Participation in Case Planning | Youth Bill of Rights | Pre-Discharge Documents      | Sex Trafficking Prevention | Grievance Process |
|---------------|------------------------------------|------|------------------------------|--------------------------------------|----------------------|------------------------------|----------------------------|-------------------|
| Families      | Foster Children                    | ●    |                              | ●                                    | ●                    | ●                            | ●                          | ●                 |
|               | Foster Youths                      | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
|               | Foster and Kinship Parents         | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
|               | Biological Parents                 | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
| Caseworker    | Case Workers                       | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
|               | Caseworker Supervisors             | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
| Child welfare | Foster Care Agency Staff           | ●    | <i>If working with youth</i> | ●                                    | ●                    | <i>If working with youth</i> | ●                          | ●                 |
|               | Services and Advocacy Agency Staff | ●    | <i>If working with youth</i> | ●                                    | ●                    | <i>If working with youth</i> | ●                          | ●                 |
|               | Group Home Staff                   | ●    | <i>If working with youth</i> | ●                                    | ●                    | <i>If working with youth</i> | ●                          | ●                 |
|               | Shelter Care Agency Staff          | ●    | <i>If working with youth</i> | ●                                    | ●                    | <i>If working with youth</i> | ●                          | ●                 |
|               | CASA Workers                       | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
|               | FCRO Board Members and Staff       | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
| Legal         | Attorneys                          | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
|               | Guardians ad Litem                 | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
|               | Judges                             | ●    | ●                            | ●                                    | ●                    | ●                            | ●                          | ●                 |
| Juv. Justice  | Probation                          | ●    |                              | ●                                    | ●                    | ●                            | ●                          | ●                 |
|               | Juvenile Justice Related Orgs      | ●    |                              | ●                                    | ●                    | ●                            | ●                          | ●                 |

|  |                                | RPPS | APPLA | Youth Participation in Case Planning | Youth Bill of Rights | Pre-Discharge Documents | Sex Trafficking Prevention | Grievance Process |
|--|--------------------------------|------|-------|--------------------------------------|----------------------|-------------------------|----------------------------|-------------------|
| Other                                  | Schools                        | ●    |       |                                      |                      |                         | ●                          | ●                 |
|  | Tribes                         | ●    | ●     | ●                                    | ●                    | ●                       | ●                          | ●                 |
|  | Mental Health Providers        | ●    |       | ●                                    |                      |                         | ●                          |                   |
| 1 <sup>st</sup> Responders             | Law Enforcement                |      |       |                                      |                      |                         | ●                          |                   |
|  | EMTs                           |      |       |                                      |                      |                         | ●                          |                   |
| Community Orgs with Contact with Youth | Afterschool Programs           | ●    |       |                                      |                      |                         | ●                          |                   |
|  | Churches                       |      |       |                                      |                      |                         | ●                          |                   |
|  | Independent Child care centers |      |       |                                      |                      |                         | ●                          |                   |
|  | Public                         | ●    |       | ●                                    |                      | ●                       | ●                          | ●                 |