

## Normalcy Subcommittee of the Normalcy Task Force

### Preliminary Draft Recommendations for Normalcy Taskforce Review

#### Normalcy Subcommittee Background

The Normalcy Subcommittee (referred to here as “the Subcommittee”) was created following stakeholder meetings to create a structure that would monitor and make recommendations regarding the implementation in Nebraska of the federal Preventing Sex Trafficking and Strengthening Families Act, Public Law 113-183 (referred to in this document as the “Strengthening Families Act” or “SFA”), as such existed on January 1, 2016. The larger Strengthening Families Act Taskforce was created by the Nebraska Children’s Commission in November 2015 and converted into the Normalcy Task Force in July 2016 as per LB746 (2016). The Strengthening Families Act Taskforce created the Normalcy Subcommittee in December 2015 to examine and create recommendations surrounding creating normalcy for children and youth in out of home placements.

#### Subcommittee Scope and Foundational Principles

The purpose of the subcommittee is to create a framework that will provide normalcy for youth in different systems and different levels of care. The Subcommittee acknowledges that normalcy exists on many levels for youth in different settings. The Subcommittee will establish a framework for normalcy, identify the barriers to normalcy, and identify the rights that all youth have in creating normalcy.

#### Foundational Principles:

- 1. Every young person in an out-of-home placement is entitled to normalcy and best efforts to provide normalcy, and youth under the custody or supervision of the State of Nebraska in out-of-home placements have a statutory right to participate in extracurricular, enrichment, cultural, and social activities as per LB746 (2016).** This right is the cornerstone of normalcy for foster youth and should be the foundational principle for all normalcy decisions.
- 2. The recommendations of this subcommittee are meant to provide options and a flexible framework to benefit youth and children in care, and should not be read as prescriptive or prohibitive.** Youth in out of home placements in all systems are entitled to normalcy and best efforts to provide normalcy, with the understanding that normalcy will look different for each youth, depending on the youth’s circumstances, goals, strengths, and needs. Systems include but are not limited to child welfare, juvenile justice, behavioral and mental health, and developmental disabilities, with the understanding that normalcy and safety are different for youth in these systems.
- 3. The recommendations of this subcommittee are not intended to remove or limit the judgment of caregivers, or the rights of the youth and parents.** The framework provided by the recommendations is meant to enhance the judgment of caregivers as they consider the best ways to provide and enhance normalcy for the youth in their care.

4. **The recommendations of this subcommittee are not meant to create an absolute definition of “normalcy.”** Normalcy and best efforts to provide normalcy should be approached with a holistic understanding of the individual youth. This framework is intended to provide considerations for normalcy that can be applied to different circumstances and settings.
5. **The Subcommittee understands that the implementation of the Strengthening Families Act represents a culture change, and stakeholders need time to learn together.** As systems work together, the paramount consideration should be the enhancement of normalcy for youth in care and the protection of youth rights. Training and support to increase collaboration and create culture change should be available to stakeholders.

### **Recommendations to Enhance Normalcy for Youth and Children**

1. **Stakeholders who make decisions for children at the individual case level should make every effort to make decisions that enhance and maximize normalcy and avoid placements and circumstances that are inherently not normal.** Placements that are less restrictive, more family like, and allow the youth to remain in their school and access community supports should be prioritized. Stakeholders should make every effort to enhance normalcy in the youth’s contact with families, access to technology, education, access to health care and information, and access to a sustainable and durable routine, and address the needs of youth who are members of a special population as identified below, or an emerging special population.
2. **The Foster Care Youth Bill of Rights should explicitly state that the youth have the right to participate in extracurricular, enrichment, cultural, and social activities, as per LB746.** This right is stated in statute, and should be included in the Foster Youth Bill of Rights, so that youth are informed and empowered to participate in conversations with their caregivers, parents, and Guardians ad Litem about how to exercise this right.
3. **Each licensed child caring and child placing agency, as well as licensed group homes, shall be required through licensing regulation to draft and implement a plan to enhance normalcy.** The plan must address relationships with family, technology, schools and education, access to information and healthcare, and access to a sustainable, durable routine. This will allow a coherent, streamlined process to be created amongst providers and systems. This plan should also address the needs of special populations as listed below, as well as any emerging special populations and efforts to reduce disproportionate impact on families and youth of color.
4. **Normalcy planning shall be incorporated into the existing planning for youth that already occurs.** Many of the agencies and providers that children and youth are involved with already have planning processes, such as DHHS case plan process, Probation re-entry planning, and agency treatment plans. Planning for access to normalcy activities should be included within these plans. Normalcy should include relationships with family, technology, schools and education, access to information and healthcare, and access to a sustainable and durable, routine. Normalcy planning should be tailored to the individual youth, including relevant considerations if the youth is a member of a special population identified below, or

an emerging special population. Providers are encouraged to include normalcy activities as a part of documentation on a regular basis, and to report normalcy activities to case professionals within a reasonable timeline.

5. **Agencies contracting with service providers or having a voucher relationship with service providers should require the service providers to ensure that youth have all of the rights listed in the Youth Bill of Rights.** These provisions should allow the Youth Bill of Rights to be an enforceable document and empower youths to receive the services, supports, and normalcy to which they are entitled.
6. **Stakeholders should carefully consider the needs of special populations when planning normalcy for youth.** The subcommittee has identified the following populations as special populations in need of additional consideration and support when planning for normalcy: youth who are juvenile justice system involved, youth with mental health needs, youth who identify or are perceived as LGBT (lesbian, gay, bisexual, and/or transgender), youth who are pregnant and parenting, youth with disabilities, youth of color, youth with tribal affiliation, and youth with educational needs. These special populations are entitled to all rights in the Youth Bill of Rights, and to have all Normalcy components in this document considered in light of their unique needs, strengths, and personal characteristics for the purposes of creating as much normalcy as possible. Stakeholder and foster parent training should include a focus on the needs of these special populations, as well as any emerging special populations.
7. **Systems should collaborate on enhancing normalcy and implementing the Strengthening Families Act as much as possible and eliminate silos between systems that serve children and families.** The Strengthening Families Act is a collaborative effort that requires entities across the state to work together in implementing the provisions. The implementation needs to be coordinated, coherent, and maximize resources as much as possible without creating silos or incompatible practices between entities that serve youth. Silos occur when systems do not engage in cross-communication, which can prevent families from receiving timely and necessary services.

### **Normalcy and Families**

The Reasonable and Prudent Parenting Standard (RPPS) decisions can be viewed as a tool and opportunity to establish partnerships between foster parents and families. It is not normal for a child to be stripped of their connections to family, even when the child or youth is unable to remain at home. Youth should be involved in the discussion of whom they consider family and how they can maintain positive and healthy relationships. Caregivers can provide opportunities for children to access, enhance, and strengthen beneficial relationships with their families.

#### **Recommendations:**

1. **Youth contact with individuals identified as family is a right, and contact should not be denied unless there exists a documented safety concern or a court order preventing contact.** It is not normal for youth to be without a support system and family contact. Family relationships should be preserved unless there is a very serious and documented reason

related to the safety of the youth to limit or prohibit contact. Youth should not be prevented from family contact as a punishment or a reward for compliance. There may be valid safety concerns with the family relationship or safety concerns with the youth leaving the facility or the home. Normalcy activities and family contact should be used to attain the goals set forth in the Indian Child Welfare Act (ICWA) and foster connections for youth with tribal affiliation to their families and tribes as much as possible.

2. **Youth should be able to maintain family connections in a way that is productive and safe for the youth, family, and community, regardless of the permanency objective.** Caregivers are encouraged to use their discretion under RPPS to maintain and enhance family connections when it is safe to do so, even when reunification is not the primary permanency goal. Efforts to engage and involve youth with their families should be trauma informed in order to promote healing and emotional security.
3. **Parents and families should have an opportunity to have a facilitated conference at the beginning of the placement to discuss and come to an agreement about decision making for the child.** This recommendation can be achieved through already existing structures, such as the family team meetings. Foster parents should be extended the ongoing opportunity to attend portions of the family team meetings to discuss RPPS decisions with the parents, and that parents may request that foster parents not be present during sensitive discussions.
4. **The subcommittee supports the inclusion of the right of foster youths to safely visit their families and the right to lifelong family connections in the Nebraska Foster Youth Bill of Rights, and recommends that this right be extended to all children and youth in out of home placements.** These rights have been acknowledged by DHHS in its Nebraska Foster Care Bill of Rights, Protection and Safety Procedure #30-2015. The subcommittee commends DHHS for acknowledging these important rights.

### **Normalcy and Technology**

Technology is a necessary part of everyday life for adults and youth. Many jobs require technology skills, and youth need to master the skills necessary for employment or higher education. This need should be balanced with the needs of the youth and community to stay safe. Some considerations may be whether the child will use the technology safely and appropriately, the child's need to maintain connections via social media and technology, and whether the child understands, identifies, and takes steps to protect him/herself from individuals who are using technology to attempt to exploit the child.

#### **Recommendations:**

1. **Youth have access to technology on a continuum that allows the youth to attain the necessary technological skills balanced with the need to keep the youth and the community safe.** Caregivers should use their judgment in allowing youth age appropriate access to technology, with the understanding that healthy interaction with technology should be a goal for children and youth.

2. **Youth engagement with technology should be tempered with the need to prevent human trafficking by giving youth the tools they need to identify and protect themselves from individuals who use technology to exploit children.** Several initiatives are underway to train stakeholders and the public in the prevention of human trafficking. Caregivers should be trained in the role that technology plays in preventing human trafficking.
3. **Youth engagement with technology should be used, when possible, to promote and strengthen ties with safe family members and friends.** It is not normal to be without a support system, and technology can help youth stay in contact with supportive people in their lives.

### **Youth and Schools**

Youth spend the majority of their waking hours at school. The school environment contains a number of natural supports for youth, such as supportive adults and positive peers, and access to extracurricular, enrichment, cultural, and social activities. For a child or youth who is experiencing abuse or neglect in the home, school may represent a safe space. When youth are removed from the home and change schools, this adds the stress of losing supports, navigating a new social environment, and adjusting to a new curriculum.

The most recent State Ward Statistical Snapshot indicates that state wards are more likely to experience two or more school changes in a school year, more likely to be identified as special education student, and less likely to graduate from high school and to perform below non-ward students on the Nebraska State Accountability Tests. Foster parents, collaborating with parents when possible, can exercise RPPS decisions as a powerful tool to connect youth with mentors, positive peers, and enriching activities. These connections are even more beneficial when they are sustained during the out-of-home placement.

There have been steps taken at the federal level to increase school stability for children in foster care. The Every Student Succeeds Act requires a state plan that addresses, among other items, the steps that the state educational agency will take to ensure the school stability of children in foster care. Every foster child should stay in the child's school of origin (unless it is not in the child's best interests), and the child enrolls in a new school immediately if continued enrollment in the child's school of origin is not in his/her best interests. This enrollment is immediate, whether or not the youth is able to produce records typically required for enrollment. The new school will immediately contact the school of origin to obtain the youth's academic records. The local education agency plan will provide assurances that the local educational agency will collaborate with State and local child welfare agencies to develop and implement clear written procedures regarding transportation for foster youth that ensure that the foster child needing transportation to the school of origin promptly receive cost effective transportation.

### **Recommendations:**

- 1. Youth should experience school stability as much as possible to allow the youth to continue learning and accessing the natural supports and extracurricular activities in the school.** Experiencing school stability will allow youth time to explore the supports and activities available to them in a safe and familiar environment. Youth should move schools when it is in their best interest, but changes should be minimized when at all possible.
- 2. The subcommittee supports the inclusion of the right to a good, stable education in the Nebraska Foster Youth Bill of Rights.** This right has been acknowledged by DHHS in its Nebraska Foster Care Bill of Rights, Protection and Safety Procedure #30-2015. The subcommittee commends DHHS for acknowledging this important right.

### **Youth Access to Information and Healthcare**

Access to quality healthcare and information is imperative for foster youth to live their best, healthiest, and most productive lives. Health care, including preventative care, will allow foster youth to start healthy habits in childhood and adolescence, and to address medical issues before they become emergencies. Access to confidential reproductive health care and information is integral to the youths' ability to make healthy decisions that support their life plans. Mental health care is an integral part of wellbeing for children and youth. A beneficial relationship with a mental health care practitioner can place foster youth on the path to continue to access care when necessary as an adult. Healthcare and information should be confidential, medically accurate, age appropriate, and complete.

#### **Recommendations:**

- 1. Youth have access to the information and health care to allow them to be safe and healthy.** It is normal for children to receive help when they need or want it, and to receive the information they need to make health care decisions.
- 2. The subcommittee supports the inclusion of the right to adequate health care, including mental health care, in the Youth Bill of Rights.** This right has been acknowledged by DHHS in its Nebraska Foster Care Bill of Rights, Protection and Safety Procedure #30-2015. The subcommittee commends DHHS for acknowledging this important right. Adequate health care should be confidential and non-judgmental, and include preventative, reproductive, and mental health care and information.

### **Youth Have Access to a Sustainable, Durable Routine**

Youth in out of home placements have been removed from more than just the harmful aspects of their homes, they have also been removed from all of the supports and positive aspects. The upheaval of removal or placement change make it challenging for a youth to feel normal. While removal is necessary at times, it is important to understand and connect youth to their supports and routines. Caregivers and providers should help the youth identify the habits and routines that can be continued to make use of existing supports and help restore normalcy and predictability to the youth.

**Recommendations:**

1. **Youth should experience a sustainable and durable routine that allows access to natural supports.** Caregivers should be encouraged to consider the value of routine and predictability in making RPPS decisions for youth. Caregivers should make intentional efforts to get to know the youth's values, morals, identity, and traditions and consider them in making RPPS decisions.
2. **All individuals involved with youth in out of home care should understand the complexity of youth who are system involved.** Youth in the foster system present with a complex background of family dynamics and risk factors, compounded by the trauma of removal. Youth also present with their own strengths, talents, and goals. Although youth have risk factors, they also have protective factors, which are conditions or attributes that help them deal more effectively with stress, and mitigate risk. The stakeholders who make decisions with and for youth should acquire a full and holistic understanding the individual youths.
3. **All youth in out of home placements experience a safe and affirming home environment that is responsive to their complexity and allows them to thrive.** In addition to understanding the complexities of youth who are system involved, caregivers must actively respond to the youth's individual needs and create a home in which youth experience the safety and support they need to become who they want to be. Home environments must respond to the needs of special population youth, including youth who are juvenile justice system involved, youth with mental health needs, youth who self-identify as LGBT, youth who are pregnant and parenting, youth with educational needs, and any emerging special populations, so that all youth have a safe and affirming home.