

Letting Kids Be Kids:
Nebraska's Implementation of the
Strengthening Families Act

October 2015
Compiled by the Nebraska Strengthening Families Act
Stakeholder Group

Letting Kids Be Kids: Nebraska's Implementation of the Strengthening Families Act

Executive Summary

Growing up in foster care can often mean not having access to typical life experiences that are an essential part of the childhood and adolescent years. These activities and experiences range from simply being able to hang out with friends, attend school dances, and participate in school and sports teams, to learning the skills needed to transition into a successful adulthood. The Preventing Sex Trafficking and Strengthening Families Act (also known as the Strengthening Families Act or SFA) was passed by the United States Congress in September 2014, and is designed to promote safety, permanency, well-being and normalcy for youth in foster care. Several specific provisions of the Act are focused on ensuring that children and youth in foster care have access to these same childhood experiences as their non-foster care peers or "normalcy." Research has shown that these experiences are crucial to development, building social capital and creating positive relationships.

Specifically, with regard to normalcy, the SFA instructs states to:

- Implement the reasonable and prudent parent standard to allow foster parents to use their best judgment in making day-to-day decisions including what activities youth can take part in
- Limit the use of APPLA or Another Planned Permanent Living Arrangement (known as independent living in Nebraska) as a permanency goal for youth under 16
- Involve youth ages 14 and older in their case plan and provide them with a list of rights
- Provide youth at age 18 with important documents (e.g., birth certificate, social security card, etc.) before they leave foster care

This report further summarizes the provisions of the SFA that are related to normalcy and outlines recommendations from a broad group of Nebraska stakeholders on how our state can fully implement the law to achieve its intended goals. This process has included the input and feedback from over 300 stakeholders and young people across Nebraska, through two stakeholder meetings, as well as surveys and focus groups.

The stakeholder recommendations include:

Reasonable and Prudent Parent Standard (RPPS)

- The RPPS and normalcy should be applied to all children and youth (including those in the system due to child welfare, juvenile justice, status offense or mental health) in all placements and levels of care.
- Nebraska statute should state that children in care have the right to take part in age- and developmentally-appropriate activities.

- A grievance process should be available for youth who feel they have not been heard or are facing consistent disagreement about normalcy activities.
- The Department of Health and Human Services (DHHS) and the juvenile courts should work collaboratively to remove or reduce barriers to youth's participation in age- and developmentally-appropriate activities.
- Nebraska statute should include a description that the legal rights of biological parents are not impacted by the RPPS (meaning parents whose rights have not been terminated still retain their constitutional and other existing rights with respect to their children and that those rights and their important role must be respected).
- Nebraska statute should require the juvenile court to provide oversight (i.e., make court findings) to ensure that, for all youth (not just those age 16 and older, as required by the SFA), the caregiver is following the RPPS and that the youth has regular, ongoing opportunities to engage in age- or developmentally-appropriate activities.

Youth Notice of Rights

- The notice of rights to youth should include all rights under state and federal law, not just those enumerated in the SFA.

Case Planning

- The case plan should document *what efforts were made* to engage the youth in case planning (this should be required to be documented) and *how* the youth participated in the case planning process (but this should not be required to be documented).
- Nebraska statute should require the juvenile court to ask the youth if they participated in the development of their case plan and make findings about whether they were involved in case planning.

The report also details stakeholder group recommendations around ensuring older youth that still have a permanency plan of APPLA have supportive connections and requiring a more comprehensive “discharge packet” of documents and having the juvenile court provide oversight to make sure the youth has received pre-discharge documents before the case is closed.

While some work has already been done to comply with the provisions of the SFA, there are steps yet to be taken to fully implement the SFA in Nebraska. These recommendations will help ensure that Nebraska kids in foster care can be kids, and successful adults.

Introduction

There are important opportunities and efforts underway in Nebraska and nationally to improve “normalcy” for children and youth in foster care. In particular, in September 2014, Congress passed and President Obama signed the Preventing Sex Trafficking and Strengthening Families Act (also known as the Strengthening Families Act or SFA). In Nebraska, a broad group of stakeholders, with young people at the forefront, have come together to determine how to best implement the SFA in our state. This report summarizes those recommendations.

“Normalcy” is about ensuring children are able to participate in the age-and developmentally- appropriate activities and experiences that are essential to the development of children and youth.¹ Childhood and adolescence for many people involves fun and enriching activities such as spending time at summer camp, participating in sports, music, debate or other extra-curricular and community activities, having sleepovers, hanging out with friends and finding a job. These activities help children and youth to build lasting relationships and social capital with peers, adults and their communities. Normalcy activities are also important to youth in the complicated process of self-identity as they develop interests and eventually transition into adulthood. In addition to the benefits of building social capital and self-identity, age-and developmentally- appropriate activities are also essential to the healthy development of children and youth. Adolescent brain research confirms that these experiences and relationships are critical to a youth’s development as they try out adult roles, responsibilities and explore new experiences.² It is also normal for youth to take risks, and with the involvement of supportive adults, these activities, importantly, allow youth to make and learn from their mistakes in a safe environment.³ It turns out that being allowed to be a kid is very important to becoming a healthy adult.

While some may take these activities for granted, youth in foster care often do not have the same opportunities for “normal” childhood experiences and face barriers to their participation in these activities. These barriers often have to do with seeking to ensure safety – such requiring background checks for sleepovers or prohibiting photographs to be taken of children in foster care or preventing youth from participating in activities that may involve some degree of risk. While ensuring the safety of children and youth in foster care is important, it shouldn’t overwhelm their need for normalcy and well-being.

It is also important to note that, too often, there is an over-reliance on long-term congregate care for young people instead of placing them with a family. Except for very short-term shelter care that meets therapeutic standards, “normalcy” for children and youth means living with a family.

As the Jim Casey Youth Opportunities Initiative notes in their issue brief on resilience, “Many young people in foster care have experienced considerable challenges that place them at risk of negative adult outcomes: poverty, separation, abuse, neglect, loss, and disruption. Yet with the right support systems, they can

develop resilience in the face of adversity.”⁴ The normalcy provisions of the Strengthening Families Act are intended to ensure that essential activities, opportunities and connections are accessible to children and youth in foster care.

Acknowledgments

We would like to acknowledge the many partners who have made contributions to the recommendations in this report.

- The Jim Casey Youth Opportunities Initiative of The Annie E Casey Foundation
- The State Policy Advocacy and Reform Center (SPARC)
- Jennifer Pokempner from the Juvenile Law Center
- Nebraska State Senator Kathy Campbell and Joselyn Luedtke
- The Nebraska Department of Health and Human Services (DHHS)
- The Strengthening Families Act stakeholder group
- Most importantly, the young adults who gave their time to inform this process and ensure the voices of their peers were heard by sharing their experiences and perspectives

The Preventing Sex Trafficking and Strengthening Families Act

The Preventing Sex Trafficking and Strengthening Families Act (SFA) is groundbreaking legislation that was passed unanimously by Congress on September 18, 2014, and signed into law by President Obama on September 29, 2014.⁵ Many of the key provisions went into effect on September 29, 2015, but some provisions went into effect upon enactment and others are phased in over a period of time up to seven years after enactment. The SFA is designed to promote safety, permanency, well-being and normalcy for youth in foster care. Specifically, the SFA instructs states to:

- Implement the reasonable and prudent parent standard to allow foster parents to use their best judgment in making day-to-day decisions including what activities youth can take part in
- Limit the use of APPLA or Another Planned Permanent Living Arrangement as a permanency goal
- Involve youth ages 14 and older in their case planning and provide them with a list of their rights
- Provide youth at age 18 with important documents (birth certificate, social security card, etc.) before they leave foster care
- Protect children and youth at risk of becoming sex trafficking victims, including requiring state child welfare agencies to screen, document, and assist children who are at-risk for being trafficking or are survivors of sex trafficking
- Develop and implement protocol to expeditiously locate any child who is missing from foster care and among other processes, screen the child for sex trafficking
- Reauthorize adoption incentives with improvements to promote guardianships and the extension of funding for Family Connections Grants⁶

Normalcy Provisions of the SFA

The work of the stakeholder group and the recommendations in this report are focused on the provisions of the SFA pertaining to normalcy. Specifically, the stakeholder group and this report focus on recommendations regarding the following provisions: the reasonable and prudent parent standard, APPLA (Another Planned Permanent Living Arrangement), youth participation in case planning, rights notification, and pre-discharge documents. All of these provisions went into effect on September 29, 2015.

In this report, the term “normalcy” will be used throughout, as it is the term that is used in the federal law. However, many of the young people and stakeholder expressed concerns about the use of this word and the benefits of finding another term to encompass these essential activities and opportunities for children and youth. Therefore, the use of the term in this report does not seek to imply that there is a single typical childhood experience. Activities that children and youth wish to be involved in will vary greatly by individual. The stakeholder group will continue working on identifying another term.

The section below provides additional background information about each of the provisions, which are the focus of this report and the stakeholder recommendations.

Reasonable and Prudent Parent Standard (RPPS)

Pursuant to the SFA, the “reasonable and prudent parent standard” (RPPS) is “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.”⁷ This is intended to allow caregivers to use their best judgment in deciding what activities youth can participate in and to remove the unnecessary barriers that youth in foster care often face. This applies to foster family homes as well as child care institutions, such as group homes, which are required to have an individual on-site who can make RPPS decisions.⁸ The Act also requires states to implement policies to provide caregivers appropriate liability protection when exercising the RPPS and to certify that caregivers have the skills and knowledge to use the standard.⁹

Another Planned Permanent Living Arrangement (APPLA)

The permanency goal of Another Planned Permanent Living Arrangement APPLA was created by Congress to replace “long term foster care” and encourage agencies to better meet the individual needs of a particular child for whom other permanency goals – like returning home, adoption or guardianship – are not appropriate. However, too often, APPLA has provided an easy way out for states: rather than continuing to look for planned permanent living arrangements for children and youth who they think will not or cannot be returned home, adopted, or placed with guardians, agencies often turn to independent living or residential placements

rather than attempting to reengage family members or other important people in the youths' lives who could be permanent connections. As a result of these concerns, this provision attempts to limit the use of APPLA to only those youth for whom other permanency goals are truly not appropriate.

Specifically, the SFA requires states to eliminate the use of the permanency goal of "Another Planned Permanent Living Arrangement" or "APPLA" for youth under age 16.¹⁰ This is known as independent living in Nebraska. In addition to eliminating the use of APPLA for youth under age 16, the SFA also includes specific requirements and protections for youth 16 and older who do have a plan of APPLA, including requiring the state agency to document their intensive and ongoing efforts to find a family placement and requiring the juvenile court to consult with the youth about their desired permanency plan and to provide oversight of the use of this permanency objective.¹¹

Youth Participation in Case Planning

To strengthen the case planning process, the SFA requires states to involve youth ages 14 and older in the development of their case plan. Youth are allowed to select two individuals who will be involved in the case planning team, one of whom can serve as the youth's advisor on normalcy activities. The SFA also requires that the case plan must describe the services needed for the youth to transition to "a successful adulthood."¹²

Rights Notification

The SFA also includes provisions that require youth to be provided with a list of their rights to help them better understand the system, beginning at age 14. It must be documented in their case plan (along with the youth's signature) that they received a copy of their rights that was explained to them in an age-appropriate manner. This list of rights must at least include their rights with respect to education, health, visitation, court participation, the right to be provided with their credit report, birth certificate, social security card, health insurance information, medical records, State ID, and the right to stay safe and avoid exploitation.¹³

Pre-Discharge Documents

Lastly, as a part of the case review system, agencies must provide youth leaving care at 18 or older, who have been in foster care for at least six months, the following (if they are eligible to receive such document):

- Birth certificate
- Social security card
- Health insurance information
- Medical records
- State ID or driver's license¹⁴

Existing Nebraska Law and Policy

In some ways, Nebraska is already ahead of the curve in our existing law and policy related to these issues. For example, in 2011, the Nebraska Legislature passed LB 177, introduced by Senator Kathy Campbell, which, among other things, put into place state statutory requirements for transition planning for youth in foster care at age 16 or older. This statute, Neb. Rev. Stat. § 43-1311.03, implemented the requirements of federal law at the time and additional best practices, but should be amended to reflect some changes from the SFA, such as requiring transition planning to begin at age 14 instead of 16. In addition, this same state statute already requires DHHS to provide pre-discharge documents to youth, but it should be modified slightly to reflect changes made in the SFA. Similarly, existing Nebraska statute Neb. Rev. Stat. § 43-1312 allows APPLA as a permanency objective of last resort, but there is no age requirement.

The Nebraska Department of Health and Human Services (DHHS) has an obligation to ensure the agency is in compliance with the SFA and, therefore, in advance of the SFA provisions going into effect on September 29, 2015, DHHS issued a policy memo on the Reasonable and Prudent Parent Standard¹⁵ and another policy memo on Transitional Living Planning.¹⁶ The RPPS policy memo includes an application guide for use of the RPPS and examples of areas where the RPPS may be applicable, such as sleepovers, youth employment, driver's licenses, and youth participation in social media. The Transitional Living Planning policy memo outlines documentation that must occur at each age and includes a Nebraska Foster Youth Bill of Rights. In addition to these policy memos, existing DHHS regulations, such as 390 NAC 11 which relates to decision-making for a range of activities that now fall within the RPPS, will need to be amended. DHHS has proposed regulations regarding the reasonable and prudent parent standard, which is scheduled for a public hearing on October 29, 2015.

In addition to these modifications, there is more work that needs to be done to fully implement the SFA in Nebraska and improve outcomes as the federal law intends for children and youth. This report focuses on that additional work, and how Nebraska law and policy can be amended to make sure baseline requirements are met and to continue Nebraska's path of instituting best practices in this area.

Stakeholder Process

This report is the result of input and feedback from a broad range of stakeholders through a number of methodologies.

First, a stakeholder group was convened for two initial meetings: one half-day meeting with an introduction and overview of the SFA and an update on implementation efforts in Nebraska in July 2015 and a second day-long facilitated meeting to develop initial recommendations in August 2015. The stakeholder group included young people, foster parents, biological parent representatives, providers, attorneys and other advocates. At the second recommendation meeting, the stakeholders self-selected into three groups focusing on: 1) normalcy and the

reasonable and prudent parent standard, 2) case planning and 3) APPLA. Within the three breakout groups, the stakeholders worked through a series of questions based on the provisions and developed an initial set of recommendations in these three areas. While many recommendations on the SFA provisions were agreed upon, there were other areas where there were gaps needing more information and continued input to develop.

Following the stakeholder meetings, two surveys, one for a broad population of child welfare stakeholders and another for system-involved young people, were sent out and responses were collected. Focus groups were also held with youth and young adults with experience in foster care and/or the juvenile justice system as well as with foster parents and biological parents to further inform the recommendations.

This report compiles the initial recommendations with the feedback from these focus groups and survey responses. It is expected that stakeholder meetings will continue in the coming months of implementation to further develop recommendations and monitor the implementation process.

Youth and Young Adult Focus Groups

To ensure that the implementation of the SFA is guided and led by the experiences of youth in Nebraska's foster care system and young adults with experience in the system, focus groups were held throughout the state during July 2015. Thirty-three young people between the ages of 14 and 24 who were involved in either the child welfare and/or juvenile justice system participated in four focus groups in Lincoln, Fremont, Curtis and the Youth Rehabilitation and Treatment Center (YRTC) in Geneva. The youth and young adult focus group participants were from ten towns in Nebraska with 19 identifying as female, 11 as male and one as transgender. Of the thirty-three young people in the focus groups, thirteen had been involved in the system between five and nine years while four youth indicated they had been in the system between 15 and 19 years. Placements included foster homes, group homes, guardianship homes, with their biological families, independent living settings and at the YRTC at Geneva (see further demographics, attachment A). Young people in the focus groups were asked five questions on the provisions of the SFA that were similar to the stakeholder breakout groups mentioned above (i.e., RPPS, case planning and APPLA). Questions sought feedback on the types of activities the young people were not able to take part in, what barriers exist to these activities, those individuals who helped them access normalcy activities, how useful they would find a "bill of rights," and if they felt their voice was being heard throughout their time involved in the system (see focus group questions, attachment B).

When asked what normalcy means to them and what types activities were important to them that they did not have access to, young people often shared being told "no" or that they didn't ask to participate in them because they assumed the answer would be no. Young people also listed school activities including attending a regular school or school of their choice, graduating with their class, going on field

trips and taking senior pictures, as activities they were commonly prevented from doing. The young adults also mentioned a wide variety of extracurricular activities in which they could not participate including but not limited to: participating in sports, cheerleading, debate and other clubs, traveling with teams to camps, mission trips and competitions, and participating in other community involvement activities.

Nearly all of the young people provided feedback about not being able to spend as much time as they would like with family and friends. Time with friends included hanging out, going to sleepovers, movies, sporting events and attending school dances with friends. With frustration and strong emotions, the young people also shared stories of not being able to spend enough time with their families and to see parents and siblings, even on holidays and birthdays. Another common theme that emerged was a lack of access to opportunities to learn life skills such as having a job, taking drivers education, learning transitioning skills, having a cell phone and accessing personal documents. The barriers they faced to participating in these activities mainly came from their relationships with foster parents and caseworkers and/or were due to transportation, financial costs or lack of community resources.

Additionally, young people in the focus groups were asked if they felt a youth “bill of rights” would be helpful to them in terms of understanding and navigating the system. Many felt confusion with the system, and did not understand the court process, their options, and why they received certain placements. Some young people did not know what system(s) they were involved in, whether they were involved in the foster care or juvenile justice system. When asked in what format would be most beneficial to receive these rights, the young people indicated that they wanted them to be shared through their supportive individuals and for the information to be provided throughout their time in the system. The majority also wanted the rights information to be shared in a hard copy format that they could keep and refer back to.

When asked what rights were most important to be informed on, the young people in the focus groups identified the following:

- A right to understand the system
- A right to have their voices heard in their case
- A right to maintain family connections
- A right to access personal information
- A right to honest and clear communication
- A right to have their basic needs met
- A right to learn life skills and to successfully transition to adulthood

The main themes that emerged from the youth and young adult focus groups included:

- Youth in foster care do not have access to the same activities as their non-foster care peers. These activities are essential to development and building relationships as young adults grow and find their self-identity.

- Young people need supportive people they trust and with whom they can communicate honestly and openly. Who these supportive individuals were varied greatly for individual focus group participants.
- Lack of time spent with family and friends was echoed by nearly all of the focus group participants.
- Implementing normalcy in Nebraska will look differently depending on the placement of youth and should be implemented to include even the most restrictive placements, like the Youth Rehabilitation and Treatment Centers.
- There was enthusiasm for a foster care bill of rights that would be shared with youth in a hard copy format as a part of a meeting. There were many rights discussed that could be included in the bill of rights, but a majority of the participants expressed their need to understand how the system works.

Youth and Young Adult Survey

Coinciding with the stakeholder survey, an additional survey was created to gather further youth and young adult feedback on the stakeholder group's recommendations. Questions focused on youth's ability to participate in thirty-seven separate normalcy activities, barriers to involvement, grievance procedures, bill of rights provisions, and use of APPLA. Surveys were distributed electronically to youth serving agencies and community organizations, as well as via social media through Project Everlast (a program of Nebraska Children and Families Foundation working with system-involved youth and young adults).

Twenty-eight young people (n=28) responded to the survey, ranging in age from 15 to 37 years old with 82% between 17 and 20 years old. A majority (60% or 17 youth) were white as well as a majority identifying as women (83% or 20 youth). State ward status varied greatly, with eleven having aged out of care, six finding another form of permanency, four currently on probation, and four currently state wards. Approximately a third, or nine participants lived independently, five lived in a group setting, four with family, two in dorms, two in foster homes, and one identified as homeless.

Questions were asked about youths' ability to participate in normalcy activities and the barriers they faced related to this participation. Transportation, safety, and background check requirements constituted the most commonly listed barriers to participation in normalcy activities.

While responses ranged across all thirty-seven activities listed, options to which more than one-third of respondents identified not being allowed to participate included:

Participating in activities outside of school (e.g. music lessons, dance, etc.)	34.6%
Staying the night at a friend's house	48%
Hanging out with friends unsupervised (e.g. going to the movies, getting food, going shopping, etc.)	40%
Going on a date	57%
Attending a camp (e.g. summer camp)	48%
Being able to babysit	50%
Traveling out of the state with your foster parents	40%
Having free access to food	34%
Getting an allowance	46%
Attending school-related overnight activities (e.g. for band, a club, a sports team, etc.)	36%
Riding in cars with licensed teen drivers (your friends)	46%
Having friends sleep over at your house	52%
Going to a party with friends	65%
Having a cell phone	46%
Learning/practicing to drive (legally)	39%
Spending unsupervised time with siblings	35%

Participants were also asked to list important components of culture that should be considered in normalcy activities. All answers centered on a need to understand the unique characteristics, values, morals, and living situation of each young person. This focus on individuality mirrors results from the youth focus groups and from the feedback provided by young people present at the two SFA stakeholder meetings.

Additional youth and young adult survey results are included in the sections below with the corresponding recommendation and stakeholder survey responses.

Overall, this additional round of youth voice underscored a number of themes that arose in the focus groups and from the youth present at the stakeholders meetings. It became clear that individuality, access to information, opportunities for supported and safe risk-taking, and a desire to just be a teenager are essential take-aways as implementation of the SFA continues.

For additional input from young adults formerly in foster care nationally, see the SFA implementation recommendations and survey feedback from The National Foster Care Youth and Alumni Policy Council (NFCYAPC) (see recommendations, attachment C). In this document, the NFCYAPC states the importance that, “many of the provisions of the legislation [SFA] originated from or included the voice of youth, and that youth voices continues to be heard in the implementation of this important legislation.”¹⁷

Nebraska Foster and Adoptive Parent Association Survey

A survey created and shared by the Nebraska Foster and Adoptive Parent Association (NFAPA) was taken by 33 foster parents in Nebraska to further inform the recommendations process. These results are included in attachment D.

Nebraska Federation of Families for Children’s Mental Health Focus Group

Additionally, the Nebraska Federation of Families for Children’s Mental Health is holding focus groups with biological family members. Details on these focus groups are included in attachment E.

Child Welfare Stakeholder Survey

An online survey was sent out to a broad range of child welfare stakeholders across the state. The survey including 17 questions, the majority on the Likert scale, asking respondents to agree or disagree with the initial recommendations and remaining issues identified by the stakeholder group. Two hundred and six individuals (n=206) responded to the survey, with representation from across the state. The respondents included:

- Attorney/guardian ad litem (28 - 16%)
- Judge (6 - 3.4%)
- CASA volunteer (9 - 5.1%)
- Parent (12 - 6.9%)
- Foster parent (23 - 13.1%)
- Caseworker DHHS (4 - 2.3%)
- Caseworker NFC (7 - 4%)
- Supervisor DHHS (3 - 1.7%)
- Supervisor NFC (7 - 4%)
- Administrator DHHS (3 - 1.7%)
- Administrator NFC (4 - 2.35%)
 - Or total DHHS and NFC Staff (including caseworkers, supervisors and administrators (28 - 16%)
- Probation officer (1 - 0.6%)
- Foster Care Review Office local board member (4 - 2.3%)
- Foster Care Review Office staff (2 - 1.1%)
- Other (82 - 46.9%) – including nonprofit service providers, educators, social workers, mental and behavioral health professionals, staff of child advocacy centers, adoption support staff, and other providers and advocates for families and children in care

Stakeholder Recommendations

This section provides additional applicable details related to the requirements and opportunities within each of the provisions of the SFA examined in this report and through the stakeholder process. Following the SFA overview for each provision, this section summarizes stakeholder recommendations from the facilitated stakeholder meeting as well as results from the stakeholder survey and additional results from the youth and young adult survey. While the same general topics were discussed among the stakeholder group and included in the surveys, the exact same

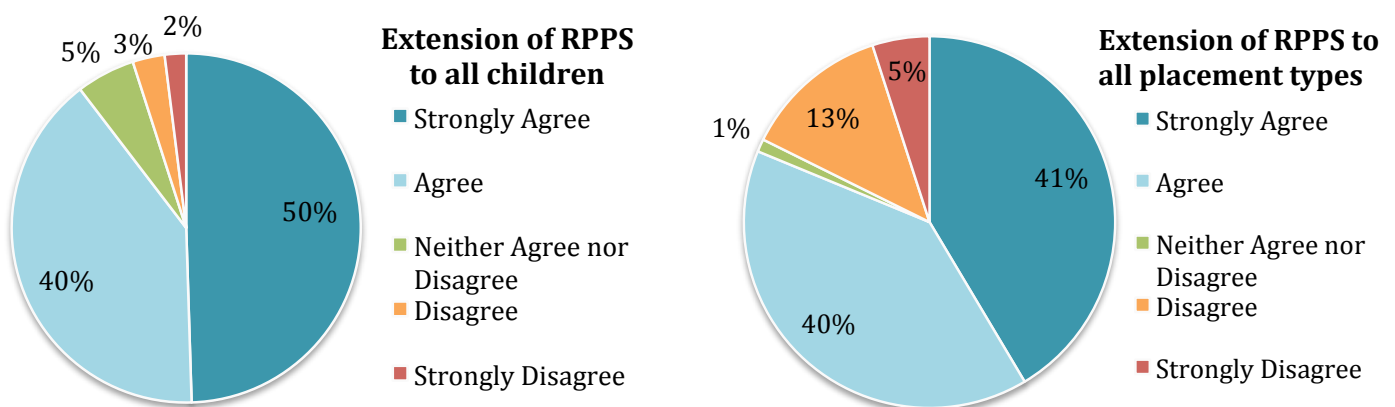
questions were not asked of all three groups (see attachments F, G, and H). In addition, in some cases, the recommendations varied somewhat between the groups. Therefore, the section below summarizes the results for each of the three groups (the stakeholder group, the stakeholder survey and the youth survey) separately within each topic as applicable.

Normalcy and Reasonable and Prudent Parent Standard

The Reasonable and Prudent Parent Standard establishes a new guideline allowing foster parents and designated caregivers to use their best judgment in determining what age- and developmentally- appropriate activities youth in their care may participate in.

Application of RPPS to all children

As noted previously, under the SFA, the RPPS applies only to children in foster family homes and childcare institutions. “Child care institution” is the federal term for group homes and other congregate care settings with less than 25 children licensed by the state.¹⁸ The stakeholder group recommended the RPPS should be applied to *all* children (including dependent or delinquent, status offense, and mental health) in any placement or level of care in state statute. The feedback from the stakeholder survey strongly mirrored this recommendation. Nearly ninety percent (89.6%) of respondents strongly agreed or agreed that the RPPS should be implemented in Nebraska for all children and youth (i.e, not only youth who came into care because of abuse/neglect, but also youth who came into care because of delinquency, status offence or because of mental health issues). A smaller majority, 73.1% strongly agreed or agreed that the RPPS should be applied to all placements and levels of care, including youth in locked detention center and in substance abuse or mental health treatment facilities. Only 15.9% disagreed or strongly disagreed with this recommendation.



The young adult survey echoed this recommendation, with every youth respondent agreeing that the SFA provisions on normalcy should apply to children and youth with all types of cases.

Right to RPPS

Under the federal law, the term “age- or developmentally-appropriate” means “activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally-appropriate for a child, based on development of cognitive, emotional, physical and behavioral capacities that are typical for an age or age group.”¹⁹ A strong majority, 90.9%, of stakeholder survey respondents agreed with the stakeholder group that Nebraska statute should state that children in foster care have the right to take part in age- and developmentally-appropriate activities. This question was not asked in the youth survey.

Qualifications for designated decision maker

As noted above, the SFA requires that contracts with child care institutions (such as group homes) must contain the requirement that each facility always has an on-site individual who can act as a “reasonable and prudent parent” to make decisions.²⁰ The stakeholder group was asked to make a recommendation regarding any qualifications that should be required for these designated decision makers in congregate care settings. The stakeholder group recommended that DHHS policy state that the designated RPPS decision maker must know the child and/or have access to their information, and must have received training on the RPPS. This question was not asked in the stakeholder or youth survey.

Types of activities

As mentioned previously, strong feedback was gathered from young people about the types of activities that are important to them and to which they often they did not have access. As mentioned above, these activities generally fell into categories such as school, extracurricular activities, spending time with family and friends, and activities to gain skills to transition into adulthood. The stakeholder group took this into consideration and recommended that there be broad categories to which the RPPS applies set forth in state statute to define the scope of the activities that the RPPS applies to and those activities and decisions that are excluded. The group also recommended that a well-represented follow-up group of youth and stakeholders should have continued discussions to further consider specific activities that might be included for regulation and policy, including a list of certain factors that a caregiver should consider in exercising the standard. This question was not asked in the stakeholder survey, but was asked in the youth survey as described above.

Cultural considerations

When asked what cultural considerations should be reflected in the recommendations for normalcy activities, responses to an open-ended question in the stakeholder survey took several different themes:

- Considerations of diversity in racial and ethnic backgrounds
- Access to religious and spiritual activities
- The cost of activities as a barrier for low-income families (and the transitions in and out of these activities that can result with reunification or a change in placement)

- Cultural considerations of Native children (especially with regard to religious beliefs, haircuts, and the importance of Tribes being consulted in the case plan)
- Gender identity and sexual orientation freedoms
- Language specific activities
- Specific dietary limitations due to beliefs, religions or personal choice

The last theme that emerged from this open-ended response to cultural considerations in normalcy activities was the concern of balancing differing cultural views from foster parents, biological parents, Tribes, and youth.

Respecting and balancing rights

Balancing the rights and wishes of all parties invested in the well-being of children and youth will be an area where strong state policy, practice and law and collaborative implementation is critical. The goal of the RPPS is to provide normalcy for children and youth, but in so doing it gives more discretion to foster parents and shifts the balance of decision-making between DHHS, foster parents and biological parents.

Considering this balance, the SFA stakeholder group recommended that Nebraska statute include a description that biological parents' legal rights are not impacted by this law, meaning a clarification that biological parents otherwise retain their constitutional rights. Additionally, 74% of survey respondents strongly agreed or agreed that Nebraska statute should include a statement that biological parents' legal rights are not impacted by the RPPS, meaning biological parents, whose rights have not been terminated, still retain their constitutional and other rights with respect to their children and that these rights and their important role must be respected. Also considering the rights of biological parents, the stakeholder group recommended that state statute specify that parents will be consulted to the extent possible about their views on participation in age-appropriate activities in the case planning processes and that this be documented by DHHS for the court. A majority of survey respondents (80.5%) also agreed with this recommendation. These questions were not asked in the youth survey.

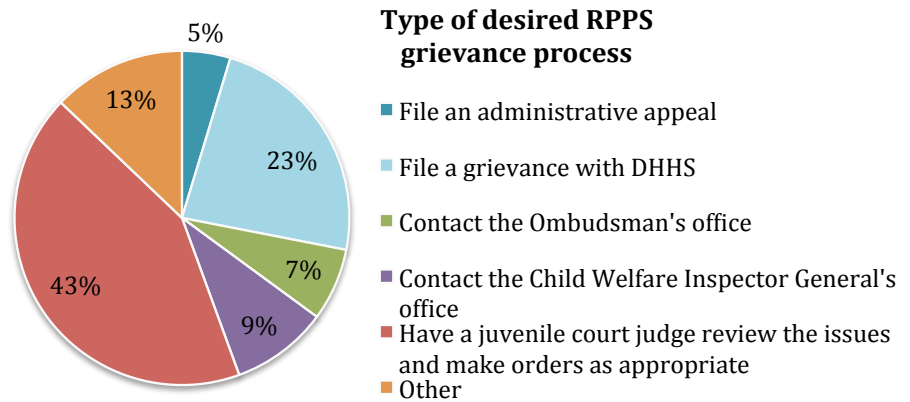
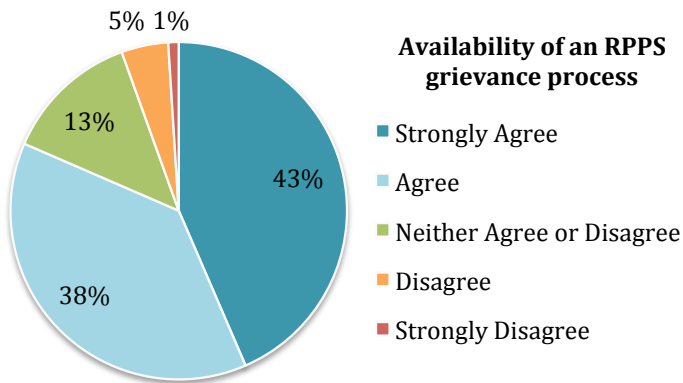
RPPS training

Training of foster parents and agency staff on the RPPS and normalcy is a key part of this process. The SFA requires that states must certify that caregivers have the skills and knowledge to use the standard.²¹ The stakeholder group recommended that DHHS regulations detail the requirement that caregivers are trained on how to exercise the RPPS and link this training to the issuance of standards and licensing and approval of caregivers of all types of foster homes (including kinship homes that are approved but not licensed, in addition to licensed homes). They also recommended that RPPS training be split into two categories under DHHS regulation, the first for those that are already licensed and approved to be trained and the second for inclusion in the existing curriculum for initial training. This should also include annual updates and someone to be identified to ensure that the training of current licensed foster parents and kinship families is completed.

Additionally, they recommended that DHHS regulations specify what must be included in the training curriculum and that there be consideration of if and how youth, caregivers, and parents will be involved in its development and roll out, and how assistance will be provided to caregivers and agencies. This question was not asked in the stakeholder or youth survey.

Grievance process for RPPS

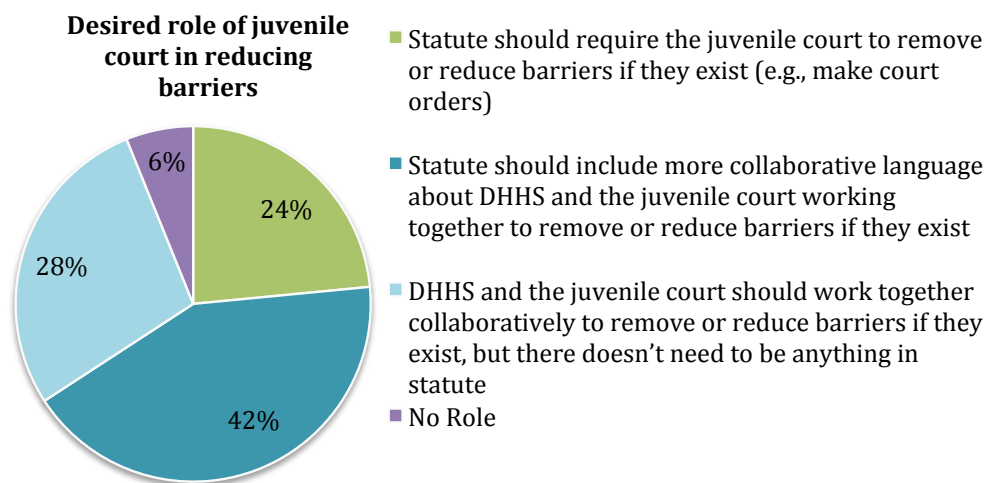
The stakeholder group recommended that youth, who feel they are not being heard or who are facing consistent disagreement about access to RPPS activities, have a grievance process available. In the stakeholder survey, 43.4% of respondents strongly agreed, and 37.8% agree there should be a grievance process in place for children and youth when the system does not meet normalcy requirements. A slight majority (43.1%) believed this process should be a juvenile court judge reviewing the issue and making orders as appropriate, while 24% of respondents indicated that grievances should be filed with DHHS.



The majority of the young people also believed that a grievance process should be available for children and youth when the system does not meet normalcy requirements. On the youth survey, they selected an administrative appeal or judicial review as the most common suggestions for such process.

To further ensure that youth have the opportunity to participate in normalcy activities, the stakeholder group discussed a potential requirement to have the court issue any orders to remove or reduce barriers to the youth's participation in age- and developmentally-appropriate activities. The stakeholder group recommended

that DHHS work more with the juvenile court system to remove or reduce barriers, but that the court not be required to issue orders. When survey respondents were asked what role the juvenile court should play in this process, the greatest number of respondents (42.3%) selected the option that state statute should include more collaborative language about DHHS and the juvenile court working together to remove or reduce barriers to youth’s participation in age- and developmentally-appropriate activities. Additionally, 28.1% believe that DHHS and the juvenile court should work together collaboratively to remove or reduce barriers if they exist, but there doesn’t need to be anything in statute and 23.4% wanted statute to require the juvenile court to remove or reduce barriers if they exist (e.g., make court orders).



Case Planning

The case planning provisions of the SFA create a more youth-driven process to improve transition planning to a successful adulthood. The SFA requires that this transition planning begin at age 14 (instead of age 16 under previous federal law) and requires that youth at this younger age be involved in the case planning process. The age was lowered to 14 and older in recognition that youth at this age can and should inform their own case planning process and that doing so can lead to better permanency outcomes and case plan compliance. It is also required that youth are given the option to select up to two members of the case planning team. These members are chosen by the youth but cannot be a foster parent of, or a caseworker for, the youth. One of these individuals may be designated as the child’s advisor and as necessary, advocate, with respect to the application of the RPPS and for the child on normalcy activities. The SFA allows the state to reject an individual who is selected by the child if they have good cause to believe the individual would not act in the best interests of the child. The SFA also requires that this case plan, developed in consultation with the youth, must also describe the services needed for the youth to transition to “a successful adulthood,” previously called “independent living.”²²

Participation in case planning for younger children

The stakeholder group recommended that youth of all ages (not just 14 and older as the SFA requires) be offered, in a developmentally appropriate manner, the *opportunity to be consulted* in the development of their case plan. However, the stakeholder group did not think that involving youth of all ages in case planning should be *required*. This question was not asked in the youth or stakeholder survey.

Documentation and court oversight of youth involvement in case planning

The stakeholder group also recommended that the case plan should document *how* the youth participated in the case planning process, but the stakeholder group did not recommend that this documentation be a required part of the case plan. A large majority (90.7%) of stakeholder survey respondents strongly agreed or agreed that the case plan should document how the youth participated in the development of the plan.

While the stakeholder group did not recommend *requiring* that the case plan document *how* the youth participated in case planning, the stakeholder group did recommend requiring that the case plan document *what efforts were made to engage the youth* in case planning and 90% of stakeholder survey respondents agreed with this. The stakeholder group also recommended that state statute require the juvenile court to ask the youth if they participated in the development of the case plan and have statute require that the court make findings on whether the youth was involved in case planning. Seventy-nine percent of stakeholder survey respondents agreed that the juvenile court should ask the youth if they participated in the development of their case plan and make findings about whether they were involved in case planning. These questions were not asked in the youth survey.

Youth Notice of Rights

Beginning at age 14, the state must document in the case plan, along with the youth's signature, that they have been provided a list of their rights, or a "bill of rights" that is explained to them in a developmentally-appropriate way. The rights that must at least be provided to the child include rights with respect to education, health, visitation, court participation, and the right to be provided with their credit report and assistance in repairing any problems, and to be provided with a copy of their birth certificate, social security card, health insurance information, medical records and State ID or driver's license, as well as the right to stay safe and avoid exploitation.²³

Notice of rights to younger children

The stakeholder group did not recommend that these rights be required to be provided to youth of all ages (only 14 and above, as the SFA requires). This was an area of disagreement between the stakeholder recommendations and the survey responses from both stakeholders and youth. The youth survey showed that 52% believed these rights should be available and explained to all youth in foster care. Nearly 81% of those who replied to the stakeholder survey agreed that the SFA requirement that youth age 14 and older should be provided with a specific list of

rights, should be extended to youth younger than 14 as well. But there was not a strong agreement as to the age cutoff for this. Of stakeholder survey respondents, 29.7% believed rights should be provided to youth 12 years and older, 28.5% selected 10 years and older and 18.4% selected 8 years and older. Additionally, 15.8% believed the rights should be shared with youth of all ages.

Notice of additional rights

The stakeholder group recommended that the notice of rights should include all rights under state and federal law, not just those enumerated in the SFA. The stakeholder survey respondents were in agreement with this recommendation, with 77.1% agreeing that this list of rights should not be limited to what is required by the SFA. Nearly all of the youth survey respondents (96% or twenty-two young people) also believed that all rights should be included.

Enforcement of youth rights

An area of disagreement surrounds an enforcement mechanism for these rights. The stakeholder group did not recommend that there be an enforcement mechanism in statute or otherwise to enforce these rights, although some stakeholders thought there were existing mechanisms in place. However, the majority of stakeholder survey respondents (86.6%) and the majority of the youth survey (87%) indicated that there should be an enforcement mechanism for these rights, meaning a way for youth to challenge it if they think these rights have been violated (such as through an administrative appeal, review by a juvenile court, or others).

Another Planned Permanent Living Arrangement

The SFA directs states to eliminate the use of Another Planned Permanent Living Arrangement (APPLA) for youth under age 16, or independent living in Nebraska.²⁴ However, for youth ages 16 or older (who under the SFA *may* still have a plan of APPLA), the SFA puts in place additional mechanisms to ensure permanent connections and support are still pursued.²⁵ These are more specifically described below within each recommendation.

Eliminating APPLA for all youth

When considering the extension of this provision to eliminate the use of APPLA for *all* youth (i.e., also eliminate APPLA for youth ages 16-19), the stakeholder group and survey respondents did not recommend this. A majority (63.4%) of the survey respondents agreed that APPLA should *not* be eliminated for youth 16 and older. Of the 36.1% of the survey respondents that *did* believe APPLA should be eliminated for older youth, 32 respondents or 42.7% believed it should be eliminated for youth of all ages.

Responses on this question were nearly split in the youth survey. Forty-three percent (or 10 young people) felt casework should be done to reach permanency, rather than independent living at all ages. Another thirty-nine percent (or 9 young people) felt that APPLA should remain a permanency plan option for those 18 and 19 years of age. Youth were asked to explain their response. Some felt freedom was

important, especially for those that were ready to “be on their own.” Others recognized a need for dual planning, where youth learn independent living skills, while permanency is sought. A need to ensure that DHHS and foster parents would “be the parent to us as you would your own children” by never giving up on a youth was expressed by a few voices. Finally, the importance of individuality was emphasized in some answers.

Efforts for older youth with plans of APPLA

Establishing supportive connections

The stakeholder group recommended redefining the fifth permanency plan option as “APPLA with a significant supportive connection to an identified adult willing to be consistently involved in the youth’s life as the youth transitions to adulthood that is formalized and approved by the court,” in order to ensure that all youth have a support system. Additionally, the stakeholder group recommended that, as part of DHHS policy, the individuals identified as supportive connections should formalize the type of relationships they will have with the youth through the case plan and that each case plan should describe the services that the agency will provide to assist in maintaining the relationship. These questions were not asked in the stakeholder or youth survey.

Court oversight of permanency for youth age 16 and older

The SFA requires that, for youth ages 16 and older, the juvenile court make findings that the agency has made “intensive, ongoing, and unsuccessful efforts” to achieve more preferred permanency objectives, such as reunification, adoption or guardianship.²⁶ The stakeholder group considered whether Nebraska should go beyond the federal law and require the juvenile court to make findings about the specific permanency services that were provided to be sufficient. However, the stakeholder group declined to recommend that the juvenile court make findings about specific services. This question was not asked in the stakeholder or youth survey.

The SFA also requires that the juvenile court ask youth 16 and older about his or her desired permanency plan if the proposed plan is APPLA.²⁷ The stakeholder group considered whether Nebraska should go beyond federal law and require the court to inquire of all children as to their desired permanency plan. The stakeholder group declined to make this recommendation. However, 68.5% of stakeholder survey respondents thought that the juvenile courts should be required by statute to ask children and youth of all ages their desired permanency plan. For the 31.5% that did not believe that children of all ages should be asked, 34.4% (44 individuals) selected 14 and older, 22.7% (29 individuals) selected 12 and older, and 22.7% (29 individuals) selected 10 and older. This question was not asked in the youth survey.

Court oversight of RPPS within permanency reviews

The SFA also requires that, for youth who have a plan of APPLA (i.e., only youth ages 16 and older), the juvenile court make findings of the steps being taken to assure

that the caregiver is following the RPPS and that the youth has regular, ongoing opportunities to engage in age- or developmentally-appropriate activities.²⁸ The stakeholder group recommended requiring these inquiries and findings for *all* youth regardless of permanency plan or age. A strong majority of the stakeholder survey respondents (83.5%) agreed that Nebraska statute should require these court findings regarding normalcy are made for all children, regardless of age and regardless of their permanency plan. The youth survey respondents also agreed (79%) that juvenile courts should ensure that youth of all ages are getting normalcy experiences.

Pre-Discharge Documents

As a part of the case review system, the SFA requires that agencies provide youth leaving care at age 18 or older (who have been in foster care for at least six months) the following: birth certificate, social security card, health insurance information, medical records and state ID or driver's license.²⁹

The stakeholder group recommended requiring a more comprehensive "discharge packet" to be shared with youth that will include the documents mandated by the SFA, but also additional information on siblings, relatives, after-care services and benefits and on the opportunity to re-enter care (the Bridge to Independence program). Lastly, the stakeholder group recommended that the case plan document that the youth has received these documents and that juvenile court make a finding at the last court review before discharge that the youth had access to the required documents before the youth's case can be dismissed. The stakeholder group determined that this should be an area for additional workgroup discussion, as to which additional documents might need to be included in a discharge packet, such as paperwork regarding citizenship and immigration status. There were no questions regarding pre-discharge documents in the stakeholder or youth survey.

Summary of Recommendations

The following is a summary of the recommendations where there was consensus identified through this process and among the stakeholder group and the stakeholder and youth surveys.

Reasonable and Prudent Parent Standard (RPPS)

- The RPPS and normalcy should be applied to all children and youth (including those in the system due to child welfare, juvenile justice, status offense or mental health) in all placements and levels of care.
- Nebraska statute should state that children in foster care have the right to take part in age- and developmentally-appropriate activities.
- A grievance process should be available for youth who feel they have not been heard or are facing consistent disagreement about normalcy activities.
- DHHS and the juvenile courts should work collaboratively to remove or reduce barriers to youth's participation in age- and developmentally-appropriate activities.

- Nebraska statute should include a description that the legal rights of biological parents are not impacted by the RPPS (meaning parents whose rights have not been terminated still retain their constitutional and other existing rights with respect to their children and that those rights and their important role must be respected).
- Nebraska statute should require the juvenile court to provide oversight (i.e., make court findings) to ensure that, for all youth (not just those age 16 and older, as required by the SFA), the caregiver is following the RPPS and that the youth has regular, ongoing opportunities to engage in age- or developmentally-appropriate activities.

Youth Notice of Rights

- The notice of rights to youth should include all rights under state and federal law, not just those enumerated in the SFA.

Case Planning

- The case plan should document *what efforts were made* to engage the youth in case planning (this should be required to be documented) and *how* the youth participated in the case planning process (but this should not be required to be documented).
- Nebraska statute should require the juvenile court to ask the youth if they participated in the development of their case plan and make findings about whether they were involved in case planning.

There was also consensus around ensuring older youth that still have a permanency plan of APPLA have supportive connections and requiring a more comprehensive “discharge packet” of documents and having the juvenile court provide oversight to make sure the youth has received pre-discharge documents before the case is closed.

Next Steps

The stakeholder group suggested several areas where further workgroup consideration is needed, including addressing the following issues:

- Research any increase in funding that is needed to meaningfully facilitate the participation of children in activities. This should include a discussion of increasing access to already available resources and developing additional resources to provide more access to normalcy activities for youth in foster care.
- Develop training on the reasonable and prudent parent standard, including the necessary stakeholders to be involved in the creation of training content, a structure for ensuring existing foster parents and staff at child care institutions are trained, and that the training is incorporated into the training for new foster parents and staff.
- Further develop a foster care, and possibly a juvenile justice, “bill of rights” through a young adult-driven process to ensure that the rights enumerated

within in the SFA, as well as others under state and federal law, are presented to youth in the system in a way that is developmentally-appropriate.

There is also a need to further discuss and develop additional details regarding the recommendation that the RPPS and normalcy should be applied to all children and youth (including those in the system due to child welfare, juvenile justice, status offense or mental health) in all placements and levels of care. For instance, one issue to be considered is that in the juvenile justice and mental health systems, parental rights are not impacted in the same manner as they are in the child welfare system, and therefore the authority of the state and placements regarding decision-making in these cases is also different. However, there is a need for these other systems and levels of care to also implement normalcy practices and standards, because of the important role of normalcy in development. There was strong consensus around this recommendation and as a result stakeholders will need to further develop the recommendation about what this should look like.

The full stakeholder group and smaller workgroups will be meeting in the coming months to consider these and other issues. There will also be consideration of how the stakeholder group, with young people at the forefront, can continue to monitor implementation and improve normalcy for youth in foster care going forward in Nebraska.

Conclusion

The Strengthening Families Act provides an important opportunity for children and youth in foster care. The recommendations in this report are the result of input of young people with foster care experience and a broad range of stakeholders. In Nebraska, implementation has already begun and we have a number of best practices already in place. But there is more work to be done including amending Nebraska law, policy and practice, to fully implement the SFA to ensure that Nebraska kids in foster care can be kids.

-
- ¹ Promoting Normalcy for Children and Youth in Foster Care, Jennifer Pokempner, Kacey
- ² *Id.* at 5.
- ³ *Id.* at 5.
- ⁴ Promoting the Development of Resilience Among Young People in Foster Care, Jim Casey Youth Opportunities Initiative, (2006), *available at* <http://www.jimcaseyyouthengagement.org/sites/default/files/documents/Issue%20Brief%20-%20Resilience.pdf>.
- ⁵ P.L. 113-183.
- ⁶ Implementing the Preventing Sex Trafficking and Strengthening Families Act (P.L 113-183) To Benefit Children and Youth, Children’s Defense Fund, Child Welfare League of America, First Focus, Generations United, Foster Family-based Treatment Association and Voice for Adoption, (2014), *available at* <http://www.childrensdefense.org/library/data/implementing-the-preventing.pdf>.
- ⁷ 42 U.S.C. 675(10)(A).
- ⁸ 42 U.S.C. 675(10)(B); 42 U.S.C. 671(a)(10).
- ⁹ 42 U.S.C. 671(a)(10)(C); 42 U.S.C. 671(a)(24)(C).
- ¹⁰ 42 U.S.C. 675(5)(C)(i).
- ¹¹ *See* P.L. 113-183, Sec. 112.
- ¹² *See* P.L. 113-183, Sec. 113.
- ¹³ 42 U.S.C. § 675a(b).
- ¹⁴ *See* P.L. 113-183, Sec. 114.
- ¹⁵ Division of Children and Family Services, Protection and Safety Procedure # 28-2015, *available at* http://dhhs.ne.gov/children_family_services/Documents/PSP%2028-2015.pdf.
- ¹⁶ Division of Children and Family Services, Protection and Safety Procedure # 30-2015, *available at* http://dhhs.ne.gov/children_family_services/Documents/PSP%2030-2015.pdf.
- ¹⁷ Recommendations For Implementation of Public Law 113-183, The National Foster Care Youth and Alumni Policy Council, (November 2014), *available at* http://nfyapc.drupalgardens.com/sites/g/files/g773666/f/201501/Public%20Law%20113_183%20Recommendations_0.pdf.
- ¹⁸ 42 USC 672(c)(2).
- ¹⁹ 42 U.S.C. 675(11)(A).
- ²⁰ 42 U.S.C. 671(a)(10).
- ²¹ 42 U.S.C. 671(a)(24)(C).
- ²² *See* P.L. 113-183, Sec. 113.
- ²³ 42 U.S.C. § 675a(b).
- ²⁴ 42 U.S.C. 675(5)(C)(i).
- ²⁵ *See* P.L. 113-183, Sec. 112.
- ²⁶ 42 U.S.C. 675a(a)(1).
- ²⁷ 42 U.S.C. 675a(a)(2)(a).
- ²⁸ 42 U.S.C. 675a(a)(3)(a) & (b).
- ²⁹ *See* P.L. 113-183, Sec. 114.

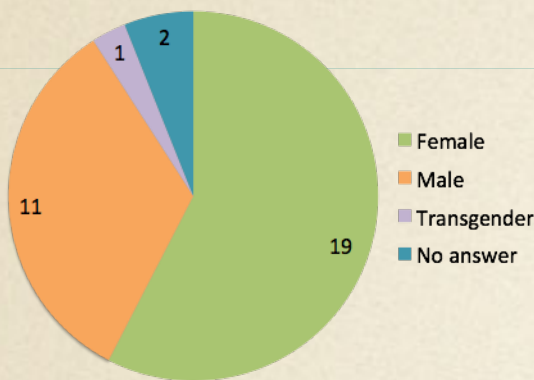
Normalcy and the Strengthening Families Act Youth & Young Adult Focus Group Results

Normalcy is a key part of the Strengthening Families Act, passed by Congress in 2014, which requires states to provide a more normal childhood experience for youth in foster care. Through statewide focus groups, young people with foster care experience voiced their opinions on what normalcy means to them.

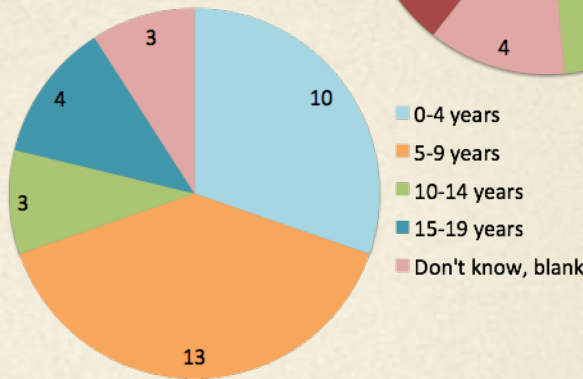
Who did we hear from?

33 young people between the ages of 14 and 24, from 10 cities in Nebraska with involvement in the child welfare and juvenile justice systems

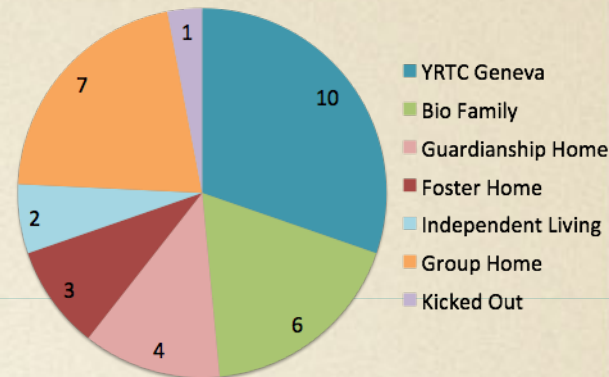
Gender



Length of system involvement





Type of placement



What did they say?

Activities young people could not do

 School - Going to a regular school or their school of choice, graduating with their class, going on field trips, and taking senior pictures

 Extracurriculars- Participating in sports, cheerleading, debate, and clubs, traveling with teams, to camps, to mission trips, and participating in other community involvement activities



Friends - Hanging out, going to sleepovers, movies, sporting events, and attending school dances



Family time - Seeing parents and siblings is often limited or not allowed, even for holidays and birthdays



Life skills - having a job, taking drivers ed, learning transitioning skills, having a cell phone, and accessing personal documents

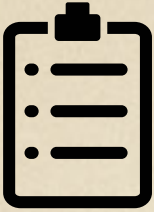


What does normalcy mean to you?

"I feel like kids in the system need more freedom. Feeling trapped can be a trigger."

"Being able to enjoy the things that everyone around me are enjoying."

Normalcy and the Strengthening Families Act Youth & Young Adult Focus Group Results



Foster care bill of rights

Nearly all of the young people participating in the focus groups felt a foster care and juvenile justice bill of rights would be beneficial. Here are some of the rights that young people identified:

- A right to understand the system
- A right to have their voice heard in their case
- A right to maintain family connections
- A right to access personal information
- A right to honest and clear communication
- A right to have their basic needs met
- A right to learn life skills and to successfully transition to adulthood

Barriers to normalcy

The young people participating in the focus group identified several barriers to normalcy that they faced when they were in the system.



Transportation



Financial costs

Lack of community resources



Foster parents & caseworkers

Main themes

1. Youth in foster care often do not have access to the same activities as their non-foster care peers. These activities are essential to development and building relationships as young adults grow and find their self-identity.
2. Young people need supportive people they trust and with whom they can communicate honestly and openly. Who these supportive individuals varied greatly for individual focus group participants.
3. Lack of time spent with family and friends was echoed by nearly all of the focus group participants.
4. Implementing normalcy in Nebraska will look differently depending on the placement of youth and should be implemented to include even the most restrictive placements, like the Youth Rehabilitation and Treatment Centers.
5. There was enthusiasm for a foster care bill of rights that would be shared with youth in a hard copy format as a part of a meeting. There were many rights discussed that could be included in this bill of rights, but a majority of the participants expressed their need to understand how the system works.

Strengthening Families Act (SFA) Young Adult Focus Group Questions

Instructions

Spending time or growing up in foster care should not make it harder to be involved in everyday childhood and teenage experiences (like field trips, sleepovers, sports, etc.). The SFA is a federal law that was passed in 2014 that does lots of things focused on keeping children and youth in foster care safe, involved in school, community and cultural activities, and prepared for the transition to adulthood. Because you know what foster care is like, we want your help!

Below you'll find questions to help make the law work in the best way possible. Your answers will be combined with everyone else's answers and presented to foster parents, policy makers, service professionals and other youth at a meeting on August 21st to help make recommendations to DHHS and the Nebraska Legislature about how Nebraska should make SFA work. Your personal answers will not be connected back to you, so feel free to be honest. **Answering any question and/or speaking during the focus group is COMPLETELY YOUR CHOICE. You can choose to skip any (or all questions) both on this handout and in the group.**

Questions

1. What does normalcy mean to you?

2. Tell me about a "normalcy" activity you wished you could have done/do?

a) What things did you want to do, but couldn't?

b) What were activities that you assumed you would be told no about participating? If yes, what were they?

3. What could your support people (caseworkers, parents, foster family, judge, GAL, etc.) do to help?

a) Who would be easiest to ask?

4. The act requires Nebraska to have a Bill of Rights for young adults in foster care. What rights should be included?

a) How should young adults learn about it?

5. Is there anything else you want to share?

**Strengthening Families Act – Youth Feedback
About You**

Age: _____

Town you live in currently: _____

1. Are you currently in foster care (a ward of the state under the legal responsibility of the Department of Health and Human Services or NFC)?
 Yes No Don't Know

2. Check your current living situation.
 Biological Family In My Own YRTC
 Adoptive Home Apartment/House Treatment Program
 Foster Home Homeless/Couch-surfing Other (please specify):
 Guardianship Home Group Home _____

3. Please check which system(s) you are (or were) involved in?
 Child Welfare Healthcare Juvenile Justice/Judiciary
 Developmental Disabilities Mental Health Other (please specify)
 Early Childhood Substance Abuse _____
 Education Vocational Rehabilitation

4. How long have you been involved, or were you involved?
 0-4 years 10-14 years 20 years or longer
 5-9 years 15-19 years

5. What is your gender?
 Male Trans or Transgender
 Female Other (please specify): _____

6. Laws, policies and programing may come about to put normalcy into action. What's the best way to keep youth informed? (check all that apply)
 Email Web Site Other (Please Specify)
 Social Media In-person Meetings _____
 Texting

7. If you said that Social Media was the best way to keep you informed which social media do you prefer? (check all that apply)
 Twitter Google+ Other? (Please Specify)
 Facebook Linked In _____
 Pinterest

8. In terms of racial background, how do you identify yourself?
 White Native Hawaiian/Pacific Islander
 African American/Black Native American/Alaskan Native
 Hispanic/Latino Other (please specify):
 Asian _____

9. In terms of your ethnicity, how do you identify yourself?
 Latino/Hispanic Non-Latino/Non-Hispanic

10. There may be opportunities to be involved. If you'd like to be involved, please list your name and contact information below.
Name: _____ Contact Information: _____



Recommendations For Implementation of 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 Recommendations to Reduce 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 recommendations from 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.

Recommendations

1. 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 speak: “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”

2. 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.

3. 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 speak: “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.”

4. 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 speak: “Providing outreach to youth as well as supportive adults allows the child welfare system to assist the youth in a more helpful way. Let's be honest, young adults in foster care are going through a lot. They are given a plethora of information from many sources. 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.”

5. 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 speak: “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 speak: "Foster youth should feel safe in knowing that their right 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."

Youth speak: "By having a reporting system not only easily accessible the youth, but to all ensures more eyes and ears will be able to make sure youth are safe. Additionally, by including youth rights in the definition of "child maltreatment," there will be an even better chance that any violation of a youth right will be reported."

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.

6. 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 Speak: "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."

7. 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 speak: "Starting the basketball Varsity team as a freshman in high school was amazing. I probably had a pretty good chance of becoming an even better player and maybe getting a scholarship. However, when I entered care at 15, the group home I was at did not allow us to play basketball or football at the local high school - which was a different school than what I originally played at when I lived at home. Blanket rules against continuing with activities that a youth may use as a coping mechanism leads to more harm than good. 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."

8. 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 speak: "The standard needs to allow for discretion, so that the foster parent can parent in a way that provides the most "normalcy" for the individual youth. I remember at my first meeting with the policy council we tried to explain to Bryan Samuels why normalcy is so important, and he very tactfully pointed out that "normalcy" is different for everyone. For him, it was a boarding school growing up with structure, school uniforms, etc. For me, it meant 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 recommendations, 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.

9. 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.

10. 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.

Acknowledgements

Members of the council that led the work in developing these recommendations include: Vivian Dorsett, Chelsea Faver, and Charlie McNeely. Staff support includes: Jamie Hinsz, Alex McFarland, and Celeste Bodner (FosterClub).

About the Council

The National Foster Care Youth and Alumni 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. Advisory organizations include the Congressional Coalition on Adoption Institute, Foster Care to Success, Jim Casey Youth Opportunities Initiative, National Foster Youth Action Network, Young Adult Training and Technical Assistance Network (a project of the National Resource Center for Youth Development), and Youth Communications.



The Nebraska Foster and Adoptive Parent Association

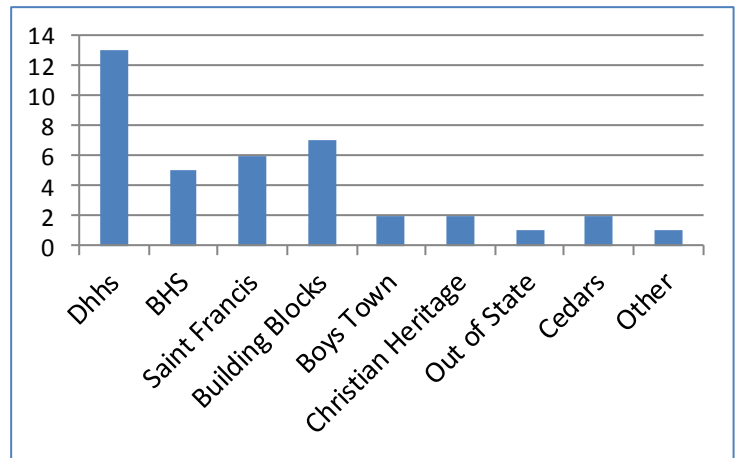
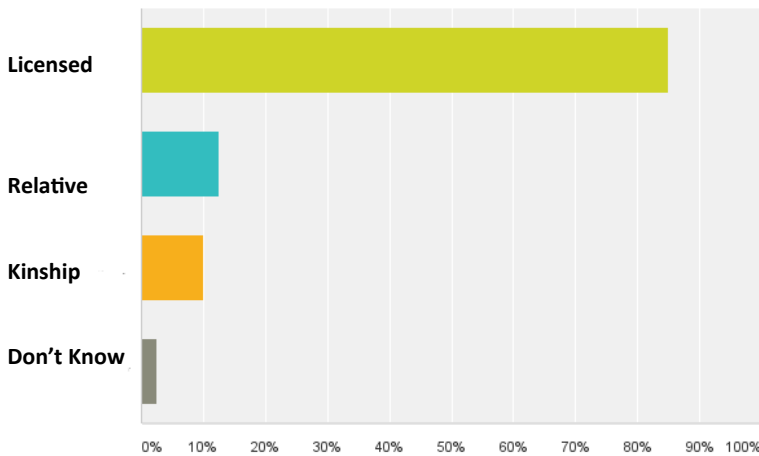
D

Strengthening Families Act Foster Parent Survey Results

This survey was conducted by NFAPA to gain valuable insight on what normalcy means to foster families in Nebraska and gather feedback on the Strengthening Families Act. There were a total of 40 respondents but not every respondent answered every question.

What type of foster family are you?

Answered: 40 Skipped: 0

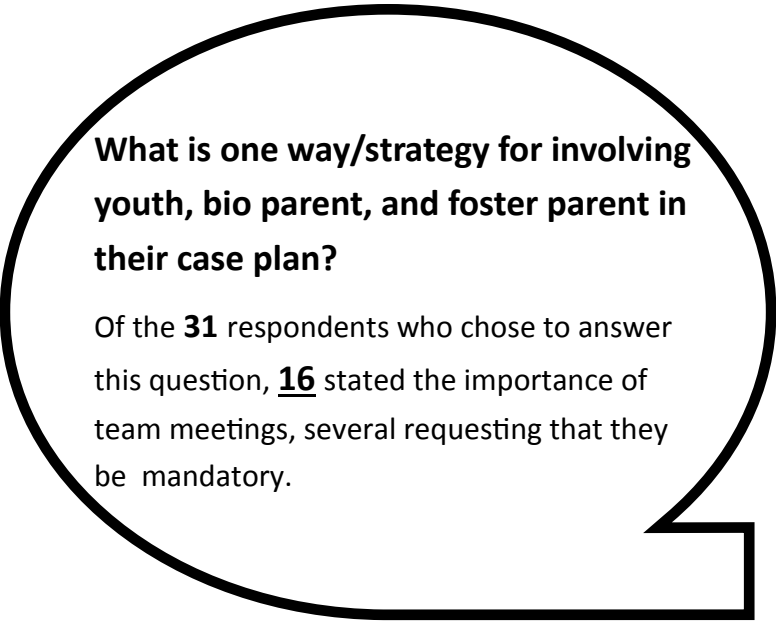


How do foster families define normalcy?

- Consistency and stability
- Routines and structure
- Healthy relationships
- “Being able to do things others are doing within reason”
- Having a family that cares

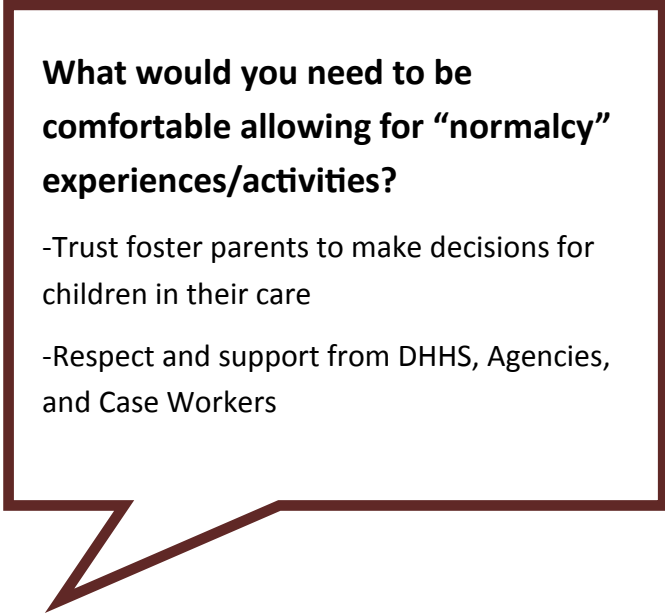
What are some “normalcy” activities that foster children wished they could do?

- Group sports
- School activities
- Sleepovers (without background checks)
- Family vacations and travel
- Musical events/band
- Get a haircut
- Be in family photos
- Summer Camp



What is one way/strategy for involving youth, bio parent, and foster parent in their case plan?

Of the **31** respondents who chose to answer this question, **16** stated the importance of team meetings, several requesting that they be mandatory.



What would you need to be comfortable allowing for “normalcy” experiences/activities?

- Trust foster parents to make decisions for children in their care
- Respect and support from DHHS, Agencies, and Case Workers

Other comments from Foster Parents:

- “Respect the foster parent, make them feel appreciated, don't undermine their position with the child.”
 - “Many of my foster children were/are able to participate in activities. Barriers include conflict with therapy appointments, transportation, cost, and on occasion the bio parent.”
 - “They are a part of our family while they live in our homes, they should be included in family pictures.”
 - “If a teen doesn't want to see their parent, help for them with counseling to find out why, and allowing the child to be able to make some of those decisions.”
 - “I wish some process weren't such a waiting game”
-



Strengthening Families Act Focus Groups

The Nebraska Federation of Families for Children's Mental Health conducted Bio-Parent Focus Groups of parents that have experience in our child welfare system. The primary purpose was to obtain in-depth understanding of questions and concerns regarding the Strengthening Families Act.

In preparation of the focus groups, a team of family members were recruited to review SFA information and develop an effective process and questions that could extricate meaningful conversation intending to enhance the implementation of the Strengthening Families Act.

SFA focus group includes;

- 👉 Presentation of SFA implementation on Nebraska utilizing Power Point presented at the initial SFA stakeholders meeting
- 👉 The handout includes the following information;

Overview

Often times when new laws or policies are developed for families, the focus is on the children and/or youth involved and the input of parents is not always integrated into the same language. A federal law, The Strengthening Families Act, passed by the U.S. Congress in 2014, seeks to address a need for "normalcy" for youth and young adults in foster care. Additionally, this provides Nebraska parents an opportunity to share their input on how to best implement some key areas of the law. The three areas of focus we would like parent input on are as follows:

- 1) Standards allowing foster parents to make parental decisions that maintain the health, safety, and best interest of the child and decisions about extracurricular, enrichment, cultural and social activities.
- 2) Identification of the term "normalcy" for parents and their children/youth and how that translates between out-of-home placement and living at home.
- 3) Case Plan development and maintenance for youth ages 14 years and older and how parents remain involved in the planning process for their youth.

Focusing on normalcy, many child welfare advocates, service providers, policy makers and state officials are working together with young adults and parents to learn about these barriers in foster care and to create policy recommendations as Nebraska puts into place the parts of the Strengthening Families Act in the upcoming months. We want to ensure that the most important voices, those of parents and their young adults in foster care, are able to share their experiences to inform this process...so we need your help!

In your personal experience having your child(ren) placed in foster care or out-of-home care:

1) Supporting Normalcy for Children in Foster Care (Sec. 111) of the Strengthening Families Act, requires states to implement standards that would allow foster parents to make parental decisions that maintain the health, safety, and best interest of the child and also decisions about the child's participation in extracurricular, enrichment, cultural and social activities.

a. Knowing this law will allow foster parents to make some of these decisions, how do you feel parents should be involved in these kinds of decision?

2) The act defines normalcy as the opportunity for children and youth in an out- of-home placement to participate in and experience age and culturally appropriate activities, responsibilities and life skills that promote growth and development. As parents we know that each or our families have different kinds of "normal".

a. How important do you think it is for each family's perception of "normal" to be individually defined?

b. If asked by a caseworker, how would you define normalcy within your own family in a way that they could translate to the out-of-home placement for your child?

3) The Act seeks to ensure young people have access to enrichment activities that help them grow. Do you think there is any impact on parents that cannot sustain the cost of activities upon the child's return home?

a. How do you think these opportunities for young people can be feasibly replicated upon return home?

4) The act requires Nebraska to have a Bill of Rights for young adults in out-of-home placement. There is not language about a Bill of Rights for biological parents at this point.

a. Do you think a parental bill of rights would be helpful in the implementation of this act?

b. If so, what types of rights do you think parent should have when it comes to their child being involved in activities, enrichment, cultural and social activities?

5) Youth in foster care who are ages 14 and older are allowed to help develop their own case plan – and any revision to the plan.

a. As a parent, are there ways in which you would want to have input on this process? If so, what might that input include?

6) The Strengthening Families Act will play a significant role in out-of-home placement and will require Nebraska to create policies and plans in order to implement.

a. How do you think parents could/should be involved in that process?

7) Is there anything else you want to share?

The discussion includes solicitation of suggestions as to how the information shared could be enhanced.

A minimum of seven focus group sessions are being conducted. The locations of the focus groups are Omaha, Lincoln, Norfolk, Kearney, North Platte and Scottsbluff assuring that we have representation statewide. Prospective participants are screened to ensure that they have personal experience with our child welfare system

A summary of the findings from these focus groups will be shared with the SFA stakeholders group when completed.

Strengthening Families Act: “Normalcy”

****Please note that the federal requirements are in bold in the chart and have (Fed. Req.) following them.**

Options	Check if option rec'd by group	Rationale for Selected Option	Other Key Considerations (e.g., any changes to options as stated, whether a statutory or regulatory change is needed, success factors, key partners)
<p>N1. Implement the reasonable and prudent parent standard (RPPS) for all caregivers in out of home placement settings. Caregivers include designated individuals at child care institutions. (Fed Req.)</p>			
<p>N2. Define the scope of the activities that the RPPS applies to in terms of categories of activities.</p>			
<p>N3. Require that regulation or statute provide more detail on the scope of the activities covered by the RPPS as well as an activities or decisions that are excluded.</p>			
<p>N4. List the factors that a caregiver should consider in exercising the standard in statute.</p>			
<p>N5. Describe in statute that parents’ legal rights are not impacted by this law.</p>			
<p>N6. State in statute that parents will be consulted about their views on participation in age appropriate activities in the case planning processes and that this be documented by the state agency for the court.</p>			

Strengthening Families Act: “Normalcy”

****Please note that the federal requirements are in bold in the chart and have (Fed. Req.) following them.**

N7. State in statute that children in substitute care have the right to take part in age and developmentally appropriate activities.			
N8. State in statute that the child welfare agency has an obligation to promote and facilitate the participation of children in substitute care age and developmentally appropriate activities.			
N9. Address any increase in rates of need for funding that is needed to meaningfully facilitate the participation of children in activities, or ask that this issue be studied for recommendations for funding in a specific amount of time.			
N10. Requires that caregivers are trained in the how to exercise the RPPS and link this training to the issuance of standards and licensing of caregivers. (Fed. Req.)			
N11. Connect training on RPPS to existing curriculum and training requirements or develop separate process.			
N12. Specify in statute or regulation what must be included in the training curriculum, if and how youth, caregivers, and parents will be involved in its development and roll out, and how TA will be provided to caregivers and agencies.			

Strengthening Families Act: “Normalcy”

****Please note that the federal requirements are in bold in the chart and have (Fed. Req.) following them.**

<p>N13. As a condition of contracting with a child care institution, there must be at least one individual on-site who is designated to be the caregiver authorized to exercise the RPPS and is provided the same training for all caregivers. (Fed. Req.)</p>			
<p>N14. Describe any qualifications for an individual who can be designated as the decision maker.</p>			
<p>N15. Specify any additional factors or requirements that may need to be put in place for the RPPS to be exercised in group care.</p>			
<p>N16. Implement policies related to the liability of “foster parents and private entities under contract by the State” when a child participates in an activity where the caregiver appropriately exercised RPPS. (Fed. Req.)</p>			

Strengthening Families Act: “Normalcy”

****Please note that the federal requirements are in bold in the chart and have (Fed. Req.) following them.**

N17. For youth with the plan of APPLA, the court must make findings of the steps that are being taking to assure that the caregiver is following the reasonable and prudent parent standard and that the youth has regular, ongoing opportunities to engage in age or developmentally appropriate activities. (Fed. Req.)			
N18. Require the above inquiries and findings for all youth regardless of permanency plan and age.			
N19. Require that the court issue any orders to remove or reduce barriers to the youth’s participation in age and developmentally appropriate activities.			

Strengthening Families Act: Case Planning
(including youth participation, list of rights, and discharge documents)

****Please note that the federal requirements are in bold in the chart and have (Fed. Req.) following them.**

Options	Check if option rec'd by group	Rationale for Selected Option	Other Key Considerations (e.g., any changes to options as stated, whether a statutory or regulatory change is needed, success factors, key partners)
CP1. Transition planning to a successful adulthood must begin at age 14. (Fed. Req.)			
CP2. The case plan must be developed in consultation with a youth 14 or older. (Fed. Req.)			
CP3. Require that youth of all ages, or some designated age, be consulted in the development of the case plan.			
CP4. Require that the case plan document how the youth participated in the case plan.			
CP5. Require that the case plan document what efforts were made to engage the youth in case planning.			
CP6. Require that the court make findings whether the youth was involved in case planning.			
CP7. Require that the court ask the youth if they participated in development of the case plan.			
CP8. Document in the case plan that the youth 14 or older has been provided the opportunity to identify two advisors to participate in case planning, and the opportunity to identify at least one of those advisors as advocates on normalcy issues. (Fed. Req.)			

Strengthening Families Act: Case Planning
(including youth participation, list of rights, and discharge documents)

****Please note that the federal requirements are in bold in the chart and have (Fed. Req.) following them.**

<p>CP9. Provide the youth a list or rights and document in case plan (by the youth’s signature) that a youth 14 and older has been provided a copy of his/her rights and explained them in an age-appropriate way.</p> <p>The list of rights must at least include the following areas:</p> <ul style="list-style-type: none"> *Education *Health *Visitation *Court participation *Right to be safe and avoid exploitation *Discharge docs now required by SFA (see above) <p>(Fed. Req.)</p>			
<p>CP10. Require that youth of all ages, or some designated age younger than age 14, be provided a list of rights.</p>			
<p>CP11. Develop a youth in care “Bill of Rights” that includes all rights under state and federal law, not just those enumerated in the SFA.</p>			
<p>CP12. Include an enforcement mechanism in statute or otherwise</p>			

Strengthening Families Act: Case Planning
(including youth participation, list of rights, and discharge documents)

****Please note that the federal requirements are in bold in the chart and have (Fed. Req.) following them.**

<p>CP13. That a youth who is discharging from the child welfare system at age 18 or older receives the official copy of the following: *Birth Certificate *Social Security Card *Health insurance info *Medical Records *Driver’s license or state ID</p>			
<p>CP14. Require that a more comprehensive “discharge packet” be provided youth before they age out (the packet could include info about siblings and relatives, info about after care services and benefits, the opportunity to re-enter care if available, etc.) and be more specific about certain services (e.g., what does “health insurance information” entail, what immigration assistance or information is needed for undocumented youth, etc.)</p>			
<p>CP15. Require that the case plan/transition plan document that the youth has received these documents.</p>			
<p>CP16. Require that the court makes a finding at the last court review before discharge that the youth has the required documents before the case can be discharged.</p>			

Strengthening Families Act: APPLA

****Please note that the federal requirements are in bold in the chart and have (Fed. Req.) following them.**

Options	Check if option rec'd by group	Rationale for Selected Option	Other Key Considerations (e.g., any changes to options as stated, whether a statutory or regulatory change is needed, success factors, key partners)
A1. Prohibit APPLA for youth under age 16 (Fed Req.)			
A2. Eliminate APPLA for all youth in care 0-21.			
A3. Eliminate APPLA for youth under age 18.			
A4. Redefine the fifth permanency plan option as “APPLA with a significant supportive connection to an identified adult willing to be consistently involved in the child’s life as the child transitions to adulthood that is formalized in some fashion and that is approved by the court.”			
A5. Require that the identified supportive connection formalize the type of relationship they will have with the youth through the use of the case plan or some other tool, such as the permanency pact and that each case plan include the services that the agency will provide to assist in maintaining the relationship.			
A6. For youth with the plan of APPLA, the court must make findings that the agency has made “intensive, ongoing, and unsuccessful efforts” to achieve the more preferred plans (reunify, adoption, etc). (Fed Req.)			
A7. Require that the court make findings about the specific permanency services that were provided to be sufficient “intensive, ongoing, unsuccessful efforts.”			
A8. If the plan is APPLA, the court must determine the appropriateness of the current placement. (Fed. Req.)			

Strengthening Families Act: APPLA

****Please note that the federal requirements are in bold in the chart and have (Fed. Req.) following them.**

A9. Require that the court identify an appropriate placement that is the least restrictive setting and will provide the youth with stability of placement as he or she transitions to adulthood.			
A10. Ask the youth 16 and older about his or her desired permanency plan if the proposed plan is APPLA (Fed. Req.)			
A11. Require that youth of all ages (or a designated age) be asked in court their desired permanency plan.			
A12. If APPLA is selected as the plan, the court must make findings that the plan is the best plan for the child and why the more preferred plans are not in the child’s best interest. (Fed. Req.)			
A13. For youth with the plan of APPLA, the court must make findings of the steps that are being taking to assure that the caregiver is following the reasonable and prudent parent standard and that the youth has regular, ongoing opportunities to engage in age or developmentally appropriate activities. (Fed. Req.)			
A14. Require the above inquiries and findings for all youth regardless of permanency plan and age.			
A 15. Require that the court issue an order to remove or reduce barriers to the youth’s participation in age and developmentally appropriate activities.			

The Strengthening Families Act - Promoting Normalcy for Nebraska's Youth in Foster Care

A Survey for Child Welfare Stakeholders

This fall, a group of Nebraska stakeholders including youth, foster and biological parents, and other advocates convened to develop recommendations regarding Nebraska's implementation of the federal Preventing Sex Trafficking and Strengthening Families Act ("Strengthening Families Act" or "SFA"). The SFA was passed by Congress and signed into law by President Obama in September 2014 and is designed to promote safety, permanency, well-being and normalcy for youth in foster care. Many provisions of the SFA will go into effect on September 29, 2015, but we have an opportunity in Nebraska not only to fully implement the SFA but to put into place best practices related to the SFA. We need your input to further strengthen these recommendations for the State. The focus of the recommendations and this survey are on the SFA provisions that promote normalcy or, "age or developmentally-appropriate activities and experiences" for youth in foster care.

This anonymous survey will take approximately 15 minutes to complete. All responses will be compiled into a report that will be presented to the Nebraska Department of Health and Human Services (DHHS) and to the Nebraska Legislature through Legislative Resolution 248 at a hearing on October 22, 2015. As you complete the survey, please let us know in the comments section at the end, if you have any other questions or feedback on these recommendations. Thank you for your time and commitment to strengthening our state's child welfare system. Please contact Nebraska Appleseed with any questions.

Normalcy

1. Federal law requires states to implement a "reasonable and prudent parent standard" (i.e., the standard characterized by sensible parental decisions, that both maintain the best interest of child while encouraging their growth, that is used when determining what activities children and youth in foster care can participate in) for caregivers of foster children in out-of-home placement settings (i.e., foster family homes and child care institutions, such as group homes). To what extent do you agree that this standard should apply to all children and youth (i.e, not only youth who came into care because of abuse/neglect, but also youth who came into care because of delinquency, status offense or because of mental health issues)?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

2. To what extent do you agree that this standard should apply to all placements and levels of care (i.e., youth in locked detention centers, youth living in substance abuse/mental health treatment facilities)?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

3. The goal of the "reasonable and prudent parent standard" is to provide normalcy for children and youth. By doing so, it gives more discretion to foster parents and could be seen to shift the balance of decision-making between DHHS, foster parents, and biological parents. To what extent do you agree that Nebraska statute should describe or include a statement that biological parents' legal rights are not impacted by the "reasonable and prudent parent standard" (in other words, biological parents, whose rights have not been terminated, still retain their constitutional and other rights with respect to their children and that these rights and their important role must be respected)?

- Strongly Agree
- Agree

- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

4. To what extent do you agree that Nebraska statute should state that parents will be consulted about their views on participation in certain age appropriate activities in the case planning process and that this be documented by DHHS for the court?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

5. What cultural considerations should the recommendations reflect for normalcy activities?

6. Do you think that Nebraska statute should state that children in foster care have the right to take part in age and developmentally-appropriate activities?

- Yes
- No

7. What role do you think the juvenile court should play in removing or reducing barriers to youth's participation in age and developmentally appropriate activities?

- Statute should require the juvenile court to remove or reduce barriers if they exist (e.g., make court orders)
- Statute should include more collaborative language about DHHS and the juvenile court working together to remove or reduce barriers if they exist
- DHHS and the juvenile court should work together collaboratively to remove or reduce barriers if they exist, but there d
- No role

8. Federal law requires the juvenile court to make findings about the steps that are being taken to assure that the child's caregiver is following the "reasonable and prudent parent standard" and that the child has regular, ongoing opportunities to engage in age or developmentally-appropriate activities. But these court findings are only required under federal law for children with a permanency plan of APPLA or independent living which only applies to children ages 16 or older. To what extent do you agree that Nebraska statute should require these court findings regarding normalcy are made for all children, regardless of age and regardless of their permanency plan (i.e., even children with a permanency plan of reunification, adoption, etc.)?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

Case Planning

9. To what extent do you agree that the case plan should document what efforts were made to engage the youth in case planning?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

10. To what extent do you agree that the juvenile court should ask the youth if they participated in the development of the case plan and make findings about whether the youth was involved in case planning?

- Strongly Agree

- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

11. To what extent do you agree that there should be some sort of grievance process for children and youth when the system does not meet normalcy requirements, such as involving youth in case planning and facilitating children's participation in age and developmentally appropriate activities?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

11A. If you agree with the question above, what type of process do you think would be most appropriate?

- File an administrative appeal
- File a grievance with DHHS
- Contact the Ombudsman's office
- Contact the Child Welfare Inspector General's office
- Have a juvenile court judge review the issues and make orders as appropriate
- Other

12. To what extent do you agree that the case plan should document how the youth participated in the case plan?

- Strongly Agree
- Agree
- Neither Agree nor Disagree
- Disagree
- Strongly Disagree

Youth Notice of Rights

13. Federal law requires youth age 14 and older to be provided a specific list of rights (regarding education, health, visitation, court participation, right to be safe and avoid exploitation) and these rights should be explained to them in an age-appropriate way. Do you think this notice of rights should also be provided to children and youth younger than 14?

- Yes
- No

13A. If yes, what age?

- 12 and older
- 10 and older
- 8 and older
- 5 and older
- 3 and older
- All ages

13B. If yes, should this list of rights include not only those rights listed above (education, health, visitation, court participation, right to be safe and avoid exploitation) but also all rights under state and federal law?

- Yes
- No

14. Do you think that there should be an enforcement mechanism for these rights? In other words, should there be a way for youth to challenge it if they think these rights have been violated, such as an administrative appeal, review by a juvenile court judge, etc.?

- Yes
- No

Another Planned Permanent Living Arrangement (APPLA)

15. "APPLA" is a federal term that stands for "Another Planned Permanent Living Arrangement." It is a permanency objective designed for youth for whom reunification, adoption or guardianship is not possible and should be, but often is not, used as last resort. In Nebraska, this is sometimes called "independent living." The new federal law prohibits the use of APPLA as a permanency objective for youth under age 16. In other words, states cannot stop pursuing reunification, adoption or guardianship for youth under age 16. Should Nebraska consider eliminating APPLA for older youth too?

- Yes
- No

15A. If yes, what age?

- 16- 17 years old
- 17-18 years old
- 18-19 years old
- All ages

16. Federal law requires the juvenile court to ask youth ages 16 and older about his or her desired permanency plan, if the propose plan is APPLA. Do you think that juvenile courts should be required by statute to ask children and youth of all ages their desired permanency plan (i.e., reunify, adoption, guardianship, etc.)?

- Yes
- No

16A. If you don't think that children of all ages should be asked, but think this is appropriate only for certain ages, what age do you think is appropriate?

- 14 and older
- 12 and older
- 10 and older
- 8 and older
- 5 and older
- 3 and older

17. Any additional comments?

In what county/counties do you work?

What is your role?

- Attorney/GAL
- Judge
- CASA volunteer
- Parent
- Foster Parent
- Caseworker, Supervisor, Administrator DHHS
- Caseworker, Supervisor, Administrator NFC
- Probation Officer
- FCRO
- Other

NORMALCY SURVEY FOR YOUTH

Background Information

Spending time in foster care should not make it harder to be involved in everyday childhood and teenage experiences (like field trips, sleepovers, sports, etc.). In 2014, a federal law called the Strengthening Families Act (SFA) was passed to keep children and youth in foster care safe, involved in school, community, and cultural activities, and prepared for the transition to adulthood. **Because you know what foster care is like, we want your help!**

The purpose of this survey is to give us a better understanding of what's happening in Nebraska right now and what "normal" activities youth in foster care are being allowed – or not being allowed – to do. Your answers will be combined with everyone else's and used to make recommendations to DHHS and the Nebraska Legislature about how Nebraska can make sure youth in foster care are getting to participate in the same activities and experiences as their peers. Your personal answers will not be connected back to you, so please be totally honest. **Answering any question is COMPLETELY YOUR CHOICE. You can choose to skip any (or all) questions in this survey.**

Age

Zip code

Foster care status:

- Currently a state ward (*specify below*)
- 3a case Dually adjudicated
- Not a state ward (*specify below*)
- Adopted Entered a guardianship
- Reunification Aged out
- Status offense Delinquency/probation

Race/ethnicity: (*please check all that apply*)

- | | |
|---|---|
| <input type="checkbox"/> White | <input type="checkbox"/> Native Hawaiian or Other Pacific
Islander |
| <input type="checkbox"/> Black/African American | <input type="checkbox"/> Native American/Alaskan Native |
| <input type="checkbox"/> Hispanic/Latino | <input type="checkbox"/> OR please specify: _____ |
| <input type="checkbox"/> Asian | _____ |

Gender:

- Man
- Woman
- Trans* or Transgender
- OR please specify: _____

Current living situation:

- Living independently (by myself, with a friend, roommate, boyfriend, girlfriend, fiancé, husband, wife, etc.)
- Living with family (birth parents, other relative such as aunt, brother or sister, adoptive parents, legal guardian)
- Living in a foster home
- Living in a group setting (group home, residential care, or residential treatment facility)
- Living in a school dormitory
- Couch surfing or moving from house to house (because you don't have a place to stay)
- Homeless (includes living in a homeless shelter)
- Other (please specify): _____

There may be future opportunities to be involved in making recommendations about how normalcy should be put into action for youth in foster care. If you'd like to be involved, please list your name and contact information below.

Name

Contact Information

Normalcy Questions

Normalcy is the idea of making sure kids and teens in foster care have the same opportunities as their peers to be involved in “normal” activities and experiences like sleepovers, playing sports, going on field trips, taking dance classes, and much more.

1. Below is a list of some “normal” experiences and activities many teenagers take part in. Were you allowed to participate in these experiences/activities when you were in foster care – or if you’re currently in foster care, are you allowed to participate?

	Allowed to participate	Not allowed	Allowed, but couldn't participate (check reason in box)	Don't know or N/A
Being able to attend a public school			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Participating in activities outside of school (e.g. music lessons, dance, etc.)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Attending school-related activities outside of school (e.g. sports events, overnight activities, dinners, etc.)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Going to school dances (e.g. prom)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Getting senior pictures			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Staying the night at a friend's house			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Hanging out with friends unsupervised (e.g. going to the movies, getting food, going shopping, etc.)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Going on a date			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Using the internet			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Attending a camp (e.g. summer camp)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Being able to babysit			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Getting a driver's license			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Attending events with biological family (e.g. birthdays, holidays, other family get-togethers)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Traveling out of the state with your foster parents			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Having free access to food			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Getting an allowance			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Watching TV/playing video games			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Getting a haircut/style the way you want			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Choosing whether to go to a church, mosque, synagogue, or other setting to express your religious/spiritual beliefs			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Being a part of a school club, group, or sports team (e.g. band, debate, cheerleading, football, etc.)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Attending school-related overnight activities (e.g. for band, a club, a sports team, etc.)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Traveling outside of the city/state for school-related activities (e.g. band, sports)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Having your picture in the high school yearbook			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	
Riding in cars with licensed teen drivers (your friends)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____	

Having friends sleep over at your house			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Going to a party with friends			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Having a cell phone			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Going to the library			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Having a job			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Being able to volunteer			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Learning/practicing to drive (legally)			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Spending unsupervised time with siblings			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Being able to eat and/or drink the kinds of food/beverages you like			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Learning to cook			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Having alone (unsupervised) time			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Wearing the kinds of clothes you want to wear			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____
Having pictures of yourself, your family, and your friends from different times in your life			<input type="checkbox"/> Transportation <input type="checkbox"/> Cost <input type="checkbox"/> Safety <input type="checkbox"/> Other: _____

2. Is there anything you would like us to know about one of the experiences/activities on this list?

3. Are there any other experiences/activities that should be on this list (and, if so, were you allowed to participate?)?

4. When talking about normalcy experiences/activities, are there things about your – or other youths’ – culture that should be considered?

.....continued on back.....

5. As mentioned above, the Strengthening Families Act (SFA) that was passed in 2014 set “normalcy” requirements for children and youth in foster care to make sure they are able to engage in experiences and activities like the ones listed above. With that in mind, please either **circle** or **write in** your answers to the following questions:

<p>a) When thinking about why a youth may have entered foster care, which types of cases should this law apply to? (e.g. abuse or neglect by their parents, delinquency, their own mental health status, etc.) <i>Circle all that apply</i></p>	Abuse/ neglect cases	Delinquency cases	Status offense cases	Mental health cases	ALL types of cases should be included
<p>b) Should there be a grievance (complaint) process for children and youth when the system does not meet normalcy requirements? If so, what should that process look like?</p>					
There should <u>not</u> be a process.	File an Administrative Appeal: <i>a legal case through DHHS (instead of in court)</i>	Contact the Ombudsman’s office: <i>a written complaint to an independent office that reviews and tries to address citizens’ concerns about government agencies (like DHHS)</i>		File a grievance with DHHS: <i>a written complaint to DHHS</i>	
Contact the Child Welfare Inspector General’s Office: <i>a written or over-the-phone complaint to an independent office that investigates and reports on concerns about the child welfare system</i>	Have a juvenile court judge review the issue and make an order as needed: <i>the judge would listen to the complaint and could make an order that DHHS or the foster parents allow the youth to participate</i>		Other (please explain): _____ _____ _____		

NOTE: The SFA now requires juvenile courts to make sure foster parents and other care providers are providing these “normalcy” experiences for children and youth in foster care who either: 1) have permanency plans of long-term foster care or 2) are older youth (ages 16+) who have permanency plans of independent living.

<p>c) Should juvenile courts be required to ensure these “normalcy” experiences are happening for youth with other types of permanency plans? (Not just those whose plans are long-term foster care or independent living) <i>Circle all that apply</i></p>	No - only long-term foster care/IL should be included	Yes – also include reunification	Yes – also include adoption	Yes – also include guardianship	Yes – include ALL permanency plans
<p>d) Should this requirement be based on age? (e.g. Should juvenile courts be required to ensure all youth of a certain age are getting “normalcy” experiences?) If so, what age?</p>	There should <u>not</u> be an age requirement		Yes, courts should do this for all youth ages _____ and older (write in your answer above)		Courts should do this for youth of ALL ages

NOTE: Within the next year, all youth ages 14 and older in foster care will be provided a “Bill of Rights” to let them know what their rights are in the areas of education, health, visitation, court participation, and safety.

<p>e) This “Bill of Rights” should list ALL of the rights youth in foster care have (including not just the list above, but other rights that youth already have).</p>	YES - strongly agree	Agree	Neither	Disagree	NO - strongly disagree		
<p>f) Do you think this “Bill of Rights” should be provided to youth younger than age 14?</p>	No, just to age 14+	Yes – to age 12+	Yes – to age 10+	Yes – to age 8+	Yes – to age 5+	Yes – to age 3+	Yes – to ALL ages

g) Should there be a grievance (complaint) process for youth if one of the things on the "Bill of Rights" is violated? (e.g. the youth could file an administrative appeal, request a review by a juvenile court judge, etc.)	YES - strongly agree	Agree	Neither	Disagree	NO - strongly disagree
--	----------------------	-------	---------	----------	------------------------

Many older youth in foster care have a case plan of "independent living" instead of a permanency plan of reunification, adoption, or guardianship. The law says that children and youth under age 16 must have a permanency plan of reunification, adoption, or guardianship.

h) Should the law be the same for older youth? (In other words, should NFC/DHHS have to keep working toward reunification, adoption, or guardianship with youth ages 16 and older?) If so, what age?	No, the law should just be for under 16	Yes – the law should include ages 16 & 17	Yes – the law should include ages 17 & 18	Yes – the law should include ages 18 and 19	Yes – the law should include ALL ages
--	---	---	---	---	---------------------------------------

i) Why or why not?

Letting Kids Be Kids

Implementing the Strengthening Families Act in Nebraska

Important work is underway in Nebraska and nationally to improve “normalcy” for children and youth in foster care. In September 2014, Congress passed and President Obama signed the Preventing Sex Trafficking and Strengthening Families Act (also known as the Strengthening Families Act or SFA). In Nebraska, a broad group of stakeholders, with young people at the forefront, have come together to determine **how to best implement the SFA in our state.**

What is “Normalcy”?

“Normalcy” is about **letting kids in foster care be kids** by ensuring they are able to participate in the **age-and developmentally- appropriate activities and experiences** that are essential to their development. Childhood and adolescence for many involves fun and enriching activities such as spending time at summer camp, participating in sports, music, debate, having sleepovers, hanging out with friends and finding a job. Research supports that these activities guide children and youth in building lasting relationships, help in the process of self-identity, allow for healthy exploration of new interests, and prepare for the transition into a successful adulthood. **It turns out that being allowed to be a kid is very important to becoming a healthy adult. But youth in foster care often do not have the same opportunities for these childhood experiences and face barriers to their participation.**

What is the Strengthening Families Act?

The SFA includes provisions to protect children and youth at risk of becoming sex trafficking victims, improve adoption incentives and support guardianships, as well a set of provisions focused on normalcy. With regard to normalcy, the SFA instructs states to:

- Implement the **reasonable and prudent parent standard** to allow foster parents to use their best judgment in making day-to-day decisions including what activities youth can take part in
- Limit the use of **APPLA or Another Planned Permanent Living Arrangement** (known as independent living in Nebraska) as a permanency goal for youth under 16
- Involve youth ages 14 and older in their **case plan** and provide them with a **list of rights**
- Provide youth at age 18 with important **documents** (e.g., birth certificate, social security card, etc.) before they leave foster care

What is the normalcy stakeholder group?

Over **300 young people and other stakeholders** were involved in the process to develop to a set of recommendations on the implementation of the normalcy provisions of the SFA in Nebraska. This process included:

- Two full day meetings where over **45 child welfare stakeholders and young people** met to learn about the SFA and create an initial set of recommendations
- Youth focus groups with **33 young people** (ages 14-24) from Lincoln, Curtis, Fremont and Geneva (YRTC)
- Input on the recommendations from **33 foster parents** in a survey created by Nebraska Foster and Adoptive Families Association
- **Focus groups with parents** organized by Nebraska Federation of Families for Children’s Mental Health
- Input on the recommendations from **over 200 stakeholders** (including case workers, judges, attorneys/GALs, DHHS and NFC staff, foster parents, educators and other advocates) in a survey created by Nebraska Appleseed

Recommendations- The following are an initial set of stakeholder recommendations based on consensus identified through this process.

Reasonable and Prudent Parent Standard (RPPS)

- The RPPS and normalcy should be applied to all children and youth (including those in the system due to child welfare, juvenile justice, status offense or mental health) in all placements and levels of care.
- Nebraska statute should state that children in care have the right to take part in age- and developmentally-appropriate activities.
- A grievance process should be available for youth who feel they have not been heard or are facing consistent disagreement about normalcy activities.
- DHHS and the juvenile courts should work collaboratively to remove or reduce barriers to youth's participation in age- and developmentally-appropriate activities.
- Nebraska statute should include a description that the legal rights of biological parents are not impacted by the RPPS (meaning parents whose rights have not been terminated still retain their constitutional and other existing rights with respect to their children and that those rights and their important role must be respected).
- Nebraska statute should require the juvenile court to provide oversight (i.e., make court findings) to ensure that, for all youth (not just those age 16 and older, as required by the SFA), the caregiver is following the RPPS and that the youth has regular, ongoing opportunities to engage in age or developmentally appropriate activities.

Youth Notice of Rights

- The notice of rights to youth should include all rights under state and federal law, not just those enumerated in the SFA.

Case Planning

- The case plan should document *what efforts were made* to engage the youth in case planning (this should be required to be documented) and *how* the youth participated in the case planning process (but this should not be required to be documented).
- Nebraska statute should require the juvenile court to ask the youth if they participated in the development of their case plan and make findings about whether they were involved in case planning.

The report also details stakeholder group recommendations around ensuring older youth that still have a permanency plan of **APPLA** have supportive connections and requiring a more comprehensive “discharge packet” of documents and having the juvenile court provide oversight to make sure the youth has received **pre-discharge documents** before the case is closed.

What are the next steps?

With many stakeholders involved in this process in a short timeframe, there were areas where consensus was not found and areas where **follow up work is still needed**, including considerations of RPPS activities, training, and funding, cultural considerations, and youth rights. The stakeholder group and smaller workgroups will be meeting in the coming months to consider these and other issues, and to continue collaborating to improve normalcy for youth.

In Nebraska, DHHS has already begun implementation of the SFA and we have a number of best practices in place. But there is more work that needs to be done, including **amending Nebraska law, policy and practice, to fully implement the SFA with these recommendations** to ensure that **Nebraska kids in foster care can be kids**.

To read to full report including more information on the SFA, the recommendations and process, visit:
<https://neappleseed.org/download/19765/>

Strengthening Families Act

Grievance Questions

1. What existing grievance or oversight processes exist and what changes or improvements are needed?
2. What issues should a grievance process cover?
3. How should the grievance process be structured to be accessible and meaningful for young people?

Grievance Recommendations

1. Are there any other questions that need to be addressed?
2. Who should be a part of this discussion?
3. Should there be a subcommittee group?
4. Other key considerations or recommendations?

Strengthening Families Act

Availability of Resources Questions

1. Is there any current mechanism in place for funding activities?
2. Do we have a sense of the general or average cost of participating in a range of age-appropriate activities?
 - a. If yes, what is the range?
 - b. If no, do we need to convene a subgroup to do some calculations?
3. Do we know whether the foster care and group care rates adequately cover the cost of participation in activities?
4. Do we know if Chafee funds are being used to cover the costs of participation in age-appropriate activities?
5. Do we have any community stakeholders groups that can help us understand what resources or funds exist in the community that could be used by youth in care to cover the costs of some activities? (I.e. funds that exist for all youth that foster youth could tap into, fee waivers, opportunities to negotiate special rates).

Availability of Resources Recommendations

1. Are there any other questions that need to be addressed?
2. Who should be a part of this discussion?
3. Should there be a subcommittee group?
4. Other key considerations or recommendations?

Strengthening Families Act

APPLA Questions

1. How are we defining the “intensive, ongoing efforts” that must be made before a permanency plan can be changed to APPLA?
2. What kind of showing must be made before we can move to APPLA and maintain the plan of APPLA?
3. How are we providing permanency services to older youth?
4. Do we provide anything that is older youth/teen focused?
5. Do we adequately convey to youth that they can be prepared for independent living and have permanency?
6. Are our programs and policies structured to reflect those dual obligations?
7. Do we want to require that for the permanency plan of APPLA to be selected or maintained that at least one individual must be identified who is a supportive adult that has a positive connection with the youth?

APPLA Recommendations

1. Are there any other questions that need to be addressed?
2. Who should be a part of this discussion?
3. Should there be a subcommittee group?
4. Other key considerations or recommendations?

Strengthening Families Act

Normalcy Questions

1. What does normalcy mean for youth in systems other than child welfare, such as juvenile justice or probation?
2. Describe barriers to normalcy that are unique to these systems.
3. What steps could be taken to overcome these?
4. Who needs to be included in this conversation to ensure we have all the necessary information?
5. Detail your top priority related to normalcy for these young people.

Normalcy Recommendations

1. Are there any other questions that need to be addressed?
2. Who should be a part of this discussion?
3. Should there be a subcommittee group?
4. Other key considerations or recommendations?

Strengthening Families Act

Pregnant and Parenting Supports Questions

1. What does normalcy look like for young people who are pregnant or parenting?
2. What resources are there for normalcy activities for this population? What resources are needed?
3. What needs to be included in the training process for DHHS and families considering the needs of this group?
4. What needs to be included in the youth bill of rights to consider the rights and needs of pregnant and parenting youth?

Pregnant and Parenting Supports Recommendations

1. Are there any other questions that need to be addressed?
2. Who should be a part of this discussion?
3. Should there be a subcommittee group?
4. Other key considerations or recommendations?

Strengthening Families Act

Cultural Considerations Questions

1. Cultural considerations that were mentioned in the surveys, what is missing from this list?
 - Considerations of diversity in racial and ethnic backgrounds
 - Access to religious and spiritual activities
 - Cultural considerations of Native children (regarding religious beliefs, haircuts, importance of Tribes being consulted in the case plan, etc.)
 - Gender identity and sexual orientation freedoms
 - Cost of activities as a barrier for low-income families
 - Language specific activities
 - Dietary limitations due to beliefs/personal choice

2. What needs to be included in training for DHHS and families on normalcy cultural considerations?

3. What needs to be included in training for the youth bill of rights?

4. Who else should be invited to future meetings of this group?

Cultural Considerations Recommendations

1. Are there any other questions that need to be addressed?

2. Who should be a part of this discussion?

3. Should there be a subcommittee group?

4. Other key considerations or recommendations?

Strengthening Families Act

Training Questions

1. Do we want a single uniform curriculum mandated for all providers or do we want to create a template with areas that must be covered?
2. Do we want to require that youth be included in the development of the training and must be part of delivering the training?
3. Do we want to establish the core areas that must be covered in the training? (areas to cover could include: 1. the RPP and how to exercise it, 2. Understanding liability; 3. Understanding child/adolescent development; 4. Understanding the importance of activities and social connection to development; 5. Engagement of parents and families; 6. Engagement of youth in decision making; 7. Understanding the resources and opportunities for activities in the community)
4. How and when should training occur? How often?
5. Should we require that people other than caregivers be trained?

Training Recommendations

1. Are there any other questions that need to be addressed?
2. Who should be a part of this discussion?
3. Should there be a subcommittee group?
4. Other key considerations or recommendations?

Strengthening Families Act

Youth Bill of Rights Questions

1. What do we want to include?
 - a. Do you think it helpful to include some responsibilities as well?
 - b. Only what is required in the SFA?
 - c. What is required in the SFA plus additional state and federal rights?
2. What is the requirement for distribution and explanation?
 - a. The SFA requires that it be distributed as part of case planning. Do we want it to be distributed in other ways? At the court hearing, etc.
3. How can we link the Bill of Rights to our grievance policy?

Youth Bill of Rights Recommendations

1. Are there any other questions that need to be addressed?
2. Who should be a part of this discussion?
3. Should there be a subcommittee group?
4. Other key considerations or recommendations?