



## **Empowering Foster Children Age 14 & Older in the Development of Their Own Case Plan & Transition Planning for a Successful Adulthood**

**Overview:** The Preventing Sex Trafficking and Strengthening Families Act (H.R.4980), passed by Congress in September, 2014, requires that children age 14 and older be consulted in the development of their case plan and directs states to allow youth to invite two other members identified by the youth (other than a foster parent or his/her caseworker) to be a part of the case planning team. (State agencies are permitted to reject an individual selected by the youth if the state has good reason to believe that they would not act in the best interest of the child.) The bill also requires states to provide a written “List of Rights” document to youth 14 or older outlining their rights in care related to education, health care, visitations, court hearings/participation, and the right to stay safe. It further requires a documented, signed acknowledgement from the child that they received their list of rights and those rights have been “explained in an age-appropriate way.” Agencies must also provide youth 14 and older with a free annual credit report and help resolve any inaccuracies on the report.

**Rationale:** Prior to this Act, current law required youth ages 16 and older to be consulted in the development of their case plan; the age was lowered to 14 and older because of recognition that young people should be included in these important process and that youth as young as 14 can have an informed perspective that can lead to better permanency outcomes and compliance with the case plan. Involving the youth in their case planning and providing them critical information on their rights also strengthens their self-sufficiency and prepares them for a successful transition out of foster care and into adulthood.

**Action Required in Maryland:** To implement this change, the court must make the following findings:

1. That the youth has been notified of their right to consult in the development of their case plan, including their right to invite two individuals of their choosing to be involved.

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2. That the youth is being actively engaged by their caseworker in the development of his/her case plan.
3. That the youth had the opportunity to include to individuals of their choosing in the case planning process.
4. If the state agency rejects an individual selected by the child to be a member of their case planning team, that the state has “good cause” to believe that the individual would not act in the child’s best interest.

### **Promising Practices in Other States:**

- In Iowa, youth are surveyed on their experience after a case planning session to ensure they are truly engaged in the case planning process. (IA doc)
- Washington state’s normalcy law requires caseworkers to take an active role in normalcy planning as part of developing the child’s individual service and safety plan: “Caseworkers shall discuss the child’s interest in and pursuit of normal childhood activities in their monthly health and safety visits and describe the child’s participation in normal childhood activities in the individual service and safety plan.
- Recommended best practice: Create grievance procedures so that youth can file complaints related to the case planning and other “normalcy” provisions in the Strengthening Families Act.
- Teen Success Agreement – example of a tool to help states incorporate normalcy in the case planning process. (Youth Advocates of Youth Fostering Change developed this tool for youth in foster homes.)

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