



Implementing “Normalcy” Provisions in the Preventing Sex Trafficking and Strengthening Families Act of 2015: A Guide for the Bench

Section 111: Supporting Normalcy for Children in Foster Care

Overview: Requires states to implement a “reasonable and prudent parent standard” for decisions made by a foster parent or a designated official for a child care institution (i.e., group home). This standard allows caregivers to make parental decisions that maintain the health, safety, and best interest of the child, as well as decisions about the child’s participation in extracurricular, cultural and social activities. The provision also ensures liability for caregivers who appropriately use the reasonable and prudent parenting standard in decisions about the child. States must revise licensing rule to incorporate the standard and also provide training to foster parents on the new standard.

Rationale: While attempting to keep children safe from harm, some foster care policies and practices unnecessarily create barriers for youth to live out normal adolescent experiences similar to their peers. Many current and former foster youth often cite rules that made it hard for them to participate in sports, stay over at a friend’s house, get a driver’s license, or have a part-time job, among other activities considered routine for youth who are not in foster care. While such policies and practices are usually intended to ensure the youth’s safety, they can also serve to isolate foster youth and impede healthy development. Research findings shed light on the generally poor outcomes of youth aging out, as well as the value of participation in extracurricular and social activities in changing the course for many of these youth and preparing them for a successful transition to adulthood and independence. This new law builds on some states’ actions to eliminate overly burdensome requirements by making reforms to allow foster youth to be treated more like older youth – allowing participation in age-appropriate activities.

Questions to Ask from the Bench:

- What extracurricular activities is the child involved in?
- What opportunities has the child had to socialize with his or her peers?
- Has the child traveled at all?
- Does the child have a job?
- What activities does the child wish to participate in?
- What barriers has the caregiver experienced in connecting the youth to extracurricular and social activities?
- Ask the child if he/she is participating in all of the activities he/she would like to participate in, and if not, why not?

Section 112: Improving Another Planned Permanent Living Arrangement (APPLA)

Overview: The bill prohibits the use of “Another Planned Permanent Living Arrangement” (APPLA) a permanency goal for children under age 16 in foster care and requires the agency to ensure that youth age 16 and older with an APPLA permanency goal were given that goal appropriately. (For children in foster care under the responsibility of an Indian tribe, tribal organization or tribal consortium, the APPLA changes will not apply until three years after enactment of this Act.) To ensure the appropriate use of APPLA for youth age 16 and older, at each permanency hearing, the state agency must: document the intensive, ongoing and unsuccessful efforts for family placement, including efforts to locate biological family members using search technologies; ask the child about her desired permanency outcome; make a judicial determination explaining why APPLA is still the best permanency plan and why it is not in the best interest of the child to be returned home, adopted, placed with a legal guardian, or placed with a fit and willing relative; and specify the steps the agency is taking to ensure the reasonable and prudent parenting standard is being followed, and the child has regular, ongoing opportunities to engage in age- or developmentally appropriate activities.

Rationale: The permanency goal of 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 provides 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 give up and often look to residential placements rather than attempting to reengage family members or other important people in the youths’ lives who could be permanent connections. Due to concerns over the number of youth in foster care with a permanency goal of APPLA, as well as the number of youth who age out of care each year, this provision attempts to limit the use of APPLA to only those youth for whom other permanency goals are truly not appropriate.

Questions to Ask from the Bench:

- What is the youth’s desired permanency outcome?
- What efforts has the child welfare agency made for family placement?
- Has the caseworker contacted family members? Which ones?
- [If APPLA is listed as the permanency goal:] Is the permanency goal of APPLA in the best interest of the child? If so, why? Why is it not in the child’s best interest to be returned home, adopted, placed with a legal guardian or with a fit and willing relative?
- What steps is the child welfare agency taking to ensure that the reasonable and prudent parenting standard is being followed?
 - What extracurricular activities is the child involved in?
 - What opportunities has the child been given to socialize with his/her peers?
 - Does the child have a job?
 - Has the child traveled?

- What activities does the child wish to participate in?
- What barriers has the caregiver experienced in connecting the child to age- and developmentally-appropriate activities?
- What opportunities does the youth have to engage in age- or developmentally appropriate activities?

Section 113: Empowering Foster Children Age 14 and Older in the Development of Their Own Case Plan and Transition Planning for a Successful Adulthood

Overview: The bill 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.

Questions to Ask from the Bench:

- Is the youth involved in the development of his/her case plan? How?
- Which individuals did the youth choose to be part of his/her case planning team?
- Has the youth received a copy of his/her rights?
- Has the agency conducted a credit report for the youth? Were there any inaccuracies on the report? If so, were they resolved? How?

Section 114: Ensuring Foster Children Have a Birth Certificate, Social Security Card, Health Insurance Information, Medical Records, and a Driver's License or Equivalent State-Issued Identification Card

Overview: The bill requires that youth exiting foster care because they have turned 18 (or exited foster care before the age of 21 for states that have extended care beyond 18) and have spent at least six months in care must receive the following documents: a birth certificate, Social Security card, health insurance information, medical records, and a driver's license or state identification card.

Rationale: Youth in foster care are often not provided with these important documents, which are essential to ensuring that youth aging out of care have the documentation they need to secure housing, apply to school or for work, get appropriate health and mental health care, or access other forms of assistance.

Questions to Ask from the Bench:

- Has the youth been provided with his/her: birth certificate? Social Security card? Health insurance information? Medical records? State-issued ID?
- If not, what steps is the agency taking to secure these documents and provide them to the youth?

Advocates for Children and Youth is a statewide non-profit focused on improving the lives and experiences of Maryland's children through policy change and program improvement. We champion solutions to child welfare, education, health, and juvenile justice issues, positioning us to influence the full spectrum of youth experiences. This multi-issue platform helps us to improve the entirety of children's worlds—the systems they touch, the people they interact with, and the environment where they live.

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