

WELL-BEING



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**NORMALCY:
LETTING KIDS BE KIDS**



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WHY IT MATTERS

Being a teenager is not an easy feat for anyone. But being a teenager in foster care is a maze of difficulty, red tape, and oftentimes isolation. Until recently, many children in foster care were unable to participate in the childhood activities their peers not in foster care often take for granted – sleep overs, playing sports, field trips, scouts, school pictures, going to a movie, dating, getting a job, having an allowance, a driver's license or even volunteering. These "normal" activities are referred to as normalcy. Normalcy "encompasses the collection of age- and developmentally-appropriate activities, experiences and opportunities that should make up the daily lives of young people within the context of a caring and supportive family." ¹

Childhood activities are important, not just because they are fun, and give a sense of belonging to children

Normalcy encompasses the collection of age- and developmentally-appropriate activities, experiences and opportunities that should make up the daily lives of young people within the context of a caring and supportive family.

and teens, those activities help in brain development, relationship building skills and healthy risk taking. When participating in these activities, youth build networks of relationships or social capital. Social capital is built through participation in activities through which young adults learn to work with others in a community, build networks of support and friend groups. Building lasting relationships outside of the foster home is critical for teens who may age out of the foster care system and need support in what could be a difficult transition. This social capital means

having, and being able to, depend on lasting lifelong friends, resources and opportunities, including jobs and internships. Oftentimes youth in foster care have already experienced loss and disruption and have a great need for the community bonds and social capital that normalcy activities can facilitate.

An adolescent's brain continues to develop through the teen years and their experiences and relationships are essential to the teen's brain growth. "Psychological development occurs in the adolescent brain's frontal lobes, particularly in the prefrontal cortex, which governs reasoning, planning, decision making, judgement, and impulse control."² The relationships built, and the experiences created in the activities of childhood create a safe place for learning and healthy risk taking in an environment where caring adults can provide boundaries, advice and a safe environment. Caring adults can be the teen's foster parents, school teacher, employer, faith-based organizer, dance instructor, or scout leader. Risk taking is a normal and healthy part of growing up- best done with access to caring adults.

As summarized by one *Florida Guardian ad Litem* volunteer:

Participation in normal age-appropriate activities gives the children a feeling of being safe and nurtured which adds to their self-esteem and willingness to try new things and to have a decreased level of frustration because they are developing a sense of belonging to a stable environment. The children's basic needs are being provided and, therefore, they are willing to reach to a high level of development.³

Previously, the foster care system was so risk averse, it created an atmosphere of isolation for teen's in foster care. They were unable to participate in regular activities as simple as getting their high school yearbook picture taken or having a sleep over at a friend's house without background checks and court orders. Thankfully, those days changed with the passage of the *Preventing Sex Trafficking and Strengthening Families*

*Act in 2014.*⁴ Before that only five States – Florida, California, Utah, Washington, and Ohio – had laws promoting normalcy. The *Strengthening Families Act*, and the 37 states who have responded to its requirements, have removed barriers to normalcy by allowing foster parents and placements the authority to make normalcy decisions for children in their care.

Foster parents are now empowered by these new laws to make decisions regarding day-to-day activities for the children placed in their care. From dating and babysitting, to sports and employment, there is no longer a need for foster parents to go to the case worker to get permission for children in their care to participate in age appropriate activities as long as foster parents make decisions adhering to the reasonable *prudent parent standard*. The same laws apply to youth placed in congregate care. There must be an identified decision maker in the group home and the youth should understand how to seek permission from the caregiver to participate in normalcy activities.

Reasonable Prudent Parent Standard. The foster parent or placement (this includes children placed in group homes or institutions) must make decisions that maintain the health, safety, and best interest of a child and to make normal, day-to-day decisions affecting children in their care regarding extracurricular, enrichment, cultural, social or sporting activities.

Participation in Age and Developmentally Appropriate Activities. Many states specifically use language in their normalcy statutes addressing the older youth's rights to participate in age and developmentally appropriate activities. The court may address whether or not the youth is attending family celebrations, spending time with peers and mentors, or even assuming more responsibilities and independence in their current placement.

Case Planning. Youth 14 and over must participate in creating and revising their case plans. Youth can have two people with them who are not foster parents or case workers to aid them in planning. Youth must also be provided with a list of their rights as part of the case planning process. The list must at least include: rights

with respect to "education, health, visitation and court participation," the right to discharge documents and to "stay safe and avoid exploitation." The case plan must include a signed acknowledgement that the list of rights has been received and "explained to the child in age-appropriate way."⁵

ADVOCATES IN ACTION

I believe normalcy is allowing 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 youth live as close to a regular and normal life as they can with the situation they are in.⁶

ACTIONS: REMOVING BARRIERS

Identify the caregiver who is responsible for making the "normalcy" decisions. Group homes and shelters are not exempt from the reasonable prudent parent standard. Always understand and know **who** is making normalcy decisions at these placements.

Seek prior approval. The caseworker cannot require prior approval for a child to participate in an activity. It is the decision of the caregiver. If the caregiver is not being permitted to make decisions for the child, it may be necessary to inform the department or the court.

Check on the existence of pre-existing court orders. A caregiver's decisions regarding normalcy activities cannot be contrary to a pre-existing court order. For example, if there is court ordered visitation with the child's parents on Saturdays, a normalcy activity planned or approved by the caregiver would not take precedence over an existing court order for Saturday visitation. However, there may be an opportunity for visitation to take place during the activity.

Ensure that youth in foster care with disabilities are provided with equal opportunities to participate in all normalcy activities. Youth with disabilities shall be provided with an equal opportunity to participate in all normalcy activities. That may mean having accommodations or adaptations in place to support their participation.

Seek to remove any barriers to normalcy that are identified as a result of the child's LGBTQ status. Are there special considerations around participation in faith-based groups or other groups that have traditionally discriminated against LGBTQ youth?

Reduce cost of activity and transportation barriers. Discuss alternative funding sources, local non-profits, relatives who may provide transportation. Many schools provide transportation and cost reductions for participation fees if the youth is identified for "free and reduced meals." Inquire as to the use of carpools or ways other adults can be involved in helping with transportation.

Discuss with the child what extracurricular activities they would like to participate in – what sports, jobs, faith-based organizations, school activities, overnights and planned outings (school field trips, campouts, school and church groups). Ensure those activities are included in their case plan – although including the activities in the case plan is not a requirement.

Advocate for school stability. Unfortunately, if the child has to move schools because of placement changes, what can be done to make sure they remain in the same extracurricular activities and sports? Can there be creative exceptions made so the youth can keep the same friend groups and social networks?

Ensure children and youth are included in case planning and any revisions to the case plan especially as it relates to “normalcy” goals. A big part of experiencing normalcy is having the ability to express one’s desires and interests.

Ask how youth might be able to join their siblings and other family members in activities and events. Having visitation take place in more natural, normal environments lends itself well to the experience of normalcy.

Learn if transportation is a limitation in getting an afterschool job? Participating in a sport? Attending weekend functions with friends? Support the youth in getting transportation barriers addressed.

Find out if the youth has to get permission from their case worker to volunteer or work? If they do, this is a normalcy barrier that should be removed. Help educate case workers and foster parents about the “new” roles in terms of granting permission.

Investigate age-appropriate school and community activities available to youth in your area. Take youth on visits to these activities to observe and indicate their

interest. For youth who have never had a chance to participate in age appropriate, typical activities, it may be overwhelming for them to decide what they would like to participate in.

Consider other activities that youth may want to participate in and help reduce barriers to making it happen. These activities might include the use of social media, getting a driver’s license, babysitting, going on vacations with their foster family or other families (e.g., relatives), and receiving an allowance, reasonable curfews, the ownership and use of cell phones, having their picture in a yearbook or school newspaper and participation in community events.

Part of feeling like you are “just a kid” is not being referred to a child or youth in foster care. Consider these additional tips:

- **Refrain from using terminology** such as foster child, or group home child or Level 2 Child, Residential Treatment Child, or Baker Acted child that identifies the child as being secondary to their placement.
- **Avoid visits to the youth's school** as school is a safe place where many children and youth are free from the “stigma” of being in foster care. Only visit the school in an emergency or if necessary for an educational meeting.
- **Ask that court appearances for youth are scheduled** during non-school hours to ensure the least amount of interference in their academic schedule.
- **When meeting with the child, provide them with choices** – where would they like to meet, what they would like to talk about, even if it means making mistakes. Giving children choices promotes independence and normalcy.

BRIGHT SPOTS

KEYS TO INDEPENDENCE ACT FLORIDA

Having a driver's license is critical to ensuring children can live independently and gain employment if they age out of the foster care system. Only 9 percent of Florida's foster children have a learner's permit and only 3 percent have a driver's license. The *Florida Keys to Independence Act* was signed into law in 2014 creating a three-year pilot program and was permanently signed into law in May 2017. The act provides reimbursement to youth and caregivers for the costs associated with driver's education, driver's licenses and other costs related to getting a driver's license as well as motor vehicle insurance. Along with the Department of Children and Families, The *Statewide Florida Guardian ad Litem Program* was key in this legislation becoming law.

To learn more: <http://www.keystoindependencefl.org/>

TREEHOUSE DRIVER ASSISTANCE PROGRAM, WASHINGTON

Getting behind the wheel is a key part of a successful launch into adulthood, particularly for youth exiting foster care. Driving means access to education and employment opportunities that can lead to income and housing stability. A new statewide program aims to remove barriers to transportation for youth in foster care. Washington's *Treehouse's Driver's Assistance Program*, funded by the *Department of Social and Health Services Children's Administration*, covers the cost of licensing fees, driver's training and auto insurance for foster and tribal youth ages 15 to 21.

To learn more: <https://www.parentmap.com/article/foster-youth-driver-license-washington-state>



Photo credit: keystoindependencefl.org

SELECTED RESOURCES

Name	Description
<u>Annie E Casey Foundation, 2015. What Young People Need to Thrive.</u>⁷	This brief highlights the importance of typical experiences, or normalcy, to the overall healthy development of young people in foster care: how young people view normalcy and foster care – what they wish for, the barriers they face and their recommendations; suggestions for how to leverage the <i>Strengthening Families Act</i> for significant improvements in child welfare systems, creating a more supportive and normal environment for all young people; and strategies from the field that can serve as examples.
<u>Iowa Department of Human Services, Employees' Manual, Title 17, Chapter C(1), Case Planning Procedures.</u>⁸	This manual created for caseworkers includes recommendations on how to include planning for age-appropriate activities and defines the usage of "normalcy." See page 14.
<u>Jim Casey Youth Opportunities Initiative, 2011. The Adolescent Brain: New Research and Its Implications for Young People Transitioning from Foster Care.</u>⁹	This document shares the science behind adolescent brain development and how it impacts young adults transitioning from foster care. Additionally, it provides recommendations for practice informed by this new science.

Name	Description
<u>Juvenile Law Center, Promoting Normalcy for Children and Youth in Foster Care (May 2015)</u>¹⁰	Juvenile Law Center has created this guide, <i>Promoting Normalcy for Children and Youth in Foster Care</i> , to help states embed the new “normalcy” requirements of the law into their own state laws and regulations. The guide includes a detailed overview of why “normalcy” is crucial to healthy child and adolescent development and the federal requirements prioritizing normalcy for foster youth. A list of key recommendations for state legislation and regulations are also included.
<u>Youth Policy Institute of Iowa, 2016.</u> <u>When Normal Ain't Normal</u> ¹¹	This publication recommends the following state policy changes to enhance “normalcy” for children and youth in foster care: 1) Establish in state law a right for youth in care to engage in age or developmentally-appropriate activities regardless of placement type. Codify in law the definitions of “reasonable and prudent parent standard,” “age or developmentally appropriate activities,” and “caregiver”: 2) Address barriers to participation, including cost, transportation, permission, and liability issues. Clarify in law explicit liability protection for caregivers and private entities exercising the reasonable and prudent parent standard: and, 3) Require that the juvenile court make findings at all review hearings of engagement in normal activities and how barriers are being handled.

ENDNOTES

- 1 The Annie E. Casey Foundation (2015). What young people need to thrive: *Leveraging the Strengthening Families Act to promote normalcy*. Jim Casey Youth Opportunities Initiative. Retrieved from <http://www.aecf.org/resources/what-young-people-need-to-thrive/>
- 2 Jim Casey Youth (2011), *The Adolescent Brain: New Research and its Implications*. Available at <http://www.aecf.org/m/resource/doc/AECF-theAdolescentBrain-2011.pdf> (last visited April 26, 2018)
- 3 Statewide Florida Guardian ad Litem Program 2014 Annual Report “Let Kids be Kids”, available at <http://guardianadlitem.org/wp-content/uploads/2014/08/Let-Kids-Be-Kids-2014.pdf> (last visited April 26, 2018)
- 4 See <https://www.congress.gov/bill/113th-congress/house-bill/4980>
- 5 42 U.S.C.A. § 675a(b)
- 6 The National Foster Youth & Alumni Policy Council, Normalcy, <http://www.nationalpolicycouncil.org/content/normalcy> (last visited April 27, 2018)
- 7 <http://www.aecf.org/resources/what-young-people-need-to-thrive/>
- 8 <http://dhs.iowa.gov/sites/default/files/17-C1.pdf>
- 9 <http://www.aecf.org/resources/the-adolescent-brain-foster-care>
- 10 <https://jlc.org/resources/promoting-normalcy-children-and-youth-foster-care>
- 11 http://www.ypii.org/Resource_PDF/IssueBrief_Normalcy.pdf