

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.**