



FINALLY LETTING KIDS BE KIDS

An overview, history and implementation summary of the 2013 normalcy legislation



Participants will:

- OBJ. 1: be able to explain the reason the Normalcy Law was needed
- OBJ. 2: be able to describe the Normalcy Law and how it impacts children in out-of-home care
- OBJ. 3: demonstrate understanding of the “Reasonable and Prudent Parent” standard
- OBJ. 4: be prepared to make a plan for integrating Normalcy in their organization and practices
- OBJ. 5: apply the Normalcy legislation in their role within child welfare



HISTORICAL FOUNDATION AND ATTEMPTS LEADING TO THE NEED FOR LEGISLATIVE CHANGE..

AUGUST 31, 2005

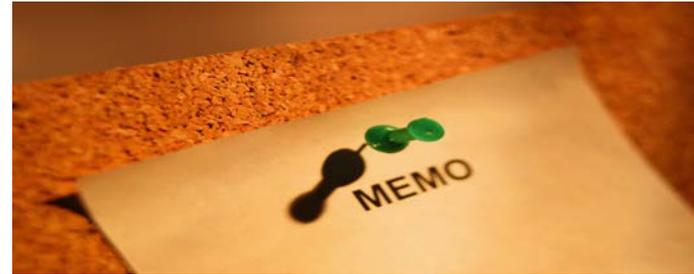
MEMO: NORMALCY FOR CHILDREN IN CUSTODY OF THE DEPARTMENT, BY DCF SECRETARY LUCY D. HADI



Tampa Tribune / Colin Hackley via AP



2005 MEMO.....



- **Met with State Youth Advisory Board**
 - Stories included background checks for school trips, friend parents, inability to attend prom, etc.
- **Problems with no normalcy**
 - Obstacles to normalcy caused children to exhibit inappropriate behavior
 - May cause dangerous activity
- **Memorandum of Guidance**
 - Rulemaking to address normalcy
 - Clear guidelines implemented
- **Goal of memo was to find ways so kids “can do,” not how they “cannot.”**
 - Detailed examples listed
 - Focused on teens and guidelines effective immediately



SEPTEMBER 3, 2010

NORMALCY MEMO,

BY: DCF SECRETARY GEORGE H. SHELDON



SEPTEMBER 3, 2010

STOP CALLING US FOSTER KIDS!

WE'RE JUST KIDS MEMO

○ **Met with Youth SHINE**

- Stories guide DCF leadership in philosophy
- Stigma recognized

○ **Balancing Test discussed in terms of normalcy**

- Define normalcy within balancing test language

○ **All children deserve normal lives**

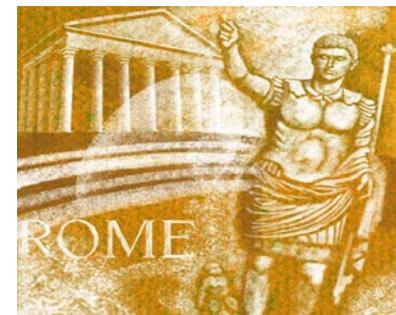
- Stop calling kids in foster care, foster kids. Refer to them as kids, children or teenagers.

○ **Clear guidance with foster parents making the decision**

- Vision clearly outlines
- All children not just teenagers

○ **Review of all rules and policies**

- Normalcy Czar position created
- Not just “safe” decisions



**NORMALCY MEMO
JANUARY 20, 2012**



**DCF SECRETARY DAVID E.
WILKINS**



JANUARY 2012

NORMALCY MEMO

BY: SECRETARY DAVID E. WILKINS

- **Most important job in child welfare is give opportunity for healthy normal childhood**
 - Recognize through own experience
 - Meet with youth
- **Highlight rule demanding normalcy**
 - Recognition that rules “on their face” lead to normalcy
- **Quality Parenting is critical**
 - Sets stage for major theme of “permission to parent”
- **Strong direction**
 - Clear guidance to not say no to kids just to manage risk
 - Unequivocal support and advocacy
 - Assigns Tanya Wilkins to *Fostering Florida’s Future* Committee



GUARDIAN AD LITEM STARTS BALL ROLLING



- Advocating for Children --- also need to advocate for policies consistent with children's best interest
- 2012 – Legislative Agenda
 - *Voice Heard* Report
 - Budget
 - Volunteers can transport children – about normalcy
- 2013 session had 3 agenda items after reviewing many suggestions from volunteers, staff and primarily children through *Voice Heard*
 - Selected issues to be “active lead”
 - Other items “active support”



- **March 25, 2012 – GAL leadership identified legislative goals**
- **April 5, 2012 – *Fostering Florida's Future* Committee Created (Chaired by Tanya Wilkins) -leads to formal support**
 - Assignment of legislative subcommittee
 - Theme of respect and empowerment
 - Quality Parenting Initiative
 - “Permission to Parent”
 - Goals of subcommittee: retention of foster parents, recruitment of foster parents



○ **July 2012 - draft language for “reasonable and prudent parent” standard for caregivers**

- Careful and sensible parental decisions that maintain the child’s health, safety, and best interest
- Encouraging child’s emotional and developmental growth
- Decide participation in extracurricular, enrichment and social activities

○ **August 2012 - had Sponsors**

- Senator Nancy Detert (Jan 3, 2013, SB filed)
- Representative Ben Albritton (Jan 17, 2013, HB filed)



NUMEROUS HEARINGS IN SENATE AND HOUSE....

- Guardian ad Litem volunteers
- YouthShine
- Foster Youth
- Providers
- DCF
- Advocacy Groups



CRITICAL ELEMENTS

- Recognizes the importance of normalizing the lives of children in foster care (including relative and non-relative placement as well as licensed care);
- Creates a new section in Ch. 39 giving ALL children in foster care the opportunity to engage in normal childhood activities, and requires DCF to adopt rules to implement the law;
- Empowers caregivers to approve or disapprove a child's participation in normal childhood activities without prior approval of the caseworker, provider agencies or the courts. It gives caregivers "*Permission to Parent;*"



- Establishes a “reasonable and prudent parent” standard for caregivers in determining whether to allow a child in foster care to participate in extracurricular, enrichment, or social activities;
- Protects caregivers who apply the reasonable and prudent parent standard from liability; and
- Eliminates the requirement for a “normalcy plan” and quarterly updates, and replaces it with an assessment of normalcy goals and objectives at each judicial review.



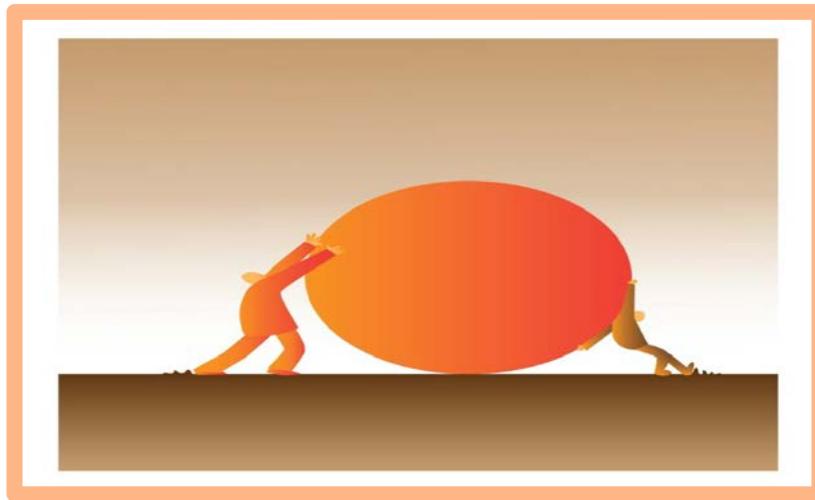
- **Caregiver can't violate laws – i.e. visitation order**

- **DCF and Community Based Care lead agencies required to verify that provider agencies have policies consistent with this law**

- **Planning and implementation in your role**
 - Caregiver
 - Guardian ad Litem
 - Judiciary
 - Case Manager
 - Child Placing Agencies
 - Group Homes



- April 11, 2013 - Governor Scott signs HB215 into law at signing ceremony
- This law codifies what we want for our kids in foster care, and is consistent with our values
- Rulemaking is required



- There will still be obstacles to overcome – some financial
- Appropriate placement decisions are critical (“reasonable” means reasonable people can disagree)



NEXT STEPS....

- **Identify obstacles to normalcy activities and address them**

- **DRIVING**

- INSURANCE
- ACCESS TO A CAR
- DRIVING PRACTICE
- NEXT YEAR'S BILL – “KEYS TO INDEPENDENCE ACT”

- **TECHNOLOGY**

- CELL PHONES
- COMPUTERS





***EAGLE AWARD WINNER 2012
PRUDENTIAL DAVIS
PRODUCTIVITY AWARDS***

“... the statewide guardian ad litem is an elegant combination of effectiveness and accountability, of individuals joining hands with government to give a voice to innocent kids who are suffering through no fault of their own.” -- Florida Trend (January 2013)

***Angels in Adoption
Award Winner 2012***
**Congressional Coalition
on Adoption Institute**



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