

# Four Steps

Judges and Court Professionals Can Take

To Promote Permanency for Youth in Foster Care



*Voice for Adoption*  
SPEAKING OUT FOR OUR NATION'S WAITING CHILDREN



## Permanency in the Court A Youth Driven Perspective

Speakers:

Schylar Baber, Voice for Adoption, Adopted, Washington, DC

Steve Rideout, Retired Chief Judge of Alexandria, VA

Kristin Kelly, Senior Staff Attorney, American Bar Association, Washington, DC

Anni Keane, Adopted and Team Member at You Gotta' Believe, NY

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- The **Preventing Sex Trafficking and Strengthening Families Act** sought to increase permanency opportunities for older youth in foster care. Recognizing APPLA was being used as a case plan far more often than intended and that it often did not provide any elements of permanency, the Act limited the use of APPLA in two significant ways.
- First, the law prohibits APPLA as a permanency plan for youth under age 16.
- Second, the law also makes it much harder to choose or maintain APPLA for youth 16 and older.
- To do so, the agency must document that
  - intensive, ongoing, unsuccessful efforts to achieve reunification, adoption, guardianship, or placement with a fit and willing relative have been made
  - APPLA is the best permanency plan for the child
  - there is a compelling reason that it is not in the best interest of the youth to return home, be placed for adoption, enter a guardianship arrangement, or be placed with a fit and willing relative.

## **Preventing Sex Trafficking and Strengthening Families Act 2014**

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- If APPLA is the proposed permanency plan, the court:
  - Must ask the child about his or her desired permanency outcome.
  - Must confirm that the agency is taking steps to ensure the reasonable and prudent parent standard is being exercised
  - Must confirm that the agency has documented that the child has regular and ongoing opportunities to engage in age or developmentally appropriate activities.

## **Preventing Sex Trafficking and Strengthening Families Act 2014**

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- VFA held focus in-person focus group with 2015 Congressional Caucus on Adoption Institute's Interns
- Surveyed 68 former and current foster youth
  - *"I never had a voice in my case plan. Everything was decided for me."*
  - *"Make sure that we too have a voice, I can't speak for everyone but I feel better advocating for myself. Who knows the situation better than me anyway?"*
  - *"I had already aged out but I wish someone would've told me that this case plan goal was going to catch up to me after I graduated from college and was uncertain about next steps."*
  - *"I wish that the social worker included me in the case planning so my voice could be heard."*

# Developing the Permanency Guide

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- Sometimes assumptions are made by child welfare and court professionals about older youth being “hard to place” or “unadoptable”.
- Also, sometimes youth pick up on the assumptions of others around them (Seeing themselves as “unadoptable”).
- Sometimes the youth themselves and their attitudes toward permanency may prevent them from being open to that as an option.
  - An important and normative phase of adolescent development is growing independence and separation from one’s parents.
  - This age-appropriate urge for independence in youth in foster care may be interpreted by court and child welfare professionals as disinterest in finding a permanent family.

# **Negative Attitudes**

## **Barrier 1**

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- courts and child welfare professionals sometimes focus overly on transition supports
- courts can help by expanding their focus with older youth to incorporate not just independent living skills
  - development and maintenance of permanent family
  - social connections that young people need to grow and flourish into adulthood.

## **Transition Planning Too Often Leaves Out Permanency Planning Barrier 2**


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- A youth that has had multiple case workers, teachers, or other professionals come in and out of their lives
  - may have little motivation to remember a new face or name
  - It takes persistence and consistency to demonstrate that you are genuinely there to help.
- Many youth report never meeting their lawyer
- Youth can also be assigned numerous judges , all of which can have different methods of handling a case

## **Staff Turnover Creates Real Challenges for Youth**

### **Barrier 3**

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- Youth report being intimidated by the courtroom.
  - Others report that judges showed little interest in the youth.
  - Youth that have a positive relationship with their CASAs feel more comfortable with them advocating on their behalf .

## **Lack of Trust**

### **Barrier 4**

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- Digital Permanency in the Courts Bench Card
  - Digital full-length “Your Voice for Permanency, a Guide for Judicial Leaders

[www.voice-for-adoption.org/special\\_projects](http://www.voice-for-adoption.org/special_projects)

**DOWNLOAD FOR FREE**

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# **What Works in the Courts**

Ret. Judge Steve Rideout

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- Judges –
  - Review cases and any updates a day or two before the court hearing
  - Know what questions you want to ask those present – caseworkers, child, lawyers, parents, foster parents, treatment providers – you control the review hearing
  - If possible, have a conversation with the child – use silence effectively to give them time to open up to you – Let them feel comfortable talking with you – talk about options and ask what they want – all children, no matter the age, come to court
  - Ensure that cases are not delayed – Delay is the enemy of everyone
  - Require your agency to engage in concurrent planning for a child so that the parents know from the start that you will be considering other alternatives to “return home”

# **What Can Be Done to Promote Permanency?**

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- Judges –
  - If potential caregivers/relatives are out of state, start ICPC process immediately as part of a concurrent plan - <http://icpc.aphsa.org/content/AAICPC/en/resources/ICPCFAQ.html>
  - Schedule court hearings so that youth can attend without missing school or sports
  - No cattle call dockets – make them time certain – cattle call dockets send the wrong message to everyone involved
  - Ask the child how often s/he has seen their lawyer or GAL
  - Limit congregate care whenever possible – look for relatives and important people in the lives of the child as possible caregivers
  - Keep siblings together whenever possible
  - Adoption is always a possibility – no matter the age

## **What Can Be Done to Promote Permanency?**

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- Lawyers, CASAs, and Guardians ad Litem (GAL)
  - See and call your child client often between court hearings – let them get to know you
  - Bring your child client to court for the hearing no matter how old they are
  - Be sure you can tell the judge how many contacts you had with your client between court hearings
  - With older children explain the court process to your client more than once to help them understand – then ask them to explain it to you
  - File a written report on the status of case prior to court date – do not give it to judge during the hearing – that is too late
  - Be prepared for every hearing –
  - Advocate for your child
  - Ask the questions and consider the suggestions on the Voice for Adoption Benchcard

# **What Can Be Done to Promote Permanency?**

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- Listen to Foster Stories online at [www.whcp.org](http://www.whcp.org) or on the Website of Foster Care Alumni of America at [www.fostercarealumni.org](http://www.fostercarealumni.org)
  - Steve Rideout, [swrideout@aol.com](mailto:swrideout@aol.com)

**CHECK US OUT**


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# **Youth Engagement Project**

American Bar Association Center on  
Children and the Law


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- Meaningful engagement of youth in their court proceedings
  - Professional understanding of the needs of older youth in care
  - Permanency and support for all youth in care
  - State and local policies & practices that support older youth
  - Empowerment of youth to advocate for themselves

## **Project Goals:**

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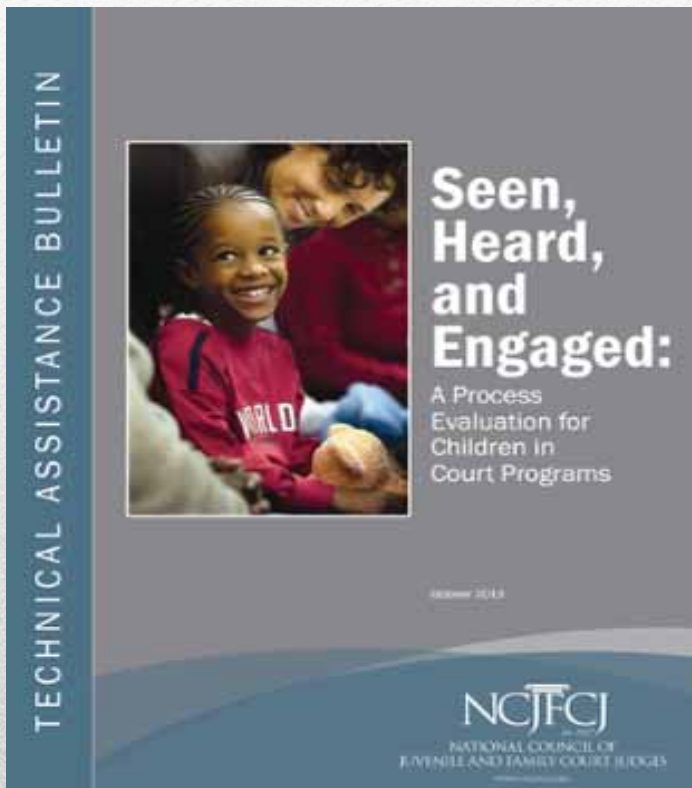
## Role of the Court in Implementing the Older Youth Provisions of the Strengthening Families Act

[http://www.americanbar.org/content/dam/aba/administrative/child\\_law/youthengagement/SFA%20for%20Courts%20ABA%20February%202016.pdf](http://www.americanbar.org/content/dam/aba/administrative/child_law/youthengagement/SFA%20for%20Courts%20ABA%20February%202016.pdf)

## **Tools and Resources**

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[http://www.americanbar.org/groups/child\\_law/what\\_we\\_do/projects/youth-engagement-project.html](http://www.americanbar.org/groups/child_law/what_we_do/projects/youth-engagement-project.html)



### TA Bulletin

[www.ncjfcj.org/sites/default/files/CIC\\_FINAL.pdf](http://www.ncjfcj.org/sites/default/files/CIC_FINAL.pdf)

### Evaluation Guide

[www.ncjfcj.org/sites/default/files/children\\_in\\_court\\_programs\\_final.pdf](http://www.ncjfcj.org/sites/default/files/children_in_court_programs_final.pdf)

### Engaging Youth in Court: National Analysis

[http://www.americanbar.org/content/dam/aba/administrative/child\\_law/youthengagement/NationalAnalysisFinal.pdf](http://www.americanbar.org/content/dam/aba/administrative/child_law/youthengagement/NationalAnalysisFinal.pdf)

# Tools and Resources

## KANSAS

- Youth friendly notices
- Judicial benchcards
- Youth court report
- Training/Peer-to-Peer Training

## NEW JERSEY

- Videos
- Pilot Protocol
- Pilot Report

[http://www.americanbar.org/groups/child\\_law/what\\_we\\_do/projects/youth-engagement-project/expertise/engaging-youth-in-court.html](http://www.americanbar.org/groups/child_law/what_we_do/projects/youth-engagement-project/expertise/engaging-youth-in-court.html)

# Two State Examples:

A form titled "My Thoughts for the Judge". It includes a header for the child's name and date. The main text asks the child to share their opinion on the court process. The form contains a question about visiting parents, a table for "Yes", "No", and "I don't know" responses, and another question about family preferences. There are several lines for handwritten answers.



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# **Permanency for Older Youth**

Anni Keane, You Gotta Believe NYC

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- Promote a positive attitude towards permanency
- All professionals in the child welfare system ought to have an understanding of the importance of families for older youth in care. It is often a topic that is bypassed or brushed up on. I have been in increasing belief that finding families for older youth is possible. We need to do more as a system to believe in this philosophy- and once we do that, conversations will improve and our actions will follow.
- Prioritizing permanency is NAO's most important goal. Child Welfare professionals are in crisis of older youth aging out of care.
- As a result ACS is asking Foster families to keep the youth in their homes for additional months to prevent homelessness. Before that time judges can request, that workers identify resources from the time a worker understands youth can not return home.
- NAO advocates provide profound training's for Professionals in the Child Welfare system. The Advocates share their personal stories and the impact the courts made in their lives. Court officials leave with a better understanding of the impact and their decisions make and the out-comes of foster alumni.

## **Four steps judges and court professionals can take to promote Permanency for youth in the foster care system**

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- Asking additional questions to ensure permanency work is being done. Recruitment is everybody's job and it can be done by having open, consistent dialogue about important people in the youth's life.
- Re-visiting questions
- Don't take no for an answer. No can mean at least one of the following things. Youth don't want to reject their biological families, youth don't want to be rejected themselves, workers don't believe that it's possible so they ask it in a way that's not encouraging, or the youth was already adopted and rejected.

**Check that permanency  
planning is being done well**

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- Dave Thomas Foundation for Adoption
- TruNorth Group
- Nicole Dobbins
- Congressional Caucus on Adoption
- NACAC
- You Gotta Believe
- Youth!!!



**THANK YOU**