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# Youth Voices For Permanency

## Courtroom Guide on How Courts and Judges Can Make a Difference



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*Voice for Adoption*

SPEAKING OUT FOR OUR NATION'S WAITING CHILDREN

# ACKNOWLEDGMENTS



PHOTO: Courtesy of The Republican

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PHOTO:  
Springfield, MA - Judge Daniel Swords poses with newly adopted teen and his new mother following his adoption ceremony at the Hampden County Juvenile Court during National Adoption Day in 2014. (MARK M. MURRAY / THE REPUBLICAN)

## *Voice for Adoption*

SPEAKING OUT FOR OUR NATION'S WAITING CHILDREN

Voice for Adoption in Washington, D.C., is a national advocacy organization with a mission to speak in a single voice with policy-makers, representing the interests of the 108,000 foster children awaiting adoption and the families who adopt them. Learn more at [www.voice-for-adoption.org](http://www.voice-for-adoption.org).

## Table of Contents

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<b>Introduction</b>	<b>3</b>
■ ABOUT THIS GUIDE	4
■ IN THEIR OWN WORDS: PERMANENCY SURVEY FINDINGS	5
<b>Barriers to Permanency and Action Steps Judges Can Take</b>	<b>9</b>
■ WHAT JUDGES CAN DO: PROMOTE POSITIVE ATTITUDES TOWARD PERMANENCY	9
■ WHAT JUDGES CAN DO: HAVE YOUTH PARTICIPATE AND SPEAK UP	10
■ WHAT JUDGES CAN DO: LIMIT GROUP CARE, SUPPORT FAMILY PLACEMENTS	11
■ WHAT JUDGES CAN DO: ENSURE PERMANENCY PLANNING IS BEING DONE WELL	11
<b>Questions Youth Would Like Judges to Ask</b>	<b>13</b>
<b>Permanency and the Law</b>	<b>14</b>

## Introduction

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The journey to adulthood is filled with potential pitfalls in the best of times. But imagine the challenges of becoming an adult without anyone to guide and support you. Unfortunately, many youth in foster care face just that. Each year, approximately 23,000 youth leave foster care in the United States through “emancipation” or aging out of the system. Over the past decade, both the number<sup>1</sup> and the percentage of children leaving the foster care system to emancipation has increased.<sup>2</sup> Typically, these young adults exit care without a permanent family they can count on to help them navigate the transition to adulthood successfully. These youth are less likely to complete education or vocational training, more likely to be unemployed, and more likely to experience unplanned pregnancy, legal system involvement, substance abuse and homelessness than their same-aged peers who are not in foster care.<sup>3</sup>

Without a concentrated and relentless effort focused on ensuring youth have committed, caring adults in their lives whose support will be permanent rather than simply connected through the foster care system, they will not be prepared for life’s challenges. Currently, the foster care system places unrealistic expectations on older youth by primarily focusing on transitioning or “independent living,” rather than on helping them secure a permanent family. It is our job to ensure that after foster care, youth have people connected with them forever, people they can celebrate life’s successes with and fall back on in times of need. As a youth in foster care said, “you’re never too old for a family.”

The perspectives of youth currently or formerly in foster care offer important insights into what it takes to achieve lasting permanency. This guide for court professionals reflects input of youth and judicial leaders,<sup>4</sup> explains the importance of permanency in adolescent lives, and offers ideas for how judges can help more children and youth achieve permanency.

*“When I think of permanent (families) — I think of stability and consistency. I think of security for the wellbeing and growth of a child. I think of trust and comfort. All those words describe permanency.”*

— FORMER YOUTH IN FOSTER CARE

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<sup>1</sup> Stott, T. (2013). “Transitioning youth: policies and outcomes”. *Children and Youth Services Review*, 35, 218-227.

<sup>2</sup> Stott, T. (2013). “Transitioning youth: policies and outcomes”. *Children and Youth Services Review*, 35, 218-227.

<sup>3</sup> Avery, J. (2010). “An examination of theory and promising practices for achieving permanency for teens before they age out of foster care” *Children and Youth Services Review*, 32, 399-408. Retrieved from: <http://yougottabelieve.org/wp-content/uploads/2013/07/Children-and-Youth-Services-Review-Article-YGB-Promising-Practice.pdf?934e9480dc6f4>

<sup>4</sup> In preparing this paper, the authors consulted with judicial leaders and young people to identify barriers to permanency. In 2015, Voice for Adoption (VFA) conducted a survey of former and current foster youth with 68 respondents, and conducted several focus groups with former foster youth interning in Washington, D.C. In addition, VFA interviewed several judges on permanency challenges.

## ■ ABOUT THIS GUIDE

We know from research and best practices that permanency is important, however we wanted to hear directly from young people who were in foster care about their understanding of permanency. In preparing this guide, Voice for Adoption (VFA) conducted a survey of former and current foster youth with 68 respondents and conducted several focus groups with former foster youth. In addition, VFA interviewed several judges on permanency challenges.

We live in a society where young adults increasingly rely on parents and other adult caregivers for social and emotional support, as well as for financial stability. In the U.S., youth are now leaving home, starting families, and entering the workforce at later ages as they pursue higher education. The median age young people leave home is about 19 years old, and one in four youth do not leave their parents' home until the age of 22. About 40 percent of young adults return home to live with their parents at some point.<sup>5</sup> In effect, youth are transitioning to adulthood more gradually than in generations past.

Despite this broader societal trend, by policy and in practice, we seem to expect youth who age out of foster care to transition immediately to being fully independent adults, even in the absence of family they can fall back on when needed. Every child in foster care deserves to have a permanent family connection they can count on now, and after foster care, and judicial leaders can help make that dream a reality for many youth in care.

We can do better for youth in foster care. This guide identifies some of the significant barriers to permanency and is intended to help judges in their role in overseeing the cases of youth in foster care.

## FROM THE FIELD

**Organizations such as Wendy's Wonderful Kids, FosterClub, the Jim Casey Youth Opportunities Initiative, and other programs working with older youth have found that teaching teens about permanency can increase their interest and openness to establishing a long-term relationship with an adult in their lives. Sometimes learning about permanency in this way encourages young adults to be open to adoption as adults, with many adoptions now occur well into adulthood.**

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<sup>5</sup> Avery, J. (2010). "An examination of theory and promising practices for achieving permanency for teens before they age out of foster care" *Children and Youth Services Review*, 32, 399-408. Retrieved from: <http://yougottabelieve.org/wp-content/uploads/2013/07/Children-and-Youth-Services-Review-Article-YGB-Promising-Practice.pdf?934e9480dc6f4>

## DID YOU KNOW?

### Permanency = Better Outcomes for Youth in Foster Care

Achieving permanency, or placement with a safe, permanent family through adoption, guardianship, or reunification, can make a big difference for young people. Studies have found that when compared with youth who have not yet been adopted, youth in the foster care who are adopted are:

- more likely to complete high school or the equivalent,
- more likely to attend and complete college,
- less likely to become teen parents,
- less likely to abuse drugs and alcohol,
- less likely to have mental health problems,
- less likely to be arrested or incarcerated,
- more likely to be employed, and more likely to have adequate incomes.<sup>6</sup>

## ■ IN THEIR OWN WORDS: PERMANENCY SURVEY FINDINGS

In 2015, VFA surveyed youth who were or had been in care, receiving responses from 68 young people. Below are highlights of those responses.

### Understanding Permanency

The young people surveyed by VFA reported that they did not fully understand permanency goals and received little information about what permanency could mean for them. Just over 54 percent of youth reported never having had the term “permanency” explained to them. Nearly 46 percent said they were unaware what their permanency goals were while they were in care.

Participants overwhelmingly agreed that court officials need more information about permanency, with 88 percent reporting that they thought judges and court officials should have “greater training” on the importance of permanent connections for youth at risk of aging out.

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<sup>6</sup> Hansen, M.E. (2006). *The value of adoption*. Washington, DC: American University. Retrieved from <http://w.american.edu/cas/economics/repec/amu/workingpapers/1506.pdf> on July 12, 2016.

### Interactions with Judges

Attitudes toward judges varied greatly, with youth describing a range of positive, engaging experiences to some more distant or scary experiences.

*“Didn’t have much interaction (with judges). They were polite but didn’t really talk to me.”*

*“My judge was always respectful, honest, kind, stern when he had to be but still professional! He was always proud of me for something!”*

*“Only spoke with (judge) when I testified one time. She was very stern and not very open or friendly. Made me feel like I was the one in trouble.”*

*“My judge was decent. She took me to the back of her chambers once to ask me what I wanted and I still remember that. But at the time, I was still too scared to express what I wanted and afraid of the repercussions.”*

### Participating in Permanency Hearings

About 24 percent of surveyed youth reported that they had never attended their court hearings, and 48 percent said they had never or rarely been involved in permanency hearings.

Nearly 60 percent reported that they had wanted to change their case plan, but less than 24 percent reported they had been able to do so. About 16 percent said no one had helped change their minds about their preferred permanency plan. They voiced strong regret about not being involved in decisions about their futures:

*“When I was growing up in care I never went to court and my mother (legal guardian) communicated with my social worker about MY NEEDS and MY plan. If I had come to court I would have had more knowledge regarding my case.”*

*“I wish I had spoken up to my judge and asked him to change my case plan from reunification to APPLA. I didn’t realize the importance of speaking up in court at the time and I wish that somebody had told me why it is so important to tell the judge my opinion about my case plan.”*

*“I never attended one (permanency hearing) while being in foster care. However, now working in the field as a social worker, I like that the judges take these seriously and review the case and where it is headed. I do think they help workers stay on track to working on the overall goal of reunification, adoption, OPPLA.”*

*“I wish that ahead of the hearing they would tell the youth that they should prepare a short statement about what they want to happen in their case.”*

*“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 think they should really express to the kids that it’s all about them and no one else, that they shouldn’t be afraid to speak out and tell how they are feeling and what they want.”*

*"I never had a voice in my case plan. Everything was decided for me."*

*"... 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."*

### **Defining Permanency**

In focus groups and in the survey conducted by VFA in 2015, youth currently and formerly in foster care describe what permanency means to them:

*"That I would finally belong. It's more than just finding your niche. It's finally being exactly where you're supposed to be and no one ripping you away."*

*"It means securing 'permanent' life-lasting relationships for youth, to continue their growth throughout their lives."*

*"Always having someone to call for advice, always having a place to go to, or to have your stuff when you're transitioning, someone who loves you unconditionally and is invested in your future."*

*"Having somewhere to go home to when you have a bad day and you need comfort. Having a loving adult that cares enough to tell you when you are wrong, have expectations of you, and love you through your mistakes."*

*"Permanency means having a place you can go when all other options have been exhausted, when you've got no safety net, with people who love and accept you."*

### **UNPACKING THE NO: WHAT DO CHILDREN FEAR ABOUT ADOPTION?**

*Lessons from Wendy's Wonderful Kids, Child-Focused Recruitment Approach*

- The unknown
- Changing schools and their last names
- Leaving their communities and friends
- Wondering if they will be safe and happy with their new families
- Wondering if they have to reject their biological families
- That no one will want them
- Fear that it won't work and the family will "give them back"
- Adoption was never explained to them, so they don't understand what it means

Learn more: <https://davethomasfoundation.org/adopt/wwk/>



### **Use of APPLA/OPPLA as Permanency Goal**

When asked about the use of Another Planned Permanent Living Arrangement (APPLA) or Other Planned Permanent Living Arrangement (OPPLA) as a permanency plan, it was clear that youth's understanding of APPLA/OPPLA varied significantly. Two out of three youth surveyed did not know whether they had ever had APPLA, OPPLA, or a Planned Permanent Living Arrangement (PPLA). While some liked the option of APPLA and found it was useful in preparing youth for aging out, others strongly disliked it. One youth went so far as to describe it as a "safe opt-out" for caseworkers.

*"At first I was okay with it (APPLA) because it guaranteed some level of safety but now that I am in my early 20s, the repercussions are significant. Not having someone with some degree of responsibility or care means that I am completely on my own while navigating young adulthood. This can be so stressful at times especially during transitions when a lot of things need to be taken care of and financial resources (are) running low."*

*"I wish that every possible option is exhausted before changing the goal to OPPLA."*

*"When I learned about the permanency hierarchy outlined in federal law, I was appalled that I went straight to the bottom (APPLA), with no real effort to identify permanency for me—only independence for my transition. No one ever reached out to my relatives, some who lived only 20 minutes away from me."*

## Barriers to Permanency and Action Steps Judges Can Take

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Child welfare researchers and practitioners and youth themselves have identified several barriers to permanency for youth in foster care. This section describes critical barriers to permanency and offers action steps judges can take to help overcome these obstacles.

- 1. BARRIER: Negative attitudes toward permanency**, both by child welfare professionals who may think of children as “unadoptable” and by youth, who want freedom or who may have had negative experience with family to date. Courts can play an important role in ensuring that child welfare professionals take responsibility for informing and supporting young people during permanency discussions so that youth better understand their choices. Believing there is a permanent family for every child is an important precedent for achieving permanency.

Also, the latest adolescent brain research tells us it is normal for youth to yearn for and work toward independence. Unfortunately for youth in foster care, this occurs without them having a safe, permanent family they can count on, and they may not even realize that they need that foundation. The VFA youth survey bears out what many have known for years: we do a poor job of explaining permanency to children, but few reject it when they fully understand it.

### ■ WHAT JUDGES CAN DO: PROMOTE POSITIVE ATTITUDES TOWARD PERMANENCY

- Believe — and set the expectation for others in the courtroom — that EVERY child is adoptable.
- Don’t assume that an older child will be hard to place.
- Ask the case worker whether the case plan includes treatments for grief, loss, and trauma stemming from abuse, removal, or neglect to help youth be more open to permanency options. Discuss if supporting connections with birth family will make a youth more comfortable with adoption.
- Provide court staff with training on adoption and other permanency programs for youth.
- Don’t assume a child doesn’t want to be adopted even if he or she expresses reluctance; many say no the first time they are asked.
- Explain to youth what permanency can mean, because they may not understand the ramifications of not having a family.
- Never suggest to a child he or she may be unadoptable. Repeat the phrase, “It’s never too late to be adopted” during court proceedings.

- 2. BARRIER: Lack of opportunities for youth to participate in judicial hearings or express their views to caseworkers and judges.** Youth surveyed expressed a keen interest in being given a chance to speak in court, and lamented they were never or rarely asked to voice their opinions while they were in care. When judges and other decision makers hear from and interact

directly with the young people whose cases they are reviewing, they receive better and more comprehensive information and can strengthen their decision-making.<sup>7</sup> In addition, judges may also be cautious about asking questions that are too probing, and stirring up issues that cannot be addressed in brief hearings.

In addition, one of the difficulties in the foster care system is the sheer number of people that come in and out of youth's lives – caseworkers, lawyers, judges, foster parents, group home staff, and court appointed special advocate (CASA) or guardian ad litem (GAL). The large number of players, combined with high turnover in many cases and a scarcity of CASAs or GALs in some communities, can make it difficult for youth to share their viewpoints, and ultimately reduces the chance that youth will achieve permanency.<sup>8</sup>

■ **WHAT JUDGES CAN DO:  
HAVE YOUTH PARTICIPATE AND SPEAK UP**

- If a child or youth is not present, ask why not. Explore whether he or she can join via telephone or some other means. Schedule cases so youth do not have to miss school to attend. Set them for certain time so that children don't wait hours to be heard.
- Before the hearing, provide a written explanation about the different roles that people play in these type of cases so that the youth can study it before the court hearing. Before the hearing starts, have people in the courtroom identify themselves and explain their role.
- Ask all youth to tell you something about themselves to help them relax, don't worry if they are silent at first. Give them time to respond. One young person stated that it would be hugely beneficial if professionals simply asked, "How can I help you?"
- Ask the youth, the lawyer, and the caseworker whether they have had a conversation about permanency with the child.
- Ask whether the youth wants a permanent family and explain what it can mean for their future.
- Ask the youth whether they have met with a CASA or GAL. Explain what each does and how they should partner with the youth.
- Adopt a one judge/one family rule in your court so the same judge hears a child's case for the entire time that the child is in care.

**3. BARRIER: Group care settings prevent children and youth from meeting potential permanent families.** The fact that too many teens live in group care impedes the chances of youth finding a permanent family. More than 50 percent of children adopted from foster care are adopted by their foster parents; another 30 percent are adopted by relatives.<sup>9</sup> Yet, nearly one in

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<sup>7</sup> Authentic Youth Engagement: Youth-Adult Partnerships" – Jim Casey Youth Opportunities Initiative (2012). Retrieved from: <http://www.jimcaseyyouth.org/sites/default/files/documents/Issue%20Brief%20-%20Authentic%20Youth%20Engagement.pdf>

<sup>8</sup> In addition, there is no federal right to the representation of an attorney in child welfare matters so not all youth have legal representation in their court proceedings. The Child Abuse Prevention and Treatment Act requires that guardian ad litem be appointed in every abuse and neglect case, and that individual can either be an attorney or a court appointed special advocate (CASA). 42 U.S.C.A. 5106a(b)(2)(B)(xiii).

<sup>9</sup> National Survey of Adoptive Parents.

three teens in foster care live in non-family settings, typically not as a result of needing therapeutic resources but because there is no alternative.<sup>10</sup> When teens are sent to group placements, they often age out of foster care without ever joining a permanent family.

■ **WHAT JUDGES CAN DO:  
LIMIT GROUP CARE, SUPPORT FAMILY PLACEMENTS<sup>11</sup>**

Ask why group care is the best placement option for this young person and how it is providing therapeutic care. Group care placement may be necessary for emergencies, but time spent in group settings should be limited. When used, group home placements should be treated as a time-limited therapeutic intervention with defined treatment goals, but not as a long-term place to live.

- Ask how long a child has been living in a group care setting and what the plan is for when a child can be moved to a family.
- Ask about what relative searches have been completed or see how quickly they can be done.
- Ask whether there are any previous foster families or other adults with whom the child had a relationship that could be a permanent placement for the child. Ask whether any families caring for a child's siblings have been contacted as a potential resource.
- Ask about support services (mental health care, respite, personal care attendants, and others) that can be provided in a family placement rather than in group care. With proper training and support, families (foster, kin, and adoptive) can care for children who have significant medical or behavioral needs.
- Ask whether any families caring for a child's siblings have been contacted as a potential resource.

- 4. BARRIER: Focusing on transition plans without permanency planning.** As youth approach the age when they must exit the foster care system, courts and child welfare professionals sometimes focus solely on providing transition supports, and spend less time and energy on developing and pursuing permanency options. In addition, children's experience with grief, loss, and trauma can affect their ability to form trusting relationships necessary for having a family and achieving permanency, and may make them resist permanency options.

■ **WHAT JUDGES CAN DO:  
ENSURE PERMANENCY PLANNING IS BEING DONE WELL**

- When you see plans for transition services, ask about plans for permanency services.
- If the case plan is Other Planned Permanent Living Arrangement (OPPLA), or Another Planned Permanent Living Arrangement (APPLA), ask the caseworker why and what the plan for permanency is.

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<sup>10</sup> *Every Kid Needs a Family*. (2015) Annie E Casey Foundation

<sup>11</sup> Consensus Statement on Group Care for Children and Adolescents: A Statement of Policy of the American Orthopsychiatric Association.

- During review hearings, ask whether young people are connected to a permanent family or what plans there are for finding a youth such a connection.
- Review the list of permanency services found to be effective (below), and ask what's available in your county or state. Ask what is being done for this young person.
- Ask if the youth is being actively engaged in his or her permanency planning efforts and in identifying people who are potential family placements.
- Ask whether prior trauma is being sufficiently considered in decisions about placements. Ask how agencies are supporting youth to address grief and loss.
- Schedule review hearing for 30 or 60 days to receive update on permanency plans.

### **EXAMPLES OF PERMANENCY SERVICES**

- **Child-Focused Recruitment (Wendy's Wonderful Kids)**
- **Family finding, including use of search technology and social media**
- **Identifying and rekindling connections with caring adults who are not relatives or kin**
- **In-depth review of case files – also known as case mining**
- **Creating a child profile or life book**
- **Peer permanency and transition panels of former foster youth sharing their lived experiences**
- **Preparing and supporting an identified permanency resource**
- **Team-based planning (family group decision making, permanency teaming)**
- **Helping youth join community activities that will build a support network**
- **Permanency round tables**

Permanency services may also include counseling or therapeutic services that address the child's history of trauma, separation and loss, and other mental health needs. These services may also help address challenges that may reduce the child's ability to achieve a permanent family. Services may include:

- **Trauma, grief and loss therapy**
- **Treatments for trauma and other issues that prevent healthy relationships and connections**
- **Assessments of emotional security and follow-up therapeutic services**
- **Family therapy**

For many older youth in care, permanency services should also include discussions about why permanency matters and, for those who are reluctant about adoption or guardianship, ongoing conversations to help reduce resistance to these permanency options.

## Questions Youth Would Like Judges to Ask

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Youth surveyed by VFA listed a number of questions they wish judges would ask in court. We encourage judges and court staff to put together a similar questionnaire that they use in all hearings with youth. And, if youth can't participate in person, the court could require the young person's representative to gather and present this information in another format.

1. How are you? How's it going?
2. What are your future goals? How do you plan to achieve them?  
How can we help you?
3. What do you like to do?
4. Who is important to you? If you can't go back to your parents, who else would you want to live with? Who else do you want to come your permanency hearings? Who would you invite to your school play, sporting events, etc.?
5. What do you like and dislike about your current placement?
6. What does your case plan mean to you? Do you know what your case plan is?
7. If something goes wrong, who can you count on?
8. What are your thoughts on what is being discussed?
9. How can I help you?
10. Do you know what your permanency options are and what each option means?
11. How do you feel about permanency?
12. At adoption hearings:
  - Have you met with your attorney since the last hearing? How many times?  
Where?
  - Has your attorney explained the difference between legal guardianship and adoption? Tell me what you think the difference is.
  - Do you want to have some relationship with your mother or father in the future?  
If so, what do you think it should be?
13. Do you know that if you have any questions or concerns, you can write me (the judge) at any time?

\* In some jurisdictions APPLA is known as Other Planned Permanent Living Arrangement (OPPLA) or Planned Permanent Living Arrangement (PPLA).

## APPENDIX

## Permanency and the Law

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**1997** The **Adoption and Safe Families Act** sought to reduce the use of long-term foster care. It replaced this permanency goal with Another Planned Permanent Living Arrangement (APPLA).<sup>\*</sup> Replacing the term “long-term foster care,” APPLA was intended to be used in rare cases for youth who were unable to reunify, enter guardianship, or be adopted. The law required state agencies to provide a compelling reason as to why a more preferable permanency option could not be used before assigning APPLA and required APPLA to be described. Rather than simply being a child’s permanency plan, APPLA was intended to be a specific combination of living arrangement, services, and relationships for that child. Ideally, this description was to provide the court some certainty that elements of permanency were being provided to the child through this less conventional permanency option. In reality, many courts simply accepted the APPLA designation without further explanation or inquiry. APPLA too often was just a new name for long-term foster care.

**1999** The **Foster Care Independence Act** expanded the existing independent living programs for foster youth, renaming it the Chafee Independent Living Program, increasing funds, and allowing funds to be used for 18- to 21-year-olds who had aged out of care. Though not federally recognized as a permanency plan or case goal, independent living plans have become a focus of casework with older youth, often receiving far greater attention than the permanency options of reunification, placement with kin, adoption, or guardianship. An ongoing challenge of serving older youth in foster care is striking the right balance between supporting them in their transition to adulthood and continuing to pursue permanency.

**2008** The **Fostering Connections to Success and Improving Adoptions Act** allowed states to extend foster care beyond age 18. Fostering Connections recognized that extending services to youth in foster care for a longer period of time created more opportunities for youth to prepare for their transition to independent adulthood. Research shows that youth who remain in care past age 18 are more likely to obtain a high school diploma or enroll in college, and are far less likely to be victims or perpetrators of crimes.<sup>i</sup>

Fostering Connections also requires that the system must complete a transition plan for youth who are aging out 90 days before discharge. Developed in collaboration with youth, the transition plan must include information about plans for housing, employment services and workforce supports, opportunities for mentors, education, and health insurance. Fostering Connections also extended eligibility for the Chafee Foster Care Independent Living Program services to youth placed in guardianship at age 16 and older.<sup>ii</sup>

Fostering Connections sought to increase routes to permanency for all children in foster care, whether through reunification, adoption, or guardianship. When a permanent family is not found, Fostering Connections wanted to make sure that older youth have supports they need to leave foster care safely and securely. However, one of the core services that youth must continue to receive in extended foster care is permanency services (see box on page 12). The legal obligation to make reasonable efforts to accomplish the youth’s permanency plan continues. The law recognized the importance of permanency to older youth by requiring that states that opted to extend foster care also extend adoption assistance and guardianship assistance to age 21.<sup>iii</sup>

**2014** 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.<sup>iv</sup> 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:

1. intensive, ongoing, unsuccessful efforts to achieve reunification, adoption, guardianship, or placement with a fit and willing relative have been made;<sup>v</sup>
2. APPLA is the best permanency plan for the child;<sup>vi</sup> and
3. 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.<sup>vii</sup>

If APPLA is the proposed permanency plan, the court:

1. Must ask the child about his or her desired permanency outcome.<sup>viii</sup>
2. Must confirm that the agency is taking steps to ensure the reasonable and prudent parent standard is being exercised;<sup>ix</sup> and
3. Must confirm that the agency has documented that the child has regular and ongoing opportunities to engage in age or developmentally appropriate activities.<sup>x</sup>

### KEY PERMANENCY PROVISIONS OF STRENGTHENING FAMILIES ACT

1. Prohibits APPLA as a permanency plan for youth under age 16.
2. Makes it much harder to change or maintain the goal of APPLA for youth 16 and older.
3. Directs youth age 14+ to be involved and allows them to invite two adults to their permanency planning process.



**2014**

The law also sought to ensure that youth are engaged in the permanency discussion. When the proposed plan is APPLA, the court is required to ask the child about his or her desired permanency plan. While previously the court was required to “consult”<sup>xi</sup> with all youth on their permanency and transition plans, this new provision explicitly requires a direct inquiry with the child. The youth’s team must to be working with and involving the youth in permanency planning for this inquiry to appropriately occur.

The American Bar Association and other organizations have created a variety of tools and bench guides for judges to assist them in implementing the case oversight and revision provisions of the Strengthening Families Act. Here are a few examples:

1. **Issue Brief:** The Role of the Court in Implementing the Older Youth Provisions of the Strengthening Families Act, American Bar Association, February 2016  
[http://www.americanbar.org/content/dam/aba/administrative/child\\_law/youthengagement/SFA%20for%20Courts%20ABA%20February%202016.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/administrative/child_law/youthengagement/SFA%20for%20Courts%20ABA%20February%202016.authcheckdam.pdf)
2. **Issue Brief:** The Role of the Courts in Implementing the Strengthening Families Act, Juvenile Law Center, February 2016  
<http://www.jlc.org/resources/publications/issue-brief-role-courts-implementing-strengthening-families-act>
3. **Technical Assistance Brief:** Key Principles for Permanency Planning, National Council of Juvenile and Family Court Justices, July 2011  
<http://www.ncjfcj.org/sites/default/files/Key%20Principles%202011.pdf>

- i. Krinsky, M. & Liebmann, T. (2011). Supporting youth who are aging out of foster care. *Child Law Practice*, 30, 13-15
- ii. Langford, B., Flynn-Khan, M., & Gaughen, K. (2010). *Designing foster care to 21: A discussion guide for state leaders*.
- iii. 42 U.S.C.A. § 675 (8)(B) and ACYF-CB-PI-10-11 (July 9, 2010)
- iv. 42 U.S.C.A. § 675(5)(C)(i).
- v. 42 U.S.C.A. § 675a(a)(1).
- vi. 42 U.S.C.A. § 675a(a)(2)(B).
- vii. 42 U.S.C.A. § 675a(a)(2)(B).
- viii. 42 U.S.C.A. § 675a(2)(2)(A).
- ix. 42 U.S.C.A. § 675a(a)(3)(A).
- x. 42 U.S.C.A. § 675a(a)(3)(B).
- xi. 42 U.S.C.A. § 675(5)(C)(iii).