

Youth in Foster Care Ages 16 to 21: Addressing Trauma, Building Connections, and Achieving Permanency

**CJI Conference
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Today's Topics

- **The value of permanency**
- **Strategies to achieve permanency**
- **Court's role in addressing permanency for older youth**

The Value of Permanency

**A
FAMILY
ISNOWHERE**

A
FAMILY
IS NOWHERE

**A
FAMILY
IS NOW HERE**

What is Permanency?

Permanency [pur-muh-nuhn-see]

noun

- 1. Permanence**
- 2. Something that is permanent**

What does “Permanent” Mean?

Permanent [pur-muh-nuhnt]

adjective

1. Existing perpetually; everlasting, especially without significant change
2. Intended to exist or function for a long, indefinite period without regard to unforeseeable conditions
3. Long-lasting or nonfading

Foster Care IS NOT Permanency

Foster care is intended to be a *short term* situation until a permanent placement can be made.

Wikipedia

Youth Perspective

- Permanency is NOT a **place**.
- Permanency is a **state of mind**, NOT a **placement**.
- Permanency is having the feeling that you are **connected**, that there is someone **in the middle of the night** who will answer your **collect** phone call, or **miss you** when you don't show up.

Youth Definition of Permanency

Permanency includes involvement of the youth in finding permanent connections with at least one committed adult who provides:

- A safe, stable and secure parenting relationship**
- Love**
- Unconditional commitment**
- Lifelong support in the context of reunification, a legal adoption or guardianship, where possible, and in which the youth has the opportunity to maintain contact with important persons including brothers and sisters.**

Permanency: What is it?

- A parent or two – A parenting relationship with at least one adult
- Intent – A mutual understanding that this relationship is intended to last forever
- Unconditional commitment by the adult(s)
- Participation of all parties in the relationship
- Lifelong and mutual support and involvement
- Intimacy & Belonging – “My son”, “my mom”
- Status – How the world views your relationships

Permanency is . . .

- Permanency is for **NOW**: What does permanency mean for young people preparing to leave care?
- Permanency is for the **FUTURE**: What might it mean in 5,10 or 20 years?
- Permanency is for **ALL YOUTH**: Including those who will need adult residential care, or those with a permanency plan of emancipation.
- Permanency **CAN BE CREATED**.

Goals for Permanency

Agency efforts must ensure all youth attain the highest level of permanency possible:

- Legal
- Physical
- Emotional/Relational
- Cultural

Legal Permanency Options

- **Reunification**
- **Adoption**
- **Tribal customary adoption**
- **TPLPC**
- **Re-establishment of the legal parent-child relationship**
- **Adult Adoption**

Adoption

- **Child legally freed for adoption through a guardianship transfer to the commissioner of Human Services via:**
 - **Termination of parental rights; or**
 - **Court's acceptance of a Consent to Adopt under Chapter 260C**

Minnesota Statutes, section 260C.325

Minnesota Statutes, section 260C.317

Minnesota Statutes, section 260C.515, subdivision 3

- **Adoptive parent may be eligible for Adoption Assistance**

Transfer of Permanent Legal and Physical Custody (TPLPC)

- **Rights of birth or legal parents are not terminated**
- **Person who accepts TPLPC must be a relative or a person with whom the youth has a significant relationship**
- **Custodian may be eligible to receive Relative Custody Assistance (RCA)**

Agency's On-going Efforts to Achieve Permanency

- **Involve the youth in recruitment efforts**
- **Review parents' current status and services needed to reunify**
- **Relative search, notification and engagement for 260C and 260D children**
- **Review youth's legal status with county attorney**
- **Ask current foster parents to consider becoming the child's legal parent**
- **Review attitudes and concerns about permanency with youth**

Physical Permanency

- **Safe, permanent place to live**
- **Space dedicated to the youth**
[not couch hopping]

Emotional/Relational Permanency

- **Primary attachments, family, community, and other significant relationships that offer trust and reciprocity**
- **Emotional safety and security within the context of a family relationship**
- **Lifelong connection with at least one unconditionally committed, caring, supportive adult**

Definition of a Permanent Lifelong Connection

An adult who consistently states and demonstrates that she or he has entered an unconditional, life-long parent-like relationship with the youth. The youth agrees that the adult will play this role in his or her life.

California Permanency for Youth Project

Agency Efforts to Maintain or Build Permanent Connections for a Youth

- **Review previous relative search and engagement efforts and re-contact relatives**
- **Review youth's history to locate adults interested in the youth's care and well-being**
- **Facilitate the youth's visitation with parent(s), siblings, other relatives and important people**
- **Provide FGDM/YIT**
- **Include relatives on development of ILP**
- **Provide services to help the youth develop/improve relationship skills**
- **Work with youth to create a life book**

**Permanent Connection
with at Least One
Caring, Committed Adult
Permanency Pact**

www.fosterclub.com/files/PermPact_0.pdf

Cultural Permanency

Continuous connection to culture that includes:

- **Family relationships**
- **Community**
- **Traditions, celebrations, holidays, events**
- **Language**
- **Religion or spirituality**
- **Diet**
- **Customs, values and beliefs**

**Why is leaving
foster care without
permanency such a
big deal?**

MN Youth Who Turned 18 Without Achieving Permanency

Source: Minnesota Child Welfare Reports 2003-2012

YEAR	TOTAL FOSTER YOUTH WHO TURNED 18 WITHOUT ACHIEVING PERMANENCY	YOUTH UNDER GUARDIANSHIP OF THE COMMISSIONER WHO TURNED 18 WITHOUT ACHIEVING PERMANENCY
2003	629	114
2004	587	102
2005	553	112
2006	582	113
2007	567	123
2008	564	106
2009	555	109
2010	447	98
2011	464	57
2012	480	54

Outcomes for Youth Who Leave Foster Care Without Achieving Permanency

Myriad research indicates that youth who age out of foster care without a permanent family have poorer outcomes than the general population on virtually all life domains:

- **Education**
- **Employment**
- **Housing**
- **Health**
- **Mental Health**

Outcomes for Youth Who Leave Foster Care Without Achieving Permanency (con't)

- **One in four will be incarcerated within the first two years after they leave care**
- **Over one-fifth will become homeless at some point after age 18**
- **About 58% have a high school degree at age 19, compared to 87% of youth who have not been in care**
- **Of youth who age out of care and are over the age of 25, less than 3% earn their college degrees, compared with 28% of the general population**

Outcomes for Youth Who Leave Foster Care Without Achieving Permanency (con't)

- **One-third have no health insurance, double the national rate**
- **One-third report mental health issues**
- **One-third have incomes near or below the poverty level, a figure three times that of the national poverty rate**
- **Youth who age out of care are three times more likely to be unemployed and out of school than youth who have not been in care**

Parallel Processes

For all youth ages 16 and older in foster care...

- **Simultaneous efforts for *permanency* and *preparation* for adulthood**

For youth who are likely to age out of foster care without achieving legal permanency...

- ***Permanency* and *preparation for adulthood* must include promoting, facilitating and supporting life-long connections**

Challenges to Permanency

Barriers to Permanency

- Focus on safety; limited focus on permanency
- Emphasis on current versus long-term benefits
- Consecutive versus simultaneous practices
- Permanency efforts versus independent living skills (ILS)
- Financial barriers

Strategies to Achieve Permanency

Older Youth [Ages 12+]

- **Fundamental practice in successful permanency planning-for older youth is involving the youth in the process.**
- **Teens are cognitively, developmentally and emotionally distinct from younger children.**
- **Psychological tasks of adolescence – primarily to separate from family – becomes much more complex for foster and adopted youth.**

**To involve youth, you must
engage them.**

Engaging Youth in Permanency Planning

- **Take time to build a trusting relationship with youth.**
 - **Visit youth consistently and frequently.**
 - **Get to know youth's history, hopes, dreams, fears, interests, talents, etc.**
 - **Always be honest, do what you say you are going to do, and never make promises you cannot keep.**
 - **Speak respectfully about the youth's birth family.**

Engaging Youth in Permanency Planning (con't)

- Do not talk about “adoption” right away...or maybe ever.**
- Explain to youth that developing new relationships does not require ending past or current connections.**
- Talk proactively about the ambivalence youth will experience and make plan to deal with resistance that may develop.**

Engaging Youth in Permanency Planning (con't)

- **Talk to youth often about permanency in a way that is meaningful.**
 - **Explain the range of permanency options.**
 - **Ask youth to visualize his life in 1, 5, 10+ years.**
 - **Discuss why it is important for children – and adults – to have people to depend on.**
- **Assist youth to create a life book.**

Engaging Youth in Permanency Planning (con't)

- **Partner with youth to the greatest extent possible to develop an appropriate permanency plan.**
 - **Collaborate on genograms, timelines and placement maps and talk about people important to the youth.**
 - **Talk to youth about what kind of family youth wants and needs.**
 - **Allow youth to drive permanency plan.**

Moving Beyond “No” with Youth: Understand What Might be Underneath

Normal part of adolescent development:

- **“Get out of My Life! But First Drive Me to the Mall!”**
- **Adolescents need to “try out” and “try on” different identities, but also need a base to return to.**
- **Imagine the impact on development of going into foster care or moving from one home to another.**

Moving Beyond “No” with Youth: Assessing Resistance

Possibilities to consider:

- **Issues around names**
- **Open adoption...adding, not limiting, connections**
- **Comfort of status quo versus anxiety associated with change**
- **Emotional risk**
- **Loyalty to birth parents or other relatives**

Moving Beyond “No” with Youth: Starting the Conversation

- **Conversation starters could include:**
 - When you are older and need advice about buying a car...taking care of a baby in the middle of the night...budgeting...who might you call?
 - If you were going to be part of a family – what would be the best part? Hardest part?
- **Think incrementally:**
 - “No” is the beginning of the conversation.

Moving Beyond “No” with Care Providers: Addressing Concerns

- **Permanency vs. Placement**
- **Clarify the various permanency options**
- **Financial concerns**
 - **Explore alternatives**
 - **Be honest**
- **Start slowly and repeat as necessary**



Moving Beyond “No” with Stakeholders:

- You Gotta Believe!

False *hope* is better than false *hopelessness*.

- Do social services staff, guardians ad litem, attorneys, and courts believe in and support the philosophy of permanency for *all* children and youth?

Moving Beyond “No”: Busting Myths

- **Youth who age out of foster care without achieving legal permanency do not go to college for “free”.**
- **Even if the foster parent expresses intent that the youth will always be “part of the family”, that relationship is likely to end with the foster care placement.**

Permanency Roundtables (PRTs)

- **Concept developed by Casey Family Programs, adapted by Minnesota Department of Human Services.**
- **Completed in nine counties.**
- **PRT “Hub” in Wright, Sherburne, Stearns Counties.**

PRTs (con't)

Professional, structured case consultation intended to:

- **Develop action plan to expedite legal permanency**
- **Stimulate thinking and learning about permanency options for child being reviewed and others**
- **Identify and address systemic barriers to expedited permanency.**

Child-specific Recruitment

- Intensive recruitment efforts to identify appropriate adoptive parents for Minnesota's waiting children.
- Model was developed for older youth due to significant engagement component.
- Service available at no charge to the counties/tribes through:
 - **Public/Private Adoption Initiative (PPAI)**
 - **Wendy's Wonderful Kids**

If we wait for a youth to get better or to **be stable** or to resolve birth family issues or to be **excited about adoption** or to learn to attach or to stop cutting or to get school under **control** or to **stabilize** on meds or to **complete treatment** or to pay off restitution or to stop sexualized behaviors or to **be nice to pets** or to be nice to little kids or to **stop hoarding food** or to start eating balanced meals or to stop smoking pot or to **be grateful...**

...we will never begin permanency efforts.

- It is the *parent* not the youth that needs to be ready.
 - Received and understands all known information about the youth.
 - Services and resource in place to meet the youth's identified needs.
 - Plan for on-going, pro-active support, even after the case closes.
- Tomorrow's relationships are at least as important as today's crises.

Families for Older Youth

- **Often do not look like “traditional” families.**
- **Understand and respect the connections the youth has and is proactive in helping youth maintain these connections in a safe and healthy way.**
- **Not motivated to adopt in order to fulfill their own emotional needs.**
- **Flexible yet structured.**
- **Are not threatened if the youth does not call them “mom” or “dad”.**
- **Accommodating if the youth does not want to change his or her last name.**
- **Can deal with youth’s ambivalence.**

Older Youth ARE Adoptable

Source: Minnesota Child Welfare Report 2012

Year	Number (Percent) of Youth Ages 12-17 Adopted out of Total Number Adopted
1995	20/265 (8%)
2007	108/689 (16%)
2009	88/652 (13%)
2010	70/588 (12%)
2011	80/521 (15%)
2012	77/524 (15%)

More Promising Data

Decrease in the number and percent of children under guardianship of the commissioner court-ordered into LTFC:

- 2001: 408/1640 (25%)
- 2004: 315/1503 (21%)
- 2007: 179/1443 (12%)
- 2008: 108/1154 (9%)
- 08/28/13: 36/901 (4%)

Court's Role in Addressing Permanency for Older Youth

Youth in Foster Care 18-21

- **Common requirements**
- **Important distinctions to determine eligibility**

Youth in Foster Care 18-21: Commonalities

- Agency required to provide *written notice* to youth six months prior to 18th birthday of the availability of foster care up to age 21.
- Independent Living Plan (ILP) updated by agency in collaboration with youth and other appropriate parties to address child's needs related to:
 - Employment
 - Vocation or education
 - Social
 - Maturation

Youth in Foster Care 18-21: Commonalities (con't)

- Eligibility criteria – all youth in foster care **UNLESS** youth:
 - Can return safely home;
 - Is in placement due to developmental disability and will be served as an adult according to the developmental disability statute and rule; or
 - Can be adopted or have TPLPC prior to 18th birthday.

Minnesota Statutes, section 260C.451, subdivision 3

Youth in Foster Care 18-21: Commonalities (con't)

- **Eligibility conditions for youth in foster care:**
 - **Completing secondary education or program leading to equivalent credential;**
 - **Enrolled in institution providing post-secondary or vocational education;**
 - **Participating in program or activity to promote or remove barriers to employment;**
 - **Employed at least 80 hours per month; or**
 - **Incapable of any of these due to medical condition.**

Youth in Foster Care 18-21: Commonalities (con't)

- **90 Day Transition Plan**
 - Required for youth in care, 90 days prior to expected date of foster care discharge at ages 18 to 21.
 - Agency required to provide youth assistance and support in developing a personalized transition plan that addresses issues such as: housing, health insurance, education, mentors and continuing support services, and employment services and supports.
 - Agency must ensure youth receives copy of youth's consumer credit report.
 - Include health care directive information.
 - Include crisis contact information.

Minnesota Statutes, section 260C.203 (f)

Youth in Foster Care 18-21: Distinctions

- ***Continuing*** in foster care **vs.** ***re-entering*** foster care
- **State guardianship vs. not state guardianship**
- **Voluntary vs. involuntary**

Youth in Foster Care 18-21: Continuing vs. Re-entering Care

Minnesota Statutes, section 260C.451

Continuing in Foster Care:

- Youth must be in foster care immediately prior to 18th birthday.
- Youth must request to continue in foster care prior to 18th birthday.
- No difference between child under state guardianship and child not under state guardianship.

Re-entering Foster Care:

- Youth who had been under state guardianship and left foster care at age 18 or older, without being adopted, may request to return to foster care anytime before age 21.
- Youth who were not under state guardianship have to meet other criteria.

Youth in Foster Care 18-21: State Guardianship

Minnesota Statutes, section 260C.451

Child Under State Guardianship:

- If eligibility criteria are met, foster care services must include placement, which could be a supervised independent living setting.
- Agency must assist the youth to meet one of five eligibility conditions.
- May return to foster care repeatedly, and anytime between ages 18 and 21.

Child Not Under State Guardianship:

- Agency must provide services, including case planning, but foster care placement is dependent on “available” funds.
- Additional eligibility criteria:
 - In foster care for six consecutive months prior to 18th birthday and was not reunified, adopted or TPLPC
 - Discharged from care on runaway status after age 15

Youth in Foster Care 18-21: Voluntary vs. Involuntary

Voluntary:

- Youth who voluntarily requests foster care placement may continue up to age 21, if all eligibility criteria are met.

Involuntary:

- For youth who do not want to continue in foster care past age 18, the court may continue jurisdiction over the youth and all other parties to the proceeding to the youth's 19th birthday when continuing jurisdiction is in the child's best interests.

Minnesota Statutes, section 260C.193, subdivision 6 (c)

Court Reviews after PCA Orders

- **Reviews conducted at least yearly at in-court appearances.**
- **Court must review the *child's OHPP* and *agency's reasonable efforts to finalize an alternative permanent plan.***
- **Agency's reasonable efforts to:**
 - **Ensure PCA continues to be the most appropriate legal arrangement for meeting child's need for permanency and stability, and if not, to finalize another permanency disposition the child's best interests.**

Court Reviews after PCA Orders (con't)

- **Identify a specific foster home, if one is not already identified.**
- **Support continued placement in the identified home, if there is one.**
- **Ensure appropriate services to address child's health, mental health and educational needs, as well as maintain child's family and community connections.**
- **Plan for child's independence upon child leaving foster care.**

Court Reviews after PCA Orders (con't)

- **Court may find agency has made reasonable efforts to finalize a permanent plan for child when:**
 - **The agency has made reasonable efforts to identify a more legally permanent home for the child than is provided by an order for PCA.**
 - **The agency's engagement of the child in planning for independent living is reasonable and appropriate.**

Youth in Foster Care 18-21: Court Reviews

- **Content of hearing:**
 - **Establishes required notice regarding Foster Care Benefits to Age 21 and appeal rights has been provided**
 - **Review Independent Living Plan (ILP) and progress toward accomplishment of 11 goals**
 - **Ensures youth is provided with vital documents prior to leaving care.**

Youth in Foster Care 18-21: Court Reviews (con't)

- **Judicial findings at annual review hearings:**
 - **Progress toward accomplishment of ILP, including 11 transition goals**

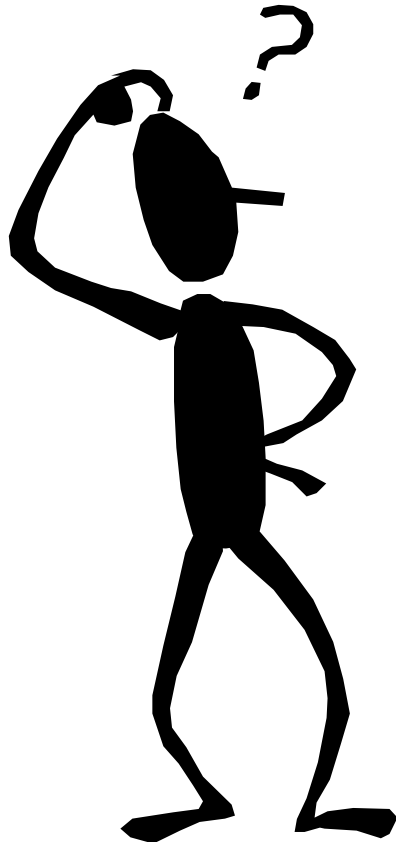
Importance of Youth Attending Court Hearings

- **Provides youth opportunity to actively participate in case planning and give input into what they need and want (“Nothing for me without me”).**
- **Venue to hold youth accountable for participation in plans and services.**
- **Permits youth and all parties to hear same information at the same time.**

Engaging Youth to Attend Hearings

- **Schedule hearings at days/times that accommodate youth's school and activities.**
- **Provide transportation.**
- **Youth's attorney communicate with youth in advance of hearing.**
- **Explain to youth this is their opportunity to hold parties accountable to fulfill their responsibilities.**

Questions?



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Merci

Gracias

Obrigado!

**Thanks for
participating!**

ขอบคุณ

Vielen
Dank

Ευχαριστώ