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LETTING KIDS BE KIDS: BALANCING SAFETY WITH OPPORTUNITY FOR FOSTER YOUTH

HEARING

BEFORE THE

SUBCOMMITTEE ON HUMAN RESOURCES

OF THE

COMMITTEE ON WAYS AND MEANS

U.S. HOUSE OF REPRESENTATIVES

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

MAY 9, 2013

Serial No. 113–HR04

Printed for the use of the Committee on Ways and Means

U.S. GOVERNMENT PUBLISHING OFFICE

89–539 WASHINGTON : 2016

For sale by the Superintendent of Documents, U.S. Government Publishing Office
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LETTING KIDS BE KIDS: BALANCING SAFETY WITH OPPORTUNITY FOR FOSTER YOUTH

THURSDAY, MAY 9, 2013

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
SUBCOMMITTEE ON HUMAN RESOURCES,
Washington, DC.

The Subcommittee met, pursuant to notice, at 9:32 a.m. in Room 1100, Longworth House Office Building, the Honorable David Reichert [Chairman of the Subcommittee] presiding.

[The advisory of the hearing follows:]

HEARING ADVISORY

FROM THE COMMITTEE ON WAYS AND MEANS

Chairman Reichert Announces Hearing on Letting Kids Be Kids: Balancing Safety With Opportunity for Foster Youth

Washington, May 2013

Congressman Dave Reichert (R–WA), Chairman of the Subcommittee on Human Resources of the Committee on Ways and Means, today announced that the Subcommittee will hold a hearing titled, "Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth." The hearing will review recent State efforts to improve the lives of foster youth by eliminating barriers that unnecessarily limit the activities of children in foster care. **The hearing will take place at 9:30 a.m. on Thursday, May 9, 2013, in Room 1100 of the Longworth House Office Building.**

In view of the limited time available to hear from witnesses, oral testimony at this hearing will be from invited witnesses only. Witnesses will include experts from Florida, which has recently enacted legislation to improve opportunities for foster youth, as well as other experts in foster care and child welfare. However, any individual or organization not scheduled for an oral appearance may submit a written statement for consideration by the Committee and for inclusion in the printed record of the hearing.

BACKGROUND:

In 2011, over 250,000 children entered foster care across the country. For these children, entering foster care is a traumatic experience resulting in dramatic changes in their lives. For example, children who enter foster care often move to a new school where they must make new friends, try to fit in, and begin new efforts to participate in sports and other activities in their new community. These and other changes make it even harder for foster youth to successfully grow and develop.

In recent years, Congress has enacted a series of reforms designed to reduce the number of children in foster care, as well as increase the stability of the lives of youth in care. These recent Federal and State reforms have resulted in more children staying safely in their own homes and more children being adopted instead of languishing in foster care. For children who do enter foster care, several Federal laws have been designed to promote school stability to improve the lives of foster youth. The *Fostering Connections to Success and Increasing Adoptions Act of 2008* sought to ensure that States keep foster youth in the same school whenever possible. The 2013 *Uninterrupted Scholars Act* allows child welfare workers access to educational records of foster youth so children that have to change schools are less likely to fall behind.

Some foster care policies and practices unnecessarily complicate the lives of foster youth. For example, when asked about their experiences in foster care, many current and former foster youth often cite rules that made it hard for them to participate in sports, stay over at a friend's house, get a driver's license, or hold down a part-time job. While these policies and practices are often intended to ensure the youth's safety, such policies can also further isolate foster youth when they are seeking to integrate into a new family, school, and community.

A number of States have taken steps to eliminate overly burdensome requirements and improve the lives of children in foster care. For example, California enacted a law in 2004 giving foster youth the right to participate in age-appropriate activities, while also making changes to State policy to eliminate overly restrictive rules for foster youth and foster parents. In April 2013, Florida enacted a law to reduce rules and regulations that currently limit the activity of children in foster care. Other States have taken similar actions to examine State policies and make reforms to allow foster youth to be treated more like other kids—including partici-

pating in age-appropriate activities like sports, staying over with friends, and getting a driver's license.

In announcing the hearing, Chairman Reichert stated, **"Children in foster care deserve our protection. But they also deserve the same opportunities as other kids. Unfortunately, in the name of safety, foster youth are sometimes kept from participating in everyday activities like playing sports, spending time with friends, and getting a driver's license. A number of States have listened to the concerns of foster youth and made changes to better balance safety with opportunity. As May is National Foster Care Month, now is the perfect time to review this issue, highlight what some States have been doing about it, and determine what else we can do to help foster kids be kids."**

FOCUS OF THE HEARING:

The hearing will review policies and practices that limit opportunities for foster youth, as well as review recent State efforts to allow foster parents and foster youth to make reasonable decisions about the youth's participation in everyday events and activities.

DETAILS FOR SUBMISSION OF WRITTEN COMMENTS:

Please Note: Any person(s) and/or organization(s) wishing to submit for the hearing record must follow the appropriate link on the hearing page of the Committee website and complete the informational forms. From the Committee homepage, *http://waysandmeans.house.gov*, select "Hearings." Select the hearing for which you would like to submit, and click on the link entitled, "Please click here to submit a statement or letter for the record." Once you have followed the online instructions, submit all requested information. Attach your submission as a Word document, in compliance with the formatting requirements listed below, **by Thursday, May 23, 2013.** Finally, please note that due to the change in House mail policy, the U.S. Capitol Police will refuse sealed-package deliveries to all House Office Buildings. For questions, or if you encounter technical problems, please call (202) 225–1721 or (202) 225–3625.

FORMATTING REQUIREMENTS:

The Committee relies on electronic submissions for printing the official hearing record. As always, submissions will be included in the record according to the discretion of the Committee. The Committee will not alter the content of your submission, but we reserve the right to format it according to our guidelines. Any submission provided to the Committee by a witness, any supplementary materials submitted for the printed record, and any written comments in response to a request for written comments must conform to the guidelines listed below. Any submission or supplementary item not in compliance with these guidelines will not be printed, but will be maintained in the Committee files for review and use by the Committee.

1. All submissions and supplementary materials must be provided in Word format and MUST NOT exceed a total of 10 pages, including attachments. Witnesses and submitters are advised that the Committee relies on electronic submissions for printing the official hearing record.

2. Copies of whole documents submitted as exhibit material will not be accepted for printing. Instead, exhibit material should be referenced and quoted or paraphrased. All exhibit material not meeting these specifications will be maintained in the Committee files for review and use by the Committee.

3. All submissions must include a list of all clients, persons, and/or organizations on whose behalf the witness appears. A supplemental sheet must accompany each submission listing the name, company, address, telephone, and fax numbers of each witness.

The Committee seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202–225–1721 or 202–226–3411 TTD/TTY in advance of the event (four business days notice is requested). Questions with regard to special accommodation needs in general (including availability of Committee materials in alternative formats) may be directed to the Committee as noted above.

Note: All Committee advisories and news releases are available online at *http://www.waysandmeans.house.gov/*.

Chairman REICHERT. I will call this Subcommittee hearing to order, please. Welcome to today's hearing.

Entering foster care is a life changing experience for children. Foster children are faced with a dizzying array of changes that are anything but normal, as all you know.

They are separated from their parents. They are often sent to live with a family they have never met. They may start attending a new school, have to make new friends, and make new efforts to participate in sports and other activities they previously took for granted.

On top of all this change, we know some child welfare policies have the unintended effect of making life even harder for our children.

Rules may keep them from spending time with friends, participating in sports and even getting a driver's license or finding a summer job. For example, Ryan Cummings from my home State of Washington was not able to get a driver's license while in foster care. He missed going on vacation with his foster family because the rules did not allow him to travel.

Georgiana Rodriguez from Florida could not play in the high school marching band. John Paul Horn from California needed to save money before his 18th birthday when he would be on his own, but his group foster home rules initially blocked him from being able to obtain a job.

Such foster youth often speak of living in a separate world where they are isolated from the community around them, making it that much harder for them to succeed.

While we clearly need to make sure children are safe while in foster care, these are examples that highlight how in some areas policy makers have gone too far in creating that separate world for these kids.

Now the tide seems to be turning in some areas of the country. In recent years, Federal and state reforms have tried to allow more children to stay safely in their own homes or be adopted instead of spending year after year in foster care.

For children who must enter foster care, Federal reforms have stressed helping children stay in their own school whenever possible. Some states have also taken on this issue directly. In 2004, California amended their laws to eliminate unnecessary restrictions on the activities of foster youth, and provide foster parents more flexibility to make responsible decisions.

In 2011, foster youth in Washington State, working with the Mockingbird Society, highlighted this issue. Now my state has a working group to develop ways to make improvements.

As we will hear today, Florida enacted a law just this year that is designed to ensure foster youth are treated more like every other child. This law will allow foster youth more freedom to participate in age-appropriate activities like sports, sleepovers with friends, and getting a driver's license.

We are going to review those efforts today.

In the process, we have learned what is being done to improve the lives of foster youth and how we can work together to better ensure that foster kids can successfully grow and develop like other children.

That is our responsibility, and we welcome all of today's witnesses to help us achieve that goal.

Some of you on the panel may not know my background, but I want to share this very quickly. I was in law enforcement for 33 years before I ended up here in Congress. I look like I have been here for 40 years, but it has only been nine, a little over eight, really.

Thirty-three years with the Sheriff's Office in Seattle, and part of my time working in the Sheriff's Office, I worked on the Green River serial murder case. You might imagine the number of young people that the task force members came in contact with, children who ran away from home for all kinds of reasons, unimaginable treatment sometimes in the homes that they ran from, ending up on the street, ending up in foster homes, from one foster family to another foster family, running away again, out on the street.

One of the things I like would like to make clear for the record, back in the 1980s when we were working this case, the detectives cared so much that they gave their home phone numbers to these children on the streets. You probably know some police officers in your own community who care that much and accept those phone calls.

In the middle of the night, I can remember driving out to meet a child who said I do not want to be out here, but I just ran away from my foster home. I have nowhere to go. I cannot be who I want to be.

They could not get adopted, they were 14, 15, 16. It was a sad experience. We were able to help some of those young people. I get calls today still from some of those, mostly young women, who I met during that time, who have grown to be educated, successful, and have a family.

There are always good stories to share with folks.

Thank you all for what you do. I now yield to Mr. Davis for his opening statement.

Mr. DAVIS. Thank you very much, Mr. Chairman. Either fortunately or unfortunately, Mr. Doggett cannot be here today, the Ranking Member for this Subcommittee, and he asked if I would read his opening statement.

Children in foster care have the same needs, desires and dreams of all children. They need a safe and loving home, and they want and deserve the opportunity to learn, to grow, and to fully experience life.

Our foster care system is rightly focused on trying to keep kids safe, but safety cannot be the only goal we pursue. Children in foster care deserve the opportunity to join in the activities that help young people gain confidence and maturity, but too many foster youth encounter a "No Entry" sign when it comes to competing in a sport or going on a field trip or working at a part time job.

Some foster youth cannot even spend the night at a friend's house unless they ask their friend's parents to first undergo a criminal background check.

These barriers further isolate kids who already feel isolated. Hopefully, this hearing will allow us to examine the policies and practices that unduly prevent foster youth from joining in the activities that other children take for granted.

Helping foster youth experience the same things other kids do sometimes requires more than just granting them permission. Starting a savings account, applying to college, and getting a driver's license often requires some guidance and our financial assistance.

Additionally, if we want to empower foster parents to make more decisions for the children in their care, we should review the supports we give to foster parents as well as our efforts to improve the recruitment and retention of caring parents.

No policy will ever affect a child as much as a committed, caring and informed parent.

Finally, to promote more normalcy for older foster youth, we encourage every state to extend foster care to the age of 21. I have never met a parent who sends their child out the door without any support when they turn 18. That was the policy of our foster care system for far too long.

About 20 states have now taken advantage of a change in the Federal law to extend foster care, and it is past time for the rest of the states to catch up.

Investing in the success of our foster children is not only good for them but it will also reduce unemployment, homelessness, teenage pregnancy, incarceration, and other negative outcomes that cost society much, much more.

Mr. Chairman, with this Committee taking the lead, Congress has made some progress in recent years in ensuring that a child's well being is a central goal of the foster care system.

I look forward to working with you to continue that trend so that every foster child has an opportunity to succeed.

I thank you for this hearing. I thank all the witnesses for coming to participate, and I yield back my time.

Chairman REICHERT. Thank you, Mr. Davis. Thank you for standing in for Mr. Doggett. Mr. Doggett had a choice between being with the President of the United States or Mr. Davis and myself.

[Laughter.]

Chairman REICHERT. I know Mr. Doggett really cares about this issue and you can tell from the words that Mr. Davis read on his behalf that he is passionate about this, and I appreciate his work and Mr. Davis'. This Committee really has a close working relationship. Hopefully, we can find a way to help our children across this country.

Without objection, each member will have the opportunity to submit a written statement and have it included in the record at this point.

Chairman REICHERT. I want to remind our witnesses to please limit your oral statements to five minutes. However, without objection, all of the written testimony will be made a part of the permanent record today.

On our panel this morning, we will be hearing from The Honorable Nancy Detert, Florida Senate. Talitha James, Foster Youth

Fellow, Kidsave. Irene Clements, President, National Foster Parent Association.

David Wilkins, Secretary, Florida Department of Children and Families, and Tanya Wilkins, Advocate for Foster Care and Adoption, Governor's Office of Adoption and Child Protection. Lynn Tiede, Senior Associate Director for Policy, Jim Casey Youth Opportunities Initiative.

We are also pleased to be joined by another Ways and Means member this morning, Representative Buchanan from Florida. Mr. Buchanan would like to introduce a couple of our witnesses today.

Mr. Buchanan.

Mr. BUCHANAN. Thank you, Mr. Chairman. Thanks for this very important hearing. I was back a couple of years ago at a Boys and Girls Club, and they said children make up 25 percent of the population, 100 percent of the future. I want to thank not just our Chairman and the members here, but I also want to thank all of our witnesses for being here today. I have hung on to that because at the end of the day, that is really what it is all about. I really appreciate all the hard work you do here.

It is an honor this morning to introduce my dear friend from Florida, State Senator Nancy Detert. I have known and admired her for over ten years. She has been an incredible Senator. She is a tireless worker with a passion for public service, fighting every day to better the lives of her constituents.

I might add just this week I noticed she had the highest rating from our papers in terms of Florida finishing its legislative session. I think she got an A+. That is the grade I would give her as well.

I should warn the Committee that Nancy has a reputation for not mincing words. She is very direct, very blunt. That is what I love about her, but she is going to tell you like it is.

I hope my colleagues will take her words to heart today as I will.

Also from Florida we have two special guests, Mr. Chairman. It is my pleasure to introduce from Florida, David and Tanya Wilkins. David and Tanya are an incredible husband and wife team. That is exactly what they are. My wife was telling me they were on a mission trip together a while back, so I know where their hearts are set in terms of the work they are doing.

David is a very dynamic Secretary in the Florida Department of Children and Families, with a wealth of experience in both the private and public sector. Tanya is a tireless supporter for foster care and adoption.

I think some of your children are some of our adopted foster children.

David and Tanya were the recipient of the 2012 Daniel Webster Healthy Families Florida Leadership Award in recognition of their work on behalf of Florida's most at risk children.

We are lucky to have them here today, and I look forward to their testimony. Thank you.

Chairman REICHERT. Thank you, Mr. Buchanan. Senator Detert, you are recognized for five minutes.

STATEMENT OF THE HONORABLE NANCY DETERT, A SENATOR IN THE FLORIDA STATE SENATE

Ms. DETERT. Thank you, Mr. Chair. Thank you, Chairman Reichert and Members of the Subcommittee. Thank you, Congressman Buchanan, for your kind words.

I am honored and thank you for the opportunity to participate in the hearing today. I am Nancy Detert, a State Senator from Florida. I served in the House from 1998 to 2006, and was elected to the Florida State Senate in 2008.

In all those years, I have always served on the Committee for Children and Family and have chaired it on occasion. Foster care is an issue that I have dealt with for many, many years.

Our foster care system historically has been focused on safety concerns and liability. We felt that our main purpose was to protect these children, to take them from unsafe homes and make sure they were safe, but in our quest to make them safe, what we have done is bubble wrapped these kids and deprived them of any kind of normalcy when it comes to childhood.

We have designed a system where they have to check with their case worker over every move, things as simple as getting a haircut. We succeeded in protecting them but we deprived them of a life.

Foster parents have concerns about safety. They have concerns about liability, but children typically miss many rights of passage common to their peers. While their friends are getting a driver's license, most children in care are not because they generally have no one to teach them to drive or lack the money for insurance. They do not have parents, they cannot even sign for insurance.

Getting a first job, participating in sports, camping out with friends, even going to the prom, that are activities that are a normal part of growing up, but not common for children in our care.

The issue of normalcy for children in foster care has been addressed in the past, and we promulgated rules in 2004, we made rules to solve all of these problems, but we have gone to community based care, and not everyone was following the rules.

This year, we decided—former Secretaries have also issued memoranda and did everything they could do make people follow the rules, but they did not. Under our new Secretary of DCF, Secretary Wilkins, who we are very pleased to have, he is a Secretary who understands the issues and has seen them firsthand and cares, so the current Department of Children and Family Services implemented two surveys to gather data related to independent living services and outcomes.

The surveys captured information from children 13 to 17, and from those who have aged out from 18 to 22.

These are their findings: that children report that 66 percent are able to spend time with friends without adult supervision; 46 percent can spend the night with friends; 53 percent receive a personal allowance, which is one of our rules, so they can learn to manage small amounts of money, but that rule was not being implemented.

Forty-four percent are allowed to go to school events, movies, shopping, and other unsupervised activities with friends; 14 percent have completed a driver's education course, and only two percent have a driver's license.

I learned early in my legislative career that if you want to make a good law, you listen to the people who are affected by that law and try to implement the changes that they need, and we have listened to the kids.

In Florida, we are fortunate enough to have a group of older teens and young adults known as "Florida Youth Shine." Youth Shine is a peer driven organization that empowers young advocates across the State to regularly identify the challenges and help create solutions to our growing problems in our child welfare system.

I just have a few seconds left and I want to share two things that we learned in testimony. A young woman began by thanking the committee for allowing her voice to be heard. She said when you think of normalcy, you think of what everyone else is doing. When I think of normalcy, I think of going back and forth to court for orders to allow me to do things like going to a basketball game or spending the night.

This is not normalcy. Our new bill changes these laws and codifies our rules. We hope to have some time to tell you about the laws that we have passed this past session.

Thank you for your time.

[The information follows:]

Testimony of

Nancy C. Detert
Florida State Senator, District 28

U.S. House Committee on Ways and Means, Subcommittee on Human Resources
Hearing on Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth
May 9, 2013

Good morning Chairman Reichert, Ranking Member Doggett and the Members of the Subcommittee. I am honored to be here and thank you for the opportunity to participate in the hearing today.

I am Nancy Detert. I served in the Florida House of Representatives from 1998 to 2006 and was elected to the Florida Senate in 2008. I represent a district that consists of Sarasota, and part of Charlotte counties. I have chaired or served as a member of the substantive committees in both the House and the Senate that have jurisdiction over issues that affect either children currently in the foster care system or young adults who have aged out of that system, every year that I've been in office. I have been asked to share with you information on legislation recently enacted in Florida relating to normalcy for children who are in the foster care system.

The foster care system has historically been focused on safety and concerns about liability and this has often created huge barriers to the normalcy of a child's experiences growing-up. Liability issues are particularly acute in Florida because we have privatized the provision of foster care and other related services. As a result of the emphasis on safety and those liability concerns, children in care typically miss many rites of passage common to their peers. While their friends are getting their driver's licenses, most children in care are not because they generally have no one to teach them to drive or lack the money for insurance or driver's education, let alone access to a car.[1] Getting a first job, participating in sports, camping with friends, and even going to the prom are all examples of activities that are a normal part of growing up for many children, but not as common an experience for children in foster care.[2]

[1] Martha Shirk & Gary Stangler, On Their Own, at vi (1st ed. Basic Books 2004).
[2] *Id.* at vi and 1.

These problems are further compounded for children who live their teen years in group homes. These children are not only less likely to participate in age-appropriate activities, but also do not benefit from typical experiences that would help prepare them for adult life. These experiences include seeing an adult pay bills each month, do the laundry, buy groceries, pay taxes, arrange for car insurance, and other tasks required to run a household.[3] Because Florida is currently overly reliant on group home placements, this was also a concern when contemplating legislation.

The issue of normalcy for children in foster care has been addressed in the past. In 2004, the Florida Legislature required the Department of Children and Families[4] to:

- *Develop a list of **age-appropriate activities and responsibilities** to be offered to all children involved in independent living transition services and their foster parents.*
- *Provide training for staff and foster parents to address the issues of older children in foster care in transitioning to adulthood, which shall include information on supporting education and employment and providing **opportunities to participate in appropriate daily activities.***
- *Develop procedures to **maximize the authority of foster parents to approve participation in age-appropriate activities** of children in their care.*
- *Develop and implement procedures for older children to **directly access and manage the personal allowance** they receive from the department in order to learn responsibility and **participate in age-appropriate life skills activities** to the extent feasible.*[5]

The same legislation also required the department to promulgate a rule that was to include procedures to balance the goals of normalcy and safety for children in foster care and provide caregivers with as much flexibility as possible to enable children to participate in normal life

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[3] First Star and Children's Advocacy Institute of the University of San Diego School of Law, *The Fleecing of Foster Children: How We Confiscate Their Assets and Undermine Their Financial Security*, at iii (2011). Available at http://www.caichildlaw.org/Misc/Fleecing_Report_Final_HR.pdf.

[4] The Department of Children and Families(department) is the state agency in Florida that has jurisdiction over the child welfare system.

[5] Chapter 2004-362, Laws of Florida.

experiences.[6] The administrative rule developed by the department pursuant to this legislation provides for the following:

- *Requires caregivers to afford children every opportunity for social development, recreation, and normalcy of their lives. Children in licensed out of home care may attend overnight or planned outings if the caregiver approves activities as safe and appropriate. The case worker must be notified of the activity.*
- *Authorizes caregivers to allow foster children to attend activities without adult supervision depending on the child's age, maturity, and ability to make appropriate decisions. However, the caregiver must be prudent and conscientious about circumstances where the child is granted independence, including trips to the movies, mall, athletic events and work.*
- *Requires the child's services worker to approve overnight trips exceeding one night. These trips must not interrupt visitation.*
- *Provides that background checks are not required for normal school and community activities, such as dating and outings, school field trips, Cub Scout campouts, and activities with friends, families, and school and church groups.*[7]

Former secretaries and the current secretary of the have also issued memoranda requiring the private agencies responsible for foster care services and their providers to implement policies related to normalcy. Despite these measures, we continue to hear concerns about the lack of normalcy in the foster care setting. Data tells us that those concerns are warranted.

The Department of Children and Family Services has implemented two surveys to capture data related to independent living services and outcomes. The My Services Review Survey captures information from children 13 to17 years of age and the National Youth in Transition Database Survey captures data and tracks outcomes on young adults 18 to 22 years of age. In the latest My Services survey children in foster care have reported:

- ***66%** are able to spend time with friends without adult supervision.*

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[6] *Id.*

[7] Rule 65C-13.029(1)(g)7.9., 10, and 11a., F.A.C.

- ***46%*** *can spend the night with friends.*
- ***53%*** *receive a personal allowance each week.*
- ***44%*** *are allowed to go to school events, movies, shopping and other unsupervised activities with friends.*
- ***14%*** *have completed a driver's education course.*
- ***2%*** *have a driver's license.*[8]

I learned early in my legislative career that if you want to make good law, you listen to the people whose lives are going to be affected by that law and if you want to know what's going on in the foster care system – you ask the kids who are in the system and the young adults who have aged out of the system.

In Florida, we are fortunate to have a group of older teens and young adults known as Florida Youth SHINE.[9] Youth SHINE is a peer driven organization that empowers young advocates across the state who regularly identify the challenges and help create solutions related to growing up in the child welfare system. Membership is open to all children and young adults between 13-24 years of age who were ever involved with Florida's child welfare system.

One of their goals is to share their stories and experiences in order to improve the system of care for those children currently in care and for those who have yet to enter care. They are always available to educate key policy makers and organizations throughout Florida on key issues related to growing up in foster care. During this past legislative session, more than 40 members met with 60 legislators and testified at 14 committee meetings in order to support legislation that will affect the lives of over 19,000 children and young adults.

Two of the young adults who provided public testimony to the Senate Committee on Children, Families and Elder Affairs at a committee meeting during the recent 2013 legislative session told stories that need to be shared:

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[8] Florida Department of Children and Families, *My Services: Answers from Youth in Foster Care*, Fall 2012 Survey Report. Available at http://www.dcf.state.fl.us/programs/indliving/docs/MyServicesSurveyAges13-17FALL2012.pdf.

[9] SHINE stands for Striving High for Independence aNd Empowerment.

A young woman began by thanking the committee for allowing her voice to represent the voices of 31,000 kids who were in her situation. She continued with "When you think of normalcy, you think of what everyone else is doing. When I think of normalcy, I think of going back and forth to court for orders to allow me to do things like going to a basketball game or spending the night with friends."[10]

A young man recounted his days playing high school football. During his senior year, his team was fortunate enough to play for the state championship and attending the game meant having to spend one night out of town. He was notified by his caseworker on Tuesday before the game on Thursday that he did not have permission from the court to make the trip. His primary concern was disappointing his coach and his team because he was the starting kicker and punter. The day the team was to leave, he was allowed to travel to the game. They won the state championship by one point because he completed a kick during overtime.[11]

One of the things that House and Senate committees heard again and again during the past legislative session – from both members of Youth SHINE and volunteer guardians ad litem – was that the best foster parents had to break the rules in order to provide normalcy for children in their care. Any legislation designed to achieve normalcy in the lives of children in foster care must empower foster parents and make them feel supported in providing opportunities for children in their care to participate in age appropriate activities. The Florida Legislature has been hesitant to do that because there have been too many injuries and deaths that have occurred as a result of children being placed with incompetent foster parents.

That is changing in our state. As a result of a statewide initiative that is a joint project of the Youth Law Center, the state child welfare agency, private providers, and the Eckerd Family Foundation, Florida is able to recruit and retain increasing numbers of quality foster parents. The Quality Parenting Initiative (QPI) is designed to promote quality care for children in foster care by redefining the expectations and roles of foster parents. The QPI was developed to help participants develop new strategies and practices, rather than imposing a predetermined set of "best practices." The core premise of the initiative is that the primary goal of the child welfare

[10] Senate Committee on Children, Families and Elder Affairs. Committee Meeting. February 5, 2013.
[11] *Id.*

system is to ensure that children have effective, loving parenting. The best way to achieve this goal is to enable the child's own parents to care for him or her. If that isn't possible, the system must ensure that the foster or relative family caring for the child provides the caring, committed, skilled care that the child needs, while working effectively with the system to reach the child's long term goals.[12]

QPI recognizes that the traditional foster care "brand" has negative connotations and this makes it difficult to find families willing to participate in the process. QPI is an effort to rebrand foster care, not simply by changing a logo or an advertisement, but by changing the core elements underlying the brand. When these changes are accomplished, QPI participants are better able to develop communication materials and to design recruitment training and retention systems for foster parents. The key elements of the QPI process are:

- To define the expectations of caregivers;
- To clearly articulate these expectations; and then
- To align the system so that those goals can become a reality.[13]

Another invaluable partner in the success of recently enacted legislation has been the Florida Statewide Guardian ad Litem Program. Volunteer guardians ad litem , who typically spend more time with the children they are assigned to than caseworkers, have recounted many situations when children they are working with have not been allowed to engage in activities common for children their age. A recent article written by the director of the Program highlights the need to codify changes to empower foster parents:

> *Parenting requires a person who can make reasonable decisions at the time the decisions need to be made. We trust foster parents to care for our dependent children 24/7, yet they have not legislatively or, in reality, been granted the authority to make day-to-day decisions for their foster child, without a bureaucracy interfering with decision-making…*

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[12] Quality Parenting Initiative. Center for Child Welfare. Available at http://qpiflorida.cbcs.usf.edu/pages/About/About.html.

[13] *Id.*

> *There is no need to hold a "staffing" for any decision that parents routinely make for their biological children, and no need for lawyers to sit around a table and speculate about liability if something bad were to happen during a normal activity… Although foster parents will often consult friends, family members, clergy and experts as decisions come up, the authority to make these decisions needs to rest with the foster parent…*
>
> *With these thoughts in mind, it is clear that although "normalcy" is often discussed, what we really need is for caregivers in foster care to have permission to parent. This is why legislation is needed to ensure that foster parents and other caregivers have the authority to make real-time decisions for children as any "reasonable and prudent parent" would do for their own child.*[14]

During the 2013 legislative session, two significant pieces of legislation were enacted. One was signed into law by the Governor on April, 11th and the second is awaiting the Governor's signature. We believe they will improve the lives of children who are still in the foster care system as well as young adults who have aged out of the system and that they will provide our foster parents with the support they need to truly parent the children in their care. Our success this session is reflective of the hard work and dedication of the young members of Youth SHINE who represent the voices of all children and young adults within the child welfare system; the excitement and enthusiasm emanating from our foster parents who have embraced the Quality Parenting Initiative; and the care and compassion of countless volunteers who serve as guardians ad litem in our state under the guidance of the Florida Statewide Guardian ad Litem Program.

Together the bills contain the following provisions related to providing normalcy for children in foster care and empowering foster parents to truly be parents:

- Creation of a "reasonable and prudent parent standard" that is a standard of care to be used by a caregiver in order to determine whether to allow a child in his or her care to participate in extracurricular, enrichment, and social activities. This standard is

[14] Alan Abramowitz, Director, Florida Statewide Guardian ad Litem Program. *Foster Care System Lacks 'Normalcy'* January 18, 2013.

characterized by careful and thoughtful parental decisionmaking that is intended to maintain a child's health, safety, and best interest while encouraging the child's emotional and developmental growth.

- Facilitation of the ability of the caregiver to approve activities for foster children, without fear of civil liability. The specified reasonable and prudent parent standard governs whether a caregiver may be held liable for harm to a foster child while engaged in activities approved by the caregiver.
- Transfer of the responsibility of teaching daily independent living skills for children 13 to 17 years of age from private providers to the foster parents.
- Provision of requirements and expectations for foster parents and group home parents and providers.
- Provision of requirements and expectations for the state child welfare agency, the private lead agencies, and their providers related to their relationship with foster parents.
- A requirement for the provision of adequate training and support for foster parents, the inclusion of foster parents in a full and equal respectful partnership with other participants in the child welfare system, and the authority for foster parents to assist in meeting the goals of the child and the family;

Clearly, Florida still has work to do in order to assure that every child in foster care is allowed to engage in age appropriate activities. Foster parents who are involved in the Quality Parenting Initiative are years ahead of the typical caseworker in terms of understanding bonding and attachment issues as well as in being more child-centered and less regulation-centered. That has to change. Caseworkers must come up to the same level of competence. Knowing that normalcy for children is harder to obtain for children who are in group home placements – many of which rely on shift workers – we need to address Florida's over reliance on these types of placements. My colleagues in the Florida Senate and I are committed to making life better for all children in foster care and all young adults who have aged out of the system.

Thank you for your time today and for the interest of the Subcommittee in providing children in foster care with the opportunity to engage in normal everyday activities just like their peers who are not involved with the child welfare system.

Chairman REICHERT. Thank you, Senator.
Ms. James, five minutes, please.

STATEMENT OF TALITHA JAMES, FOSTER YOUTH FELLOW, KIDSAVE

Ms. JAMES. I want to thank the Committee for this opportunity to speak on behalf of former foster youth and current foster youth. My name is Talitha James. I am a former CCAI intern. I had the opportunity to intern here on the Hill, as well as I am a graduate from California State University of Fullerton.

My experience in care, I was placed in care at the age of two. I emancipated at the age of 18. My experience in care was not that great, but I know that a lot of youth had the opportunity to be placed in great homes, but I did not have that opportunity.

I was placed in homes where I was not allowed to be myself, and I was not allowed to participate in sports. The reason being was that one of the homes I was placed in, the foster parent pretty much told me that I should go to therapy instead of playing sports. That was something that I held on to because I had a desire to play sports.

As you have all seen the picture that is being passed around, I was on the volleyball team at Lancaster High School when I was placed with my aunt, so at the age of 14, I was placed with my aunt, and my aunt took the initiative to just bypass all the barriers that social workers put in place that do not allow foster youth to play sports. She took it upon herself to allow me to play sports, and that pretty much changed my life.

Me playing sports, I was allowed to learn what team development was all about. I was allowed the opportunity to, you know, mess up, and not be reprimanded for that.

Now, prior to me being on that team, I was bounced around from homes to homes, and they did not see the importance of a foster child playing sports. And, at that time, as well, they also said there was no funding for me to play sports for me or no funding for them to pay for a uniform. So that was another reason why I was not allowed to play sports. And I just wanted to highlight the importance of a lot of the barriers we put in place for foster youth to protect them, like we've heard, is a hindrance to their success as an adult.

Had I not played on that team, a lot of the skills that I learned on that team I wouldn't have today, just the love for sports, the love for my coach that I developed on that team I would not have today. So I just wanted to highlight that important piece, as well as when I was in care I did not have the opportunity to receive rides from friends when I was going home. So I would have to walk to school and from school, because my foster parents at the time did not want to drop me off at school.

So we had to walk to school. And, a lot of the times my friends would offer me the opportunity to have a ride home, but I had to explain to them that I couldn't. And, so, finally, one of my friends asked me. She said, "Is everything okay? Are you okay?" And I just finally told her I can't take the ride home, because I'm a foster youth. And it didn't make sense to her. And she was just so confused, and for me, I understood, because I knew the system. But

she didn't understand the system. So that kind of showed me that that wasn't a normal thing for me not to be able to receive a ride from a friend on my way home.

So those are just a few things I wanted to highlight about my experience and care. And, lastly, there was an opportunity for me to spend a night at a friend's house. And because they did not have time to complete a background check and all those things that you have to do in order for a child who is in foster care to spend the night, they did not have time to do that. And, so, my best friend, again, she wanted me to spend the night, and I couldn't do so.

And, finally, the family, my best friend's family followed through on the requirements of completing a background check and doing all they needed to do so that I could spend the night. And, unfortunately, because they had a pool that was raised above ground and it did not have a fence around it, I ultimately could not spend the night at the friend's house. So it's a lot of barriers in place and we can't tackle them all, but I appreciate this opportunity to address the things we can tackle, which I think is the normalization of the experience of foster care. So, thank you.

[The prepared statement of Ms. James follows:]

Talitha James
Testimony to the House Ways and Means Committee
Subcommittee on Human Resources
May 9, 2013

My name is Talitha James. I am a graduate of California State University of Fullerton, a former CCAI intern of the U.S Senate Committee on Finance and I am a former foster youth! I would like to share with you my life experiences while growing up in California's foster care system in the county of Los Angeles. I am hopeful that this opportunity will help people within this forum to truly understand the struggle that many foster youth endure in their attempts to achieve "normalcy."

I was declared a ward of the court at the age of two. Transitioning in and out of many foster homes became a way of life for me. I was placed into the homes of strangers who had every good intention of caring for me and became ticked off when they realized that the most important thing to me at the time were my friends, my biological family and my love for sports.

During my tenure while growing up in foster care I was not granted the opportunity to spend the night at my friend's house because the county required that all persons over the age of 18 living in the home would have to complete and pass a background check, home assessment and sign documents that ensured they would not" run off" with me. I remember my friend wanted to know so badly why every time she invited me over to her house I declined the offer. I never told her back then the real reason why I couldn't spend the night over her house.

Growing up in the foster care system, I felt like I was in captivity. Many times I was separated from the things that meant so much to me and the only reasoning that was given to me was, " It's the County rules" or " We have to get the County to approve." This reference was towards the same County officials who skipped out on mandated monthly visits, placed me into foster homes that were unfit for any child to live in and overlooked my plea to play sports because it was more important for me to see a therapist. I remember the many different experiences that I had as a foster child where I would pray to God to take me off this earth because I wanted so badly not to be a foster child.

Another experience I would like to share was about a time when I wanted to play volleyball but couldn't do so because of the unrelenting barriers that restrict foster children from being normal. As a foster child, I needed court approval to travel more than 100 miles outside of the county I resided in. This barrier prevented me from playing sports. I went through most of my junior high school years yearning to play sports. It wasn't until I was placed in the care of my aunt where I was granted the opportunity to play sports. The same strict rules applied to me when my aunt became my caregiver, but she had seen my desire and allowed me to play sports. She knew that there would be consequences if anything were to happen to me while

she was caring for me. I am thankful that she realized my desire to play sports and to be a part of a team was the best therapy that anyone could offer me at the time.

The late great Dr. King professed, " I grew up in a family where love was central, and where lovely relationships were ever present. It is quite easy for me to think of the universe as basically friendly, mainly because of my uplifting hereditary and environmental circumstances." The opportunity we have here today is to offer youth in foster care, regardless of their environmental circumstances, the dream that we have always hoped for, the chance to be normal again.

Chairman REICHERT. Thank you for your testimony. Thank you for being here at all, for the struggles that you've gone through; and today, here you are testifying in front of the United States Congress. Congratulations on your upcoming career.

Ms. JAMES. Thank you.

Chairman REICHERT. Ms. Clements, you are recognized.

STATEMENT OF IRENE CLEMENTS, PRESIDENT, NATIONAL FOSTER PARENT ASSOCIATION

Ms. CLEMENTS. Thank you, Chairman Reichert, and Members of the Subcommittee for this opportunity. My name is Irene Clements and I'm president of the National Foster Parent Association. For the last 43 years, the National Foster Parent Association shared the Subcommittee's quest to elevate and dramatically improve the foster family services that our members provide to children for whom the government has assumed temporary and all too often long-term responsibility, as well as we serve as the national voice of foster parents.

My husband and I fostered for 27 years, and during that time we fostered 127 children and adopted four of those children. During our tenure as foster parents, we fostered children of all ages; however, the last 12 years were dedicated to youth 14 and over. While we know a lot of well-meaning legislation has been passed since 1991, we still have a system that's not working well for the children it was designed to serve.

Children experience too many placement disruptions. They're often not placed with siblings. They're often placed too far from their biological parents to have effective and frequent visits or remain in their school. They're frequently not involved in decisions made on their behalf or attend court. Some children experience unneeded medications, and they often feel singled out as different. I'm going to use a couple of examples that I have put in my testimony to explain the kind of the situations that children experience, but also the frustrations of the foster parents because of the system.

Let me use an example of Mary, who's an 11-year-old child in foster care. She was a member of the 4H Club in her small town. She wanted to take sewing lessons really bad. They were every week on Thursday, after school, and there were four little girls in her class. The 4H leader, who taught the classes, had been the leader for many years and provided those lessons in her home. Mary's foster mother was told that Mary could not attend these sewing classes until the 4H leader, and any others living in her home who were over the age of 14 had criminal background checks.

Mary didn't understand why the other three little girls could go into this home and have sewing lessons when she couldn't. Why was it okay for her peers when she couldn't do it? Bottom line was that Mary's foster mother said, "If I could, I would have stayed there and supervised each week for two hours on Thursday, but I had commitments with two other children: one to take to karate class, and one to pick up from band practice." And because of the family not wanting to get everybody in the family to have background checks, because they might come home before the class was over, Mary wasn't allowed to be in sewing class. So she lost inter-

est in 4H. She dropped out. She stopped going to anything. And she became so discouraged, and she wanted to know and she kept asking "Why do my friends get to go, but I can't go? What's the difference?"

Then, an example of John, who's a freshman in high school, who made the freshman football team. Really, really proud of himself, and is keeping his grades up so he can play. His foster mother always picked him up after practice every day, and occasionally his foster father; but, his foster father traveled some for work, and wasn't available all the time. On one particular day, John's foster mother had a medical emergency with John's sibling, who was also in her home, and they were at the hospital. She couldn't pick John up from football practice, and her husband wasn't home. So she called the coach and asked him if he could take John home.

John, in his service plan, had the ability to be in the home for three hours without supervision. The coach said he couldn't do it, because of something else he had to do. But he would get one of John's friend's parents to take him home. Well, that had occurred. The foster mother got home with the other child in about two hours, and everything was fine. A couple of days later, the children's caseworker came, and they were discussing the hospital visit and then how John got home from football practice. Immediately, the caseworker said, "Well, you've broken many rules in this. Let me call my supervisor to see if I have to remove these children from your home, because you obviously did not supervise these children and made a bad decision on their behalf."

Thank God the supervisor said, "No. Let's investigate a little bit further before you rip these kids out of this placement where they're doing very well." This family is not going to continue to foster, and they are a really good family. They have done really good work with a lot of kids, but they are so frustrated with a system that won't allow kids to have a normal life. And for when emergencies come up that we have understanding, that some of the time these things happen, and the outcomes can be all right.

And, to conclude briefly, the National Association is literally looking forward to working with Congress to help make normalcy a reality. And we'll work diligently with foster parents around the country to help them trust that this move from risk aversion to a system that embraces normalization is real. Safety plus opportunity equals well being, and that's where we need to go with each of our kids. Thank you.

[The prepared statement of Ms. Clements follows:]

Testimony
Irene J. Clements
President
National Foster Parent Association

U.S. House Committee on Ways and Means, Subcommittee on Human Resources
Hearing on Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth

Good morning Chairman Reichert, Ranking Member Doggett and members of the subcommittee. I am honored to be here and grateful for the invitation to join the hearing today.

I am Irene Clements, president of the National Foster Parent Association. For the last 43 years, the National Foster Parent Association has shared the subcommittee's quest to elevate and dramatically improve the foster family services our members provide to abused, neglected, dependent and abandoned children for whom the government has assumed temporary, and all too often, long term responsibility, as well as serving as the "National Voice of Foster Parents." The association strives to provide supports and services identified as needed by foster parents across this great country and we work with state foster parent associations to help them better meet the unique needs of each state's foster parents. Included in those we serve are foster parents who have also adopted children from the child protection system. We are currently seeking ways to also provide the same supports and services to kinship caregivers.

As background, my husband and I fostered for 27 years. During that time, we fostered 127 children/youth and adopted four children who were placed in our care. Our eldest is now 41 years old and our youngest turned 29 years of age earlier this week. Our two sons were both diagnosed with Reactive Attachment Disorder (RAD) and our youngest daughter has Down Syndrome. Each is unique and incredible; they are now productive citizens and have given us the gift of 13 awesome grandchildren. During our tenure as foster parents we fostered children of all ages; however, the last 12 years were dedicated to youth ages 14 and over. There were times when we had to "break the rules" in order to enable our youth to grow and spread their wings. We made these decisions to "break the rules" because we had confidence that our decisions were in the best interests of the children and we knew how to advocate for our children as well as for our foster home. I share this with you to help you understand that I have up close and personal experiences in helping children achieve some normalcy within the current system and have also experienced the devastating effects rules and regulations can cause some children/youth in foster care.

I recently came across the following statement: ***If the Nation had deliberately designed a system that would frustrate the professionals who staff it, anger the public who finance it and abandon the children who depend on it, it could not have done a better job than the present child welfare systems*** (National Commission on Children, 1991).

While we know a lot of well-meaning legislation has been passed since 1991, we still have a system that is not working well for the children it was designed to serve. Children experience too many placement disruptions; they are often not placed with siblings; they are often placed too far from their biological parents to have effective and frequent visits or remain in their school; they are frequently not involved in decisions made on their behalf or attend court; some children experience too many or unneeded medications; and they are singled out as different – adding to the lack of normalcy.

Why do these things continue to happen to our children in foster care? First, they are labeled right off the bat as "foster children." In a time of "people first" language, this continues to be discriminatory to children. They are children in foster care. When will we move "people first" language and thinking to the child welfare area when it has been the norm for people with disabilities for more than 30 years? Of course, should we be able to accomplish this goal, even the name of the National Foster Parent Association would need to change.

Second, we often do a poor job of appropriately assessing children upon removal and too often, wait for them to act out to trigger needed assessment. We know all of the children have experienced trauma in some way and each child should be required to have a trauma assessment at the front end of entering foster care. This goes hand in hand with a system of service providers and caregivers who are also well trained in trauma informed care and caregiver techniques.

Third, we tie the hands of foster parents by over regulating for safety and restrictive interpretations of those safety regulations. We must ***balance safety with opportunity in order to get to child well-being***. Normalcy feeds into child well-being.

The youth who have now aged out of care have been speaking out about the lack of normalcy they experienced while in care. The two questions most of my youth asked after they left our home were: "Why are people surprised that we make bad decisions upon leaving foster care after years in care, when we were never allowed to make any real decisions and learn from our mistakes?" "Wouldn't it be best to allow us to make decisions and learn from those that were bad while we are still in care and in a safe environment with people who love us and can help us learn from our mistakes?" They feel they should be allowed to experience age appropriate situations followed with age appropriate consequences when warranted.

To prepare for this hearing, I contacted most of the state foster parent associations and asked for some examples of rules that stand in the way of children/youth experiencing normalcy and what they need to have happen to help the children/youth in their homes find normalcy. Frankly, I was surprised at what I learned. The work being done on normalcy varies greatly from state to state as you will see in the compilation of examples below:

- Home studies and criminal background checks required of their friends' families for sleepovers.
- Some places won't allow the youth to play sports due to perceived liability issues.
- Being able to go somewhere with a friend, especially in a car driven by the friend.
- Being able to take drivers education and driving a car themselves.
- Going out on a date for older youth in care.
- Going on school trips, especially out of county or state.
- For a teenager, not having a 14-year-old friend over to play video games because the friend does not have a criminal background check.
- Being a female senior in high school and being told you cannot go to the prom unless your date shows proof of insurance for his vehicle to the caseworker.
- No using power tools, even with supervision, because the youth may have an accident.
- No riding on any motorized bikes, go-carts, 4-wheelers because of potential for injury.
- Not allowed to ride any and all amusement park rides due to potential for injury.
- Not allowed to go out of county or out of state without jumping through many hoops and taking several weeks for approval, in some cases approval by the judge in the case.
- Not being allowed to go on field trips with classmates or not participate in activities with classmates due to potential for injury.
- Not being allowed to go on vacation with their foster family because they are going to go fishing in a boat or going to an amusement park because rules don't allow the child in care to participate in those kinds of activities.
- Not being allowed to get an after-school job.
- Having "no" as an automatic response as opposed to working together (child, foster parents and caseworker) towards a "yes." Often, the solid no comes from the caseworker and then the foster parent's hands are tied.
- Not being allowed to do some community activities, including being on a sports team because the away games would cause the youth to be out past the curfew set by the state/county for youth in care.
- Not being able to ride the lawn mower and help with the family yard work.
- Not being able to go into your room by yourself or take off your shoes due to "house rules."
- Not being allowed to be on Facebook or use the computer without direct supervision.
- Not being allowed to communicate by phone, email, etc with anyone not on the "list of approved people" developed by their caseworker.
- And so many more examples

The opportunity to provide testimony at this hearing also prompted a number of discussions with members of foster care alumni associations around the country. Again, I was surprised at

some of what I heard. Of course, I heard the same things as described by foster parents and listed above, but I also heard the following:

- Some felt that being placed with foster parents over 50 - 55 years of age created a generation gap that got in the way of normalizing their time in care even when they were from a state or county that has already done some work on normalizing experiences for their youth in care. An interesting aside is that it appears there is no requirement for states/counties to keep a data base on the demographics of foster parents within the state and no requirement to provide that data on a federal level. We need such a data base to learn more about matching youth to families, to know how many foster homes there actually are in this country and so much more. Such a data base would be a researcher's dream. As a side note, the youth stated having older caseworkers also affected their ability to achieve normalcy in many situations, too, because they were inclined to always say no "to be on the safe side."
- Some felt that they were not represented appropriately in court and other meetings because their foster parents were either not allowed in court or were not allowed to speak even when they attended court hearings. They said their foster parents knew them better than anyone else (even when they tried to separate themselves from attaching to the family), that their foster parents knew the best of them and the worst of them, and that they needed them to speak on their behalf in court even when they were in court themselves to speak on their own behalf. They stated that when other minors need to go to court, their parents are in court to support them and help them but not so for children in foster care. When they go to court, their biological parents are there but they are speaking on their own behalf, trying to get themselves out of trouble and not focusing on their child/ren. They told me that the states/counties are not "parents" but rather responsible for following state and local laws and procedures. They need their "parents while in care" to serve as their parents in all situations. Interestingly, they also shared that they didn't really realize this need until they were out of care and were able to process their time in care from a more adult perspective.
- Most of the former youth in care also talked about being forced to participate in talk therapy when they did not want to participate and that they would make up things to get the therapist and others "riled up", just for the fun of it. They stated what they needed more than anything was the chance to get a part-time job and learn how to be a good employee while earning money toward the purchase of a car, etc. I asked for those who did get the opportunity to work, if a job coach would have helped them be more successful in their first job and every one of them stated yes. Each stated that if they had that kind of help, they probably would not have lost so many jobs in the beginning of their work experiences. Again, we can take lessons from the

developmental disabilities arena to provide appropriate supports to the youth in foster care. Currently, there does not appear to be any funding source for such supports for youth in foster care, only for youth and adults with developmental disabilities.

- Most former youth in care felt strongly that they were judged by their past behaviors, regardless of how long ago they had those particular behaviors, so they were not allowed to do things based on "old information." This made them angry and frustrated and led to more acting out behaviors, etc. They wanted to be evaluated for who they were at any given time and not for whom they were in the past.
- These former youth often felt they were being told "no" to opportunities due to lazy staff at group homes or lazy foster parents. Most stated they did not realize at the time of these opportunities, the rules and regulations that their caretakers had to abide by and that their caretakers were trying to do their best while trying to stay out of trouble with the system, too. They also confessed that as a teen, they were not necessarily aware, nor did they often care, about the other dynamics going on in the family at the time, costs of activities not reimbursed, etc, that perhaps got in the way of what they wanted to do. It must be noted that in some cases the caretakers were "lazy" and did not meet the needs of the youth as they should have and in those cases, additional training should be mandatory to include better information on child well-being.
- Many of the youth stated that they remembered a situation in which their foster parents or group home staff broke the rules and exposed themselves to losing their fostering license or their job so the youth could be like their peers. They felt these were courageous foster parents or group home staff and they appreciated them for doing what was right for the youth. There should be no reason foster parents and group home staff should have to break the rules in order to give youth a normal life while in foster care.

The following are quotes/statements from foster parents and state foster parent association leaders from across the country:

- The experience of being in foster care can be stigmatizing for a child, who by no fault of their own, finds himself or herself in an unfamiliar home. Many former foster youth reported feeling increased stigma due to the number of restrictions placed upon them while in foster care. Youth in foster care often report being unable to have "normal" teenage experiences, such as riding to the mall with friends or sleeping over at a friend's house without having a full background check on the friend's parents completed beforehand. Oklahoma needs to work to address the experience of youth in foster care to reduce stigma and allow them as normal a childhood as possible. As part of this process, agencies should review their policies to see which are truly essential for the safety of children in foster care and seek innovative solutions to help children

experience the activities and opportunities their peers enjoy. With local budgets increasingly tight, a lack of funding means great variability in services that public children services agencies can provide families and children in foster care. Oklahoma should continue to invest state funds in programs that are proven to expedite permanency for the children in our foster care system and improve outcomes for these youth. However, along with these investments there is a need for more accountability within the child welfare system.

- In Rhode Island, in general, it seems there are "normal" activities for youth that are complicated by the request process we have in place for things like going out of state. Some of these activities may be sport or school activity related and the youth can't attend because the "correct" signature was not obtained. Some youth have had to go to respite while the foster family they lived with went on vacation because the biological parent did not want to sign the approval. A lot of normalcy issues seem to relate more to group home living than foster care; the rules and regulations, charts, chore lists, and big posters in group homes that make the environment more cold and institutional. Some group homes here have rules such as you can only take 15 minute walks in the community but the rule is not age related or pertinent to the particular needs of supervision for each individual youth. Being able to spend an overnight at a friend's house without having the family go through a criminal background check process is an issue for youth in all levels of care. Can we rely on the decision-making skills of a foster parent to know where the child is and make determinations on safely for the youth?
- A foster parent from Alabama wrote this: You see, foster children find themselves in a devastating void where their family of origin often is not caring for them, the state is too busy to care for them, and the foster family that is caring for them and knows their greatest fears and aspirations, is gelded by the very system that placed these abused and neglected children into their care. The state often ignores these loving and caring parents, whom they have meticulously vetted and licensed to provide care to these children, by leaving them out of the conversation about the child's well-being on court day. This is arguably the greatest evidence that children in foster care lack normalcy in their lives, even when it counts the most, in court. Let's not only empower these wonderful foster parents to add a measure of normalcy to children's lives in social and family settings, let's be sure they have a family that loves and cares for them by their side when it matters most. There is nothing more abnormal than sending children and youth into court without their parents sitting next to them to assure them and help articulate their own hopes and wishes to the judge.
- From a foster father in Kentucky: I could go on and on over this issue. These children are not being allowed to be normal because of so many restrictions. I, as a parent, and I am sure I am not the only one, would not allow children in foster care to do any of these

things (listed in the issues listing elsewhere in this report) without adult supervision or without checking out the homes of friends that they would want to stay overnight, etc, as I would do for my own children. We, as foster parents, are held to very high standards and feel that we should and could make very good choices for the children in care. I also feel that if these children are not allowed to use or be part of some of these daily routines and decisions that their peers outside of foster care do, then when they grow up they will not have the knowledge needed to be an asset to themselves or their community. Long term problems from not being allowed to live a normal life in care is that when they have not had normal learning experiences they won't have the skills and abilities to teach their own children when they have them. I will conclude this short message by saying that things are taught and learned and needed to become good parents. This comes from living normal lives!

- From a foster mother in Maine: We welcome the children into our homes to be part of our families but so many times they cannot feel that they are part of the family because of the restrictions that are placed on them or their foster parents.

The following are two examples of how current rules and regulations have affected two children's desire for normalcy and their foster parent's decision making abilities in the past year:

- Mary is an 11 year old child in foster care. She is a member of the 4-H club in her small town and wants to take sewing lessons as a part of her 4-H work. The lessons are every week on Thursday after school. There are four girls in the class. The 4-H leader who teaches the class has been a 4-H leader for many years and provides the sewing lessons in her home. Mary's foster mother was told that Mary could not attend these sewing classes until the 4-H leader and any others living in her home over the age of 14 have had and receive cleared criminal history background checks because these family members may come home while Mary is still in her sewing class and they could do her harm. The 4-H leader and her family do not have to have such criminal history background checks for the leader to teach the other three girls to sew. Why must this happen in order for Mary to learn to sew? Mary's foster mother said she would stay for the classes and supervise Mary if she could, but she also has other children that need her during those two hours each week – one son needs to be driven to karate class and another needs to be picked up from band practice . The 4-H leader said she is willing to get the background check but that it is not fair to put her husband and son into the situation because they may be home before the class is over. So, bottom line on this situation is that Mary could not take the sewing classes. She became so discouraged that she refused to participate in 4-H anymore because her desire to learn to sew was stopped by rules that do not affect her peers.

- John is a freshman in high school and made the freshman football team. He is very proud of himself and is keeping his grades up so he can play. His foster mother picks him up from practice every day. His foster father travels some for his work so he is not available every day to help with the transportation from practice to home but they have been able to always pick John up from practice. One particular day, John's foster mother had a medical emergency with John's sibling who was also in her home and was at the hospital with the child who has juvenile diabetes. She could not pick John up from football practice and her husband was flying in from a work trip later that evening. John's foster mother called the coach and asked him if he could take John to the foster home since John had permission, in his Service Plan, to stay home by himself for several hours and the foster mother knew she would be home in a couple of hours at most. The coach could not provide the transportation due to other pressing matters but he said he would get one of John's friend's parents to give him a ride. This occurred and all went well and John was safe at home when the foster mother returned a little less than two hours later. A couple of days later, when John's caseworker came for a home visit, they discussed the emergency room visit for John's sibling and that the foster mother had to get another person to bring John home from practice. John's foster mother said that is when the caseworker told her that she was in violation of numerous regulations and would need to be investigated by the licensing division to see if they could continue to be foster parents. The caseworker also called her supervisor to determine if she should immediately remove John and his sibling due to lack of supervision and bad decision-making by the foster mother. Thankfully, the supervisor told her to wait on the removal until further investigation. The caseworker told the foster mother that since she did not have a cleared criminal history background check on the coach, using him for transportation would have been a violation, same as for the parent who did provide the transportation. She also said whoever did the driving, the caseworker needed to have proof of current automobile insurance in her file before that person could transport even if she would have had a copy of a cleared background check on that person. So, any way you looked at it, this foster mother had broken the rules – not maliciously, but in an emergency. That made no difference to the caseworker and the family had to go through a full investigation and then had to have a developmental plan developed to show how they would not break those rules again. These foster parents decided that when John and his sibling leave their home to achieve permanency, they will no longer foster due to this experience. The foster mother stated that no one cared that they were excellent parents to the children, that the children blossomed while in their care and that the children were living a normalizing life. They only cared that they broke a couple of rules during an emergency, regardless of the outcomes.

I am hoping that the information gleaned from today's hearing and other information gathered on the subject of normalcy will lead to sweeping changes in the current foster care system. Florida has done a great job to begin this process as have a few other states. We need standards and guides for how caregivers should make decisions about what activities are appropriate and inappropriate. The standards and guides should empower foster caregivers to make decisions about activities in the same manner as a prudent reasonable parent would do for their own children. These standards and guides should recognize that the caregivers that are authorized and reimbursed to care for children in the child welfare system should exercise discretion and be entrusted with the same decisions that all parents make.

Changing attitudes is never easy and takes time. It is going to take time to move an entire system and caregivers away from the risk-averse approach that they are used to that promotes just saying "no" to the normalizing requests of children in foster care. This current approach seeks to insulate foster caregivers and agencies from liability and risks. What we need to do is work with caregivers, agencies and the child welfare community to learn how to deal with risks and to emphasize instead the need to provide children who must experience foster care the same normalizing experiences as all other children. Saying "no" to most requests for normalcy is doing just as much harm as taking the risk and something happening that comes with permitting a child's activity. We are looking at a process of education for everyone involved in the child welfare system, including the judicial system.

Well-being of children in foster care is critical to their ability to be successful as adults. These children/youth have the right to live as normal a life as possible and participate in age-appropriate extracurricular, enrichment and social activities. We can begin to make that happen by abiding by these basic five elements:

- State and local regulations may not prevent or create barriers to participation in these normal activities;
- Each state and local entity should ensure that the provider agencies providing care to children in foster care have policies that promote and protect the ability of children to participate in age-appropriate extracurricular, enrichment and social activities;
- Caregivers have an obligation to allow children in their care to participate in age-appropriate extracurricular, enrichment and social activities;
- Caregivers are expected to make normal day-to-day parenting decisions and are to act as a prudent parent in determining whether to give permission for a child to participate in any of these activities. In particular, caregivers should take reasonable steps to determine the appropriateness of the activities in consideration of the child's age, maturity and developmental level; and

- State and local entities that regulate foster homes and group homes must be willing and able to differentiate between accidents that may occur as part of the normalization process and malicious actions on the part of the foster parents and group home staff and respond appropriately and accordingly as they respond to such accidents or other injuries, etc.

The National Foster Parent Association looks forward to working with Congress to help make normalcy a reality for our children/youth in care and to help make the processes to accomplish this reality happen as soon as possible. The National Foster Parent Association will work diligently with the foster families around the country to help them trust this move from a risk-averse system to a system that embraces taking some risks so children/youth can experience more normalizing experiences while in foster care. **Remember, safety plus opportunity equals well-being.**

Thank you for the opportunity to be with you today and for your careful review of information presented today and in the future that can lead to Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth.

Respectfully submitted,

Irene J. Clements
President, NFPA
1102 Prairie Ridge Trail
Pflugerville, TX 78660
512-775-9781

NFPA National Office:
2021 East Hennepin Ave, Suite 320
Minneapolis, MN 55413
800-557-5238

Chairman REICHERT. Thank you.

Secretary Wilkins, and Mrs. Wilkins, you are recognized for five minutes.

STATEMENT OF DAVID WILKINS, SECRETARY, FLORIDA DEPARTMENT OF CHILDREN AND FAMILIES

Mr. DAVID WILKINS. Good morning, Chairman Reichert, Members of the Subcommittee and Congressman Buchanan. Thank you for giving us the opportunity to talk about this issue that's so near and dear to all of our hearts. And, as we previously mentioned, I am the Secretary of the Florida Department of Children and Families. And Tanya, my wife, is the Governor's Chief Advocate for Foster Care and Adoption.

Tanya is a Registered Nurse. I worked for a global management consulting technology company for 30 years. We don't have a lot of experience in government, but our private sector experience and our experience raising our own three daughters, and our volunteer experience in fostering children in our home, I think, has given us a unique perspective of what are the issues. And we are here today to really tell you that the bill that we passed in the Florida legislature this session is something I think every state of the union could benefit from.

You have heard testimony from Sen. Detert, talking about some of the challenges and some of the numbers of why children fell in foster care, and you've heard some of the other testimony about just some of the—no other word but bizarre rules and processes that have evolved into the foster care system over the years. You know, all of the statistics point out that the success of children in foster care is simply not adequate. And, on further analysis, a large reason of these inadequacies is related failures of our foster parenting system.

Our foster parenting population in our state has dropped over 15 percent over the last three years. Not surprisingly, group home care has risen in that same timeframe. Upon surveying many of these parents, we were told that the frustrations are extremely high, and you heard some of the testimony there. Foster parents are burdened with paper work, court responsibilities, a list of job responsibilities, all centered around protecting the child, and the result is obvious. We are not letting kids be kids and we're not giving the parents the permission to parent.

So, a culture change was needed in our state, and in essence to permeate the entire system with the information that normalcy in foster care is the most paramount of the goals. The parents of our children's families do not need to do backgrounds for sleepovers. Young people should be able to go to church activities without a licensed foster parent, and children should be included in all social and extra curricular activities.

Having seen the need for these types of changes, we launched three, key initiatives in the state of Florida. One was around performance management of our provider network. We now believe that measuring performance is central to promoting accountability. We have developed a performance scorecard that measures contracted foster care agencies on 11 performance measures to deter-

mine how well they are meeting the most critical needs of our children.

Since the first scorecard was produced over a year ago, we have improved performance by over 25 percent. We also initiated a whole initiative around normalcy, as Sen. Detert mentioned. We issued open letters to demand normalcy in all of our foster parents and provider organizations. We developed media campaigns and we issued social networking policies to basically say children can have access to the Internet. And, as you all know, I think every child has to have access to Face Book.

That's a new requirement in our children. So this bill is absolutely key to our success; but, another key initiative that we knew we had to have was an initiative we called Fostering Florida's Future. And Tanya will address what we tried to accomplish there.

TANYA WILKINS, ADVOCATE FOR FOSTER CARE AND ADOPTION, GOVERNOR'S OFFICE OF ADOPTION AND CHILD PROTECTION

Mrs. TANYA WILKINS. Good morning, Chairman Reichert, Congressman Davis, Members of the Subcommittee. Thank you for allowing me to speak to your committee about the Fostering Florida's Future Initiative. Recognizing that Florida needs additional quality foster parents and families who can provide safe and loving homes to children in need, we launched the Fostering Florida's Future initiative in June of 2012. This is a collaboration with our 20 community-based care organizations throughout the state with the Guardian Ad Litem, the Florida State Foster and Adoptive Parent Association, Quality Parenting Initiative, local associations and many others.

When the Governor appointed me as the state-wide advocate, I had no idea how it would change our lives and touch our lives. We had been a sponsor family for foster children, teenage girls, primarily, from a residential group home in Tallahassee. We served them, and as we served them, we would listen to their stories. It was heart-wrenching the stories that they told us at night when we were tucking them into bed at night. And I had to listen to their stories—and we would say prayers—of the neglect and abuse that they had endured; and, yet, a blessing that we knew we could help empower them to overcome and have a future.

We parented them as we would our own, much like the hundreds of foster parents that I've been fortunate to meet. Based on these learnings, we landed on an action plan for Fostering Florida's Future initiative. We developed an awareness campaign with a website, videos and social media. We created a recruitment campaign to find 1200 new foster families, quality foster families for our children. And we are trying to reach that goal by June of 2013, this year.

We are improving training for foster parents through the Quality Parenting Initiative, using trauma-informed care principles focusing on awareness of attachment disorders, and we have simplified the licensing process. Fostering Florida's Future is showing great success in building enthusiasm and getting people interested in fostering and making a difference in these children's lives; but, most

of all, it's helping to provide loving and caring families that these vulnerable children need.

[The prepared statement of Mr. David Wilkins follows:]

Testimony of
David E. Wilkins
Secretary, Florida Department of Children and Families
and
Tanya Wilkins,
Advocate for Foster Care and Adoption, Governor's Office of Adoption and Child Protection

U.S. House Committee on Ways and Means,
Subcommittee on Human Resources
"Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth"

May 9, 2013

Good morning, Chairman Reichert, Ranking Member Doggett and Members of the Subcommittee. Thank you for inviting us to speak to your committee regarding Normalcy in the lives of children in foster care.

My name is David Wilkins, and I am the Secretary of the Florida Department of Children and Families (DCF). Accompanying me today is my wife, Tanya Wilkins, who is our Chief Advocate for Foster Care and Adoption[1].

[1] Gov. Rick Scott named David Wilkins as Secretary of the Florida Department of Children and Families in January 2011. Gov. Scott named Tanya Wilkins, RN, BSN, the Statewide Advocate for Foster Care and Adoption, within the Governor's Office of Adoption and Child Protection, in July 2012.

Tanya is a registered nurse. I worked for Accenture, a global management consulting and technology company, for almost 30 years. We do not have a lot of experience in government, but our private sector experiences, our experience as parents to three daughters, and our volunteer experience in sponsoring foster youth in our home for years have provided us a unique perspective on how to serve the children and families of Florida.

We are here today to talk about balancing safety and normalcy in the lives of children in foster care. When we first arrived at DCF, we were confronted with a number of alarming statistics that highlighted the failure of children in child welfare.

- 50% of children in foster care are below grade level
- More than 50% of our foster children do not participate in extracurricular activities
- Over half of our young adults fail in our Independent Living program when you consider arrests, teen pregnancies and academic achievement.[2]

[2] Based on an annual survey in Spring 2012 of young adults (18- to 23-years-old) in Florida's Independent Living Program, 45% of the young women had given birth to a child; 47% were receiving public food assistance; 60% received a high school diploma or GED; 40% had been arrested at least once.

These statistics pointed out that the success of children in foster care is not adequate. Upon further analysis, a large reason for these inadequacies is the related failure in our foster parenting system. Our foster parent population has dropped 15% over the last three years. Not surprising, of children in licensed care, the percent of children in group care has increased over the same timeframe.

Upon surveying many of these parents, we were told that the frustrations are high. Foster parents are burdened with paperwork, court responsibilities and a list of job responsibilities all centered on "protecting the child." The result is obvious. We were not letting "Kids be Kids," and we were not giving parents the "Permission to Parent."

A culture change was and is still needed to permeate the entire system with the information that "normalcy" in foster care is paramount. Parents of our children's friends *do not* need to be background-screened for a sleepover; young people *should* be able to go to church activities without a licensed foster parent; and children *should* be included in social and extracurricular activities.

Having seen the need for change to make children in foster care successful, we developed three key initiatives that drove policy and program changes.

1) **Performance Management of our Community-Based Care Providers** Measuring performance is central to promoting accountability. We developed a performance scorecard that measures DCF's contracted foster care agencies on 11 measures to determine how well they are meeting the most critical needs of at-risk children and their families.[3] Since the first Scorecard was produced a year ago, performance has improved nearly 25%. Accountability, transparency and competition all drive dramatic performance improvements.

2) **Normalcy** – This initiative was about driving operational and culture change into the organization.

- We rewrote many of our administrative rules on licensing and foster care to provide improved parental flexibility.

[3] A copy of the monthly Community-Based Care Scorecard is in your packet and available online: *http://www.myflfamilies.com/about-us/planning-performance-measures/cbc-scorecard*

- We issued open letters and memos to the foster parents and staff, stating emphatically that this administration was in complete support of normalizing their activities.
- We developed a media campaign "Don't Say 'No' Until You Know."[4]
- We also issued a Social Networking Policy that clarified DCF's policy regarding the use of the Internet and online social networking sites.[5] I have learned that virtually all children have to have FaceBook!
- Lastly, we issued a Youth Bill of Rights titled, *Childhood Only Happens Once.* It was developed with advice from current and former foster youth, and distributed statewide.[6]

The passage of the Quality Parenting For Children in Foster Care Act by Florida's legislature codifies in law, "Permission to Parent." Sen. Detert sponsored this great bill, and she will discuss this in more detail in her testimony.

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[4] See posters and materials developed as part of the "Don't Say 'No' Until You Know" media campaign in your packet and online: *http://centerforchildwelfare2.fmhi.usf.edu/qpi1/docs/DontsaynoFINAL.pdf*

[5] See memorandum from Drew Parker, DCF General Counsel, and Melanie M. Burnette, Assistant General Counsel, dated February 22, 2012: *http://centerforchildwelfare2.fmhi.usf.edu/kb/policymemos/OnlineSocialNetworkingPolicyLegalOpinion.pdf*

[6] See the Youth Bill of Rights: *http://www.fosteringflorida.com/docs/Bill_of_Rights_draft_5-4-12jf.pdf*

The third key initiative is **Fostering Florida's Future.** Tanya will address this initiative.

(Begin testimony by Tanya Wilkins, Statewide Advocate for Foster Care and Adoption):

Good morning, Chairman Reichert, Ranking Member Doggett and Members of the Subcommittee. Thank you for allowing me to speak to your committee about the Fostering Florida's Future initiative.

Recognizing that Florida needs additional quality foster families who can provide safe and loving homes to children in need, we launched the Fostering Florida's Future Initiative in June 2012. This is a collaboration with our 20 community-based care agencies throughout the state, the Guardian ad Litem program, the Florida State Foster/Adoptive Parent Association, the Quality Parenting Initiative, local associations and many others.

When the Governor appointed me as the Statewide Advocate, I had no idea how much it would touch our lives. We have been a sponsor family for a residential group home in Tallahassee, where we served several teenage girls in our home. It was heart-wrenching to listen to the girls tell us of the

abuse and neglect they had endured, yet a blessing to feel that we could help empower them to overcome their tough situations.

We parented them as if they were our own – much like the hundreds of foster parents that I have been fortunate to meet. Based on these learnings, we landed on an action plan for our Fostering Florida's Future initiative.

- We developed an awareness campaign with a Web site, videos and social media.
- We created a recruitment campaign to find 1,200 new foster families for our children, and we are on track to reach this goal by June!
- We are improving training for foster parents through the Quality Parenting Initiative, using trauma-informed care principles, focusing on awareness of attachment disorders, and
- We have simplified the licensing process.

Fostering Florida's Future is showing great success in building enthusiasm and in getting people interested in being foster parents. But most of all, it is helping to provide loving and caring families for these vulnerable children.

(Secretary Wilkins wraps up the presentation):

Children in foster care are our responsibility. In Florida, I consider myself their dad. So, therefore, we expect to give them every opportunity that all other kids in the state of Florida have.

To close, we would like to thank Governor Rick Scott for the opportunity to serve in his administration and to serve the children and families in Florida. His leadership has been instrumental in our success. And thank you, again, Chairman Reichert, for the opportunity to share with your committee the great things Florida is doing to improve the success of the children in foster care.

Florida Department of Children and Families Online Resources

Florida Department of Children and Families' website
http://www.myflfamilies.com/

Community-Based Care Scorecard used to measure performance
http://www.myflfamilies.com/about-us/planning-performance-measures/cbc-scorecard

Normalcy legislation by Senator Detert and Representative Albritton – "Let Kids Be Kids"
http://myfloridahouse.gov/Sections/Documents/loaddoc.aspx?FileName=_h0215er.docx&DocumentType=Bill&BillNumber=0215&Session=2013

Fostering Florida's Future website
http://www.fosteringflorida.com/

Childhood Only Happens Once poster for the "Don't Say 'No' Before You Know" Campaign http://www.fosteringflorida.com/docs/DCF_PosterFinals%202_Proof.pdf

"Don't Say 'No' Before You Know" campaign
http://centerforchildwelfare2.fmhi.usf.edu/qpi1/docs/DontsaynoFINAL.pdf

Open Letter on Normalcy to Foster Parents and Residential Group Care Providers
http://centerforchildwelfare2.fmhi.usf.edu/kb/PlcyMmo/SecLetter_normalcy_2_29_12.pdf

Online Social Networking Policy for Children and Youth in Foster Care
http://centerforchildwelfare2.fmhi.usf.edu/kb/policymemos/OnlineSocialNetworkingPolicyLegalOpinion.pdf

Memo: Normalcy, Babysitting, Vacation, and Emergency Care for Children in Out-Of-Home Care
http://floridafapa.org/files/Normalcy%20Babysitting%20Memo%203-5-13.pdf

Childhood Only Happens Once: Opportunities for Children and Youth Living in Foster Care – The Bill of Rights For Children In Foster Care
http://www.fosteringflorida.com/docs/Bill_of_Rights_draft_5-4-12jf.pdf

Fostering Florida's Future Talking Points
http://www.fosteringflorida.com/docs/materials/fosterbusiness.pdf

Fostering Florida's Future 2012 Report - Accomplishments of the initiative to recruit and support foster parents and promote success of children in foster care
http://www.fosteringflorida.com/docs/FosteringFloridasFuture-2012report.pdf

Chairman REICHERT. Thank you. Thank you.
Ms. Tiede.

STATEMENT OF LYNN TIEDE, SENIOR ASSOCIATE DIRECTOR FOR POLICY, JIM CASEY YOUTH OPPORTUNITIES INITIATIVE

Ms. TIEDE. Good morning. It is my pleasure to be part of today's hearing on "Letting Kids Be Kids." I thank the Committee for the invitation to be here and I commend you for inviting Talitha to give testimony as well.

We know first-hand that results are always better when young people that have experienced foster care are involved in the conversations. I am the policy director with Jim Casey Youth Opportunities Initiative, a national foundation named in memory of the founder of United Parcel Service, UPS.

We are focused solely on helping states and communities assist older youth in foster care in making successful transitions to adulthood. In fact, this hearing is very timely. Just this week, Jim Casey launched a national campaign, "Success Beyond 18," which promotes state policies supportive of normalcy for older youth and young adults in foster care.

Based on our experiences working in communities across 16 states, partnering with youth leadership boards, we have encountered many, if not all of the barriers that you've heard about today. A key underpinning of the Jim Casey approach is the knowledge we now have about adolescent brain development. This science provides compelling evidence on why these normal experiences are so vitally important, especially as young people reach their teenage years. States have already begun to apply this knowledge.

The two, critical things to know about adolescent brain development is that adolescence is a time of profound brain development, paralleling that of early childhood. The brain is not done developing at 3 or 6, as previous believed. Secondly, the impact of trauma on the brain is not permanent. Through adolescence and early adulthood, the brain can alter its structure in response to positive experiences and positive relationships.

What does this mean? It means that adolescence is a time rich in opportunity, and potential to help young people overcome adversity, overcome trauma through positive experiences like those normal experiences we're talking about today, like playing on a sports team. It has done for us in many ways what the research on early childhood brain development did. It tells us that what families typically and naturally do is what is right.

How do we act on this knowledge? We do this through letting kids be kids, which inherently involves a degree of risk. Any parent knows that and has lost sleep over it. Yet, we also know that gearing our kids towards these kinds of normative risks and healthy relationships will mean they are less likely to engage in more dangerous risks and unhealthy relationships.

Talking to young people, they summarized the barriers that they face on a day-to-day basis, and you've heard about them today; not being engaged in normal, every day-to-day activities; internalizing a culture of "no," after hearing "no" again, and again, and again, and just wanting normal family experiences like a family vacation. From our efforts in states to normalize foster care, we've seen

progress that can be built upon. One area you've heard about today, policies must explicitly support kids in foster care being involved in normal activities.

I commend the folks here from Florida for your work in this area. We also need a reduced reliance on congregant care as it poses inherent challenges to normalcy. There are two more promising areas that I'd like to highlight. First, we must also promote opportunities, because it's not enough just to remove barriers. This includes empowering foster parents and other care givers with decision making ability. Training and support as also was mentioned. It also includes supporting specific opportunities that are age appropriate, for example, financial skills.

Financial skills are one of the things that young people report as most lacking when they leave foster care. Jim Casey, with our partners, implement the Opportunity Passport which provides young people with opportunities to earn money and save in a matched savings account. We have shown that young people can and will save money and they learn financial management skills along the way.

Why has it worked? Because it provides what most families do for their teenagers and young adults; real life experiences managing and saving money for things that the young people care about and that will help them on their path to adulthood, like a car to go to work and school or a computer for college.

The second and critically important area is to ensure that young people are not only engaged in speaking out, as Talitha has today, and is important—but are also engaged while in foster care in decisions about their lives.

Too often young people in foster care have never been asked "what interests you, what were you involved in before foster care, or what would you like to do"? Engaging young people, in their case planning where decisions about their life are made, is no different than a family sitting around the kitchen table talking with their teenager about the upcoming school year and planning what activities they want to be involved in.

It's merely starting from the same place families do, which is "what about you is special" rather than where we too often start in the child welfare system which is "what about your life went wrong?" States are moving in this direction, but more can be done. Promoting clarity in state polices, incentivizing placements in homes, in family homes, with appropriate training and supports, incentivizing experience-based opportunities and revisiting the federal case planning framework and guidance to be modeled on the best practices we've learned in states.

In conclusion, we should not be surprised that when we do not let kids be kids, we do not let them have normal experiences and grow up as most kids do, that they continue to face barriers well into adulthood. At Jim Casey, we know that we can do better. Thank you very much for this opportunity to address the committee.

[The prepared statement of Ms. Tiede follows:]

Lynn Tiede
Testimony to the House Ways and Means Committee
Subcommittee on Human Resources
May 9, 2013

Good morning. It is my great pleasure to be part of today's hearing on Letting Kids Be Kids. I thank the committee for the invitation to be here. I also want to commend the committee for inviting a young person to give testimony as well. The involvement of young people in all aspects of our work is a defining feature of the Jim Casey Youth Opportunities Initiative. We know first-hand that results are always better when young people are involved in the decision making process, and I know that Talitha James' involvement today will add a great deal to today's conversation.

I am policy director with the Jim Casey Youth Opportunities Initiative, a national foundation named in memory of Jim Casey, the founder of United Parcel Service (UPS). We were created by the Annie E. Casey Foundation and Casey Family Programs as an independent foundation in 2001. We now have more than 20 philanthropic partners who co-invest in our work, including the W.K. Kellogg Foundation, the Kresge Foundation, and local foundations ranging from the Hawaii Community Foundation to the Sherwood Foundation in Omaha, and the Duke Endowment in North Carolina.

About the Jim Casey Youth Opportunities Initiative

We are focused solely on helping states and communities assist older youth in foster care in making successful transitions to adulthood. We support efforts in both rural and urban areas in 16 states. We are working with young people in places as diverse as Albuquerque, New Mexico; Indianapolis, Indiana; Winston-Salem, North Carolina; Detroit and Traverse City, Michigan; Des Moines, Iowa; Atlanta and Cherokee County, Georgia; Jackson and the Delta counties of Mississippi.

In the states in which we work, our local partners always include young people who have experienced foster care. We also partner with the child welfare agency, local bankers and businesses, representatives from two- and four-year colleges, and private agencies. Together we implement a set of strategies that include engaging young people; bringing together private and public partners; using data to drive decisions; and galvanizing public support in order to improve policy and practice. Our strategies focus on improving the outcomes of transitioning youth, outcomes that ultimately build into two key areas that we know will help these young adults thrive: helping them build permanent relationships in their lives and providing opportunities to achieve economic success. For example, we implement a focused financial literacy training program that offers young people the Opportunity Passport™, one of the nation's most innovative matched savings programs for youth.

The Jim Casey Initiative applauds the committee's focus on examining barriers that stand in the way of young people in foster care having normal and healthy adolescent experiences. For more than 10 years, we have worked in communities, including some represented by members on this committee, to promote systemic changes that help young people transition successfully from foster care to adulthood. In pursuing our mission, we have seen countless examples of the ways in which youth in foster care are denied some of the most basic experiences that are typical to most teenagers and young adults.

But we also know from our experience that young people in foster care can have positive experiences, with the help of committed professionals, foster families and others working alongside them. Even so, nearly 30,000 young people age out of foster care each year, and far too many begin their transition to adulthood without having had the positive and supportive experiences in adolescence that are the foundation of a successful adulthood.

Today I will share with you the barriers that young people in foster care have faced – barriers that have prevented them from having a normal growing up experience. I'll also share how the Jim Casey Initiative is working to normalize the foster care experience through policy change and public will building. A key underpinning to our approach is the knowledge we now have about adolescent brain development. This science provides compelling evidence on why these "normal" experiences are so vitally important. I'll start by highlighting a few examples.

Why "Normal" Teenage Experiences are Important

Adolescence is a time of profound brain development paralleling that of early childhood. The brain is not done developing at age 3 or 6, as previously believed. Beginning in the early teen years, the synapses that are being used are strengthened, and the ones not being used are weakened. This extensive rewiring can be compared to a network or wiring upgrade on a computer. The brain is becoming faster and more sophisticated. It is becoming wired for adulthood.

During this time, teenagers and young adults exhibit behaviors that are often viewed as troublesome, such as mood swings, excitement and more extreme risk taking. Despite the many sleepless nights these traits cause parents, they are actually tremendous assets at this developmental stage. Becoming an adult and taking on adult responsibilities inevitably involves taking on risk, and a teenager's brain is literally primed for risk-taking since chemicals in the brain that act to link such action to pleasure are shifting during adolescence.

We have also learned that the impact of trauma on brain development is not permanent. The brain can alter its structure in response to experience. This is called neuroplasticity. And, in fact, positive

relationships and experiences in adolescence support resilient brain development. The brain can rewire, recover, and thrive - despite previous exposure to trauma.

Based on this finding of increased neuroplasticity during adolescence, we now know that no young person is a lost cause. There is no 'point of no return' beyond which trauma-informed services and relationships with caring adults can positively alter a young person's life trajectory. In fact, adolescence is a time rich in opportunity and potential to help young people overcome adversity through positive experiences. It's a time at which we can help these young people get on a better path.

> As Josh, a young person from Tennessee, astutely observed: *"Just knowing that brain development does not stop is an enhanced opportunity to overcome negative experiences. This new information not only identifies that traditional thought that youth are stuck at this place and doomed for failure, but also outlines what we need to do to turn these traumatic experiences around and rewire the brain and help these youth be successful, regardless of what happened to them. By doing that we are ... establishing connections, connecting youth with resources in the community. It's more than just a person or one thing that happens, it's a continuum."*

Healthy Risk Taking

What does this knowledge tell us about being a teenager? Adolescent brain development research has done for us, in many ways, what the research on early childhood brain development did. It tells us that what families typically, and naturally, do for their own teenagers is vital to building those neural networks that support the social, emotional, and coping skills they will need in adulthood.

As children grow, their parents expose them to opportunities that gradually increase their decision-making and self-sufficiency. They introduce their children to more and more people in the community – teachers, coaches, clergy, and others who develop influential roles in young people's lives. And parents allow kids to build their own relationships – from "playdates" to prom dates.

Parents do this through letting their kids be kids – letting them join a sports team, try out for the school play, take a part time job, spend time away from home at camp or at a friend's house, or begin dating. These activities all involve a degree of risk. Any parent knows that. Yet gearing young people towards these kinds of normative risks and healthy relationships will mean they are less likely to engage in more dangerous adolescent risks and unhealthy relationships.

A Positive Youth Development Approach

This leads to support for what is called a positive youth development approach – an intentional, prosocial approach to engaging young people. Science tells us that opportunities for exploring one's strengths, for building a variety of relationships, for making decisions about one's life, and for failing and recovering from failure are all necessary aspects of healthy development. These opportunities support the brain development needed for a successful transition to adulthood by "wiring" the brain for adult cognitive functions, such as planning and decision-making.

Research has shown that the development of resilience is an interactive process, taking into account the presence and level of risk factors as well as the presence of protective factors. An often neglected area for young people transitioning from foster care, the building of "social capital" -- or relationships in the areas of family, school, community, and peers -- are vital protective factors. The higher the quantity, quality, and value of a young person's social networks, the greater the chance there is of resilient development. While these types of relationships are the strongest protective factor, others protective factors include having high expectations, a strong self-image, a sense of purpose, self-esteem, and self-efficacy.

Barriers to Normalcy for Young People in Foster Care

For nearly ten years, the Jim Casey Initiative has worked closely with young people from around the country who have experienced foster care first-hand. We have learned much from listening to them and gaining their perspectives about what works and what doesn't work in smoothing their transitions to adulthood. These young people often identify a lack of normal growing up experiences as a major barrier to the relationships and opportunities that they yearned for and that we know are so important to healthy adolescent development. These include a wide range of examples that can be grouped in several key categories:

1. **The day-to-day experiences of young people in foster care make them feel different from their peers.** In small and big ways, the day-to-day foster care experience often results in youth feeling stigmatized and different from their peers. For youth who live in congregate care or group homes, differences can be even more pronounced. Many young people who lived in group homes while in foster care tell us that the impersonal and rigid living environment of a group home often led them to feelings of isolation and presented barriers to normalcy. They've shared examples of how the different "levels" assigned by group homes determined how much normalcy they could have. For example, a young person at the zero level (sometimes referred to as "lock down") would have little or no opportunity to participate in external activities. Upon earning points, one might move to a different level, thereby earning certain "privileges," such

as an opportunity to visit with siblings. Upon reaching a higher level, they might earn a chance to use electronics or the ability to get paid for chores. Other aspects of group home life that presented barriers to normal adolescent activities include early curfews that made it difficult to participate in after school programs or team sports.

The environment of a group home is not the only contributor to what makes young people feel disconnected from normal activities. One young woman lived with a foster family that liked to go camping. Yet in order to take her along on a simple weekend camping trip, they needed a month of preparation in order to receive approval and were required to report on every aspect of their trip. Several young people reported not being able to get transportation, or basic fees covered, to participate in sports or other activities in which they were interested.

2. **Young people in foster care often internalize what they called a "culture of no."** For many young people, stories of their time in foster care include examples about activities or experiences that they wished they could have participated in, such as continuing to practice one's faith, participating in sports or other extracurricular activities, getting their senior picture taken or joining friends' families for special outings. Yet they were often denied those things that their peers take for granted. When asked about who was denying requests related to these activities, young people said it varied – maybe the foster parent, the manager of the group home, or their Guardian Ad Litem. It didn't matter, because after being denied once, twice, or even three times, the young people often stopped asking for things and began to assume that that answer would always be no. Young people have wondered: why they must have "No" as an automatic response, as opposed to figuring out a "Yes?"

3. **Young people in foster care crave a feeling of belonging and more normal family experiences.** Adolescence is a time when parental and peer relationships are among the most influential factors in a young person's life, yet too many young people in foster care lack the stability of these relationships. In sharing their stories and perspectives about their time in foster care, many young people say the hardest part is being separated from siblings. When they were able to see their sibling, it was while sitting in a room for an hour, rather than being engaged in typical sibling-type interactions. Many had little or no experience with any type of family vacations or interstate travel. In fact some refer to being sent to "respite care" (time away from their foster family) during periods when their foster family was on vacation with their own biological children, rather than being included in a family trip. When asked why, the young people were unsure why they hadn't been able to go along. Was it because the family didn't want them along? Was it too expensive to take them? Or, as with the young woman whose foster family went camping, was the bureaucratic red tape just too much to deal with?

4. **Supports and services for young people in foster care come with expiration dates.** Older youth aging out of foster care often experience fear, rather than excitement, as they reach their 18th birthday and lose access to many of the services they need. For those who access extended services, those too have expiration dates with some services ending at age 21 (e.g., the John H. Chafee Foster Care Independence Program), and others ending at age 23 (e.g., Education Training Vouchers or ETVs). Young people worry about what happens when they get cut off at their next birthday, not yet having completed their post-secondary education or workforce training.

Insights gained through Jim Casey's effort to normalize the foster care experience

Over the past ten years alone, more than 200,000 teenagers have aged out of foster care - without achieving permanent family connections. And without a family or other supports, many of them faced difficulties immediately upon aging out of foster care. The Jim Casey Initiative this week released a report that very conservatively estimates the cost of poor outcomes for one cohort of young people aging out of foster care to be $8 billion dollars over their lifetime. The most costly bad outcomes are a result of events, decisions and behaviors that occur within a very few years – or even days – as homelessness and dropping out of school often happens immediately after leaving foster care.

Young people tell us that they left foster care without skills for the real world, and often because they aged out from congregate care facilities.

> Nicole, a young woman from Delaware, put it this way: *"It's kind of like sink or swim. If you don't learn how to swim quick enough, you drown and there are no lifeguards around."*

Yet, these young people harbor a resilience that is powerful, as powerful as their drive to connect to families. They have the same aspirations for college and success in life as any young person. Normalizing their foster care experience can help them develop their adult skills – so they can swim – and build connections with people who can be their "lifeguard" if they start to sink.

From our efforts in states to normalize foster care, we've acquired the following insights:

- **Policies must support young people in foster care being involved in normal activities.** Child welfare agencies often work in fear of being liable for harm coming to a child in their care, and fear of being blamed by the media and their legislature when something goes wrong. This creates a risk-adverse culture. Therefore, it is critical to implement policy that makes it clear that young people can participate in "normal" activities, and, in fact, that the child welfare agency is doing something right and good for the children in their care, even if something does

go wrong. It helps provide clarity and consistency across the system. Without clear policy or incentive, too often what we see in states is that it's left to individual group home worker, caseworker, foster parent or other caregiver to determine the activities in which a young person may or may not be involved. If the paperwork is too much, if the cost is too high, if the resources aren't available, or if there is even minimal risk, it is far too easy for the answer to be "no."

Some examples of positive state efforts include:

- In 2008, Judge Jim Payne, then Director of the Indiana Department of Child Services, distributed a Director's Note to the entire agency on normalcy. It stated: "I have been concerned for years about our handling of children who come into our care and our desire and responsibility to allow them to have a normal life. This is more apparent and appropriate the longer the child is in care and probably the older the child is while in our care. But it includes all children." The message included specific instructions regarding letting children engage in normal activities, and concluded with: "Let's let children be children and support and encourage activities and events that allow them to grow up as normally as possible under the circumstances and time."

- Recently, a group of New England Commissioners have come together with their state youth boards to collectively develop a "normalcy" policy for all the New England states to adopt. The policy is currently in development, but in early versions, the young people have identified things such as being able to date, have a sleepover, participate in sports, and have curfews past 5pm.

At the federal level, policies to promote "normal" activities of young people across all states could help state child welfare agencies overcome an extreme risk adverse approach. While there are risks, the cost of lost opportunities is too high for these young people. Preventing them from normal growing up experiences means cutting them off from their community, peers and caring adults who could positively influence their lives. We must prioritize their well-being and development over our fear of the risks. After all, these are the kinds of risks that parents across America take each and every day with their own teenagers.

- **We must promote opportunities. It's not enough to just remove barriers.** While policy is an important step, it is also important that our practice promotes young people's involvement in the kinds of activities that are critical to their development. Young people in foster care should have a variety of age-appropriate opportunities made available to them, for these very experiences can turn their lives around.

Foster parents and other caregivers must have the information, training and supports necessary to encourage young people in their care to follow their interests and passions, whether that's joining the traveling soccer team or taking a dance class. Yet caregivers also need access to resources that will help them enroll their foster child in activities and provide transportation. And they need other supporting policies, such as the ability to have a friend's parent drive the young person to and from activities without subjecting them to a background check. Together, these efforts send the signal that these types of activities are important and valued by the young people in our care.

One Jim Casey Young Fellow, Brittany, stated it simply: "*Build confidence—let youth exercise their interest.*"

We must also promote specific activities that meet the needs of young people and support their transition to adulthood. For example, the teenage years are a critical time to begin to develop workplace and financial literacy skills. In fact, research has shown that teenagers in foster care who have early employment experiences are much more likely to be employed by age 24. Yet not only is early employment sometimes not promoted, it may be discouraged, or even seen as an unnecessary privilege, to have a part-time job.

As for financial literacy, while most teenagers have had at least some practice managing money, many young people in foster care have never even received an allowance. The Opportunity Passport™, which provides young people with opportunities to earn money and save in a matched savings account, has shown that young people can and will save money for approved assets, and that they learn financial management skills along the way. It has also worked for young people with greater challenges such as those who are young parents or those who have been homeless. In fact, we have found that they utilize it at even a higher rate than most. Why has it worked, from Detroit to Atlanta to rural Maine and in Hawaii and Nebraska? Because it provides what most families do for their teenagers and young adults: real life experiences managing and saving money, and resources for developmentally appropriate assets -- a car to get to work and school, a deposit for an apartment, or a computer for school.

At the federal level, other programs that offer after school and extracurricular activities to at risk youth could be encouraged to provide opportunities specifically geared towards young people in foster care. Additionally, federal considerations could include repurposing existing funding streams from ineffective approaches (such as check writing courses) to effective, experience based activities (such as early employment or matched savings accounts). States, such as Maine and Michigan, having implemented the Opportunity Passport™ and seen its

impact, have begun to utilize their Chafee funding to support it. Georgia developed a statewide matched savings account for young people in foster care. These kinds of experiential, developmentally appropriate services will be utilized and will change lives.

- **We must ensure that young people are truly engaged in decisions about their lives.** Too often young people in foster care have been entirely disconnected from their previous lives, and are never even asked, "What interests you?" or "What were you involved in before foster care?" or "What would you like to do?" We must give young people a voice and a say in their own lives if we want them to flourish and explore their interests. Engaging young people in their case planning – where decisions about their life are made -- is no different than a family sitting around the kitchen table talking with their teenager about the upcoming school year and planning what activities they want to be involved in, what kind of part time job they might get over the summer, and other key decisions in the teenager's life.

  States such as Iowa have implemented a youth decision-making model that emphasizes relationships and places the youth at the center of their planning, asking the young person about their dreams and goals. As you can imagine, this is a dramatically different starting place than focusing on the negative life experiences that led a young person to foster care. It's merely asking, "What about you is special?" rather than "What about your life went wrong?"

  Federally, policies, incentives and accountability measures could be further strengthened to ensure that youth-led case planning is utilized from the early teens. The Jim Casey Initiative recommends starting at age 14.

- **Reduce reliance on congregate care.** In terms of providing normal experiences that will let young people in foster care develop the skills needed for success in adulthood, congregate care poses many challenges. First, congregate care is overused for teenagers. Some teenagers with particular challenges may need extra support that group settings provide, but those numbers are small. These are young people who have done nothing wrong themselves – in fact, they have been abused or neglected and often experienced trauma – yet they are placed in an unnatural environment most often due to a foster home shortage. However, once in congregate care, they are immediately considered "troubled."

  Further, while peers are important to teenagers, steady parental figures are so much more important at this age. And with the restrictive nature of congregate care settings, the lack of a consistent adult presence, and the restrictions imposed lest the adults get too "attached" to the kids, it is hard for young people in these settings to develop those healthy adult relationships. Several young people have commented that while it's great to be with your peers

in foster care, it's also important to be with other people in other situations so that you are not only exposed to those with similar problems as your own. Additionally, young people in these types of settings are typically not allowed a significant amount of decision-making, and any mistakes they do make (and as we all know, teenagers do make mistakes), result in out-sized, atypical punishments and even more restrictions.

There are many barriers to normalcy for children and teenagers in foster care. Foster care is not normal. Yet there are practical things that we can all do – and they are the very things that most parents do for their own children. These young people deserve no less.

Just this week, as a key component in the Jim Casey Initiative's work in states to ensure normalcy in the lives of older youth and young adults transitioning from foster care, we launched our national "Success Beyond 18" campaign, which aims to significantly improve outcomes for these young people. The campaign aims to help states extend foster care beyond age 18 in a developmentally appropriate way, and promotes changes in case work and oversight so that young people in foster care have a say in decisions made about their lives, and that judges, child welfare agencies, or others responsible for their well-being recognize them as emerging adults, with unique and evolving needs. We have submitted more information about this campaign with our testimony.

As this committee considers policies and practices that can increase opportunities for foster youth and allow foster parents and foster youth to make reasonable decisions about their participation in everyday events and activities, we have an unprecedented opportunity to give these young people more meaningful roles in their own life planning – a critical step toward creating a better path for young people transitioning from foster care to adulthood.

Thank you very much for this opportunity to address the committee.

This concludes my testimony, and I now welcome your questions.

Chairman REICHERT. Well, thank you all for your testimony and thank you for being here . The first part of the hearing was your testimony and the second part of the hearing will be some questions. I know the members of this Subcommittee are anxious to ask questions. I was a foster grandfather for a number of years until my daughter and her husband adopted two children. And they're drug-addicted babies and watching, they were three months old when they were adopted and—well, taken in as foster children and then finally adopted. But, they're ten and eleven now and they're playing soccer, she's a painter, Briar is a soccer player. But, they have a good solid foundation.

The first hearing that this Subcommittee had was looking at how we can move foster children to adoptive homes more quickly. It's sort of a preventative move, creating that solid foundation that Talitha didn't—that you missed. And we're working on that.

So, my question is what can we do to help? The Federal Government, you hear all the time we're from the Federal Government and we're here to help. And I know when I was the sheriff and the FBI came and told me that, I ran the other way. I hope there aren't any FBI agents in the audience this morning.

But, we really do want to assist you in letting kids be kids and that's why we're holding this hearing. Can you think of some way that the Federal Government can play a role? And then secondly, is there any federal law that you can think of that's causing states to react in the way that they are? I understand liability is a huge issue, but is there any federal law that's really causing the states to have a reaction and limit the activity of foster youth? Senator?

Ms. DETERT. I kind of thought you might ask something like that. I do the same thing. They always blame it on government, but is government really the problem?

It's really a mind set and it starts at the Federal Government and it goes down. And the mind set was safety and we just need to change the emphasis to permanency and to normalcy.

So, if the Federal Government would just rearrange its way of thinking, which is what we've had to do in Florida as we wrote this law. What we're doing is changing the dynamic, empowering foster parents so they can behave more like real parents and change the dynamic in the relationship.

The relationship under current laws is that kid and their caseworker, and the caseworker turns over eighteen months, and they have less of a relationship with the foster parent.

So, my vision is you have more of a relationship with your foster parents, empower the foster parents, free them up from some liability and, you know, for normal decision-making and break that cycle where the kid has to go to court for everything. And we're the lawmakers and we're the ones that make those rules and regulations. And so, if we could just change the way we think and just say does this make the kid's life easier or harder?

One of the things in meeting with so many of these foster kids, and this girl is probably a prime example, there are so calm and patient. And I think that probably comes from years of waiting for the caseworker, or sitting in court waiting for a decision. They're certainly not usually hyperactive. So, it's more of a mind set than a law.

Chairman REICHERT. Can I ask Talitha? You know, you grew up knowing the system. I grew up in the sheriff's office knowing the system in an entirely different way, watching young people like yourself move through the system. Is it mostly local law, state law, federal law? Did you get into it that deeply or you just knew you were under the law, a law?

Ms. JAMES. You're speaking of while I was in care?

Chairman REICHERT. Yes.

Ms. JAMES. Yes, so when you're in care, when you're in the thick of it, all you know is the system whether it be state, federal, but mainly I knew the system to be the social workers. So, it wasn't a matter of legislation or law, but it was the social workers because I had face-to-face contact with those individuals who were making my life a miserable hell, so.

Chairman REICHERT. Yeah. Now, as you look back, do you see specific laws that—?

Ms. JAMES. I wanted to touch on a point where you asked what can be done. I feel like the social workers are the ones who are being scrutinized because they have liability as well, so I think it needs to be addressed at that level as well because a social worker can only make a decision based on the grounds that they're given. And then they put those same barriers up on the foster parents. I think that needs to be addressed. And there are so many social workers who would rather check off the box that they're doing their job versus am I really doing this for the good of a child? So, that needs to be addressed.

And also you asked about how can we move older youth into permanent homes, which I did have the option to be adopted—or, not the option; I was not adopted when I was in care. But, there is a program that I work for called Kidsave. And we have a Weekend Miracles program and we help to get older youth from foster care in adoptive homes through hosting.

So, we have a program where you're able to host a child for a year, get to know them naturally, and then these families are able to adopt them because they know them naturally. They get to work out the kinks of building a relationship that most adoptive families don't have the opportunity to do so because they're given the child without any experience. So, I think that is a great program and we have an eighty percent success rate if you want to look at it, so.

Chairman REICHERT. Well, with you involved, we know it's going to succeed. Thank you.

Ms. JAMES. Thank you.

Chairman REICHERT. Ms. Clements, did you have a comment?

Ms. CLEMENTS. Yes, sir, I did. We currently have the Child and Family Services review that every state goes through every four years and those are built on safety, health, and well-being, where you look at the outcome performance measures that states are supposed to meet. And we know the states are not meeting those very well historically over the last two rounds.

But, we already have a mechanism through the CFSR review where we address well-being and that's where normalcy fits in. And so, I think if we would re-look, review those outcome performance measures that are in the CFSR review and maybe put some teeth into them, more emphasis into that. Maybe less on the safety

part because hopefully, we've got that down pretty well across the country.

But, use a tool we already have, a system we already have in place, so that when these reviewers come out and visit the states every four years, they'll be looking more in depth at the well-being.

And so, if states aren't doing a very good job at that, then they're going to have to do their program improvement plan back to the feds about how they're going to improve that over the next two years until their next CFSR review.

I think that the mechanism is there; it's just reviewing what the content of those performance measures are to make sure that they're in line with this new way of thinking.

And then the other piece that is probably local, or state and then local, depending on how the child protection systems are set up. And some states are state-run, some are county-run, so you have lots of different people making rules and regulations and setting standards, especially for foster homes and what they can and can't do, what they can allow children to do and not do, is the whole piece of the liability concern.

You know, we have immunity for our state employees in my state where I live in Texas, but you can't even get liability insurance for a foster parent. Nobody wants to do that.

Chairman REICHERT. Right.

Ms. CLEMENTS. And you know, foster parents are investigated over so many things and one example was a little boy that his mother was standing four feet from him. He was climbing a tree. He's nine years old and there was three other little boys at a little birthday party and they were climbing this tree. He fell and he broke his arm and of course, Murphy's Law, they got a full-blown investigation for child abuse. And he just fell out of the tree. I mean, it was an accident, but he was climbing, he was having fun with his friends. And so, the foster family had their children removed from their home. They went through this kind of stuff, they were in fear that the birth parents might bring a lawsuit against them, you know, all that kind of stuff.

Chairman REICHERT. Right.

Ms. CLEMENTS. Those are the realities of care, so however we take the time to change the systems from risk of adverse, like I said, to something that embraces taking risks so children can have normalcy.

Chairman REICHERT. Thank you. And Mr. Secretary, I'm going to ask for your response in writing because I've gone way over my time and my committee members are going to really get upset with me, so Mr. Davis, you're recognized.

Mr. DAVIS. Thank you very much, Mr. Chairman. Ms. James, let me ask you and I commend you first of all for your personal development, the way that you navigated the system, and for being who you are and where you are at this point.

Do you think you would've gone to college necessarily had you not been able to express your interest in athletics?

Ms. JAMES. I would say I would not have gone to college had my aunt not cared for me at the age of fourteen and her guidance is what got me to where I am today. So, had she not taken me in, I would not have been able to play sports, I would not have been

able to graduate high school. Only three percent of foster youth graduate high school. One percent then go on to graduate college. So, she set me up for a lot of things when she took me into her care. So, I give all the credit to her and to God, of course.

Mr. DAVIS. Well, thank you very much. I think that she is indeed an angel and there are many angels like her.

The community that I live in has a great deal of interest concerning engagement in child welfare issues. As a matter of fact, my congressional district has more children who live with someone other than their natural parents than any other congressional district in America. And the district that is adjacent to mine is number two in terms of children living with someone other than their natural parents.

We have every kind of program that one can imagine. The State of Illinois has a good system and I commend them for their forward thinking.

One of the areas that we have difficulty with, though, is recruiting foster parents for teenaged young people. That seems to be a big problem for us. We've got programs where foster children are living with grandparents, where grandparents are raising grandchildren. But, finding foster parents for teenagers, Secretary and Mrs. Wilkins, could you all address, because I am tremendously excited about your success in this area; how you really get foster parents for teenagers.

Mr. DAVID WILKINS. Thank you. I agree, it is a major challenge. And fortunately or accidentally, it—Tanya and I—the children we fostered were teenagers, so we jumped right in as well.

But what we have tried to do in Florida is look at the recruitment of foster parents as a major imperative and a focus area. And my simple business background says you get what you measure and you get what you focus on. And so what we said is just in general, if we are going to create this normalcy initiative, then we have to raise the bar on foster parents. And so we need to expect more out of foster parents, and so the—because they have to do all these things we talked about, in terms of getting the kids to soccer practice and demanding performance in academics on the children, and all those kind of things.

So we have really looked at creating a—literally just a private sector marketing program, going after people differently and telling people that foster parenting is not like your father's Oldsmobile. Foster parenting today is different than it was 20, 30 years ago. And so we are looking for those families who really wanted to dedicate their lives. And what we are finding in Florida is they are there. And what we need to do is go outside the normal channels. Reach out to the faith communities, reach out to other NGOs, and reach out to private businesses to partner with us on these types of things. And it can be accomplished.

Mrs. TANYA WILKINS. When we started taking foster children in our home, everybody thought we were crazy. They think that foster children come with all of this baggage, that they're bad kids. They are kids from tough places. And when we showed up the same place, church, wherever, about the 16th time, people would say, "You are okay and you still have these children." And I said, "Absolutely." And as people get to know the children, they will re-

alize that they are so—so many decisions that they make are fear-based. They are scared to death. These children have been moved and moved and moved. There is nothing stable in their life.

So if you understand that, which is part of our training for new foster parents and for older ones that want to stay there—if you understand that about the children that we deal with—there is normal adolescent behavior, there is normal childhood behavior, and then there is trauma. And that is going to be fear-based behavior. So in that—if you explain that, you will reach those people that have the heart to care, but then also will be equipped to be able to do that. So as David said, I have dragged him all over the state of Florida to do recruitment. And when people hear the message and the awareness of the need, when we go to a community and say—in this community in Tallahassee, when we presented to them and said, we have no one in this Tallahassee area that will take a teenage girl, we had probably 50 people that responded and said, "I will do it from my heart."

So you have—David calls drinking the Kool Aid. You have to get the awareness out there and talk about these children. That they are children that want to be loved and cared for. And if you get out there and tell that, and spread that kind of message—so there is not—there are marketing plans and then there is getting to the people and telling them what you really need. And it is working in Florida. It is exciting.

Mr. DAVIS. Thank you very much. Thank you, Mr. Chairman.

Chairman REICHERT. Thank you, Mr. Davis. Mr. Renacci, you are recognized.

Mr. RENACCI. Thank you, Mr. Chairman. I want to thank you for holding this hearing. And I want to thank all the witnesses for your testimony. It has been a learning experience, I know, for me, in listening to all of you and reading your testimony.

One thing I have learned in looking into some details in Ohio, which is the state I represent, 12,000 Ohio children are living in foster care each month. Last year, more than 1,500 foster children aged out of care when they turned 18. When I hear these statistics, I think about whether or not the system has really prepared the young adults to become successful in their adulthood. Our job as their representatives should be to set them up for success, not to make their lives more difficult.

I understand there are states like my home state of Ohio that have begun to lessen the barriers for foster youth to engage in normal activities. One thing I heard today was a lot of discussion about Florida and some of the things Florida has done. And Senator Detert, as a legislator, what did it take to get Florida interested in changing their current foster system?

Ms. DETERT. Thank you for that question.

A friend of mine who gives me simple but startling advice once said, first you have to care. And years ago, I had a foster girl—I mean, it is really not on anybody's radar. And the most—when you talk about the subject to your colleagues and to groups, they say, I had no idea. Because none of us have any idea. And what got to me was a foster care girl walked into my office when I chaired Children and Family in the House.

And she said, "Why does the state of Florida keep screwing with my life?" And I said to her, "We spend millions of dollars to do that to you. Why don't you sit here and tell me how we can spend millions of dollars to fix your life?" And she went through her list, which was legitimate. We—I have been moved four times. My whole goal is just get out of foster care. You are not helping me. You are not doing anything. She was turning 18. She was going to go in the Army.

So my staff, I told them, sit down with this girl and make a list and see what we can fix. And it is simple things. Don't move them in the middle of their school year and make them repeat a whole year. This is not helping. So because of that girl, that year we did a bill that I sponsored and I got—I named it the Road to Independence. Which covered foster care kids from 18 to 21. Because we found when they left foster care they were ending up homeless or in jail. They have grown up with no family support. Nothing there for them. So under that piece of legislation -which we used with your federal dollars, thank you—those kids, as long as they were in community college, university, or any kind of school that would get you a job, we would give them a small monthly stipend.

So I did that bill probably 10, 15 years ago. 2008, I got elected to the Senate. I was not thinking of serving on that committee anymore, but I signed up for it. And who came back but all those kids that originally were in the Road to Independent program. And now they are grownups and they help other foster kids. And it has just been thrilling. So really, first you have to care. You have to tell your colleagues. You have to take an interest. We pass laws and then we have to survey and see are they working.

Mr. RENACCI. Well thank you for caring, and I do want to thank the other witnesses. Because I know there is a lot of caring at that table as well.

Mrs. Clements, I heard in testimony a lot of discussion about breaking the rules. And I would like to find out a little more about that. What would be the repercussions for a guardian, should they break a rule with the foster child?

Ms. CLEMENTS. Well, there are standards that every home has to follow, and you are supposed to be in 100 percent compliance with all those standards that are set up by your individual state or county on what it takes to be a foster parent. They are very restrictive and almost make families have to act like little institutions because they have to be so restrictive on the kids. And when either the private agency that you foster for or the state licensing people come out and they look at that, and you are not following the rules, there is an investigation. And the example I used about the foster mother who had an emergency at the hospital with another child and could not go pick up her foster son from football practice, not only did she get in trouble because the coach and the parent did not have a background check, neither one of them had a copy of their automobile insurance on file with the caseworker. That is how nit picky it gets. So you get investigated because you have broken those rules. And there are so many of them that you have to back off and you can't let kids do anything.

Mr. RENACCI. Thank you. I know I have run out of time. Thank you, Mr. Chairman.

I yield back.

Chairman REICHERT. Unfortunately, we are going to be called to go vote in a few minutes. So we would like to continue the hearing, but if the members could be more poignant in their questions, we can go vote. Mr. Reed is recognized.

Mr. REED. Well, thank you very much, Mr. Chairman. Thank you to the witnesses for coming today. I do want to publicly acknowledge some work by a colleague of mine who is not a member of the Committee but is here today, a good friend of mine, the gentle lady from California. And this is a Republican publicly applauding a Democrat on the other side of the aisle because she is a tireless advocate for adoption, and I applaud her for those efforts.

And this is one of those moments where—you don't get a lot of good testimony down here, many a days. But Ms. James, Ms. Wilkins, hearing your testimony makes me proud to sit here and hear it. My hat is tipped to you. We have passed some legislation here recently on the Federal level, 2008, 2013, some acts. And one of the concerns I always have when we act federally, we sometimes think that one size fits all as to this issue. And I would be very interested in knowing from maybe Ms. Clements, Mr. Wilkins, and the state senator—is this area really a one size fits all issue that a Federal standard could address? Or is this something that we should give the discretion to the states for to try to deal with it on a state by state basis? Anyone want to take a stab at that?

Mr. DAVID WILKINS. Great question. One of the reasons Florida has been able to "turn around" their system over the last 8 years is because you guys granted the state of Florida a waiver in our child welfare system. And in that waiver, we have now more flexibility of, in essence, how to spend the money. And so we have then been able to move more of our costs to the front end of the system and we are continuing on a journey to really focus more on prevention types of activities. And I think the results speak for themselves. I mean, if you look at—just at the mathematical progress that Florida has made over the last 8 years, it is a model that other states could benefit from. Now, how Florida did doesn't necessarily—probably, there is not even a one size fits all, I think, because other states are coming from different places and would go after an implementation differently.

But I would definitely encourage giving more waivers to states. But going back to a comment Irene made, too, was—is continuing to hold states accountable for outcomes, not process results. And we still get a lot of Federal Government reporting and measurements based on process. It doesn't matter how many kids we have, it's the progress of those children. Right? And so if we do that, then people don't get as obsessed about following all the rules and procedures, because it is not about process. Instead, it is about making the right decisions for kids.

Mr. REED. Mrs. Clements? Want to offer?

Ms. CLEMENTS. Completely agree with the secretary on that one. I do believe we have the system already in place through the Child and Family Service Reviews to look at the outcomes of these performance measures and let the states decide how they are going to do it. Because we all have a different personality out there, depending on where we are from. And that is, I think, the key.

Mr. REED. Senator, I don't know if you want to offer anything, but——

Ms. DETERT. I would agree with the secretary on that. Flexibility and accountability, and we are there.

Mr. REED. Very good. So then I generally am hearing, let states have the flexibility and the Federal Government potentially have an accountability oversight type of role. And I appreciate that. Because the other issue that is out there is that—we are hearing some great stories today, but we also—I have heard the horror stories of the .001 percent situation that needs to be recognized as we go through this. Because God forbid that that happens in the future and we had an opportunity to do something about it. And so I just offer that as kind of a sensitivity that I am too—that I am aware of, and that—and trying to grapple with as we deal with this. Giving flexibility but at the same time making sure that accountability gets at that .1 percent situation that we have identified.

So with that, Mr. Chairman, I yield back and I appreciate the Chairman's hard work in this area. And I know he is personally committed to this area also.

Chairman REICHERT. Thank you, Mr. Reed.

I think what I am going to do is limit the time now to three minutes so that we can make sure that every member has an opportunity. Mr. Young is recognized.

Mr. YOUNG. Thank you, Mr. Chairman, and thank you all for your testimony. I will try to speak quickly and ask you to perhaps respond pointedly to the questions I have.

Common sense and the powerful testimony of people like Ms. James tell us that a certain amount of innovation at the state level is certainly helpful to our foster care population. That is evidenced not just by testimony but also by hard evidence, much of which we receive, as has been indicated, through the Child and Family Service Reviews. My first question would be to Ms. Wilkins and Senator Detert. If you could speak to those reviews, do you have any ideas for improvement with respect to those reviews?

Ms. DETERT. To reviews by the Federal Government?

Mr. YOUNG. That is right.

Ms. DETERT. Of the state?

Mr. YOUNG. That is right. You are on the receiving end of them, so——

Ms. DETERT. Right.

Mr. YOUNG. Yeah.

Ms. DETERT. And I think, frankly, if you would do surveys of the kids aging out of foster care, and if they had an opportunity, one of the things that bothers them is they feel they are caught up in a whirlwind of a bureaucratic system, and that they don't have a voice. So I would say surveying them and then looking at our results.

Mr. YOUNG. Okay. That sounds excellent. Got a minute forty left, very quickly on this because I have another question, please.

Mrs. TANYA WILKINS. Yeah, one thing that we did do was not have the government call the foster parents that had been in that situation before, fostering. And so we had foster parents call foster parents that had quit fostering for whatever reason. So we specifi-

cally did that so that they would open up. And so you are not going to open up to DCF or whatever. So we got a lot of information about what barriers there are, and then I spend a lot of time speaking with youth in—under 18 and over. "And what held you back from where you want to go in life?" And all these things. And we bring them back, and I am fortunate enough to live with this man, so I can kick him at home and say, This is what needs to be arranged in DCF——

Mr. YOUNG. Sure.

Mrs. TANYA WILKINS [continuing]. Or the system, or whatever.

Mr. YOUNG. Briefly, we have laboratories of democracy, so to speak, here. If we empower you to innovate, I think it would be helpful for other states to learn from your innovation. Perhaps they adopt some of your best practices. Perhaps they learn from worst practices and failed experimentation. Through what means or forum do you share such information and can the Federal Government, to your mind, help facilitate such conversation and sharing of information either way? I will give this to either of you that maybe have strong feelings.

Senator?

Ms. DETERT. Yes. What we found—we're talking about our normalcy bill today, and it's very important in the lives of the kids, but we also did another huge bill that is yet to be signed by the Governor, but he will sign it, extending foster care to age 21 for no new money, and the way we did that is to look at our budget and look at what we've privatized and community-based care and how many things are vendor-driven rather than child-driven.

Mr. YOUNG. But state-to-state conversation is just an informal basis? Is that right?

Mr. DAVID WILKINS. Yeah. And I would personally like to see more standardization on the accountability issues for states, because when we go and look at other states and try to understand who is doing something good, everybody measures things differently, and so, there's—it's very complicated.

We do have some great organizations, like all the different Casey organizations that try to help triangulate that, but better standardization on the accountability issues nationally would help.

Mr. YOUNG. Thank you.

Chairman REICHERT. Mr. Kelly.

Mr. KELLY. Thank you, Chairman, and thank you all for being here.

My question, Ms. James, would be to you, because I don't think that most of us would realize the difficulties that could come from participating in sports and it wasn't till your aunt took you in that you were able to do it. I've got to tell you, those life experiences, playing in teams sports, are not about making the major leagues, it's about making a major difference in your life, and every life is a journey. Tell me more the difficulty—that's hard for me to understand.

Growing up in a little town where I coached youth sports—and I want to talk to—Mr. Young—he talks about his soccer days. Mr. Renacci talks about all the football and baseball and days he had, and of course, my friend Tom Reed was a great swimmer.

But for you, a huge difference in your life, was it not, being able to have a common goal. Tell me, how tough was it, though, and why couldn't you play when you were in a foster home?

Ms JAMES. Thank you for the question. I could not play prior to me being with my aunt because of the barrier of money. So, a lot of foster homes, they did not want to pay an additional fee out of their pocket for me to pay for my uniform or just have money when we had a game out of town.

So, those were the things that prevented me from doing that, as well as taking me to practice.

So, a lot of the foster parents were not foster parents; they were bystanders in the process.

But a lot of issues came about because you have to travel outside of your residence. So, if I traveled 100 miles outside of my residence, I would need county approval or my social worker had to sign off on it, and she would have to go to the courts to get that approved.

So, that was an issue until my aunt just said this is nonsense; I'm just going to do what I am going to allow you to do.

Mr. KELLY. That's great. Did your aunt come and watch you play?

Ms. JAMES. Absolutely, yes.

Mr. KELLY. We just passed a bill yesterday in the House that's going to allow comp time where people can actually go and watch their sons, their daughters, their nephews and nieces play, which I thought was a great piece, so I'm glad that happened to you.

Ms. Clements, you talk about Mary in 4–H. I was a 4–H'er, and I know it's about head, heart, health, and hands.

Ms. CLEMENTS. Absolutely.

Mr. KELLY. What another great experience. But if you are a foster child, you can't participate in 4–H?

Ms. CLEMENTS. Well, you can.

Mr. KELLY. But——

Ms. CLEMENTS. Right. But everybody has to have a background check. You know, again, the child couldn't go to 4–H camp every summer. I mean, I went for nine years and it was the biggest deal of my life each time. But if you are a foster child, you often can't go because it is too far away from home and there are too many people without criminal history checks.

You had all these people there that were adults and kids over 14 where, in my state, they all had to have a background check if you're going to be around them more than a few hours.

You couldn't do those things, and it just totally, totally ties the hands of the parents who are trying to take care of these kids and frustrates the children to the point where they have acting-out behaviors.

It's not that they're bad kids. They're just so darn frustrated with the system, and they don't trust anybody anymore to do their best interest.

Mr. KELLY. Yeah. Well, that's great you can mainstream them, and thank you for all being here.

Mr. Wilkins, congratulations on the award, private sector. You've got to inspect what you expect. So, you're seeing some changes. It's what you've done that makes a difference.

Thank you all so much for being here.

Chairman, thank you for having this hearing.

Chairman REICHERT. Thank you, Mr. Kelly.

Mr. Lewis is recognized.

Mr. LEWIS. Thank you very much, Mr. Chairman.

Mr. Chairman, I will be very brief.

I want to thank members of the panel for being here. I've read some of your testimony. I apologize for not being here earlier. I was on the floor.

But Mr. Chairman, I want to thank you for holding this hearing, and thank Mr. Davis for being here, and for the other members, and I want to thank our colleague, Congresswoman Bass.

Since she's been here, she's been a strong advocate, unbelievable spokesperson in the House, on the Hill, for foster care.

So, thank you.

Ms. James, I had an opportunity to read your testimony, and I admire all of you for all of your work—the parents; Senator, for your leadership and your vision. Ms. James, I admire you for not giving up, for not giving in, for not becoming bitter or hostile but for keeping the faith with a sense of direction and a sense of purpose.

I notice, in the end, at the end of your testimony, you quoted Martin Luther King, Jr., Dr. King.

Ms. JAMES. Absolutely.

Mr. LEWIS. I knew Dr. King. I met him when I was 18. I met Rosa Parks when I was 17. I grew up in a very large family, very, very poor, but individuals that I met and came in contact with inspired me and lifted me, and someone along the way in foster care, no doubt, lifted you, and you just kept the faith. Thank you.

Ms. JAMES. Thank you.

Mr. LEWIS. Thank you, Mr. Chairman. I yield back.

Chairman REICHERT. Well, if you're not inspired by that——

Ms. JAMES. Let the church say amen.

Chairman REICHERT. Amen.

Thank you, Mr. Lewis.

Mr. Griffin, you are recognized.

Mr. GRIFFIN. And this Baptist says amen.

I want to apologize for not being here earlier. I was on the floor with the highly esteemed Representative Lewis, and I appreciate his words, and it's always an honor to serve with a living legend and a civil rights icon, and I appreciate everything that he does.

I just want to mention that there's a great program in central Arkansas, in Little Rock, called The Call. You're shaking your head. Children of Arkansas Love For a Lifetime. I call it The Call.

My wife and I have been learning about that through our church, Immanuel Baptist Church. A lot of churches in Little Rock are working with The Call, which is a nonprofit, and the purpose is to find more foster parents. There are something like 7,000 children in Arkansas in any one year in foster care and only about 950 families, and so, in addition to improving it, we've got to do more recruiting, but one of the things that really struck me and that I want to get your input on is this—this is a nonprofit. It is a faith-based, Christ-centered organization with a lot of local churches in it. It's very open about that.

But I've been really impressed that the top levels of leadership in our Arkansas Department of Health and Human Services, Division of Children and Family Services, have been active. It's described here as unprecedented cooperation between state government and these churches, which I think is fabulous.

The churches are meeting a need that they believe and I believe is part of our Christian mission to love kids who need homes, and the government is saying this is helpful and is partnering.

So, I'm wondering, have you heard of this? Have you heard of similar cooperation between churches and the government in other states? Any of you want to comment on that in my very limited time?

Ms. TIEDE. Very quickly, I know that Commissioner Corrigan in Michigan has had a similar outreach. They are under a consent decree and needed to recruit, I think, 600 foster family homes within a year, I believe, and she called together all of the faith-based organizations across the state and gave them a challenge, and last I heard, they are meeting that challenge.

Mr. GRIFFIN. So, Michigan. Any others?

Ms. CLEMENTS. Yes, sir, we have a faith-based initiative in Texas, as well, and over 400 churches are participating at this point, and we're just in the beginning stages.

Recruiting for foster parents, for adoptive parents, and for those who don't feel they can do that, how those congregations then can support those that can. Beautiful, beautiful programs.

Mr. GRIFFIN. Well, it seems to me it's a natural network of thousands, if not hundreds of thousands and millions of people ready to go to work for the same cause that the government has.

Ms. CLEMENTS. Well, we have 11 regions across the state, and there's a state employee in each one that's called a faith-based initiative specialist. I mean, that's how dedicated the department is.

Mr. GRIFFIN. Awesome.

Ms. WILKINS. I just wanted to say a quick thing. I went to the Christian Alliance for Orphans conference last week, and it was 4,000 faith-based leaders across the U.S. coming together to talk about this issue, and so, we had breakouts in government, Arkansas being one of them and how they use The Call.

So, I met them. I said come to Florida, and we've got some great things going on in Florida. We at DCF actually—we—sorry—he actually has hired a faith-based leader. He was a pastor.

Mr. DAVID WILKINS. It's a partnership.

Ms. WILKINS. A partnership. I had to find my place. And so, we brought him to DCF, and so, he's actually meeting with pastors cause they can do the pastor-to-pastor talk and talk about why wasn't it on his radar as a pastor, and so, he's getting this.

So, we just were able to speak with Northland in Orlando. They have 20,000 members, and it simulcasts all over, right? And so, we had 300 that responded to the call, and so, now they're going to nurture those through the church in coming along, and they're going to save the government tons and tons of money in the support that they get, plus it's going to be recruitment ongoing in that church.

Mr. GRIFFIN. It's exciting.

Ms. DETERT. It's exciting.

Mr. GRIFFIN. Let me know what I can do to help.

Ms. DETERT. Okay. Thank you.

Chairman REICHERT. Thank you.

Well, we wish we could listen to you all day. You really have a lot of excitement, a lot of knowledge, and good or bad, some experience in this arena, and I think what you'll find from this Committee is a great passion and a devotion to trying to find a way, as I said earlier, to help our foster youth.

There are Members of Congress who have come from places that you may not really expect, and of course, Mr. Lewis shared just briefly a little piece of his story from a large family from a poor neighborhood, and here he is a Member of Congress.

I know Mr. Davis has had a similar experience. I grew up the oldest of seven, ran away from home when I was a junior and senior in high school and lived in my car, a 1956 Mercury. I'll never buy another 1956 Mercury again in my life.

But the reason I share that with all of you is that I hope that, as you go back and you share, Ms. James, with the folks you work with, your experience, there's opportunities.

You're a very, very bright young lady.

Ms. JAMES. Thank you.

Chairman REICHERT. You have a great future in front of you, and faith is one of the things I know I've used and I know that you have relied on.

I appreciate all of you—all the hard work you do, your testimony here today, and I'm sorry we had to cut it a bit short, but that's sometimes the nature of Congress.

So, we're all going to go vote. We look forward to working with you. We are going to be sending you some questions, expecting some answers in writing, as I said earlier.

If members have additional questions for the witnesses, they will submit them to you in writing, and we would appreciate receiving your responses for the record within two weeks.

The committee stands adjourned.

[Whereupon, at 10:55 a.m., the subcommittee was adjourned.]

[Questions for the record follow:]

Florida Department of Children and Families



State of Florida
Department of Children and Families

Rick Scott
Governor

David E. Wilkins
Secretary

May 24, 2013

Congressman Dave Reichert
Chairman, Human Resources Subcommittee
House Ways and Means Committee
1127 Longworth HOB
Washington, D.C. 20515

Dear Congressman Reichert:

Thank you for the opportunity to testify at the May 9 hearing and share Florida's successful efforts to "let kids be kids." Among our most significant responsibilities is the charge to protect children from harm and provide them a healthy environment in which to reach their fullest potential.

Attached is a written response for the record to a question raised during the hearing. If you or other Congressional members have additional questions, please do not hesitate to contact me.

We share your concern for vulnerable children and appreciate the opportunity to discuss this important issue.

Sincerely,

David Wilkins

David E. Wilkins
Secretary

Question for the Record
from Ways and Means Subcommittee on Human Resources
to Florida Department of Children and Families Secretary David E. Wilkins

Hearing on "Letting Kids Be Kids: Balancing Safety
With Opportunity for Foster Youth"

May 9, 2013

What in federal law may be influencing policy in ways that limit the opportunities of foster youth?

Congressional hearings focusing on such important issues as normalcy for children in foster care help to underscore for all the prevalence of concern and importance of ensuring abused and neglected children are not further traumatized by practices that inhibit normal childhood experiences. The federal emphasis on well-being supports efforts such as Florida's "normalcy" initiative. However, there are no federal definitions for "age-appropriate," "caregiver," or "reasonable and prudent parent standard," terms which are defined in Florida's new normalcy law.

Federal law says "safety and well-being of children and of all family members is paramount." Florida's new normalcy law enhances that "safety and normalcy balance" standard of decision-making with a "reasonable and prudent parent" standard for decision-making. Florida's Legislature in 2013 defined "reasonable and prudent parent standard" as "the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests while at the same time encouraging the child's emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in out-of-home care to participate in extracurricular, enrichment, and social activities."

The new law requires caregivers to use a reasonable and prudent parent standard in determining whether to give permission for a child in out-of-home care to participate in extracurricular, enrichment and social activities. The caregiver shall consider: the child's age, maturity, development level; potential risk factors and the appropriateness of the activity; the best interest of the child; the importance of encouraging the child's emotional and developmental growth; the behavioral history of child; and the importance of providing the most family-like experience possible.

[Submissions for the record follow:]

Generations United Outside Submission

Written Testimony of Generations United
1331 H St. NW, Suite 900, Washington, DC 20005

House Committee on Ways and Means, Subcommittee on Human Resources Hearing:
Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth
Thursday, May 9th, 2013

Generations United's is the national membership organization focused on improving the lives of children, youth and older people through intergenerational strategies, programs and public policies. We act as a catalyst for stimulating collaboration among aging, children and youth organizations, providing a forum to explore common ground while celebrating the richness of each generation. Generations United's National Center on Grandfamilies works to enact policies and promote programs to help grandfamilies, families headed by grandparents or other relatives who share their homes with grandchildren, nieces, nephews or other related children. This testimony will focus on ways to support children in Grandfamilies, also known as Kinship Families.

Background on Grandfamilies/Kinship Care

Approximately 2.7 million children (4 percent of all children) in the United States are raised in grandfamilies or kinship care without the presence of their parents. This includes families where children are cared for full time by blood relatives or other adults with whom they have a family-like relationship such as godparents or close family friends.[i] This represents an 18 percent increase over the past decade.

Grandfamilies are found inside and outside of the child welfare system. Children who are placed with relatives in foster care account for over a quarter (26 percent) of all children in the foster care system. For every child being raised by relatives in the foster care system, nearly 25 children are being raised by relatives outside of the system with no parent present in the home. Those grandfamilies that keep children out of foster care save taxpayers more than $6.5 billion each year.[ii]

Grandparents or other relatives often take on the care of children with little or no chance to plan in advance. Consequently, they frequently face unique challenges including arranging legal custody, addressing the children's education needs, accessing affordable housing, ensuring financial stability, and obtaining adequate health care for the children and themselves.

More than 2.7 million grandparents report they are responsible for their grandchildren's basic needs, and over one in five of these grandparents lives below the poverty line.[iii] Approximately 60 percent are still in the workforce.[iv] Adding to the stress, grandparents often care for the children for extended period of time; 36 percent report that they have been responsible for the children for more than five years.[v] Research shows that, despite the need, relative caregivers are not accessing the benefits that are available to them. Less than 12% of grandfamilies receive TANF even though nearly 100% of children in these families are eligible. Less than half

(42%) of low-income grandfamilies receive Medicaid or SNAP despite food insecurity and need. Only 17% of low income working grandfamily caregivers receive child care assistance. Only 15% percent of low income grandfamily caregivers receive housing assistance.[vi]

Despite these challenges, research shows that children placed with relatives are just as safe or safer when compared with children placed with unrelated foster families. They have more stability, experience fewer placements, are more likely to maintain sibling connections and preserve cultural heritage.[vii] In short, relative placements offer home that "let's kids be kids," providing safe environments while nurturing healthy connections and opportunities.

Kinship Navigator Programs

Kinship Navigator Programs, one of the Family Connection Grant types authorized through the Fostering Connections to Success and Increasing Adoptions Act of 2008, help connect children in grandfamilies to critical supports to help them thrive. Because the vast majority of children in these families are not part of the formal foster care system, many are not connected to basic benefits and supports. An informal survey found of the most common types of services referred through navigator programs are food stamps (SNAP) and food pantry visits, child care, health care, counseling for children, clothing for children, and legal services. Programs also report frequent referrals for respite care, housing and caregiver training. Kinship Navigator Programs are family focused and voluntary. They generally operate on a model that empowers families to identify needs, barriers and supports. Families that may view the child welfare system as a threat and hesitate to reach out for help are more often more comfortable with navigators and willing to access them for assistance.

Evaluations of the first grants authorized in 2008 demonstrate important preliminary outcome information on child well-being and demonstrate improvements in coordination and efficiency of child welfare and other relevant services. Navigator programs have improved partnerships and collaboration between the public child welfare system and private agencies leading caseworkers to consult on a range of casework issues as a result of relationships formed through the navigator. Programs have filled in gaps in services resulting from cuts in state and local child welfare agencies operating under tight budgets. In particular navigators have helped with prevention services and in serving those families diverted from the formal child welfare system. Navigators have elevated awareness of the needs of kinship families in communities prompting agencies and communities to explore creative ways to address the challenges these families face. The evaluation requirement in the federal grant prompted the first outside evaluation for several agencies service kinship families. As a result both new and well-established programs are integrating new feedback to improve their quality and efficiency.

Preliminary child well-being indictors show that children in families who received support from the navigators experienced increased permanency and stability, demonstrating fewer days in child welfare custody and lower rates of foster care re-entry. Multiple programs reported high satisfaction with services and less intense family needs after intervention and at the point of follow up. Some demonstrated increased caregiver strengths from baseline and reduced

behavioral problems of children and youth at case closing. At least one program demonstrated improved safety.

Recommendations:

Extend the authorization of Family Connections Grants:
Additional years of support for the Family Connection Grants will provide adequate time to secure more complete evaluation results that can be applied to existing programs for adaptation and improvement. These results will be useful in informing both programs receiving federally funds and those pieced together with other resources that have not been able to prioritize evaluation. The timing of the first grants created some challenges to sustainability since many began in the midst of the rapid economic downturn. Programs are now planning more effectively for the current economic climate with greater promise of sustainability. At the same time, federal support is vitally important during this period where many child welfare programs are facing cuts to critical services.

Lower the Floor on the Kinship Navigator Grant Amount:
Smaller communities and rural areas report difficulty meeting the matching requirement for such large grants. Many of these communities have developed proposals to effectively serve their communities with smaller grant amounts and would be able to meet matching requirements if smaller grants were available. Lowering the minimum grant amount would make these grants accessible to more rural and under-resourced communities.

Consider Allowing Universities and Other Institutions to Apply for Family Connections/Kinship Navigator Grants:
Some rural areas report lacking large enough non-profits or other institutions to support applications for the grants. Cooperative Extension Services at universities often play a critical role in these communities and would be the most effective deliverer of services but they are not eligible to apply under current law.

Encourage use of combined Family Connections Grant strategies:
Family Connections Grants offer states and communities the ability to use a combination of the four grant strategies to meet needs. Initial reports suggest Kinship Navigator Programs and other grants are especially beneficial to families when used as part of a comprehensive approach to benefit families. Future grants should promote comprehensive approaches to meeting grandfamilies needs through encouraging combined strategies of existing grant types and/or offering additional demonstration models.

Encourage state licensing procedures that focus on core safety standards without placing necessary barriers on relative caregivers:
A comprehensive review of foster care licensing standards in all fifty states and the District of Columbia conducted by Generations United and the American Bar Association Center on Children and the Law revealed that some states had developed problematic licensing standards that are not necessarily associated with safety for the child and may propose barriers to foster

care licensure for relative caregivers. Examples may include requiring all applicants be no older than 65, have a high school degree or pay for a physical exam for each member of the household. The Fostering Connections to Success and Increasing Adoptions Act of 2008 clarifies that states may waive non-safety licensing standards on a case-by-case basis in order to eliminate barriers to placing children safely with relatives in licensed homes. However the process to seek these waivers in some states and localities may be perceived to be too difficult or cumbersome to successfully attain them. In many cases caseworkers or caregivers seeking to be licensed may not be aware of the availability of waivers. As a result the process may not be initiated even when it is in the best interest of the child. Generations United recommends the Department of Health and Human Services continue to support state's flexibility in licensing standards but encourages the development and implementation of a cord set of model standards that increase the likelihood of children being placed safely with relatives in licensed foster homes.

Highlight and Promote State implementation of Guardianship Assistance Programs:
The Fostering Connections to Success and Increasing Adoptions Act of 2008 established the federal Title IV-E Guardianship Assistance Program, referred to in this report as "GAP." GAP is the first time that federal dollars were made available exclusively for supporting children exiting foster care to permanent homes with relative guardians. Since implementation at least 29 states, the District of Columbia and one Indian Tribe have been approved by the Department of Health and Human Services for federal funding from the new Title IV-E Guardianship Assistance Program. These states are demonstrating ways in which these programs help "let kids be kids" by removing barriers to "normalcy" children often experience in traditional licensed foster homes. Specifically guardianship assistance programs benefit individual children by:

- Promoting a sense of belonging; helping children stay connected to family and to their culture
- Increasing stability and continuity
- Preventing children from remaining in foster care when reunification and adoption are not appropriate permanency options
- Reducing agency supervision and intervention in children's lives once they are in a permanent family
- Not requiring the termination of parental rights for children who have and want to preserve relationships with parents who cannot care for them
- Provides relatives with assistance to care permanently for children

The Department of Health and Human Services should highlight the benefits and encourage additional states to implement Guardianship Assistance Programs.

Thank you for the opportunity to offer written testimony for this important hearing. Please direct questions regarding these recommendations to Jaia Peterson Lent, Generations United's Deputy Executive Director, at jlent@gu.org or 202-289-3979.

[i] Stepping Up for Kids: What government and communities should do to support kinship families. Annie E. Casey Foundation (2012). This data includes family where the children's parents are not present. In addition there are significant numbers of children cared for by relatives in multigenerational homes where the children's parent may live in the home, but are not providing regular care for their children for a range of reasons such as mental illness, substance abuse, or teen parenting.
[ii] Generations United calculated this figure based on the federal share of 2000 average monthly foster care maintenance payment of 1 million children. The green book of the Committee on Ways and Means, U.S. House of Representatives estimates the cost at $545 per child. This is approximately half of the children being raised in grandfamilies outside of the formal foster care system. Half the children are used for our calculation, due to a conservative estimate that the other half already receives some type of government financial assistance, such as a Temporary Assistance for Needy Families TANF child-only grant. Consequently, the cost of one million children entering the system would represent all new financial outlays for taxpayers.
[iii] Children's Defense Fund. "The State of America's Children Handbook (2012)." Accessed 20 August 2012 at < http://www.childrensdefense.org/child-research-data-publications/data/soac-2012-handbook.pdf>
[iv] ibid
[v] ibid
[vi] Stepping Up for Kids: What government and communities should do to support kinship families. Annie E. Casey Foundation (2012).
[viii] Time for Reform: Support Relatives in Providing Foster Care and Permanent Families for Children. Children and Family Research Center: University of Illinois at Urbana-Champaign, Kids Are Waiting: Fix Foster Care Now, Generations United. 2007.

Statement of CCAI



Statement of

Kathleen Strottman
Executive Director
Congressional Coalition on Adoption Institute

to the Human Resources Subcommittee
of the U.S. House of Representatives
Committee on Ways and Means

Regarding its May 9, 2013 Hearing on
Letting Kids Be Kids:
Balancing Safety with Opportunity for Foster Youth

Submitted Thursday, May 23, 2013

Thank you Chairman Reichert, Ranking Member Doggett, and Members of the Human Resources Subcommittee of the U.S. House of Representatives Committee on Ways and Means for holding a hearing on such an important subject: *Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth.* The hearing presented a unique opportunity for Members of Congress, child advocates, state leaders and youth to come together to review policies and practices that limit opportunities for foster children and prevent foster parents from making reasonable decisions about participation in common daily activities.

Perspectives from Foster Care Alumni

Through this statement, the Congressional Coalition on Adoption Institute (CCAI) is pleased to share with the Subcommittee the stories and experiences entrusted to us by alumni of foster care who have participated in our highly-esteemed Foster Youth Internship (FYI) Program. Since its inception in 2003, nearly 150 former foster youth from across the country have served as Congressional Interns, producing five legislative reports and hosting ten Congressional briefings. These Foster Youth Interns are extraordinary young people and natural problem solvers, who apply both tremendous creativity and innovation and their experience and insight into the federal foster care system to the task of improving the system for their "brothers and sisters in care" who follow behind them. Perhaps one of the best testaments to the caliber of the young men and women who we have had the privilege of working with through the FYI Program is Talitha James, who testified so eloquently at your hearing on May 9, 2013.

We are so pleased to report that in addition to influencing the development of federal policies on education, housing and health care, the FYI alumni have succeeded in having three of their legislative proposals enacted into federal law. What follows are a few excerpts from their reports on the subject of normalcy.

> *Youth who are raised in traditional family settings have both daily and lifelong access—even though they may not realize it—to life lessons and support systems that youth in care must acquire through local and federal services. Foster parents often view their responsibility as providing youth in their care with a safe and stable, but temporary, home. Because these homes are not viewed as permanent, often the foster youth will not be given the same responsibilities and privileges that children who live in permanent homes are afforded. Also, unlike their peers, foster youth are often unable to learn important life skills in their foster homes or group homes. For example, when I was in foster care, I did not receive an allowance for household chores. However, after I was adopted, I received an allowance, which provided me with my first experience in budgeting and saving money.*

> *...Finally, foster youth are often disconnected from adults who are knowledgeable about what services exist and when a youth might require them. This isolation forces foster youth to almost exclusively depend on the adults brought into their lives by the system (i.e., judges and social workers). The main priority of these adults is to manage the well-being of displaced children; they are not responsible for nor do they often have the time or information necessary to be an effective resource regarding the various types of local, state, federal and private programs and opportunities that exist to assist foster youth. While these people certainly want to play this role for the youth in their care, the reality is that many times these people are playing multiple roles in that child's life and this role understandably falls to the bottom of the list.*

Roberts, Marchelle. *AfterCare.gov: Information Database for Foster Youth*, Hear Me Now 2012 Foster Youth Internship Report.

> *The strict guidelines imposed in foster homes and in congregate care can also limit the choices that the youth make and the opportunities they have. For example, in order for youth to acquire a job or participate in extracurricular activities, they need access to transportation. Many foster parents and group home staff are not willing or able to transport youth to activities such as work, sports teams, and social events. Many of these youth cannot drive because they have no one to teach them, they do not have a form of state-approved identification, or they are unable to pay for the cost of the test. In my foster home, although my parents were supportive and loving, I was unable to get my driver's license until my eighteenth birthday since I could not legally purchase a car or buy insurance until that age.*

Dovi, Briana. *Life's Transitions Do Not Happen Overnight*, Hear Me Now 2012 Foster Youth Internship Report.

> *When I moved in to a group home in South Carolina at the age of 13, I had all of my belongings in a black trash bag. As soon as I arrived, the group home staff went through and itemized the contents. Included among them was a framed picture of me and my siblings. The staff confiscated it because they told me the item was contraband since the glass frame could be used as a weapon. When I exited care years later, no one returned this picture.*
>
> *...Instead of helping us to keep positive connections with family, my group home observed a 30-day orientation period where we were not allowed to even speak to family members. Visiting and communicating with family members were also privileges that could be taken away based on a staff worker's evaluation of your behavior for that week.*

> *There were some opportunities for family members and friends to visit me at my group home after the initial 30 days, but since they had to be screened and approved by both the group home and social services, the time to process paperwork dampened my desire to have such visits. There were occasions where the group home arranged activities for the youth that conflicted with visitations that were already scheduled, which meant they were rescheduled or cancelled.*
>
> *... [I]t is also essential for youth group homes to have the opportunity to participate in extracurricular activities. Personally, going to my extracurricular activities was a way to vent frustrations on the field or though art. These activities provided me with an outlet that allowed me to express my negative emotions in a productive way; it was a type of therapy for me, but when my group home took away these privileges, I had very few healthy outlets remaining. Another aspect of extracurricular activities that group homes overlook is the future impact that extracurricular activities have on college admissions. In order to be a strong candidate in a competitive college admission process, foster youth should participate on sports teams and in organizations that help develop leadership qualities.*
>
> *Unfortunately, there are only a few states that have laws to support foster youth's participation in these activities.*

Williams, James. *Putting "Home" Back in Group Home*, Hear Me Now 2012 Foster Youth Internship Report.

The State Experience

Unfortunately, as our Foster Youth Interns' experiences note above, many States' child welfare systems still require background checks for individuals to be involved in the life of a child or youth in care, as well as social worker or court approval for participation in extracurricular activities, while they do not allow for flexibility in the use of foster care support payments for a child to be used to facilitate things like participation in extracurricular activity or the costs associated with obtaining a driver's license. What is promising, however, is that some States have taken steps to move away from these traditionally inflexible systems to allow for greater normalcy in the lives of foster children and their caregivers.

The Subcommittee is already aware of the State of Florida's recent efforts to encourage "normalcy" in the experience of both foster children and foster parents statewide through the passage of State Senate Bill 164, the "Quality-Parenting for Children in Foster Care Act." The law codifies the use of the "reasonable and prudent parent" standard by foster parents

to make daily decisions the foster children in their care, thus entrusting these licensed caregivers to decide whether a child may sleep over at a friend's house or attend an out of state sports team competition, and no longer requiring court orders and background checks in these normal childhood activities.

The State of California also made the "prudent parent standard" law in 2003 and required that caregivers take "reasonable steps" to determine the appropriateness of the activity with consideration of the child's age, maturity, and developmental level. The State then amended their code in 2005 to the "reasonable and prudent parent" standard: "characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests."

CCAI consistently hears from both foster parents and foster youth in communities across the country that the use of this "reasonable and prudent parent standard" does indeed facilitate a greater sense of normalcy in the lives of foster youth. Rather than adding more invasive interruptions by the State to children whose lives have already been interrupted enough, these standards empower parents who have undergone a great deal of screening and preparation to do what they were asked by the State to do: parent.

In fact, in 2009, CCAI Foster Youth Interns recommended to Congress that they consider incorporating the State of California's "prudent parent standard" into federal law:

> *[Congress should a]mend the Social Security Act section 471 subsection 20 (A) to give foster parents the authority to allow children in their care the opportunity to participate in age appropriate extracurricular enrichment and social activities. Once a state has licensed a caregiver, the caregiver should have the authority to act as a guardian while keeping their respective caseworker informed of all their decisions. Prior to the enactment of California Senate Bill 358, which amended the Welfare and Institutions Code section 39(d) and enabled caregivers to use the "prudent parent standard" to make reasonable decisions regarding youths involvement in extracurricular and social activities, youth in care were unable to engage in after school programs, out-of-town summer camps, and/or overnight sleepovers with friends (University of California Berkley, 2007). This amendment will allow foster parents in all states the flexibility to enroll youth in care in extracurricular activities. Additionally, this amendment will eliminate barriers and afford youth the opportunity to participate in life enriching programs.*

Congressional Coalition on Adoption Institute, *Using Yesterday to Shape Tomorrow*, 2009 CCAI Foster Youth Internship Report.

Ways Federal Law Might Better Support Normalcy

Foster youth are crying out for the opportunity to experience "normal" lives, including everyday events like extracurricular activities, as well as the friendships and mentoring relationships that are naturally formed in such settings. Those who have left foster care successfully often point to the transforming power such experiences had on their lives. And foster parents agree that both they and the children in their care benefit greatly when they are provided the financial support and flexibility of funding and authority to make such extracurricular activities available to their foster children. So the question is not whether we should be working to provide normalcy for foster youth, but how?

In 2009, CCAI Foster Youth Interns suggested to Members of Congress that one of the reasons youth lack access to afterschool sports and extracurricular activities is an issue of cost. More specifically, limitations on the use of federal foster care maintenance payments to support costs associated with extracurricular activities, mentoring opportunities and sports prevented foster parents with limited personal means from being able to afford the expenses of things like uniforms, fees and materials. The interns noted:

> *Currently allowable uses of foster care maintenance payments [under Title IV-E Section 475 4 (A) of the Social Security Act of 2009] are limited to payments to cover the cost of (and the cost of providing) food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.*

To address this, the Foster Youth Interns recommended that Congress consider:

> *"amending the current Social Security Act of 2009 Title IV-E Section 475 4 (A) to allow for one of the allowable uses [of foster care maintenance payments] to include extracurricular and social activities. ...The addition of extracurricular and social activities to the allowable uses of Title IV-E funds would allow foster parents to be reimbursed for the fees and transportation costs associated with the youth's participation in extracurricular activities."*

In making this particular recommendation the youth stressed the importance of extracurricular activities in the lives of foster youth in accessing mentors and relationships that help them build important life skills and succeed. As 2009 Foster Youth Intern Jetaine Hart notes in the report, "Being able to connect with my dance teacher was honestly a key reason for my success. Without her, my transition out of foster care would have been vastly different."

Using Yesterday to Shape Tomorrow, 2009 CCAI Foster Youth Internship Report.

In addition to looking at expanding the definition of allowable uses, the Foster Youth Interns have continually called on Congress to consider what opportunities might lie within funding provided under the Chafee Foster Care Independent Living Program (CFCIP). Given its focus on adolescent youth, it is an obvious place for federal policymakers who wish to support normalcy to look for opportunities for reform. Over the past five years, Foster Youth Interns have recommended that Congress seek to not only better align the programs delivered through the CFCIP with normal adolescent "transition to adulthood" experiences, but also be more broad thinking in establishing criteria for what youth and what services can receive CFCIP funding. The following are two such recommendations:

1) **Think more broadly about how Chafee Foster Care Independent Living Program and Education Training Voucher funds could be used to support activities that are both a normal and important part of the transition to adulthood.**

Currently, Chafee funds are available until the age of 21, but only for youth who are likely to remain in foster care, age out of foster care, or leave foster care. While the law does not stipulate a minimum age in which a youth can begin to receive these federal funds, it is being restricted to youth who are likely to age out results in the major focus of the programs on older youth. Once youth qualify for CFCIP they are then also eligible to receive a Chafee Education and Training Voucher (ETV). Under the law, former foster youth can receive these vouchers up until they are 23 years of age, but only if they are enrolled in a post-secondary program and if they are making satisfactory progress toward completing their education program.

As most of us know from experience, there is no magical age at which one begins to learn the skills necessary to become a successful adult. Rather, the process of "growing up" is a continual one and skills learned in this phase are not gained by any one person or experience but rather the building of relationships and experiences over time. This process is difficult, if not impossible, to replicate under a program that is dependent on definitions and eligibility requirements. Under this system, younger youth may be missing out on opportunities that while not directly linked to their ultimate independence are an important part of their development of skills they will undoubtedly use as adults. To the extent that Congress can, they should work to ensure that CFCIPs program are flexible enough to provide services to youth at whatever age they are thought to be necessary to encourage their successful development.

Similarly, Congress might want to consider allowing funds provided through Chafee's Education and Training Vouchers (ETV) program, which right now can only be used to cover the cost of postsecondary tuition, fees, transportation costs and other supplies, to be made available to students experiencing these costs at the elementary and secondary levels. With such flexibility, States could use ETV funds to assist a high school freshman by making early investments in the costs associated with college preparatory classes, high school sports, and other extracurricular activities.

2) **Ensure that the life lessons taught with Chafee Foster Care Independent Living Program funds are taught in the ways that adolescent youth are most likely to learn them.**

Taking a closer look at the use of federal funds for the federal Chafee Independent Living Program, 2012 Foster Youth Intern Maurissa Sorenson asked, "Are they working?" In answering her own question, she noted the following:

> *The federal government recently released the results of four evaluations, conducted by the Children's Bureau and the Urban Institute and its partners, the Chapin Hall Center for Children at the University of Chicago and the National Opinion Research Center, which are mandated by the Foster Care Independence Act of 1999. The evaluations focus on Independent Living programs in California and Massachusetts between September 2001 and September 2010.*
>
> *One of the programs evaluated was the Life Skills Training Program. This is a five-week curriculum consisting of 10 three-hour classes, held twice a week, in 19 community college campuses in Los Angeles, California. These courses were intended to support youth in obtaining skills in seven state-adopted competency areas, including educational and employment goals. The findings of this study showed that there was no effect on the youth in this program on any of the seven competency areas, and the evaluation concluded this low success rate was mainly due to the fact that all of the skills were taught in classroom style formats, in which most youth do not effectively learn their independent skills. This study suggests that youth should instead be supported in learning these skills via foster parents, mentors, and other adults in natural settings (U.S. Department of Health and Human Services, 2011).*

Sorenson, Maurissa. *Educating Congress: The Value of Investing in a Post-Secondary Education for Foster Youth*, 2012 Foster Youth Internship Report Hear Me Now.

Recent discoveries in brain science support Maurissa and her classmates' conclusion: current independent living programs are failing to meet their desired outcomes because they not offered in ways that typically developing adolescents best learn the skills necessary to become successful adults.

In a 2011 report, The Adolescent Brain: New Research and Its Implications for Young People Transitioning from Foster Care, the Jim Casey Youth Opportunities Initiative (JCYOI) says the following about the important lessons learned during our adolescent years:

> *"It is during adolescence and early adulthood that we develop a personal sense of identity, establish emotional and psychological independence, establish adult vocational goals, learn to manage sexuality and sexual identity, adopt a personal value system, and develop increased impulse control and behavioral maturity. Chemical changes in the brain that prime adolescents for risk-taking present rich opportunities for them to learn from experience and mistakes and, with adult support, gain greater self-regulation, coping and resiliency skills."*

Notice that this list of developmental milestones for adolescent is made up of important skills – not activities. Nothing in the brain science indicates that is critically important for a young man or woman to learn how to cook, or manage their own finances, yet these are the skills most often taught in CFCIP classes. Instead, JCYOI suggest that adolescent youth in care would benefit more from services that:

- "Intentionally create opportunities for involvement in extracurricular and community groups
- Provide young people with the resources to pursue a passion that may lead to a sense of purpose in their lives
- Provide *interdependent living services* (emphasis added) that aim to connect young people with family and caring adults."

With this in mind, Congress should evaluate whether the current CFCIP funding would be better invested in programs that allow youth in foster care to learn developmentally appropriate lessons through normal experiences and relationships rather than artificially creating opportunities for these lessons to be taught. More specifically, we need to ask ourselves who is a youth more likely to these learn important life lessons from? A high school basketball coach who they respect and admire or a paid teacher in a required class?

Conclusion

Programs funded with federal "independent living" dollars are designed to help adolescent youth survive once they are on their own. Maybe this is the root of our problem: there is really no such thing as a healthy, productive *independent* person. As Thurgood Marshall once said, "None of us got where we are solely by pulling ourselves up by our bootstraps. We got here because somebody – a parent, a teacher, an Ivy League crony or a few nuns – bent down and helped us pick up our boots."

All children – including foster children – are created to learn, grow and flourish in the context of *relationship*. Life skills are not learned in the vacuum of a classroom setting, they are learned through real life experiences, in relationships and through practical application of principles learned over time. As an organization that believes that every child both needs and deserves a family to call their own, we would suggest that perhaps the best way to achieve normalcy for youth is to provide them a permanent family relationship through kinship, guardianship or adoption.

We thank the Subcommittee for taking up this important subject and carefully evaluating how Congress can better support such normal experiences for foster youth and we stand ready to assist you in this regard.

Contact Information:

Congressional Coalition on Adoption Institute
311 Massachusetts Avenue NE
Washington, DC 20002
(202) 544-8500

Contact E-mail Address:
Rebecca Weichhand
Director of Policy
rebecca@ccainstitute.org

Statement of Linda Young

Submission for the Record
Hearing on Letting Kids Be Kids
5/9/13

My name is Linda Young and I am a foster parent with Arrow Child & Family Ministries. My husband and I have been fostering for over 24 years and currently have 3 teen-aged boys. I was so happy to see that it has been recognized that the rules and regulations for both kids and families is way too restrictive. It is unrealistic to expect families of their friends to go through the background checks required before they can visit. That is just one example of carrying safety a bit too far.

In our years of fostering close to 200 children, my husband and I have always taken a week vacation to recharge and reconnect with each other. We have always had caregivers who were familiar with our kids and we felt comfortable leaving them with. We have never had any issues or problems with them. We are about to celebrate our 40th wedding anniversary and would like to go on a trip. I have been notified that whoever fills in for us will have to go through the same training we did to become licensed! Who would do that? No one I know. So, we will either be "out of compliance" or forced to cancel our plans. I am asking that this restriction be modified so that foster parents can take a much needed break using their own choice of caregivers with a background check, CPR and First Aid training. If potential foster parents were aware that they could never again go on vacation without asking someone to take 8-10 weeks of classes to fill in for them, you would see a tremendous drop in new foster parents. Current parents will eventually burn out or be cited for non-compliance.

As foster parents, we are already under pressure to do weekly progress reports on each child, have fire inspections, welcome caseworkers into our home constantly, follow dozens of rules regarding medication storage and household items, transport the children to visits and a multitude of other rules and tasks. All this is in addition to the actual care of the kids. I could fill up a book on the daily life of a foster parent, but I'm sure you get the idea. Please remove just one of the barriers to us being able to continue to foster these boys. We cannot do this forever without a break.

Sincerely,

Linda Young
7702 Northbridge Dr.
Spring, TX 77379

Letter of Mandy Urwiler

The Mockingbird Society
Building a world-class foster care system

May 8, 2013

Chairman Reichert and Subcommittee Members,

My name is Mandy Urwiler. I am a Senior Network Representative at The Mockingbird Society in Seattle, Washington. I was placed in foster care on November 5, 2009, when I was 15 and my son, Nicky, was 4 days old. I am in a program called Extended Foster Care now, in college, and in my own apartment with my now 3 year old son.

As a Senior Network Representative, I represent the voices of the approximately 500 youth in our statewide Network. I advocate on their behalf for solutions to the issues they experience in the system every day. One of the major advocacy roles I play is sitting on the Normalcy Workgroup, commissioned by the Washington State Supreme Court Commission on Children in Foster Care. The Mockingbird Society was invited to the Normalcy Workgroup because youth in our Network had concerns about their normal life experiences in care being so different from experiences of youth in "intact" families. So far, the workgroup has changed the procedure for background checks for overnight stays away from their foster home, reducing completion time from a month or more to a maximum of one week. We are also creating a training for social workers to increase opportunities for normal childhood experiences.

To give a little personal perspective, when I was placed in care, I found myself not having a lot of opportunities that I had when I was at home. For instance, I wasn't able to go on any school field trips, including some that were required, because my foster parents weren't allowed to sign the permission slips, and I never had enough notice to get them to my birth-parents. Unfortunately, this is a common occurrence for youth in care.

Another example that perhaps isn't even normal for foster care, but has a much more significant impact, is the state's insistence that my son be placed in foster care, rather than let me keep him in my custody. Because of my age and status as a foster youth, I had to fight this court. I won that fight, yet my social worker told me that I needed to place my son in foster care with a Voluntary Placement Agreement. She said that it was so that they could pay my foster parents enough to cover expenses for Nicky. Again, I found that to be untrue, my caregivers could receive additional support without bringing my child into the system. On April 9th, 2010, a judge awarded me sole custody of my son. I was successful in this effort only because I advocated for myself and my son. But not all young parents in care are in a position to be a self-advocate while facing barriers that don't exist for youth from intact families.

The second we enter care, we are at a disadvantage. Whether it is going on a field trip or maintaining parental rights, youth in foster care should not face barriers to opportunity and success based only on their status as foster youth.

Thank you very much for your time.

Sincerely,

Mandy Urwiler

[redacted]

Statement of Will Lightbourne and Frank Mecca

Testimony of

Will Lightbourne, Director
California Department of Social Services
and
Frank Mecca, Executive Director
County Welfare Directors Association

Presented to the House Ways and Means Committee
Subcommittee on Human Resources
"Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth"

May 9, 2013

Chairman Reichert, Ranking Member Doggett, and members of the subcommittee, we appreciate the opportunity to submit testimony for the record on this important issue concerning opportunities for foster youth to engage in age-appropriate activities that support and nurture their well-being.

Our testimony today will focus on California's Reasonable and Prudent Parent policy which provides the standards by which foster parents and group home providers can consider age-appropriate enrichment, extracurricular, and social activities for the foster child(ren) in their care.

The State law and regulations previously prohibited youth from participating in extracurricular activities unless certain requirements were met. Our reasonable and prudent parent policy establishes standards with an eye towards "normalizing" the foster care experience without compromising safety. The new law became effective in 2003 which provides caregivers the ability to determine the appropriateness of activities for foster children by taking in consideration a child's age, maturity, and developmental level. A caregiver must also consider the nature and inherent risks of harm, and the best interest of a child based on information known about a child.

The Reasonable and Prudent Parent Standard (RPPS) is defined to mean the standard characterized by careful and sensible parental decisions that maintain the child's health, safety, and best interests. *The law permits a foster parent to approve or disapprove a foster child's participation in activities based on the foster parent's own assessment using a reasonable and prudent parent standard, without prior approval of the social worker, licensing or approval agency, or the Juvenile court.*

Implementation of the law:

Subsequent to legislation, the California Code of Regulations was amended to incorporate the RPPS into regulations governing licensed children's residential facilities. The regulations require caregivers to apply the RPPS to general decision-making about a child. They also require that caregivers apply the RPPS to other care and supervision for a child and permit a child to participate in activities.

Counties were provided guidance through a number of informational releases that addressed the application of RPPS regulations specific to short-term babysitters, foster family homes, certified foster homes, group homes, and training. Caregivers must apply the RPPS in a manner that is in compliance with regulations and consistent with CDSS guidance. When necessary, caregivers must be prepared to demonstrate their determinations in applying the RPPS to the licensing agency. If the RPPS is not applied in compliance with regulations, the licensing agency may issue a citation. CDSS provides training on the RPPS to prospective and existing caregivers and licensees in various formats and at different venues throughout the year

What the law means to foster parents and children:

Every day, parents make important decisions about their children's activities. Foster parents are faced with making the same decisions for the foster children in their care. However, when foster parents make decisions they also must consider licensing or approval laws and regulations. The RPPS empowers foster parents to approve or disapprove activities based on their own assessment using a "reasonable and prudent parent standard".

The law recognizes the importance of making every effort to normalize the lives of foster children. A foster parent can more easily plan their activities such as scheduling a medical appointment, go grocery shopping or attend an adult social gathering. The law allows foster parents to arrange for occasional short-term babysitting without requiring the babysitter to undergo a criminal record background check. Foster youth can participate in school field trips, play sports, sleep-over with friends, take part in scouting and other activities that are important to a child's wellbeing, not only emotionally, but in developing valuable life-coping skills. Additionally, foster parents can better assist youth prepare for adulthood by actively involving them in important life skills such as cooking and doing laundry; prior to the law, foster parents could not allow youth to handle certain household appliances and had to keep cleaning products locked away.

Additional efforts to support foster parents and youth:

Last year CDSS in partnership with the County Welfare Directors Association of California (CWDA) launched the Continuum of Care Reform (CCR) effort. Authorized through legislation, the CCR will develop recommended revisions to the state's current rate setting system, services and programs serving children and families in the continuum of foster care eligible placement settings. The CCR strives to reduce the use

of institutional-type care (i.e. group homes) and increase use of family-based care with appropriate supports and services to meet the individual needs of foster children. Through the CCR efforts, a detailed action plan will be developed and provided to the California Legislature by October 1, 2014. This action plan will include information on current reform improvements made administratively and recommended legislative changes to improve the continuum of care.

In 2009, CDSS in collaboration with the CWDA, Youth Law Center, caregivers, biological parents, community partners and private agencies initiated a pilot project through the Quality Parenting Initiative. The goal of the initiative is to develop a statewide approach to recruiting and retaining high-quality caregivers to provide excellent care to children in California's Child Welfare System. It is recognized that attracting and retaining quality caregivers is critical to the success of all child welfare improvement efforts. The Initiative encourages foster caregivers and county staff to identify and address barriers to recruitment and retention and works to address those barriers through changes in local and statewide policies and practices. Issues addressed by the initiative include; communicating and coordinating with social workers, sharing case information, training, supporting family connections, and developmentally appropriate parenting. Advisors to the project include state and county staff, caregivers, biological parents, community partners, and private agencies.

Educational achievement can be the crucial difference in the lives of all young people but, for children and youth in foster care, a successful and stable educational career can be all the more difficult because of the numerous disruptions in their lives. To assist foster parents, California has implemented funding for educational travel that provides transportation funding to foster parents to enable foster youth to continue in their school of origin. This effort helps foster youth to maintain very important connections and continuity with their previous relationships with peers at school, teachers, academics, and any activities related to their school such as band, etc. Keeping kids in their schools of origin is a big step towards keeping the child's life as "Normal" as possible despite being in foster care.

To assist foster families when damages occur that results in a lawsuit, California established the Foster Family Home and Small Family Home Insurance Fund. The fund pays, on behalf of foster family homes, certain liability claims of foster children, their parents, or their guardians stemming from an accident that results in bodily or personal injury neither expected nor intended by the foster parent. The liability insurance provided by the fund does not cover intentional or criminal acts against foster children.

What more can be done:

Reasonable and prudent parenting policies are essential in creating a foster home environment that allows for careful and sensible parental decisions, however more work is needed in the following areas.

- Adequate support for recruitment and retention of foster homes, including child care before and after school, and respite care.
- Foster parents need additional support when there are multiple children placed in the home. It can be difficult for the foster parent to provide transportation to extracurricular activities when there are also medical appointments, court dates, visitation requirements, and so forth.
- Adequate funding is not available to provide foster youth access to the normal activities that would significantly contribute to their well-being. Title IV-E does not cover expenses that enable foster youth to participate in extracurricular activities, such as registration costs, uniforms and equipment needed for sports activities, nor does it support activities that are typically enjoyed by most youth, including prom or taking driving lessons, for example. Kids that attend poor schools lack access to enrichment programs and activities outside of school are rarely free.
- Federal child welfare policy requires states to place first with relatives but there is no federal funding stream to support non-federally eligible relative placements. This is due to the fact that outdated Title IV-E rules tie eligibility to 1996 Aid to Families with Dependent Children standards, resulting in some foster kids placed with relatives who don't qualify for Title IV-E funding. In California, approximately 37 percent of foster children are placed with relatives. Many relatives are more likely to be poor themselves and are more likely to be caring for sibling groups. Particularly vulnerable are the relatives who are caring for non-federally eligible foster children.

Conclusion:

The California Department of Social Services and the County Welfare Directors Association are strongly committed to supporting foster parents and youth through improvements to the child welfare system. We appreciate the opportunity to submit this statement for the hearing record and we would welcome the opportunity to work with Subcommittee members to improve the nation's child welfare system.

Will Lightbourne
Director
California Dept. of Social Services
744 P Street M.S. 8-17-11
Sacramento, California 95814
Telephone: (916) 657-2598

Frank J. Mecca
Executive Director
County Welfare Directors Association of California
925 L Street, Suite 350
Sacramento, California 95814
Telephone: (916) 443-1749

Additional Contacts

Katie Wheeler Mathews
Deputy Director
Office of Governor Jerry Brown
134 Hall of the States
Washington, D.C. 20001
Telephone: (202) 624-5275
E-mail: kmathews@wdc.ca.gov

Tom Joseph
Director, CWDA Washington Office
900 Second Street, Suite 109
Washington, DC 20002
Telephone: (202) 898-1444
E-mail: tj@wafed.com

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