



Unpacking the “NO” of Permanency for Older Adolescents



**National Resource Center for
Permanency and Family Connections**
at the Hunter College School of Social Work



Major Policy Changes in Foster Care in Last Thirty Years

- Signing of the Adoption Assistance and Child Welfare Reform Act, 1980
- Signing of Adoption and Safe Families Legislation, 1997
- CFSR Accountability Systems, 2001
- Signing of Chaffee Legislation, 1999
- Focus on Permanency for Older Youth, 2002
- Fostering Connections, 2008

NRCPFC Digital Stories to Support Permanency

www.nrcpfc.org/digitalstories

- Youth Stories: Leslie, Joshua, Giselle and Sasha
- Worker Stories: Wesley, Patti, Felicia
- Grandparent Story: Bevanje
- Parent Stories: Sherry Tomlinson, Angela Braxton
- Legal Stories: Judge Koch, Judge Waller

AFCARS 18 data, as of June , 2011, indicates that there are:

- 408,425 children/youth in foster care
- 107, 011 children/youth waiting to be adopted
- Children/youth wait 37.3 months on average
- 52,891 children are adopted annually from public agencies

Race/Ethnicity

Nationally, 57% of the children and youth in care are children and youth of color:

29% African American; 21% Latino; 5% More than one race

Indian Children in many states are over-represented as well, especially in South Dakota where 3% of the population identify as Indian and 63% of the children and youth in the foster care systems are of Indian ancestry.

Age of Youth in Care

Nationally, 44% of the children and youth in care are age 11 to 21 years old

Placement settings for all children/youth in care were:

- Foster Family Home (Relative) - 26% (103,943)
- Foster Family Home (Non-Rel) - 48% (194,900)
- Group Home - 6% (25,066)
- Institution - 9% (36,607)
- Supervised Independent Living - 1% (4,050)
- Runaway - 2% (6,563)

Permanency Planning Goals

- Reunify with Parent(s) or Principal Caretaker(s) - 51%
- Live with Other Relative(s) - 4%
- Adoption - 25%
- Long Term Foster Care - 6%
- Emancipation - 6%
- Guardianship - 4%
- Case Plan Goal Not Yet Established - 5%

Outcomes for Youth Exiting Care, Fiscal Year, 2010

- Reunify with Parent(s) or Principal Caretaker(s) - 51%
- Live with Other Relative(s) - 8%
- Adoption - 21%
- Emancipation - 11%
- Guardianship - 6%
- Transfer to Another Agency – 2%
- Runaway – 1%

Who Provides Family-Based Permanency Our Children/Youth?

- Foster Parents – 53%
- Relatives – 32%
- Non-Relatives – 15%

So What is Permanency?

Defining Permanency

Permanence is not a philosophical process, a plan, or a foster care placement, nor is it intended to be a family relationship that lasts only until the youth turns age 18.

Defining Permanency

Permanence is about locating and supporting a lifetime family.

For young people in out-of home placement, planning for permanence should begin at entry into care, and be youth-driven, family-focused, culturally competent, continuous, and approached with the highest degree of urgency.

Defining Permanency

Child welfare agencies, in partnership with the larger community, have a *moral* and *professional* responsibility to find a permanent family relationship for each child and young person in foster care.

Defining Permanency

Permanence should bring physical, legal and emotional safety and security within the context of a family relationship and allow multiple relationships with a variety of caring adults.

Defining Permanency

Permanence is achieved with a family relationship that offers safe, stable, and committed parenting, unconditional love and lifelong support, and legal family membership status.

Defining Permanency

Permanence can be the result of:

- Preservation of the family;
- Reunification with birth family;
- Legal guardianship with kin/fictive kin;
- Adoption
- APPLA

Permanency for Youth

They're always talking about this Permanency stuff. You know social workers. . .lawyers . . . always using these big social work terms to talk about simple things. One day one of them finally described what she meant by permanency.

After I listened to her description, which was the first time anyone ever told me what the term meant, I said, "Oh, that's what you mean? Yeah, I want permanency in my life. I don't think I ever had that! When can I get it?"

Foster care youth

The Concept of Permanency for Youth

- The concept of permanence, is often not clear-cut for adolescents in foster care; permanency can be ambiguous.
- Adolescence is by definition a time of transformation, growth, and change (physically; intellectually; morally; spiritually; socially, and emotionally)
- Developmentally, adolescents are struggling to identify who they are and as a parallel process they are also developing their own unique worldview.

The Concept of Permanency for Youth

- Developmentally, adolescents are separating from adults and trying to determine their *own* identities, their *own* values, make their *own* decisions, and ultimately create separation from their families.
- Which occurs within a backdrop of distrust of adults; reluctance to accept advice; and resentment of adult authority.

The Concept of Permanency for Youth

- As teens struggle through this separation, they are scared.
- The fear is masked in a rebelliousness that is often viewed negatively by adults.
- The rebellion usually is a rejection of *anything* adults view as valuable. This is part of the challenge experienced in working with any teenager.

Why Are We Allowing APPLA to be the Default Plan?

If all this stuff about permanency is true . . .

▪

Then

Why is APPLA (placement of youth in a planned, permanent living arrangement, excluding adoption) still the default plan for too many adolescents in foster care?

**So ...What's wrong with Independent
Living as a Permanency Plan?**

Well, nothing is wrong with Independent Living, but.... It's not a Permanency Plan!

**Independent Living is a set of services, it's not
about promoting life long connections and
family based relationships**

ALL young people need to know about Independent Living – getting and keeping a job, how to care for their environment and the rest. But all young people also need stability, permanence, and life long connections with caring people in their lives

**So... it's about Permanence and
Relationships, NOT just about Independent
Living Skills and Services**

So ...Let's Look at APPLA means!

Compelling Reasons



2 different provisions:

1. The agency determines it has a “compelling reason” not to file a termination petition for child/youth who has been in care “15 of the last 22 months.”
2. “Compelling reason” why “another planned permanent living arrangement” is being selected as a permanency option.



Compelling Reasons

2 types are separate and distinct

There must be a documented compelling reason for why TPR is not being pursued, *and* there must be documented compelling reason why one of the four preferred permanency options is not being selected.

Court may address compelling reasons in court order, but is not required to do so.



Compelling Reasons

Examples cited in federal regulations:

1. An older teen who specifically requests that emancipation be established as his/her permanency plan;

Compelling Reasons



Examples cited in federal regulations:

2. The case of a parent and child/youth who have a significant bond, but the parent is unable to care for the child/youth because of an emotional or physical disability; and the child/youth's foster parents have committed to raising him/her to the age of majority and to facilitate visitation with the disabled parent;



Compelling Reasons



Examples cited in federal regulations:

3. The Tribe has identified another planned permanent living arrangement for the child/youth.

45 C.F.R. § 1356.21 (h)(3)(i), (ii), & (iii).

**So.... Let's Look at Family-Based
Reunification for Youth!**

Reunification with Family

My Dad was in jail and I never really knew him. I had been in foster care for almost eight years, I was 15 years old and I had no connections to my family. One day my social worker asked if it would be all right if we wrote to my father in jail and I said – fine. I never thought it would happen, but he wrote back and we began to have this relationship. After 16 months he got released and I began visiting him. It was great to get to know him and after six months, he asked me to move in with him. I never thought this would ever happen – my social worker's pushing me to connect with my Dad was really what brought this about.

Foster youth reunified with a parent

Reunification as a Family-Based Permanency Plan for Older Adolescents

Reunification as a permanency pathway for adolescents is a possibility that is sometimes discounted by professionals that may hold the assumption that adolescents in care for long periods of time may not be able to be reunified with parents or family members.

Even reunification through the reinstatement of parents rights which were previously terminated should be considered.

Families CAN and DO Change – Reunification is possible for many adolescents!

Reunification statistics

In 2010, of the 408,425 young people in care

51% had a permanency goal of reunification

59% of the children or youth who left care were reunited with their birthparents or another relative.

**Reunification for Older
Adolescents Should Be
Considered on a Case by Case
Basis**

**Youth/Families Must be
Collaborators in this Process**

**SoLet's Look at Guardianship for
Youth!**

Guardianship

I lived in a Residential Treatment Center for the past six years. Before that I had been in five different foster homes, none of them lasted. After being in the RTC a while, my social worker asked if I would like a Mentor.

At first I thought, "oh great another well meaning person who will take me out a few times and then drop me." But then they found me my mentor, a guy named Bob.

Bob was a really nice guy, he's a lawyer, and lives alone in the town near where the RTC is located. I visited him a few times and after a while I invited him to my case conference because I thought he is the only person who is not paid to care about me.

After a year and a half as my mentor, Bob and I talked about making our relationship more permanent and we started to talk about Bob being my guardian. Last week, the court approved Bob as my legal guardian and on Friday I am moving into Bob house.

Defining Legal Guardianship

ASFA defines legal guardianship as 'a judicially-created relationship between child and guardian which is intended to be permanent and self-sustaining as evidenced by the transfer to the guardian of certain parental rights with respect to the child.'

These parental rights include: (1) protection; (2) education; (3) care and control of the person; (4) custody of the person; and (5) decision making." - Fiermonte and Renne (2002)

3 Key Features of Legal Guardianship

- The legal relationship between the guardian and young person does not end and may outlive the jurisdiction of the court.
- Unlike a adoption, where a parent's right to custody is completely and permanently terminated, legal guardianship suspends the parent's custodial rights, but allows the parent to continue to play a role in the teen's life. It is important to note that parents in open adoption situations may continue to play a role in their child's life as well.
- While guardians often have a blood relationship with the young person, ASFA explicitly states that a guardian need not be a relative, they can be fictive kin.

Legal Guardianship is a More Preferred Permanency Option Than Long-Term Relative Care

Legal guardianship is viewed as a more preferred, permanency option than long-term relative care. It is more permanent than foster care, and gives the guardian full control over caring for the older adolescent without child welfare agency involvement.

This permanency option may be appealing for youth in kinship foster care because it allows relative caregivers to provide permanency and stability without ongoing state oversight and without termination of parental rights.

Legal Guardianship Has Relevance for Youth

Permits the young person to identify non-related adults (fictive kin) with whom they may be able to form lifetime permanent connections through legal guardianship.

Youth do however need the adults in their lives to make sure that these connections are stable, safe, and secure. Youth should be encouraged and empowered to make connections with adults that they think are meaningful and important to them in their lives.

Relative Care

My younger brother and I live with my grandmother because my mother has a drug problem. I am 17, my brother is ten. My Mom has been in several drug treatment programs and always drops out before she finishes. We always hope that this time will be the time she gets it together, but she never does. My grandmother is a great lady and takes great care of us. Every time we got to court she tells the judge that she is willing to keep being our parent, but she feels guilty about adopting us. After a bunch of court dates, the judge finally asked to meet with us and asked what we thought about adoption. We told her that we just wanted to stay with our grandmother and not be adopted – she is already our family. The judge said that she would permit our grandmother to maintain custody – which means that we can stay with her permanently – that works for us.

Relative Care

In sequential planning, finalizing a permanency plan of relative care assumes the preferred permanency options of reunification, adoption, and legal guardianship have been ruled out and the permanency goal is relative care. However, in concurrent planning, relative care may be viewed as a concurrent option that pursues permanence with relatives.

Defining Relative Care

Relative Care is defined as the placement of a youth in custody in a home in which one of the responsible caretakers is a person related to the child by blood, marriage or adoption who is the youth's:

- siblings;
- grandparents, great-grandparents, great-great-grandparents – on both side of family;
- uncles or aunts, nieces or nephews, or first cousins – on both sides of the family;
- the current or former spouse of any of these persons; or
- the child's stepparent.

Advantages of Relative Care

Relative care has many advantages for young people, among them are:

- Enable youth to live with persons they know and trust;
- Reinforce youth's personal and cultural identity;
- Encourage families to cultivate and rely on their own resources and strengths;
- Enable families to participate as responsible and essential members of the youth's and family's support team;
- Exemplifies the child welfare system's commitment to "protect children and strengthen families in partnership with families and communities."

So ... Let's Look at Adoption for Youth!

I Always Thought I Was Adoptable . .

I always thought that I was adoptable even though I was 16 years old, but my social worker kept saying I was too old every time I asked him about it. I worked after-school at this hardware store and the guy who owned it was so kind to me. He was such a good guy and I always talked to him. I never really told him I was in foster care, but one day when we got to talking, he started to ask me a lot of questions about my family and then about life in foster care. I invited him to my case conference because my social worker said I could invite anyone who I wanted to, and at that point he asked about adoption. I was shocked at first, but it made sense. We finalized my adoption three months ago. That day was the happiest day of my life.

- *Former foster youth*

Leadership in Promoting an Adoption Positive Approach

It is incumbent upon adults who have a relationship with the young person to help them to consider the option of lifetime connections by helping to reframe the initial "NO!" into a "YES" or "I'll Think About it" response.

Changing the Initial "NO" to "Yes"

Exploring the permanency option of adoption is a process, not a one time event.

- "I don't want to give up past connections"
- "I don't want to lose contact with my family"
- "I don't want to lose contact with important people"
- "I will have to change my name"
- "No one will want me"
- "I am too destructive for a family"

Changing the Initial "NO" to "Yes"

Exploring the permanency option of adoption is a process, not a one time event.

- "Families are for little kids"
- "I don't want to betray my birth family"
- "Mom said she would come back"
- "I want to make my own decisions"
- "I'll just mess up again"
- "I don't want to risk losing anyone else"

How to Approach Adoption with Adolescents?

What do you say instead of accepting NO

- Who are the three people in your life with whom you have had the best relationship?
- Would it help to review where you have lived in the past to help you recall important adults in your life?

How to Approach Adoption with Adolescents?

What do you say instead of accepting NO

- To whom have you felt connected to in the past?
- Who from the past or present do you want to stay connected to? How? Why?
- How are you feeling about this process? What memories, fears, and anxieties is it stirring up?

What do you say instead of accepting NO?

- Who cared for you when your parents could not?
- Who paid attention to you, looked out for you, cared about what happened to you?
- With whom have you shared holidays and/or special occasions?

What do you say instead of accepting NO?

- Who do you like?
- Feel good about?
- Enjoy being with?
- Admire?
- Look up to?
- Want to be like someday?

What do you say instead of accepting NO?

- Who believes in you?
- Stands by you?
- Compliments or praises you?
- Appreciates you?

What do you say instead of accepting NO?

- Who can you count on?
- Who would you call at 2 am if you were in trouble?
- Who would you call if you wanted to share good news?
- Bad news?

What Do Adolescents Say They Need?

- What kind of child do you want?
- What about other siblings?
- Does it matter if the child is gay or lesbian?

What Do Adolescents Say They Need?

- Are you part of a couple or single? How will that affect you parenting?
- Are you married? Dating? Are you hoping to be? How will that affect the way you care for me? Are committed to me?

What Do Adolescents Say They Need?

- Can you afford to / will you send me to college?
- Can you show and have respect for a teenager?
How will you show it?
- Can you meet a teens needs? How will you do it?

What Do Adolescents Say They Need?

- Will you still be my family even if something gets in the way?
- Like if the court holds things up?
- If I am not free for adoption? If I want to be connected to my birth family or other people?
- How will you show me that I am still part of your family?

What Do Adolescents Say They Need?

- How do you discipline young people in your family?
- What did you do when you were the most mad at a kid?
- How were you disciplined when you were a child?

What Do Adolescents Say They Need?

- How do show affection to a child or teenager?
- How do you accept and expect them to show affection?
- Have you been a parent?
- For how long?
- For how many kids?
- Why did kids leave you care (if they did)?

What Do Adolescents Say They Need?

- When there are problems between new kids and kids that are already in the family, how will you handle them?
- Will you bring foster kids on vacation with you? To holidays or special occasions?
- What do you think your first reaction to me will be? How will you try to make me feel comfortable? Part of the family? Accepted?

What Do Adolescents Say They Need?

- How do feel about teenager's sexuality?
- How will my age and order in the family change things?
- If your child has a mental or physical disability will you still be there? If they are in residential placement? In hospital? In jail or juvenile custody?

What Do Adolescents Say They Need?

- What would make you give up on me?
- Is there anything that will make you replace me?
- What are your expectations for me?

What Do Adolescents Say They Need?

- Can you please provide a letter of reference from a youth who has known you for a while.
- Especially one from a former foster child who can attest to your ability to be a good parent to a teen.

**So ... What Can YOU Do To Unpack
the No and Support Permanency for
Youth?**

Carefully Look at Foster Parents and Others Known to the Youth

- Interview the young person's current and former foster parents, as well as group home staff, child care staff, legal personnel to determine with whom the youth currently has connections:
- Who regularly calls the young person?
- Who has the young person had a special relationship with in the past?
- Who visits the young person and whom does the young person visit?

Work With Youth to Identify Important Adults in their Life

- Work with the youth to identify caring, committed adults with whom the youth would like to establish a connection or re-establish a former connection.
- Youth should be asked who they feel most comfortable with, who they trust (or with whom they might like to build a trusting relationship).
- Who they feel they have formed bonds with: former foster parents, former neighbors, parents of close friends, members of their extended family, group home staff, cafeteria workers, maintenance staff, administrators, teachers, coaches, law guardians, attorneys, judges and work colleagues.

Unpack the “NO”

- Discuss sensitively with the youth where they might like to belong and to address the strong feelings that might underlie a statement by a young person that he or she does not want to be adopted.
- A concurrent permanency plan must include plans to help the young person “Unpack the ‘No’” and to find out what underlies their reluctance to consider family-based permanency options.

Provide Information About Permanency to Youth and Family

- Engage the youth, his or her parents (if the youth is not currently freed for adoption) and foster parents or prospective adoptive parents in a discussion about shared parenting and ongoing contacts with members of the youth's birth family after the adoption.
- Youth and parents need help understanding that although a termination of parental rights ends the rights of the birth parents to petition the court for visits or other contacts with their child, a TPR does *not* prevent the young person from visiting or contacting members of his or her birth family.

Keep Searching for Permanent Connections

- Identify permanency leads if a record review and interviews with the youth and staff do not yield possible permanent connections.
- Do this on a case by case basis – not for the total population of all adolescents on your caseload; build on your success one case at a time.

Prepare Families Who Wish to Be a Permanent Resource for Adolescent

- Help prepare prospective permanency resources to understand the commitment they are making when they undertake to provide a permanent, life-time connection for an adolescent.

Provide On-Going Support

- **Post-permanency services, specific for families caring for teens must be put in place to support the stability of the home**

Supporting Permanency for Older Adolescents Through Positive Youth Development Approaches

- Mentoring
- Life Books
- Person Centered Planning
- Family Group Conferencing, Family Team Meetings, and Family to Family Approaches
- Digital Storytelling
- Appreciative Inquiry
- Youth Empowerment Approaches

In Summary...

- Believe that permanency for this teen is possible!
- Don't take "No" for an answer
- Be ready to identify a permanent connection for every young person
- Be Youth-Focused!
- Take The Risk!

References & Resources

Mentoring USA

www.mentoringusa.com

An organization that links foster care youth with caring adults and promotes life-long connections

References & Resources

APPLA – Jennifer Renne and Gerald Mallon

Guardianship – Mark Testa and Jennifer Miller

Kinship – Rebecca Hegar

In G. P. Mallon and P. Hess (Eds.) *Child Welfare for the Twenty First Century: A Child Welfare Handbook of Policies, Practices, and Programs* (2nd Edition). New York Columbia University Press.

References & Resources

www.nrcadoption.org/youthpermanencycluster

The grantees addressed the issues of youth permanency in creative ways, including development of curriculum and attitude scales about options for youth permanency, including open adoption. Grantees have demonstrated success in connecting youth to permanent families through reunification, relative placement and adoption. We hope you find the information useful and consider incorporating some of the tools and practices the grantees have developed into your permanency program for youth in foster care.

References & Resources

Lewis, R.G., and Heffernan, M.S. (2000). Adolescents and families for life: A toolkit for supervisors. Boston, MA: Lewis & Heffernan.

A guidebook for child welfare providers interested in developing skills in working toward permanency with adolescents.

References & Resources

Fiermonte, C. & Renne, J. (2003). *Making it Permanent.* Washington, DC: ABA.

A guidebook for judges, guardians, attorneys on permanency planning options, plan and orders. Written specifically for legal and judicial personnel.

Can be downloaded at:

http://apps.americanbar.org/child/rclji/making_it_permanent.pdf

References & Resources

Kerman, B., Freundlich, M. & Maluccio, A. (Editors). (2009). Achieving Permanence for Older Children and Youth in Foster Care. New York: Columbia University Press.

A wonderful publication that links practice and policy issues and holds a firm belief that child welfare systems will better serve children, youth and families by redefining their roles from substitute care providers to ensuring that children and youth are connected to permanent and life long committed families.

References & Resources

Lewis, R. G., and Communities for People, Inc. (2002). The family bound program: A toolkit for preparing teens for permanent family connections. Boston, MA: Lewis.

A guidebook for working with families to promote and prepare teens for permanent family connections.

References & Resources

Mallon, G.P. (2004). *Facilitating permanency for youth: A Toolbox for youth permanency.* Washington, DC: CWLA.

A toolbox for practitioners, policy-makers, and advocates for promoting permanency and life-time connections for older adolescents. www.cwla.org

References & Resources

American Bar Association. (2006). Achieving permanency for adolescents in foster care: A guide for legal professionals. Washington, DC: American Bar Association.

A guide for legal professionals, judges, attorneys, ad litem for promoting permanency and life-time connections for older adolescents.
www.aba.org

References & Resources

NRCFCPPP. (2008). Six Steps to Find a Family. New York: NRCFCPPP.

<http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/SixSteps.pdf>

This guide from the NRCFCPPP provides detailed guidance on casework practice that supports family search and engagement in the quest to provide permanency for youth people. There is an accompanying PowerPoint presentation as well at:

<http://www.hunter.cuny.edu/socwork/nrcfcpp/downloads/ppt/SixSteps.ppt>

References & Resources

What's a Permanency Pact?

A pledge by a supportive adult to provide specific supports to a young person in foster care with a goal of establishing a lifelong, kin-like relationship.

A Permanency Pact provides:

- structure and a safety net for the youth
- a defined and verbalized commitment by both parties to a long term supportive relationship
- clarity regarding the expectations of the relationship

Download this free tool to support permanency for youth in foster care by FosterClub at:

<http://www.fosterclub.com/files/PermPact.pdf>

Four Great Media Resources Focusing on Permanency for Adolescents:

NRCPFC Digital Stories –
http://www.nrcpfc.org/digital_stories/

Digital Storytelling is the practice of using computer-based tools to tell stories.

Digital stories usually contain some mixture of computer-based images, text, recorded audio narration, video clips and/or music. Digital stories can vary in length, but most of the stories used in the NRCPFC series typically last between two and four minutes.

A great way to begin experiencing Digital Storytelling is by watching the stories on this website.

Four Great Media Resources Focusing on Permanency for Adolescents:

"We Interrupt"

Listen to what Minnesota Youth in Foster Care have to say about Permanency in their lives. This fabulous production was made possible by Minnesota Department of Human Services

Part 1 - http://www.youtube.com/watch?v=StY__eircls

Part 2: <http://www.youtube.com/watch?v=HvGo-JvmR-I>

Four Great Media Resources Focusing on Permanency for Adolescents:

The Adoption Chronicles

Where children and families present themselves and discover each other!

Antoine (18) <http://www.adoptionchronicles.com/node/405>

Carlos (15) <http://www.adoptionchronicles.com/node/406>

Anthony (17) <http://www.adoptionchronicles.com/node/492>

Klarence (20) <http://www.adoptionchronicles.com/node/493>

Shakur (16) <http://www.adoptionchronicles.com/node/408>

David (16) <http://www.adoptionchronicles.com/node/407>

Four Great Media Resources Focusing on Permanency for Adolescents:

"UNCONDITIONAL COMMITMENT: The Only Love That Matters To Teens"

"The idea behind this video is that we wanted to give something to parents, after kids are placed in their homes, to remind our parents what this is all about -- 100% Commitment.

You Gotta Believe is the only homelessness prevention program in the country that attempts to prevent homelessness by recruiting permanent moral or legal adoptive parents for teens before the teens age out of the foster care system.

<http://www.postinstitute.com/store/dvds.html#ygb>



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