

GUIDING PRINCIPLES-“Foster Youth Rights” (Hawai‘i State Law)

[§587A-3] Guiding principles for children in foster care. (a) The department or an authorized agency, as resource family or permanent custodian, shall abide by the following guiding principles and ensure that a child in foster care:

- (1) Lives in a safe and healthy home, free from physical, psychological, sexual, and other abuse;
 - (2) Has adequate:
 - (A) Food that is nutritious and healthy;
 - (B) Clothing;
 - (C) Medical care, dental and orthodontic services, and corrective vision care; and
 - (D) Mental health services;
 - (3) Has supervised or unsupervised in-person, telephone, or other forms of contact with the child's parents and siblings while the child is in foster care, unless prohibited by court order;
 - (4) Has in-person contact with the child's assigned child protective services worker, guardian ad litem, and if applicable, the child's probation officer;
 - (5) Meets with the presiding judge in the child's case;
 - (6) Is enrolled in a comprehensive health insurance plan and, within forty-five days of out-of-home placement, is provided with a comprehensive health assessment and treatment as recommended;
 - (7) May freely exercise the child's own religious beliefs, including the refusal to attend any religious activities and services;
 - (8) Has a personal bank account and assistance in managing the child's personal income consistent with the child's age and development, unless safety or other concerns require otherwise;
 - (9) Has the right to attend school and participate in appropriate extracurricular activities and, if the child is moved during a school year, has the right to complete the school year at the same school, if practicable; and
 - (10) Beginning at age twelve, is provided with age-appropriate life skills training and a transition plan for appropriately moving out of the foster care system, as well as written information concerning independent living programs, foster youth organizations, transitional planning services, and independent living case management programs that are available to all children in foster care who are twelve years of age or older and their resource families.
-

The Preventing Sex Trafficking and Strengthening Families Act of 2014 (Federal Law)

The Preventing Sex Trafficking and Strengthening Families Act of 2014 is a groundbreaking federal law designed to promote well-being and normalcy for youth in foster care. The Act directs state child welfare agencies, contracted providers, and courts to facilitate age-appropriate experiences for these youth and take other steps to support normalcy and promote permanency. In the area of **normalcy**, the Act specifically **requires states to**:

- Ensure that children who are most likely to remain in foster care until age 18 years of age engage in age- or developmentally-appropriate activities.
- Institute the reasonable and prudent parent standard for youth participation in activities.
- Develop standards and training on the reasonable and prudent parent standard for foster parents and caregivers.
- Implement contract requirements so that child care institutions always have an individual onsite who is designated to exercise the reasonable and prudent parent standard.
- Institute liability protections that ensure protection when the reasonable and prudent parent standard is applied by foster parents.
- Mandate judicial review of normalcy for youth who have a permanency goal of Another Planned Permanent Living Arrangement (APPLA).
- Require participation of youth age 14 and older in case planning and identification of advisors/advocates.
- Mandate provision of a list of rights to youth age 14 and older.
- Mandate inclusion of youth age 14 and older in transition planning for a successful adulthood.

States are required to implement many of the Act's provisions by September 29, 2015 in order to remain in compliance with the requirements of Title IV-E of the Social Security Act.

RECOMMENDATIONS FOR IMPLEMENTING THE LAW

1. States should provide a right for children in foster care to engage in age-or developmentally-appropriate activities, and an affirmative obligation on the child welfare agency to provide these opportunities.
2. States should enforce normalcy provisions by requiring a) inclusion of age-appropriate activities in each child's case plan, b) judicial oversight, and c) youth-friendly grievance procedures.
3. States should supply youth with a document describing their rights under federal and state law and youth-friendly grievance procedures.
4. States should codify the reasonable and prudent parent standard and clarify the scope of decision-making authority and the considerations for decision making.
5. States should afford protections from liability to foster parents and caregivers who follow the reasonable and prudent parent standard.
6. Include youth and alumni of foster care in the development and amending of foster youth rights
7. Encourage states to educate other stakeholders about foster youth rights
8. Provide specific guidance about how-and how often-rights must be provided to foster youth
9. Provide requirements about items that must be included in a list of rights
10. Develop and implement a youth-friendly grievance process
11. Do not disqualify foster youth from extracurricular activities based solely on foster care status
12. Legal protection and guidance for resource caregivers
13. Training and continuing education for RCG, SWs, others
14. Readily accessible information about the law
(checklists/handouts/online/warmline)
15. Supportive relationships between youth/RCG/SW/GAL
16. Open communication with youth
17. Consistent visits and availability of SW/GAL
18. One-on-one visits between youth and SW/GAL/Judges
19. Encourage youth to attend all court hearings
20. Provide opportunities for youth to share their voice, wants, needs, be involved in their decision-making
21. Listen to the youth