



# Engaging Youth

## Extending Foster Care Policy Toolkit: Paper 2 of 5



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For example, in court, when young people provide input and can interact directly with the judge, they not

### Background

Experts state that the best way for young people to successfully transition into adulthood is to be meaningfully engaged in planning for their futures. For youth in foster care, this means having the opportunity to take on decision-making roles, such as being actively involved in their case planning and reviewing their cases and activities.

#### Key Facts: Older Youth in Foster Care

- Nationally, there are approximately 400,000 children in foster care on any given day, with nearly half (200,000) age 14 or older.
- Nearly 26,000 youth age out of foster care at age 18 each year.

#### Significant Challenges:

##### Aging Out at 18

- More than one in five will become homeless.
- 58 percent will graduate high school by 19 (compared to 87 percent of peers not in foster care).
- 71 percent of young women will be pregnant by 21.
- At age 26, only half are employed.
- One in four will become involved in the juvenile justice system within two years after leaving foster care.

only gain a better understanding of the process but they have the opportunity to develop self-advocacy skills. Studies show these experiences can help young people develop trust in a system that they may otherwise view as untrustworthy and arbitrary. In addition, recent brain science research tells us that experience plays a critical role in how the adolescent brain matures and develops.

Young people who “practice” adult decision-making skills fare better than those who do not.

However, young people in foster care often lack the opportunity to engage in the decision-making and leadership development necessary to successfully transition into healthy and productive adulthood. These youth must navigate through the complex processes of becoming independent, responsible adults while developing a sense of personal identity, and establishing emotional independence and maturity. They must pursue educational and vocational goals while learning how to balance a checking account, obtain a car and participate in a host of other critical activities.

Many state policymakers are eager to support older youth in their efforts to attain their goals and become successful, productive adults through policies that help youth develop decision-making skills needed to be successful adults. Several of these policies are described below; they include promoting the youth voice in court, developing youth advisory boards, and supporting youth participation in their case planning and case review while in foster care. They also seek to involve young people in planning their transition out of foster care and crafting foster children’s bills of rights.

### Youth Voice in Court

A requirement of federal Title IV-E funding is that states provide judicial oversight and review of cases of

#### Georgia

In 2013, lawmakers clarified that a child has a right to be present during juvenile court proceedings, but allows the court to exclude the child from any part of the proceeding that the court finds is not in the child’s best interest to attend.

children in foster care. Each case must be reviewed every six months and the young person’s permanency plan must be reviewed at least once a year. When young people are involved in these processes, judges and others benefit from having more comprehensive information on which to base their decisions. The National Council of Juvenile and Family Court Judges takes the position that young people should be present and engaged in proceedings.

In several states, lawmakers have required that youth receive notice of and/or participate in their court

hearings. California law provides that youth ages 10 and older are to be notified of their hearings, while Oregon requires the same for children age 12 and older. In other states, courts have taken the lead to ensure that youth in foster care participate in their court hearings. In Hawaii, for example, judges of the state’s First Circuit Court implemented policy that requires all youth age 14 and older appear at their court hearings unless they cannot be located, refuse to attend or the court determines that participation would be against their best interests.

### Youth Advisory Boards

Youth advisory boards are organizations in which current and former foster youth meet to discuss and develop strategies on how to improve the policies,

#### Hawaii

Hawaii enacted legislation to extend foster care in 2013, actively engaging and involving young people in promoting extended care. Hawaii has begun implementation and continues to engage young people in designing its extended voluntary care program. More than 100 youth participated in a survey of potential options for services and supports for youth to age 21. The Hawaii bill included broad flexibility in living arrangements for those ages 18 to 21, something young people have said is very important for their successful transition to adulthood. Key partners in this effort included the Hawaii H.O.P.E.S. youth leadership board members.

procedures and services provided to them by the state child welfare agency. They often work very closely with the state legislature, informing legislators of their experiences and participating in the legislative policy-making process. Youth advisory boards in several states were active in promoting states’ efforts to participate in the 2008 Fostering Connections Act’s optional provision to extend foster care beyond age 18.

All 50 states, and Washington, D.C., have youth advisory boards designed to engage current and former foster youth, and other young people, in the policymaking process to improve child welfare services. These boards also mentor and advise other foster youth, and a number of states have youth advisory boards at the local level.

## Youth Involvement in Case and Transition Planning

States can help and support youth in developing transition plans during the 90-day period before the

### Tennessee

Legislation was enacted in 2008 to require that a child or youth be present at a foster care permanency hearing and that the court confer with the child or youth about his or her permanency plan. The law required the court to review and ratify an independent living plan for a youth age 16 or older who is in the custody of the Department of Children's Services and specified that permanency hearings must be held for the purpose of reviewing the youth's transition plan to independent living.

young person exits foster care, at age 18 or up to age 21, as determined by the state child welfare agency. Transition plans typically must cover specific options including education, housing, health insurance, mentoring and other continuing support services, and work force and employment services. The plans must be personalized at the direction of the youth, including as much detail as he or she prefers.

To further assist states in easing youths' transition from foster care, in 2014, the [Preventing Sex Trafficking and Strengthening Families Act](#) required state child welfare agencies to consult with children in foster care age 14 and older in developing or revising his or her case plan. Additionally, state child welfare agencies must provide foster youth aging out of care at 18, or greater if the state has so elected, with a birth certificate, a Social Security card, health insurance information, medical records, and a driver's license or a state identification card.

## Foster Children's Bills of Rights

Foster children's bills of rights—enacted in 15 states and Puerto Rico—are designed to inform foster children of their rights within the child welfare system. Many of the bills require that they be posted in a place where children will see them. The bills include provisions requiring foster children to be informed about why they are in foster care and how the process will proceed. They often also address participation in extracurricular or community activities; educational stability; access to

guardian ad litem; access to mental, behavioral and physical health care; and access to or communication with siblings and family members.

Additionally, the case plan required by the Preventing Sex Trafficking and Strengthening Families Act must include a document describing the rights of the child to education, health, visitation and court participation, as

### North Carolina

North Carolina legislators enacted a Foster Children's Bill of Rights law in 2013 to ensure that children in care had rights to:

- A safe foster home free of violence, abuse, neglect, and danger
- Priority placement with siblings
- Better communication with case workers
- School stability
- Immediate search for relatives when a child is placed in care
- Participation in school extracurricular activities, community events and religious practices
- Establish and access a bank or savings account in accordance with state laws and federal regulations
- Obtain documents such as a birth certificate, Social security card and health records by the age of 16
- Communication and contact with siblings if separated
- Meaningful participation in a transition plan for those phasing out of foster care, including participation in a family team, treatment team, court and school meetings

well as the right to stay safe and avoid exploitation. The U.S. Department of Health and Human Services must provide Congress with an analysis of how states are administering the requirements to provide a list of foster youths' rights, select the case planning team and describe states' best practices.

## Resources:

- NCSL's [Engagement of Youth in Court](http://www.ncsl.org/default.aspx?tabid=25875) (<http://www.ncsl.org/default.aspx?tabid=25875>)
- National Resources Center for Youth Development: [state by state info map](http://www.nrcyd.ou.edu/) (<http://www.nrcyd.ou.edu/>)
- NCSL's [Foster Care Bill of Rights](http://www.ncsl.org/default.aspx?tabid=28547) (<http://www.ncsl.org/default.aspx?tabid=28547>)
- NCSL's [Preventing Sex Trafficking and Strengthening Families Act](http://www.ncsl.org/default.aspx?tabid=28682) (<http://www.ncsl.org/default.aspx?tabid=28682>)

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