Understanding the Foster Youth Bill of Rights and the Application of Reasonable and Prudent Parent Standard

Chief Probation Officers of California

2022 Foster Care Conference

Introductions

Who We Are

CALIFORNIA
FOSTER CARE
OMBUDSPERSON
YOU HAVE RIGHTS!

Learning Objectives

- Learn about the role, functions, limitations and the laws that govern the California Office of the Foster Care Ombudsperson
- Learn about the California Foster Youth Bill of Rights
- Learn about the Reasonable and Prudent Parent Standard
- Learn about cultural competence and cultural humility
- Learn about how to uphold the Foster Youth Rights by applying cultural humility and RPPS

What is an ombudsperson?

An Ombudsperson is an impartial, independent person with the authority and responsibility to receive, investigate, and/or informally address and resolve complaints about government actions and when appropriate, make systemic recommendations based on findings.

Our Roles

- **Investigate** foster youth rights violations and complaints about care, placement, and services.
- **Facilitate** training on Foster Youth Rights and Reasonable and Prudent Parent Standard (RPPS).
- **Provide** Foster Youth Verification Letters for emancipated foster youth.
- **Share** resources and information about local service providers.
- **Center** Foster Youth voices when influencing policy and practice changes.
- **Submit** written recommendations to agencies and annual reports to the Legislature.

Our Limitations

We can't change **court decisions** and/or **case plans**.

We have no authority regarding **personnel issues**.

Statistics (2021)

The OFCO…

- Processed 18,179 calls
- Opened 5,011 new cases
- Reviewed 1,964 Complaint Issues
- Investigated 300 youth & general complaints
- Taught 70 classes to 1,354 participants
- Sent 60,745 publications
- Generated 1,675 verification letters

Icebreaker

Getting to Know You

In what capacity do you work with youth?

Instructions:

There are three index cards in your folder. Please take them out and write the following:

1st card – Your most valuable personal item

2nd card – Your favorite cultural food dish

3rd card – A tradition that is important to you

4th card – A person that you have a good connection with

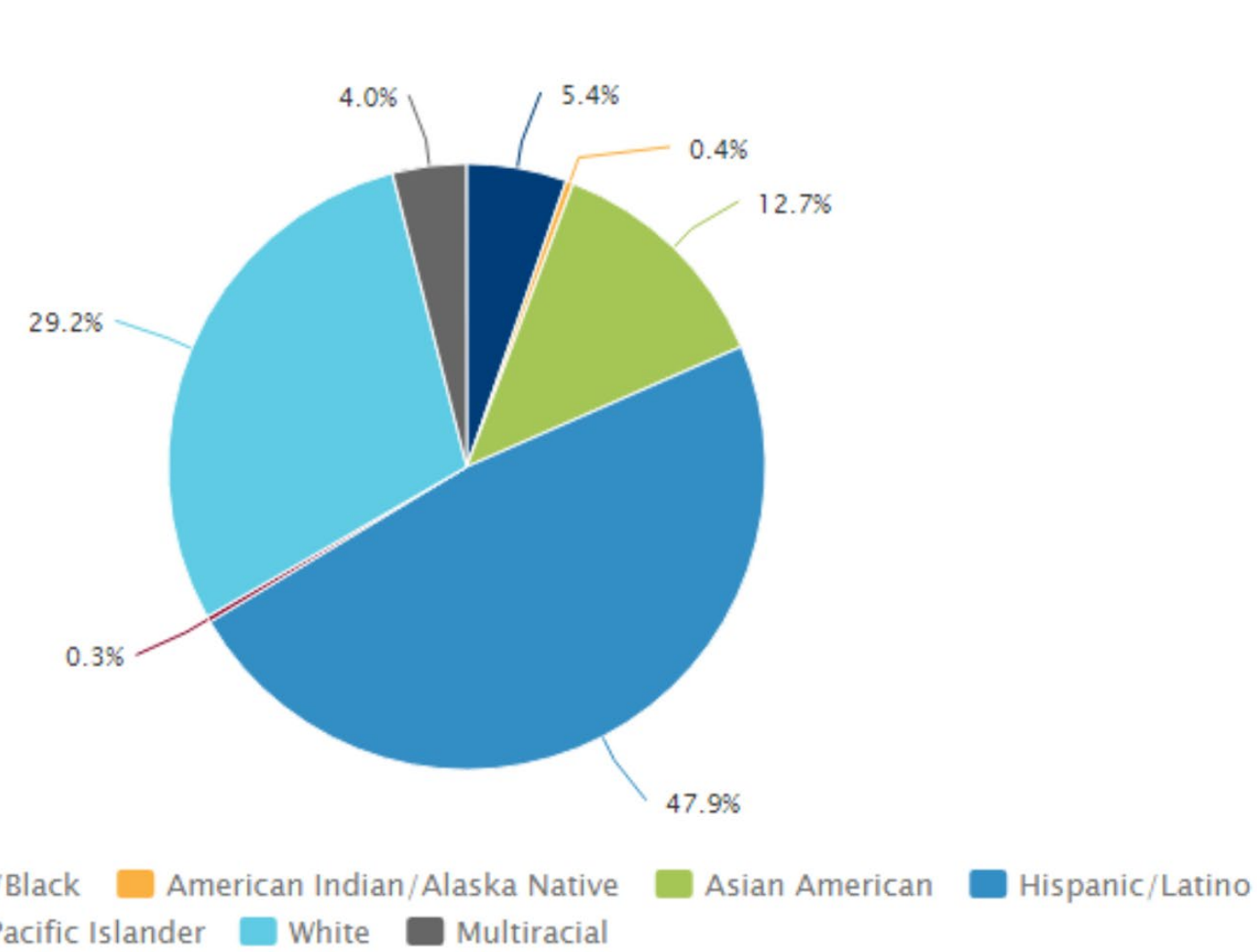
California Foster Youth Data

As of January 1, 2021, there are 59,716 youth in Foster Care in the state of California.

Disproportionality and Disparities in Child Welfare and Foster Care Systems Continues to Highlight the Inequity in California's Child Welfare System.

Webster, D., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Wiegmann, W., Saika, G., Chambers, J., Hammond, I., Ayat, N., Gomez, A., Misirli, E., Hoerl, C., Yee, H., Flamson, T., Gonzalez, A., & Ensele, P. (2022).*CCWIP reports*. Retrieved Mar 16, 2022, from University of California at Berkeley California Child Welfare Indicators Project website. URL: https://ccwip.berkeley.edu

California's Child Population, by Race



Estimated percentage of the child population ages 0-17, by race/ethnicity (e.g., in 2020, 4% of California children were multiracial).

Source: As cited on kidsdata.org. California Dept. of Finance, Population Estimates and Projections (Ma 2020); U.S. Census Bureau, Population and Housing Unit Estimates (Jul. 2020)

California Foster Youth Data (Child Welfare) Percentage

October 2021

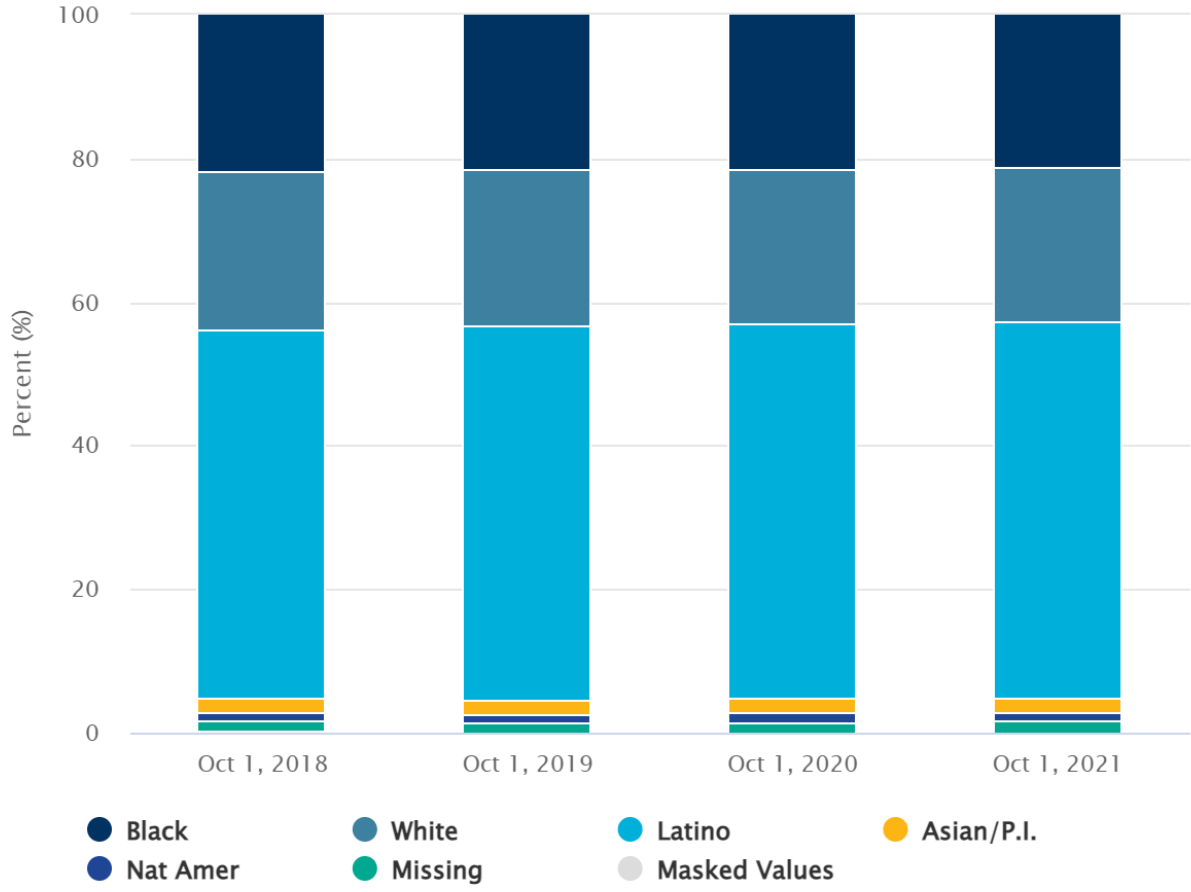
Black – 12,294 youth – 21.2%
White – 12,481 youth – 21.5%
Latino – 30,394 youth – 52.3%
Asian/P.I. – 1,231 youth – 2.1%
Nat Amer – 694 youth – 1.2%
Missing – 978 youth – 1.7%

Webster, D., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Wiegmann, W., Saika, G., Chambers, J., Hammond, I., Ayat, N., Gomez, A., Misirli, E., Hoerl, C., Yee, H., Flamson, T., Gonzalez, A., & Ensele, P. (2022).*CCWIP reports*. Retrieved Mar 16, 2022, from University of California at Berkeley California Child Welfare Indicators Project website. URL: https://ccwip.berkeley.edu

California Child Welfare Indicators Project (CCWIP)
University of California at Berkeley
California Department of Social Services, Research and Data Insights Branch

Children in Foster Care
Agency Type: Child Welfare

California



Data Source: CWS/CMS 2021 Quarter 3 Extract.
Program version: 2.00 Database version: 7464ED4A
Please consult the methodology for detailed placement type definitions.
CCWIP reports. Retrieved Mar 10,2022, from University of California at Berkeley California Child Welfare Indicators Project website.URL: https://ccwip.berkeley.edu

Highcharts.com

California Foster Youth Data (Probation) Percentage

October 2021

Black – 517 youth – 27.7%

White – 364 youth– 19.5%

Latino – 914 youth– 49%

Asian/P.I. – 37 youth– 2%

Nat Amer – 16 youth– 0.9%

Missing – 16 youth – 0.9%

Webster, D., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Wiegmann, W., Saika, G., Chambers, J., Hammond, I., Ayat, N., Gomez, A., Misirli, E., Hoerl, C., Yee, H., Flamson, T., Gonzalez, A., & Ensele, P. (2022).*CCWIP reports*. Retrieved Mar 16, 2022, from University of California at Berkeley California Child Welfare Indicators Project website. URL: https://ccwip.berkeley.edu

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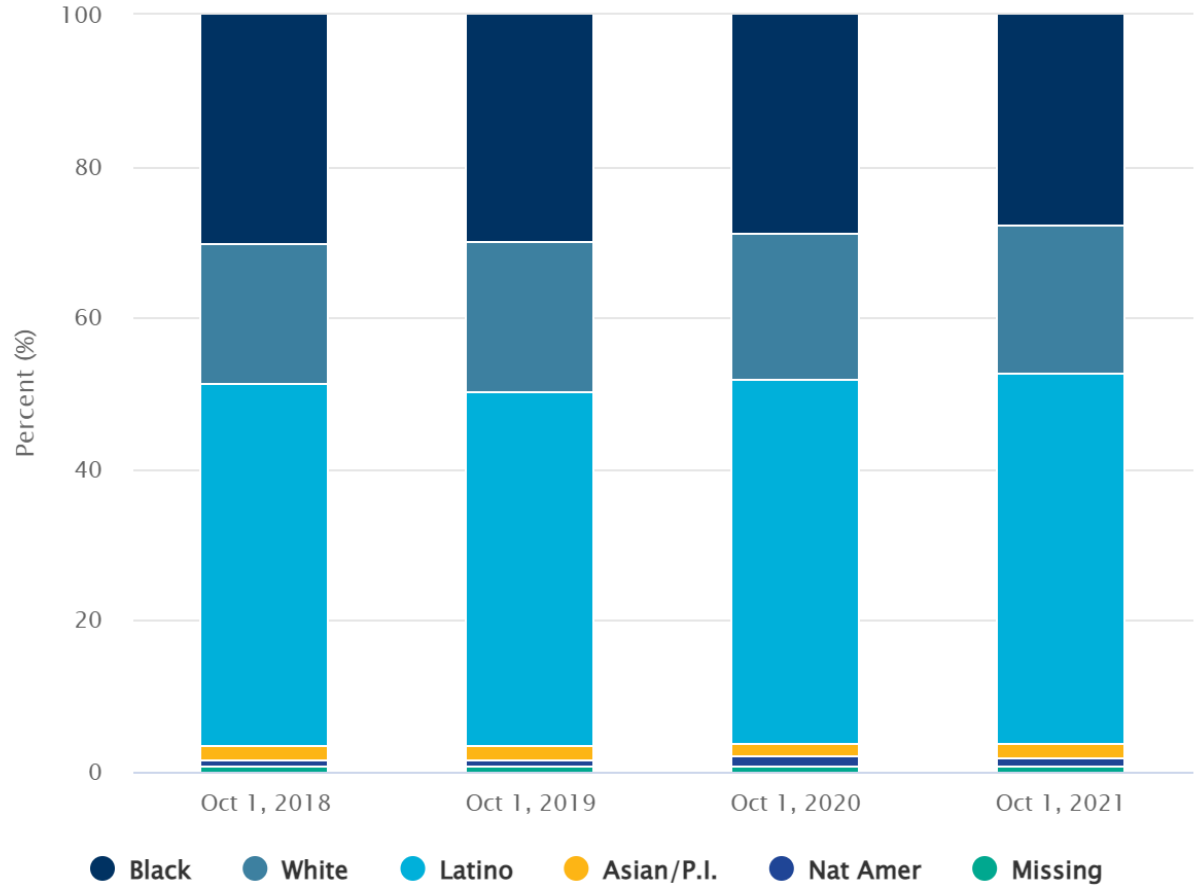

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Highcharts.com

Disproportionality and Disparity Defined

Disproportionality: The underrepresentation or overrepresentation of a group compared to its percentage in the total population

Disparity: The unequal outcomes of a group as compared to outcomes for another group

Data from the Child Welfare Indicators Project highlight disproportionality and disparity of the composition of race in the foster care system.

Source: Children's Bureau, 2016
https://www.childwelfare.gov/pubPDFs/racial_disproportionality.pdf

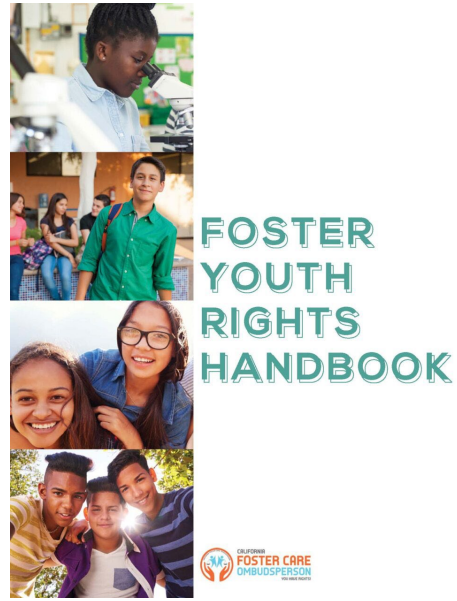
What tools do we have to address challenges?

Best Practice:

Cultural Competence & Humility

The Law:

Foster Youth Bill of Rights & RPPS



Cultural Competence and Cultural Humility

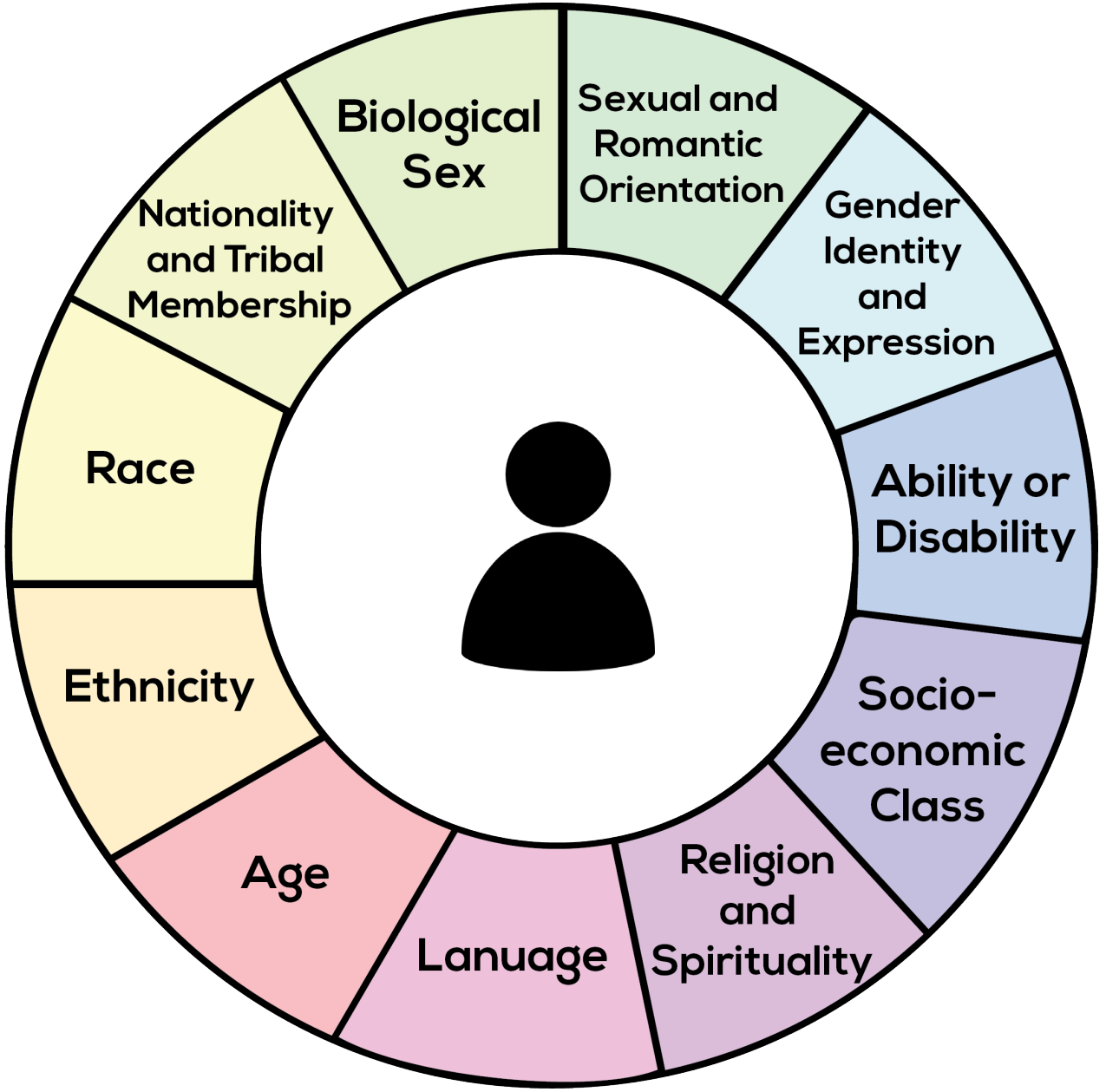
Identity Wheel

Self-Reflection Activity

We all have many identities and are members of multiple communities. This impacts our lived experience.

Draw your own identity wheel based on the example on the right.

- What identities are important to you?
- What are the cultural practices associated with your identities?
- How do your identities impact your everyday life?
- Do people treat you differently because of your identities?



Cultural Competence

Cultural competence is the ability to understand, communicate with and effectively interact with people across cultures.

Cultural competence encompasses 4 features:

(a) Awareness of one's own cultural worldview

(b) Attitude towards cultural difference

(c) Knowledge of different cultural practices and worldviews, and

(d) Cross- Cultural Skills

What is Cultural Humility?

Cultural humility goes beyond the concept of cultural competence to include:

A personal lifelong commitment to self-evaluation and self-critique. Cultural humility requires a recognition of power dynamics and imbalances, a desire to fix those power imbalances and the ability to develop partnerships with people and groups who advocate for others.

Cultural Humility in Child Welfare & Foster Care

Cultural humility refers to the attitudes and practice of working with clients at the micro, mezzo and macro levels with a presence of humility, while learning, communicating, offering help and making decisions in professional and practice settings.

Source: NASW, 2016, p. 16

How can we apply Cultural Humility?

Check Our Bias

Approach every situation with empathy.

Ask the right questions.

Take the time to ***understand*** a client's needs before taking action.

Consider the family's specific needs based on their culture and experience.

Make sure everyone has the same understanding of what the challenges and goals are.

Empower youth and families to find solutions to their own challenges.

Foster Youth Bill of Rights

AB 175

AB175 was passed on October 2, 2019, updating the Foster Youth Bill of Rights and clarifying our office role as providing training and technical assistance.

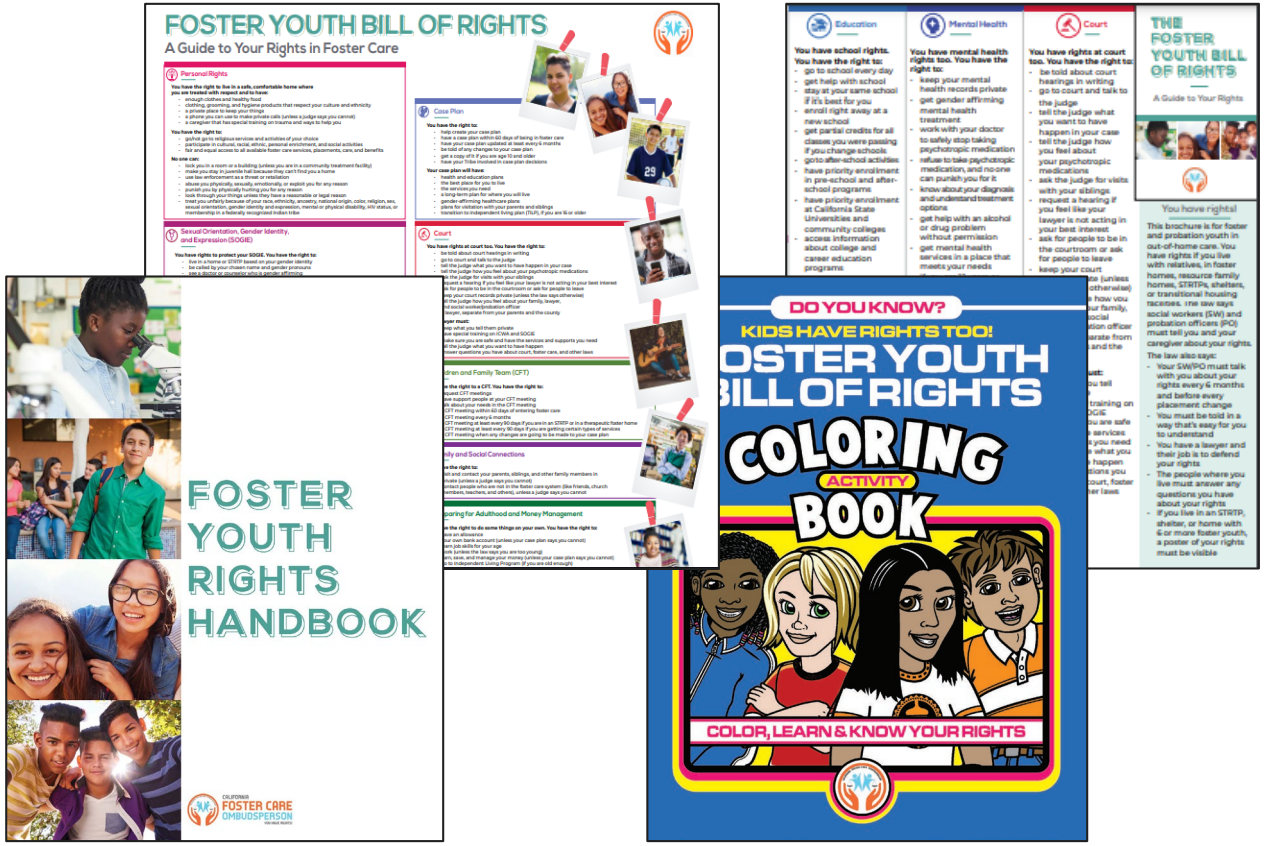
The bill went into effect in January 2020.

Foster Youth Rights Publications

The updated Bill of Rights publications are available in English & Spanish to the public including:

- Coloring Book
- Teen Handbook
- Pocket Accordion
- Poster

Order printed versions online: https://fosteryouthhelp.ca.gov/publication-request-form/



Foster Youth Bill of Rights Categories

Personal Rights

ICWA

SOGIE

Education

Sexual & Reproductive

Mental Health

Health

Court

Case Plan

CFT

Family Connections

Adulthood & Money Management

Is this a Foster Youth Bill of Rights violation?

Listen to the following scenarios and determine if it is a potential foster youth rights violation. Choose the “Yes” or “No” option in the poll.

Anthony is placed in an STRTP that purchases all hygiene and grooming products in bulk. He asks to have shampoo and conditioner that is made specifically for his hair type. The staff tell Anthony that he must use the products in the bathroom.

Is this a Foster Youth Bill of Rights violation?

Monica gets into a fight with a classmate. She and the other student are sent to the principal's office. Monica tries to explain her side of the story, but the principal immediately suspends her for 3 days without giving an explanation.

Is this a Foster Youth Bill of Rights violation?

Caleb returns to his foster home after going on a school field trip. The resource parents search his backpack to make sure he is not hiding anything inappropriate. They do this whenever he leaves the house because they want to make sure he is being safe and following the rules.

Is this a Foster Youth Bill of Rights violation?

Vanessa is placed in a foster home. The resource parent decides to take her cell phone away and will not allow her to call or text without close supervision. There is no court order limiting or restricting Vanessa's phone access or communication, but the resource parent is still worried that she will contact inappropriate people.

Is this a Foster Youth Bill of Rights violation?

Jordan comes out as a trans girl and goes by she/her pronouns. However, Jordan's birth certificate and previous court documents do not have the same pronouns. The staff refer to Jordan with she/her pronouns.

Is this a Foster Youth Bill of Rights violation?

Fatima takes Adderall in the mornings to help manage her ADHD. She wakes up one morning and decides she doesn't want to take it anymore. The probation officer tells her that she cannot attend drama club until she resumes taking the medication or talks to a doctor.

Is this a Foster Youth Bill of Rights violation?

Reasonable and Prudent Parent Standard (RPPS)

Normalcy

What is it?

- Focus on permanency
  - Connection to family, friends, and adult supporters
- Participate in routine activities
  - Sports, field trips, parties, etc.
- Develop independence
  - Driver’s license, having responsibilities, etc.

This applies to all children and youth in foster care in all home settings.

Normalcy

Why does it matter?

- Explore and develop interests and talents
- Safely experiment and practice decision-making
- Develop healthy relationships with peers and adults
- Support overall well-being

Normalcy Activity

What are examples of promoting “normalcy” in the lives of foster youth?

Reasonable and Prudent Parent Standard (RPPS)

- Careful and sensible parenting decisions that maintain the youth's health, safety, and best interests while encouraging the youth's emotional and developmental growth.

- A caregiver shall use RPPS when determining when to allow a child in foster care under the responsibility of the State to participate in extracurricular, enrichment, cultural, and/or social activities.

How RPPS Decisions Are Made

These factors may be considered when a caregiver is making an RPPS Decision:

- Age
- Ability
- Maturity
- History
- Input from service providers
- Parenting experience
- Length of time of placement
- Past behaviors
- Known precautions
- Other relevant factors

RPPS applies to…

Day to day and routine or typical caregiver decisions: Chores, watching TV, playing video games

Participation **in age and developmentally appropriate** school, extracurricular, sports, social/cultural enrichment, field trips and similar activities

Applying Cultural Humility and RPPS to Uphold the Foster Youth Rights

Cultural Humility for Indian Child Welfare Act (ICWA) Youth

- Be supportive of youth's relationship to their Tribe, tribal community, and Indian community
- Ensure youth can participate in Tribal ceremonies, events, classes and traditional Native American practices
- Ensure youth has access to culturally specific services offered by their Tribe, Tribal community, and Indian community
- Support youth as they connect with their culture and Tribe and learn more about their identity
- Get guidance from tribal representatives on how to support the youth

Cultural Humility for Black Youth in Foster Care

- Ensure that youth are provided with cultural and ethnic grooming, hygiene, and hair care products
- Ensure that youth can participate in cultural holidays and activities
- Be supportive and open to talk about racial unrest and Black Lives Matter

Cultural Humility for LGBTQ+ Youth in Foster Care

- Recognize own bias and perception about SOGIE identities and the LGBTQ+ community – learn about LGBTQ+ issues and history
- Use youth's chosen name and gender pronouns
- Use gender neutral language when engaging with youth (Example: "Tell me more about the person you're dating" instead of "boyfriend/girlfriend")
- Ensure youth can express themselves according to their gender identity and expression (clothing, hairstyle, room décor, etc.)
- Ensure youth has access to providers, services, and support systems (gender-affirming doctors and counseling, LGBTQ+ groups and events, etc.)
- Support youth on their journey of self-discovery – be open-minded!

Cultural Humility for Youth with Disabilities

- Advocate for **disability inclusion**
- Provide accommodations
- Ensure youth have access to services, resources, and supports they need

What is Disability Inclusion?

- Including people with disabilities in everyday activities and encouraging them to have roles similar to their peers who do not have a disability is *disability inclusion.*
- This involves more than simply encouraging people; it requires making sure that adequate policies and practices are in effect in a community or organization.

Case Study Activity

Challenge:
Robert wants to march with his local Black Lives Matter chapter during the city's Pride Parade. The Parade is an all-day event, but Robert has an 8 p.m. curfew. The resource parents will not allow him to attend due to safety concerns and staying out past curfew.

How can we apply cultural humility and RPPS to uphold the foster youth rights?

Remember the Goal

Uphold the Foster Youth Rights

Thank You!

Contact us at **877-846-1602** Monday through Friday from 8AM – 5PM or email us at fosteryouthhelp@dss.ca.gov. Visit our website at fosteryouthhelp.ca.gov.

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