



# Practice Bulletin

## Normalcy

GuardianadLitem.org

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### *I am not a Foster Care Child – I am a Child in Foster Care*

In the past, foster children have been treated differently than children of the same age in intact families. Many of the laws that were created to protect foster children also had the effect of limiting their childhood experiences. **The purpose of normalcy is to give foster children more opportunities to gain the life skills necessary for successful transition to independent living and self-sufficiency as adults.** Whether a child is placed in a licensed foster home setting or group home setting, they are entitled to be provided opportunities for ‘normal’ childhood experiences and life skills. It was the intent of the Legislature for the Department of Children and Family Services to assist older children in foster care and young adults who exit foster care at age 18 in making the transition to independent living and self-sufficiency as adults. In fact, section § 409.1451(3)(a) states “the Department SHALL provide ...with opportunities to participate in life skills activities in their foster families and communities which are reasonable and appropriate for their respective ages ...” Many of the issues that blocked children from participating in activities similarly aged children in the community participated in, have been removed. Confidentiality requirements for department records may not be used as a restriction on the child’s participation in customary activities appropriate for the child’s age and developmental level. Youth should be encouraged and assisted in participating in activities such as the child having his or her picture taken for publication in a newspaper or yearbook and receiving public recognition for accomplishments.

After meeting with the State Youth Advisory Board (child welfare advocates and foster care youth), former Department of Children and Families Secretary, Lucy Hadi, wrote a memorandum addressing *Normalcy for Children in the Custody of the Department*. The memo included reference to the barriers that youth were experiencing while placed in licensed care and provided guidance in allowing teens in foster care to be provided a normal childhood experiences. You can read the memorandum here. <http://tinyurl.com/3wr9yca>

In 2008, the Florida legislature passed legislation requiring ALL youth in out-of-home care are required to have a Normalcy or Teen Plan.

#### Finding the Statutes and Rules

- **Normalcy requirements can be found in:**
  - § 409.1451(3)(a) Florida Statutes (2010).
- **The department adopted rules to be found in the Florida Administrative Code (F.A.C.).**
  - The child welfare rules generally are found in Chapters 65C-28, 65C-29 and 65C-30, F.A.C.
  - The rule on “normalcy” is found in Rule 65C-30.007(10), Fla. Admin. Code, 65C – 31 F.A.C., and 65C – 13.029

#### What is an Age-Appropriate Plan Normalcy or Teen Plan?

##### Ensure the Normalcy Plan is Reviewed Every 3 Months

The Normalcy Plan is a *written* plan. Participants must develop a written plan, of specific goals and objectives that promotes the child’s participation in activities similar to those of non-foster care children. The plan must be written and must be developed with foster parent or caregiver, the child (13+), and the case manager. **The written plan must be reviewed and updated no less than quarterly.** The plan can include such things as allowance, extracurricular activities, field trips scheduled in the next few months, etc. The child shall be able to participate in activities that promote personal and social growth, self-esteem and independence as long as he or she is not identified as a foster child.

Ask what extracurricular activities the child is currently participating? Ask what extracurricular activities the child would like to participate in?

A written plan should also include (for example), permission and encouragement for the child to:

- engage in appropriate social and extracurricular activities
- obtain employment
  - Know how to fill out a job application (age 15)
  - Know how to make a resume (age 15)
  - How to apply for a job (age 16)
  - Interviewing skills (age 16)
- have contact with family members, friends and other people important to the child
  - The only exception is when the court specifically bars contact with an individual
- have access to phone usage and reasonable curfews
- travel with other youth or adults

The written plan should also address assistance in participating in activities such as:

- the child having his or her picture taken for publication in a newspaper or yearbook
- receiving public recognition for accomplishments
- participating in school or after-school organizations or clubs
- participating in community events
- Support of the child's efforts to learn to drive a car
- Support efforts to obtain learner's permit & drivers license (age, maturity, insurance)
  - Efforts shall be made to obtain automobile insurance (foster parents are not required to pay for a car or car insurance).
- Other age appropriate activities were developed by the State Youth Advisory Board – a leadership group made up of current and past foster care children. <http://bit.ly/jZas9N>

### **Foster Parent Liability**

Provided the age-appropriate activity is in a written plan developed and signed by the foster parent or caregiver, the child and the case manager, the foster parent shall not be held responsible for, or have the foster care license at risk, as a result of the child's participation in the age-appropriate activity. § 409.1451(3)(a)3, Fla. Stat. (2010)

### **Confidentiality**

Confidentiality requirements for department records shall not restrict the child's participation in customary activities appropriate for the child's age and developmental level.

### **Discipline**

Normalcy opportunities shall not be withheld as a form of discipline

### **Disabled Youth**

Licensed out-of-home children who are diagnosed with mental and/or physical disabilities also need to be included in normalcy plans. Their opportunities will be based on experiences for continued growth and maturation as it will for all children in licensed out-of-home care.

### **Driving a Car**

- Support of the child's efforts to learn to drive a car
  - *If opportunities for driver's education are not available through the school district, the licensed out-of-home caregiver and Services Worker shall assist the child in finding a driver's education program.* FAC 65C-30.007(10)d1
- Support efforts to obtain learner's permit & drivers license (age, maturity, insurance)
- Efforts shall be made to obtain automobile insurance. FAC 65C-30.007(10)d1

What will be done to assist the child in finding a driver's education program? Responsible party? What efforts will be made to obtain automobile insurance? Date? What will be done to support the child's efforts to obtain a learner's permit and driver's license (age, maturity, insurance)? Date?

### **Allowance**

"Children in licensed out of-home care shall receive an allowance not less frequently than each month..." All children in foster care, starting at age 6, are to have a minimum allowance, which is not to be reduced as a punishment or for disciplinary reasons. Additional money may be provided as a reward for good behavior. However, this would be determined by the foster parent(s) or caregiver(s). Providing toiletries, toys or other tangible items in lieu of money is not permitted. Allowance money should also not include money needed to purchase toiletries. F.A.C. 65C-029.

### **Overnight Outings**

Overnight outings are a part of childhood and learning to be self sufficient. As such, the overnight outing should be encouraged or at the

least permitted. In order to allow an overnight outing, the caregiver must take the same precautions any responsible parent would. Criminal, delinquency and abuse/neglect history checks for dating, outings and activities with friends, families and school and church groups are **not necessary** for participation in normal school or community activities. Overnight trips exceeding one night must be approved by the child's services worker and must not interfere with visitation schedules. F.A.C. 65C-13.029. The out-of-home caregiver must determine that the overnight outing is safe & appropriate.

**The out of home caregiver shall:**

- Consider if there will be adult supervision
- Be as diligent in determining approval for such events as he or she would for his or her own children, and
- Use his or her parenting skills to familiarize himself or herself with the individual or group that the child wishes to spend time with and evaluate the child's maturity level and ability to participate in the activity appropriately
- criminal, delinquency and abuse/neglect history checks for dating, outings and activities with friends, families and school and church groups are not necessary for participation in normal school or community activities
- the services worker shall be available for consultation

**What overnight or planned outings are possible for the child?**

**Educational Planning**

Support of school attendance and participation and to encourage and support educational planning, i.e., college, vocational or technical programs.

- See guidelines regarding educational planning.
- See worksheet for youth educational planning.

**Other Experiences without Direct Supervision**

Youth should be able to experience circumstances without direct supervision. These activities depend on the child's age, maturity, and ability to make appropriate decisions. Examples include: dating, part-time employment, baby-sitting, arriving home after school, trips to the mall, attending athletic events and social outings with friends. Ultimately, this is a determination for the caregiver to make based on "familiarity with the child and the circumstances in which the child shall be unsupervised." F.A.C. 65C-30.007.

**Information to Be Provided to the Child**

Child must be provided the following information:

- drug and alcohol use and abuse
- teen sexuality issues
- runaway prevention
- health services
- community involvement
- knowledge of available resources
- identifying legal issues
- understanding his or her legal rights
- accessing specific legal advice

Information regarding these topics can be found on the Florida Guardian ad Litem website's Teen Resources section at [http://guardianadlitem.org/teen\\_main.asp](http://guardianadlitem.org/teen_main.asp)

**Additional Resources**

You can find the Normalcy Checklist at <http://guardianadlitem.org/documents/Normalcy.pdf> And a sample Normalcy Worksheet at <http://guardianadlitem.org/documents/Normalcyform.doc>

Florida's Center for the Advancement of Child Welfare Practice. Normalcy Implementation Resources <http://centerforchildwelfare.fmhi.usf.edu/il/normalcy/Forms/AllItems.aspx>

'Rights and Expectations for Children and Youth in Shelter or Foster Care' pamphlet <http://www.dcf.state.fl.us/programs/fostercare/docs/fsp5320.pdf>



# FLORIDA GUARDIAN AD LITEM

## Normalcy Checklist

### **NORMALIZATION § 409.1451(3)(A), FLA. STAT. (2010), AND NORMALCY FOR ADOLESCENTS AND TEENAGERS IN THE CUSTODY OF THE DEPARTMENT 65C - 30.007(10) F.A.C.**

Children should be allowed and encouraged by the licensed out-of-home caregiver, and service worker to engage in appropriate social and extracurricular activities to promote the child's social development and maturity.

#### **REQUIREMENTS**

Participants must develop a written plan, of specific goals and objectives that promotes the child's participation in activities similar to those of non-foster care children. These opportunities shall not be withheld as a form of discipline.

#### **PARTICIPANTS**

- foster parent or caregiver, licensed out-of-home caregiver
- the child (13+), and
- the case manager

#### **ACTION ITEMS**

- Develop procedures to maximize the authority of foster parents or caregivers to approve participation in age-appropriate activities of children in their care
- Develop a written plan with participants, sign, follow
- Develop a list of age-appropriate activities and responsibilities
- Assist out-of-home caregiver and Services Worker shall assist the child in finding a driver's education program
- Support of the child's efforts to learn to drive a car
- Support efforts to obtain learner's permit & drivers license (age, maturity, insurance)

- Efforts shall be made to obtain automobile insurance
- If child wants to attend overnight or planned outings: The out-of-home caregiver must determine that it is safe & appropriate. The out of home caregiver shall:
  - Consider if there will be adult supervision
  - Be as diligent in determining approval for such events as he or she would for his or her own children, and
  - Use his or her parenting skills to familiarize himself or herself with the individual or group that the child wishes to spend time with and evaluate the child's maturity level and ability to participate in the activity appropriately
  - Criminal, delinquency and abuse/neglect history checks for dating, outings and activities with friends, families and school and church groups are not necessary for participation in normal school or community activities.
  - the services worker shall be available for consultation

- Child **must** be provided information regarding:
  - drug and alcohol use and abuse
  - teen sexuality issues
  - runaway prevention
  - health services
  - community involvement
  - knowledge of available resources
  - identifying legal issues
  - understanding his or her legal rights
  - accessing specific legal advice
- Permission and encouragement of the child to:
  - engage in appropriate social and extracurricular activities
  - obtain employment

- have contact with family members
- have access to phone usage
- have reasonable curfews
- travel with other youth or adults

- Assistance in participating in activities such as:
  - the child having his or her picture taken for publication in a newspaper or yearbook
  - receiving public recognition for accomplishments
  - participating in school or after-school organizations or clubs
  - participating in community events

#### **REVIEW/ACCOUNTABILITY**

- Written plan must be reviewed and updated no less than quarterly

#### **SPECIAL CONSIDERATIONS**

- Disabled youth shall be provided with an equal opportunity to participate in Independent Living services.
- The child shall be able to participate in activities that promote personal and social growth, self-esteem and independence as long as he or she is not identified as a foster child.
- Confidentiality requirements for department records shall not restrict the child's participation in customary activities appropriate for the child's age and developmental level.
- Provided the age-appropriate activity is in a written plan developed and signed by the foster parent or caregiver, the child and the case manager, the foster parent shall not be held responsible for, or have the foster care license at risk, as a result of the child's participation in the age-appropriate activity § 409.1451(3)(a)3