

SAFE CHILDREN • STRENGTHENED FAMILIES

IMPLEMENTING HB 346

The Normalcy Bill

A LITTLE HISTORY

- 2010-2013-Youth SpeakOut
- 2012-State and Regional Youth Councils
- October 2012-Child Welfare Legislative Oversight Panel
- Representative Johnny Anderson (R-Taylorsville)
- Senator Allen Christiansen (R-North Ogden)

FLORIDA

- CS/HB 215
- Reasonable and Prudent Parenting
- Only state to pass “normalcy bill”
- Barriers to implementation
 - Group Homes
 - Residential Treatment
 - Liability
 - Privatized

CALIFORNIA

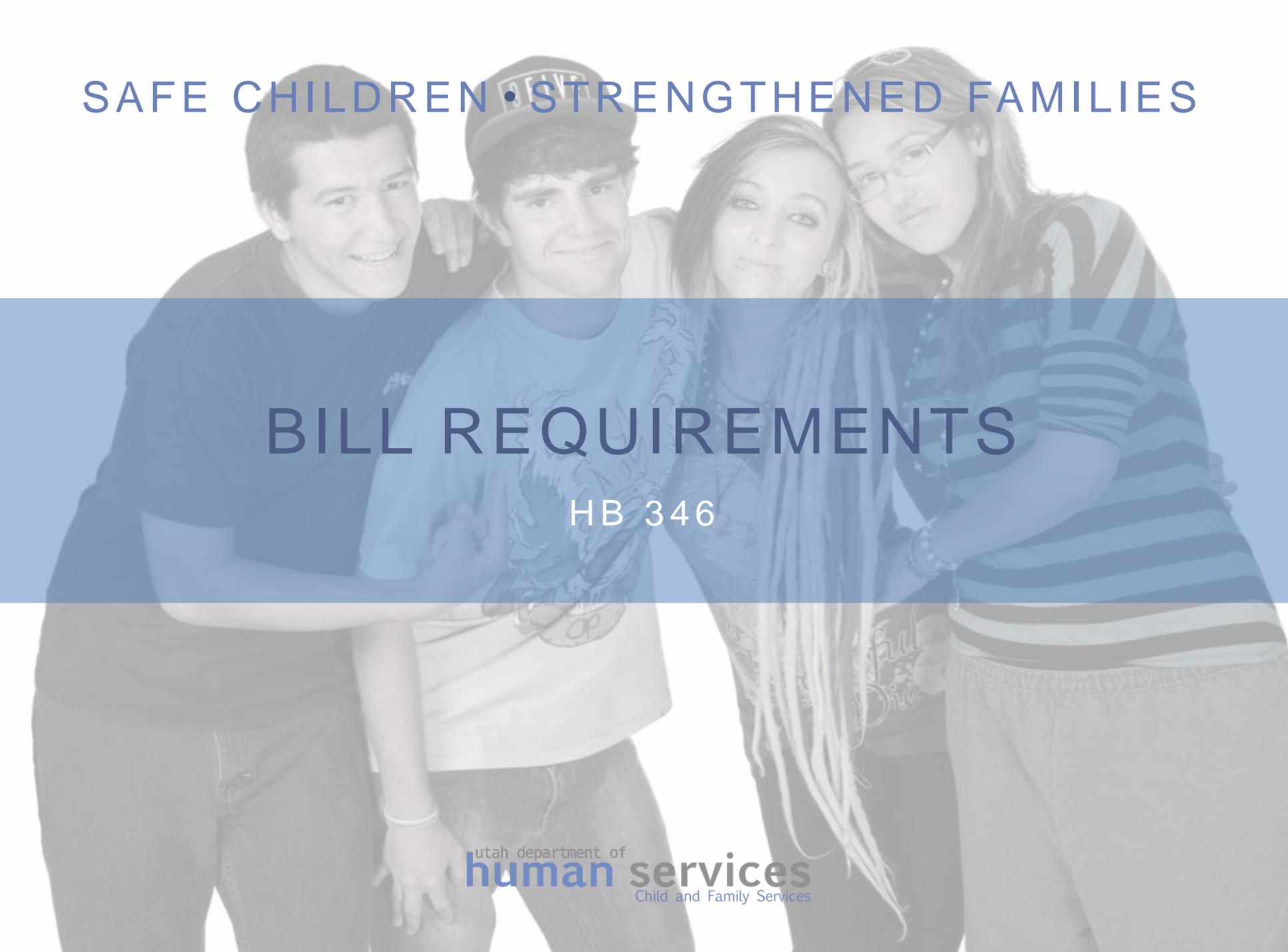
- Youth Activities in School
- Lawsuit-youth being denied access to extra-curricular activities in school due to status as a foster child
- Focused on public school system

MICHIGAN

- Guide to approve activities for youth
- No state statute to help enforce
- Given to caregivers during trainings
- Given to caseworkers during new employee trainings

UTAH

- Used all three states to draft bill
- Bi-partisan support of the bill
- Social Services Appropriations hearings for the House and Senate
- Youth attended all hearings and House vote
- Youth driven legislation



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BILL REQUIREMENTS

HB 346

utah department of
human services
Child and Family Services

UTAH

- Requires the Division of Child and Family Services (the Division) to make efforts to normalize the life of a child in the division's custody and to empower a caregiver to approve or disapprove a child's participation in activities based on the caregiver's own assessment using a reasonable and prudent parent standard, without prior approval of the division

UTAH

- Requires the division to verify that private agencies providing out-of-home placement under contract with the division promote and protect the ability of a child to participate in age-appropriate activities;

UTAH

- Provides that a caregiver is not liable for harm caused to a child in an out-of-home placement, if the child participates in an activity approved by the caregiver, provided that the caregiver has acted in accordance with a reasonable and prudent parent standard

UTAH

- “Activity” means an extracurricular, enrichment, or social activity.
- “Age-appropriate” means a type of activity that is generally accepted as suitable for a child of the same age or level of maturity, based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for the child's age or age group.
- “Caregiver” means a person with whom a child is placed in an out-of-home placement.

UTAH

- "Out-of-home placement" means the placement of a child in the division's custody outside of the child's home, including placement in a foster home, a residential treatment program, proctor care, or with kin.

REASONABLE AND PRUDENT PARENTING

- "Reasonable and prudent parent standard" means the standard characterized by careful and sensible parental decisions to maintain a child's health, safety, and best interest while at the same time encouraging the child's emotional and developmental growth.

REASONABLE AND PRUDENT PARENTING

- A caregiver shall use a reasonable and prudent parent standard in determining whether to permit a child to participate in an activity.
- A caregiver shall consider:
 - the child's age, maturity, and developmental level to maintain the overall health and safety of the child;
 - potential risk factors and the appropriateness of the activity;
 - the best interest of the child based on the caregiver's knowledge of the child;
 - the importance of encouraging the child's emotional and developmental growth;
 - the importance of providing the child with the most family-like living experience possible; and
 - the behavioral history of the child and the child's ability to safely participate in the proposed activity.

UTAH

- Group Homes/Residential Treatment Facilities
 - Required to provide activities for youth that are an extracurricular, enrichment, or social activity.
 - The type of activity that is generally accepted as suitable for a child of the same age or level of maturity, based on the development of cognitive, emotional, physical, and behavioral capacity that is typical for the child's age or

UTAH

- Private Contracts (Proctor Agencies)
 - Caregiver is to be able to make the decision
 - Some agencies require caregivers to obtain permission from the agency before youth can participate in activity
 - Some agencies allow their caregivers to make use reasonable and prudent parenting

YOUTH VOICE

- Youth driven
 - Youth makes request to participate
 - Reasonable and prudent parenting used to make decision
- Babysitting & Respite
 - Caregiver Driven
 - Licensing rules apply
 - Is not considered an activity

YOUR RESPONSIBILITIES

- Non-Routine activities with an inherent risk of bodily harm, injury or death
 - Caregiver must make worker aware to assess if the youth should participate in the activity using reasonable and prudent parenting
 - Include normal activities in the youth's Child and Family Plan
 - Outside organizations requiring Guardian's Signature on forms- cannot be DCFS or the Caregiver

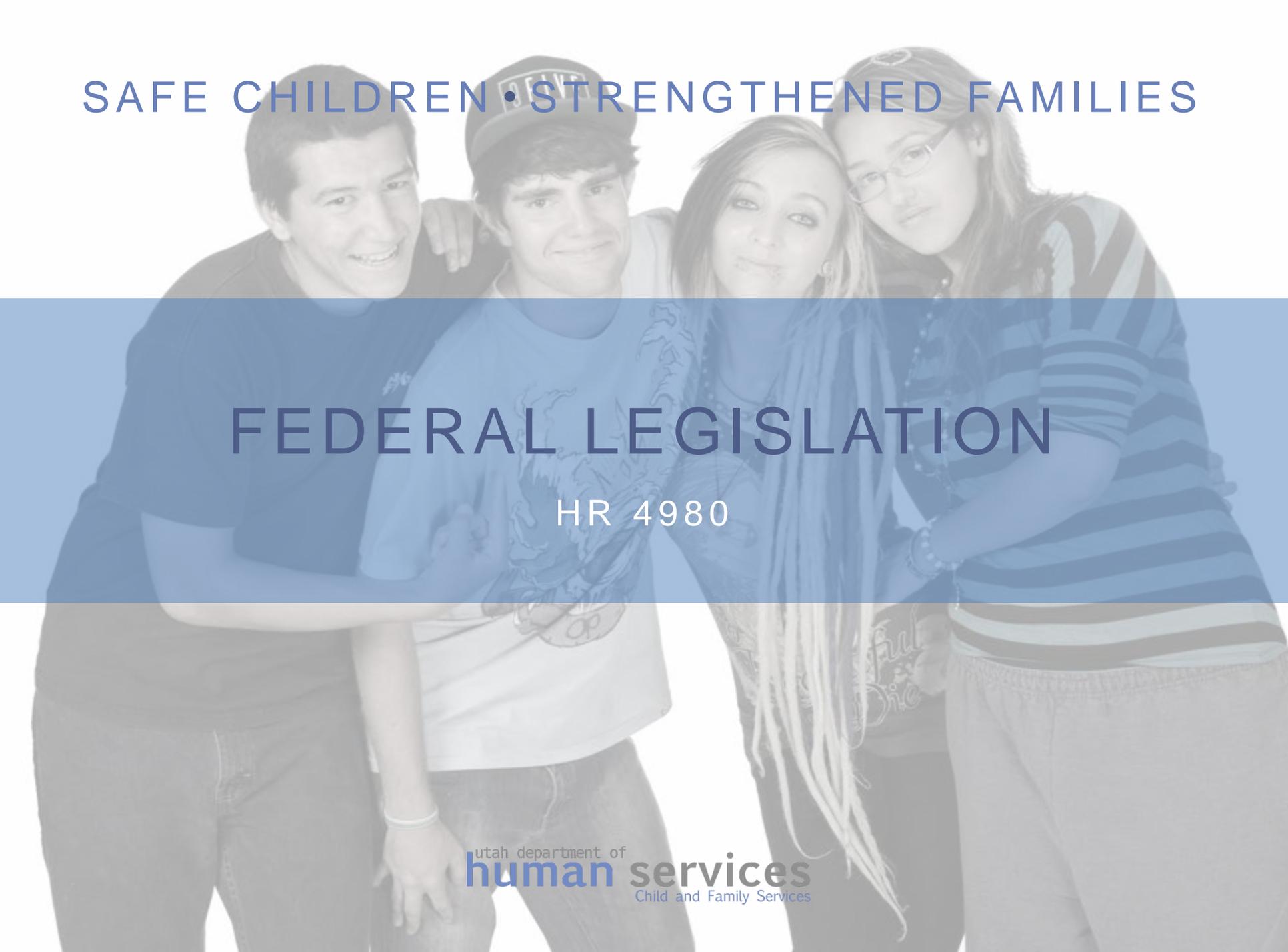


YOUR RESPONSIBILITIES

- Activities done as safely as possible
 - Hunter's Education
 - Minor's Use of Firearms **76-10-509**
 - Possession of Firearms **76-10-509.6**
 - OHV's
 - DOT/Snell approved helmets
 - OHV Education if youth does not have driver's license
 - Personal Watercraft/Boating
 - Coast Guard approved life jackets
 - Boating Education

HOW DO WE PAY FOR THIS?

- Children under 14
 - Wishing Well Fund if placed in levels I-III
 - Special needs
- Children over 14
 - Wishing Well Fund if placed in levels I-III
 - Fostering Childhood if placed in levels IV-VII
 - Chafee-cannot be used for entertainment



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FEDERAL LEGISLATION

HR 4980

utah department of
human services
Child and Family Services

HR 4980-THE PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT

- **What is this bill?** H.R. 4980 combines several previous bills into one in order to improve child welfare across the country. Last year, many members of Congress proposed multiple ways to improve foster care with their own individual bills. In an effort to work together, Congress agreed to make one new bill, combining parts of the old ones. This new bill, sponsored by David Camp, has several parts and many important new rules to help foster youth everywhere in the United States. Most importantly, these improvements were a result of conversations with foster youth.

HR 4980

- **Youth Rights:** States are required to provide any youth 14 or older a list of their rights as well as a signed acknowledgement that the youth received the list
- **Prudent Parenting:** New requirements for “prudent parenting” standards (this means states will make plans to allow foster parents and group homes, instead of just caseworkers or agencies, to decide whether a youth can participate in age appropriate activities like sports or other extra curricular activities)
- **Normalcy:** For older youth, the ability to participate in “normal”, age appropriate activities must be discussed at the youth’s case planning meetings; Congress has also given money to pay for these activities starting in 2020

HR 4980

- **Case Planning:** Starting at age 14, youth will be given the opportunity to become involved in the development of their case plan and transition plan; youth will also have the option to invite two people of the youth's choice to attend planning meetings
- **Preventing Long Term Foster Care:** Discourages the use of Another Planned Permanent Living Arrangement (APPLA) from being a Permanency option for youth; requires states to provide more evidence to the court that aging out is the best option for older youth in care
- **Documents when exiting care:** Youth must be provided a copy of birth certificate, social security card, drivers license or state ID, health insurance and medical records

HR 4980

- **Tracking Disrupted Adoptions:** Requires states to track disrupted and dissolved adoptions and guardianships
- **Sex Trafficking Prevention:** Requires states to track the sexual exploitation of foster youth and youth who runaway and/or are missing from care; increases training requirements for those who work with youth to identify sex trafficking as it occurs
- **Adoptions:** Makes adoptions and guardianships easier for families revising incentives for those families

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QUESTIONS

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