



Kathleen McHugh
United States Department of Health and Human Services
Administration for Children and Families, Director, Policy Division
330 C Street SW
Washington, DC 20024

RE: Notice for public comment
Foster Family Home Licensing Standards
FR Document 2018-16380

Dear Ms. McHugh,

Thank you for the opportunity to provide comments on decisions related to the development of the Foster Family Home Licensing Standards in accordance with the Family First Prevention Services Act of 2018.

The National Foster Care Youth & Alumni Policy Council convenes to provide federal stakeholders with relevant and timely information as policies and procedures are created that will affect children and families throughout the country. The Council represents a collective viewpoint of youth and alumni who have experienced the child welfare system first-hand.

The Council consists of members geographically distributed across the country, reflecting a broad range of diversity encompassing, but not limited to, ethnicity, location of residency, religion and gender, and child welfare experiences. The feedback contained in this document is based on a compilation and review of the Council's priorities over the past six years. The original Council priorities are linked in the document, and have been developed by Council members through a process that includes polling of hundreds of peers currently and formerly in the foster care system, reflection on their own lived experiences, and consultation with the constituent organizations they are supported by (such as Youth Boards, FosterClub, and Foster Care Alumni of America Chapters).

The Council is pleased to provide the following feedback regarding the following proposed Model Standards. If you would like to discuss further, please contact Celeste Bodner, FosterClub, 503-717-1552 or celeste@fosterclub.com.

Sincerely,
Members of the National Foster Care Youth & Alumni Policy Council
www.nationalpolicycouncil.org

About the National Foster Care Youth & Alumni Policy Council

The National Foster Care Youth & Alumni Policy Council convenes to provide federal stakeholders with relevant and timely information as policies and procedures are created that will affect children and families throughout the country. The Council represents a collective viewpoint of youth and alumni who have experienced the child welfare system first-hand.

The Council consists of 22 members geographically distributed across the country, reflecting a broad range of diversity encompassing, but not limited to, ethnicity, location of residency, religion and gender, and child welfare experiences. The Council advises by:

- Commenting on legislation and policies that impact youth in foster care;
- Proposing recommendations to improve the lives of youth;
- Monitoring and measuring the effectiveness of programs and policies.

Current Council members:

Eric Warner, Arkansas
Melissa Gutierrez, California
Katarina Kabick, California
Antionette Rucker, Georgia
James McIntyre, Illinois
Kodi Baughman, Iowa
Brittney Barros, Michigan
Shavonn Smith, New York
Latasha Fuller, North Carolina
Angela Quijada, North Carolina
David Samuel Hall, Oklahoma
Danno Mannino, Oregon
Michael Teresa Mellifera, Pennsylvania
Justin Abbasi, South Carolina
Timothy Dennis, Tennessee
Jade Tillequots, Washington
Samuel Martin, Washington

Past Council members:

Ashley McCullough, California
Mitchell Findley, California
Sarah Pauter, California
Sophia Herman, California
Withelma Oriz-Macey, California
Daryle Conquering Bear, Colorado
Diego Conde, Colorado
Jeremy Long, Colorado
Tamisha Macklin, Colorado
Sixto Cancel, Connecticut
Jetaine Hart, DC
Linda Lee, Florida
Mike Dunlavy, Florida
Victor Sims, Florida
Anthony Stover, Georgia
Leland Shelton, Georgia
Kintaro Yonekura, Hawaii
Carlos O. Rodriguez, Illinois
Dani Townsend, Illinois
Chelsea Faver, Indiana
Janessa Senter, Iowa
Elbert Belcher, Kentucky
Htet Htet Rodgers, Louisiana
Jessica Harris, Maine
Jessica Henderson, Maine
Steven Gower, Maryland
Ed Shoemaker, Massachusetts

Tamya McGee, Michigan
Jessica Edgar, Minnesota
Katelynn Morrison, Montana
Amy Peters, Nebraska
Daryle Conquering Bear, Nebraska
Dashun Jackson, Nevada
Madison Sandoval-Lunn, Nevada
Emily Quigley, New Hampshire
Crystal O'Grady, New Jersey
Kaysie Getty, New Jersey
Scout Hartley, New Jersey
Jarel Melendez, New York
Pauline Gordon, New York
Tasha StGelais, New York
Alexander McFarland, Ohio
Isha Charlie McNeely, Oregon
Lauren Hoffman, Oregon
Brian Morgantini, Pennsylvania
Nico'Lee Biddle, Pennsylvania
Cortney Jones, Texas
Vivian Dorsett, Texas
Tasha St Gelais, Vermont
Jeremy Long, Virginia
Crystal O'Grady, Washington
Timothy Bell, Washington
Kaylyn Haberland, Wisconsin

The Council is a project in partnership:



Overarching Considerations

The Council wishes to provide three overarching considerations, as the Model Family Foster Home Licensing Standards are finalized and distributed to states and tribes:

The burdens to becoming a foster parent should be kept to a minimum. The Council recognizes the urgent need for more quality foster homes in our nation. Jurisdictions should be urged to reduce the administrative burdens wherever possible, and to ensure the processing of application is managed on a timeline that recognizes the urgency of young people awaiting a safe harbor. Agencies should be required to provide in writing, notice to the prospective parent their approval status including specific reasoning for approval or denial.

More frequent in-home visits. Foster care is meant to provide a safe place for youth when their families do not have the means or capability of doing so. Too often, the system fails to provide this to our nation's most vulnerable. The Council believes states may be able to better intervene by enforcing regular home visits from caseworkers, to provide accountability for adherence to the standards, to support foster parents in coming into compliance, and to provide young people the opportunity to elevate their own perspective and needs. Unplanned visits to foster homes may be necessary to discover non-compliant situations and help ensure that foster parents are providing a safe and stable home environment for youth. (see [Reducing Vulnerability of Foster Youth to Predators and Sex Trafficking](#), adopted 2012)

Youth and alumni engagement in developing and implementing Standards. Many Council members have been involved in their communities and states in conducting foster parent training, developing foster home policies, and advocating for youth rights. Youth and alumni engagement in these meaningful child welfare efforts lead, without a doubt, to better outcomes for children and youth served by the system. We urge ACF to require states to develop and implement a youth and alumni engagement plan as they integrate the new Model Family Foster Home Licensing Standards into their jurisdictions, ranging from analysis of current policies and procedures, development of policies that align with the National Standards, development and delivery of foster parent training, resolution grievances, and evaluation of outcomes.

Recommendations Regarding the HHS Proposed Model Family Foster Home Licensing Standards

Foster Home Eligibility

The Council recommends an additional Standard: Applicants must not be denied due to age, ethnicity, national origin, race, religion, sexual orientation, gender identity or expression, marital status, veteran's status, or the presence of a disability.

Physical & Mental Health, Background Checks, Home Study

Comment: The Council is concerned the proposed standards could disqualify potentially loving homes, and specifically kinship (relative) foster homes. Standards should not create unnecessary barriers. Look for reasons to screen in - consider accommodations, especially for kinship placements.

Foster Family Home Health & Safety

Standard: Swimming pools, hot tubs, and spas must meet the following to ensure they are safe and hazard free (and additionally must meet all state, tribal and/or local safety requirements): 1. Swimming pools must have a barrier on all sides. 2. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock. 3. Swimming pools must be equipped with a life saving device, such as a ring

buoy. 4. If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system. 5. Hot tubs and spas must have safety covers that are locked when not in use.

Proposed edit to Standard: Swimming pools, hot tubs, and spas must be safe and hazard free (and additionally must meet all state, tribal and/or local safety requirements), and prevent the child's access, as appropriate for his or her age and development, as indicated by fencing, locked gates, and/or safety covers that are locked when not in use. Swimming pools must be equipped with a life saving device, such as a ring buoy.

Comment: Consideration should be given to the age of the child being cared for. Homes should not be required to provide a barrier on all sides or locks for pool access, spas and hot tubs. These home modifications could be cost-prohibitive and/or delay placement, particularly for relatives of older youth, who do not need such precautions.

Standard: The home must prevent the child's access, as appropriate for his or her age and development, to all medications, poisonous materials, cleaning supplies, other hazardous materials, and alcoholic beverages.

Comment: The Council is concerned this standard could provide a barrier to providing normalcy for an older youth in the home and to preparing an older youth for the transition to adulthood. For example, Council members have cited specifically the concern that some jurisdiction require ALL medications to remain locked in the household. The Council has previously highlighted a priority to "ensure we are educated and informed about our choices with medications and mental health treatment plans" (see [Improving Youth Engagement and Access to Mental Health Services](#), adopted 2013). In order for a transition-age youth to prepare to manage their own mental health care as adults, it is critical they have the opportunity to practice managing their own medications while still in foster care under the supervision of a foster parent.

Transportation

Standard: Applicants must ensure that the family has reliable, legal and safe transportation with safety restraints, as appropriate for the child. The Council is concerned about the language "Reliable transportation would include a properly maintained vehicle or access to reliable public transportation, if one is owned; legal transportation would include having a valid driving license, insurance and registration as appropriate and safe transportation would include safety restraints and only adults in the home having a driving record in good standing transport the child."

Comment: The Council is concerned about the language "...and only adults in the home having a driving record in good standing transport the child" may be read to exclude any other transportation of a child or youth. Consideration should be given to the age and development of youth to allow for normalcy, including transportation by coaches, friends, and parents of friends. Further, the language "...and only adults in the home" may be read by jurisdictions to disallow a youth from transporting themselves, if they are to obtain a driver's license.

Training

Proposed edits to the Standard: Applicants must complete pre-licensing training on the following topics: legal rights, roles, responsibilities and expectations of foster parents; agency structure, purpose, policies, and services; laws and regulations; the impact of childhood trauma; managing child behaviors and disciplinary guidelines; first aid (including cardiopulmonary resuscitation (CPR) for the ages of the children in placement) and medication administration; cultural competence and personal identity; children and youth rights; and the importance of maintaining meaningful connections between the child, siblings, parents, and relatives and fictive kin, including regular visitation. Foster parents must participate in ongoing training to receive instruction to support their parental roles and ensure the parent is up to date with agency requirements, including: educational support (for parents of school-age children and youth); normalcy (for parents of school-age children and youth); adolescent sexuality and reducing vulnerability (for parents of children age nine and older); transition planning and life skills preparation (for parents of youth age twelve and older);

Justification for proposed edits:

- Disciplinary guidelines: The Council is concerned that “managing child behavior” may not explicitly include training regarding acceptable, trauma-informed disciplinary guidelines. Caregivers should receive training for de-escalation. (see [Improving Policies and Services in Congregate Care Settings](#), adopted 2016)
- Cultural competence and personal identity: Our society often references the saying, “It takes a village to raise a child”. For foster youth, that saying is especially true. It is imperative that youth in care not only connect and build relationships with supportive adults, but with the communities they live in and identify with. Our survey showed that being able to create lifelong relationships is important to both current and former foster youth. Specifically, 95% of our respondents reported that it is important for them to be able to create lifelong relationships. (see [Improving Social Capital for Youth in Foster Care](#), adopted 2017)
- Children and youth rights: Foster parents should be regularly informed of the rights of children and youth in foster care. Information regarding the rights of youth as well as reporting procedures should be incorporated in trainings and hearings, so that supportive adults may act as advocates for youth in foster care. Foster parents of youth age 14 and older should be aware that youth are entitled to a list of their rights, per federal law. Foster parents should be encouraged to discreetly post a list of rights in the home, and provide young people with access to tools (e.g. phone or email) to report rights violations (see [Implementing PL 113-183](#), adopted 2014)
- Parents, and relatives and fictive kin: The Council strongly believes that permanence for a young person involves more than the person/people they are placed with, and connections to other family are critical to well-being and long-term outcomes. Youth should be allowed to use technology and social media in order stay connected to their community and support system. Family relationships should be treated as a right -not a privilege. ([Congregate Care](#))
- Educational support: Young people who have experienced foster care and emerged successfully indicate that someone from their school played a critical role in guiding them – academically and otherwise. Too often, these important stakeholders are not at the table when important decisions are being made about a youth’s case plan and team meetings, including foster parents. School placement and supports should take into account the youth’s social inclusion, rather than strictly considering academic performance. Foster parents should recognize that school is often a gateway to a youth’s social and emotional well being, and often provides a pathway to permanence. (see [Improving the Well-being of Youth in Foster Care](#), adopted 2014) Foster parents should receive training to support a young person’s access and engagement in 504s and IEPs, thus increasing our educational success and cognitive functioning.
- Normalcy: We believe that normalcy is a critical component for achieving the goals of safety, permanency, and well-being in foster care. When we engage in normal age appropriate activities, we develop the skills to decipher safety concerns, and the lack of normalcy can delay permanency for us. Without normalcy, we often feel like we are different from others and we find it difficult to establish lasting relationships. Additionally, young people and child welfare practitioners alike understand that normalcy is a critical component to well-being. (see [Improving Well-Being by Improving Normalcy](#), adopted 2013) Foster parents should receive training that stresses that young people must not be disqualified from extracurricular or other activities based solely on their foster care status. Discussion about prudent parenting and the right to continue to engage in these activities should be addressed during training to help ensure a young person is placed in a family that is able and willing support their needs. For some youth, these extracurricular activities serve as a lifeline to supportive adults, peers we trust, and even to connections that could provide permanence. ([Implementing PL 113-183](#))
- Transition planning and life skills preparation: Foster parents play an integral role during our transition to adulthood and could be used as a resource for teaching us the skills that young adults in non-foster

homes are learning from their parents. Additionally, foster parents know our skills before we do and their input is important to consider during planning. Foster parents should be trained on the skills we need to know for our transition and help us learn what to expect and what to plan for. They should also tell us how involved they plan on being during our transition to adulthood so that we know whom we can turn to for help when we need it. (see [Improving the Transition to Independent Adulthood](#), adopted 2012))

- Adolescent sexuality and reducing vulnerability Many youth enter the foster care system having already witnessed or experienced violence in the home and/or inappropriate sexual advances or contact. Education for foster parents should include strategies for helping youth who have been exposed to sexual abuse before entering the system. Topics may include: § Identifying possible physical or behavioral signs that a youth has experienced abuse § Identifying triggers in youth that may be caused by traumatic experiences § Adjusting rules or expectations in the house, such as touching, hugging or making eye-contact, if youth are uncomfortable. Poll results also suggest that foster parent education must be carefully crafted so as not to become a source of “tips” for foster parents who may have bad intentions, resulting in increased vulnerability for youth in care. Foster parent licensure should require training on parenting survivors of CSA and domestic sex trafficking, and training hours must be enforced. ([Reducing Vulnerability](#))

Foster Parent Assurances

Standard: Applicants will not use corporal or degrading punishment.

Proposed edits to the Standard: Applicants will not use corporal or degrading punishment, including restraints (unless specifically trained and approved by licensing agency to administer), threat of placement change or withholding visitation, or conversion therapy.

Comment: Council members are highly concerned about the lack of guidelines regarding the methods used to discipline their peers in foster care. The Council urges ACF to consider more specific language to protect the safety and well-being of young people in foster care.

There are several assurances the Council proposes be included in the Standards:

Proposed Standard: Applicants will not allow a known sexual offender into the home at any time.

Comment: While statistics are not readily available, the Council conducted a poll of their peers (current foster youth and recent alumni). The results, combined with their own lived experiences, provide an alarming picture of sexual abuse that takes place in the foster home, often perpetrated by an individual allowed into the home by a foster parent. Youth in care need to feel that their homes are safe and secure. Foster parents, in turn, need to be held accountable for keeping youth safe to the best of their ability. ([Reducing Vulnerability](#))

Proposed Standard: Applicants shall provide young people with access to their rights and reporting methods.

Comment: The Council believes that foster youth have the right to know their rights. (see [Five Ideas](#), adopted 2012) It is important that foster youth know their rights and what resources are available to them so that they feel empowered to report abuse and find assistance. It is important they know how to take action when confronted with inappropriate or abusive behavior while in care, such as having information on how to contact their state’s ombudsman or other such reporting service. The Council strongly urges the ACF to provide guidance to states that rights are posted and/or readily accessible to young people in foster homes. Foster youth report feeling a lack supportive adults to reach out to when feeling unsafe in a placement. Many Council members recount fears of retaliation from either an agency or a foster parent if they disclosed abuse. Procedures should be developed and foster parents trained to protect youth who elevate grievances. ([Implementing PL 113-183](#))

Proposed Standard: Applicants will affirm and support the identity of children and youth placed in their home, including (age-appropriately) race, cultural and ethnic identity, religion, and sexual orientation, gender identity and expression.

Comment: The Council firmly believes the system must do more – including holding caregivers accountable – for protecting and nurturing their identity. This includes respect for the family of origin’s culture and religion, along with the young person’s individual identity formation. While foster youth and alumni respect all there is to learn and experience from the culture and identity of a foster family and the individuals who reside in the home, it is important for foster homes to recognize the power deficit a child enters a home with. In a system where it is all too easy for a child to lose themselves, it is critical that foster parents provide an assurance to support young people by affirming and supporting their identity, regardless of the foster parent’s own personal beliefs.