

**Testimony**  
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**U.S. House Committee on Ways and Means, Subcommittee on Human Resources**  
**Hearing on Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth**

Good morning Chairman Reichert, Ranking Member Doggett and members of the subcommittee. I am honored to be here and grateful for the invitation to join the hearing today.

I am Irene Clements, president of the National Foster Parent Association. For the last 43 years, the National Foster Parent Association has shared the subcommittee's quest to elevate and dramatically improve the foster family services our members provide to abused, neglected, dependent and abandoned children for whom the government has assumed temporary, and all too often, long term responsibility, as well as serving as the "National Voice of Foster Parents." The association strives to provide supports and services identified as needed by foster parents across this great country and we work with state foster parent associations to help them better meet the unique needs of each state's foster parents. Included in those we serve are foster parents who have also adopted children from the child protection system. We are currently seeking ways to also provide the same supports and services to kinship caregivers.

As background, my husband and I fostered for 27 years. During that time, we fostered 127 children/youth and adopted four children who were placed in our care. Our eldest is now 41 years old and our youngest turned 29 years of age earlier this week. Our two sons were both diagnosed with Reactive Attachment Disorder (RAD) and our youngest daughter has Down Syndrome. Each is unique and incredible; they are now productive citizens and have given us the gift of 13 awesome grandchildren. During our tenure as foster parents we fostered children of all ages; however, the last 12 years were dedicated to youth ages 14 and over. There were times when we had to "break the rules" in order to enable our youth to grow and spread their wings. We made these decisions to "break the rules" because we had confidence that our decisions were in the best interests of the children and we knew how to advocate for our children as well as for our foster home. I share this with you to help you understand that I have up close and personal experiences in helping children achieve some normalcy within the current system and have also experienced the devastating effects rules and regulations can cause some children/youth in foster care.

I recently came across the following statement: ***If the Nation had deliberately designed a system that would frustrate the professionals who staff it, anger the public who finance it and abandon the children who depend on it, it could not have done a better job than the present child welfare systems*** (National Commission on Children, 1991).

While we know a lot of well-meaning legislation has been passed since 1991, we still have a system that is not working well for the children it was designed to serve. Children experience too many placement disruptions; they are often not placed with siblings; they are often placed too far from their biological parents to have effective and frequent visits or remain in their school; they are frequently not involved in decisions made on their behalf or attend court; some children experience too many or unneeded medications; and they are singled out as different – adding to the lack of normalcy.

Why do these things continue to happen to our children in foster care? First, they are labeled right off the bat as “foster children.” In a time of “people first” language, this continues to be discriminatory to children. They are children in foster care. When will we move “people first” language and thinking to the child welfare area when it has been the norm for people with disabilities for more than 30 years? Of course, should we be able to accomplish this goal, even the name of the National Foster Parent Association would need to change.

Second, we often do a poor job of appropriately assessing children upon removal and too often, wait for them to act out to trigger needed assessment. We know all of the children have experienced trauma in some way and each child should be required to have a trauma assessment at the front end of entering foster care. This goes hand in hand with a system of service providers and caregivers who are also well trained in trauma informed care and caregiver techniques.

Third, we tie the hands of foster parents by over regulating for safety and restrictive interpretations of those safety regulations. We must **balance safety with opportunity in order to get to child well-being**. Normalcy feeds into child well-being.

The youth who have now aged out of care have been speaking out about the lack of normalcy they experienced while in care. The two questions most of my youth asked after they left our home were: “Why are people surprised that we make bad decisions upon leaving foster care after years in care, when we were never allowed to make any real decisions and learn from our mistakes?” “Wouldn’t it be best to allow us to make decisions and learn from those that were bad while we are still in care and in a safe environment with people who love us and can help us learn from our mistakes?” They feel they should be allowed to experience age appropriate situations followed with age appropriate consequences when warranted.

To prepare for this hearing, I contacted most of the state foster parent associations and asked for some examples of rules that stand in the way of children/youth experiencing normalcy and what they need to have happen to help the children/youth in their homes find normalcy. Frankly, I was surprised at what I learned. The work being done on normalcy varies greatly from state to state as you will see in the compilation of examples below:

- Home studies and criminal background checks required of their friends' families for sleepovers.
- Some places won't allow the youth to play sports due to perceived liability issues.
- Being able to go somewhere with a friend, especially in a car driven by the friend.
- Being able to take drivers education and driving a car themselves.
- Going out on a date for older youth in care.
- Going on school trips, especially out of county or state.
- For a teenager, not having a 14-year-old friend over to play video games because the friend does not have a criminal background check.
- Being a female senior in high school and being told you cannot go to the prom unless your date shows proof of insurance for his vehicle to the caseworker.
- No using power tools, even with supervision, because the youth may have an accident.
- No riding on any motorized bikes, go-carts, 4-wheelers because of potential for injury.
- Not allowed to ride any and all amusement park rides due to potential for injury.
- Not allowed to go out of county or out of state without jumping through many hoops and taking several weeks for approval, in some cases approval by the judge in the case.
- Not being allowed to go on field trips with classmates or not participate in activities with classmates due to potential for injury.
- Not being allowed to go on vacation with their foster family because they are going to go fishing in a boat or going to an amusement park because rules don't allow the child in care to participate in those kinds of activities.
- Not being allowed to get an after-school job.
- Having "no" as an automatic response as opposed to working together (child, foster parents and caseworker) towards a "yes." Often, the solid no comes from the caseworker and then the foster parent's hands are tied.
- Not being allowed to do some community activities, including being on a sports team because the away games would cause the youth to be out past the curfew set by the state/county for youth in care.
- Not being able to ride the lawn mower and help with the family yard work.
- Not being able to go into your room by yourself or take off your shoes due to "house rules."
- Not being allowed to be on Facebook or use the computer without direct supervision.
- Not being allowed to communicate by phone, email, etc with anyone not on the "list of approved people" developed by their caseworker.
- And so many more examples

The opportunity to provide testimony at this hearing also prompted a number of discussions with members of foster care alumni associations around the country. Again, I was surprised at

some of what I heard. Of course, I heard the same things as described by foster parents and listed above, but I also heard the following:

- Some felt that being placed with foster parents over 50 - 55 years of age created a generation gap that got in the way of normalizing their time in care even when they were from a state or county that has already done some work on normalizing experiences for their youth in care. An interesting aside is that it appears there is no requirement for states/counties to keep a data base on the demographics of foster parents within the state and no requirement to provide that data on a federal level. We need such a data base to learn more about matching youth to families, to know how many foster homes there actually are in this country and so much more. Such a data base would be a researcher's dream. As a side note, the youth stated having older caseworkers also affected their ability to achieve normalcy in many situations, too, because they were inclined to always say no "to be on the safe side."
- Some felt that they were not represented appropriately in court and other meetings because their foster parents were either not allowed in court or were not allowed to speak even when they attended court hearings. They said their foster parents knew them better than anyone else (even when they tried to separate themselves from attaching to the family), that their foster parents knew the best of them and the worst of them, and that they needed them to speak on their behalf in court even when they were in court themselves to speak on their own behalf. They stated that when other minors need to go to court, their parents are in court to support them and help them but not so for children in foster care. When they go to court, their biological parents are there but they are speaking on their own behalf, trying to get themselves out of trouble and not focusing on their child/ren. They told me that the states/counties are not "parents" but rather responsible for following state and local laws and procedures. They need their "parents while in care" to serve as their parents in all situations. Interestingly, they also shared that they didn't really realize this need until they were out of care and were able to process their time in care from a more adult perspective.
- Most of the former youth in care also talked about being forced to participate in talk therapy when they did not want to participate and that they would make up things to get the therapist and others "riled up", just for the fun of it. They stated what they needed more than anything was the chance to get a part-time job and learn how to be a good employee while earning money toward the purchase of a car, etc. I asked for those who did get the opportunity to work, if a job coach would have helped them be more successful in their first job and every one of them stated yes. Each stated that if they had that kind of help, they probably would not have lost so many jobs in the beginning of their work experiences. Again, we can take lessons from the

developmental disabilities arena to provide appropriate supports to the youth in foster care. Currently, there does not appear to be any funding source for such supports for youth in foster care, only for youth and adults with developmental disabilities.

- Most former youth in care felt strongly that they were judged by their past behaviors, regardless of how long ago they had those particular behaviors, so they were not allowed to do things based on “old information.” This made them angry and frustrated and led to more acting out behaviors, etc. They wanted to be evaluated for who they were at any given time and not for whom they were in the past.
- These former youth often felt they were being told “no” to opportunities due to lazy staff at group homes or lazy foster parents. Most stated they did not realize at the time of these opportunities, the rules and regulations that their caretakers had to abide by and that their caretakers were trying to do their best while trying to stay out of trouble with the system, too. They also confessed that as a teen, they were not necessarily aware, nor did they often care, about the other dynamics going on in the family at the time, costs of activities not reimbursed, etc, that perhaps got in the way of what they wanted to do. It must be noted that in some cases the caretakers were “lazy” and did not meet the needs of the youth as they should have and in those cases, additional training should be mandatory to include better information on child well-being.
- Many of the youth stated that they remembered a situation in which their foster parents or group home staff broke the rules and exposed themselves to losing their fostering license or their job so the youth could be like their peers. They felt these were courageous foster parents or group home staff and they appreciated them for doing what was right for the youth. There should be no reason foster parents and group home staff should have to break the rules in order to give youth a normal life while in foster care.

The following are quotes/statements from foster parents and state foster parent association leaders from across the country:

- The experience of being in foster care can be stigmatizing for a child, who by no fault of their own, finds himself or herself in an unfamiliar home. Many former foster youth reported feeling increased stigma due to the number of restrictions placed upon them while in foster care. Youth in foster care often report being unable to have “normal” teenage experiences, such as riding to the mall with friends or sleeping over at a friend’s house without having a full background check on the friend’s parents completed beforehand. Oklahoma needs to work to address the experience of youth in foster care to reduce stigma and allow them as normal a childhood as possible. As part of this process, agencies should review their policies to see which are truly essential for the safety of children in foster care and seek innovative solutions to help children

experience the activities and opportunities their peers enjoy. With local budgets increasingly tight, a lack of funding means great variability in services that public children services agencies can provide families and children in foster care. Oklahoma should continue to invest state funds in programs that are proven to expedite permanency for the children in our foster care system and improve outcomes for these youth. However, along with these investments there is a need for more accountability within the child welfare system.

- In Rhode Island, in general, it seems there are “normal” activities for youth that are complicated by the request process we have in place for things like going out of state. Some of these activities may be sport or school activity related and the youth can’t attend because the “correct” signature was not obtained. Some youth have had to go to respite while the foster family they lived with went on vacation because the biological parent did not want to sign the approval. A lot of normalcy issues seem to relate more to group home living than foster care; the rules and regulations, charts, chore lists, and big posters in group homes that make the environment more cold and institutional. Some group homes here have rules such as you can only take 15 minute walks in the community but the rule is not age related or pertinent to the particular needs of supervision for each individual youth. Being able to spend an overnight at a friend’s house without having the family go through a criminal background check process is an issue for youth in all levels of care. Can we rely on the decision-making skills of a foster parent to know where the child is and make determinations on safely for the youth?
- A foster parent from Alabama wrote this: You see, foster children find themselves in a devastating void where their family of origin often is not caring for them, the state is too busy to care for them, and the foster family that is caring for them and knows their greatest fears and aspirations, is gelded by the very system that placed these abused and neglected children into their care. The state often ignores these loving and caring parents, whom they have meticulously vetted and licensed to provide care to these children, by leaving them out of the conversation about the child’s well-being on court day. This is arguably the greatest evidence that children in foster care lack normalcy in their lives, even when it counts the most, in court. Let’s not only empower these wonderful foster parents to add a measure of normalcy to children’s lives in social and family settings, let’s be sure they have a family that loves and cares for them by their side when it matters most. There is nothing more abnormal than sending children and youth into court without their parents sitting next to them to assure them and help articulate their own hopes and wishes to the judge.
- From a foster father in Kentucky: I could go on and on over this issue. These children are not being allowed to be normal because of so many restrictions. I, as a parent, and I am sure I am not the only one, would not allow children in foster care to do any of these

things (listed in the issues listing elsewhere in this report) without adult supervision or without checking out the homes of friends that they would want to stay overnight, etc, as I would do for my own children. We, as foster parents, are held to very high standards and feel that we should and could make very good choices for the children in care. I also feel that if these children are not allowed to use or be part of some of these daily routines and decisions that their peers outside of foster care do, then when they grow up they will not have the knowledge needed to be an asset to themselves or their community. Long term problems from not being allowed to live a normal life in care is that when they have not had normal learning experiences they won't have the skills and abilities to teach their own children when they have them. I will conclude this short message by saying that things are taught and learned and needed to become good parents. This comes from living normal lives!

- From a foster mother in Maine: We welcome the children into our homes to be part of our families but so many times they cannot feel that they are part of the family because of the restrictions that are placed on them or their foster parents.

The following are two examples of how current rules and regulations have affected two children's desire for normalcy and their foster parent's decision making abilities in the past year:

- Mary is an 11 year old child in foster care. She is a member of the 4-H club in her small town and wants to take sewing lessons as a part of her 4-H work. The lessons are every week on Thursday after school. There are four girls in the class. The 4-H leader who teaches the class has been a 4-H leader for many years and provides the sewing lessons in her home. Mary's foster mother was told that Mary could not attend these sewing classes until the 4-H leader and any others living in her home over the age of 14 have had and receive cleared criminal history background checks because these family members may come home while Mary is still in her sewing class and they could do her harm. The 4-H leader and her family do not have to have such criminal history background checks for the leader to teach the other three girls to sew. Why must this happen in order for Mary to learn to sew? Mary's foster mother said she would stay for the classes and supervise Mary if she could, but she also has other children that need her during those two hours each week – one son needs to be driven to karate class and another needs to be picked up from band practice. The 4-H leader said she is willing to get the background check but that it is not fair to put her husband and son into the situation because they may be home before the class is over. So, bottom line on this situation is that Mary could not take the sewing classes. She became so discouraged that she refused to participate in 4-H anymore because her desire to learn to sew was stopped by rules that do not affect her peers.

- John is a freshman in high school and made the freshman football team. He is very proud of himself and is keeping his grades up so he can play. His foster mother picks him up from practice every day. His foster father travels some for his work so he is not available every day to help with the transportation from practice to home but they have been able to always pick John up from practice. One particular day, John's foster mother had a medical emergency with John's sibling who was also in her home and was at the hospital with the child who has juvenile diabetes. She could not pick John up from football practice and her husband was flying in from a work trip later that evening. John's foster mother called the coach and asked him if he could take John to the foster home since John had permission, in his Service Plan, to stay home by himself for several hours and the foster mother knew she would be home in a couple of hours at most. The coach could not provide the transportation due to other pressing matters but he said he would get one of John's friend's parents to give him a ride. This occurred and all went well and John was safe at home when the foster mother returned a little less than two hours later. A couple of days later, when John's caseworker came for a home visit, they discussed the emergency room visit for John's sibling and that the foster mother had to get another person to bring John home from practice. John's foster mother said that is when the caseworker told her that she was in violation of numerous regulations and would need to be investigated by the licensing division to see if they could continue to be foster parents. The caseworker also called her supervisor to determine if she should immediately remove John and his sibling due to lack of supervision and bad decision-making by the foster mother. Thankfully, the supervisor told her to wait on the removal until further investigation. The caseworker told the foster mother that since she did not have a cleared criminal history background check on the coach, using him for transportation would have been a violation, same as for the parent who did provide the transportation. She also said whoever did the driving, the caseworker needed to have proof of current automobile insurance in her file before that person could transport even if she would have had a copy of a cleared background check on that person. So, any way you looked at it, this foster mother had broken the rules – not maliciously, but in an emergency. That made no difference to the caseworker and the family had to go through a full investigation and then had to have a developmental plan developed to show how they would not break those rules again. These foster parents decided that when John and his sibling leave their home to achieve permanency, they will no longer foster due to this experience. The foster mother stated that no one cared that they were excellent parents to the children, that the children blossomed while in their care and that the children were living a normalizing life. They only cared that they broke a couple of rules during an emergency, regardless of the outcomes.

I am hoping that the information gleaned from today's hearing and other information gathered on the subject of normalcy will lead to sweeping changes in the current foster care system. Florida has done a great job to begin this process as have a few other states. We need standards and guides for how caregivers should make decisions about what activities are appropriate and inappropriate. The standards and guides should empower foster caregivers to make decisions about activities in the same manner as a prudent reasonable parent would do for their own children. These standards and guides should recognize that the caregivers that are authorized and reimbursed to care for children in the child welfare system should exercise discretion and be entrusted with the same decisions that all parents make.

Changing attitudes is never easy and takes time. It is going to take time to move an entire system and caregivers away from the risk-averse approach that they are used to that promotes just saying "no" to the normalizing requests of children in foster care. This current approach seeks to insulate foster caregivers and agencies from liability and risks. What we need to do is work with caregivers, agencies and the child welfare community to learn how to deal with risks and to emphasize instead the need to provide children who must experience foster care the same normalizing experiences as all other children. Saying "no" to most requests for normalcy is doing just as much harm as taking the risk and something happening that comes with permitting a child's activity. We are looking at a process of education for everyone involved in the child welfare system, including the judicial system.

Well-being of children in foster care is critical to their ability to be successful as adults. These children/youth have the right to live as normal a life as possible and participate in age-appropriate extracurricular, enrichment and social activities. We can begin to make that happen by abiding by these basic five elements:

- State and local regulations may not prevent or create barriers to participation in these normal activities;
- Each state and local entity should ensure that the provider agencies providing care to children in foster care have policies that promote and protect the ability of children to participate in age-appropriate extracurricular, enrichment and social activities;
- Caregivers have an obligation to allow children in their care to participate in age-appropriate extracurricular, enrichment and social activities;
- Caregivers are expected to make normal day-to-day parenting decisions and are to act as a prudent parent in determining whether to give permission for a child to participate in any of these activities. In particular, caregivers should take reasonable steps to determine the appropriateness of the activities in consideration of the child's age, maturity and developmental level; and

- State and local entities that regulate foster homes and group homes must be willing and able to differentiate between accidents that may occur as part of the normalization process and malicious actions on the part of the foster parents and group home staff and respond appropriately and accordingly as they respond to such accidents or other injuries, etc.

The National Foster Parent Association looks forward to working with Congress to help make normalcy a reality for our children/youth in care and to help make the processes to accomplish this reality happen as soon as possible. The National Foster Parent Association will work diligently with the foster families around the country to help them trust this move from a risk-averse system to a system that embraces taking some risks so children/youth can experience more normalizing experiences while in foster care. **Remember, safety plus opportunity equals well-being.**

Thank you for the opportunity to be with you today and for your careful review of information presented today and in the future that can lead to Letting Kids Be Kids: Balancing Safety with Opportunity for Foster Youth.

Respectfully submitted,

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