

Youth Practice Tips:

A Developmentally Appropriate Approach to Representing Older Youth in Foster Care

Recommendation: Attorneys should make their greatest advocacy priority ensuring youth have the relationships they will need for their adult life (not just housing, funding, and services). Attorneys must prioritize maintaining or creating a supportive network of natural relationships (not paid or service providers) in their advocacy.

Tips:

- **Engage the youth to identify existing relationships**, creating opportunities for development of new relationships and advocacy to troubleshoot any barriers to connection.
- **Request and ask for court orders for all needed permanency services:** file mining, family finding, child-specific recruitment, family group decision making, counseling to address grief and loss, and counseling to repair and strengthen relationships.
- **Recognize and differentiate hurt and resentment from not needing/wanting relationships.** If youth state they don't need/want family, ensure you respond to the need, not the lead.
- **Use the law to support your requests for permanency services and supports for relationships.** The law and social science/brain research provides you many advocacy tools.

Recommendation: Attorneys should use a new model for legal advocacy that focuses on partnership and building the power of the youth to eventually be their own advocate.

Tips:

- **Believe in youth's potential**, power, and ability to successfully navigate their own life.
- **Problem-solve *with* youth**, as the process is important for youth to learn. The goal is to ensure youth can be their own advocate once they do leave care.
- **Encourage youth to think big** and model for them how to develop concrete plans and opportunities to achieve those goals.
- **Remember the work of adolescent development.** Support youth in their decision-making and development and advocate for their needs.

Recommendation: Attorneys must broadly support youth in their successful transition to adulthood rather than narrowly focusing on legal advocacy related to eligibility for extended foster care.

Tips:

- **Help youth identify how extended care supports their long-term goals.** Provide information and advocacy on how to maintain eligibility and access benefits of the program, but also help youth set goals around their long-term success.

- **Help youth address mental health and well-being issues.** Much of what youth need in extended foster care relates to their mental health and well-being. They may need emotional support leaving or returning home, navigating family relationships, or seeking out a therapist. Addressing these issues are often vital to making progress on other goals, such as employment, education, and building healthy relationships.
- **Recognize the importance of activities and community involvement to the transition to adulthood and well-being.** Share concrete information and motivation about the activities involved in meeting eligibility, including college and extracurricular activities. Introduce ideas for new experiences that are positive. Advocate with the court to address funding, documentation, and other barriers to participation in positive activities.
- **Litigate barriers.** Improper discharges, discharges without adequate transition plans, failure to establish eligibility, and failure to make reasonable efforts to finalize permanency should be challenged.

Recommendation: Representation must reflect what we know about adolescent development.

Tips:

- **Proactive outreach and support.** Have realistic expectations and support youth through steps of staying in care and re-entering. At this age youth may need their “hand held” to learn and master skills and tasks. Reaching out often, checking in frequently, and doing things in partnership with the youth should be the norm. This is proactive outreach and counseling that reflects the developmental phase of young adults. (Remember adolescent development and brains before you say “The ball’s in his court” or “If she doesn’t ask for help, she must not need it.”)
- **Open, informative, and non-reactive communication.** Listen more and talk less with your clients. Respond constructively rather than reactively or judgmentally. Be trauma-sensitive. Take the time to explain difficult concepts and provide information.
- **Build a trusting relationship.** Be consistent and available. Offer modes of communication that youth prefer, such as texting. Follow through. Don’t take things personally!
- **Make arguments to the court that put in context normal adolescent behavior and use these arguments to challenge punitive and counterproductive responses.** Remind the court of the purpose of extended care and re-entry. Explain that mistakes and risk-taking are part of development and advocate for an appropriate response. Use all eligibility criteria for extended care to provide youth sufficient time to develop skills and relationships. Focus the team and the court on what youth need to meet their goals and establish eligibility.
- **Develop a plan B, a plan C, and a crisis plan.** Support youth in the process of thinking through multiple options; this provides youth with alternatives to fall back on. Help youth think through actions they can take and people they can reach out to if things do not work out or there is a crisis. Going through this process with youth will help you identify areas of need for your advocacy.