

Pathways to Permanency: Expanding on APPLA Provisions and Youth Engagement to Improve Permanency



The Preventing Sex Trafficking and Strengthening Families Act and Another Planned Permanent Living Arrangement

The Preventing Sex Trafficking and Strengthening Families Act of 2014, Public Law (P.L.) 113–183, made substantial changes to State agency and court child welfare practices, including limiting the use of Another Planned Permanent Living Arrangement (APPLA) as a permanency plan for youth in care. Under the Adoption and Safe Families Act of 1997, APPLA was intended to eliminate the use of long-term foster care. Instead, it often is used as a catchall permanency category for children for whom it is difficult to find permanent homes, especially older youth in foster care. P.L. 113–183 contains provisions to prevent misuse of APPLA as a permanency goal.

Section 112 of P.L. 113–183 refines APPLA as a permanency option by prohibiting its use for children under the age of 16 and increasing case plan and case review requirements for older youth with a permanency goal of APPLA (U.S. Department of Health and Human Services, 2015). Child welfare agencies and courts have responsibilities to ensure that APPLA is selected as a permanency option only where the conditions of P.L. 113–183 are met, including that a youth has consistent, long-lasting relationships that will extend beyond a youth’s transition to adulthood.

When APPLA Is the Selected or Continued Permanency Plan

At each permanency hearing, the agency must:

- ▶ Document the intensive, ongoing, and unsuccessful efforts for family placement, including efforts to locate biological family members using search technologies such as social media
- ▶ Ensure youth are asked about their desired permanency outcome
- ▶ Explain why APPLA is the best permanency plan for the youth and why reunification, adoption, guardianship, or placement with a fit relative are not in the youth’s best interest
- ▶ Specify steps the agency is taking to ensure the reasonable and prudent parent standard (RPPS) is being followed and provide regular, ongoing opportunities for the youth to engage in age-appropriate and developmentally appropriate activities

At each permanency hearing, the court must:

- ▶ Determine whether the agency has documented the intensive, ongoing, unsuccessful efforts to achieve reunification, adoption, guardianship, or placement with a fit and willing relative
- ▶ Ask youth about their desired permanency outcome
- ▶ Make a judicial determination explaining why, as of the date of the hearing, APPLA is the best permanency plan and provide compelling reasons why reunification, adoption, legal guardianship, or placement with a fit and willing relative are not in the youth's best interest
- ▶ Confirm that the agency is taking steps to ensure the RPPS is being exercised and the agency has documented that the youth has regular and ongoing opportunities to engage in age-appropriate and developmentally appropriate activities

For more information on the specific changes P.L. 113–183 made to APPLA, see [“Pathways to Permanency: Collaborating on the APPLA Provisions of P.L. 113–183.”](#)

Youth Engagement in Achieving Permanency

P.L. 113–183 highlights the need to achieve permanency for all youth, but more pointedly, for older youth. P.L. 113–183 reinforces the vital role of meaningful youth engagement in achieving permanency and underscores how it can lead to youth-centered practices that achieve better outcomes in all areas of child welfare. When agencies and courts select and approve APPLA as the permanency plan, the permanency provisions focus on including youth voice and engaging youth in the case planning process. Courts are required to ask youth about their desired permanency goal when the child welfare agency seeks an APPLA plan. This engagement can provide insight into barriers to permanency as well as potential services and supports to overcome those barriers. In addition to the legal requirements for youth engagement in court and case planning, best practice recommends including youth in the work conducted to achieve permanency. Youth need to understand the efforts and actions taken to find or reconnect them with family. When youth, agencies, and courts collaborate and develop “buy-in,” trust, and understanding, the chances for successful outcomes increase.

Strategies for Agencies and Courts to Engage Youth Effectively and Achieve Permanency Through APPLA Provisions

Communicate to Youth That They Deserve Permanency

All youth deserve family and permanency; however, youth often communicate that they do not feel they deserve permanency or that they did something to lose that option. Federal law clearly places responsibility for achieving permanency on the child welfare system and courts. If the system falls short in that responsibility, youth should not feel responsible. Child welfare professionals should convey to youth the possibility of achieving permanency and permanent connections with adults and family.

Tips for the Agency

- Demonstrate to youth that they are valued through actions and words.**
- Ask youth for their views, and encourage them to discuss their goals, desires, and opinions.**
- Seek individualized, responsive, and appropriate services and supports.**

Help youth build support networks and find skills that enhance their confidence and interests.
Provide youth with age-appropriate and developmentally appropriate community and school activities.

Engage youth in conversations about who they consider important and who they identify as family.

Don't be afraid to have difficult, important discussions with youth about family.

Identify whether youth need specialized treatment or supports if they demonstrate painful emotions when discussing family.

Approach all potential "leads" as if they can become supportive, lasting bonds.

Create individualized action plans for strengthening and nurturing relationships identified by youth.

Tips for the Court

Demonstrate to youth that they are valued and deserve permanency.

Create a youth-friendly environment in court where this message can be conveyed.

Ask youth about their lives, the people they care about, and their hobbies, goals, and interests.

Engage youth in discussions about support networks, possible permanency, and long-term adult connections.

Ask the agency to explain its efforts to assure youth have connections to supportive adults.

Prepare Youth for the Idea of Permanency and to Make and Trust Permanent Connections

Youth—especially those who have been in the system for multiple years and may have experienced trauma—need support, time, and repetition to understand what permanency means. If youth are not given time to process and understand what permanency is and do not have the opportunity to talk about what family means to them, efforts to achieve permanency may be jeopardized.

Tips for the Agency

Explain to youth what permanency means using age-appropriate terms.

Convey to youth that they deserve a family and caring adults in their lives and that the agency will work to make permanency possible.

Spend time talking to youth about who they care about and who they think cares about them.

Identify and seek treatment for psychological or behavioral health issues that may compromise the ability of youth to bond or connect with family.

Engage youth in these conversations frequently—agencies should proceed with urgency, but youth should be given time, attention, and care to prepare for permanency.

Tips for the Court

Convey to youth that they are wanted, loved, and deserve a family and caring adults in their lives.

Engage with youth to gauge their understanding of permanency and the options available to them.

If youth resist permanency, ask if the meaning of permanency has been explained, if youth have been asked who they consider to be family and who is important to them, and if there are any trauma issues or treatment needs.
Ask the agency whether it has screened for trauma or whether it has identified any trauma issues and, if so, what services it has provided in response.

Invest in Building and Repairing Family Bonds

Many youth, especially older youth, maintain connections with their biological family and kin and seek out those connections if they are not present. The agency and court should work to ensure that these connections are strong and supportive for youth. The agency and court should be diligent in building and repairing family bonds, especially when youth have been away from family for a long time, to promote effective reunification and kinship care arrangements. While permanency with biological family may not always be possible, maintaining connections with biological family members and kin can promote healthy, lasting relationships with family members and others.

Tips for the Agency

Use technology, social media, and file reviews to search for family and kin.
Ask youth who they consider to be family.
Use teaming approaches, such as Family Group Decision-Making, to empower families to problem solve and provide support to one another.
Engage youth in the process of family finding and make sure they understand the process.
Make sure that efforts to make and nurture connections follow family finding activities.
Fully explore reunification as a permanency plan, especially for older youth who may have been apart from family for many years.

Tips for the Court

Ask the agency what it has done to identify and locate family and kin.
Ask youth who they identify as family and if they are in contact with family.
If the agency and youth have engaged in family finding, ask youth how they feel about the progress made and the actions taken.
Ask the agency about its efforts to make and nurture the connection between identified family and youth.
Ask if the family or adult connection needs resources, skill building, or other supports to develop and maintain a relationship with the youth.

Value the Bond of Siblings

The sibling bond is extremely important to youth and must be seen as a vital component of permanency, especially if siblings are separated from their parents. Agencies and courts should prioritize joint sibling placement and visitation, consistent with the law.

Tips for the Agency

Understand and follow Federal and State law on sibling placement and visitation. Maintain sibling relationships as part of the reasonable efforts necessary to finalize the permanency plan.

Create an adoption/guardianship recruitment plan to include families able to take sibling groups. Consider open adoption/guardianship plans that will allow for the preservation of long-term sibling connections.

Provide support to families to make visitation possible when joint placement is not.

Tips for the Court

Ask youth about their relationship with their siblings.

Enforce Federal and State law on sibling placement and visitation.

Make a “no reasonable efforts” finding to finalize the permanency plan if the sibling relationship is not being maintained in accordance with the law.

Issue placement orders that require searching for a joint placement.

Issue orders that detail a visitation schedule.

Prepare Prospective Permanency Placements for Sustained Permanent Connections

Biological families, kin, and individuals who become permanency resources need training and support to make lasting, healthy relationships with youth. The more preparation, the greater the chance of successful permanency arrangements. For example, if a youth has special needs or a trauma history, ensure the family has applicable knowledge and skills and connect the family with community resources needed to support and nurture the youth. General background and biological family information, medical histories (to the extent they are open and available), and ongoing training and community supports are valuable in preparing families and individuals for long-term permanency.

Tips for the Agency

Match youth with appropriate services to address any special needs or needs related to forming healthy relationships.

Be open with families, kin, and permanency resources about youths’ needs and provide relevant, timely, and ongoing training and support to build confidence in their ability to meet those needs.

Provide services and supports to permanency families before a permanency order takes effect.

Provide updated information about youth needs as circumstances change or new information becomes available.

Give families and youth sufficient time to “practice” being a family while the agency and court safety net still is available.

Help youth and families identify “stressors,” or points of weakness, and provide relevant support and resources to help them work through those points of weaknesses in the future.

Tips for the Court

- Ask youth how they feel about the connections and relationships they are developing with family, kin, supportive adults, and potential permanency options.**
- Ask youth what would help them feel more comfortable or help support developing relationships. Consider more visits, more supervision, specific services, or more caseworker involvement.**
- Ask families and kin what they need to help them support the youth.**
- Communicate to youth and families that needing more help will not jeopardize their relationship with the youth or agency.**

Invest in Long-Term, Nurturing Connections

Success in child welfare often is measured by closing a case and achieving legal permanency. However, providing youth with lasting and healthy connections, even when those connections are strained, should not be overlooked while seeking the best permanency plan. Legal permanency will not necessarily mean the formation of a lasting and supportive relationship if there has not been investment in the relationship. Permanency can be an overwhelming concept for youth and families, so agencies and courts should provide sufficient support to families and youth transitioning out of the system.

Tips for the Agency

- Identify what the youth and family need to strengthen the relationship. Consider things like financial resources, skill building, peer support, and time.**
- Evaluate services or supports to match specific needs.**
- Provide flexibility, structure, and ideas for activities to nurture a relationship.**
- Consider safe options that may be available to nurture relationships through modern technology and social media outlets.**
- Invest in and expand prepermanency and postpermanency services, and ensure that youth and families are securely connected to community resources and an identified support system.**
- Help youth and families identify their stress points and provide necessary supports to equip youth and families with the tools to manage them.**

Tips for the Court:

- Ask the agency for specific actions taken to support the youth and family or kin connection.**
- Ask what else can be done to nurture the relationship between a youth and a supportive adult, even if it does not appear that legal permanency is imminent.**
- Ask what and for how long postpermanency services will be provided, and if the youth and family know how to access them.**
- Ask the youth and family if they know about community resources and services.**
- Ask the youth and family if they have any fears or concerns about permanency.**

References

- Capacity Building Center for States. (2016). *Pathways to permanency: Collaborating on the APPLA provisions of P.L. 113-183*. Washington, DC: U.S. Department of Health and Human Services, Administration for Children and Families, Children's Bureau.
- Pokempner, J. (2016). The Juvenile Law Center Issue brief: *The role of the court in implementing the older youth provisions of the Strengthening Families Act*. American Bar Association Center on Children and the Law, Youth Empowerment Project.
- U.S. Department of Health and Human Services. (2015). *Implementing P.L. 113-183 to benefit children and youth: A collaborative effort of the Children's Defense Fund, Child Welfare League of America, First Focus, Generations United, Foster Family-based Treatment Association, and Voice for Adoption*. Washington, DC: U.S. Department of Health and Human Services, Children's Bureau.



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