

Social Justice Activism and Normalcy

Normalcy policy and practices require foster care systems and caregivers to ensure youth in foster care have the age-appropriate experiences required for healthy development and well-being. So, what does normalcy look like during a time in our history when nothing is seemingly "normal"? Here are some of the questions that youth, families, providers and agencies are grappling with in the "new normal":

- What should we be doing to facilitate age-appropriate experiences in the context of a global pandemic and young people worldwide uprising to create an anti-racist, better future?
- What is our responsibility when our state regulations are silent on protests and activism, but adolescent development experts tell us, "*Helping youth gain ownership where they see themselves as co-creators of a better system is the ultimate mechanism for healing.*"¹
- What does prudent parenting for racial justice involve? What are the special responsibilities involved with being a prudent parent to a Black child or a child of color in recognition of the role that families play both as the primary social structures to influence children's identities, politics, and ideologies; as the protector of our children's lives and as the preparer for adulthood in a world that can be dangerous, judgmental and too often, unjust?
- What are provider responsibilities to youth of color in foster care who are not currently in a family where they are receiving the protection of nurturing parenting to affirm and celebrate their racial identity and prepare them to navigate racism, violence and bias?
- What normalcy obligations do foster care caregivers and staff have to facilitate opportunities for young people to participate in social justice activities and racial justice advocacy during this unique moment in history?

Prohibiting or limiting access to advocacy opportunities and supportive communities is both inconsistent with the law, and has real consequences to the well-being, resiliency, and ability of youth in foster care to become a powerful adult. Shutting these youth out of racial justice advocacy also has societal consequences. Youth in foster care need the opportunity to elevate the issues and solutions related to structural racism in foster care. We believe the definition of prudent parenting includes both parenting for racial justice and an interpretation of normalcy that requires the facilitation of participation in activism as a developmental necessity for youth in foster care.

California's Normalcy Policy Framework

Federal, state, and local laws have established "normalcy" requirements to eliminate gaps in opportunities for the personal and emotional development of young people in foster care

¹ Maria Veronica Svetaz, et.al, *Strength-Based, The Traumatic Impact of Racism and Discrimination on Young People and How to Talk About It*, 2 REACHING TEENS, June 2020, at 326.

compared to their non-system involved peers. This includes allowing the participation of youth in age-appropriate social, extracurricular, enrichment, and cultural activities, as well as opportunities to build healthy relationships with supportive adults.² In California, normalcy laws include the Foster Care Bill of Rights and the reasonable and prudent parenting standard. The Foster Care Bill of Rights outlines the many rights specific to foster youth, including the right to be treated with dignity and not be discriminated against, the right to have confidential phone calls and correspondence unless prohibited by court order, and the right to participate in extracurricular, enrichment, and social activities.³ The reasonable and prudent parenting standard, required by both federal and state law, is characterized by “careful and sensible parental decisions that maintain the health, safety, and best interests of the child while at the same time encouraging the emotional and developmental growth of the child.”⁴ Foster care providers and resource parents are required to adhere to this standard when making decisions about youth participation in age or developmentally appropriate extracurricular, enrichment, social, or cultural activities.

Demonstrations and Protests are “Normal” Activities for Youth in the Current Social Justice Moment

23 percent of youth in foster care are Black, and the current movement for liberation and justice directly impacts their current lives and futures.⁵ The Black Lives Matter movement has gained momentum in recent months following outrage over law enforcement killings of citizens like George Floyd, Breonna Taylor, and Ahmaud Arbery. Black Lives Matter demonstrations and protests are currently a regular, “normal” activity in many citizens’ lives - all 50 states and the District of Columbia,⁶ including 193 California cities and towns have had Black Lives Matter demonstrations.⁷

These activities have played an integral role in America’s history of social justice activism, and are an exercise of the First Amendment right to peacefully assemble. Young people have historically been at the forefront of social justice movements,⁸ and continue to play an important leadership role in the current movement. Thousands of young people across the nation are participating in activism by marching for justice, advocating for state and local policy changes, and sharing their vision for a better world. In recent weeks, increasing numbers of youth across

² 42 U.S.C. §675 (10).

³ Cal. Welf. & Inst. Code §16001.9.

⁴ Cal. Welf. & Inst. Code §362.05(c) (1-2).

⁵ *Foster Care Statistics 2017*, CHILD WELFARE INFORMATION GATEWAY, Mar. 2019, <https://www.childwelfare.gov/pubPDFs/foster.pdf#page=8&view=Race%20and%20ethnicity>.

⁶ Audra D.S. Burch, et.al, *How Black Lives Matter Reached Every Corner of America*, NEW YORK TIMES., Jun. 13, 2020, <https://www.nytimes.com/interactive/2020/06/13/us/george-floyd-protests-cities-photos.html>

⁷ Id.

⁸ Erin Blakemore, *Youth in Revolt: Five Powerful Movements Fueled by Young Activists*, NATIONAL GEOGRAPHIC, Mar. 23, 2018, <https://www.nationalgeographic.com/news/2018/03/youth-activism-young-protesters-historic-movements/#close>.

the nation have organized and led protests in support of Black Lives Matter.⁹ 53 percent of young Americans reported posting or sharing content about race or racial equity on social media networking sites in the last month, and 21 percent reported contributing money to an organization.¹⁰ These activities are ones that are now typical for youth - young adults are significantly more likely than older adults to engage in conversations about race and racial equality both on and offline, contribute money to an organization promoting racial equality, contact a public official to express their opinion, and attend a protest or rally.¹¹

Youth involvement in activism in this moment is both “normal” and indispensable in creating a better future. Consistent with normalcy policy, we must ensure that young people in foster care are not denied the opportunity to engage in these conversations and activities that many of their non-system involved peers take for granted.

Being a “Prudent Parent” to Youth of Color Requires Specific Considerations and Actions

Foster care providers and resource parents should acknowledge the specific challenges faced by Black, Indigenous and Latinx youth, and consider what actions they must take as “prudent parents” to strengthen youth’s resilience, facilitate their formation of positive ethnic and racial identity, and support their participation in cultural and advocacy activities.¹² Racial bias and discrimination have vast, long-term negative impacts on youth of color. Research shows that racism is a large threat to the development and sustainability of resiliency in youth of color.¹³ Racial discrimination and bias can lead to internalized racism and low self-esteem among young people of color. Parents and providers play a critical role in preparing youth in their care for navigating a racialized society while also promoting their development of identity, resiliency, and ability to advocate for themselves and a more just world. Foster care providers and resource parents must also work to prevent youth of color from internalizing racism and damaging their self-worth.

Young people of color often internalize messages that their shortcomings or failures are a direct result of their lack of personal effort or abilities. Parents play a critical role in helping youth

⁹ See Mihir Zaveri, *Teens Are on Front Lines of Black Lives Matter Protests*, NEW YORK TIMES., Jun.23, 2020, <https://www.nytimes.com/2020/06/23/us/teens-protest-black-lives-matter.html>; Isabella Ulmann, *This Protest Reached Millions... And it Was Organized by Teens*, SHINE GLOBAL BLOG (JUN.19, 2020), <https://www.shineglobal.org/2020/06/19/this-protest-reached-millions/>; Katie Kindelan, *6 teen girls were the organizers behind Nashville’s massive Black Lives Matter protest*, GOOD MORNING AMERICA., Jun.9, 2020, <https://www.goodmorningamerica.com/living/story/teen-girls-organizers-nashvilles-massive-black-live-matters-71129776>.

¹⁰ Id.at 16.

¹¹ Id.at 16.

¹² Id.at 168.

¹³ Kenneth R.Ginsburg and Martha M.Jablow, *Raising Youth of Color in a Complex World*, 4 BUILDING RESILIENCE IN CHILDREN AND TEENS, 2015, at 165.

understand the intersectionality of racism and discrimination, how that may lead to the disadvantages or lack of opportunities that directly impact them and also empowering youth to take action to change the world. *“Parents value and promote effort but caution their youth that such is not always enough in a society marked by inequity. They equip their children and youth with the critical consciousness that enables them to identify and analyze dimensions of power and authority, to effectively resist against the internalization of undermining messages, and to remain resilient in the face of barriers imposed by society.”*¹⁴ Congregate care providers have a greater burden to develop alternative methods to both teach, support and empower youth in their care who will not receive the protection and nurturing this kind of parenting provides.

Resource parents and care providers should create an open dialogue about racism and inequity with youth in their care and facilitate experiences where youth can be in community with others who are resisting racism and envisioning a different anti-racist world. Resource parents and care providers should guide adolescents “on how to best channel their anger and pain into prosocial ways that engage them as active participants in the creation of a fairer society.”¹⁵ A powerful way for youth to become involved in positive change is through social justice activism. Through activism, adolescents may form communities with others who align with their set of values and morals, find their voices to advocate for others, and begin to heal from past trauma and discrimination. Participating in direct action supports the healthy development of adolescents into independent, critical thinking, and civic minded individuals and allows them to participate in social justice in a meaningful way. Research shows that civic engagement is important in the personal growth and identity development of young people.¹⁶

*“As we work with youth in dismantling their internalized racism, we encourage them to reclaim their pride, to reclaim their right to dream, and to dream big as their greatest acts of courage. Because the greatest individual acts of courage, collectively, are what move us closer to a just, equitable, fair, and caring society.”*¹⁷

Normalcy Policy Applied to Specific Types of Social Justice Activities

In-Person Participation

Under federal and state law, every child in foster care has the right to engage in age-appropriate extracurricular and social activities.¹⁸ Providers are also required to “promote and protect” youth

¹⁴ Id. at 320.

¹⁵ Maria Veronica Svetaz, et.al, *Strength-Based, The Traumatic Impact of Racism and Discrimination on Young People and How to Talk About It*, 2 REACHING TEENS, June 2020, at 326.

¹⁶ Constance Flanagan and Peter Levine, *Civic Engagement and the Transition to Adulthood*, 20 The Future Of Children.159 (2010).

¹⁷ Id.

¹⁸ Cal.Welf. & Inst.Code § 362.05 (a)(1).

participation in age appropriate extracurricular, enrichment, and social activities.¹⁹ When determining whether youth may participate in certain extracurricular or social activities, foster care providers must apply the reasonable and prudent parent standard while keeping in mind the specific rights guaranteed to youth under the standard.²⁰ The reasonable and prudent parent standard may not be used to infringe upon the specific rights of foster youth or orders of the court.²¹

In the current moment, when age appropriate activities for teenagers in foster care necessarily involve social justice activism and advocacy, foster care providers and resource parents must figure out how to support youth who wish to participate in social justice protests and demonstrations. For counties under “stay at home” orders due to COVID-19, the reasonable and prudent parent standard can be applied by care providers to take precautions so youth can safely participate in in-person demonstrations. This may include discussing social distancing protocols while protesting, providing youth with guidance on best practices to remain safe from police violence, making emergency plans and providing youth with masks, water, and snacks. It should be noted that recent participation in marches and demonstrations have not led to an increase in COVID-19 cases.²²

Online Participation

Existing law and regulations allow youth in foster care to participate in online social justice activism. Online engagement has also become key to social justice activism and has allowed people to engage in discussions surrounding race, politics, and inequality. The internet and social media have provided a large platform for social justice activism, ranging from sharing lived experiences to fundraising to community organizing.²³ It has also allowed young people to better understand the context surrounding current events, learn more about the history of social justice, and help them form their own opinions and beliefs.

Social media is now certainly a normal activity and an integral form of communication for young people across the country. As of February 2019, 90 percent of Americans ages 18 to 29 use social media.²⁴ Approximately 95 percent of teenagers reported having access to a smartphone in 2019.²⁵ Given the impact of COVID-19, social justice engagement online is essential to

¹⁹ Cal.Welf. & Inst.Code § 362.05 (a)(1) (emphasis added).

²⁰ Id.

²¹ ACIN I-17-13.

²² Leah Asmelash, *Black Lives Matter protests have not led to a spike in coronavirus cases, research says*, CNN., Jun.24, 2020, <https://www.cnn.com/2020/06/24/us/coronavirus-cases-protests-black-lives-matter-trnd/index.html>.

²³ John McNutt, *Technology picks up its sword in the service of social justice*, OXFORD UNIVERSITY PRESS BLOG., Oct.21, 2018, <https://blog.oup.com/2018/10/technology-service-social-justice/>.

²⁴ Social Media Fact Sheet, PEW RESEARCH CENTER, Jun.12, 2019, <https://www.pewresearch.org/internet/fact-sheet/social-media/>.

²⁵ Monica Anderson and JingJing Jiang, *Teens, Social Media & Technology 2018*, PEW RESEARCH CENTER., May 31, 2018, <https://www.pewresearch.org/internet/2018/05/31/teens-social-media-technology-2018/>.

participation in current social justice movements. Through social media, youth may gain access to educational information and resources on social justice and ways to get involved.

Foster youth's participation in online social justice activities is supported by existing law. Youth have the right to "participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, *access to computer technology and the internet.*"²⁶ Foster youth may acquire, possess, and use their own cellular telephone, unless prohibited by court order or the placing agency.²⁷ Foster youth are also permitted to use social media.²⁸ Foster care providers may place reasonable limitations on cell phone use provided that those limitations do not effectively deny youth the right to use a cell phone, unless the limitation has been approved by the placing agency.²⁹ Under the Foster Care Bill of Rights, youth in care have the right to "make, send, and receive confidential telephone calls and other electronic communications, and to send and receive unopened mail, unless prohibited by court order."³⁰ The law applies to youth engaging in conversations with their family, friends, and peers about social justice issues, advocacy activities and civic involvement such as contacting decision-makers including members of Congress, state legislators, and community leaders. Care providers should promote the ability of youth to engage in social justice activism online, including social media, petition signing, attending virtual town halls or conferences, or resource and information sharing.

²⁶ Cal.Welf.& Inst.Code § 16001.9 (a)(16) (emphasis added).

²⁷ RFA Directive Section 11-08(b)(3).

²⁸ ACIN I-17-13.

²⁹ Cal.Code Regs.tit.22, §§ 89377; RFA Directive Section 11-09; Cal.Welf.& Inst.Code § 362.05 (a)(1).

³⁰ Cal.Welf.& Inst.Code § 16001.9 (a)(13).