

# The Mockingbird Society

## 2009 LEGISLATIVE AGENDA

### **Safe Housing for Youth Exiting Foster Care**

#### **Foster Care to 21 Program**

**(HB 1961)**

Retain the Foster Care to 21 Program – The Foster care to 21 Program allows 50 foster youth per year to stay in their foster home after turning age 18 if they are enrolled in higher education.

#### **Independent Youth Housing Program**

**(HB 1492)**

Retain the Independent Youth Housing Program (HB 1492) – The Independent Youth Housing Program provides housing to youth who turn 18 and age out of foster care. Providing safe, supportive housing for youth exiting foster care increases positive outcomes for youth and their community.

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#### **Notification of Rights for Youth in Foster Care**

**(SB 5758)**

Ensure youth in foster care are aware of and understand their rights including the right to visit siblings – Notifying foster youth of their rights empowers them to have a voice in the myriad of complex decisions and systems that affect them, and increases system accountability and permanency.

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#### **Legal Representation for Foster Youth 12 and Older**

**(HB 1183 & SB 5609)**

Ensure that courts automatically consider whether an adolescent needs an attorney in Dependency Hearings – Adequate legal representation for adolescents has been shown to result in increased permanency, a reduction in juvenile justice involvement, and more stability in early adulthood.

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## Safe Housing for Youth Exiting Foster Care (HB 1961 & HB 1492)

### Issue

In 2005 it was reported that 456 young people “aged-out” of the Washington State foster care system. Studies demonstrate these youth are at increased risk for homelessness, early parenting, poverty and recipient of public assistance. Washington State is a national leader in addressing this issue!

### 2009-2011 Biennial Budget Request

Foster Care to 21 (HB 1961) – Retain and Expand

Independent Youth Housing Program (HB 1492) – Retain and Expand

### History

The history of the Washington foster care system is similar to most state systems across the nation in that youth exiting foster care have been left to their own devices to survive as they frequently were discharged without any concrete plan for safe housing. It was not uncommon for counselors and foster parents to be in the position to instruct young people to “under-achieve” and not complete high school or the GED test because they would immediately become ineligible for foster care and lose their housing.

The 2006 legislature passed landmark legislation (HB 2002), creating the Foster Care to 21 program. For the first time youth exiting foster care were allowed to remain in their foster home provided they were enrolled in higher education or a certified vocational training program. The legislature limited enrollment into this program to 50 youth.

The 2007 legislature passed (HB 1922) and created the Independent Youth Housing Program within the Department of Community, Trade and Economic Development to provide housing stipends and case management service to young adults ages 18-23 who are legal dependents of the state.

### Background Data

In the general population, half of youth between 18 and 24, live with their parents. In fact, the majority of youth in the United States are not self sufficient until age 25.

Casey Family Programs Findings for Youth Who Age Out of Care<sup>1</sup>:

- 1/3 are on some form of public assistance
- 25.2% of these youth suffer from PTSD—nearly 2 times the rate of war veterans
- 22% were homeless for one day or more after turning age 18
- Less than 2% had completed a Bachelor’s Degree

Mid-West Evaluation of the Adult Functioning of Former Foster Youth Found<sup>2</sup>:

- Foster youth allowed to remain in care past age 18 are more likely to go to college
- Youth remaining in state care until age 21 are 3.5 times more likely to attend college and more than twice as likely to complete at least one year of college than those who leave care at age 18.
- Each additional year in state care is associated with increased earnings of about 17%.
- Remaining in state care until age 21 is associated with a 38% reduction in the risk of becoming pregnant during late adolescence (ages 17-19).

New Federal Legislation promotes stability for older foster youth:

- Allows states to provide care and support to foster youth up to age 21
- Requires state to provide a detailed exit plans which can include: housing, health, insurance, education, local opportunities for mentoring, continuing support services and employment services

### **Outcome**

Multiple studies have demonstrated the traumatic results most youth aging out of foster care experience when exiting the foster care system with no safe housing or other age-appropriate support systems. Youth from across Washington State have benefited from these two programs and many others are in need. Providing safe, supportive housing for youth exiting foster care increases positive outcomes for youth and their community.

<sup>1</sup>Pecora, P. et al. (2003). Assessing the Effects of Foster Care. Northwest Foster Care Alumni Study. Casey Family Programs

<sup>2</sup>Courtney, M.E. et. al. (2007). Midwest Evaluation of the Adult Functioning of Former Foster Youth. Chapin Hill.

## Notification of Rights for Youth in Foster Care (SB 5758)

### Issue

Youth in foster care have a number of legal rights in dependency proceedings - such as a right to be placed with or visit siblings when appropriate and stay in the same school when possible. Unfortunately, despite a large number of professionals these youth can come in contact with — counselors, doctors, social workers, judges, parents, foster parents, and case workers — not one has the responsibility to inform youth of their legal rights.

### History

According to the Pew Commission, surveys show young adults/former foster youth repeatedly recalled their confusion as children at being removed from their families and sent to live elsewhere with no explanation—or at least, none they could understand. They also spoke of the confusion caused by multiple service providers involved in a case, each with a different notion of what the outcome will, or should, be.

### Background Data

In 2007, on any given day in Washington State, there were about 10,000 children living in an out-of-home placement. Of these youth 35.6% were in out-of-home care for more than two years.<sup>1</sup>

In a large-scale survey of youth age 15-18 in foster care in Washington State during 2007:<sup>2</sup>

- The median number of social workers the youth had while in foster care is three
- While 95% of these youth have biological siblings, the numbers of siblings being placed with one or more of their other siblings is on the decline.
- Most reported that they had been separated from at least one sibling. Half of these youth have not had contact with their siblings at least twice.

### Outcome

Being uprooted from the life they know can be traumatic for foster children. Notifying youth of their rights can help provide them with a sense of security and self-worth while increasing system accountability and child permanency.

<sup>1</sup> DSHS. 2007 Performance Report. Retrieved from: [ww.dshs.wa.gov/pdf/ca/07Report2Intro.pdf](http://ww.dshs.wa.gov/pdf/ca/07Report2Intro.pdf)

<sup>2</sup> DSHS. (2008). Survey of Washington State Youth in Foster Care. Washington State University: Social & Economic Sciences Research Center (SESRC).

## Legal Representation for Foster Youth 12 and Older (HB 1183 & SB 5609)

### Issue

Legal representation provides youth with an attorney who can use the legal process to ensure they are in a safe home and receiving the quality services that support the well-being and long term stability and permanency of the youth. While Washington law *does* allow youth 12 or older to request an attorney in a dependency proceeding, a recent study found many youth unaware of this right.<sup>1</sup> This bill would simply require courts to automatically consider whether an adolescent needs an attorney, as opposed to waiting for the child or another party to request one. It would not require that an attorney be appointed.

### History

The Office of Civil Legal Aid (OCLA) found that adolescents in a majority of counties across Washington State are routinely not appointed counsel to represent their interests and protect their legal rights. The OCLA also found that it was unclear whether youth knew of their right to request counsel, and it was unclear whose responsibility it was to inform the youth of their right to request.<sup>2</sup>

### Background Data

- A study comparing 1,200 cases shows foster youth represented by lawyers are adopted or go to live with relatives 3 times more quickly than children without legal representation.<sup>3</sup>
- Another study found that a higher degree of court advocacy is associated with a greater availability of placements and services for older foster youth, more involvement by case workers and other adults and a greater awareness of the laws that affect them.<sup>4</sup>
- Legal and social science literature also suggests that the most effective approach to meeting the needs of dependents in care is the combination of an attorney and a volunteer, adequately trained for their roles in dependency proceedings.<sup>5</sup>
- In 2007, the Washington State Supreme Court Commission on Children in Foster Care, which consists of representatives from all areas related to foster care, adopted principles calling for legal representation of all adolescents in foster care.
- A 2008 national study found that 35 of 51 states (including DC) mandate legal representation for children. The same study ranked Washington as one of the 5 worst states for protecting the legal rights of children in abuse and neglect proceedings.<sup>6</sup>

### Outcome

Adequate legal representation for adolescents has been shown to result in increased permanency, a reduction in juvenile justice involvement, and more stability in early adulthood.

### Youth Story<sup>7</sup>

"If I would have been allowed to attend a court hearing regarding my case, I don't think I would have been as scared or worried because I would have been able to see first-hand what [was] happening [to] me and my family. I would have also felt less resentful towards the system because I would have felt like I had some say." – *Former Foster Youth*

<sup>1</sup> “If the child requests legal counsel and is age twelve or older...the court may appoint an attorney to represent the child's position.” RCW 13.34.100(6). See also JuCR 9.2(c)(1): An attorney for a juvenile “who has no guardian ad litem” is provided “[u]pon request of a party or on the court’s own initiative....” There is nothing automatic about this rule.

<sup>2</sup>The Washington State Office of Civil Legal Aid. Report to The Washington State House Judiciary Committee: *Practices Relating To The Appointment Of Counsel For Adolescents In Juvenile Court Dependency Proceedings In Washington State*. December 1, 2008

<sup>3</sup>Zinn, A. and J. Slowriver. (2008). *Expediting Permanency: Legal Representation for Foster Children in Palm Beach County*. Chapin Hill.

<sup>4</sup>Peters, C., K. S. Claussen Bell, A. Zinn, R. M. Goerge, M. E. Courtney. (2008). *Continuing in Foster Care Beyond Age 18: How Courts Can Help*.

<sup>5</sup>Kearns, B. (2002). *Comment: A Warm Heart but a Cool Head: Why a Dual Guardian ad Litem System Best Protects Families Involved in Abused and Neglected Proceedings*. Wis. L. Rev. 699.

<sup>6</sup>Krinsky, Miriam Aroni. (2007) *My Voice, My Life, My Future: Youth Participation in Court*. The newsletter of The Judges’ Page website-March 2007. National CASA. <http://www.Nationalcasa.org/JudgesPage/index.htm>

<sup>7</sup>Outley, A. *Representation for Children and Parents in Dependency Proceedings*. Pew Commission on Children in Foster Care. Found on December 12, 2008 at: <http://pewfostercare.org/docs/index.php?DocID=42>