



Senate Bill No. 283
AN ACT EXTENDING THE AGE OF ELIGIBILITY FOR LEGAL REPRESENTATION PROVIDED BY THE
DEPARTMENT OF CHILDREN AND FAMILIES
March 3, 2020

Senator Moore, Representative Linehan, Vice Chairs, Ranking Members, and Distinguished Members of the Committee on Children:

I submit this testimony on behalf of the Center for Children's Advocacy, the largest children's rights legal organization in New England. The Center, which is affiliated with the University of Connecticut School of Law, provides holistic representation for poor children in Connecticut's communities through individual representation, education and training, and systemic advocacy. The attorneys in our Child Abuse Project, including myself, represent abused and neglected children involved in the child welfare system, addressing the unique needs of each child by providing advocacy not only in the courtroom, but also in regards to their education, health, immigration status, and other systemic areas.

The Center supports the concept of S.B No. 283, An Act Extending for Legal Representation Provided by the Department of Children and Families. DCF, however, is not the state agency charged with appointing legal counsel for the youth in their care; the Office of the Chief Public Defender is the responsible agency.¹

As the law exists now, Connecticut youth in DCF care lose their court-appointed child protection attorneys the day they turn 18. In 2008, federal law gave states the option to extend foster care to age 21²; the majority of states, including Connecticut, have since done so.³ However, while approximately 20 of those states have also implemented legal representation for youth in extended care, Connecticut

¹ C.G.S. ch. 887 § 51-296a. We would respectfully suggest amending § 46b-129a to include the following underlined sentence: (2) (A) A child shall be represented by counsel knowledgeable about representing such children who shall be assigned to represent the child by the office of Chief Public Defender, or appointed by the court if there is an immediate need for the appointment of counsel during a court proceeding. This appointment will last as long as they remain under the Department's supervision, unless otherwise determined by the court.

² Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 allowed states to use federal funding to extend care up until age 21.

³ National Extended Foster Care Review: 50-State Survey of Extended Foster Care Law and Policy. Executive Summary. Juvenile Law Center. <https://jlc.org/sites/default/files/attachments/2018-05/2018-NationalEFCReview-ExecSummary.pdf>

has not. These are attorneys who are needed to give the youth a voice in court, with DCF, at school meetings, and in navigating various systems.

Statistics repeatedly show that youth aging out of foster care are the most at-risk in our society.⁴ At-risk of homelessness.⁵ At-risk of dropping out of school. At-risk of unemployment. At-risk of incarceration. At-risk for a lifetime of untreated mental health issues. At-risk of being trafficked. They are youth who have reached age 18 without any permanent connections in their lives. As high school sophomores, juniors, or seniors, they are left to navigate ongoing court proceedings, unstable living arrangements, educational transitions, administrative paperwork, and countless meetings -- major life decisions that are often in flux at age 18 -- by themselves. This is not to imply that DCF social workers do not also carry some of this responsibility. But regardless of a worker's best intentions, their loyalty ultimately remains to the agency and its policies, not to the youth, who they are repeatedly encouraging towards "independence." A youth's attorney, on the other hand, has an unwavering ethical duty of loyalty to serve the youth, and the youth alone.

A 19 year-old youth that I represented once voiced his need for an attorney's involvement best: "I just need an adult to talk to another adult for me." In that case, it was his DCF worker that he was having communication trouble with. At any given time, however, it could be a youth's teacher, group home director, judge, probation officer, guidance counselor, insurance company, or landlord that he or she needs help communicating, advocating, and negotiating with.

The Center for Children's Advocacy has implemented a small pilot project as a band-aid approach to this problem. Aptly named the "800 Project," the initial intention was to be a point of contact after DCF issued the youth an "800 form," looking to discharge them from care and discontinue their benefits. What has since been discovered, however, is that this process, while certainly better than the alternative lack representation for this population, cannot cover the immense need that exists. It also relies on the youth proactively reaching out for assistance. Youth who may not have the know-how, resources, time, or wherewithal to do so. Youth who are already in crisis. Youth whose relationship with DCF has already broken down. While the success stories we have had are inspiring, it has become painfully obvious that had the youth been able to keep their court-appointed attorneys without disruption, the continuity of care could have prevented such stories in the first place.

An 18 year-old youth called us last week, seeking assistance. She had been in and out of DCF care since age two. Shortly before turning 18, she was placed in a group home, which ended up being involved with a trafficking ring. DCF then moved her to Solnit; she and her hospital case worker called looking for advocacy help with figuring out a discharge plan, as DCF had yet to develop a placement plan, despite her being clinically ready to leave. A few weeks prior to that, a 20 year-old youth called, looking for help in navigating an administrative hearing with DCF, who was looking to discharge her from care. She had been with them since age 13. Prior to that, it was an 18 year-old, calling from juvenile detention, after receiving a DCF discharge notice just days after his birthday and having no other resources to turn to. A 19 year-old called looking for advocacy assistance when DCF threatened to discharge her after a rough

⁴ Annie E. Casey Foundation *Fostering Youth Transitions* report, issued Nov. 2018.

<https://www.aecf.org/resources/fostering-youth-transitions/#summary>

⁵ Close to one-third of youth aging out of care experience homelessness after aging out of foster care. Pokempner, Jenny; *Urgent Action Needs to Help Provide Housing for Youth Aging Out of Foster Care*, December 6, 2019.

<https://jlc.org/news/urgent-action-needed-help-provide-housing-youth-aging-out-foster-care>

academic semester in college. A homeless 18 year-old called looking for assistance with re-entry into DCF care, and with help getting resituated in school. These are just a handful of the 18, 19 & 20 year-old youth who have been resourceful enough to reach out for assistance. There are many youth, however, who go without. These are the youth who we will never hear from. Those without the resources to pick up a phone to call for help, or to come down to the Legislative Office Building to have their voices heard.

While the Office of the Chief Public Defender may prioritize enhancing legal representation for our under-18 youth at this point in time, we see our transition-age youth in extended foster care as the more vulnerable population. They are currently without any legal representation, facing adult-sized problems on their own. Our state must create a comprehensive extended foster care system valuable to all youth. An investment in them now is an investment in our future.⁶

Thank you for your consideration.

Respectfully submitted,



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⁶ There is an estimated increase in per-person lifetime earnings of \$72,000 by extending foster care, and a \$2.40 return on each dollar spent on extended foster care with the attainment of a bachelor's degree, according to a cost-benefit analysis conducted in California. National Conference of State Legislatures, "Older Youth Housing, Financial Literacy and Other Supports," 2/17/2020. <https://www.ncsl.org/research/human-services/supports-older-youth.aspx>