



Senate Bill No. 309
AN ACT EXTENDING THE AGE OF ELIGIBILITY FOR LEGAL REPRESENTATION PROVIDED BY THE
DEPARTMENT OF CHILDREN AND FAMILIES
March 8, 2022

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

We 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 underserved children in Connecticut's communities through individual representation, education and training, and systemic advocacy. The attorneys in our Child Welfare Project represent children whose lives have been intervened upon by the Department of Children and Families, addressing the unique needs of each child by providing advocacy in the courtroom, at administrative meetings and contract negotiations, in educational settings, and however else it is needed.

The Center supports the concept of S.B No. 309, An Act Extending for Legal Representation Provided by the Department of Children and Families. DCF, however, is not the state agency actually charged with providing 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 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

¹ C.G.S. ch. 887 § 51-296a. As such, rather than the proposed language, 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>

have also ensured a continuity in legal representation to those youth in extended foster care, Connecticut has not.

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. These are **our** kids, the ones that **our** state was tasked with the responsibility of raising. They are youth who have reached age 18 without reliable, permanent connections in their lives. Without anyone who has been willing and able to commit to them in a parental role. Starting as high school sophomores, juniors, or seniors, they are left to navigate complex legal issues and major life decisions – like contract negotiations with DCF, court proceedings, unstable living arrangements, educational transitions, administrative paperwork, and unreliable transportation – that are all almost always in flux at age 18, by themselves.

These youth and young adults need lawyers to protect their legal rights and ensure that they properly “receive adequate notice and an opportunity to be heard; ensure that they can participate fully in hearings and case planning; ensure that they are respected and treated fairly in court processes; and ensure that legal decisionmakers listen to them and consider their perspective.”⁶ Attorneys are specifically trained to provide legal advice, counsel clients on legal remedies, help navigate red tape, negotiate legal documents with DCF, and empower youth with the knowledge of their rights.

None of this is to imply that DCF social workers do not also carry some of the responsibility to help youth navigate difficult life decisions. There also exist some case managers at state-contracted agencies that can and do help. But DCF social workers and case managers are not lawyers and are not trained to address the aforementioned legal issues these youth often face. They are tasked with implementing and not deciphering the web of policies, regulations, state laws and federal laws impacting **our** youth. Further, regardless of a worker’s best intentions, their loyalty ultimately remains to the agency or organization they are employed by. In contrast, a youth’s attorney has an unwavering ethical duty of loyalty to serve the youth and the youth alone—and can advocate for a youth without the same constraints and with a different set of tools.

The Center for Children’s Advocacy has implemented a two-attorney 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 a youth an “800 form,” looking to discharge them from care and discontinue their benefits due to a breach of their contract. What has since been discovered, however, is that this process, while certainly better than the alternative wholesale lack representation for this population, cannot cover the immense need that exists. In addition to the lack of staffing resources, it also relies on youth proactively reaching out for assistance. Youth who may not have the know-how, resources, time,

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>

⁶ National Association of Counsel for Children: Counsel for Kids, *Information Sheet*,

<https://secureservercdn.net/72.167.241.180/zmc.c18.myftpupload.com/wp-content/uploads/2022/02/Counsel-for-Kids-Information-Sheet-2022.pdf>

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.

There are countless stories.

The 19 year-old who called last week, after receiving a discharge notice from DCF because he was unable to find employment – one of the requirements of his remaining in extended foster care. DCF had lost his green card two years ago, and as a result, he was unable to work, obtain a social security number, get a state ID, or receive any sort of stipend, yet they were looking to discharge him anyway.

The 18 year-old who 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 help with figuring out a hospital discharge plan, as DCF had yet to find her a placement, despite her being clinically ready to leave.

The 18 year-old, calling from juvenile detention, after receiving a DCF discharge notice just days after his birthday because he was incarcerated without a plan for education or employment, and had no other resources to turn to.

The 19 year-old looking for advocacy assistance when DCF threatened to discharge her after a rough academic semester in college. She had been with them since age 13.

The 18 year-old experiencing homelessness, who was still in high school and looking for assistance with re-entry into DCF care after having already been discharged.

The 21 year-old who decided she wanted to pursue higher education, but because she had chosen to work after high school, was being told by DCF that she could no longer do so prior to her discharge from care, given her age.

These are just a handful of the youth who have been resourceful enough to reach out for assistance regarding legal issues. There are many, 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, to submit written testimony, or to appear before the Committee to have their voices heard.

Lastly, while the Office of the Chief Public Defender may prioritize enhancing legal representation for our under-18 youth at this point in time, whose cases are more heavily court-involved, we see our transition-age youth in extended foster care as the more vulnerable population. They are without any legal representation, facing adult-sized problems (and contract negotiations with DCF every 3-6 months) 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.⁷

⁷ 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,

Thank you for your consideration.

Respectfully submitted,

Stacy L. Schleif, Esq.
Director, Child Welfare Project
Center for Children's Advocacy

Bianca Herlitz-Ferguson, Esq.
Singer Connecticut Public Service Fellow
Center for Children's Advocacy

Financial Literacy and Other Supports," 2/17/2020. <https://www.ncsl.org/research/human-services/supports-older-youth.aspx>