

Center for *Children's* Advocacy

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**TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY
IN SUPPORT OF SENATE BILL NO. 31
AN ACT CONCERNING EDUCATIONAL STABILITY FOR CHILDREN
IN THE CARE AND CUSTODY OF THE DEPARTMENT OF CHILDREN AND
FAMILIES. INCLUDES ADDITIONAL TESTIMONY REGARDING S.B. 140, AND
HOUSE BILLS NOS. 5067 AND 5146.**

February 23, 2010

This testimony is submitted on behalf of the Center for Children's Advocacy, a non-profit organization based at the University of Connecticut School of Law. The Center provides holistic legal services for poor children in Connecticut's communities through individual representation and systemic advocacy.

We strongly endorse Senate Bill 31 which will ensure that a child has the right to remain in her home school even if she is placed into foster care and moved to another town.

School is an integral part of the lives of foster youth, and educational success is vital to their successful transition to adulthood. The youths we represent have already been traumatized by being abused or neglected in their home environment. Often times, a foster child is moved to a home outside of his immediate community and must start over in a new school, typically after the academic year begins. Not only has the child lost his parents and possibly his siblings, but he has lost friends, classmates, a favorite teacher, a coach, music lessons, and/or anything he identified with in his former school.

These Youths Need Our Help

One young client of the Center was a youth named "Samantha".¹ Over a six month period that year Samantha moved 13 times. When we were appointed to her case, Samantha was anxious about the future and unable to connect with people for fear of being taken away from them.



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"Adam" was another client we represented. He was fourteen when he was placed in foster care. At that time he told us that his favorite class was history, that he wanted to try out for the football and baseball teams, and that he wanted to join the Marines and play college football. Over the course of the next three years, he lived in nine different placements (including two shelters and an emergency foster home) and changed schools at least eight times. After he failed the 10th grade, he described college as a "place I just can't see myself." Last year, he was sentenced to service one year in prison after a short rash of criminal charges.

School disruptions have devastating short and long-term effects on the education of foster children

- Numerous studies have confirmed that foster children perform significantly worse in school than do children in the general population. The educational deficits of foster

¹ All names have been changed to protect the confidentiality of our clients.

children are reflected in higher rates of grade retention; lower scores on standardized tests; and higher absenteeism, tardiness, truancy and dropout rates.

- Studies have shown that it takes a child approximately four to six months to recover academically from a school transfer²; the educational cost of multiple transfers is potentially devastating.
- **Experts have identified school stability as the single most effective way to improve educational outcomes for foster children.**³

SB 31 Benefits Schools and Teachers

Teachers and administrators are forced to scramble to determine the appropriate education program for each new student. Students transferred mid-year may be forced into special education programs to close the gaps between their old curriculum and the new one, programming which comes at great expense to the school district and town.⁴ Frequent student movement can overtax even extraordinary teachers,⁵ interfere with the pace of instruction, and lead to behavioral and social disruptions.⁶ In addition, when foster children fall behind, towns and taxpayers must pay for additional schooling.

Last year during a public hearing on educational stability, a teacher at Hartford High School expressed her frustration as follows:

“Not only does it take a toll on these young people, but it takes a toll on those of us who have to work with them every day because it's heartbreaking to watch these students struggle, not because they're not smart but because there's no time. There are no resources. How am I supposed to catch this girl up, after three and a half marking periods of not being in my class?”⁷

School Stability For Foster Youth is Now a Federal Mandate

On October 7, 2008, the Fostering Connections to Success and Increasing Adoptions Act (PL 110-351) was signed into law. “Fostering Connections” amends the Social Security Act to help hundreds of thousands of children and youth in foster care find permanent families and improve their educational outcomes. The new federal law *requires* child welfare agencies to include “a plan for ensuring the educational stability of the child while in foster care.” The agency must also include assurances that it has coordinated with the appropriate school districts to ensure that the child remains in the school in which the child is enrolled at the time of placement. Finally, the new law increases the amount of federal funding that may be used to cover education-related transportation costs for children in foster care.

Seventeen states have taken the lead in promoting school stability for foster children:

In passing educational stability legislation this year, Connecticut would be following the existing example set by over seventeen other states, including Arkansas, California, Florida, Illinois, Iowa, Louisiana,

² American Bar Association, *Educating Children Without Housing*, 11 (2002).

³ See CASEY FAMILY PROGRAMS, *A ROAD MAP FOR LEARNING: IMPROVING EDUCATIONAL OUTCOMES IN FOSTER CARE 9* (2004).

⁴ See MASON BURLEY & MINA HALPERN, *EDUCATIONAL ATTAINMENT OF FOSTER YOUTH: ACHIEVEMENT AND GRADUATION OUTCOMES FOR CHILDREN IN STATE CARE 9* (Wash. State Inst. for Public Policy, 2001).

⁵ *Id.*

⁶ Hartman, *Students on the Move*, 63 *EDUC. LEADERSHIP*, 20-24 (Feb. 2006).

⁷ *An Act Concerning Foster Placement and Education: Hearing on S.B. 159* (statement of Bridget Allison), available at <http://www.cga.ct.gov/2008/KIDdata/chr/2008KID00228-R001100-CHR.htm>.

Maine, Missouri, Nevada, New Hampshire, Ohio, Oregon, Texas, Utah, Virginia, and Washington—all have already created educational stability models for youth in foster care.⁸

No responsible parent would allow his or her child to move from one school to another every few months. The youth we represent are asking only that they be given the chance that many of their fellow students have- to stay in the school that is in their best interests. For the foregoing reasons, **we urge you to pass Raised Bill No. 31, *An Act Concerning Foster Placement and Education***

TESTIMONY IN SUPPORT OF SENATE BILL 140 AND HOUSE BILL 5067

We are also submitting testimony in support of Bills 140 and 5067, both bills concerning youth transitioning between the Department of Children and Families and the Department of Mental Health and Addiction Services.

DCF has entered into interagency agreements with the Department of Mental Health and Addiction Services (DMHAS) to provide for the transition of eligible children in the care and custody of DCF to DMHAS when they reach adulthood. However, too often these young adults are permitted to age out of DCF care at age 18 or 21, without proper planning or any transition to DMHAS care. As a result, they are unable to support themselves and unable to gain access to the benefits, shelter and the services they need to survive.

Despite the existence of these interagency agreements, the Center for Children's Advocacy has represented clients who have had to fight for transition planning and services that should have happened under the agreements. Most notably, my office represented "William," who had been involved with DCF since he was a young boy. Born addicted to drugs, William's parents disappeared from his life when he was very young. With the help of family and Departmental services, William received extensive assistance with his organic developmental and educational disabilities. However, as he turned 18, DCF failed to have an appropriate placement for him and had failed to develop a transition plan with DMHAS or the school system. William retained help from our office because he said "**When I turn 18, I don't know where to go, I don't know who will help me.**" Counsel for William aggressively sought out meetings with DCF, DMHAS and educational representatives to put together a comprehensive transition plan that would ensure William continued to receive educational services, housing support, clinical treatment and job education. Today, William lives in a supervised apartment, receives therapeutic support and attends a post-secondary educational program for disabled adults.

However, without aggressive legal advocacy, DCF and DMHAS would not have complied with their obligations to put together an appropriate transition and treatment plan for William. Over the last several years, children's advocates have testified on various bills that would mandate the development of a statutory interagency agreement between DCF and DMHAS. Those bills have not been enacted into law. Both of the bills in this committee addressing the needs of this population are necessary to ensure that DCF and DMHAS provide appropriate transition and treatment services for the youth and young adults who are dependent on them. These initiatives are necessary so that the most vulnerable youth living under the supervision of DCF (those children who do not find permanency and who suffer from psychiatric disabilities) do not wind up homeless or alone after they turn 18.

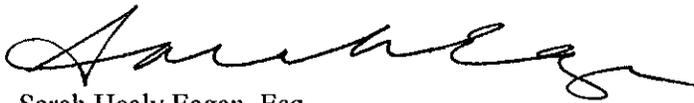
⁸ See *Fostering School Stability for Children in Connecticut's Care* available at <http://www.ctkidslink.org/publications/edu09schoolstabilitynov.pdf>, See also chart prepared by the Legal Center for Foster Care and Education at http://www.abanet.org/child/education/Legal_Center_FC_Non-McKinney_State_Chart_FINAL.doc; See *Fostering Connections Act: 2009 Resources*; available at <http://www.ncsl.org/?tabid=16326#Resources>

TESTIMONY IN SUPPORT OF HOUSE BILL 5146: AN ACT CONCERNING VISITATION OF CHILDREN COMMITTED TO THE DEPARTMENT OF CHILDREN AND FAMILIES.

We strongly support the language in this bill that provides legal parties the right to seek visitation orders from the Juvenile Court. Appropriate visitation plans are critical to ensuring children's best interests are protected and that reunification is being facilitated in a sensitive and timely fashion. This bill clarifies that the court has the authority to issue visitation orders that conform with the child's best interest and permanency goals. The child protection statutory scheme already provides that children have the right to seek visitation orders at the Order of Temporary custody hearing and that children have the right to regular and frequent visitation with both their parents and siblings so long as such visitation serves the children's best interest.⁹ This bill also reaffirms that all major decisions regarding the welfare of an abused and neglected child in state custody are reviewable by the juvenile court and the court's jurisdiction is not subservient to that of the state child welfare agency. Notably, however, the bill does not explicitly provide that children have the right to seek judicial visitation orders, only that relatives and siblings have such rights. The language should be clarified to provide that all legal parties, including relative interveners, have the right to seek visitation orders from the Juvenile Court.

Thank you for your time and consideration.

Respectfully submitted,



Sarah Healy Eagan, Esq.
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⁹ See C.G.S. § § 46b-121; 46b-129; 17a-10a.