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COMMITTEE ON CHILDREN
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RAISED BILL 5304, AN ACT PREVENTING HOMELESSNESS FOR YOUTH UNDER THE CARE OF THE COMMISSIONER OF CHILDREN AND FAMILIES

The Office of Chief Public Defender (OCPD) has concerns that passage of **Raised Bill 5304, An Act Preventing Homelessness for Youth** will result in a significant financial impact on this agency. This proposal is an effort to make sure that young people who reach the age of 18 while still in the custody of the Department of Children and Families leave state care ready to be successful. OCPD does not dispute the need for additional advocacy for these young people. However, the right to counsel currently ends at age 18. The lawyers who are contracted to represent these young people end their representation at 18 and will require additional compensation. Providing additional representation for hearings after age 18 will require a significant budget increase for this agency.

This proposal mandates that permanency plan hearings be held on all youth who remain in care after the age of 18. Permanency plan hearings are required in cases for children under the age of 18 and give the court a chance to review the progress of a case. Since these are court hearings, the bill also mandates that counsel be provided to the young people for these hearings. The Center for Children's Advocacy, which supports passage of this bill estimates that there are 282 cases where a permanency plan review would be necessary.

The bill would also mandate that children being involuntarily exited from DCF care after age 18 be provided with a hearing and be represented by counsel for that hearing. These situations occur when DCF determined that a young person in voluntary care after age 18 is no longer eligible for services. OCPD has been unable to obtain an

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estimate on the number of cases where a young person is involuntarily exited from DCF care.

OCPD pays contracted assigned counsel in child protection matters $500 per case. Since these would essentially be new cases, we would estimate a cost of $141,000 just for legal fees for permanency plan hearings. There would be other expenses collateral to litigation, including expert witnesses and transcripts. That number does not include the cost of providing counsel for the involuntary exit cases.

Current statutes provide a right to counsel for children in child welfare matters only up until the age of 18. The current budget amounts allocated to OCPD for assigned counsel in child welfare cases is only for representation for children up to the age of 18. Our budget allocation does not allow us to provide any additional compensation to the attorneys without falling into deficit. Three sessions ago, the responsibility for paying and supervising the lawyers for children in child welfare cases was assigned to OCPD. The budget for those services had been in deficient for several years and we were told that the first priority was to bring the budget into balance. We have done that by revising the payment system for the lawyers. The system changed from an hourly billing scheme to a flat rate payment system. This has balanced the budget, which did result in less pay for the contracted lawyers who provide representation to the children. We believe the pay to be fair but would not be able to ask the lawyers to provide service beyond the client's 18th birthday without additional funding.

There is no question that more attention must be paid to the young people who are exiting DCF care without a permanent family connection. In the October, 2013 report, the federal monitor overseeing DCF's compliance with the outcomes mandated in the Juan F. consent decree reported that there were 602 children in DCF care who had Another Permanent Living Arrangement as their permanency plan.[1] This means there was just over 600 children who DCF had determined were unlikely to find a

[1] *Juan F.* v. Malloy Exit Plan Quarterly Report, October 2013, page 5.

permanent home and remain in DCF care until the age of 18. News reports indicate that, on average, 320 young people will turn 18 while in DCF care every year. [2]

DCF offers continued assistance to youth who remain in school but many of the clients are not prepared for higher education. These young people sometimes make poor choice and are not able to cooperate with the requirements for remaining eligible for DCF services. Others are anxious to spate from DCF, having spent years in placements and foster care. They need guidance in making decisions and help advocating for themselves with DCF.

This agency has been attempting to develop a plan to provide enhanced representation for young people who will age out of DCF care and will need assistance transitioning in to adulthood. Because of budget restrictions and our need to program within our allocated budget amounts, this is planned as a small pilot and will not be available everywhere. Passage of Raised Bill 5304 without the funding to pay the lawyers to represent the youth will reverse the financial progress OCPD has made in the child protection budget and impede our ability to pilot programs to improve overall representation. While the Office of Chief Public Defender supports the concept of enhanced services for older youth, it is an initiative that cannot be effectively implemented without adequate funding. We would be happy to work with this Committee or the Appropriations Committee to determine the actual cost of implementation.

[2] CT Mirror, "Little help for Connecticut's many homeless youths, advocates say", December 18, 2013