

Center for Children's Advocacy

TESTIMONY OF THE CENTER FOR CHILDREN'S ADVOCACY IN SUPPORT OF RAISED BILL NO. 5304, *AN ACT PREVENTING HOMELESSNESS FOR YOUTH UNDER THE CARE OF THE COMMISSIONER OF CHILDREN AND FAMILIES*, WITH PROPOSED REVISIONS TO SECTION 3.

This testimony is submitted on behalf of the Center for Children's Advocacy, a private, non-profit legal organization affiliated with 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.

The Center for Children's Advocacy **supports** Raised Bill No. 5304, *An Act Preventing Homelessness For Youth Under The Care Of The Commissioner Of Children And Families* with **proposed revisions** to **section 3**. This bill is necessary to address the needs of the most vulnerable youth in our State: those who experienced abuse and neglect as children and who do not have the appropriate tools and resources to face life on their own. In particular, this bill targets the *most* vulnerable of our abused and neglected youth. These are young people who will never be returned home and who on account of their history of trauma; have a difficult time meeting the expectations of the Department of Children and Families (DCF) to continue in care. These youth are being discharged from DCF care to housing instability.

DCF collects data regarding the discharge location of youth exiting or "aging out" of foster care. In 2012, almost 20% of youth exiting foster care in Connecticut were discharged to a "shelter," "friends" or their discharge location was "unknown."¹ This number does not account for the housing instability that results from those who returned to live with the very parents whom DCF decided were unable to care for them (30.1% living with parents/extended family), those who unsuccessfully transferred between DCF and the Department of Mental Health and Addiction Services (DMHAS), or those who were incarcerated at discharge (2.6%). These discharge plans are temporary at best and absolute homelessness at worst.

We know more now about homelessness among our youth. The 2013 study, "Invisible No More: Creating opportunities for youth who are homeless," conducted by The Consultation Center at Yale University², documented the connection between homelessness and youth aging out of DCF care as well as the vulnerability of these youth. The study interviewed 98 homeless youth between the ages of 15-24, conducted 16 key informant interviews and one focus group.

¹ DCF discharge data as of 3/27/2013.

² Gordon, D, Hunter, B. (2013). "Invisible No More: Creating opportunities for youth who are homeless." Available at: <http://www.psychousing.org/files/InvisibleNoMoreReport.pdf>.

The Study revealed that:

- About ½ of the young people reported family contact with DCF;
- Of those, 69.2% had been removed from their home by DCF;
- More than 10/% were raised by DCF or foster parents;
- Several youth reported that they had traded sex for money (7.1%), a place to stay (8.2%); and drugs or alcohol (4.1%);
- 23.5% of the youth first experienced sexual intercourse at age 12 or under;
- 66% were unemployed and 26% were employed part-time;
- 32% dropped out of school; and
- ¼ of the young people reported considering suicide over the last year.

These numbers show that youth who are experiencing homelessness in Connecticut have contact with DCF, in some cases have been raised by DCF, and they are at great risk.³ One critical recommendation made by the Study is the need to address the special challenges that young people exiting the child welfare system experience.⁴

Raised Bill 5304 will address these special challenges and improve the wellbeing of these youth by addressing **four** key areas:

I. Prohibit DCF from discharging a youth from care unless the youth has a residence other than a shelter or a hotel and there is a reasonable expectation that the youth will be able to stay there for one year.

When youth are discharged from DCF care and we know their living situation at discharge is to a shelter or simply temporary we are exposing them to poor outcomes. Several states including New York⁵ and Maryland⁶ understand this is an undesirable practice and are leading the initiative in preventing discharge to shelters or temporary housing situations.

II. Require DCF to provide youth who are involuntarily discharged from the agency with aftercare services for a period of 45 days.

When youth are involuntarily discharged from DCF care they often do not have a safety net or appropriate family to care for them. By requiring DCF to provide services for this very short timeframe we are making sure that youth have at least a month and half of follow up care so they can connect to those community resources that will be

³ Id. at 39, 46-47

⁴ DCF's Young Adult Supportive Housing model is a pilot program that was developed to address these concerns. During FY 2013, the pilot served approximately 40 youth who were seeking to re-enter DCF care or who completed DCF's independent living program and were homeless or at risk of homelessness. The program provided critical services to exactly the group targeted by this bill however it intervened later, after the youth was already in need of intensive services.

⁵ See 18 NY ADC section 430.12 (3) (c).

⁶ See DHR, Policy #SSA-10-06; See also Maryland Department of Human Resources Title IV-B Child and Family Services Plan 2013 Annual Progress and Services Report P.118.

critical for them to succeed. Similar after care programs exist in states like Illinois⁷ and Missouri⁸ for example.

III. Amends C.G.S. § 46b-136 affording legal representation for youth who are involuntarily discharged from DCF.

When youth are involuntarily discharged from DCF they are likely to face it alone, without the assistance of a lawyer. As a result they may be denied those services they are entitled to by law. In their role as counselors, lawyers can assist the young client in optimizing their compliance with DCF expectations as well as marshalling those resources that are necessary to improve their wellbeing.

IV. Section 3 of this bill pertaining to permanency plans should be amended to align with national standards for youth whose permanency plan is Another Planned Permanency Living Arrangement (APPLA).

Youth with APPLA as their permanency goal are among the most at-risk for homelessness once they are discharged from care.⁹ This is often the result of the youth having no significant connections to a caring adult once they leave care. We urge you to consider amending the proposed language to include a provision requiring DCF to document a compelling reason as to why it would not be in the best interests of the child to be returned home, placed for adoption, placed with a legal guardian, or placed with a fit and willing relative or an adult who is willing to be a permanency resource for the child. (Please see attached language). This language is supported by best practice models including a resolution approved this year by the American Bar Association Commission on Youth At Risk urging changes in child welfare practice to ensure that each youth who transitions out of foster care has a permanent, significant connection to at least one appropriate adult.¹⁰ That resolution also proposed that states provide a continuum of housing options for youth leaving foster care.¹¹

We hope that you are compelled to pass Raised Bill No. 5304. By passing this bill you are increasing the likelihood of long term success for those who at such young age have already faced far more than many of us will endure in a lifetime.

Respectfully submitted,
Edwin Colon, Esq.
Staff Attorney

⁷ http://www.state.il.us/dcf/docs/SIHous_Assist.pdf

⁸ <http://www.dss.mo.gov/ed/info/cwmanual/section4/ch21/sec4ch21sub4.htm>

⁹ New Aves. For Youth & Sch. Soc. Work, Portland State Univ., Positive Transitions For Youth In Foster Care: Preventing Homelessness 4 (2012), P. 4, available at: http://www.pdx.edu/ccf/sites/www.pdx.edu.ccf/files/Positive%20Transitions%20for%20Youth%20in%20Foster%20Care%20-%20Preventing%20Homelessness%20February%202012_0.pdf

¹⁰ American Bar Association, Commission On Youth At Risk, Commission On Homelessness And Poverty, Report To The House Of Delegates, Resolution 109A, February 2014, available at: http://www.americanbar.org/content/dam/aba/images/abanews/2014mym_hodres/109a.pdf

¹¹ Id.

Center for Children's Advocacy, Proposed Legislation

Contact: Stacey Violante-Cote, Esq., Edwin Colon, Esq. (860) 570-5327

**AN ACT PREVENTING HOMELESSNESS FOR YOUTH UNDER
THE CARE OF THE COMMISSIONER OF CHILDREN AND
FAMILIES**

(NEW)

1-No child or youth may be discharged from the care of the Commissioner of Children and Families unless the youth has a residence other than a shelter for adults, shelter for families, or single-room occupancy hotel and there is a reasonable expectation that the residence will remain available to the youth for at least the first 12 months after discharge. This requirement does not apply to a youth who is placed in a residential facility, group home, is a member of the military or job corps or who is a full-time student in a post-secondary educational institution or where the youth has voluntarily departed from the custody of the Commissioner of Children and Families.

2-Every youth involuntarily discharged at age eighteen or later from the care of the Commissioner of Children and Families shall remain in aftercare for at least 45 days after discharge. During the period of aftercare, the Commissioner shall provide case management services to the youth. In the event that the youth becomes homeless during the period of aftercare, the Commissioner shall assist the youth to obtain housing consistent with section (1) above. The provisions of this clause relating to aftercare do not apply where a court order terminates the Commissioner's care of the youth or where the youth reaches the age of 21.

SECTION 46B-136 OF THE GENERAL STATUTES AS AMENDED BY THIS ACT.

In any proceeding in a juvenile matter, the judge before whom such proceeding is pending shall, even in the absence of a request to do so, provide an attorney to represent the child or youth, the child's or youth's parent or parents or guardian, or other person having control of the child or youth, if such judge determines that the interests of justice so require, and in any proceeding in which the custody of a child is at issue, such judge

shall provide an attorney to represent the child and may authorize such attorney or appoint another attorney to represent such child or youth, parent, guardian or other person on an appeal from a decision in such proceeding. Where, under the provisions of this section, the court so appoints counsel for any such party who is found able to pay, in whole or in part, the cost thereof, the court shall assess as costs against such parents, guardian or custodian, including any agency vested with the legal custody of the child or youth, the expense so incurred and paid by the Division of Public Defender Services in providing such counsel, to the extent of their financial ability to do so. The Division of Public Defender Services shall establish the rate at which counsel provided pursuant to this section shall be compensated. The youth shall be entitled to representation by counsel whenever he or she is involuntarily discharged from the care of the Commissioner of Children and Families as a result of a denial, suspension or discontinuation of benefits and whenever the youth is the subject of a hearing pursuant to section 46b-129(j) (5), provided the youth having attained the age of eighteen, agrees to such continued representation.

SECTION 46B-129(K) (2) OF THE GENERAL STATUTES AS AMENDED BY THIS ACT.

(2) At a permanency hearing held in accordance with the provisions of subdivision (1) of this subsection, the court shall approve a permanency plan that is in the best interests of the child or youth and takes into consideration the child's or youth's need for permanency. The child's or youth's health and safety shall be of paramount concern in formulating such plan. Such permanency plan may include the goal of (A) revocation of commitment and reunification of the child or youth with the parent or guardian, with or without protective supervision; (B) transfer of guardianship or permanent legal guardianship; (C) long-term foster care with a relative licensed as a foster parent; (D) filing of termination of parental rights and adoption; or (E) another planned permanent living arrangement ordered by the court, that includes a significant connection to an adult who is willing to be a permanency resource for the child, including documentation of the compelling reason that it would not be in the best interests of the child to be returned home, placed for adoption, placed with a legal guardian, or placed with a fit and willing relative; provided the Commissioner of Children and Families has documented a compelling

reason why it would not be in the best interests of the child or youth for the permanency plan to include the goals in subparagraphs (A) to (D), inclusive, of this subdivision. Such other planned permanent living arrangement may include, but not be limited to, placement of a child or youth in an independent living program or long term foster care with an identified foster parent.