

Written Testimony in Support of Senate Bill 309
An Act Extending the Age of Eligibility for Legal Representation
Provided by the Department of Children and Families

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March 8, 2022

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

The [National Association of Counsel for Children](#)¹ submits testimony to the Connecticut General Assembly Joint Committee on Children to express our strong support for [SB-309](#).

From the moment a young person is placed in foster care, everything is at stake – their home, school, belongings, community, and relationships with family and friends. In short, their future. Although the child protection system is intended to assure safety and well-being, youth in foster care commonly experience a damaging trajectory of disruption, inadequate services, and further maltreatment and trauma. Mandated legal representation is critical for youth in extended foster care (EFC) to help navigate the transition to increased independence and ensure youth true due process - a right to be heard and treated as an equal and essential part in the proceedings that shape their lives and futures.

For decades, Connecticut law has mandated the appointment of an attorney for youth placed in foster care.² But existing law does not go far enough: SB-309 will keep Connecticut at the forefront of best practice³ by ensuring legal representation to youth in extended foster care.

The Legal Interests of Youth Increase at Age 18

Youth entering EFC at age 18 are eligible for various federal supports and services that facilitate their successful transition from foster care.⁴ The Department of Children and Families is responsible for coordinating a broad array of therapeutic, housing, and educational services for youth. The court exercises continuing jurisdiction to provide oversight and review hearings of written case plans.⁵ While aspects of system involvement remain the same⁶, the stakes are higher for youth as they inch nearer and nearer their exit from foster care. Like their peers outside of the child protection system, youth in EFC need supports in place to successfully transition to independent living.

Appropriate Support Services Help Older Youth Avoid Adverse Adult Outcomes

Youth eligible for EFC services often face challenges that warrant the attention and advocacy of an attorney. Many youth in EFC have experienced long-term, out-of-home care which is correlated with an increased likelihood of placement

¹ Founded in 1977, NACC's mission is to advance the rights, well-being, and opportunities of children impacted by the child welfare system through access to high-quality legal representation. We support a national network of dedicated professionals, including attorneys for youth, parents, and government agencies as well as judges, CASAs, pediatricians and academic experts.

² Connecticut Legislature Public Act No. 96-246 (<https://cga.ct.gov/ps96/Act/pa/1996PA-00246-RO0SB-00404-PA.htm>)

³ In 2017 The U.S. Children's Bureau (CB), the federal agency responsible for child protection issued an Information Memorandum that encouraged the appointment of high-quality legal representation for parents, children and youth, and the child welfare agency. (See <https://www.acf.hhs.gov/sites/default/files/documents/cb/im1702.pdf>)

⁴ Congressional Research Service (2019, May) *Youth Transitioning From Foster Care: Background and Federal Programs*. <https://crsreports.congress.gov/product/pdf/RL/RL34499/34>

⁵ Any youth who elects to remain in care is entitled to a written case plan, treatment, and review (Conn. Gen. Stat. § 17a-11(j).)

⁶ Federal reimbursement through title IV-E continues to be available for eligible youth entering extended foster care. (See National Conference of State Legislatures (2017), *Extending Foster Care Beyond 18*, <https://www.ncsl.org/research/human-services/extending-foster-care-to-18.aspx>)

changes, educational instability, institutional care, and disruption of mental health and educational services.⁷ Youth in long-term foster care disproportionately experience a multitude of costly societal problems, including serious disciplinary infractions in schools, dropping out of high school, teenage pregnancy, and drug and alcohol dependence and abuse.⁸ They are also more likely to enter the juvenile and criminal legal systems and face lengthier periods of detention.⁹ Extending foster care is an antidote to these problems: EFC is associated with improved outcomes, when compared to peers exiting care at age 18, including increased rates of high school completion and employment and decreased rates of homelessness and young parenthood.¹⁰ The increase in youth self-sufficiency associated with EFC services translates into fiscal benefits to states.¹¹

Attorneys Ensure System Accountability and Support Court Oversight.

Attorneys are uniquely qualified to give voice to their client's wishes and service needs and/or pursue other well-being priorities such as post-secondary education and training opportunities, disability assistance, or housing and financial empowerment resources. This legislature determined that the court's continued jurisdiction was necessary to oversee EFC. Attorneys for youth in EFC are necessary to the court's oversight as they ensure agency adherence to the EFC case plan. Removing a young person's attorney because they turned 18 suggests that there is no longer a purpose for legal representation. Nothing could be farther from the truth. In EFC, youth continue to need individualized advocacy and system accountability that only legal representation can provide.

We commend the Connecticut Joint Committee on Children for elevating youth voice, promoting due process, and advancing equity for youth. Connecticut youth must have the right to have their interest represented by legal counsel for the duration of their child protection system involvement. NACC thanks you for considering this critically important issue for youth and urges the Committee to vote in support of SB-309.

Sincerely,



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⁷ Havlicek, Judy (Child Youth Serv. Rev. 2011) *Lives in Motion: A Review of Former Foster Youth in the Context of Their Experiences in the Child Welfare System*.

⁸ Zil, N. *Adoption from Foster Care: Aiding Children While Saving Public Money* (Washington, D.C.: Center on Children and Families, 2011). https://www.brookings.edu/wp-content/uploads/2016/06/05_adoption_foster_care_zill.pdf

⁹ Halemba, G. and Siegel, G. *Doorways to Delinquency: Multi-System Involvement of Delinquent Youth in King County (Seattle, WA)* (Pittsburgh: National Center for Juvenile Justice, 2011), <http://www.modelsforchange.net/publications/304>.

¹⁰ Abbot, S. and Rosenberg R. (2019, June) *Supporting Older Youth Beyond Age 18 Examining Data and Trends in Extended Foster Care*. <https://www.childtrends.org/publications/supporting-older-youth-beyond-age-18-examining-data-and-trends-in-extended-foster-care>

¹¹ Child Trends (2017, Feb.) Policy Brief *Supporting Youth in Foster Care Research-Based Policy Recommendations for Executive and Legislative Officials in 2017*. <https://www.childtrends.org/wp-content/uploads/2017/02/2017-13ChildWelfarePolicyBrief.pdf>