

Testimony before the District of Columbia Council
Committee on Human Services
March 4, 2010

Public Hearing:
The Adoption Reform Amendment Act of 2009 (Bill 18-547)

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Good afternoon Chairman Wells and members of the Human Services Committee. My name is Bill Ecenbarger and I am a staff attorney at Children's Law Center¹. As a guardian ad litem, I am appointed by the Court to represent the best interests of children in abuse and neglect proceedings.

Over the past two years, I have represented dozens of children and youth. I have the great fortune to have been appointed by the Court to represent the best interests of a young woman named Breona. Breona is nervous about public speaking, and has school today, so she has asked me to present her story to you. Breona recently turned 18. She and I met when her case opened in March 2008, shortly after her 16th birthday.

When her case first opened, Breona was placed in a group home, where she felt distraught, frightened and depressed. One of my first goals in her case was to advocate to have her live with a family friend, with whom she enjoyed a close relationship—Ms. West. Breona has known Ms. West her entire life. Fortunately, Ms. West was able to become a licensed foster-care provider on an emergency basis, and Breona was allowed to live with Ms. West relatively quickly.

Given the underlying circumstances in Breona's family, reunification with either of her parents was not an option. However, Breona still enjoys a fairly close relationship with her father, so she did not want to be adopted by Ms. West, because that would have required legally terminating her relationship with her birth parents and this was not something Breona wanted.

¹ Children's Law Center works to give every child in the District of Columbia a safe home, meaningful education and healthy life. As the largest nonprofit legal services provider in the District, our 70-person staff partners with hundreds of pro bono attorneys to serve 1,200 at-risk children each year. Applying the knowledge gained from this direct representation, we advocate for changes in the city's laws, policies and programs. For more information, visit www.childrenslawcenter.org.

With reunification and adoption eliminated as possibilities, the only remaining possible permanency goals were guardianship and Alternative Planned Permanent Living Arrangement, known by its acronym—APPLA. APPLA, of course, is the least-favored permanency goal, because it effectively means that the youth will be in the foster care system until she turns 21.

Unlike many of the young people I represent, Breona already had a strong, capable, committed and loving maternal figure in her life—Ms. West. So the logical solution in Breona’s case appeared to be guardianship with Ms. West. However, as the case progressed and we got close to proceeding with guardianship, Ms. West was laid off from her job as a result of the economic downturn.

Ms. West loves Breona dearly, but is not able to support her without the assistance of the subsidy she currently receives as a licensed foster parent. Under the present law governing guardianship, had Ms. West become Breona’s guardian, she would have stopped receiving the subsidy 32 days ago on Breona’s 18th birthday. There is simply no way Ms. West could continue caring for Breona without the financial assistance she receives from the foster care subsidy. Ms. West is a single mother of five children and is also caring for the son of her deceased brother.

Thus, Ms. West was unable to go forward with guardianship and Breona’s permanency goal is now APPLA. So unless the law changes, her case will remain open until her 21st birthday on January 31, 2013.

Frankly, there is no reason for Breona’s case to be open right now, other than Ms. West’s need for the subsidy. Breona is stable and happy and doing very well in Ms. West’s care. She is on track to graduate from Dunbar Senior High School this coming June. She has already been accepted at Delaware State University and is waiting to hear back from

several other schools. Ms. West does a fantastic job of providing her everything she needs, including love and emotional support.

If Ms. West were able to receive a guardianship subsidy until Breona's 21st birthday, Breona's case could close. Not only would this make sense for Ms. West and Breona and give them a sense of closure, it would also make fiscal sense for the District, as it would save the costs associated with keeping the neglect case open, such as the social worker and attorney costs.

Breona's case is not unique. There are many similar stories of children and youth in our foster care system who will be able to attain the sense of closure and permanency that comes with realizing the goal of guardianship if the Council votes to extend the subsidy to age 21.

Thank for you the opportunity to testify today. I am happy to answer any questions you may have.