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Testimony Before the District of Columbia Council
Committee on Recreation and Youth Affairs
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Public Hearing:
B23-0291, The “Detained Youth Access to the Juvenile Services Program Amendment
Act of 2019”

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Introduction

Good morning Chairman Trayon White, Sr. and members of the Committee on Recreation and Youth Affairs. My name is Elizabeth Oquendo. I am a Policy Attorney at Children's Law Center.¹ I am testifying today on behalf of Children's Law Center, which fights so every DC child can grow up with a loving family, good health and a quality education. With almost 100 staff and hundreds of pro bono lawyers, Children's Law Center reaches 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. We are known in the community for our medical legal partnerships and our work with children in foster care. Some of the children we support in the child abuse and neglect system also have juvenile delinquency cases. In fact, in 2018 there were approximately 50 youth that had child abuse and neglect cases and some type of juvenile justice case.² When the District secures, detains or commits these youth, they are in the joint custody of DC's Child and Family Services Agency (CFSA) and DC's Department of Youth Rehabilitative Services (DYRS).

We appreciate the opportunity to testify about The Detained Youth Access to the Juvenile Services Program Amendment Act of 2019 ("Act"). Children's Law Center strongly supports the Act because it will codify the overwhelmingly positive contributions that the Public Defender Service's Juvenile Service Program (JSP) renders for youth in joint CFSA-DYRS custody.

The Act requires that the JSP has access to youth to provide legal services to youth in DYRS custody. Among the non-exhaustive list of services that JSP can provide to detained and committed youth are: assistance contacting attorneys involved in the youth's court cases, representation of youth in disciplinary hearings, representation of youth in any proceeding in which DYRS seeks to place youth at a more secure level of placement, legal rights orientations of new residents, and assistance filing complaints relating to conditions of confinement. Furthermore, the bill requires DYRS to provide JSP with office spaces at secured facilities, access to youth in their housing units as well as confidential access to youth.

In our direct experience, when our clients are securely detained in or committed to a DYRS facility, their Guardian *ad litem* (GAL) attorneys frequently rely on JSP staff to provide important and timely updates about the needs or crises facing our clients. Under different placement circumstances, the GAL would get this information from our clients, our clients' foster parents, and our clients' social workers and services providers. However, many of these sources of information and support aren't available or engaged with detained and committed youth with neglect cases. Thankfully, JSP staff has developed a practice of providing updates and notice to our GAL attorneys.

Once given updates from JSP staff, our GAL attorneys have been able to provide social history and mental health history information to the youth's JSP attorney prior to the youth's disciplinary hearing. This allowed the JSP to present the entire factual

mosaic of the child to the facility when it was deciding, for example, whether to place the child in solitary confinement. Having JSP staff on site for detained youth, allows GAL attorney to know that our clients will receive timely and quality representation during institutional disciplinary hearings.

The alerts from JSP staff has also made GAL attorneys aware of instances where the educational needs of the youth were not being met in their facility. Education law is complicated, and youth are not always able to identify and articulate when they are not getting the services and accommodations that they are entitled. Once JSP Staff provide this type of notice, GALs can and do step in to advocate for the youth's educational needs.

Our experience has also taught us that the confidentiality JSP staff can have with our clients who are securely detained or committed is very important aspect of the program. Our clients are less likely to tell an adult that something bad has happened to them when they don't believe the communication is confidential. If we want to make the best system for our detained and committed youth, we need their honest feedback. Procuring their honest feedback requires ensuring confidentiality of their discussions with JSP staff.

We further believe that the Act takes an important step to address structural inequity that is inherent in so many of DC legal systems. The overwhelming majority of youth committed to DYRS are Black and Brown.³ From 2007 to 2015, while Black and

Brown youth only approximately 76% of DC's child population, 100% of all the newly committed youth were Black and Brown.⁴ While it is not a primary preventative measure, the Act takes a step to address this inequity by empowering youth in the care of DC and guarantying their access to legal services and representation.

Conclusion

By codifying the JSP's role, we anticipate that DYRS facilities will be able to acquire the feedback from youth and their attorneys that will inspire improvements, expand best practices, and make DYRS a model for youth serving agencies in the District and across the nation. Thank you for the opportunity to testify and I look forward to answering any questions.

¹ Children's Law Center fights so every child in DC can grow up with a loving family, good health and a quality education. Judges, pediatricians and families turn to us to advocate for children who are abused or neglected, who aren't learning in school, or who have health problems that can't be solved by medicine alone. With almost 100 staff and hundreds of pro bono lawyers, we reach 1 out of every 9 children in DC's poorest neighborhoods – more than 5,000 children and families each year. And, we multiply this impact by advocating for city-wide solutions that benefit all children.

² Casa DC. "BRIDGES." Presentation, slide 15. Citing Students in the Care of the District of Columbia Working Group Recommendations - July 18, 2018. Available at <https://www.scribd.com/document/384151747/Students-in-the-Care-of-the-District-of-Columbia-Working-Group-Recommendations-July-18-2018>.

³ Vafa et. al. *Beyond the Walls: A Look at Girls in D.C.'s Juvenile Justice System*. Rights4Girls. (March 2018) Retrieved from: <https://rights4girls.org/wp-content/uploads/r4g/2018/03/BeyondTheWalls-Final.pdf> at 30.

⁴ See: *A Look at Girls in D.C.'s Juvenile Justice System*. Rights4Girls. (March 2018) Retrieved from: <https://rights4girls.org/wp-content/uploads/r4g/2018/03/BeyondTheWalls-Final.pdf>, p 30. Calculated from <https://datacenter.kidscount.org/data/tables/103-child-population-by-race?loc=10&loct=3#detailed/3/any/false/573,869,36,868,867,133,38,35,18/67,12,66,72/423,424>.