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Introduction

Good afternoon Chairwoman Nadeau and members of the Committee on Human Services. My name is Aubrey Edwards-Luce. I am a Senior 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 nearly 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. Every year, the attorneys, social workers, and investigators in our Guardian *ad Litem* project fight for the best interests of approximately 500 children and youth who have been committed to the care and custody of the District's Child and Family Services Agency (CFSA).² Over the past three years, 35 of our clients have aged out of CFSA's care and custody and some of our clients have also experienced exiting the custody of the Department of Youth Rehabilitative Services (DYRS). Through these challenging transitions, we have learned that successful exits from care are essential for the health and safety of the District's youth.

Nationally, "50% of the youth who exit the juvenile justice or foster care system will be homeless within 6 months because they are underprepared to live independently."³ The lack of secure housing is public health problem because 60% of homeless youth between the ages of 14 and 21 reported being raped, beaten up, robbed,

or assaulted.⁴ Compared to their peers, young adults who exit the child welfare or the juvenile justice systems have low levels of educational attainment and employment.⁵ Locally, we know that at least two-thirds of homeless youth reported some prior juvenile justice or child welfare involvement.⁶ We also know that local educational and employment outcomes for older youth and youth who age out of foster care are unacceptable.⁷ While education and employment skills are important pieces to becoming an adult, youth who exit CFSA or DYRS are just like most emerging adults. “Emerging adults depend on parents to provide housing at some point in young adulthood, while they also receive emotional and financial supports that allow them to engage in developmentally appropriate risk-taking behaviors.”⁸

Chairwoman Nadeau is leading the way by realizing that there is nothing developmentally or morally wrong with the fact that 21-year-olds are not fully prepared to live independently. The typically-developing 18-year-old has approximately five more years of brain development in front of her. Adolescent development research shows “that adolescents are more susceptible to engaging in risky behaviors because the brain’s prefrontal cortex, responsible for executive functioning and complex reasoning, does not fully mature until the mid-twenties.”⁹ Adolescent trial and error and impulsivity are not indicators that there is something wrong with a youth. What is wrong, however, is that our child welfare and juvenile justice systems drastically reduce their support for youth well before they are developmentally or practically equipped to

live independently in one of the nation's most expensive cities. "The abrupt disruption of services at age 18 combined with unreliable family connections elevate the risk for housing problems among aged-out emerging adults".¹⁰

Children's Law Center is grateful that Chairwoman Nadeau and Councilmembers Allen, White, and Bonds have demonstrated a commitment to supporting youth who are exiting the District's custody by introducing the Youth Exiting with Support Amendment Act of 2018 (the YES Act). Since introducing the YES Act on September 18, 2018, Chairwoman Nadeau has received input from government agencies and advocates. The Chairwomen's office has incorporated some of that input into an amended version of the YES Act that has been shared with many stakeholders. While some provisions have changed, the purpose of YES Act remains the same: to ensure that youth who are exiting DYRS custody have the support that they need for a successful transition to adulthood.

We support many of components of the amended YES Act and there are some ways in which it can be further improved. Specifically, we urge the committee to strengthen the YES Act by remembering CFSA youth, including youth as partners, and infusing a prevention perspective throughout the bill. The YES Act has three substantive sections and our testimony will detail our support and suggestions in turn.

Information and Assessments to Promote Successful Exits from Care

The first substantive section of the YES Act requires DYRS to make a manual and website that provide information about the rehabilitative services available to youth exiting care. It also requires DYRS to assess each youth's housing security and provide committed youth with various types of screenings. Ensuring that youth who are leaving DYRS care and custody have the information they need to access to services (such as shelter, documents needed to establish identity, legal services, and parenting support) is an important step to empowering youth to successfully exit the District's custody.

However, this section could be strengthened in a few ways. First, the committee should ensure that youth leaving CFSA custody have access to parallel information. Currently, many of the young people are in crisis on the eve of their emancipation of foster care. Only 17% of youth were employed at the time that they aged out of CFSA's care.¹¹ Many youths who age out of foster care do not have stable housing or start staying with family members who were not able to be licensed kinship placements before the youth aged out.¹² The social histories, projected barriers, and outcomes of youth who age out of foster care and youth who exit the juvenile justice system are very similar. The District has a special duty to provide adequate supports to all the children that it has removed from their family and communities. Therefore, the YES Act must be amended to grant youth exiting CFSA care parallel access to the supports, protections and engagement opportunities that formerly DYRS committed youth will be granted.¹³

Secondly, the committee could strengthen this section by ensuring that the information provided to youth exiting care is comprehensive and accessible. Many youth-serving agencies and organizations offer information about resources that could help youth exiting care. After speaking to advocates who have more experience with youth committed to DYRS, we learned that many advocates instruct their juvenile justice involved clients to access the Public Defender Service's manual, which provides youth-friendly information about community-based post-commitment supports and services. We also know that the advocates serving homeless youth are also developing a resource guide. Additionally, the Children's Law Center has a practice kit that lists resources for youth leaving care.

There is no need to recreate quality resource manuals, but we join in our fellow advocates concerns that important information is not being disseminated universally and that the resources to which youth are referred often experience capacity challenges or pose high eligibility barriers. Therefore, we encourage the Committee to amend the YES Act by requiring the Deputy Mayor for Health and Human Services to gather information about the services that could help youth transitioning to adulthood,¹⁴ to study these services' capacity and utilization, and to propose a plan to electronically disseminate the information about the rehabilitative services (including eligibility criteria) for all youth who are transitioning to adulthood.

Thirdly, this section could be strengthened by requiring DYRS and CFSA to conduct housing security assessments with youth both 180 days prior to and 180 days after the end of the youth's commitment and to report this information to the Committee annually. This information will help the Committee and the advocate community understand how so many youths with histories of CFSA and DYRS involvement eventually contact the District's homelessness services system. Acquiring better data is an important prevention strategy and it will help the District identify the barriers to housing security that are experienced by youth who exit DC's care and custody.

Lastly, this section could be strengthened by setting a timeframe by which DYRS and CFSA must complete the screenings and the determinations that are listed as in the amended version of the YES Act and providing funding for these actions.¹⁵ These screenings should be completed in a timeframe that helps youth identify what services they might need once they leave DC custody. This timeframe should be informed by youth voice. We also recommend that the YES Act provide DYRS and CFSA with adequate funding to complete these screenings.

Improving Placements to Promote Successful Exits from Care

Another section of the YES Act aims to help youth exit successfully by improving youths' experiences when they are assigned to out-of-home placements. Specifically, the Act attempts to ensure that the sexual orientation, gender identity and expression

(SOGIE) of youth who are in DYRS care is respected when they are in out-of-home placements. Lesbian, bi-sexual, gay, transgender, queer and questioning (LGBTQ) youth, and particularly LGBTQ youth of color, experience discrimination and stigma that leads to increased rates of criminalization and increased contact with law enforcement and the criminal justice system.¹⁶ They are more likely to be stopped by police, be expelled from school, and be arrested and convicted as juveniles and adults.¹⁷ As a result, they are overrepresented¹⁸ in the juvenile justice system, where they are at heightened risk of experiencing verbal, physical, and sexual assault, being subject to extended detention or community supervision.¹⁹ Unfortunately, there a national-wide lack of appropriate services and placements prepared to address the unique needs of LGBTQ youth.²⁰

Children’s Law Center supports the YES Act’s requirement that staff who supervise committed youth receive instruction on best practices for working with racial minority youth and LGBTQ youth. This requirement exists for youth placed in out-of-home care in DC and beyond. Training is an important step in improving the experiences of LGBTQ youth in custody.²¹ It is essential for personnel interacting with youth in custody to not only understand the root of anti-LGBTQ bias and its effect on youth but to truly consider “the unique experiences and characteristics of every youth in their care and take affirmative steps to protect their safety and advance their well-being.”²² Trained staff can model ally ship for cisgender and straight youth and

respond appropriately if LGBTQ youth is bullied or harassed. Training, especially when done with adequate quality and frequency, can help change agency culture and convey the District's commitment to promoting the well-being of LGBTQ youth. By promoting the wellbeing of LGBTQ youth, DC is preventing further trauma amongst a resilient, but vulnerable population of young people and thereby promoting their successful exit from care.

While Children's Law Center supports the intent of this section, we also have some suggestions on how the Committee can strengthen it. First, we strongly recommend that Yes Act be amended to hold staff who are caring for youth in CFSA custody to a parallel training standard. By supporting affirming and safe placement of committed LGBTQ youth, the CFSA can also promote the successful exits of LGBTQ youth from care.

The YES Act also supports youth who will exit care by requiring that youth in out-of-home care have access to information pertaining to their health, safety, and continuing education. It requires that DYRS ensure that all youth who are placed in out-of-home care have access to information about health relationships and dating violence, to age-appropriate reproductive health care information, and information vocational and postsecondary education. We also recommend that youth have access to information about completing their diploma or GED in DC and that CFSA youth be provided the same assurances.

The Yes Act attempts to improve DYRS's placement practices for LGBTQ youth, but it inadvertently overlooked an important best practice; Placement decisions for youth should be individualized and prioritize the youth's physical and emotional well-being.²³ The YES Act proposes to require DYRS to place all youth in housing that corresponds with the youth's expressed gender identity. Instead, it should be DYRS's *standard practice* to place youth in housing that corresponds with their gender identity, regardless of the gender or sex listed in their court or child welfare records or on their birth certificate. Additionally, to ensure each youth's physical, mental, and emotional safety, placement decisions should give significant weight to any specific and credible safety concerns identified by the youth, staff, or the youth's health-care provider.²⁴ Safety concerns should not be based solely on the youth's gender identity.²⁵

Furthermore, The Yes Act does not account for the dynamic of gender identity development. Gender identity is not fixed, so placements should not be either. A youth who enters DYRS custody may identify differently a year into their commitment than they did upon entry or may experience a safety issue even if placed according to their gender identity. To ensure that placements continue to be safe and appropriate, staff should do everything possible to move a youth who discloses that their gender identity is not compatible with their current placement²⁶ and regularly assess placement decisions to review any safety threats experienced by the youth.²⁷

Our consultation with advocates who work with youth who are placed through the District's homelessness, education, and court systems revealed that these various government entities do not use the same philosophy when considering a youth's SOGIE as it relates to the youth's placement. It also became clear that LGBTQ youth did not participate in the creation of the policies about their placement. Children's Law Center recommends that the YES Act be amended to provide parallel requirements of CFSA and to also require the Deputy Mayor for Health and Human Services to produce a report to the Committee that details how each agency considers the youth's SOGIE when making out-of-home placement decisions and makes recommendations for philosophical consistency across all agencies policies. This report should be informed by community listening sessions with LGBTQ youth and the organizations that serve them.

Collaborating to Promote Successful Exits from Care

One section of the introduced version of the YES Act provided voluntary service coordination, community-based services and housing to youth survivors of commercial and sexual exploitation and youth who had exited government care.²⁸ The proposed amended version of the YES Act discards this section and instead establishes a commission to "Foster Youth Exiting Care Successfully." This recommendation was generated by conversations that Children's Law Center facilitated with our fellow youth advocates.

Children’s Law Center agrees that promoting successful exits from care will require the development of a shared and nuanced understanding across DC’s youth serving agencies. According to experts who study system-involvement and homelessness, “[g]reater understanding of risks is necessary to develop effective, developmentally informed interventions.”²⁹ Our discussions with juvenile justice and youth homelessness advocates about the YES Act deepened our conviction that DC needs to closely and holistically examine how youth in the child welfare and juvenile justice system are being prepared for adulthood. Such an examination will require input from youth with lived experience, the development of interagency accepted definitions of terms such as “successful exit” and “secure housing”, and a discussion about interagency data sharing.

While we are not certain that these conversations necessarily should take place in a long-standing commission, we do request that CFSA leadership and two young adults who were formerly committed to CFSA care also be required participants in these conversations or in the commission. Additionally, we recommend that youth who were formerly committed or investigated by CFSA youth also be included in this section’s definition of “system-involved.”

Conclusion

Lastly, the YES Act could be strengthened by infusing a prevention perspective throughout the bill. One way to reduce the number of youths who are having poor

outcomes after exiting DC care is by reducing the total number of youths who come into DC's care and custody. By investing in prevention strategies (such as teaching family conflict resolution, promoting and funding family reunification programs,³⁰ and building awareness of the problematic outcomes for system involved youth) we may help youth remain in loving families and safe communities and help them avoid care and custody all together.

Thank you for the opportunity to testify and the Children's Law Center looks forward to continuing to engage with the Committee on Human Services as it works to promote successful exits from care for all of DC's youth.

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 more than 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 This is about 50% of the population of child and youth who are committed to CFSA custody since 2014 (check date)

³ Linda Britton & Lisa Pilnik. *Preventing Homelessness for System-Involved Youth*. Juvenile & Family Court Journal. (March 2018). Retrieved from <https://doi.org/10.1111/jfcj.12107> (citing National Alliance to End Homelessness, *Youth and Young Adults*, <https://endhomelessness.org/homelessness-in-america/who-experiences-homelessness/youth/>; Covenant House Int'l, *Teen Homelessness Statistics*, <https://www.covenanthouse.org/homeless-teen-issues/statistics>).

⁴ Linda Britton & Lisa Pilnik. *Preventing Homelessness for System-Involved Youth*. Juvenile & Family Court Journal. (March 2018). Retrieved from <https://doi.org/10.1111/jfcj.12107>

⁵ Sara Muller-Ravett & Erin Jacobs Valentine. *After Foster Care and Juvenile Justice: A Preview of the Youth Villages Transitional Living Evaluation*. MDRC. (April 2012). Retrieved from <https://www.mdrc.org/publication/after-foster-care-and-juvenile-justice>.

⁶ The Community Partnership. 2017 District of Columbia Homeless Youth Census: Executive Summary. (March 2018). Retrieved from <http://community-partnership.org/facts-and-figures>.

⁷ Child and Family Services Agency. CFSA's Responses: Performance Oversight Hearing FY2017 and FY2018 (first Quarter) Pre-Hearing Questions, Q43-47, Q52, and Q61. (February 12, 2018). Retrieved from http://dccouncil.us/files/user_uploads/budget_responses/cfsa_Part1.pdf.

⁸ Patrick Fowler, et. al Child Welfare and Youth Homelessness: Emergency Evidence from a National Study. Eunice Kennedy Shriver National Institute of Child Health and Human Development, 1 (2017). Retrieved from <https://cpb-us-w2.wpmucdn.com/sites.wustl.edu/dist/7/925/files/2018/09/Defining-the-Child-Welfare-Response-to-Youth-Homelessness-v4-2faq0g1.pdf>.

⁹ <http://cjjr.georgetown.edu/wp-content/uploads/2018/07/Improving-Youth-Outcomes-at-Referral.pdf> (Steinberg et al., 2008).

¹⁰ Patrick Fowler, et. al Child Welfare and Youth Homelessness: Emergency Evidence from a National Study. Eunice Kennedy Shriver National Institute of Child Health and Human Development. (2017). Retrieved from <https://cpb-us-w2.wpmucdn.com/sites.wustl.edu/dist/7/925/files/2018/09/Defining-the-Child-Welfare-Response-to-Youth-Homelessness-v4-2faq0g1.pdf>. (Citing Osgood, D.W., Foster, E.M. & Courtney, M.E. Vulnerable Populations and the transition to adulthood. *The Future of Children*, 20(1), 209-229).

¹¹ Child and Family Services Agency. CFSA's Responses: Performance Oversight Hearing FY2017 and FY2018 (first Quarter) Pre-Hearing Questions, Q61b. (February 12, 2018). Retrieved from http://dccouncil.us/files/user_uploads/budget_responses/cfsa_Part1.pdf.

¹² In FY17, 15% (n=8) of young people who aged out of foster care (n=53) did not have stable housing. An additional 38% (n=11) of young people who aged out of foster care (n=53) started staying with family (n=10) or friends (n=1) upon emancipation. Child and Family Services Agency. CFSA's Responses: Performance Oversight Hearing FY2017 and FY2018 (first Quarter) Pre-Hearing Questions, Q61c. (February 12, 2018). Retrieved from

http://dccouncil.us/files/user_uploads/budget_responses/cfsa_Part1.pdf.

¹³ Children's Law Center recommends that the Committee amend D.C. Code §4-13-3.01a to include in the Child and Family Services Agency's functions and purposes by adding paragraphs that are identical to those found in Sec. 2 of the YES Act.

¹⁴ Specifically, the Deputy Mayor for Health and Human Services should include information of the services delineated in the proposed amended version of the YES Act:

“(A) Dating abuse and domestic violence services, including how to access a civil protection order;

“(B) Employment placement counseling, training and services;

“(C) Post-secondary education support and financing;

“(D) Shelter and transitional housing programs;

“(E) Legal services;

“(F) Documents of identity such as government identity card, birth certificate, social security card, and any other documents needed to establish identity;

“(G) Medical and mental health services;

“(H) Parenting support services;

“(I) Financial training classes; and

“(J) Locations of centers for youth development and recreation, including a schedule of programming and instructions or guidelines for participation.

¹⁵ The proposed amended version includes the following screenings:

“(A) Screening for dating abuse, sexual assault, and trafficking;

“(B) Screening and assisting with applications for Supplemental Security Income, Medicaid, shelter and/or subsidized housing, Supplemental Nutrition Assistance Program and Temporary Assistance for Needy Families benefits;

“(C) Screening and assisting with applications for disability benefits and services from the U.S. Department of Education's Rehabilitation Services Administration;

“(D) Screening and reviewing juvenile criminal records and assisting with applications for expungement and/or sealing of arrest or court records where eligible;

“(E) Screening and connecting to continued mental health care post-commitment; and

“(F) Determining the status of the committed youth’s academic credits and assisting with applications for GED classes and testing and to post-secondary schools.”

¹⁶ Center for American Progress. Unjust: LGBTQ Youth Incarcerated in the Juvenile Justice System, 5 (June 2017) Retrieved from <http://lgbtmap.org/file/lgbtq-incarcerated-youth.pdf>.

¹⁷ *Id.*; Annie E. Casey Foundation. *Lesbian Gay, Bisexual and Transgender Youth in the Juvenile Justice System: A Guide to Juvenile Detention Reform*, 11 (2015) Retrieved from <https://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>.

¹⁸ Foster youth have similar experiences. Findings on the disproportionality and disparate treatment of LGBT youth in the foster-care system are replicated in the juvenile justice system. Annie E. Casey Foundation. *Lesbian Gay, Bisexual and Transgender Youth in the Juvenile Justice System: A Guide to Juvenile Detention Reform*, 13 (2015) Retrieved from <https://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>.

¹⁹ *Id.*, at 12.

²⁰ Christian L. Rummell and Jeffrey M. Pointer. *Fact Sheet: Improving Services for Youth Who are LGBTQ in Juvenile Justice Systems*, 3 (September 2014). Retrieved from https://neglected-delinquent.ed.gov/sites/default/files/docs/NDTAC_LGBT_FS_508_2014.pdf.

²¹ Children's Law Center also supports the introduced bill's proposal that staff receive training on race based traumatic stress, which has been replaced in the amended versions with a training requirement on cultural humility. CITE.

²² Annie E. Casey Foundation. *Lesbian Gay, Bisexual and Transgender Youth in the Juvenile Justice System: A Guide to Juvenile Detention Reform*, 13 (2015) Retrieved from <https://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>.

²³ National Center for Lesbian Rights. *Model Policy & Practice Guidelines for Providing Non-Discriminatory Services to Lesbian, Gay, Bisexual, and Transgender (LGBT) Youth in Juvenile Justice Facilities*, 3. (2008) Retrieved from <https://www.preadsourcecenter.org/sites/default/files/library/nclrmodellgbtpolicy.pdf>; The DYRS LGBTQI Youth policy states that placement should be made in this manner; however, it does not specifically state that it should be made in accordance with a youth's gender identity. It only requires that should take it into consideration, as well as the youth's perception of where they will be most secure and the youth's health care provider's recommendation.

<https://dyrs.dc.gov/sites/default/files/dc/sites/dyrs/publication/attachments/DYRS-007LesbianGayBisexualTransgenderQuestioningandIntersexLGBTQIYouth.pdf>

²⁴ Annie E. Casey Foundation. *Lesbian Gay, Bisexual and Transgender Youth in the Juvenile Justice System: A Guide to Juvenile Detention Reform*, 30 (2015) Retrieved from <https://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>; LGBT youth should not be placed in particular housing, bed, or other assignments solely on the basis of such status nor should being LGBT be considered an indicator of likelihood of being sexually abusive. Aisha C. Moodie-Mills & Christina Gilbert. *Restoring Justice: A Blueprint for Ensuring Fairness, Safety, and Supportive Treatment of LGBT Youth in the Juvenile Justice System*. Center for American Progress. (December 2014). Retrieved from <http://www.equityproject.org/wp-content/uploads/2014/12/LGBTJIPolicy-brief-1.pdf>

²⁵ Annie E. Casey Foundation. *Lesbian Gay, Bisexual and Transgender Youth in the Juvenile Justice System: A Guide to Juvenile Detention Reform*, 30 (2015) Retrieved from <https://www.aecf.org/m/resourcedoc/AECF-lesbiangaybisexualandtransgenderyouthinjj-2015.pdf>

²⁶ *Id.*, at 31.

²⁷ Aisha C. Moodie-Mills & Christina Gilbert. *Restoring Justice: A Blueprint for Ensuring Fairness, Safety, and Supportive Treatment of LGBT Youth in the Juvenile Justice System*. Center for American Progress. (December 2014). Retrieved from <http://www.equityproject.org/wp-content/uploads/2014/12/LGBTJIPolicy-brief-1.pdf>

²⁸ CLC would have pushed for a broader upper age limit and an assurance that the housing would not take away from the current total number of youth bed. We also would want to see Supervised Independent Living Placement that would account for a variety of housing arrangements and support types.

²⁹ Patrick Fowler, et. al Child Welfare and Youth Homelessness: Emergency Evidence from a National Study. Eunice Kennedy Shriver National Institute of Child Health and Human Development, 3. (2017). Retrieved from <https://cpb-us-w2.wpmucdn.com/sites.wustl.edu/dist/7/925/files/2018/09/Defining-the-Child-Welfare-Response-to-Youth-Homelessness-v4-2faq0g1.pdf>.

³⁰ “Th[is] study demonstrated that reunification with families among adolescents placed into foster care was associated with the lowest probability of housing problems, compared with youth who aged out of the foster care system, and those who were never placed out of their homes (see figure above). This finding highlights the potential of families for promoting housing stability (Fowler et al., 2011). Families provide an essential safety net for youth to avoid homelessness risk through offering places to stay, rent assistance, and advice as adolescents practice independence (SchoeniandRoss,2005).” *Id.*