



TESTIMONY OF LAWYERS FOR CHILDREN

To the New York City Council Committee on General Welfare
“Oversight- Foster Care Task Force Progress & Int. 148-2018”

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(UPDATED)

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Thank you, Chair Levin and the General Welfare Committee for holding this hearing and providing us with the opportunity to testify.

Lawyers For Children (LFC) is a not-for-profit legal corporation that represents individual children in abuse, neglect, voluntary foster care, termination of parental rights, adoption, guardianship, custody and visitation proceedings. We also advocate for system-wide reform to improve the lives of children in foster care, and have participated in a number of City and State task force groups charged with improving various aspects of the foster care system. Based on our experience in individual cases, we have also successfully participated in numerous class-action lawsuits and helped to change policies and practices to promote positive outcomes for all children in foster care.

Attorneys and social workers assigned to LFC's Adolescents Confronting Transition Project work with older youth who are preparing to leave foster care to live on their own. They are assisted in this work by two full time Youth Advocates, who have lived experience in the foster care system. Informed by the work of that project, LFC was instrumental in creating the Transition Planning Court in Manhattan Family Court to focus solely on the unique needs of youth who are aging out of foster care.

We are grateful that the Council continues to help identify solutions and advocate for the needs and futures of the more than 7,000 young people in New York City's foster care system. We are especially grateful that the Council has focused on older youth who are aging out of foster care.

Intro. 148 of 2018

We urge the Council to enact Intro.148, which provide much needed housing options for youth transitioning out of foster care. Last year, approximately 620¹ young people left foster care between the ages of 18 and 21 to "independent living" and they desperately need more options to help them obtain safe, stable permanent housing.

Most youth leaving foster care to live on their own have minimum wage jobs. They cannot afford market rate apartments and have only two options for permanent housing: NYCHA or supportive housing. The problem is that the spots are limited², the wait-lists are long, and not all youth qualify for these programs.

Chelsea Velez, an LFC youth advocate, was one of those young people. When she was aging out of foster care, she did not qualify for supportive housing because she had a child and she could not get a NYCHA apartment and my foster care agency did not follow through on helping me apply for NYCHA. When her plan to live with a family member fell through, she had no choice but to enter the shelter system.

¹ ACS Report on Youth in Foster Care, 2019, "Discharge Destinations of Foster Care Youth, CY 2019," available here: <https://www1.nyc.gov/assets/acs/pdf/data-analysis/2019/ReportOnYouthInFC2019.pdf>

² NYCHA has fewer than 400 studio apartments available for youth leaving foster care, and each year, fewer than 100 of those becomes vacant and available for occupancy.

Entering the shelter system is disruptive and scary. A young person leaving foster care can be placed anywhere in the City and can be moved around, far from their work or school, and away from their community supports,

No young person should be forced to feel they must enter the system so they can get housing. But, some youth in foster care know that there are City subsidy programs that are only available to people who are homeless. And, some of our clients have entered the shelter system just so they could access those subsidies. “Sierra”³ is a client who is typical of those young people. She had been placed into foster care by her adoptive mother, who no longer wished to care for her. After turning 18, Sierra applied for NYCHA housing using the ACS priority. By the time she turned 21, she had been waiting for housing for two years. She was pregnant, frustrated, scared and without resources. She had heard from a friend that if she entered the shelter system, she would get housing much more quickly than by waiting in foster care. So she did. “Sierra” entered the shelter system on July 27, 2018. Less than two months later, with the help of a rent subsidy voucher only available to her because she was homeless, she was living in her own apartment.

No one should have to enter the homeless system to get housing, especially when it can and should be preventable.

Youth in foster care who are waiting for their own housing, especially those who are over 21, are just as vulnerable as homeless people who are in the shelter system. Youth who are over 21 are in foster care at the mercy of ACS. They have no legal right to placement and could be turned out, into the street, at any time.

Having suffered so much trauma and instability, youth in foster care deserve better. Intro. 148 will give them more housing options and most importantly avoid further trauma and instability of not knowing where they will live without having to enter the shelter system.

Interagency Task Force On Youth In And Aging Out Of Foster Care

We applaud the City Council for creating the Interagency Task Force on Youth in and Aging Out of Foster Care. Outcomes for children and families can be improved only if the agencies that serve children and families within and outside the foster care system work together to untangle the challenges confronting them and the potential solutions to those challenges. It is no secret that issues of poverty and access to resources lie at the heart of the vast majority of foster care cases and present the biggest barrier to the success of young people aging out of foster care. It is impossible to address those issues without bringing NYCHA, HRA, the DOE and others on the Task Force to the table with ACS to hear from children and families and discuss the role that each can play in helping youth and families to thrive.

³ This is a pseudonym. Client’s name has been withheld.

We urge the City Council to recommission the Task Force in order to continue its work. A renewed Task Force should be charged with reviewing the status of the recommendations made to date, identifying challenges that have arisen in implementing those recommendations, proposing solutions to address those challenges, and making further recommendations for improving outcomes.

A key component of the Task Force's success lies in including the voices of affected individuals in its work. In order to enhance that component, we urge the City Council to recommission the task force with the following modifications:

1. Increase the number of advocates on the task force who provide direct representation to children and parents impacted by the foster care system. The impacted individuals on the task force provide invaluable insight based on their first-hand experience. However, their contribution is limited by that experience. Advocates who represent and speak on behalf of a large number of individual clients can help provide the task force with perspective from a broader range of impacted individuals, thereby ensuring that the task force has a more complete picture of the challenges facing children and parents and the effectiveness of solutions that have been implemented in an effort to address those challenges.
2. Mandate meaningful quarterly consultation with impacted communities and the advocates who serve them. Task Force members should be required to seek input from the impacted communities they serve. The professionals serving on the Task Force should be required to consult with the constituencies they serve in order to learn what their constituencies perceive to be their biggest challenges, what solutions they believe would be helpful, and how they have been impacted by the Task Force recommendations that have been put into place.
3. Provide Advocates and Community Members with an Opportunity to Respond to Each Report. Obtaining community response to the Task Force findings and recommendations can help the Task Force understand the validity of its findings and the feasibility of its recommendations. That response can provide the Task Force with valuable information to use in formulating and revising its recommendations and understanding why some recommendations may not have the desired impact. For this reason, we would urge the City County to require that future Task Force reports be published in draft form and a public comment period be established before a final report and recommendations are issued.

As always, we are available to assist the City Council in drafting any specific proposals to incorporate our testimony. If we can provide you with any additional information, do not hesitate to contact us.