

**Joint Assembly Human Services/Select Committee on Foster Care Hearing
March 7, 2006
Testimony of Jennifer Rodriguez, Legislative and Policy Coordinator
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Every year for the past 9 years foster youth in the California Youth Connection have sponsored legislation that we hoped would improve some of the biggest problems in the foster care system. Each year, foster youth have taken time from their often chaotic lives to come to the Capitol and meet with legislators, testify at hearings and to share often very personal and painful experiences with the hopes of making change.

However, over the past several years, we have heard loud and clear from foster youth that many of the laws they worked so hard to see enacted are not being followed in their counties, and that the problems the laws were designed to address are the same or worse. This was extremely troubling for CYC, as most youth participated in policy activity with the expectation that conditions for themselves or their siblings at least would improve. In fact, we have not seen changes on some of the issues that were passed into law while I was in foster care advocating for change. Indeed, like other youth, I have sat in front of committees like these and shared my experiences of sexual abuse in group homes, of being forgotten in special education, of the humiliation of sleeping behind a garbage bin after emancipation in hopes that other youth would get a better chance and life.

For the first time in almost a decade, foster youth stated that they are not interested in participating in legislative activity because we have not seen the changes at the county level from all our past bills. Instead, the youth have asked that we focus our policy efforts on implementation, and work exclusively in the counties on helping people do what they are supposed to be doing under the law to improve the lives of foster youth. We are doing this, but as the statewide policy coordinator, I still am optimistic that there are actions that can be taken by the Department of Social Services and the Legislature that will ensure that implementation happens, and that it happens in an equitable, consistent way across the state that will be true to the youth's intentions.

I would like to share some specific examples of critical bills that youth report need further work to realize full implementation.

AB 705, passed in 2001, requires that siblings be placed together when appropriate. AB 705 was the most recent of several bills sponsored by CYC with the goal of maintaining sibling relationships. Yet, consistently, each year when we ask youth in our 23 chapters across the state from Siskiyou to San Diego to select the four issues that are the biggest challenges for foster youth- maintaining sibling relationships is selected. In fact, this topic became the focus of CYC's Policy conference in BOTH 2003 AND 2005, where foster youth explained to an

audience that included legislative staff and DSS staff that siblings were still frequently separated and these bills needed to be implemented in the counties.

As history on this legislation, the bills authored to protect sibling relationships were sparked by a Los Angeles foster youth who shared her experience in the Capitol of being separated from her sister, who was the love of her life. While walking down the street one day, a distant friend, almost a stranger, offered her condolences to her and the news that her sister had been beaten severely in her placement, and was near death. During hearings, legislators pledged that practices of placing siblings separately and not keeping them updated on each other's lives would end.

However, in the last month, foster youth in Alameda, Fresno, Sacramento, Los Angeles and Kern counties have shared their current experiences about being placed separately and losing all contact with their siblings. In several cases, not only were siblings separated, but they were placed in separate counties. For example, in Kern County, a CYC member was placed in a different county from her sister. County social services has refused to pay for transportation so she can visit her sister. Her group home gives only 30 minutes of phone access per week, and will not let her make long distance calls to her sister. As a result, she has only seen her sister three times in the last five years. In Alameda County, a youth reported that her brother was placed out of county and the county will not pay for transportation, and is also requiring that visits be supervised, but is unwilling to provide supervision. It is also telling that youth are requesting that legislation currently proposed by Assembly Member Leno to create a sibling registry for adopted children include foster children since they face the same type of separation. This is extremely sad because for youth in foster care, their siblings are often the only family they have left and a critical, precious support and relationship that needs protection.

AB 899, passed in 2001, requires social workers to inform foster youth every six months of their rights in foster care and requires that the list of rights be posed in facilities that care for six or more foster children. Youth across the state report that they have never had a conversation with their social workers about their rights. Many youth state that when they bring up this topic, they are discouraged with statements like "these rights are just going too far- they don't apply to you." At a forum hosted by CYC in LA attended by Assembly Member Bass, only a handful of current foster youth attending were even aware that they had rights. In Alameda County, CYC's Youth Led Evaluation Project found that 1/3 of foster youth surveyed in Alameda county group homes are unaware of their rights.

Even more troubling, when youth do report violations of their rights to their social workers, they report that they frequently do not get return phone calls, or they have to convince their social worker that their rights are being violated by showing them the law. In fact, CYC youth in Alameda, San Francisco, Merced,

Fresno, and Kern have had to take matters into their own hands by making their local policy issue educating foster youth about their rights since they are not getting this information elsewhere.

One Kern County former foster youth has set up a special line in her home to answer questions from youth about their rights and give advice on how to address violations. Youth have called her with complaints about being restricted from working, group home staff opening and reading their personal mail, and searching their personal belongings regularly. In one Kern group home, youth are allowed only 10 minutes of phone access per week, and any time spent calling social workers to report violations of rights is subtracted from the time they might be talking to family. In addition, group home staff listen in to calls and regularly shut off the phone if they are concerned a youth may be complaining. When youth visited Kern County group homes in the past several months, they saw only half of the group homes had the rights posted, although all are required to post the rights under the law. In Merced county, youth report that the Independent Living Program has stopped giving out information on youth's rights because they feel it causes conflict with youth's social workers to give youth this information. In Kern County, youth report that group homes have stopped bringing youth to ILP for similar reasons.

Although the California Ombudsman's office does some traveling to educate youth and providers, this office has had its travel budget decreased by the state, has only a handful of staff and is unable to do the outreach needed.

AB 408, passed in 2003, requires social workers to submit information to the court as to whether the placing agency has taken steps to work with youth to identify and maintain at least one significant adult connection for youth in foster care in their teenage years living in group home care. Despite this enactment, many youth in group homes report that they are not being asked about important relationships, and that they will soon emancipate without a single lasting connection. Many youth in group homes face restrictions on their phone access, such as 15 minutes a week that makes it nearly impossible to maintain a relationship with a sibling or friend, let alone to build family. In some counties, youth report that without guidance, their county has interpreted AB 408 as a mentoring law, and don't understand that the goal is permanency. Some counties have stated that they will not implement AB 408 because of concerns about background checks and privacy issues for individuals that youth identify as significant. Youth in Santa Clara County and other counties report that social workers are not giving youth information about their court date and are discouraging their attendance, despite this law mandating otherwise.

AB 408 further requires that all children in foster care have access to age and developmentally appropriate extracurricular, social and enrichment activities. Children and youth continue to experience challenges when seeking to

participate in extracurricular activities, such as sports, clubs, parties, sleepovers, and unsupervised outings. Although caregivers are required to ensure participation and are legally entitled to grant permission for children and youth to engage in age appropriate activities, they continue to report that they are told that permission from the child's county social worker or foster family agency social worker is required. This results in children often missing the opportunity to engage in the anticipated activity either because permission is not sought or because of delays in obtaining "official" permission.

AB 490, passed in 2003, aims to provide foster youth with educational stability and support so that they have the opportunity to succeed in school. Foster youth across the state continue to sit out of school waiting for enrollment paperwork to be processed. In fact, a story from today's newspaper reports that in Apple Valley, youth in group homes are being routinely denied admittance to school although school staff are aware of the AB 490 requirements. Foster children continue to find themselves in the wrong classes because their transcripts and other records have not transferred. Foster children continue to find themselves having to change schools with each replacement despite mandates that the child should only change schools if it is in the child's best interest. Children continue to be forced to repeat classes because schools are refusing to accept partial credit from a prior school.

Foster youth report that they are not being informed of their education rights under AB 490 and are frequently facing difficulties getting this information from social workers. When youth ask their social workers for information about the education liaison in their area, they find that their social workers are unaware of this person's existence and/or don't have contact information. To respond to this issue, CYC has created a "Foster Youth School Rights" brochure that will be published, but will still not address the need for all county staff to be knowledgeable. Many foster youth who helped with this bill in hopes that they would have a better chance of graduation are expressing frustration that they will be unable to receive their diploma because the rights created in the law have not been implemented.

SB 1178, passed in 2004, requires child welfare agencies to support whole-family placements for dependent youth and their children. While the Manual of Policy and Procedure may provide for an infant supplement, supporting family placement also suggests a culture change where family preservation is a priority. Advocates and community providers report no known changes in practice regarding the identification or utilization "of whole family placements or other placement models that provide supportive family focused care for dependent teens and their children."

At CYC's 2005 Policy Conference, foster youth to an audience including DSS and legislative staff, that youth are still routinely being separated from their babies in counties where placements for both parent and child don't exist. One young parent told a story of being placed separately from her baby because her group home was not licensed to care for infants. Her baby was placed in a foster home, and the youth was told that she would have to get to a certain level in her group home to be eligible to be placed in a foster home where she and her baby could be together. After following all the instructions and receiving her social workers support to move to a foster home, she was denied reunification with her baby. The expressed reason was that too much time had passed, the baby had bonded with the foster parents, and they were interested in adoption. In reality, this young lady felt that she has been punished by being denied the opportunity to care for her child because the county has not created placement options.

Conclusion

We acknowledge that the system is complicated and that the road to full implementation has hurdles to overcome but we need to think of implementation as more than a change in the code or the issuance of an ACL or ACIN. Also, we need the Legislature to take an active role- this year far too many youth came back from their DAC visits sadly reporting that staff and members had responded to their pleas to help implement some of these laws locally with the statement that there is nothing they can do for them, but please come back if CYC has a new bill.

I think what we have all learned is that there is no law that self-implements- implementation requires someone to take responsibility for seeing the idea translate to laws or policy on paper, then translate to practice guidelines or regs, then translate to information disseminate or ACLs and ACINS then the how to of practice change and philosophy change by training. Making some changes such as establishing a clear process by which regulations are created, and changes are made to the primary practice bible- Division 31 regulations is critical. Taking leadership for setting the training topics that counties need to hear about each year so that social workers learn the new laws is critical. What we hear is that counties get to pick the topics they are trained on- but if they are unaware of policy changes, they will never select these topics. Looking at statewide expansion of projects like the YOUTH training project, where foster youth train social workers and help them understand the importance of the new laws is also important.

Finally, as we started out this hearing, we need some level of accountability, so we can measure whether youth are experiencing the changes we all want to see happen. Looking at updated 636 data measures to collect information on whether youth are asked about important relationships, informed of their rights, or placed in whole family placements is helpful to guide us to what we need to do as parents as next steps. Additionally, accountability needs to ensure that we use every mechanism possible to hear directly from foster youth and elevate their

voice, such as looking at statewide expansion of projects like CYC's Youth Led Evaluation Project in Alameda County where youth evaluate their group homes and give feedback about what is and isn't happening for them. Additionally, prioritizing funding so organizations like CYC can be in every county and youth can guide foster care policy and practice is necessary.

CYC is willing to help in any way necessary with this work as we move forward. We all agree that the foster care system as it exists now is not one that we'd want our own child raised in, and that the children in foster care deserve so much more. If our own child's ability to have a family, to be safe, to graduate from high school and to have the chance to parent their own children was at stake, I have no doubt we would figure out how to make change happen. I believe that we absolutely have the ability to do this, and it is a matter of prioritizing resources, taking responsibility and leadership and working as partners with others to get youth to successful adulthood. These are all things that all parents must do, and the state should be no exception.

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