

A WAY IN FOR YOUNG PEOPLE TRANSITIONING FROM FOSTER CARE

NOVEMBER 2020

The heart of the American story is that every child should have a fair chance at success. And that, no matter who you are or where you are from, if you are willing to work hard and play by the rules, you should be able to make it. But we also know that sometimes, by no fault of their own, some kids are dealt a more difficult hand. – Vice President Joe Biden, December 9, 2014

Federal policy has often been used to give young people in foster care a “way out” of circumstances they had no hand in creating. Yet what today’s young people are seeking, in the words of the late Representative John Lewis, is a “way in” – an opportunity to contribute to and benefit from an equitable future where all youth can succeed and thrive.

The Biden Administration, guided by its vision for equity and success for all, has an opportunity to create brighter futures for young people who have been made vulnerable by systems that have failed to meet their needs.

This memo offers recommendations to spur positive change for transition-age youth with experience in foster care, many of whom have also experienced homelessness, the juvenile justice system, and chronic adversity rooted in intergenerational trauma and systemic inequities. For the purposes of this memo, “transition-age youth,” “youth” and “young people” refer to people between the ages of 14 and 26. “Youth and young people of color” refer to and describe youth who experience significant racial and ethnic disparities in the child welfare system. Statistics and circumstances relating specifically to Black and Indigenous youth and young people of color are noted throughout this memo.

Decades of attempts to reform the child welfare system have revealed its fundamental structural flaws. Rather than investing to support families and prevent trauma and abuse, the child welfare system instead favors and incentivizes removal and family separation. The system’s implicit biases and punitive nature disproportionately affect families of color and those living in poverty (see text box on this page). It is especially damaging to the 20,000 youth who “age out” of foster

A More Difficult Hand

- ▶ **53% of Black children will be investigated as child maltreatment victims** by age 18 (16% above average) — despite studies showing no relationship between race and maltreatment.¹
- ▶ **Black and Indigenous children are separated from their families at far higher rates** than white children, often repeatedly.²
- ▶ **23% of children in foster care are Black**, while Black children are only 14% of all children.³
- ▶ **Only 58%** of youth in foster care **graduate from high school** and fewer than 3% finish college.⁴
- ▶ **Half** of youth in foster care **are unemployed** at age 24, and those with jobs earn \$8,000 or less.⁵
- ▶ **Early pregnancy, involvement in the criminal justice system, and substance use disorders** are more common for youth who have been in foster care than those who have not.⁶
- ▶ Former foster youth suffer high rates of mental health issues and are **twice as likely as veterans to experience PTSD**.⁷
- ▶ **Up to 53% of homeless youth have been in a group foster care placement**.⁸

care every year with no family to call their own. Transition-age youth in foster care experience poor outcomes across all areas of their lives. The COVID-19 pandemic has only exacerbated their needs.

The following recommendations to the Biden Administration address the urgent needs of transition-age youth who have received little to no federal assistance during the coronavirus pandemic. They also lay the foundation for achieving bold policy reforms envisioned and led by transition-age youth who have experienced the system. Public policy must be transformed to direct support to families in their communities rather than in systems. Additionally, we must improve outcomes for those youth who are in foster care, by building a different system infrastructure and making investments that support creative, developmentally appropriate policies, practices that build youth's resilience, connect them to family and community, and empower them to lead decision-making in preparation for adult life. Our recommendations build on President-elect Biden's commitment to engaging young people in social justice efforts, especially those who have experienced racism, poverty, and violence. We propose six action steps to catalyze reform:

1. Issue a presidential proclamation acknowledging historic and systemic racism in child welfare and expressing commitment to building equity and better opportunities for youth and families involved with the child welfare system.
2. Establish an Office of Diversity, Equity and Inclusion within the Administration for Children and Families.
3. Rescind executive and administrative orders promoting unlawful and harmful discrimination and undermining child well-being.
4. Respond to the immediate needs of system-involved transition-age youth in crisis during the pandemic and recovery.
5. Pave the way for federal reform by investing in a policy agenda that provides transition age youth a "way in" to equity, opportunity, and success.
6. Engage and empower individuals with lived experience to guide seminal reforms at the federal level.

We ask that the Biden Administration act on these recommendations within the first 100 days of Inauguration Day. The undersigned advocacy organizations stand ready to support these efforts. By January, we will share a policy agenda for transformational systems reform that the Administration can lead during its first term. All of the recommendations align and overlap substantially with other system change efforts, like juvenile justice, immigration, health care, homelessness, and other issues affecting transition age youth. We continue to work closely with our advocacy colleagues in these areas who are also providing recommendations for reform.

POLICY RECOMMENDATIONS TO BUILD A "WAY IN" TO EQUITABLE OPPORTUNITIES AND SUCCESS FOR YOUTH

Adolescence and young adulthood is a time of both great vulnerability and great potential. The services and support we offer young people during that critical time have a significant impact on the direction of their lives. Ensuring that youth have the support of family, needed resources and meaningful opportunities to thrive is critical to promoting successful transitions to adulthood.

Research shows that investments in transition age youth, especially young people in foster care, yields a return of \$2-4 for every dollar, due to gains in employment, education, and other improved outcomes.⁹ Wise investments that target all transition-age youth as well as youth who are parenting, have disabilities, and identify as LGBTQIA are needed for effective and equitable results. For more than a decade, young people with experience in foster care have increasingly led policy change initiatives, joining together to call for opportunities for educational and economic success, promoting strategies to dismantle institutional racism, supporting sibling and family connections, expanding the provision of prevention services, and demanding a more direct voice in meaningful child welfare reform. It is their strength and ideas that form the basis of the following recommendations, and will continue to drive bold reforms to eradicate inequity and create opportunity for all young people in the United States.

1. Issue a Presidential Proclamation Acknowledging Historic and Systemic Racism in Child Welfare and Expressing Commitment to Building Equity and Better Opportunities for Youth in Foster Care

It is critical that the Biden Administration lead our nation on a path to racial justice. This work must recognize the historic and systemic racism that has long existed in the child welfare system, and the resulting trauma this has inflicted on children, youth and families for generations. A devastating example of the harm and adversity that the child welfare system can cause is the tragic death earlier this year of Cornelius Fredericks, a 16-year old Black youth who died because of inappropriate physical restraint while in institutional foster care. A significant amount of research documents the overrepresentation of Black and Indigenous children in child welfare due to both a failure to provide primary prevention and supportive services to families, and to the over-surveillance of their families. Once in foster care, Black, Indigenous, and youth of color are more likely to be placed in non-family settings such as congregate care, change foster care placements more often, experience greater school instability, and age out of foster care without permanent family connections. After leaving foster care, Black, Indigenous, and youth of color often face more adversity and negative outcomes such as homelessness, unemployment, mental health issues, economic hardship, and criminal justice involvement. These inequitable and adverse outcomes are well-known, yet they persist without measurable improvement.

Bold action is needed to eliminate structural racism across the child welfare continuum. A presidential proclamation is an immediate step the Biden Administration can take to demonstrate its commitment to rooting out racism in child welfare. While a public statement is the first step, it must be accompanied by thoughtful and bold policy solutions that dismantle ineffective and inequitable practices and build an array of culturally-sensitive supportive services that are needed to help children, youth, and families succeed. The actions described in this memo, as well as those that will be outlined in our upcoming policy agenda, offer the Administration a set of solutions to prevent the unjust and punitive separation of children from their families due more to poverty than to abuse or neglect, protect children's safety and well being if they enter foster care, and policies that promote greater success and security for Black, Indigenous, and youth of color as they transition from foster care into adulthood. We will share a sample proclamation with our policy agenda in January.

2. Establish an Office of Diversity, Equity and Inclusion within the Administration for Children and Families (ACF)

We recommend that the Biden Administration establish an Office of Diversity, Equity and Inclusion within ACF to lead federal policy reform. This office should, among other things, review all child welfare policies using race equity impact analyses, to determine fair and equitable policies and allocation of resources. The Office should be empowered and financed to take immediate action to direct funds to advance equity and develop policies to ensure that adequate funds are available to states to implement reforms. It should develop short-and-long term goals to eliminate disparities for Black, Indigenous, and people of color, and discrimination against those who identify as LGBTQIA in human service systems administered under ACF.

3. Rescind Executive and Administrative Orders Promoting Unlawful Discrimination and Undermining Child Well-Being

We recommend that the Biden Administration immediately reverse all executive orders and regulatory decisions that promote unlawful discrimination, and harm children and families. Specifically we urge the Administration to take actions including but not limited to:

- ▶ Rescind Executive Order 13950, Combatting Race and Sex Stereotyping (September 22, 2020), which undermines diversity, equity and inclusion efforts throughout government and impedes constructive dialogue about the role that racism and bias play, and have historically played, in the child welfare and other societal systems.
- ▶ Rescind the waiver of the non-discriminatory requirements of 45 CFR § 75.300(c), dated January 23, 2019, granted to South Carolina, allowing the private foster care contractor Miracle Hill to discriminate on the basis of religion in foster care placements.
- ▶ Proceed with implementation of the Adoption and Foster Care Analysis and Reporting System Rule, dated December 14, 2016, 81 Fed. Reg. 9052, requiring the collection of data elements, including elements related to the Indian Child Welfare Act and sexual orientation.
- ▶ Rescind Notice of Non-Enforcement, 84 Fed. Reg. 63809-01, issued on November 1, 2019, proceed with implementation of HHS's non-discrimination prohibition with respect to federal grants found at 45 CFR 75.300(c), and halt further actions to rescind these regulations pursuant to Regulation Identifier Number 0991-AC16.

4. Respond to the Immediate Needs of System-Involved Transition-Age Youth in Crisis During the Pandemic and Recovery

Young people transitioning from foster care and other systems without the support of family continue to suffer terribly as a result of the pandemic. Without a strong infrastructure to support the unique needs of transition-age youth, we have put many already-vulnerable youth in crisis. We recommend that the Biden Administration provide them the relief they have been denied for over eight months. Specifically, the Administration should:

- ▶ Dedicate funding to provide the following supports to transition age youth to address the challenges of the COVID-19 pandemic: safe housing, direct financial assistance, service

coordination, health and behavioral health services, child care, and assistance finding and maintaining employment and thriving in higher education and training;

- ▶ Remove barriers by making all young people ages 14-26 in need of services categorically eligible for relief, regardless of their child welfare system involvement; and
- ▶ Provide immediate safety and help by issuing a moratorium on aging-out of foster care during the pandemic and recovery and provide states adequate funding to provide extended foster care and services.

5. Pave the Way for Federal Reform by Investing in a Policy Agenda that Provides Transition Age Youth a “Way In” to Equity, Opportunity, and Success

We recommend that the Biden Administration include a funding request in its FY 2021/2022 budget proposal for bold policy reform for system-involved transition-age youth. Achieving improved outcomes for transition-age youth and creating a “way in” to the American dream will require a re-imagining and retooling of existing policies across multiple sectors to ensure transition-age youth can achieve equitable and improved outcomes in all aspects of life. The policy agenda must include cross-sector, innovative solutions that are equitably financed. Specific reform goals should include:

- ▶ Supporting families to prevent the need for foster care and strengthening and valuing permanent family connections for youth in foster care.
- ▶ Achieving racial equity in care and services as well as outcomes for youth and families.
- ▶ Ensuring equity for Indigenous youth and families through enforcement of the Indian Child Welfare Act.
- ▶ Facilitating meaningful youth engagement and leadership in policy and practice at the local, state, and federal level.
- ▶ Reducing the number of youth who age out of foster care.
- ▶ Providing access to safe, stable, and affordable housing as youth transition to adulthood.
- ▶ Promoting success for youth in secondary and higher education and training.
- ▶ Supporting the economic security of youth through employment opportunities providing a family-sustaining wage, a career path, and the development of assets and wealth.
- ▶ Ensuring youth’s access to critical health care and mental health services as they transition to adulthood.

6. Engage and Empower Individuals with Lived Experience to Guide Seminal Reforms at the Federal Level

Who better to talk about what’s wrong and what needs to be fixed than the young people who have been through the system? It’s time to raise our voices even louder as we become part of the decision making process to change the system.

– Johna Rivers, Youth Activist and Foster Care Alumna

The perspectives of people with lived experience are critical to transforming federal systems and programs to be more equitable and meet the needs of young people and their families. The Biden Administration can take immediate and meaningful steps to authentically engage young people and families with lived experience in federal policymaking. Any efforts to effectively engage youth must be co-designed with young people, and might include:

- ▶ Establish a process to engage individuals with lived experience at the highest levels of Administration policymaking, including, but not limited to the Domestic Policy Council, and across all federal agencies. There are numerous outstanding youth leaders and youth- and alumni-led organizations that the Administration should consult with for ongoing collaboration and support.
- ▶ Recruit, hire, and retain individuals with lived experience and expertise in social service systems in all federal agencies.
- ▶ Require, as a condition of receiving all federal grants that impact transition age youth, that grantees engage individuals with lived experience at all phases of the application and implementation process.
- ▶ Establish an Office of Children and Youth within the Domestic Policy Council, and task the Office with convening an annual White House Conference on Children that includes a focus on transition age youth.
- ▶ Require representation of young people in the Office of Racial Equity and Inclusion within ACF to assist in the development of policy and distribution of information.

NEXT STEPS

As noted above, these recommendations are intended for the Administration's first 100 days, focusing on immediate priorities that can be implemented largely through Executive authority. They are, in that way, only a starting point, and we plan to deliver a comprehensive policy agenda for your consideration by January. Meanwhile, we stand ready to answer any questions you or your colleagues may have, and we appreciate your consideration of these recommendations. Please do not hesitate to contact us through Mary Bissell of ChildFocus at Mary@ChildFocusPartners.com or at 240.461.5990.

COSIGNATORIES

ACTION Ohio
Center for the Study of Social Policy
Child Welfare League of America
Children's Advocacy Institute
Children's Defense Fund
Children's Law Center of California
Children's Rights
First Focus Campaign for Children
FosterClub
Foster America

Foster Care Alumni of America
John Burton Advocates for Youth
Juvenile Law Center
National Association of Counsel for Children
National Foster Youth Institute
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NOTES

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⁵ Ibid.

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⁹ Happy 18th Birthday, Now Leave: The Hardships of Aging Out of Foster Care, Alexa Prettyman (October 2020), https://www.alexaprettyman.com/uploads/1/1/8/0/118046286/prettyman_extendedfostercare_jmp.pdf