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**Testimony before the District of Columbia Council
Committee on Human Services
July 11, 2012**

Foster Youth Rights Amendment Act of 2012, Bill 19-803

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Good afternoon, Chairman Graham and members of the Committee on Human Services. I am Judith Sandalow, the executive director of Children's Law Center (CLC),¹ the largest non-profit legal services organization in the District of Columbia and the only such organization devoted to a full spectrum of children's legal services. Every year, CLC serves more than 2,000 low-income children and families, including 500 children in foster care, dozens of children at risk of entering foster care, and several hundred foster parents and relatives of children in foster care.

Thank you for this opportunity to testify on the Foster Youth Rights Amendment Act of 2012, Bill 19-803 ("Act"). We strongly support the goal of ensuring that all youth in foster care have the array of supports they need to succeed. In fact, it is a core part of our mission and our daily work. However, we have concerns that this legislation as currently written does not accomplish its goal and may instead be counterproductive.

My testimony today highlights just a few of the concerns we have about the legislation. It is our hope that the Committee will allow the Child and Family Services Agency ("CFSA") to work with CLC and others in the community to find the most effective solutions to address the concerns that motivate this bill.

This legislation as written is very broad and vague, so it is difficult to fully understand what its impact will be. Although the Act requires the Mayor to draft comprehensive regulations regarding youth's "rights," the bill does not define "rights" and it is thus difficult to know what CFSA is being required to incorporate into the DC Municipal Regulations. All federal law, local law, agency administrative issuances and policy documents that set forth "rights" is a broad and confusing mandate.

"Youth" is also undefined. Age makes a difference in rights. An 18 year old can make educational decisions, a 15 year old cannot.² A 15 year old can reject an adoption, a 10 year old

cannot.³ Not only do rights change, but the level at which youth can understand and participate in decisions changes with age too. This Act makes no allowance for this difference.

The Act also calls for the development of a new bureaucracy when it requires CFSA to establish penalties and remedies for rights violations and a mechanism to report violations. We know the current system is imperfect and share the frustration of other advocates and youth that their voices are not always heard. However, there are several processes, including the neglect court, to protect the rights of youth in care and mechanisms for remedying violations of law. Indeed, each youth in care has an attorney assigned to them to ensure that their best interests are served and rights protected. We are concerned that the new provisions of the Act will lead to confusing, unnecessary and expensive additional bureaucracy. We think the focus should be on assessing the flaws in the current system and correcting those before creating an additional system.

Although the Bill is often vague, when it is specific it sets too low a bar for protecting and supporting youth. I refer to the provision that youth should be given their vital records 30 days after they leave care. After they leave care is too late. Vital documents should be given to youth, their Guardian ad Litem and caregivers prior to youth leaving care with enough time so that corrections can be made or concerns about receiving complete documents can be addressed.

Finally, although proposed regulations are normally subject to public comment,⁴ this Act as written does not give such an opportunity. Instead, the Act simply provides the proposed rules to the council for passive review. Given the importance of the issues addressed in the bill, its extraordinary breadth and the impact it will have on youth, their families and the advocates and providers supporting them, public comment is essential.

Given the flaws in the bill as drafted, we request that the council delay any further action on the Act and allow Children's Law Center and others in the community to work together with CFSA on the best way to ensure that youth have a voice and are protected.

Thank you again for the opportunity to testify today. I look forward to your questions.

¹ Children’s Law Center works to give every child in the District of Columbia a solid foundation of family, health and education. We are the largest provider of free legal services in the District and the only to focus on children. Our 80-person staff partners with local pro bono attorneys to serve more than 2,000 at-risk children each year. We use this expertise to advocate for changes in the District’s laws, policies and programs. Learn more at www.childrenslawcenter.org.

² 5 D.C.M.R. § E 3023.1.

³ D.C. Code § 16-304(b)(1).

⁴ D.C. Code § 2-505(a). The DC Administrative Procedure Act may still control and require notice and comment, but it is unclear.