

BUILDING THE PATH

Forward

**FOR CHANGE IN THE
CHILD WELFARE
SYSTEM**



**CONGRESSIONAL COALITION ON ADOPTION INSTITUTE'S
FOSTER YOUTH INTERNSHIP PROGRAM®**

JULY 2021 | EDITION 14



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FOREWORD FROM THE STAFF

As we celebrate the 19th year of the Foster Youth Internship® (FYI) Program, CCAI is honored to reintroduce eleven leaders, the authors of this report, to Congress and the Administration. Though the COVID-19 pandemic forced the program to go virtual again in 2021, our resilient class continued to adapt to the everchanging world and recommitted to a second summer advocating for an improved child welfare system. Unlike last year's specialized COVID-19 Foster Youth Intern Pandemic Working Group, the 2021 Foster Youth Interns were placed in congressional offices for remote internships over the past eight weeks. From their home states, they have worked hard to build their legislative knowledge and further hone their leadership and advocacy skills.

Alan, Autumn, Cortez, Hailey, Isabelle, Laila-Rose, Makayla, Ian, Junely, Shanell, and Tashia, you continue to inspire us as the first FYI class to write two insightful and powerful reports based on your own experience and expertise. We know you have navigated many road blocks professionally and personally over the past two years, but as our country faced the challenges of a global pandemic, you have all been the persistent voices of change, tackling reform steadily to create a path forward.

Thank you for paving the way toward a better future in removing barriers, improving outcomes, and ensuring that children, youth, and families who encounter the U.S. child welfare system do not face the same obstacles that you experienced. You are asking for change and we hear you.

We have sincere gratitude for the leadership from our Board of Directors and support from faithful partners. We give special thanks to: American Council of Life Insurers, American Retirement Association, Annie E. Casey Foundation, Arnold & Porter, BEB, Brownstein Hyatt Farber Schreck, Carlson Family Foundation, ChildFocus, Dave Thomas Foundation for Adoption, Retail Orphan Initiative, Rita M. Lewis, Susan B. Hirschmann, Susan K. Neely, and Williams & Jensen.

We are delighted to introduce the Congressional Coalition on Adoption Institute's 2021 Foster Youth Internship Program® federal policy report, *Building the Path Forward for Change in the Child Welfare System*. We hope you are inspired by the ideas and solutions for change.



Kate McLean
Managing Director



Taylor Draddy
Senior Director of Policy

ABOUT CCAI



MISSION

The Congressional Coalition on Adoption Institute is dedicated to raising awareness about the millions of children around the world in need of permanent, safe, and nurturing families and to eliminating the barriers that hinder these children from realizing their basic right to a family.

VISION

Our vision is a world in which every child knows the love and support of a family.

HISTORY

CCAI was founded in 2001 by advocates of children in the U.S. and around the world in need of safe and nurturing families. In founding CCAI, these advocates sought to match the commitment of Members of Congress' Adoption Caucus, the Congressional Coalition on Adoption (CCA), with the information and resources needed to make the dream of a family a reality for every child through the creation of CCAI. As a convener, CCAI brings together voices of experience and expertise to the U.S. Congress. CCAI believes every child deserves a family and every family deserves a caring community.

Although the Adoption Caucus (CCA) and CCAI are distinct entities, they are closely linked in partnership. Over 155 Members of the 117th Congress have joined and are actively engaged in supporting legislation and policy that improves the lives of children and families in the United States and around the world. Both the CCA and CCAI are deeply committed to bipartisanship, strengthening families, and permanency.

CCAI is unique in that each of our programs brings together policymakers and individuals with direct foster care or adoption experience. When Members of Congress hear direct experiences of those affected by child welfare systems, they become engaged in this issue and work to bring about legislative improvements to ensure each child's right to a family is realized.

ABOUT THE FYI PROGRAM



CCAI's Foster Youth Internship (FYI) Program® is a congressional internship for young adults who have experienced the foster care system to raise awareness to federal policymakers about permanency, foster care, child welfare, financing, abuse, and neglect. Since 2003, the FYI Program provided the Foster Youth Interns (FYIs) the opportunity to intern in a congressional office on Capitol Hill — both exposing the FYIs to the policymaking process as well as raising awareness to federal policymakers about the needs and unique perspectives of those who have spent time in foster care.

For the past 13 years, since 2008, the FYI Program has offered the Foster Youth Interns the opportunity to use their newfound understanding of Capitol Hill and federal policy to research and write a policy report. The interns focus on topics they are personally passionate about, generally linked to their own experience in foster care, and make policy recommendations to improve the U.S. child welfare system for children who are currently in foster care. This report and its recommendations are disseminated across the country and presented by the interns in briefings to the U.S. Congress, White House Domestic Policy Council, and beginning in 2019, at two additional briefings to industry leaders in the private sector and U.S. Department of Health and Human Services (HHS). Many of these policy recommendations have been passed into law.

After their time on Capitol Hill, CCAI's Foster Youth Interns have gone on to work in the U.S. Senate and House of Representatives, White House, Federal Bureau of Investigation, U.S. Department of Veteran's Affairs, community banks, law firms, counseling groups, national child welfare organizations, and state child welfare agencies. Many FYIs also pursue degrees of higher education after obtaining undergraduate degrees. Moreover, the FYIs leave Washington, D.C. with experience and skills that continue to bolster their careers and provide a foundation for them to become lifelong advocates for youth in foster care.

Note: The opinions, findings, and conclusions presented in the Foster Youth Internship Program® Policy Report are the authors' own and do not necessarily reflect the view of CCAI including leadership, donors, and partners.

2021 FOSTER YOUTH INTERN POLICY REPORTS:

KEEPING CONNECTED: STRIVING TO MAINTAIN SIBLING RELATIONSHIP IN AND AFTER FOSTER CARE

Alan Abutin

RECOMMENDATION SUMMARY

Congress should take steps to replicate California’s post-adoptive laws and procedures to make post-adoption contact agreements for siblings a requirement across the country by (1) defining and creating a national resource detailing best practices for preservative and restorative sibling connection activities, (2) authorizing the use of Title IV-B funds to pay for preservative and restorative sibling connection activities, and (3) amending the Fostering Connections to Success and Increasing Adoptions Act to replicate California Family Code which establishes that post-adoption contact agreements be permitted and encouraged only at the benefit and best interest of the child.

EXECUTIVE SUMMARY

As of 2020, more than 673,000 children each year spend time in foster care across the United States (U.S. Department of Health and Human Services [HHS], 2021). An astounding 70% of these children are members of a sibling group and of that, 34% get separated when they are adopted or age out of foster care (Macon, 2019). This leaves siblings without a sense of identity or belonging which can cause heightened levels of anxiety, depression, and a variety of other mental health issues (HHS, 2021). Although I am grateful for my adoption, it came at the cost of being separated from my half-siblings, which greatly affected our relationships with one another. While sibling relationships can be defined differently for each family, it is critical that regardless of legal jurisdiction, Congress focus on the best interest of the siblings by preserving relationships before adoptions are finalized. This can be accomplished by implementing court-mandated meetings for separated siblings. Additionally, Congress should utilize Title IV-B funds for activities designed to preserve sibling relationships.

PERSONAL REFLECTION

There were no avenues for me to see my siblings while in foster care, and I lost opportunities to build relationships with them throughout my life. My biological parents each had three different children with three different partners. My oldest half-sisters came from my father’s side, and my older half-brother and younger half-sister came from my mother’s side.

PERSONAL REFLECTION (CONTINUED)

At a young age, my biological sisters unfortunately lost their mothers which took a toll on their mental health and also impacted my father, who plummeted deeper into drug addiction, making him even more of an unreliable parent. Additionally, my biological mother had an extensive traumatic history involving drug abuse and sex trafficking. These became critical factors that contributed to her inability to look after me and my older half brother, who were only three and ten years old when she abandoned us. To this day, I only see my half-brother on spontaneous, rare occasions; moments where he's walked into the Finish Line where I was working, when I went to the barbershop and found him sitting in my barber's chair, or even bumping into him at a carnival. Despite having positive experiences with my brother in those moments, it hurts to acknowledge that he has followed on a path similar to my mother's. I believe if I had more contact with my brother, we could have had a healthier relationship which may have prevented some of his poor decision-making.

My grandparents, like many kinship caregivers and foster parents, did not have the means to take care of my sisters, my brother, and myself, which eventually led to our separation. I wonder how different our relationships would have been if my adoptive parents had also adopted my brother or made greater efforts to foster a relationship with my siblings, so we didn't have to struggle through our adversities alone. I used to stay up at night wondering about the memories and moments I missed with them or how strong our bonds could have been if we had shared these memories together. While I am very blessed to have adoptive parents that cherished me and provided the resources I needed to succeed, there is an enormous guilt I feel for having opportunities that my siblings unfortunately did not have.

THE PROBLEM & CURRENT LAW

Many foster children with siblings are separated from each other — either when undergoing the adoption process, or when first put in an out-of-home placement (Macon, 2019). This separation can cause loss of family connection and trauma which can be detrimental to developing self and cultural identity, not to mention their medical history. Separation can lead to a sense of lacking belonging, anxiety, and depression (HHS, 2021).

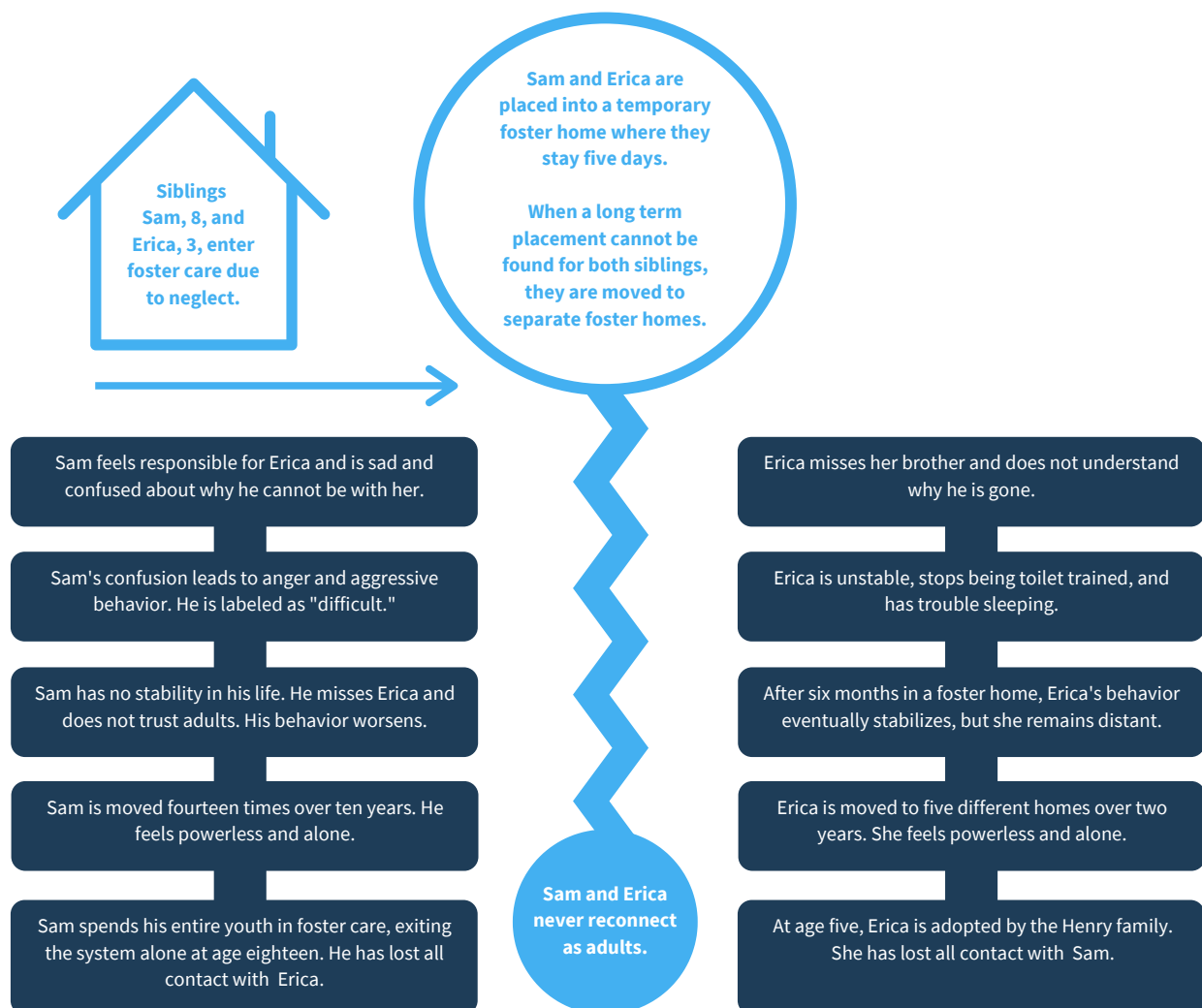
THE PROBLEM & CURRENT LAW (CONTINUED)

In 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act which made it a priority that siblings entering the foster care system be placed together by requiring states to use “reasonable efforts” to place siblings together, unless such a placement is contrary to their safety or well-being. Federal law (section 471(a)(31) of the Act) requires that every effort should be made to have siblings adopted by the same family.

Figure 1

SIBLINGS IN FOSTER CARE

Roughly 65% of all siblings are separated in foster care. These separations have lifelong ramifications, often resulting in the siblings having distant or no relationships at all.



Note. "Stopping the Separation of Siblings". Adapted from Boys & Girls Aid. Copyright 2017 by Boys & Girls Aid.

THE PROBLEM & CURRENT LAW (CONTINUED)

While the Fostering Connections to Success and Increasing Adoptions Act has provided a sufficient blueprint in acknowledging and making progressive change towards minimizing deficits in sibling connections, it doesn't thoroughly cover post-adoption sibling connections as extensively as California Family Code §8616.5(a)-(b)(1). This statute establishes post-adoption contact agreements be permitted and encouraged only at the benefit and best interest of the child. Further, the California administrative regulations, Procedures for Agency Adoptions, 22 Cal. Admin. §35127.1(3)(a) also enhance post-adoption connections by requiring that prior to adoption finalization, written assessments required by adoption agencies must include "whether the child would benefit from continuing contact with members of his or her extended family after adoption" (Kelly, et al., 2016). Facilitating post-adoption agreements between siblings and prospective adoptive children before adoptions are finalized would allow siblings to maintain connections and relationships while reducing the likelihood of relational separation. Neither the aforementioned California Family Code nor Adoption Program Regulations mention funding to improve these relationships. However, the California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Federal statutory provisions establish procedures for making similar reimbursements (HHS, 2021).

POLICY RECOMMENDATIONS

Congress should take steps to replicate California's post-adoptive laws and procedures to make post-adoption contact agreements for siblings a requirement across the country:

- **Define and create a national resource detailing best practices for preservative and restorative sibling connection activities for current and former foster and adoptive youth.** Such activities include sibling visitation with transportation to and from visits, if necessary, age-appropriate normalcy activities, virtual visits, and family counseling services.
- **Authorize the use of Title IV-B funds to pay for preservative and restorative sibling connection activities** for current and former foster and adopted youth to ensure sibling connections are maintained throughout the entirety of the adoption process.
- **Amend the Fostering Connections to Success and Increasing Adoptions Act to replicate California Family Code §8616.5(a)-(b)(1) which establishes that post-adoption contact agreements be permitted and encouraged only at the benefit and best interest of the child** as well as the Adoption Program Regulations, Procedures for Agency Adoptions, 22 Cal. Admin. §35127.1(3)(a) which enhances post-adoption connections by requiring that prior to adoption finalization, the written assessments required by adoption agencies must include "whether the child would benefit from continuing contact with members of his or her extended family after adoption" (Kelly, et al., 2016).

STABILITY AND SECURITY FOR TRIBAL FAMILIES

Autumn Adams

RECOMMENDATION SUMMARY

To preserve The Indian Child Welfare Act (ICWA)’s original intent “to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families,” Congress should require states to provide and finance “active efforts to prevent the breakup of the Indian family” as a condition of child welfare funding under title IV-E and to incorporate the definition of “active efforts” included in ICWA (i.e., “...the affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with his or her family”) (25 CFR 23.2).

EXECUTIVE SUMMARY

The preservation of the Indian Child Welfare Act (ICWA) is paramount to ensuring American Indian and Alaska Native children maintain family and tribal connections and are actively provided with opportunities and support to reunite with family. Congress needs to ensure a legislative fix for the Fifth Circuit Court of Appeals decision in *Brackeen v. Haaland* as it relates to the implementation of “active efforts” to ensure state support of those efforts and therefore preserving ICWA for future generations.

PERSONAL REFLECTION



ICWA has impacted my life as a tribal member and as an individual. When I first entered foster care, I was placed in a home that allowed me to maintain my connection to my culture and family and to strengthen those ties as I got older. The strength and teaching I received during my formative years have allowed me to continually break systemic barriers and overcome the intergenerational trauma that has negatively impacted my life. I was able to use the resiliency embedded in my tribal culture and family connections and the precedent set by ICWA to

argue and win the custody of my younger brother and sister when I was 19. Without a doubt, my siblings and I would not be together today without ICWA. The importance of ICWA and its direct impact on my life and the lives of other Indian children makes the attempts to dismantle ICWA particularly alarming.

THE PROBLEM & CURRENT LAW

The United States has actively decimated Indigenous people through their connections to their family and culture. This effort became blatantly clear in the implementation of Indian boarding schools beginning in the late 1800s. Compulsory boarding schools focused on the forced assimilation of Indigenous children by separating them from their family and culture. The philosophy supporting boarding schools was to kill the Indian and save the man. Eventually, the United States began using the child welfare system to continue the task of dismantling and destroying tribal kinship and cultures through the removal of Indigenous children from their families and communities.

The Indian Child Welfare Act (ICWA) was passed in 1978 to end unnecessary tribal family separation. ICWA was designed to “protect the best interests of Indian children and to promote the stability and security of Indian tribes and families” (25 U.S.C. § 1902). In addition, it set forth a set of judicial considerations centered on the continued well-being of Indian children, including requiring “active efforts” to prevent the breakup of the family; identifying a placement that complies with the ICWA preference provisions; notifying the child’s tribe and the child’s parents of the child welfare proceeding; and involving the child’s tribe and the child’s parents in the proceedings. ICWA continues to be essential to this day. Indian families are two times more likely to be investigated by child welfare and to have allegations of abuse substantiated. Indian children are four times more likely to be placed in foster care compared to white children, according to the National Indian Child Welfare’s 2019 Disproportionality Report (National Indian Child Welfare Association, 2019).

Indigenous rights are constantly under attack. For over a decade the attack has taken the form of attempting to dismantle tribal sovereignty by undermining the political nature of tribal citizenship undergirding the Indian Child Welfare Act. In the 2019 5th Circuit Court of Appeals decision in *Brackeen v. Haaland*, the court decided ICWA was not a race-based law, but a law based off the political identification of Indian people. They decided that ICWA’s requirement state child welfare agencies must make active efforts to prevent the breakup of the Indian family illegally commandeering state resources. Essentially the court decided that Congress cannot force states to spend money to implement the “active efforts” provision of ICWA (25 CFR 23.2) (Fort, 2021). This pronouncement makes it substantially more difficult to implement active efforts in the jurisdictions affected by the decision. To be eligible for federal child welfare funding under Title IV-E, states are already required by Congress to provide “reasonable efforts” preserve and reunify all families under title IV-E of the Social Security Act (42 USC 671 (a)(15)).

POLICY RECOMMENDATIONS

To preserve ICWA’s original intent “to protect the best interests of Indian children and to promote the stability and security of Indian tribes and families,” Congress should:

- **Require states to provide and finance “active efforts to prevent the breakup of the Indian family” as a condition of child welfare funding under title IV-E** and to **incorporate the definition of “active efforts” included in ICWA** (i.e., “...the affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with his or her family.”) (25 CFR 23.2). Adding the active efforts requirement to Title IV-E will directly connect federal child welfare funding to state implementation of active efforts and other ICWA requirements. Clarifying the allotment of federal funding to implement “active efforts” will remove the court’s previous ruling that state resources are being commandeered. This addition is imperative to ensure effective implementation of the Indian Child Welfare Act and the preservation of Indigenous families.

ELIMINATING THE GREAT UNKNOWN: PERMANENT PLACEMENT FOR SIBLING GROUPS IN FOSTER CARE

Cortez Carey

RECOMMENDATION SUMMARY

Congress should create a housing fund for states to cover eligible expenses for kin and non-kin foster families who do not have enough space in their current housing situation to meet the federal and state requirements to keep siblings together. The housing fund should be created by increasing the Federal Medical Assistance Percentage (FMAP) for housing-related costs and expenses. These actions by Congress would remove housing constraints for foster parents and kin as a barrier to keeping siblings together.

EXECUTIVE SUMMARY

According to the U.S. Department of Health and Human Services (2020), “sibling relationships are critically important not only in childhood but over the course of a lifetime” (p. 9). Youth around the country continue to express gratitude and appreciation for being able to connect, live, and grow with their siblings, thanks to the resources some child welfare agencies have afforded them. “Child welfare professionals can support children’s well-being by attempting to preserve their connections to any brothers and sisters while in foster care or any subsequent permanent placements” (Child Welfare Information Gateway, 2019, p. 1). Unfortunately, this is not the case for all youth growing up in the foster care system. Today, there are still many young people who suffer because they are separated from their brothers and sisters or fail to connect with them in a meaningful way which results in mental health challenges in their lives (Child Welfare Information Gateway, 2019).

PERSONAL REFLECTION

As a child born in a detention center in West Virginia, a state away from my biological family, I was instantly placed in the foster care system and had no communication with my siblings. I did not meet my youngest brother until I was six years old and my older siblings until I turned twelve. The personal issue I had with my situation was the constant wonder as to whether my adult relationships with my siblings could have been different, possibly stronger, had we been able to sustain connectivity as children. This is my “great unknown.”

PERSONAL REFLECTION (*CONTINUED*)

At one point in our lives, all three of my siblings were under the same roof in kinship care with our grandmother. She lived in a small two-bedroom apartment, and instead of accommodating this safe, stable, and loving placement with supports and housing resources, our social workers removed us from the care of our grandmother and separated us. Her heart was bigger than her home, and she could have provided a healthy and happy childhood for us all. I still wonder how close I could have been to my siblings had our relationships been prioritized and our placement together accommodated by the child welfare system during our time in foster care.



THE PROBLEM & CURRENT LAW

Being removed from a sibling is traumatic for youth and causes low self-esteem, loss of identity, and feelings of not belonging. Sibling relationships can be the longest relationship a person experiences in their life. As reported by Health and Human Services (2020), youth who have positive relationships with their siblings are less likely to experience anxiety, depression, and behavioral problems after experiencing a traumatic event. Maintaining a relationship with sibling(s) while in the foster care system can act as a protective factor for a youth's mental health. Placing siblings together can also create stability for a youth in a foster home. Studies show that maintaining sibling connections when they are placed apart also positively affects children's mental health. On the contrary, the separation of siblings can potentially negatively alter a child's school performance, their ability to adjust, and their relationships with other family and friends. Not only does placing siblings together improve mental health outcomes, but it can enhance chances of reunification as well.

According to the Child Welfare Information Gateway (2019), to receive federal funding from the Fostering Connections to Success and Increasing Adoptions Act of 2008, states are required to make reasonable efforts to maintain sibling connections. As of 2018, 37 states and the District of Columbia enacted laws that encourage placing siblings in the same home. If unable to make a joint placement, siblings are to be given opportunities for communication and visits with their siblings to maintain that important connection. The Child Family Services Review (CFSR) assesses the child welfare system's efforts to place siblings together, and when children are not placed with their siblings, to ensure they remain connected to each other through visitation and other activities while in foster care (Health and Human Services, 2020).

THE PROBLEM & CURRENT LAW (CONTINUED)

Though the actions described above suggest the foster care system is progressing with efforts to maintain sibling relationships, the system still fails to have 54% of children placed with their siblings in foster care (Child Welfare Information Gateway, 2019). As stated in "Keeping Siblings Together: Past, Present, and Future" (2015), there is a lack of research and findings about siblings in the foster care system which presents an issue with tracking progress on the Act's implementation. Additionally, "some of the gaps stem from the nature of the research itself — merely defining 'siblings' and what constitutes placement 'together' creates difficulties for researchers" (Kernan, 2015, para. 5).

There are many reasons why youth are separated from one another ranging from children being placed in separate homes by biological parents before becoming involved with the foster care system, siblings with different fathers being placed in the care of different relatives, siblings requiring different levels of care for stability, and the lack of foster homes that can accommodate sibling groups. However, one of the biggest obstacles in keeping foster youth siblings together is the lack of adequate housing provided by quality foster parents. As stated by Macon (2019), "despite such modest legislative progress, the continued lack of resource homes available for siblings entering care remains a paramount concern in child welfare" (para. 15).

POLICY RECOMMENDATIONS

To help remove barriers and keep sibling groups together, Congress should:

- **Create a housing fund for states to cover eligible expenses for kin and non-kin foster families who do not have enough space in their current housing situation to meet the federal and state requirements to keep siblings together.** The housing fund should be created by increasing the Federal Medical Assistance Percentage (FMAP) for housing-related costs and expenses. The expenses include, but are not limited to, rental and mortgage support, moving costs, vouchers for new housing that has adequate space, the cost of modifying space for siblings to remain together, furniture, and more.

Though the aforementioned Fostering Connections Act has led to improvements in keeping siblings together and/or connected, there is still room for growth in maintaining the quality and consistency of sibling relationships. An increase in housing funds for caregivers and guardians would give siblings a chance to know and love one another throughout their childhood. If foster families were given the resources to meet the needs of the children and youth they care for, the statistics would improve. As a former foster youth who was separated from my siblings on multiple occasions growing up, progress over perfection is a step in the right direction.

INCREASING MENTAL HEALTH SUPPORTS FOR YOUTH AGING OUT OF FOSTER CARE

Hailey D'Elia

RECOMMENDATION SUMMARY

Congress should (1) refine language in the Timely Mental Health for Foster Youth Act (S. 3625) to mandate all jurisdictions to participate and require an additional mental health screening conducted 60 days before youth age out of foster care by trauma informed professionals, (2) require professionals that work in child welfare (e.g. social workers, health clinicians, legal community, etc.) be trained in the National Adoption Competency Mental Health Training Initiative (NTI), (3) amend the Dosha Joi Immediate Coverage for Former Foster Youth Act (S. 712) and the Expanded Coverage for Former Foster Youth Act (S. 709) to include explicit language stating that Medicaid covers individual therapy and telehealth therapy services for current and former foster youth, and (4) mandate that the National Youth in Transition Database (NYTD) measure outcomes for healing and trauma through a qualitative question that addresses how to best support youth with their mental health and healing needs.

EXECUTIVE SUMMARY

Youth in foster care endure immense trauma before, as a result of, and while in foster care. Twenty five percent of foster youth will experience symptoms of PTSD, yet upon aging out youth are left in limbo without accessible mental health services to address their ongoing physical and psychological trauma (Balistereri, 2021). To ensure young people from foster care have access to needed mental health supports and services, Congress should add a clause that states youth must have a mental health screening 60 days before aging out, mandate that caseworkers help set up aftercare mental health services, require social workers and health clinicians to be trained in the National Adoption Competency Mental Health Training Initiative (NTI), include individual therapy and telehealth therapy language in the Dosha Joi Immediate Coverage for Former Foster Youth Act (S. 712) and the Expanded Coverage for Former Foster Youth Act (S. 709), and mandate the National Youth in Transition Database to capture trauma and healing outcomes.

PERSONAL REFLECTION

I aged out of foster care completely unprepared to tackle adulthood, and even less prepared to face what came next — an unexpected pandemic that placed not only our country on lockdown, but required me to face the immediate and inner trauma of loss that had built up throughout my entire life. Whereas under “normal” circumstances, these feelings were suppressed by work, school, and community activities, during COVID-19, this intense trauma came to a head for both me and my peers who experienced foster care.

Because my case closed a week before COVID-19 was declared a pandemic, I was ineligible for the aging out moratorium in my state and therefore ineligible for ongoing mental health support. A few months before aging out, I started searching for therapists that were covered by Medicaid. Youth are given a list and told to figure it out themselves because caseworkers are not resource navigators, nor are they responsible for setting youth up with mental health after-care services. Therapeutic services covered by Medicaid were limited and the services I did find only offered therapy in a large group setting, or clients had to call at the first of the month to possibly reserve a session. Services identified also posed inconveniences as pursuing them would require time off from school or work due to the travel required to access them.

THE PROBLEM & CURRENT LAW

My story is not unique. The additional uncertainty, limited connections, and increased isolation young people have experienced during COVID has created enormous additional stress (Durante & Chandonnet, 2020). Yet, there are few mental health resources available for youth who have aged out. According to a survey conducted by FosterClub early in the pandemic, 12% of current and former foster youth ages 18 - 24 had “trouble accessing mental health care” (FosterClub, 2020).

Even absent a global pandemic, children and youth in foster care experience significant trauma before, during, and after their experience in care. More than 80% of foster children have mental health issues including post-traumatic stress disorder (PTSD), major depressive episodes, modified social phobia, panic disorder, generalized anxiety disorder, alcohol or drug dependence, and bulimia (National Conference of State Legislatures, 2019). A study of youth aging out of foster care found that at the beginning of the study when youth were still in care, 61% of youth received services for depressive symptoms, but only 39% of youth received services by the end of the study, after exiting care (Rapaport, 2015).

THE PROBLEM & CURRENT LAW (CONTINUED)

Children and youth in foster care also experience a unique form of trauma known as ambiguous loss, which occurs when someone is physically absent but emotionally present or physically present but emotionally absent (Boss, 1999). Children face these types of losses before entering care as a result of being physically separated and removed from their biological families, and from moving from placement to placement, school to school, court dates that remind children of failed reunification, or everyday reminders that they will never possess a “real family,” etc. (Samuels, 2009; Cancel et al., 2020). Each of these transitions comes with increasing uncertainty surrounding the child’s life, trust, and sense of belonging. This type of loss, also known as unresolved or frozen grief, is the most distressing type of trauma because it is disenfranchised grief that is not within the lexicon of most child welfare professionals, clinicians, and foster parents, and is not addressed or acknowledged within the system but is seen as a natural part of it (Boss, 1999; Look, 2018; Mitchell, 2018; Samuels, 2009; Cancel et al., 2020). The effects of ambiguous loss are lasting if they go unaddressed, as they often do in foster care, and the symptoms mirror post-traumatic stress disorder as children and youth become stuck in their grief indefinitely having never been able to express it openly therefore never completing the grieving process (Samuels, 2009). Ambiguous loss may manifest as other issues like behavioral problems, which can result in disrupted placements, further contributing to feelings of loss and distrust (Look, 2018). Moreover, foster children lack a sense of control and agency over their lives (Samuels, 2009). In a study of familial impermanence experienced by young adults in foster care, one young person stated, “in foster care you don't really have a sense of home...you have more a sense of survival” (Samuels, 2009). Foster care is a constant compounded ambiguous loss, and trauma will continue to show up until you have healed.

Unhealed trauma leads to intergenerational trauma. Hurt people, hurt people; not just physically but emotionally or through neglect. This matters because parents who have experienced child maltreatment are more likely to have children that are maltreated (Child Welfare Information Gateway, 2019). Therefore, ensuring parents have access to mental health services that help them heal is critical. A study conducted on breaking cycles of abuse found that mothers that had a caring non-abusive adult in their lives as children, attended therapy, and had a stable non-abusive partner were more likely to break the cycle of abuse (Egeland et al., 1988). As a system we have the responsibility to help youth entering and exiting care so that they can live full meaningful lives, so they are not just surviving but thriving. Youth deserve and are worthy of healing, but we must make mental health services accessible to them.

Figure 2

MENTAL HEALTH DISPARITIES

Post-Traumatic Stress Disorder

21.5%

of Foster Care Alumni

4.5%

of General Adult Population

Major Depressive Episode

15.3%

of Foster Care Alumni

10.6%

of General Adult Population

Modified Social Phobia

11.9%

of Foster Care Alumni

8.9%

of General Adult Population

Panic Disorder

11.4%

of Foster Care Alumni

3.6%

of General Adult Population

Generalized Anxiety Disorder

9.4%

of Foster Care Alumni

5.1%

of General Adult Population

Note. "Mental Health and Foster Care" Adapted from National Conference of State Legislatures. Copyright 2021 by National Conference of State Legislatures.

POLICY RECOMMENDATIONS

To help youth address and heal from trauma, Congress should:

- **Refine language in the Timely Mental Health for Foster Youth Act (S. 3625) to mandate all jurisdictions to participate and require an additional mental health screening conducted 60 days before youth age out of foster care by trauma informed professionals.** Also, require caseworkers to help set youth up with therapeutic after-care services as a part of their transitional living plan. This is to ensure that mental health is addressed on the continuum of care without a disruption in services and that youth can manage these services addressing their overall well-being. Therefore, the mental health needs of youth are being met entering and leaving care.
- **Require professionals that work in child welfare (e.g. social workers, health clinicians, legal community, etc.) be trained in the National Adoption Competency Mental Health Training Initiative (NTI).** NTI addresses ambiguous loss will help workers in facilitating the healing process rather than contributing to the ongoing trauma that occurs in foster care (Wilson et al., 2019).
- **Amend the Dosha Joi Immediate Coverage for Former Foster Youth Act (S. 712) and the Expanded Coverage for Former Foster Youth Act (S. 709) to include explicit language stating that Medicaid covers individual therapy and telehealth therapy services for current and former foster youth.** This would require states to employ flexible therapeutic options for current and former foster youth.
- **Mandate that the National Youth in Transition Database (NYTD) measure outcomes for healing and trauma through a qualitative question that addresses how to best support youth with their mental health and healing needs.** This would improve upon the current data collection from the NYTD, which falls short of explaining the type of mental health supports and healing needs youth who have exited care continue to experience. Thus, holding states accountable in helping youth in their healing processes.

OUR FORGOTTEN YOUTH: THOSE LEFT BEHIND BY FOSTER CARE MALTREATMENT REPORTING

Laila-Rose Hudson

RECOMMENDATION SUMMARY

Congress should allocate funds in the 2021 reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) to incentivize states with funding that will encourage implementation of an independent foster youth-specific ombudsman who collects and reports data and policy recommendations publicly, for maximum transparency. Congress should also require the Administration to add specific questions about maltreatment in foster care to both the NSCAW and NYTD surveys. Finally, Congress should require state child welfare agencies to anonymously survey the youth in their care annually about maltreatment to analyze the gaps between self-reported and state reported NCANDS data and create a system of accountability and transparency.

EXECUTIVE SUMMARY

Instances of maltreatment in foster care such as physical, sexual, and emotional abuse, as well as neglect, are likely underreported; therefore, a better system for data collection is needed to fully assess the actual rates at which youth experience abuse while under the guardianship of the state and to implement improved preventative measures. This can be achieved by incentivizing states to create an independent, youth-specific ombudsman office, adding questions to existing surveys of foster youth, or creating new surveys to monitor discrepancies between maltreatment reported by states and maltreatment experienced by young people.

PERSONAL REFLECTION

Trigger warning: child sexual abuse and suicide

I experienced abuse and neglect in foster care on more than one occasion and in more than one placement. In one particularly egregious situation, my attempts to report sexual abuse perpetrated by a foster parent were largely ignored and explained away as a “projection” of my past trauma or a tendency for dishonesty, and so I stayed quiet.

PERSONAL REFLECTION (CONTINUED)

There was no official mechanism for me to report outside of my social workers, who were unreceptive. On the eve of a trial, where I was set to testify against a member of my biological family for committing the same crime, my foster father took his own life and left a note implicating himself as a perpetrator of abuse. In the wake of his death, everyone involved questioned me, and I disclosed everything. However, no investigation was conducted, as it would unduly “upset the family” and my story was swept under the rug. Alarming, I have encountered several other foster youth whose abuse allegations were handled in a similar manner. I am only one of many whose experience fell between the cracks of the current reporting systems.

THE PROBLEM & CURRENT LAW

Simply put, the available data on the rates of maltreatment in foster care do not match the voices of lived experience. According to available data, across all 50 states, roughly 0.4% of foster youth reported experiencing maltreatment in foster care in 2019 (Administration of Children & Families, n.d.). In stark contrast, in one study of 43 foster youth, 37% reported experiencing maltreatment while in a foster placement (Riebschleger et al., 2015). Further research supports that as many as one in three youth attests to suffering abuse while in foster or congregate care (Pecora et al., 2006).

The existing system that details reports of maltreatment in foster care is the National Child Abuse and Neglect Data System (NCANDS). NCANDS only contains information voluntarily provided by states, which are instances of reported maltreatment. However, there are many instances of maltreatment that go unreported. The NCANDS report includes the percentage of children reported to have been maltreated in biological homes as well as while in out of home care. NCANDS collects case-level data that details each allegation of maltreatment that resulted in a CPS response, the types of maltreatment involved, investigative findings, services provided, whether a report was screened out, and the identity of the alleged perpetrators. NCANDS data is published in publicly available child welfare outcome reports and child maltreatment reports.

“*The available data on the rates of maltreatment in foster care do not match the voices of lived experience.*”



According to the **data**, roughly **0.4%** of foster youth reported experiencing maltreatment.



However, in a **study** of foster youth, **37%** reported experiencing maltreatment while in a foster placement.

THE PROBLEM & CURRENT LAW (CONTINUED)

45 CFR 1355 requires state and tribal Title IV-E agencies to submit certain case-level data biannually as part of the Adoption and Foster Care Analysis and Reporting System (AFCARS). While this data set includes the general demographics on children in foster care and their families, as well as the number of removals and placements, AFCARS does not include information about maltreatment in foster care (AFCARS, n.d.).

The inconsistencies between reported and actual maltreatment in foster care are caused by multiple contributing factors. First, in many cases, youth in foster care do not have access to reporting mechanisms outside of their social workers. As a youth in care, I felt uncomfortable coming forward to my social workers because I perceived they had an interest in retaining foster parents and keeping incidence reports to a minimum to avoid public scrutiny and bad press. In addition, social workers generally have heavy caseloads and must manage conflicting priorities. Thus, youth may have trouble contacting their case workers at all. These points are noted by advocates who are pushing for greater independence for the California youth-specific ombudsman office. They argue that placing the office within the control of the children's services agency severely limits its potential for positive impact (Child & Sandefer, 2015).

Youth may also fear retribution from social workers or caretakers for making allegations. This fear is legitimate and not at all unfounded, particularly in congregate care settings where there have been numerous allegations of staff reporting youth to authorities with the intention of getting the youth removed and avoiding accusations of mistreatment (Goodkind & Miller, 2006). Even when abuse victims do come forward, there are cases like mine where allegations remain unofficial and uninvestigated.

All these factors combined leave a skewed data system for maltreatment in foster care, and it is near impossible to take appropriate remedial measures when the scope of the problem is largely unknown. The research supports that even one incidence of maltreatment in foster care can be severely detrimental to a youth's outcomes and the overall trajectory of their lives (Uliando & Mellor, 2012). To best protect foster youth, one of the most vulnerable populations in our society, there must be an accurate understanding of the struggles they face.

Some states are planning to create a mechanism for foster youth to report maltreatment, or already have, by instituting a statewide youth-specific ombudsman office to receive and investigate reports made by foster youth (Foster Action Ohio, n.d.). Establishing a youth-specific ombudsman has long been considered the best practice. The ombudsman needs to be youth-specific, because other ombudsman programs that service adults as well as youth end up primarily serving as a benefit to only the adults.

THE PROBLEM & CURRENT LAW (*CONTINUED*)

Ideally, a youth-specific ombudsman should operate independently from state children's services agencies to avoid any conflict of interest and increase potential positive impact. If each state had an independent, youth-specific ombudsman, more youth would likely come forward without fear of reprisal, and those unheard by their social workers could have a viable alternative to report. In Texas, for example, the Ombudsman substantiated 250 reports of maltreatment (Texas Department of Health and Human Services, 2019). That is 250 children who were heard and received intervention who may not have otherwise had their allegations recorded and addressed. In the public ombudsman report, the Texas Department of Health and Human Services noted how vital independence and transparency is for an ombudsman to create the most systemic change in their role. Similarly, other state youth-specific ombudsmen could be required to submit data about the reports received in addition to the NCANDS data received from state agencies.

In addition to a youth-specific ombudsman, there are existing surveys such as the National Survey of Child and Adolescent Well-Being (NSCAW) and the National Youth in Transition Database (NYTD) that solicit youth feedback about their experiences in foster care. NSCAW is a longitudinal study of children that have reported maltreatment and have had contact with the child welfare system but does not have a specific focus on maltreatment in foster care (Dolan et al., 2011). Notably, maltreatment in foster care is also excluded from the outcome variables in the NYTD database (National Data Archive on Child Abuse and Neglect, 2019).

POLICY RECOMMENDATIONS

To strengthen foster youth maltreatment reporting, Congress should:

- **Allocate funds in the 2021 reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA) to incentivize states with funding that will encourage implementation of an independent foster youth-specific ombudsman** who collects and reports data and policy recommendations publicly, for maximum transparency. This will allow states to earn federal incentive payments if and when states implement an independent foster youth-specific Ombudsman.
- **Require the Administration to add specific questions about maltreatment in foster care** to both the NSCAW and NYTD surveys.
- **Require state child welfare agencies to anonymously survey the youth in their care annually about maltreatment** to analyze the gaps between self-reported and state reported NCANDS data and create a system of accountability and transparency.

THE ROOTS OF EQUITABLE EDUCATION FOR FOSTER YOUTH

Isabelle Goodrich

RECOMMENDATION SUMMARY

To create trauma-informed schools and provide current and future educators with the tools and skills needed to help students heal from the trauma they have experienced in foster care, Congress should (1) create a demonstration program through the U.S. Department of Education that allows school districts with high concentrations of Black youth in foster care to develop innovative strategies to ensure that trauma-informed skills and knowledge are effectively integrated into their hiring processes for new teachers, (2) increase funding for Title II of the Elementary and Secondary Education Act, which may be used by school districts to provide in-service training for school personnel on how to address the needs of students impacted by trauma, (3) require state plans under the Elementary and Secondary Education Act to address how states and districts will support efforts to increase trauma-informed practices in schools, and (4) increase ESSA Title II funding to assist schools in recruiting and retaining school counselors, social workers, and psychologists to support school-based interventions.

EXECUTIVE SUMMARY

Youth in foster care have already experienced incredible trauma due to being removed from their families, becoming homeless, or experiencing other forms of instability. While schools should act as a critical protective factor to help students heal from these traumatic experiences, they too often fail to provide needed supports. This is true particularly for foster youth of color, who also face the additional trauma of racism. Unfortunately, Black students in foster care face significant educational disadvantages and are unfairly labeled as “disruptive” or “troubled” when, in reality, their behavior is a direct manifestation of traumatic experiences. Instead of being met with compassion from teachers, these students are often met with disciplinary actions that exacerbate their trauma and further the gap of academic success. To address the needs of all young people who have experienced trauma, with particular attention to Black youth in foster care, Congress can help make schools a safe, supportive, and trauma-informed environment by improving hiring and training practices, requiring plans for creating trauma informed schools, and increasing the availability of trained social workers and counselors.

PERSONAL REFLECTION

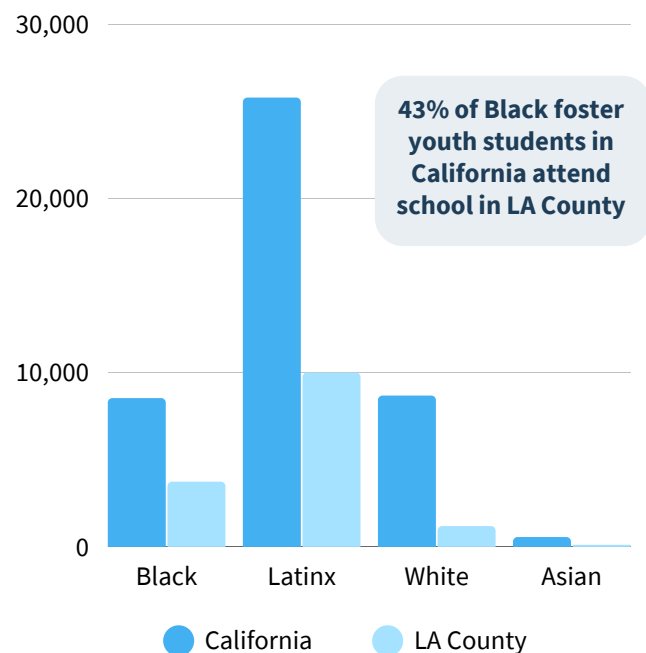
As a future educator, I am constantly reminded education can be the great equalizer. Sadly, It is an oversimplification that disregards the realities many students face. When I was in high school, I entered foster care and faced many obstacles that made it difficult to complete my schoolwork or find the motivation to go to school, including homelessness, depression, and instability at home. Fortunately, I had a teacher who recognized my struggles. She never tried to “fix” me, but she did help me try to find a path to success. While other teachers saw me as rude or disengaged, “staring off” or “dozing off” in class, my teacher met me where I was. If it were not for her, I would not be here, let alone with a high school diploma. In her class, I felt valued as a student and individual, and was never looked down upon as I was by other educators. My teacher was a prime example of what all teachers and educators should strive to be like: compassionate, informed, caring, forgiving, and loving. As a future educator, I know that the judgment and misconceptions I experienced must be even worse for Black students. We must pay radical attention to the growing evidence of educational disparities in our schools and address the hindrances to the success of Black students in foster care, including higher rates of disciplinary actions despite underrepresentation in classrooms. As a former foster youth, I know firsthand how difficult it is to heal from any traumatic experience without the added burden of racial discrimination.

THE PROBLEM & CURRENT LAW

Youth in foster care experience educational discrepancies at a much higher rate than their peers who are not in foster care, primarily due to constant home and school changes and sometimes concurrent involvement in the juvenile justice system. According to data, Black children are not only disproportionately represented in foster care and juvenile detention centers, but also experience significantly higher rates of disciplinary action. As a result, Black students in foster care already start off on an unequal playing field in comparison to their white counterparts leading to greater levels of educational disparities (Whitman & Harvey, 2020).

Figure 3

K-12 FOSTER YOUTH STUDENT ENROLLMENT (2018 - 2019)



Note. “The Disenfranchisement of Black Foster Youth.” Adapted from Black Male Institute. Copyright 2010 by Regents of University of California.

THE PROBLEM & CURRENT LAW (CONTINUED)

In 2020, the UCLA Black Male Institute released a brief highlighting these disparities in the Los Angeles public schools. More specifically, Black foster students disproportionately experience punitive discipline, are suspended at a rate of 17% in comparison to the overall L.A. County rate of 2%, and have the highest representation in special education placements at 37% (McDonald, 2020). In addition, the study found that Black youth in foster care are twice as likely to be chronically absent as the average student in L.A. County, with the largest chronic absenteeism rate at 34%, and only 12% who were eligible to attend a UC or CSU school upon high school completion. The study underscores the universal need for increased trauma-informed training and support to help schools meet the needs of similar populations of students across the country.

POLICY RECOMMENDATIONS

To create trauma-informed schools and provide current and future educators with the tools and skills needed to help students heal from the trauma they have experienced in foster care, Congress should:

- **Create a demonstration program through the U.S. Department of Education that allows school districts with high concentrations of Black youth in foster care to develop innovative strategies to ensure that trauma-informed skills and knowledge are effectively integrated into their hiring processes** for new teachers, particularly those who understand the needs of Black youth in foster care. The strategies tested through these demonstration projects can then be shared and replicated by other schools and districts across the country to ensure that all incoming teachers are trauma-informed educators.
- **Increase funding for Title II of the Elementary and Secondary Education Act**, which may be used by school districts to provide in-service training for school personnel on how to address the needs of students impacted by trauma, particularly Black youth in foster care.
- **Require state plans under the Elementary and Secondary Education Act to address how states and districts will support efforts to increase trauma-informed practices in schools**, including those practices that meet the needs of young people in foster care.
- **Increase ESSA Title II funding to assist schools in recruiting and retaining school counselors, social workers, and psychologists to support school-based interventions** and the coordination of services with a portion of the funding to meet the needs of youth in foster care.

INCREASING ACCESS TO ADVANCED DEGREE PROGRAMS FOR FOSTER YOUTH

Makayla James

RECOMMENDATION SUMMARY

In order to continue funding existing advanced degree services and make them available to current and former foster youth throughout the United States, Congress should (1) establish a demonstration program through the U.S. Department of Education to provide federal funding to statewide nonprofit organizations that offer support services to foster youth pursuing advanced degrees, (2) task the U.S. Department of Education with collecting quantitative and qualitative data on the outcomes of foster youth in advanced degree programs, and (3) direct the Government Accountability Office (GAO) to research the number and outcomes of current and former foster youth pursuing advanced degree programs.

EXECUTIVE SUMMARY

For decades, foster youth have been speaking out against an unjust narrative of low expectations. Increased support for community colleges and undergraduate programs have helped more foster youth access and graduate from college. While this is a promising starting point for equal educational opportunities, Congress must also prioritize federal support to ensure that foster youth are able to access, finance, and receive the full range of services they need in order to succeed in advanced degrees and beyond. By conducting more research and collecting more data on foster youth pursuing advanced degrees and investing in programs to expand the support they need, Congress will significantly expand opportunities for academic and career success for all youth who have experienced foster care.

PERSONAL REFLECTION

One of the proudest days of my life was when I graduated college and became a part of the roughly 3% of foster youth who have obtained a bachelor's degree. Unfortunately, as I stepped into the professional world, I quickly realized that a bachelor's degree was not going to be enough to achieve the level of impact I wanted to make. I would need to obtain an advanced degree.

PERSONAL REFLECTION (CONTINUED)

Over the course of the next three years, I struggled tremendously to address the barriers in obtaining admission into graduate programs, including financial challenges, lack of access to prep courses, and help in navigating the application process. As a current MSW student and aspiring law student, I know that this fight for equal opportunity to higher education is far from over.

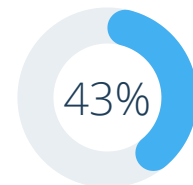
Throughout the last five years of my advocacy journey, I have had the privilege of witnessing the prioritization of youth engagement in redefining and helping to change the child welfare system. Consistent with the motto “nothing about us without us,” youth voice has been increasingly recognized and valued. Unfortunately, there are still far too many foster youth facing adversities due to a broken system; a crisis which raises the question of whether youth engagement in its current form goes far enough. How do we not only bring youth voices to the table but give them real decision-making power once they get there? I believe the answer is to shift from youth engagement to partnership by offering young people a meaningful opportunity to help policymakers formulate solutions to longstanding challenges in addition to sharing their stories.

THE PROBLEM & CURRENT LAW

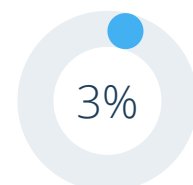
Unfortunately, due to the limited research that exists regarding foster youth who pursue graduate and/or professional programs, there is currently no clear data on how many former foster youth currently attend higher education programs, or the nature and extent of the barriers they face in pursuing advanced degrees, despite the fact that a recent CalYOUTH survey found that 43.6% of foster youth aspire to receive an advanced degree (Courtney et al., 2020). In the undergraduate context, only 3-11% of foster youth obtain a bachelor’s degree compared to 24% of the general population (Salazar, 2013). Due to the lack of data, there is no way of telling how many of these students move forward in pursuing the advanced degrees for which they aspire.

Educators at the University of California, Davis recognized the challenges facing former foster youth pursuing graduate opportunities and developed a pilot program known as the Guardian Professions Program (GPP) to increase the number of foster youth earning advanced degrees.

FOSTER YOUTH & HIGHER EDUCATION



A CalYOUTH survey found that **43.6% of foster youth ASPIRE to receive an advanced degree.**



3% - 11% of foster youth obtain a bachelor’s degree compared to 24% of the general population.

THE PROBLEM & CURRENT LAW (CONTINUED)

Due to the underrepresentation of foster youth in advanced degree programs, GPP assists students in articulating the adversity they have overcome in an effort to showcase their commitment and determination for success. The GPP offered a variety of services including virtual and on campus mentorships, help in crafting personal statements and resumes, the provision of cultural and economic capital, and other ongoing assistance for graduate students. The program has had a significant impact. Between 2013-2017, GPP assisted 74 former foster youth from across California in gaining acceptance into an advanced degree program. Of the program participants, 57% expressed an interest in serving vulnerable communities and indicated they were seeking admissions into “helping” professions. Due to its success, the GPP program made a structural shift and is now offering these services to any foster youth applying for UC Davis based programs (Sensiper and Barragán, 2017).

In order to make the services available to advanced degree programs outside of UC Davis, GPP Scholars created a nonprofit called Mentoring for Academic and Professional Success (MAPS). MAPS offers similar services including mentorships, assistance with the application process, financial planning, and ongoing resources to participants. Due to extremely limited funding, MAPS is a solely volunteer based organization that is operating off limited funding. However, everyone involved is passionate about keeping these services open to all former foster youth in California in order to create equal educational opportunity for their peers.

POLICY RECOMMENDATIONS

In order to continue funding these existing services and make them available to current and former foster youth throughout the United States, Congress should:

- **Establish a demonstration program through the U.S. Department of Education to provide federal funding to statewide nonprofit organizations** that offers support services to foster youth pursuing advanced degrees.
- **Task the U.S. Department of Education with collecting quantitative and qualitative data on the outcomes of foster youth in advanced degree programs** through The National Center for Educational Statistics.
- **Direct the Government Accountability Office (GAO) to research the number and outcomes of current and former foster youth pursuing advanced degree programs.** This report would be instrumental in identifying key barriers that prevent foster care alumni from pursuing advanced degrees, highlight model programs designed to address existing challenges, and make recommendations to Congress on potential strategies to meaningfully increase foster youth access to graduate education.

REVITALIZING INDIGENOUS COMMUNITIES AND CULTURE BY STRENGTHENING CHILD WELFARE TO MEET THE NEEDS OF TRIBAL YOUTH

Shanell Lavallie

RECOMMENDATION SUMMARY

To ensure all indigenous children in the child welfare system and beyond have the opportunity to thrive in their tribal communities, Congress should require the Children's Bureau to (1) establish an advisory board of tribal foster youth, elders, and other community representatives to develop effective strategies in order to address race equity and the disproportionate representation of indigenous children and youth in the child welfare system, (2) release a report every two years, in collaboration with other relevant agencies, that comprehensively collects and analyzes data on how tribal foster youth are doing in the child welfare system, and (3) conduct an annual survey of tribal foster youth to collect both quantitative and qualitative data in order to determine whether tribal foster youth needs are being met and their rights upheld.

EXECUTIVE SUMMARY

Recently, the remains of 215 indigenous children were found at Kamloops Residential School in Canada. The deaths of these children are undocumented and their graves unmarked. 215 children does not even come close to the total number of young lives lost at residential schools throughout Canada and United States. In recognition of these abuses, the Department of the Interior Secretary Haaland has called for an investigation into former boarding schools in the United States which systematically stripped tribal communities of their children and removed tribal children from their families, cultures, and languages. However, despite significant obstacles, tribal communities have fought to preserve indigenous culture and tribal youth are the key to its continued survival. The child welfare system's poor and inequitable treatment of tribal communities did not end with Indian Residential Schools. Indigenous children are still disproportionately placed in the child welfare system at rates higher than any other population, and yet their voices are rarely heard in national policy discussions. The solution is to listen to tribal youth, collect consistent data, create environments that will intentionally elevate their voices and communities, and help them access the full array of educational and other support they need to stay and thrive in their own communities.

PERSONAL REFLECTION

I was removed from my tribal community at the age of one and aged out of the foster care system at eighteen with little connection to my culture and tribal community. The abuse my people continue to experience is reflected in the inherent separation and neglect of the child welfare system. As the book *Transforming Cultural Trauma into Resilience* explains, “traumatic experiences are cumulative. If one generation does not heal, problems are transmitted to subsequent generations. In some form, this cultural trauma affects every Native person. It sculpts how we think, how we respond emotionally. It affects our social dynamics and, at the deepest level, impacts our spirituality” (Brokenleg, 2012, p. 10).

I helped myself overcome the losses of my child welfare experience by reconnecting to indigenous culture and connecting with a tribal community, the Confederated Salish and Kootenai tribes, while attending Salish Kootenai College in Montana. I will be a first-year teacher this fall, a profession I chose because I had educators who believed in my potential. My indigenous mentors and educators saw something in me that I was unable to recognize in myself. I believe in the power of education and want to help all my students succeed. Many of my indigenous peers have endured trauma, sometimes in the child welfare system, yet through resilience and determination, they are trying to thrive in today's world. To ensure similar opportunities for all indigenous youth, tribal communities must have the power to decide what is best for our children's welfare, and the child welfare system must also honor our cultures and values.

THE PROBLEM & CURRENT LAW

Kamloops and other boarding/residential schools are the root of much trauma in tribal communities. In the early 1970s, the Association on American Indian Affairs conducted a study that found between 25% and 35% of all Indian children had been separated from their families (Kastelic, 2013). This study also found that 90% of the Indian children who had been removed from their families and placed in foster care had been placed in non-Indian homes. The purpose of the Indian Child Welfare Act (1978) is to protect the best interest of Indian children and to promote the stability and security of Indian tribes and families by establishing minimum federal standards for the removal and placement of children in homes that reflect the unique values of Indian culture (25 U.S.C. 1902). Despite ICWA's protections, indigenous youth are still being placed into the child welfare system at high rates. American Indian and Alaska Native (AI/AN) children are represented in foster care at a rate that is 2.84 times higher than their non-indigenous peers. While disproportionality rates vary by state, at least 11 states have an indigenous foster care population that is more than double that of the overall population, with one state even having a disproportionality rate that is 15 times as high.

THE PROBLEM & CURRENT LAW (CONTINUED)

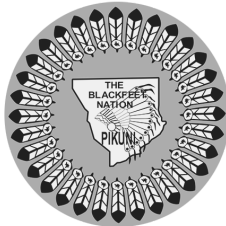
When indigenous youth are removed from their families and communities and placed in the child welfare system, they face multiple barriers and risk factors. American Indian and Alaska Native (AI/AN) children are more likely than children of other races/ethnicities to be confirmed as victims of neglect (59.7%) and are least likely to be confirmed as victims of physical abuse (6.4%), suggesting a causal link between leading risk factors and incidences of maltreatment (Kastelic, 2013). Although the National Child Abuse and Neglect Data System (NCANDS) is the primary source of data on the abuse and neglect of children, there are several other sources of data for AI/AN children, including the Bureau of Indian Affairs (BIA) regional offices, the Indian Health Service (IHS), and other agencies that may collect data on the prevalence of child maltreatment in the tribal communities (Bigfoot et al., 2005; Earle, 2000). This data, however, is not consistently collected at the state or national level.

CURRENT AND FORMER TRIBAL FOSTER YOUTH ARE SAYING...

“The biggest trauma I endured during my time in the child welfare system was not being able to be fully engaged in my cultural practices. I’ve lost a lot of knowledge that I could’ve passed down to other generations. It helped change my perspective by opening my eyes to see that other Native American youth feel the same as I do.”



FORMER TRIBAL FOSTER YOUTH FROM THE ROCKY BOY RESERVATION



FORMER TRIBAL FOSTER YOUTH FROM THE BLACKFEET RESERVATION

“I lost trust in people, because I was being put into an abusive situation after confiding in people that were supposed to protect me.”



TRIBAL YOUTH FROM BLACKFEET/LITTLE SHELL CHIPPEWA CREE

“It’s all mentally draining, the trauma takes away your motivation because you focus on the ‘bad things’, this makes it harder to focus on the good things. I’m not with my parents, it’s not where I want to be, it’s why I act out.”

POLICY RECOMMENDATIONS

To ensure all indigenous children in the child welfare system and beyond have the opportunity to thrive in their tribal communities, Congress should require the Children's Bureau to:

- **Establish an advisory board of tribal foster youth, elders, and other community representatives to develop effective strategies in order to address race equity and the disproportionate representation of indigenous children and youth in the child welfare system.** The board would:
 - Review state and federal laws and policies to determine what drives inequities between tribal and non-tribal youth with regard to experience in foster care;
 - Make recommendations to Congress, the Administration, and the states about how they should prevent and address these inequitable outcomes; and
 - Direct discretionary grant funding to help tribal communities build evidence-based programs designed to meet their own unique cultural needs.
- **Release a report every two years, in collaboration with other relevant agencies, that comprehensively collects and analyzes data on how tribal foster youth are doing in the child welfare system,** including information on:
 - How tribal foster youth are doing in school (e.g., graduation rates, dropout rates, college acceptance rates, test scores, etc.);
 - How tribal foster youth remain connected to their communities and cultures;
 - Whether tribal foster youth were placed in foster care with members of their tribes;
 - Placement and education stability, reunification, guardianship, and adoption rates; and
 - Permanency outcomes with tribal members.
- **Conduct an annual survey of tribal foster youth to collect both quantitative and qualitative data in order to determine whether tribal foster youth needs are being met and their rights upheld.** The survey results would provide key data to inform both the work of the tribal advisory board and the biennial report.

REFORMING FOSTER CARE'S SOCIAL SECURITY BENEFITS SYSTEM

Ian Marx

RECOMMENDATION SUMMARY

To ensure foster youth understand and are aware of their Social Security Income (SSI) and Old Age, Survivors and Disability Insurance (OASDI) benefits, Congress should pass legislation and require states to (1) prohibit state agencies from taking no more than 33% of a foster child's SSI and OASDI benefits for food and clothing, and either reserve the rest for expenses related to survivors and disability costs not normally covered by foster care or place the money into a trust fund that the child would receive at 18, (2) require that the child's parents, guardians, or other caregivers be notified annually if a child welfare agency is taking the child's social security benefits, and (3) require states to disclose their practices for how they notify children when states are taking their social security benefits.

EXECUTIVE SUMMARY

Foster care agencies are the designated payees for 82% of survivor and disabled foster children receiving federal Supplemental Security Income (SSI) and Old Age, Survivors, and Disability Insurance (OASDI) benefits. Unfortunately, rather than allowing children and youth to receive these benefits, child welfare agencies use them to fund the cost of their foster care. This has enabled state agencies to acquire over \$165 million of foster children's entitled benefits in 2018 alone (Hager & Shapiro, 2021). This is problematic as foster youth struggle with transitioning out of foster care due to issues such as financial stability during early adulthood. Having access to the SSI and OASDI benefits to which they are eligible would be a critical source of support for these young people in early adulthood, at no cost to the federal government. To address this issue, Congress should pass legislation that limits child welfare agencies from using the majority of those funds to cover the basic necessities that agencies already cover and require them to place a child's SSI and OASDI benefits into a trust for young people to receive upon exiting foster care.



Foster care agencies are the designated payees for 82% of survivor and disabled foster children receiving federal Supplemental Security Income (SSI) and Old Age, Survivors, and Disability Insurance (OASDI) benefits.



PERSONAL REFLECTION

When I was 11 years old, I lost my mother and my father was arrested for second degree murder. With no relatives able to care for me, I was placed in foster care where I stayed until age 18. My life was in a state of disarray and I experienced depression, eating disorders, and other mental health issues that required therapy for over a decade. I also felt afraid of how I would support myself in the future—as the foster care system was oddly an obstacle rather than a resource. I was told that the child welfare system would receive the SSI and OASDI benefits for which I was eligible, as they did for every other kid who received benefits. There was no doubt I qualified for social security benefits, as my mother passed away, and I had numerous serious mental health ailments that plague me even to this day. What was the point of applying for these benefits if I could not benefit from them?

I eventually learned that the child welfare system uses these funds to cover the expenses of basic food and clothing. However, these expenses were already paid for during my time in care through other sources of funding including Title IV-E. I was fortunate enough to finish high school and have college and law school paid for by scholarships — but other foster youth are not so lucky. I witnessed many of my peers who were not able to afford college, become homeless, and struggle with independent living all because they did not have any financial support whatsoever after exiting foster care. Approximately 30% of foster youth endure homelessness after exiting foster care and only 10% ever go to college (From Foster Care to College, 2021). This reality is frustrating because many foster youth, like myself, qualify for benefits that could help them avoid becoming a part of these statistics. Disabled and surviving foster youth, like myself, had no control over our circumstances, and it is unjust to have us pay for it for the rest of our lives.

THE PROBLEM

Social security benefits are intended to help the immediate needs of those who lost their family or are debilitated by their disability. Children in foster care may be entitled to social security benefits if their parent is deceased, or if they have a physical or mental health disabilities that would leave them in poverty without financial assistance (Hager & Shapiro, 2021). Not only are many young people in care not applying for these benefits, but a majority of those who do apply do not receive them. Of all foster youth in the child welfare system, only 6% received social security benefits. However, studies show that many more are eligible; nearly 20% of foster youth have physical and mental health disabilities that would qualify them for SSI or OASDI (United States, North Carolina Division of Social Services, n.d.).

THE PROBLEM (CONTINUED)

When a child does receive benefits, the Social Security Administration (SSA) determines who should receive these payments on their behalf (United States, North Carolina Division of Social Services, n.d.). Though child welfare agencies are supposed to be the last resort beneficiary, in states across the country they are automatically designated as the representative payee for children in foster care (Delgado, 2011). For example, according to *Washington State Department of Social and Health Services v. Keffeler*, Washington was a representative payee for 1,411 out of the 1,480 children who were receiving social security benefits — nearly 95% of Washington’s foster youth at the time of this case. Some states recognize the clear financial benefit of becoming the representative payee. Michigan, for example, hired the private company MAXIMUS to help find 4,300 disabled foster youth to use their benefits to save the state millions of dollars (Hatcher, 2006). These are not isolated examples. The U.S. Government Accountability Office (GAO) conducted a study of nine states and found that child welfare agencies were payees for about 81% of the 25,000 youth in the welfare system in 2020 (Larin, 2021). In addition, the Marshall Project recently found that states drew more than \$165 million in revenue each year from these benefits (Hager & Shapiro, 2021). This interception of benefits is occurring because the SSA fails to conduct thorough investigations that could identify other potential representative payees, and therefore automatically assigns the child welfare agencies as the representative (Delgado, 2011). The foster care system justifies taking this money by arguing that it pays for the cost of caring for the child. According to the GAO, states spent between 67-91% of foster youth’s SSI and OASDI funds for food and housing (Larin, 2021). However, there are also reports of states using these benefits to support general state funds (Hatcher, 2006).

CURRENT LAW

Federal law mandates that children are notified when their social security benefits are being taken to recuperate the cost of caring for that child. Approximately 30 interviewed states asserted that if a child was previously receiving social security benefits, the state would now notify the parents or representative payee when the state usurps the benefits (Hager & Shapiro, 2021). However, states refused to disclose their notifications practices, which is problematic considering most foster youth are not informed when their benefits were taken until years later.

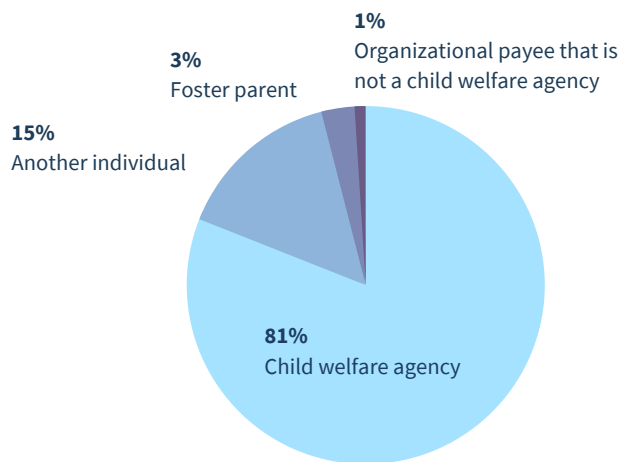
In 2018, Maryland enacted into law the Foster Youth Savings Program which helps foster youth save funds to establish future assets for transitioning into adulthood, such as housing, education, and career investments (Gatson, 2018). Approximately 40% of a foster youth’s social security benefits are placed into a trust account when they turn 14, and the percentage increases to 100% by 18 (Hager & Shapiro, 2021).

CURRENT LAW (CONTINUED)

Maryland's program does not necessarily bar child welfare agencies from accessing a foster youth's social security benefits either. Rather, the child welfare agency is prohibited from using these funds on basic necessities every non-disabled or non-survivor foster child receives, such as food and clothing, without being charged (Gatson, 2018). Specifically, Maryland's policy designates that an agency can use a child's benefits for services not normally covered by foster

Figure 5

Percentage of total beneficiaries (number of beneficiaries) by payee type:



Note. Adapted from "New Data Exchanges with Some States Provide Limited Information on Foster Care Beneficiaries" by Larin, K. 2021, Government Accountability Office (441R ed., Vol. GAO-21, SSA, pp. 1-33. Copyright 2021 by U.S. Government.

care, such as a disability treatment (Gatson, 2018). However, this is a recent program that lacks any immediate data. Additionally, Maryland is the only state to have implemented a plan regarding foster youth's SSI benefits. At the federal level, U.S. Representative Danny Davis (D-IL) and former U.S. Representative Pete Stark (D-CA) have introduced previous legislation prohibiting child welfare agencies from receiving children's benefits entirely for foster care maintenance. Fortunately, this legislation is receiving renewed attention given the recent GAO and Marshall Project reports.

POLICY RECOMMENDATIONS

Congress should pass legislation and require states to address the following to ensure foster youth understand and are aware of their SSI and OASDI benefits:

- **Prohibit state agencies from taking no more than 33% of a foster child's SSI and OASDI benefits for food and clothing**, and either reserve the rest for expenses related to survivors and disability costs not normally covered by foster care or place the money into a trust fund that the child would receive at 18. The 33% is intended to act as a safety net for unique situations when state agencies cannot cover food and clothing that is needed immediately.
- **Require that the child's parents, guardians, or other caregivers be notified annually** if a child welfare agency is taking the child's social security benefits.
- **Require states to disclose their practices** for how they notify children when states are taking their social security benefits.

STRENGTHENING SUPPORT AND SERVICES FOR PREGNANT AND PARENTING YOUTH IN FOSTER CARE

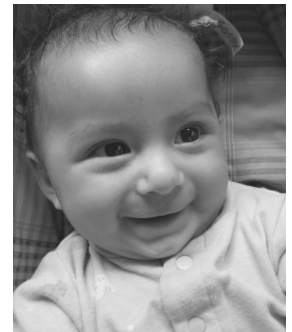
Junely Merwin

RECOMMENDATION SUMMARY

To strengthen support and services for Pregnant and Parenting Youth (PPY) in foster care, (1) Congress should provide funding to implement a nationwide program similar to Los Angeles County's Expectant and Parenting Youth (EPY) conference as developed by Public Counsel & Alliance for Children's Rights, (2) the U.S. Department of Health and Human Services should issue guidance to child welfare agencies on how to train staff on the needs of PPY and their children, including trauma-informed care, parenting planning, and goal setting, and (3) Congress should pass the Universal Child Care and Early Learning Act of 2021 which includes and prioritizes eligibility for PPY in foster care for subsidized childcare.

EXECUTIVE SUMMARY

Pregnant and Parenting Youth (PPY) in foster care face tremendous challenges caring for their children due to a lack of resources and support systems, as well as having little to no family support and education, all while moving from placement to placement. Additionally, PPY need a relationship with a consistent caring adult who provides guidance and specialized assistance to meet their personal and parental needs. PPY face an array of concerns such as scheduling doctor visits for their child, breastfeeding, and obtaining childcare while, finding resources to address their own trauma and navigating the foster care system. The complexity of their lives brings to light the need for individualized support. By employing a two-generational approach that recognizes the importance and effectiveness of serving both parent and child, providing access to teen parent resource specialists and linkage to agencies, and offering relevant and culturally appropriate resources and services, families will have a much greater opportunity to thrive.



My son was never my obstacle, he was always my motivation.



PERSONAL REFLECTION

As a single teen mother in foster care, I faced tremendous hardships while caring for my baby. I had unsupportive homes, and my case workers did not understand how to meet both my personal and parental needs. After being removed and placed into my second foster home, I was fortunately connected to a voluntary specialized pregnant parenting teen through an Expectant Parenting Youth (EPY/Formerly PPT) individualized conference. The program and conference was similar to a family group decision meeting that helped me create a support system and access vital resources including health care, legal aid, and education. I was also assigned a teen parent resource specialist, Mara Ziegler, who supported my emotional needs and helped me build the confidence needed to handle the demands and challenges I faced. She also educated me on my rights as a foster youth as well as sexual health, including contraceptives. This program offered me the most basic support which allowed me to create a plan and become the best mom possible.

When I was ready to pursue higher education, I faced major obstacles as a teen mom in foster care, such as trying to access childcare, which nearly prevented me from enrolling in college. There were arbitrary and confusing rules that made finding affordable childcare nearly impossible. I had to figure out how to make it work all on my own. All subsidized childcare programs stated I was ineligible to apply due to my foster care status, even though my child was not in foster care. Often the agencies proclaimed that it was double dipping for me to apply, and that only foster parents were in the eligibility category, but not teenage parents in foster care. Ultimately, I did find a subsidized childcare program through the Children's Home Society as my situation was included in the fine print of their eligibility rules. The assistance I received dur-



ing my third trimester prior to entering foster care was the defining moment between pursuing my education or having to give up on my dream of attending college. While I was fortunate, I know that too many other teen parents in foster care are not so lucky. My determination to complete higher education helped earn a full ride scholarship to Cal State Fullerton with childcare, granting me the ability to earn my bachelor's degree in Human Services.

THE PROBLEM & CURRENT LAW

Seventy-one percent of girls in foster care will have a child by the time they turn 21, and of these, many will have a second child (Friedman, 2015). While we know this, there still lacks data specifying the needs of PPY and their children. Far too little attention is paid to the needs of children of PPY which puts them at a disadvantage. Across the nation, there is minimal data tracking PPY and their children, making them a marginalized population, however as of 2023, states will start collecting this information as part of the Adoption and Foster Care Analysis and Reporting System (AFCARS).

The unique needs of PPY are overlooked at every level of child welfare. PPY are eager to be the best parents possible, yet most do not have the tools and resources to be successful given their array of concerns. For example, a young parent struggling with what to do when their child is sick, and not having a caring adult to turn to for advice, can be overwhelming. There is also the constant fear that their child will be removed and placed into foster care always looming over their heads. Belief that pregnant and parenting youth created their own situation, are unfit parents, irresponsible, and unlikely to overcome challenges and achieve success reinforces social stigmas and false narratives. Furthermore, many PPY lack information on their rights within the foster care system, which may add stress in addition to their trauma. It is also evident that this population is disproportionately represented compared to their peers in foster care when it comes to support and access to resources.

Some states have begun to provide specialized services to PPY and their children. Los Angeles County supports PPY in foster care and helps meet their needs through an Expectant and Parenting (EPY/Formerly PPT) Conference, which was designed by Public Counsel and Alliance for Children's Rights to identify and address the needs of PPY, including teen fathers, under the supervision of the Department of Children and Family Services (Coatney et al., 2019). The goal of the conference is to proactively address the needs of PPY and their children to avoid the intergenerational cycle of entry into the child welfare system. Building on the youth's strengths, the conferences help assure that they have positive social connections, are equipped, and prepared to handle parenting and supporting the healthy development of their children, and that PPY have access to the resources they need to achieve their goals as they transition to independence. In addition, as of 2018, PPY in foster care in California are eligible to apply for subsidized childcare if they are working or in school. In other states PPY face significant barriers to access childcare services for their children, while data on the number of parenting foster youth in need of childcare continues to be unknown.

THE PROBLEM & CURRENT LAW (CONTINUED)

The federal government has recognized the unique needs of PPYs in foster care in two recent federal laws. As of 2023, states will be required to collect data on the number of PPY in foster care, a critical first step to better understanding this population and prioritizing them in federal policy. In addition, the Family First Prevention Services Act of 2018 allows PPYs in foster care to receive evidence-based prevention services to prevent their children from entering the system (Sprow, 2021). While significant, services are limited and do not include the most essential needs, such as access to health care for them and their children, understanding their rights as young parents, or providing childcare support to help them be successful in higher education and employment. In April 2021, Senator Elizabeth Warren (D-MA) and Congressman Mondaire Jones (D-NY) reintroduced the Universal Child Care and Early Learning Act (2021). The legislation proposes that every family has access to high-quality, affordable childcare, and early learning opportunities by establishing a network of federally supported, locally administered childcare options.

POLICY RECOMMENDATIONS

- **Congress should provide funding to implement a nationwide program similar to Los Angeles County's Expectant and Parenting Youth (EPY) conference as developed by Public Counsel & Alliance for Children's Rights.** A cornerstone of the EPY conference program is that each PPY is assigned a teen parent resource specialist with knowledge of specialized services and resources that support PPY and their children. The teen parent resource specialist also assists foster youth in accessing comprehensive sexual health and reproductive health information and services. This new program will provide adequate support and services for PPY and their children to succeed.
- **The U.S. Department of Health and Human Services should issue guidance to child welfare agencies on how to train staff on the needs of PPY and their children, including trauma-informed care, parenting planning, and goal setting.** Staff should be educated on resources that can address and connect PPY to legal aid, prenatal care and reproductive health, parenting classes, early intervention for their children, public benefits, childcare, and more.
- **Congress should pass the Universal Child Care and Early Learning Act of 2021** which includes and prioritizes eligibility for PPY in foster care for subsidized childcare, to ensure that they have access to childcare in all states.

BLACK GIRLS NEED PROTECTION TOO: CULTIVATING DATA TO ADDRESS THE ADULTIFICATION OF BLACK GIRLS IN FOSTER CARE

Tashia Roberson-Wing

RECOMMENDATION SUMMARY

Congress should require the U.S. Department of Health and Human Services to collect and disaggregate data reported through the Adoption and Foster Care Analysis and Reporting System (AFCARS) by race/ethnicity, gender, sexual orientation, and gender identity and use a nuanced analysis to better understand how intersectionality affects youth involved in child welfare. Congress should also request the Government Accountability Office (GAO) to examine the treatment of Black girls in foster care, including their experiences with permanency, safety, well-being, and interaction with service providers. Finally, the Biden Administration should create a federally funded National Girls Initiative (NGI) for girls in foster care.

EXECUTIVE SUMMARY

The overrepresentation of Black youth overall needs to be elevated as a priority to address in the child welfare system. If we understand the multiple factors impacting Black girls at various points in their involvement with the system, the field can better understand how to address their specific needs. The more we can disaggregate the data and continue to document the extreme, unacceptable treatment and perceptions of Black girls who experience this system, the more we can implement proper and relevant training and policies. These efforts can then begin to dispel common myths and biases that exist about Black girls and work to eradicate the overrepresentation of and negative perceptions of Black women and girls in the foster care system.

The death of Ma'Khia Bryant has echoed the cries and focused new attention on the experiences of Black girls in foster care, who often feel unheard and unsafe. Black girls are overrepresented in the foster care system, and the intersectionality of being Black and a young woman within the child welfare system has led to significant disparities and a unique set of vulnerabilities for Black girls in foster care. Adding the trauma of foster care to the lives of Black girls can impact their quality of life and prolong these disparities.

PERSONAL REFLECTION

Growing up in foster care as a Black girl, I often felt unheard and unsafe. Leading up to my 18th birthday, I was asked to leave one of my placements and enter a new home where I did not feel comfortable. I had heard negative stories about my new foster family and was scared. I explained these concerns to my caseworker, but she didn't seem to hear them. After that, I started calling my caseworker's supervisor and Court-Appointed Special Advocate (CASA) to request a new placement. My new foster mom found out and informed me that I would have to go into a locked facility if I did not adjust to my new home. Additionally, the home phone was removed to prevent me from making calls. At one point during my stay, my foster mom and I had a disagreement. It was clear that she looked at me as a strong adult, when in reality, I was a hurt teenage girl trying to survive. I did not want to be scary; I wanted to be protected and heard.

Reflecting on my time in foster care, I was either seen as mature, like an adult client who did not need help, or as a kid with an attitude. As a result, fewer resources and opportunities were offered to me, and I had to learn to advocate for myself to get the help I needed. I needed to be seen less as an adult who had it figured out and more like a young girl who needed guidance.

On April 20, 2021, my heart sank when I heard about the passing of Ma'Khia Bryant in Columbus, Ohio, the city where I currently live. To later learn that she was in foster care and had made claims of not feeling safe in her foster home reminded me of my own experience. The event inspired me to help elevate the experiences of Black girls in foster care and make sure no one experiences what happened to Ma'Khia again. This includes the smaller, but still harmful ways that too many girls continue to experience the system.

THE PROBLEM & CURRENT LAW

The intersectionality of being Black and a young woman poses a unique set of problems for Black girls in foster care. Research conducted by the Georgetown Law Center on Poverty and Inequality reveals that society perceives Black girls to appear more adult-like and not as innocent as White girls (Epstein et al., 2017). The study further explains that Black girls are thought of as needing less nurturing, protection, support, and comfort. One can argue that the treatment of Black girls is due to the paradigms of Black femininity created during slavery that positioned Black women as "hypersexual, boisterous, aggressive, and unscrupulous" (Epstein et al., 2017). Due to systemic issues, Black girls are still reaping the harms of these paradigms. Black girls are having to experience an extreme adultification bias and are thus being perceived as more independent by society, further aiding the disparities in the dispersal of resources to Black girls in foster care.

THE PROBLEM & CURRENT LAW (CONTINUED)

Research suggests Black girls are overrepresented in the foster care system (Patrick & Chaudhry, 2017). Black girls in foster care are also subjected to higher rates of residential and school changes, higher discipline rates, lower achievement rates, lower graduation rates, involvement in the juvenile system, and human sex trafficking. At the same time, White children in foster care are receiving resources and treatment at faster rates than Black children. Adultification can play a role in how child welfare providers protect and serve Black girls, which can further increase disparities (Epstein et al., 2017).

While many of these disparities negatively affect Black girls in society overall, unfortunately, there is little research focused on the specific experiences of Black girls in foster care. This is very different from the juvenile justice system which has made efforts to both track the number of Black girls in the juvenile justice system, the circumstances that led them to enter the system, and their experiences and needs while in the system. There are also no laws in place that address the needs of Black girls in foster care.

Far more information is needed to understand the experiences of Black girls and better tailor foster care services to meet their needs. Data is a critical place to start. Without data, we cannot design effective policies and evidence-based programs. Black girls must also be engaged in policymaking conversations to ensure that their perspectives are taken into consideration, and policies and programs are reflective of those experiences. Better meeting the needs of Black girls in foster care is a key component of promoting equity in the child welfare system and providing access to the same opportunities as their counterparts.

Figure 6

“The intersectionality of being Black and a young woman poses a unique set of problems for Black girls in foster care. Research conducted by the Georgetown Law Center on Poverty and Inequality reveals that society perceives Black girls to appear more adult-like and not as innocent as White girls.”



Black girls need **less nurturing.**



Black girls need **less protection.**



Black girls need **to be supported less.**



Black girls need **to be comforted less.**



Black girls are **more independent.**



Black girls know **more about adult topics.**



Black girls **know more about sex.**

Note. Adapted from “Girlhood Interrupted: The Erasure of Black Girls’ Childhood” by Epstein, R., Blake, J., & González, T.. 2017. Copyright by The Georgetown Law Center on Poverty and Inequality.

POLICY RECOMMENDATIONS

To help protect Black girls in foster care:

- **Congress should require the U.S. Department of Health and Human Services to collect and disaggregate data** reported through the Adoption and Foster Care Analysis and Reporting System (AFCARS) by race/ethnicity, gender, sexual orientation, and gender identity and use a nuance analysis to better understand how intersectionality affects youth involved in child welfare.
- **Congress should request the Government Accountability Office (GAO) to examine the treatment of Black girls in foster care**, including their experiences with permanency, safety, well-being, and interaction with service providers. Additionally, GAO should examine the outcomes of Black girls who are impacted by the child welfare system.
- **The Biden Administration should create a federally funded National Girls Initiative (NGI) for girls in foster care.** This Initiative can be modeled on the NGI created by the Obama administration within the Office of Juvenile Justice and Delinquency Prevention (OJJDP), which focused on the needs of girls in the juvenile justice system. The updated NGI would have a broader focus to explore and provide TA on the needs of system-involved girls, including intersectional issues such as race/ethnicity, sexual orientation, and gender identity. The NGI should conduct research and provide TA to states aimed at understanding the backgrounds of systems-involved girls, their reasons for entering foster care, juvenile justice, homelessness, and their needs while in these systems, while building the evidence base for effective programs.

MEET THE AUTHORS



ALAN ABUTIN (CT)

Congressional Office: U.S. Senator Richard Blumenthal (CT)

ALAN ABUTIN is a recent graduate of Central Connecticut State University (CCSU) with a degree in communications and minor in social justice. As a member of the S.U.N. Scholars non-profit since 2020, Alan has worked on foster care policy focused on the implementation of multicultural pedagogy in hopes to encourage multicultural adoptions and diminish racial disparities after permanency. Alan began his journey as a foster care advocate under the CCSU CARE Scholars program which focuses on mentorship and inclusivity for students who have experienced foster care and adoption. Alan created a S.U.N. Scholars chapter at CCSU to further focus on similar issues regarding child welfare at his university. Alan was a 2020 intern with Congressional Coalition on Adoption Institute and authored a federal policy report on keeping families together through technology and virtual mental health services during and after the pandemic.



AUTUMN ADAMS (WA)

Congressional Office: U.S. Senator Patty Murray (WA)

AUTUMN ADAMS (Yakama) is a 2020 graduate from Central Washington University with a Bachelor of Arts in Anthropology and minor in American Indian studies and museum studies. At nineteen, Autumn was awarded guardianship of her siblings, keeping her family together to pass along cultural heritage and teachings. She participated in the National Foster Youth Institute's (NFYI) Shadow Day in 2018 by empowering others through sharing her story. Autumn was selected by the Center for Native American Youth as a 2019 "Champion for Change," advocating for the Indian Child Welfare Act. Autumn was asked to return to NFYI in 2019 to serve as a regional coordinator and mentor to other former foster youth. In 2020, she participated in Congressional Coalition on Adoption Institute's COVID-19 Pandemic Working Group and researched and wrote federal policy recommendations on how to increase access to kinship navigator program funding for informal kinship providers. Autumn was honored to receive Casey Family Program's 2021 Kinship Caregiver award. Autumn is attending the Sandra Day O'Connor College of Law at Arizona State University this fall. Long-term, Autumn's goal is to run for public office as an advocate for Indigenous foster youth.

Meet the Authors Continued



CORTEZ CAREY (PA/DC)

Congressional Office: U.S. Representative Danny Davis (IL)

CORTEZ L. CAREY is a resilient pacesetter from Pittsburgh, Pennsylvania. After attending six different high schools, then graduating from Community College of Allegheny County with an associate degree in liberal studies, Cortez earned his bachelor's degree in strategic communication from Clarion University of Pennsylvania in 2014. Subsequently, he was hired by Great Lakes Behavioral Research Center as the first former foster youth to serve as an Educational Liaison at the Department of Human Services. After failing to be accepted into any Master of Social Work programs, Cortez decided to reinvigorate his resume by enlisting in the United States Air Force. Thereafter, Cortez climbed the enlisted ranks and earned another associate degree in hospitality management from the Community College of the Air Force. Cortez was an intern with the Foster Youth Intern COVID-19 Pandemic Working Group during summer 2020 and provided federal policy recommendations to the U.S. Congress, Administration, and U.S. Department of Health and Human Services on the need for educational technology access and support for all youth in foster care. Succeeding much sacrifice, Cortez graduated from one of the most prestigious HBCUs in the country, Howard University in Washington, D.C., with a Master of Social Work in 2021.



HAILEY D'ELIA (NJ)

Congressional Office: U.S. Senator Bob Menendez (NJ)

HAILEY D'ELIA is a recent graduate of Rowan University with a Bachelor of Arts in Mathematics and Sociology with a Certificate of Undergraduate Study in Social Justice and Social Change. Hailey has worked as a Youth Ambassador with the New Jersey Department of Children and Families (DCF) Office of Resource Families by speaking to foster parents and case workers about her experiences in care and addressing misconceptions of youth in care. She is also a member of New Jersey's Youth Council which works directly with the DCF Commissioner to identify issues within the system and offer possible solutions. Hailey's advocacy work led her to volunteer with Camp To Belong, a camp that brings together siblings who have been separated through the foster and adoptive systems. In 2020, she participated in Congressional Coalition on Adoption Institute's COVID-19 Pandemic Working Group and researched and wrote federal policy recommendations on bridging the digital divide with broadband and technology access for vulnerable youth and families. Hailey's first-hand experiences and passion for reforming the child welfare system are a driving force behind her plans to pursue a career in child welfare policy in Washington, D.C.

Meet the Authors Continued



ISABELLE GOODRICH (ME/CO)

Congressional Office: U.S. Representative Dean Phillips (MN)

ISABELLE GOODRICH is a senior at Western Colorado University and is currently completing her educator residency as a high school social studies teacher. Isabelle is majoring in history, minoring in political science, and pursuing her secondary teacher licensure. Isabelle is eager to make the world a kinder place and is a firm believer there is power in sharing your story. She has been a Jim Casey Young Fellow since 2015 which allows her to explore various routes of advocacy work, most recently as a Pod Leader for the Youth Leadership Initiative. Isabelle was also a public speaker at the 2019 Berea Rural College Access & Success Summit and addressed the needs of foster youth attending schools in remote locations. Isabelle has been involved in various projects with the Annie E. Casey Foundation and was a member of Maine's Youth Leadership Advisory Team prior to relocating to Colorado. She was an intern with Congressional Coalition on Adoption Institute in 2020 as a member of the Foster Youth Intern COVID-19 Pandemic Working Group where she researched and wrote federal policy recommendations on the importance of clarifying funding language to better support kinship families during the pandemic. Isabelle is enthusiastic, curious, and honored to work with others who share a passion for child welfare reform.



LAILA-ROSE HUDSON (AL/OH)

Congressional Office: U.S. Representative Abigail Spansberger (VA)

LAILA-ROSE HUDSON is a third-year law student pursuing a Juris Doctor degree at The Ohio State University Moritz College of Law to study legal issues pertinent to the child welfare system. Laila-Rose aged out of foster care in 2015 after a tumultuous experience involving multiple placements and limited stability. However, she went on to graduate Magna Cum Laude from the University of Alabama Birmingham with a bachelor's degree in political science in 2018. During her undergraduate career, she had the opportunity to serve as a Court Appointed Special Advocate (CASA) volunteer. In addition, she presented to foster youth in the community to provide information on college admissions and the various assistance programs available. As a law student, Laila-Rose has worked closely with the Ohio Department of Jobs and Family Services in the Office of Children's Services Transformation and has served as a non-voting member on a CASA-adjacent board. In 2020, Laila-Rose worked with Congressional Coalition on Adoption Institute's Foster Youth Intern COVID-19 Pandemic Working Group and provided federal policy recommendations to the U.S. Congress, Administration, and U.S. Department of Health and Human Services on the critical need for child welfare workforce disaster preparedness after the pandemic.

Meet the Authors Continued



MAKAYLA JAMES (CA)

Congressional Office: U.S. Representative Donald Norcross (NJ)

MAKAYLA JAMES is dedicated to elevating youth voice, fighting for social justice, and creating change within the foster care system. As a child welfare advocate, she is vocal in creating youth-centered processes that promote stability in all aspects of life for foster youth. Makayla is currently pursuing her Master of Social Work degree at the University of Kentucky after receiving her bachelor's degree in social work from California State University Chico in 2018. In her professional career, she has experience working for Resource Family Agencies, California Department of Social Services, California Youth Connection, and the International Foster Care Alliance. Makayla was an intern with Congressional Coalition on Adoption Institute's Foster Youth Intern COVID-19 Pandemic Working Group in 2020 and provided federal policy recommendations to the U.S. Congress, Administration, and U.S. Department of Health and Human Services on the importance of prioritizing training for the child welfare workforce. Makayla aspires to continue to build a legislative platform that highlights lived experience in the effort to create a more inclusive system for the next generation of foster youth, living out the motto, "nothing about us without us."



SHANELL LAVALLIE (MT)

Congressional Office: U.S. Representative Sharice Davids (KS)

SHANELL LAVALLIE is from the Fort Belknap Indian Reservation: her tribes are A'Aninin and Nakoda (GrosVentre and Assiniboine). Shanell graduated with a Bachelor of Science from Salish Kootenai in 2021 and completed her student teaching at Whittier Elementary in Great Falls, MT during the spring term of her senior year. Shanell aspires to pursue a master's degree in educational leadership and policy and dreams of being the superintendent of Great Falls Public Schools. Shanell is passionate about the foster care community and has participated in a variety of advocacy opportunities for former foster youth, including the Montana Chaffee Youth Advisory Board, FosterClub All-Star internship, and the National Foster Youth Institute's (NFYI) Shadow Day. Shanell's federal policy research from the 2020 Foster Youth Intern COVID-19 Pandemic Working Group focused on educational supports and improved Indian education for Native foster youth.

Meet the Authors Continued



IAN MARX (LA/IN)

Congressional Office: U.S. House Ways & Means Committee (Minority)

IAN MARX is a rising first-year law student at Emory University School of Law in Atlanta, GA to pursue a Juris Doctor degree. He graduated from the University of Notre Dame as a Posse Scholar with a Bachelor of Arts in political science and a minor in public policy in May 2021. Ian originally grew up in the Louisiana foster care system and has pursued reforming foster care since. He has testified for extending the age of foster care to 21 and helped work to increase Court Appointed Special Advocate (CASA) funding in Louisiana. Ian has previously interned with the Louisiana Institute for Children in Families, New Orleans Civil District Court, New Orleans City Council President's office, and Congressional Coalition on Adoption Institute. He is a published co-author of *Seeing Beyond the COVID-19 Pandemic: Creating Change for Vulnerable Children and Families* on the importance of caseworker and foster youth virtual connection during the pandemic.



JUNELY MERWIN (CA)

Congressional Office: U.S. Representative Karen Bass (CA)

JUNELY MERWIN was born and raised in Los Angeles, California. She entered the foster care system at the age of fifteen with her one-month-old child in her arms. She remained in care until she aged out at 21. Junely earned a full-ride scholarship to California State University Fullerton and received a bachelor's degree in human services with a concentration in mental health and community practice. Junely is passionate about community engagement and social justice. She devotes herself to advocacy to bring foster care awareness through social media and her website, www.merwinjayact.com, to reach a broader audience and connect foster youth with resources. She advocates on behalf of numerous legislative efforts and co-authored *Seeing Beyond the COVID-19 Pandemic: Creating Change for Vulnerable Children and Families* in 2020 when she wrote a federal policy report on foster youth, specifically on the needs of pregnant and parenting youth impacted by COVID-19. Junely uses her life story to inspire change and encourages disadvantaged youth to go after their goals and dreams. Junely is a public speaker and aspires to become nationally known.

Meet the Authors Continued



TASHIA ROBERSON-WING

Congressional Office: U.S. Senate Finance Committee (Majority)

TASHIA ROBERSON-WING is currently enrolled in the dual Master of Social Work and Master of Public Administration program at The Ohio State University (OSU). She also works as a Success Coach through the OSU Office of Diversity and Inclusion's Say Yes and Young Scholars Programs by helping first-year students navigate college. In 2020, Tashia completed a yearlong policy internship with the Columbus City Attorney's Office and has formerly served as a Project Coordinator for the Center for Native Child and Family Resilience and the Child Welfare Review Project at JBS International Inc. Tashia has varied congressional experience working on Capitol Hill first as a 2017 fellow of the Congressional Black Caucus Foundation's Emerging Leaders Program where she served in the office of U.S. Congressman Todd Rokita (IN-04) and then as a legislative intern with U.S. Congressmember Karen Bass (CA-37) in 2018. Tashia is a dedicated advocate for foster youth and part of the National Youth in Transition Database Review Team for the U.S. Department of Health and Human Services' Administration for Children and Families. Tashia participated in Congressional Coalition on Adoption Institute's 2020 COVID-19 Pandemic Working Group and authored a federal policy report on improving postsecondary success for foster youth during the pandemic and beyond. Tashia has volunteered with many organizations including FosterClub and Casey Family Programs to promote policy that benefits the foster care community. Tashia graduated from the Bloomington School of Public Health of Indiana University with a Bachelor of Science in applied health science and human development and family in 2017.

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With our deepest gratitude,

The 2021 Class of Foster Youth Interns

Alan, Autumn, Cortez, Hailey, Ian, Isabelle, Junely, Laila-Rose, Makayla, Shanell, and Tashia

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