



## MEMORANDUM IN SUPPORT

### **A. 7681 (Fernandez)**

*ACT to amend the Family Court Act, in relation to reentry of former foster care children into foster care*

Covenant House New York (CHNY) has served young people experiencing homelessness in New York City since our formation in 1972. During this past year, CHNY served over 1,600 young people in our residential programs, as well as through our aftercare and outreach efforts. On a nightly basis, we provide shelter to approximately 300 young people, including, LGBTQ youth and pregnant women and mothers with their children as well as survivors of human trafficking/commercial sexual exploitation. Our internal Legal and Advocacy Department, along with our Social Service and Residential programs, directly serve our homeless youth to help them create stable environments with the goal of ensuring that their homelessness will not dictate a future path of powerlessness. Rather, our services, programming and staff motivate and inspire youth to find their place in society and to thrive within it.

A significant number of the young people experiencing homelessness served by CHNY indicate past placement in foster care. Oftentimes, youth who experience placement in foster care and who are ultimately returned to a parent are returned to the same unstable homes that caused their initial child welfare placement. Although the return is hoped to be safe for the child, it is in no way a guarantee of stability and the one thing that all youth deserve – a safe place to live. In our years of experience serving homeless youth, we have seen examples of youth who have been discharged from foster care with high hopes of having a safe, supportive place to live to only later find themselves in need of safety and care yet again. Many of these young people will find themselves in danger of becoming homeless if not provided with the opportunity to return to care. CHNY therefore strongly supports A. 7681 as a commonsense amendment of state law in alignment with New York's commitment to protecting the state's young people and at reducing homelessness.

Fortunately, New York State understands that the passage of an 18<sup>th</sup> birthday does not suddenly enable a young person without family guidance and support to independently care for themselves both financially and emotionally. Young people are therefore all able to remain in foster care through the age of 21. However, youth can leave care of their own accord at the age of 18. Many young people who choose to leave care before the age of 21 find that they were not yet ready to live on their own and eventually risk facing homelessness. For these reasons, under



current Family Court Act law, youth who left care after they turned 18, who were originally placed in foster care under Article 10 Abuse and Neglect proceedings, can petition to return to foster care at any time before their 21<sup>st</sup> birthday. However due to a loophole in the law, youth who were placed in foster care through mechanisms other than Article 10 proceedings do not have the same right to petition to return to care. This leaves 25% of foster care youth, including those placed into care as destitute minors, through voluntary petitions by parents or legal guardians that abandon their responsibilities of caring for them, and those youth subject to P.I.N.S. (Persons in Need of Supervision) without an ability to utilize this law to return to care.

Even more shocking is that a return to care is only possible for youth who left care after their 18<sup>th</sup> birthday. This means that if a child in care is returned to their parent before the age of 18 and the relationship with the parent breaks down after the age of 18 (or even on the day of the child's 18<sup>th</sup> birthday) that child has no right to return to foster care.

In that circumstance, the youth is rejected twice – once by the parent who promised the State they would care for the youth and then by the State, which refuses to allow the youth to return to shelter and services. Sadly, some Covenant House residents have spent years in foster care - in essence, raised by the State - then returned to a parent for a short time, only to be ejected from their home by that parent shortly after their 18<sup>th</sup> birthday.

In an example seen by CHNY, “Jeanine” (name has been changed to protect the youth and is a composite of experiences) was placed in to foster care at age 15 by the State to protect her from a father with a destructive drug addiction. Jeanine’s father struggled with the addiction for years while Jeanine lived her teenage years in residential treatment facilities and foster homes while she herself struggled to overcome her own challenges stemming from her prior environment. Shortly before her 18<sup>th</sup> birthday, Jeanine’s father convinced the Court that he was ready to have Jeanine come home, and that *he wanted* her to return. Only a few months after Jeanine left foster care, and shortly after her 18<sup>th</sup> birthday, Jeanine’s father kicked her out of the home. Thankfully, she found her way to CHNY and once here, asked how she could return to foster care, the only home she had known for the past 3 years. According to the current law, she could not return to foster care, and according to her father, she could not return home. If not for CHNY, Jeanine would have ended up homeless at 18.

The harsh truth is that even children who have spent only a few months in foster care can quickly become dependent on that support, because for a child in foster care a few months *can feel like a lifetime* and sometimes foster care placement might be the only real - and best - home they will ever know.



A7681 would expand the protections provided by section 1091 of the Family Court Act by allowing children and youth who have previously been protected by the State through placement in foster care through the age of 16, regardless of why they needed that protection in the first place, to re-enter foster care if they are at risk of homelessness. In passing this bill, the State would be sending a loud and clear message to the youth it protects and that message is that they will not be abandoned yet again.

We believe that passing A. 7681 will be a necessary vehicle toward reducing youth homelessness. Therefore, CHNY strongly urges our state legislators to support passage of this bill and provide stability for New York's vulnerable youth.