

Testimony before the District of Columbia Council

Committee on Human Services

July 11, 2012

Public hearing

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

Donna Flenory

Board member

Foster & Adoptive Parent Advocacy Center (FAPAC)

Good afternoon Chairman Graham and members of the Committee on Human Services. My name is Donna Flenory. I am a District resident, a therapeutic foster parent and a board member of the Foster and Adoptive Parent Advocacy Center, commonly known as FAPAC. I will be offering FAPAC's testimony today.

FAPAC provides training, support and individual case advocacy in order to build the capacity of foster, kinship and adoptive parents to meet the needs of the children and youth in their homes. We also work to strengthen relationships between birth and foster parents, coordinate a multi-agency training coalition, and partner with CFSA and DMH, private agencies, and other service and advocacy organizations to develop solutions to systemic problems in the child welfare system.

I would like to speak about our perspective on the proposed Foster Youth Amendment Act. In concept, the idea of this amendment is a good one. We go on record as stating that we strongly believe that all youth in foster care deserve the right to get whatever services they need to succeed. Our problem is not with the concept of the amendment itself, but rather with the definition of "rights" in the context of a family. The most important right of our children and youth is to be given the chance to have relationships that are as normal as possible, and that decrease the impact of being parented by an impersonal bureaucracy. We want them to find love, stability and permanency in their placements. Although we sadly realize that this is not always the case, we fear that the legislation of certain rights could work against this possibility. To build any sort of "normal" in a home, families need to be allowed to develop their own rules and structures, and to be given support and permission to work things out in the family context---or else they become more of a group home than a family. Additionally, although we certainly agree with many of the rights in the CFSA Foster Youth Bill of Rights, which as we understand would be rolled into District regulations, we do not see how some of them can be legislative issues. For example, we course agree that all youth should be "cherished," but see that as a relationship issue for which a legal remedy

would not be apparent or appropriate. Most significantly, we are deeply troubled at the lack of ages included in this Bill of Rights. As currently written, giving children "the right to participate in choosing services and providers" without giving an age range could be interpreted as allowing a six year old to have autonomy to refuse to take their medication or go to therapy. This is completely outside of the realm of appropriate parenting by either a foster parent or by CFSAs. How can we accept a child welfare system that removes a child from parents due to neglect and then further neglects that child by allowing them to make choices they are not ready to make? It is critical that "rights" of children *and teenagers* must include the right to have adults who love and care for them enough to make critical decisions for them when necessary depending upon age and circumstances and sometimes different from what the teen might express wanting at the moment. If we are striving to build families and permanent connections for our youth, we need to develop empowerment that makes sense in the context of family, and that helps to guide youth to what is good for them and their future. There have to be rules and consequences or else there can be no parenting. This is the challenge of parenting adolescents in general. For any of us who have parented teens.....or in fact, for any of us who *were* teens, we know that teenagers don't always know what is in their best interest. When a teenager is parented by a system there is often no one who is given the autonomy to truly parent, and the teenager suffers.

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As a therapeutic foster parent who specializes in older youth, I can tell you story after story of the older youth who have come through my home. Over and over it is clear that the ones who have fared better after leaving care are the ones who were expected to participate in therapy appropriate for them; who took their medications long enough to get them adjusted properly; and who responded to the structure I could put in place in my home. These youth are today more productive and have themselves as adults verbalized thanks for the support that they had during that trying period of their lives. Likewise I also have very sad stories of youth from whom the system did not require any compliance to a plan, and who opted not to take recommended medications or participate in programs. These children are now nomadic in their living situations at

best and homeless at worst. Some have been in jail; others have been placed in residential treatment facilities. As a foster parent, without the support of the "system," I do not have recourse to enforce that youth comply with requirements that are in their own best interest. I can't help but believe that had there been more requirements placed on these youth, for example, had I been permitted to use their allowance as an incentive instead of an entitlement, that their lives would be very different today. I am frightened for our children should the District decide that legal rights for youth would mean that their foster parents and social workers have even less ability to help to guide them into choices that will help them to grow into positive futures.

We agree that our youth should receive all that is possible so they will have the best chances for happy childhoods and good lives. The issue we should be discussing is how to give our children and youth the rights to have what will support them, get them the services they need, and give them the best future. We do think that if this community could work together, we could come up with an amendment that would empower youth while addressing these serious concerns. The Foster Youth Bill of Rights was written from the youth's voice, and we respect that; however, to legislate some of these rights will be not be in the interest of the youth themselves. We should be giving our youth the kind of rights that all children deserve, not rights that separate them further from the possibility of family. If we legislate rights such as these we could be empowering our youth out of families and into homelessness. How tragic this would be. We ask this committee to send this legislation back to be redrafted through an effort led by CFSA with broad community input.

Thank you for the opportunity to testify today.