

IMPROVING *the* TRANSITION to EMANCIPATION

Understanding, and solving, the problems facing foster youth aging out of the system

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THE LAW SCHOOL'S FOSTER CARE PROJECT, LED BY PROFESSOR EMILY BUSS, UNITES FORMER FOSTER CHILDREN, SCHOLARS, POLICY MAKERS, JUDGES, AND LAWYERS IN AN EFFORT TO UNDERSTAND THE SPECIAL PROBLEMS FACING FOSTER YOUTH AGING OUT OF THE CHILD WELFARE SYSTEM AND TO IDENTIFY OPPORTUNITIES FOR LEGAL REFORM THAT HELP MAKE A SUCCESSFUL TRANSITION TO INDEPENDENT ADULTHOOD.

For most of us, the transition from childhood dependence to adult independence is a slow one, allowing many years for education, professional experimentation, and emotional growth. Teenagers in foster care enjoy no such luxuries of time and support. Most are foster children one minute then completely on their own the next.

Consider April Curtis, who grew up in the foster care system. April was taken from her home at age three. The places where she would live and the people on whom she would depend for the next fifteen years would be determined by a judge, a lawyer, and a series of social workers, many of whom she rarely saw. As her siblings entered the system, April lost touch with them. When her sister was adopted, she was told that she no longer legally had a sister. As she began the transition to emancipation, April felt unsupported and underprepared for adult life. She knew how to do a load of laundry, but her case worker had not equipped her with the skills or information to find housing or medical care, nor helped her secure important documents like a birth certificate or social security card. The assumption

being that April would simply begin working upon emancipation, nobody talked to her about the chance to go to college. When April wanted to voice these concerns to her judge, she had to do so through a lawyer, who had yet another view about what was best for her.

To become the successful adult that she is now, April had to go around the system and fight for herself. She maintained a relationship with her siblings by avoiding the court's involvement. She found a way to college on her own. Without the help of anyone in the system for obtaining financial aid she worked to pay for school and took leave when her money ran out. April now not only fights to keep her family connected, but advocates for other foster care children and their sibling relationships. She is active in efforts to improve access to information and services for foster youth as they transition out, as well as promoting



Emily Buss, Professor of Law and Kanter Director of the Chicago Policy Initiatives, is the lead researcher for the Foster Care Project.

more relevant, longer-term, and supportive case worker involvement in the transition process.

Through the Law School's Foster Care Project, April and other former foster children met with scholars, policy

makers, judges, and lawyers to discuss the special problems facing foster youth “aging out” of the child welfare system. Led by Emily Buss, Professor of Law and Kanter Director of the Chicago Policy Initiatives, the project works to identify opportunities for legal reform that could make a successful transition to independent adulthood easier for people like April, and possible for the many foster youth who don’t make it under the existing system.

Foster youth face significantly higher risks of homelessness, unemployment, early pregnancy, and jail in early adulthood.

The Foster Care Project is one of the Law School’s Chicago Policy Initiatives, designed to involve faculty and students more directly in efforts to address current issues of social policy. Buss, who worked as a lawyer for foster children before joining the University of Chicago faculty, focuses on the problems facing foster youth aging out of care because she finds the issue so compelling and because she determined that the Law School was well positioned to add legal expertise to work already being done by social scientists and policymakers.

The most comprehensive empirical research on the foster care transition is being conducted at Chapin Hall, a University of Chicago affiliated research institute. Mark Courtney, who directs Chapin Hall and serves on the faculty of the University’s School of Social Service Administration, is a national leader in foster care research. Like other researchers, Courtney has found that foster youth face significantly higher risks than the general population of



April Curtis, a former foster child, is currently working to improve access to information and services.

suffering homelessness, joblessness, early pregnancy, and jail in early adulthood.

But in his most recent research, Professor Courtney has



Researchers meet to discuss the juvenile court’s involvement in the lives of foster children.

also found reason for hope. In states where foster youth remain in the child welfare system until age twenty-one, they do considerably better. In much higher numbers, they stay in school, live in stable and supportive situations, and avoid arrest. It is unclear why continuing foster care involvement makes a difference. One possible explanation lies in the juvenile courts, which continue to review the cases of young adults who remain in the system. Because it appears to be an important and unstudied part of the transition

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process, the Law School's Foster Care Project focuses on the courts' role in overseeing foster youths' transition to adulthood. Professor Buss has already begun an interview study of court personnel working in the Cook County Juvenile Court, and she plans to involve several students in a court observation study beginning this summer.

The end product of the project will be a protocol for reform, authored by Buss and participating students, to show what the project has found from its qualitative research as well as the more traditional legal research students and Professor Buss have undertaken. The protocol will be widely disseminated to judges, legislators, policy makers, and advocates nationwide who can use it to promote reform. The protocol will reflect the considerable consensus that already exists among those pressing for reform, and take positions on the more contentious issues that still divide advocates.

The purpose of the project's recent working conference attended by April and twenty other experts was to identify those areas of consensus, and engage in a serious discussion of some areas of disagreement. One of the primary areas of disagreement concerned the important issue of juvenile court involvement. Another former foster child, David Ambroz, now a lawyer who recently worked on the largest child welfare class action suit in California history, expressed considerable skepticism about the value of ongoing court involvement. "The system needs to stay out of our way and maybe be less involved," he said. April agreed. "We have something to contribute. People need to realize that.

Who made decisions for me? Someone who knew less about what I needed than I did."

Others, including Alfred Perez, who also spent time in foster care as a teenager and is now pursuing his Ph.D. at the University of Chicago's School of Social Services



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Administration, pointed to correctable flaws in the court process. He described how he was never given an opportunity to go to court, despite his right to do so. Judge Dale Koch, a family court judge in Portland, Oregon who is President Elect of the National Council of Juvenile and Family Court judges, noted the opportunity for judges to act as service coordinators, meeting with foster youth, social workers and guardians ad litem to assess each child's progress. He called for streamlined judicial education and information so that judges are better able to fill this role in the face of a complex system with multiple agency involvement.

In conducting court-based research, one of the primary aims will be to determine whether the sorts of system failures April, Alfred, and David decried are inevitable, or whether the court process could be designed, not to get in the way, but to truly help.