2014 Improving Youth Transitions Project

Full Report

The Improving Youth Transitions Project was developed earlier this year to support the efforts of the state's Juvenile Court Improvement Program (JCIP) in ensuring that Oregon juvenile courts understand and exercise their role in supporting teens through a successful transition from foster care.

Older youth in foster care, particularly those on track to age-out, face enormous social, economic, and health challenges that make a successful transition to adulthood daunting and sometimes impossible. Judges and Citizen Review Board (CRB) volunteer board members are the last line of defense to ensure that no young person leaves foster care without the tools, connections, and skills to make it on their own. Successfully fulfilling this obligation, however, will require a comprehensive effort to update the hearing and review process to take into account the unique needs of older youth and engage older youth as active agents in determining their own futures.

> "There is a disconnect between getting our jobs done and the actual needs of the youth."
> –Stakeholder Interview

The Improving Youth Transitions Project was developed in order to assess how Oregon dependency courts and CRBs currently engage teens in care regarding the

transition to adulthood, and to make practical, specific recommendations for improvement. The conclusions and recommendations in this report are based on court observations and stakeholder interviews, and are intended to aid professionals working with teens in foster care—specifically those who are on track to age-out.

The Problem

Dependency court proceedings have changed tremendously over the last decade, but the court process remains heavily geared towards the needs of younger children, emphasizing adoption and reunification and relying heavily on contextual information from other parties to the case. Meanwhile, the courts have not yet developed processes to address the unique and specific needs of older youth, for whom adoption and reunification are often no longer options and for whom a different level and type of engagement is necessary. As a result, many youth continue to leave the foster care system unprepared to face the tremendous challenges ahead.

> "Youth in foster care are more vulnerable when going through adolescence because they have no natural supports."
> –Stakeholder Interview

The need for a more specialized approach for older youth is well documented, as the body of research on former foster youth consistently paints a dismal picture of outcomes following the transition from care. For example, studies show that 1 in 4 former foster youth will experience homelessness after they exit the foster care system.[1] By the

age of 24, 80% of young men who aged out of foster care will have been involved in the criminal justice system.[2] Less than 8% of all youth that age-out will earn a 2- or 4-year degree by age 24 compared to 48% of the general population of the same age.[3] Low rates of scholastic achievement among older youth can be attributed in part to the low reading levels of the average teen in foster care—one study found a seventh-grade reading level average among 17 year olds.[4]

Of concern to this particular evaluation is that the courts may be closing child welfare cases for youth who are ill-prepared for adulthood and who have not been appropriately engaged in key decisions about their future. This concern was aptly captured in an article written for the *William & Mary Bill of Rights Journal* in 2007:

> *…if teenagers do run into trouble after leaving care, there is often no one within the system for them to go back to for help. They are unlikely to find a mentor outside of the system, because being within the system often cuts them off from opportunities to develop mentoring relationships, either with a family member, a teacher, or an employer. It is important for teens to have mentors. Barring that, they should at least be taught to look after themselves.*[5]

The few existing studies on youth engagement in dependency court proceedings report that better and more informed decisions are made when youth participate in the court process.[6] Given the right preparation, transportation assistance, and support, youth can become deft advocates for their own future and learn important lessons in decision-making, negotiation, and setting and achieving goals.

Legal Framework

State and federal law set minimum requirements for dependency hearings, CRB reviews, and transition planning. At the federal level, two major congressional actions drive

minimum standards: the Child and Family Services Improvement Act (CFSI) of 2006[7] and the Fostering Connections to Success and Increasing Adoptions Act (Fostering Connections) of 2008.[8] CFSI requires that youth are engaged in an age-appropriate manner in all decisions made regarding permanency hearings, or the transition to independence. Fostering Connections builds on past legislation and requires that every youth have a transition plan 90 days prior to exiting foster care. It suggests, but does not mandate, that such a plan should address housing, education, health, workforce support, and employment services. Guidance released by the federal Administration on Children and Families in July of 2010 stated that, "the court should play an important role in monitoring the development of and reviewing this transition plan."[9]

> "Keep us informed…it's our lives. We need to have some control over our lives…" –Youth

At the state level, statute identifies youth as legal parties to their own cases, sets requirements for a comprehensive transition planning that go beyond federal requirements,[10] and requires that youth be notified of, and provided transportation to, court hearings and reviews.[11]

Overall, state and federal policy has only recently begun to address the issues facing foster youth when they exit the system at age 18, or 21.[12] While policy may be slow to change, there are tangible ways that judges and CRBs can begin to support this population of young people and oversee successful transitions to adulthood.

Oregon—Improving Youth Transitions Project

Beyond federal and state policy, states can design creative strategies and plans to engage and prioritize youth in the legal process and also improve outcomes for youth on track to age-out of foster care. *The Improving Youth Transitions Project* was created in order to assess how Oregon dependency courts and CRBs engage with teens in care to prepare them for the transition to adulthood, and to make practical, specific, recommendations for improvement. In order to assess the courts and CRBs, a Court Observation Tool (Appendix A) was developed to capture important indicators of success related to the transition from foster care. Observations of proceedings involving youth age 15 and older were conducted during 20 permanency or review hearings across five counties as well as nine CRB reviews in three counties.

> "My judge is amazing. Supportive. Always listens and is sympathetic. It's nice to be able to talk to someone with that much authority and have them listen to you."
> –Youth

Design & Methodology

For the purposes of this evaluation, "youth" included any child currently under the care and custody of the Oregon Department of Human Services (DHS) or a recognized Tribe *and* who is between 15 and 18 years of age. Due to time and logistical constraints, the

sample was limited to youth with a permanency, review, or CRB hearing during June 2014, and located in Multnomah, Lane, Jackson, Josephine, Clackamas and Deschutes counties. Counties were selected based on scheduled hearings involving youth between 15 and 18 years of age during the month of June and travel expectations.

Youth focus groups and stakeholder interviews were held utilizing convenience sampling, and outreach was conducted through DHS, JCIP, and local direct service providers such as Independent Living Programs (ILP) and Court Appointed Special Advocates (CASA). Stakeholder interviews were conducted with caseworkers, ILP workers, Judges, CRBs and CASAs. The majority of youth focus groups were conducted with young people directly engaging in services provided through local ILPs and included youth up to age 21.

Practice hearing observations were conducted with three researchers to test the usability and consistency of the Observation Tool. This was followed by revision and refinement before evaluations began in the six counties. The two major elements the Observation Tool sought to capture were: 1) youth attendance and engagement, or non-attendance and notice, and 2) the quality of the transition discussion. Measures of youth engagement and notice were determined by observation. Evaluating the quality of transition discussions was more complex, however. Utilizing a discussion matrix, the researchers observed the level of discussion on 12 indicators important to a youth's successful transition from foster care: resources, transition plans, ILP, permanent connections, sibling connections, cultural connections, long-term housing, education/career, mental/physical health, daily living skills, legal documents, financial planning, stability of current placement, and strengths/weaknesses.

The level of discussion was then measured by whether there was a simple statement made (S), discussion among multiple attendees (D), the youth contributed to the topic (Y), the Judge or CRB contributed to the topic (J), and finally, whether a court order or CRB recommendation was made (R/O). One point was given for each level of contribution.

Hearings/reviews that received three points on a topic (meaning they had a statement, discussion, and a question or contribution from the judge/board) were considered to have had thorough discussion on that topic. Points that were added if the judge/board made an order/recommendation concerning the topic, or if the youth participated in the discussion, were considered bonus points. Each hearing/review's total points were divided by 36 (the number needed for thorough discussion on all twelve topics) to create a percentage measure of hearing quality. A hearing/review with 3 points on each measure (for a total of 36) received a rating of 100 percent, while a hearing/review with 18 points received a rating of 50 percent.

> " The court system is hard…it's hard to hear it all put so bluntly…everyone says it like you're not even there."
> –Youth

The same procedure—dividing the total points by the amount needed for thorough discussion—was used to assess the average quality of discussion on each individual topic. For example, the 20 court hearings surveyed had a total of 30 points in the Education/Career category. This total was divided by 60 (the amount of points that would reflect a thorough discussion in each of the 20 hearings), producing a quality measure of 50 percent for that category.

The average overall discussion quality for court hearings and CRB reviews, as well as averages for each category, appear in Table 1.0 below. Because bonus points were awarded for youth participation in discussion, and for orders or recommendations from the judge/board, some categories having ratings above 100 percent, meaning that discussion in that category exceeded the standard for thorough discussion as determined by this evaluation.

Findings from Court and CRB Observations

When youth attended hearings, they were addressed directly and appeared engaged 100 percent of the time. In 70% of the hearings or reviews, comments made by other parties were confirmed by the youth. A survey of foster youth involved in the ILP reported that at the last hearing they attended, 82% felt listened to by the CRB, and 88% felt listened to by their Judges. Legalese was used in just 17% of the observed court hearings. In both Court and CRB reviews educational goals and mental or physical health, as well as ILP services and current placement stability were frequently discussed.

Table 1.0 Quality of Transition Discussion

Indicators of Success	Court	CRB
Resources	17%	15%
T2/Trans. Plan, ILP	47%	126%
Perm. Connections	3%	15%
Sibling Connections	20%	63%
Cultural Connections	0%	0%
Housing- Long Term	8%	33%
Education/Career	50%	104%
Ment/Phys Health	32%	89%
Daily Living Skills	20%	67%
Legal Documents	3%	48%
Financial Planning	2%	0%
Stability of Placement	27%	37%
Average	19%	50%

On the other hand, when youth attended CRB and court hearings, they were only asked if they had any questions 40% of the time. When youth did not attend court or CRB, inquiry into

appropriate youth notification was made just 16% of the time, and inquiry as to reason for absence was made 21% of time. Reviews rarely discussed permanent connections to supportive adults or longer-term housing and financial stability, which are key elements for youth on track to age-out of foster care. On average, court hearings lasted 16 minutes and discussed four important transition indicators, while CRB reviews lasted on average 35 minutes and discussed six transition indicators.

Findings from Youth Surveys

A brief youth survey was developed in order to better understand the experiences of youth who attend hearings or reviews and also to understand the experiences of youth who have never attended a hearing or review. Through a simple yes/no format, youth were asked to consider the last hearing or review they attended and answer five questions. If the youth had never attended a hearing or review, they were asked seven questions related to notice and participation. Overall, the youth feedback was very positive—nearly all of those who had attended hearings or reviews reported that they were addressed directly, had an

Table 2.0- Youth Survey Results

	Court	CRB
Youth Attended	**86%**	**59%**
Spoke directly to youth	95%	100%
Understood what was happening	95%	92%
Asked if they had questions	95%	92%
Given opportunity to speak	95%	92%
Felt Judge listened to them	90%	85%
Youth Did Not Attend	**14%**	**41%**
Received notice	33%	0%
Given option to attend	67%	11%
Said they were discouraged	0%	0%
Interested in attending	0%	33%
Given opportunity to participate in another way	67%	22%
Participated in another way	33%	22%
Knew they could participate in another way	33%	22%

opportunity to speak, and felt that the judge or board listened to them. Of the 22 youth surveyed, 86% had attended a hearing and 59% had attended a CRB review. It is important to note here that some youth may have attended a CRB review without ever knowing what it actually was, and therefore responded that they had never attended a CRB.

Findings from Stakeholder Interviews

In each of the six counties where court and CRB observations were conducted, researchers also interviewed stakeholders such as judges, CRB volunteers, caseworkers, ILP staff, and CASAs about teens in court and the transition to adulthood in their specific county. While each county had different strengths and challenges, there were seven themes that resonated across all counties.

1. It all depends on the caseworker.

When asked about the resources and services available for youth in transition, again and again, stakeholders clarified that whether their county did or did not have adequate resources or services wasn't the main hurdle, it was whether or not the youth had a caseworker who knew about, and engaged the youth in, the available resources and services.

2. It depends on the foster home.

Similarly, stakeholders overall stated that the level of youth engagement in anything—from hearings/reviews, to school, or even ILP services—relies heavily on which foster home they are in. If they live in a foster home where the parents take on no

responsibility for transportation, the youth is likely to remain disengaged in all areas of transition planning.

3. The entire system needs to change for youth 18+.

All stakeholders, and the youth who were interviewed, were in agreement that older youth in care need to be treated differently in all aspects of case management. They expressed a desire for greater creativity and flexibility by the courts and DHS when making decisions and plans for teens in the system. They expressed a desire for revised expectations and case management to reflect the unique needs of youth on track to age-out, as well as needs of normal adolescent development. With the recent extension of foster care to age 21, this theme will be especially important to address moving forward.

4. We wait too long to focus on the future.

Caseworkers, judges, and CASAs alike lamented the lack of consistent, long-term focus on the future for youth in permanent foster care. ILP workers expressed concerns that by the time a youth becomes involved in their programming, it is often too late to start from scratch on future planning of goals and dreams. After many years of being governed by a bureaucratic system and given lists of what can't happen, the children reach adolescence having very few skills in setting and achieving goals, decision-making or future-planning.

5. When DHS and CASA programs form Teen Units, youth are better served.

Stakeholders unanimously praised Teen Units that have formed across the counties. They believe that because workers in Teen Units can specialize, they are able to stay more

current on the resources and opportunities for youth. Also, those workers tend to be individuals who enjoy working with teens and teens respond well to them. Interviewees believed that this increases communication with youth and leads to better outcomes during the transition from care.

6. ILP is too often considered a silver bullet for youth in transition.

Of all the themes captured from the stakeholder interviews, this theme was the most concerning. ILP offers a range of support and services to youth between the ages of 16-21. It should not, however, replace the importance of youth learning daily living skills from caring adults, or reduce the attentiveness of caseworkers, CASAs, CRBs and judges when it comes to comprehensive transition planning. The answer to "does the youth have a transition plan?" should never be "they are in ILP." There is only so much that can be achieved in a classroom setting, or by an ILP case manager with numerous youth in their caseload. Also, as discussed in the theme below, the majority of stakeholders expressed concerns that while ILP works well for a certain subset of youth, it is not well suited for youth with higher needs.

7. There are too many youth that fall into a service gap.

Stakeholders repeatedly discussed a gap that they believe exists in transition planning for foster youth. There are youth who thrive in the traditional ILP setting, there are youth who qualify for additional case management and resources through Office of Developmental Disabilities Services (ODDS), and then there are all the youth who fall in the middle. They do not meet the eligibility requirements to access ODDS, and yet the traditional ILP services are not enough to engage them and keep them on track. There was deep concern that these youth are falling through the cracks.

Findings from Youth Focus Groups

In five counties, focus groups were conducted with a total of 22 youth. Like the stakeholder interviews, each county had variations of strengths and weaknesses, but there were five themes that crossed all counties from the youth perspective.

1. We are the last to receive important information, if we receive it at all.

The overwhelming majority of youth felt strongly that they were not provided with an adequate amount of information regarding their court cases or their futures. Some youth never knew exactly why they were placed in foster care to begin with. Some youth had no idea what the plan was for their future, or what their parents were supposed to be working on to get them home. This lack of information left the youth feeling lost, confused, and unable to engage in the decisions being made about their lives.

2. We do not feel well represented by our attorneys.

Youth frequently discussed being contacted by their attorney just days before, or the day of, court hearings. Some youth had never met their attorneys—only their attorneys' assistants. Other youth only saw their attorneys just before entering the courtroom. Many of the youth who participated in the focus groups expressed concerns over what they heard their attorneys saying to the judge about them—presenting outdated or incorrect information, for example. Youth want their attorneys to take the time to get to know them and truly represent their wishes.

3. The entire system needs to change for youth 18+.

Like the stakeholders, the youth expressed in numerous ways their desire for the foster care system to treat them differently as they get older. They want to have a seat at the table when decisions are made about their future. They want the opportunity to try out different housing and employment options while the state is there to support them in case something goes wrong—like they would be able to do if they had a parent's support. They also want a different set of rules and expectations that reflect their growing independence over time. Many youth were interested in remaining in care beyond age 18 for the resources, but said they would not do so because the system would not give them the freedom to learn and grow. With stringent rules and guidelines for the youth, they feel extremely limited in their ability to make even minor decisions about their lives.

> "If you're in a regular family, they teach you things in the house. Not in foster care…" –Youth

4. Too many foster homes are no better than where we came from, and they are not teaching us the skills we need to live on our own.

The number of incidents in foster homes that participating youth described that clearly crossed the line into abuse/neglect was alarming. The sentiment that was repeated again and again was, "why would they take me from my mom and place me in a home that is worse!?" Youth reported emotional, physical, and sexual abuse in certified foster homes. When youth discussed homes where there was no abuse or neglect, the majority still

expressed sadness at the lack of engagement by their foster parents in their lives. Youth believe that it is important for foster parents to help teach them the skills they will need to live on their own.

5. We want to have adults in our lives that are responsive to us.

The theme that cut across every discussion about "what worked well" was responsiveness. When youth discussed the adults that had had the greatest positive impact on their lives, they discussed how those adults responded to emails quickly, answered their phone calls, remembered the youths' birthdays, and maintained regular contact. Whether they are asking for a little or a lot, the youth wanted to know that they were heard.

Recommendations for Judges and CRBs

The foster care system is complex, and the needs of the youth and families involved in that system are as well. In contrast with the numerous reports and studies out there that describe hundreds of ways the system could change to improve outcomes for youth, this evaluation has only five recommended actions. The five questions below, based on findings from the court observations, stakeholder interviews, and youth focus groups, will provide immediate and practical solutions to the current challenges of teens and adolescents trying to navigate a difficult transition through a complex legal system. At every hearing or review that involves a teen 15 years of age or older, judges and CRBs should:

> "What I would say to attorney's is - actually meet with us face-to-face and keep your word." –Youth

1. **Ask about notice to youth and why the youth is not present.**
2. **Ask the youth if they are getting the help they need from their attorney.**
3. **Ask about permanent connections to supportive adults.**
4. **Ask about the plan for post-foster care housing and financial stability.**
5. **Ask what is being done to help youth learn daily living skills outside of ILP.**

Conclusion

As more and more youth elect to remain in foster care beyond age 18, it is imperative that the expansion of care does not become a simple delay of poor outcomes. Teens on track to exit foster care as adults face a host of unique and specific challenges as they begin to navigate the transition from living in a system to living own their own. The barriers to their educational and economic success are well documented and, oftentimes, byproducts of the foster care experience itself. Judges and CRBs, however, have the opportunity to change this paradigm for the better. By asking the right questions, at the right times, and by setting the standard for youth engagement in their own cases, judges and CRBs can be the drivers of better transition planning, and better outcomes for youth that leave the system at or after age 18.

This project and report was developed by graduate student Pamela Butler, in fulfillment of the requirements for a Master's of Public Administration at Portland State University. Ms. Butler is a former foster youth herself and has 10 years of experience advocating for child welfare reform in Oregon. She is also the founder of the very successful youth-led program, the Oregon Foster Youth Connection.

Endnotes

[1] Courtney, M., Dworsky, A., Brown, A., Cary, C., Love, K., & Vorhies, V. (2011). *Midwest evaluation of the adult functioning of former foster youth: Outcomes at age 26*. Chicago, IL: Chapin Hall at the University of Chicago, p. 12
[2] Courtney, M.E., et al., 2011, p.92
[3] Courtney, M.E., et al., 2011, p.20
[4] Swift, K. (2007). A Child's Right: What Should the State Be Required to Provide to Teenagers Aging Out of Foster Care. *William & Mary Bill of Rights Journal, 15*(4), p. 1207.
[5] Swift, K. (2007), p. 1223
[6] Jenkins, J. (January, 2008). Listen to Me! Empowering Youth and Courts Through Increased Youth Participation in Dependency Hearings. *Family Court Review, 46*(1), 170
[7] 42 U.S.C § 675(5)(C)
[8] 42 U.S.C § 675(5)(H)
[9] U.S. Department of Health and Human Services, Administration on Children and Families. (July, 2010). *Program Instruction for Fostering Connections to Success and Increasing Adoptions Act of 2008*.
[10] ORS 419B.343
[11] ORS 418.200-202
[12] Under Oregon law, wardship continues until dismissed by the court or until the ward becomes 21 years of age. ORS 419B.328(2)(e))