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YOUTH AND FAMILIES MATTER: RECONSTRUCTING THE SYSTEM ONE YOUTH AT A TIME FROM THE EXPERTISE OF YOUTH ADVOCATES

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I. INTRODUCTION

“I can’t give no good news about the system.”¹ With her usual honesty, Ms. Rivera, a youth advocate who experienced the child welfare system, summarized in only nine words the prevailing sentiments of her colleagues. Tasked with the project of meeting and discussing their experiences in the child welfare system as children and their perspectives on reforming the system, the group of youth advocates described a child welfare system that failed them as children, adolescents, and now young adults. Despite their poor experience in the child welfare system, each one of them dedicated time, energy, and expertise to this project because of their shared commitment to advocating for transformational reform stating, “we know we aren’t the only ones” impacted negatively by the child welfare system.² As one youth advocate, Mr. Watson noted his wish was “that children never come into the system in the first place and that the whole family gets other support, and just get the help that they need.”³

Over the course of ten months, the authors, which include six youth advocates with lived experience and expertise as youth advocates in the child welfare system, reflected on the questions posed by the symposium of how to re-envision the child welfare system.⁴ Informed by their experiences in foster care in Philadelphia, Pennsylvania, and work with the Youth Fostering Change and Juveniles for Justice Programs of the Juvenile Law Center, the youth advocates discussed issues of racism, reform, abolition and child well-being. The themes that emerged over the course of ten months mirrored the concerns first raised by Professor Dorothy Roberts in *Shattered Bonds: The Color of Child Welfare* which highlighted the urgent need for the reconstruction of a family-based system of support.⁵ Youth advocates spoke freely about the trauma of being “relocated” to a foster home, feeling commodified during their time in care, experiencing a disjointed and non-participatory judicial system, and a persistent impression that families of color were both targeted and devalued by the system. One youth advocate, Ms. Andino outlined how the system devalues families of color, and the lack of value and impetus on the system to aid children and youth in continuing to foster these bonds and use these bonds to identify kinship arrangements with family members. She states, “The system doesn’t value our families, they didn’t respect my family enough to consider them for kinship- Not even my grandmother. The system didn’t even value us enough to help me transition to live with or reconnect with her as my grandmother was passing.”⁶

¹ Zoom Recordings: Symposium with the Youth Advocates, held by the Juvenile Law Center (Sept. 2020–June 2021) (on file with author) [hereinafter *Youth Advocate Symposium*].

² *Id.*

³ *Id.*

⁴ The term “lived experience” is widely used in the literature as a term of art and is defined as “personal knowledge about the world gained through direct, first-hand involvement in everyday events rather than through representations constructed by other people.” See DANIEL CHANDLER & ROD MUNDAY, OXFORD: A DICTIONARY OF MEDIA AND COMMUNICATION 243 (2nd ed. 2011).

⁵ See DOROTHY ROBERTS, *SHATTERED BONDS: THE COLOR OF CHILD WELFARE* (2002).

⁶ Youth Advocate Symposium, *supra* note 1.

Our collaborative project was grounded in the belief that families, children and parents are the central participants and primary beneficiaries of the child welfare system in its current iteration, and therefore should guide all reform efforts through meaningful inclusion and participation. Imagining a reformed system, youth advocates were uniform in their call for abolition and a radical reprioritization of values. They were clear in their calls for reform led by the meaningful incorporation of parents and youth with lived experiences into the foundation and daily functioning of a newly defined family support system of care that prioritizes support and empowerment instead of surveillance and punishment. By the end of this project, their conclusion was both straightforward, realistic and revolutionary for child welfare: meaningful reform mandates a radical realignment of power to provide full participation, collaboration and shared decision-making authority to families impacted by the child welfare system.

II. THE COLLABORATION: JUVENILE LAW CENTER'S
YOUTH ADVOCACY PROGRAM PROJECTS, YOUTH
FOSTERING CHANGE AND JUVENILES FOR JUSTICE,
AND THE PENN LAW INTERDISCIPLINARY CHILD
ADVOCACY CLINIC

A. Juvenile Law Center's Youth Advocacy Program

Founded in 1975, Juvenile Law Center ("JLC") is the first non-profit, public interest law firm for children in the country. The Juvenile Law Center advocates for the rights, dignity, equity and opportunity of youth in the child welfare and justice systems. JLC advances these objectives through litigation, appellate advocacy, and submission of amicus (friend-of-the-court) briefs, policy reform, public education, training, consulting, and strategic communications. Widely published and internationally recognized as leaders in the field, Juvenile Law Center has substantially shaped the development of law and policy on behalf of youth.⁷ In 2008, Juvenile Center founded their Youth Advocacy Program and developed two projects: Juveniles for Justice ("J4J") focused on juvenile justice issues and Youth Fostering Change ("YFC") focused on youth in the child welfare system.

The Youth Advocacy Program provides participating youth the opportunity to develop, propose, and advocate for effective solutions to longstanding systemic problems. Through the program, youth advocates develop leadership skills, political knowledge, communication and storytelling skills, and a sense of community. Additionally, youth advocates learn valuable skills about how and when to share their experiences for systemic change: how to speak publicly in front of key stakeholders, how to develop a campaign based on an issue they select themselves, and how to work with partners to ensure long-lasting change. By choosing to share their personal experiences to develop and advance reforms, youth advocates help influence Juvenile Law Center's priorities by working to affect policy change through advocacy, media

⁷ See *About: Our Mission*, JUV. LAW CTR., <https://jlc.org/about> [perma.cc/2U2X-6A5R] (last visited Jan. 28, 2022).

outreach, and public education. One of the three core values of the Youth Advocacy Program is believing in the power of their participants' voices because young people are experts in their own lives, and their insights should inform the policies that directly affect them. Juvenile Law Center's Youth Advocacy Program believes that youth expertise is essential to creating knowledgeable, progressive reform policies. The Youth Advocacy Program team, including the youth advocates themselves, believe youth with experience in the juvenile justice and foster care systems should be at the decision-making table when policies and legislation have the potential to impact their lives and their communities. The program aims to incorporate youth experience and expertise in systemic reform at the local, state, and national levels which can result in targeted policies that effectively respond to the needs of youth.⁸

The program utilizes the strategic story sharing model created by Casey Family Programs and Foster Care Alumni of America, which focuses on challenging the narratives surrounding the experiences of children and youth in child welfare system and specifically older youth currently or formerly in foster care. At its core, the program trains youth with lived experience how to strategically tell their stories in a way that is meaningful, effective, and safe⁹. Participants have an opportunity to use their strategic story sharing and public speaking skills to participate in the Youth Speakers Bureau. The Youth Speakers Bureau ("YSB") is a component of the program that "is designed to give youth advocates the skills to use their experience to develop and present thoughtful recommendations to large audiences. Program staff work with the youth advocates in the YSB individually to draft their presentations..."¹⁰

Annually, the advocates in both projects, select an area or issue of particular concern and spend the next year working on a project to propose a reform or implement a new strategy. In the past, YFC's projects have included youth participation in Family Court dependency hearings, improved educational outcomes for older youth in foster care and in the justice system, preventing homelessness for youth transitioning out of the foster care system, investigating conditions of confinement for youth in juvenile placements, advocating for an end to youth mass incarceration, engaging older youth in the permanency planning process, and more. Projects have culminated in recommendations for improved policies and practice, video collaborations, youth centered planning forms and meetings

⁸ See generally CATHY MOFFA, BUILDING THE FIELD OF ETHICAL, AUTHENTIC, & YOUTH-LED ADVOCACY: KEY COMPONENTS OF A YOUTH ADVOCACY PROGRAM (2021), https://jlc.org/sites/default/files/2021-07/KeyComponentsFinal_7.2_Compressed.pdf [perma.cc/F7CC-E9TD] (providing an overview of the Juvenile Law Center and the keys to youth advocacy and youth development).

⁹ See CASEY FAM. PROGRAMS & FOSTER CARE ALUMNI OF AM., STRATEGIC SHARING, <HTTP://FOSTERCAREALUMNI.ORG/WP-CONTENT/UPLOADS/2014/12/STRATEGICSHARING.PDF> [perma.cc/FN6L-SWH2].

¹⁰ MOFFA, *supra* note 8, at 1.

with key governmental stakeholders including federal legislative staff and local child welfare agency officials.¹¹¹²

B. Penn Carey Law's Interdisciplinary Child Advocacy Clinic

The Interdisciplinary Child Advocacy Clinic ("ICAC") at the University of Pennsylvania-Carey Law School focuses on holistic, trauma informed and client centered legal representation and advocacy for youth and families. In the clinic, second- and third-year law students work alongside graduate social work students completing their year-long academic field placement directly representing older youth in foster care through an interdisciplinary, trauma informed and holistic model. The ICAC seminar focuses on providing students with an interdisciplinary foundation in representing children and families in dependency, custody and other civil legal matters. Students learn transferable lawyering skills through an interdisciplinary lens, including strengths-based legal counseling, client-centered interviewing, trauma informed practice and cultural humility. Interdisciplinary faculty supervise students on their casework focusing on the legal and social service needs of older youth in care.

Over the past eight years, the partnership between ICAC and the Youth Advocacy Program has expanded in several ways based on our shared goal to amplify the voices of youth and families and to propel reforms in the local child welfare system. Each semester, the YFC and J4J advocates guest lecture as part of the ICAC seminar. Focusing on client centered practice and youth engagement strategies, the presentation is designed to center and amplify the perspective of youth with lived experience and expertise in the child welfare and juvenile justice system. The presentation is led by the YFC and J4J advocates and covers a range of issues including their perspectives on the court and the attorneys' representing children, their experiences in foster care and proposals for systemic and legislative reform. The youth advocates provide concrete strategies to the students on engaging and partnering with clients and implementing trauma informed and client centered practice in their lawyering.

¹¹ See generally Juvenile Law Center, *Youth Fostering Change: Empowering Youth in Court*, YOUTUBE (Aug. 31, 2017), <https://www.youtube.com/watch?v=zCC118EBt-c> [perma.cc/T4X7-8BW5]; Juvenile Law Center, *A Place Called Home: Youth Fostering Change Documentary on Foster Youth Homelessness*, YOUTUBE (Oct. 8, 2015), https://www.youtube.com/watch?v=JKl7vo5V3_8 [perma.cc/FW69-8MB2] (detailing the youth advocates closed door session with staffers from U.S. Senator Bob Casey's Office); Juvenile Law Center, *Life After Foster Care: Our Stories*, YOUTUBE (Sept. 3, 2010), <https://www.youtube.com/watch?v=lQre4eRuMfA> [perma.cc/KZA7-BGYK] (showcasing the video project about life after care for youth who aged out of the system which was provided to state legislators and agency officials); Juvenile Law Center, *The Willy Show, Episode 1*, YOUTUBE (Feb. 19, 2015), https://www.youtube.com/watch?v=6lzeg_XJHM8&list=PL2NVc5qku4NWoghBS_566Jo3lktBwY2f [perma.cc/JW5X-YK68] (the Willy show created by YFC advocates to discuss how to engage and empower Youth In Care).

¹² See generally *Transition Planning & Independent Living*, JUV. L. CTR., <https://jlc.org/youth-fostering-change/transition-planning-independent-living> [perma.cc/RTU8-WVRC] (last visited Jan. 29, 2022); see also *Juveniles For Justice's Road Map To Reform*, JUV. L. CTR., <https://jlc.org/road-map-reform-achieving-individualized-supports-youth-juvenile-justice-system> [perma.cc/933F-9C26] (detailing work with the Philadelphia District Attorney's Office on a roadmap to reform).

The class is transformative for students' understanding of what defines client centered lawyering and social work practice. Students hear first-hand the experience of appearing in Family Court, having a caseworker determine what you can or cannot do as a high school student, and realizing that your family connections are not valued enough to support their continuation or growth. Faculty and students have also learned a great deal from members in J4J, about the relationship between youth with dual status or dual system involvement in both the child welfare and justice systems. The advocates challenge the students to confront their assumptions about youth in foster care and to redefine their understanding of client centered lawyering.

C. The Symposium Collaboration

All of the youth advocate authors identify as persons of color including African American and Latinx with lived experience in the child welfare system. Their length of time in foster care ranged from two to eight years. Each youth advocate reported that they were in multiple foster homes over the course of their time in care, and one youth advocate reported re-entering care after being discharged when they turned eighteen years old. All the youth advocates were placed in out-of-home care by the Philadelphia Department of Human Services and as a result were the subject of dependency cases in Philadelphia Family Court with child advocate attorneys appointed to represent them. Some of the advocates had prior interactions with the juvenile justice system and were also involved in the J4J program focusing on reform in the juvenile justice system. Each of the advocates contributed substantial time, experience and input into the research process culminating in this Piece and a video detailing their research and planning that was released at the symposium.

With recent renewed attention to the issues of racial injustice and systemic racism in the child welfare system, the partnership was uniquely positioned to tackle the question of re-envisioning a child welfare system. With six discussion groups, targeted questions about the youth's experience in the child welfare system and their proposals for re-envisioning the child welfare system directed the conversation. The discussion group questions were drafted by Finck and Hopkins, and provided to the youth advocates in advance. As the discussion groups continued, some youth identified needing time in advance, outside of the pre-scheduled remote sessions to write their responses. Topic areas were divided into three distinct sections: the advocates' lived experience in the foster care system, their diagnosis of the problems in the system, and how they would re-envision a new system to serve and support youth and families. Group discussion questions included general questions about their experience in the system such as "which part or who represented 'the system' for you?" as well as the role of systemic racism in their placements and interactions within the system. In preparation for the symposium conference, the authors held multiple individual and group meetings for the youth advocates to brainstorm, edit and refine their presentation which ultimately included a videotaped presentation highlighting their reflections on the child welfare system, national statistics on outcomes for

older youth and a proposal for abolition and reconstruction of the child welfare system.

The six young people have known and worked together for some time, and their deep respect for each other significantly benefited the discussion process. Each of the youth advocates had previously presented to the Interdisciplinary Child Advocacy Clinic seminar on a range of topics including their experience in the system, proposed reforms, and best practices for client-centered child advocate attorneys. Furthermore, the youth advocates had spent at least a year and a half together receiving training and support from the Juvenile Law Center's Youth Advocacy program leadership, and were working on reform projects and presentations. Given the documented mistrust that youth in foster care have for authority figures, the formal and informal relationship building that happened prior to this project provided a strong foundation for the complex, emotional discussions concerning their time in foster care, perspective on the system and ideas for reform.¹³

As a result of their lived experiences in child welfare, pre-existing relationships and their comprehensive training in advocacy, systems reform, and public speaking through the Youth Advocacy program, the youth advocates were able to engage with the more aspirational but ultimately complicated question of how to re-envision the child welfare system. Most importantly, they previously had multiple occasions to reflect on their time in foster care and determine what they were comfortable with disclosing and discussing throughout the process of collaborating on this Piece and the presentation. The focus group process was collaborative at all stages with equal time afforded to each advocate in addition to the opportunity to review the questions in advance of the discussion, provide feedback on the questions, suggest additional questions or topics, and provide their responses to questions orally or in writing depending on the advocate's preference. Additionally, the advocates were provided with the opportunity to determine what they wished to disclose or have attributed to them individually throughout the process. The importance of trusting relationships, choice and transparent processes were critical to the endeavor and the creation of a truly collaborative process.

Youth advocates were also paid for all the time during this collaborative process. Youth advocates received a minimum of fifty dollars, and up to a hundred- and fifty-dollar stipend, per session. Payments were not contingent on youth needing to complete all sessions, with the expectation that youth could choose to not continue at any time. Youth advocates also received an hourly rate between fifteen and eighteen dollars depending on their number of years in the Youth Advocacy Program for any individual work for this paper, this included but is not limited to; answering questions before remote sessions, and preparing with Youth Advocacy Program staff, and Professor Kara Finck, for the Symposium presentation. This pay scale and stipend rate is based on the Juvenile Law Center's Youth Advocacy Program pay scale. Juvenile Law Center values

¹³ See Saralyn Ruff & Kristi Harrison, "Ask Me What I Want": *Community-Based Participatory Research To Explore Transition-Age Foster Youth's Use Of Support Service*, 108 CHILD. AND YOUTH SERVICES REV. 104608 (2020).

the expertise of youth and believes that like many professionals, youth advocates must be compensated for their work, stories, and collaboration to reform systems.

III. OLDER YOUTH IN FOSTER CARE: A BRIEF OVERVIEW OF THE CURRENT STATE

Mr. Simpson, a youth advocate leader who spent many years in foster care and was serving as the current Youth Advocacy Alumni Fellow, described the paradox of the child welfare system:

It's intended to be an intervention system that rescues children from emotionally or physically traumatizing home environments, but due to issues such as racial bias, workers antithetical to the overall mission statement and insufficient funding and/or training, [it] results currently in a system that usually becomes further trauma and hindrances on the child's life.¹⁴

Indeed, all the advocates noted that the system charged with protecting their safety, welfare and best interests caused additional trauma, instability and challenges in their life which persist to this day.

Research into the child welfare system consistently shows poor outcomes, particularly for older youth in foster care who are less likely to be adopted or to be in a family home once placed in foster care, but more likely to be underemployed, unemployed, incarcerated, or homeless upon discharge from foster care.¹⁵ Even after decades of reform around the delivery of preventive and protective services, commensurate changes in the outcomes for older youth leaving the foster care system have been limited. Individual families, programs or jurisdictions might report decreased time in placement or an increase in permanency for children, but nationally outcomes for older youth in care remain dismal. A quarter of the children in the foster care system are between the ages of fourteen and twenty-one, and they average more than three placements during their time in care.¹⁶ Only twenty percent of older youth in care will attend college compared with sixty percent of their peers who are not in foster care¹⁷.

¹⁴ Youth Advocate Symposium, *supra* note 1.

¹⁵ See MARK E. COURTNEY ET AL., MIDWEST EVALUATION OF THE ADULT FUNCTIONING OF FORMER FOSTER YOUTH: OUTCOMES AT AGE 23 AND 24 (2010), <https://www.chapinhall.org/wp-content/uploads/Midwest-Eval-Outcomes-at-Age-23-and-24.pdf> [perma.cc/R84G-UAWG] (presenting the statistical analysis of the living characteristics of former foster children at ages twenty-three and twenty-four, including stats on employment status, education history, and familial history).

¹⁶ *Children In Foster Care By Age Group In The United States*, ANNIE E. CASEY FOUND. (Apr. 2022), <https://datacenter.kidscount.org/data/tables/6244-children-in-foster-care-by-age-group> [perma.cc/4RE5-KQPG].

¹⁷ See MARK E. COURTNEY ET AL., MIDWEST EVALUATION OF THE ADULT FUNCTIONING OF FORMER FOSTER YOUTH: OUTCOMES AT AGE 26 (2011), <https://www.chapinhall.org/wp-content/uploads/Midwest-Eval-Outcomes-at-Age-26.pdf> [perma.cc/73UX-BX3S] (presenting the statistical analysis of the living characteristics of former foster children at age twenty-six, including stats on employment status, education history, and familial history); see also *Fostering Success in Education: National Factsheet on the Educational Outcomes of Children in Foster Care* (Jan. 2014), <https://cdn.fc2success.org/wp-content/uploads/2012/05/National-Fact-Sheet-on-the-Educational-Outcomes-of-Children-in-Foster-Care-Jan-2014.pdf> [perma.cc/66BP-VDJA].

Employment opportunities for former foster youth are also lacking with one study reporting that only half of former foster youth are employed.¹⁸ Former foster youth also face considerable housing instability with almost two-thirds of the young people who experienced homelessness within the first 30 months after leaving foster care doing so within the first 12 months of discharge from foster care.¹⁹ Mr. Price, a youth advocate who was in extended foster care, summarized the impact of the foster care system on older youth in care noting that “the longer a child has to go through these experiences [the more it] will affect their daily lives in relationship with themselves and others. This includes losing family connections, creating trust and abandonment issues, and leaving youth clueless about functioning in society.”²⁰

IV. ALIENATION, RACISM, AND MONEY—THE RESIDUAL
SENTIMENTS OF THE FOSTER SYSTEM AS DESCRIBED
BY YOUTH ADVOCATES

A. “It’s Relocation, *not* Removal”

When discussing their entry into the child welfare system, the youth advocates consciously and routinely referred to their time in foster care not as a “removal,” a term more commonly used in legal and child welfare practice parlance, but as a “relocation.” The advocates purposefully labeled their experience of being taken from their parent’s care as “being relocated” throughout our discussions. The particular word choice, which was adopted and endorsed by all of the youth advocates, is significant and provides insight into the lived experience of a youth entering or remaining in foster care. While removal suggests the abolishment of something, in this case the child’s family and relations, relocation captures the physical act and centrality of the youth’s experience of being taken from their home and relocated to a new location which may or may not become a home, family or sense of stability for the youth. The youth themselves remained deeply attached to their families, speaking at length about their efforts to maintain the connections to family even when those efforts were thwarted by the child welfare agency. Ms. Andino, a youth advocate, recalled that “the system relocates us but our relationships with our families and community are not removed. They don’t value these relationships or help us foster and build on them. We fight to maintain contact and see and communicate with our families on our own.”

Rather than feeling protected by the child welfare system, all of the youth advocates reported a profound sense of alienation without feeling the benefits of a system designed to ensure their safety and well-being. As one example, Mr. Simpson noted that being relocated from his family didn’t improve his life, since “I would have stayed in one school and one home. I would not have moved around so much and would have built connections

¹⁸ JENNIFER L. HOOK & MARK COURTNEY, EMPLOYMENT OF FORMER FOSTER YOUTH AS YOUNG ADULTS: EVIDENCE FROM THE MIDWEST STUDY 3 (2010).

¹⁹ AMY DWORSKY & MARK COURTNEY, ASSESSING THE IMPACT OF EXTENDING CARE BEYOND AGE 18 ON HOMELESSNESS: EMERGING FINDINGS FROM THE MIDWEST STUDY 3–4 (2010), https://www.chapinhall.org/wp-content/uploads/Midwest_IB2_Homelessness.pdf [perma.cc/RL2D-8MFN].

²⁰ Youth Advocate Symposium, *supra* note 1.

and actually learned something.”²¹ Ms. Christopher, a youth advocate, described how her time in the foster care system resulted in feeling “almost like you’re a stranger to everyone depending on home visit privileges, you can even feel alienated from your home and community around you.”²²

Being relocated significantly impacted youths’ sense of belonging to their family of origin and community. Mr. Price explained: “[s]ince I entered foster care young, I lost connections with my family and friends. It has not been the same when I exited out of care. Some of my family members and friends don’t understand where I’m coming from and who I am, which is very disappointing.”²³ Ms. Christopher noted:

When I see them now, I see you as a stranger and know nothing about you. Once you grow up, that’s your foundation of life and before everyone was close knit but then you get out and you are isolated from everyone and they don’t know me and don’t know what to say or what to do.”²⁴

Ms. Andino concluded that “if the system valued youth [and] families with lived experience . . . [m]aybe they would see how important our families, kin, and friends, our community is to us and that we are family. They would see a clear picture that they relocate us: but do not remove us from our families.”²⁵

B. “Black Families Don’t Matter”

When questioned about the role of systemic racism in the foster care system, the advocates emphasized that it was a daily part of their experience in the system and their lives. As scholars have noted, the child welfare system “is structured by codified practices that support the status quo of racial hierarchies.”²⁶ All of the youth advocates shared the pervasive sense of disrespect and dehumanization that stems from the systemic racism in the child welfare system. Indeed, in the group discussions, the question about systemic racism in the child welfare system was regarded as a point so obvious that it did not merit the question of whether it impacted their time in care. Ms. Christopher noted that “race plays a part every day, so outside the basics of microaggressions and colorism and purposeful pronoun mistakes those things didn’t necessarily impact my experience simply because I’ve become used to them.”²⁷ Mr. Simpson reflected that “the system is inherently racist. They strip youth of their culture and their community. This ideology bleeds into the experiences of youth in the system, specifically young black men who are often seen as

²¹ *Id.*

²² *Id.*

²³ *Id.*

²⁴ *Id.*

²⁵ *Id.*

²⁶ Darcey H. Merritt, *Lived Experiences of Racism Among Child Welfare-Involved Parents*, 13 RACE AND SOC. PROBS. 63, 64 (2021) (summarizing research on racism within the child welfare system and in the delivery of services to parents and children and noting that “the lived experiences and perceptions of racism, while navigating such systems, are directly related to being among the lower echelons of our society with diminished access to power, knowledge and optimal resources to thrive in our society”).

²⁷ Youth Advocate Symposium, *supra* note 1.

super-predators and more dangerous than their other peers.”²⁸ Mr. Price noted that:

[T]he system already has a perception of what Black families need and who they are; the system lumps all Black families and families of color together; It does not respect or value that each family is different. The system thinks they know and can do better than families of color on how to make things better and take care of the family.²⁹

The history of systemic racism and the oppressive nature of social welfare services on black families has been widely documented and studied.³⁰ Nationally, youth of color are more likely to be placed in the foster care system than their white counterparts.³¹ Other scholars such as Alan J. Dettlaff et al. have examined racial disparities in child welfare and found that even when there are less risk factors of maltreatment for Black children, they are still more likely to be removed from their homes compared to white children.³² Additional data from the Children’s Defense Fund, 2020 found that Black and Native families have their children removed at much higher rates and have lower rates of reunification with their children than white families.

For Ms. Christopher, that statistic underscored her time in care: “race plays a big part from the beginning, and everyone looks like us in the facilities. Every place I moved into, everyone there was of color. That plays a huge part. Because we are not the only ones that did something or truancy, but we are the only ones that get punished for it.”³³ Ms. Andino wrote:

[Race] definitely played a direct role in my initial involvement, through DHS admitted practices of having more reports be from areas often redlined, directly affecting Black and Brown families at a much higher rate so I know my likelihood of involvement and socioeconomic factors that come with being born Black in America had a lot to do with my relationship with the child welfare system.³⁴

The youth advocates proposed formally incorporating individuals with lived experience and expertise in child welfare practice and reform to combat the impact of systemic racism which results in child welfare

²⁸ *Id.*

²⁹ *Id.*

³⁰ See Darcey H. Merritt, *How Do Families Experience and Interact with CPS?*, 692 ANNALS OF THE AM. ACAD. 203, 204–205 (2020) (summarizing the research on “oppressive and discriminatory oversight across multiple social welfare and human service systems”).

³¹ See CHILD. BUREAU, U.S. DEP’T OF HEALTH & HUM. SERVICES, CHILD MALTREATMENT 2018 39 (2020), <https://www.acf.hhs.gov/sites/default/files/documents/cb/cm2018.pdf> [perma.cc/DVQ2-PPM9].

³² See Alan J. Dettlaff et. al., *Disentangling Substantiation: The Influence Of Race, Income, And Risk On The Substantiation Decision In Child Welfare*, 33 CHILD. & YOUTH SERVS. REV., 1630, 1635 (2011) (“[W]hile controlling for risk and income, race was a significant predictor of the removal decision, with African American children significantly more likely than White children to be removed in lieu of receiving in-home services African Americans were assessed as having lower risk than White families”).

³³ Youth Advocate Symposium, *supra* note 1.

³⁴ *Id.*

agencies and stakeholders believing that they know what is best for a family or a community of color. As one model, the youth advocates highlighted their training program which is founded on the importance of targeted storytelling as a way of shifting the monolithic narrative about youth in care, their experiences and their needs which is far too often founded in racist assumptions.

C. “It’s Just About the Money”

One of the final themes to emerge during our discussions was the perception that the child welfare system is guided by financial considerations at the expense of the youth and their families. One advocate commented that “[t]hey place youth all over the place and not really do anything. They are treated as numbers and not individuals throughout their time in the system and afterwards.”³⁵ Mr. Simpson described his view of the current system as “culture is more about bureaucracy than actually doing the work and that just permeates the system and that becomes its downfall.”³⁶ Mr. Watson, a youth advocate who had recently aged out of the foster care system, reflected that:

[E]verything is wrong with it right now. People don’t care about the kids in the system, and they just care about their jobs. It doesn’t really help you and you age out and you are homeless. These things could have been prevented if people in the child welfare system ‘actually’ cared. People don’t care because it’s not their kids.³⁷

While the child welfare system aims to provide supportive services to youth and families, the advocates’ experience of receiving services contrasted sharply with that stated goal of support and empowerment. When remembering the services that were offered to him, Mr. Price shared his belief that “I felt that my race stopped me from receiving the A+ services that I would have if I was white. It seems like just because I’m a Black person, it looks like the system has a perspective that all Black youth do not need A+ services.”³⁸ Advocates also spoke about how the services were not individualized to their families’ needs or particularly youth and child centered in their delivery. Ms. Christopher recalled how she felt her caseworker treated her and her family “as if [she] had done this this a thousand times and had no regard for the family and just wanted to get the job done. Even annoyed at how long the goodbyes took.”³⁹

The youth advocates emphasized how services were offered to them without consideration of their family’s needs. Furthermore, they uniformly spoke about the need for concrete supports and resources which were not provided. Research supports the youth advocates’ experience about accessing services in the system with one of the few studies of how transition age youth utilize supportive services concluding that youth “desire a deconstruction of the assumptions that drive these systems,

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ *Id.*

³⁹ *Id.*

including a shift from assumptions about deficits and problems, to assumptions about autonomy and resourcefulness.”⁴⁰ As the Children’s Bureau noted in a recent public memorandum discussing the role of youth and parents in the system, “[w]hile some families and youth provide positive reports of their interaction with the child welfare system, more typically, the words they use include, for example, overwhelmed, confused, voiceless, judged, ashamed, angry and sad.”⁴¹ In other words, the system’s goals are clearly not being met if you listen to the experiences of youth and families in the system.

V. A RADICAL REPRIORITIZATION OF VALUES FOR A
FAMILY JUSTICE SYSTEM THROUGH THE INCLUSION
OF YOUTH AND FAMILIES WITH LIVED EXPERIENCE
AND EXPERTISE

Twenty years ago, Professor Roberts noted in her prologue to *Shattered Bonds* “[t]he color of America’s child welfare system is the reason that Americans have tolerated its destructiveness. It is also the most powerful reason to finally abolish what we now call child protection and replace it with a system that really promotes children’s welfare.”⁴² Those words are equally applicable today with the continued disproportionate placement of children of color in the child welfare system and documented poor outcomes for children and youth who are placed in the state’s care. Historically, nationwide data demonstrates that removal is relied on far too often, and recent studies show that even short stays in foster care are damaging to children’s well-being and long-term functioning.

As the Children’s Bureau noted, “a child welfare system that is designed to respect and strengthen families and communities must do more than respond to incidences of maltreatment. It must also be designed to promote family integrity, self-sufficiency and the personal agency of families and youth.”⁴³ Recognizing that a fundamental reconstruction or abolition of the child welfare system may not be a realistic short-term goal, the youth advocates agreed that the immediate step of meaningfully incorporating youth and parents with lived experience in reform and policy efforts was a critical and realistic step towards a more just system for families.

This would represent a fundamental shift in power away from child welfare officials and towards children, parents and communities. Professor Roberts spoke of this realignment decades ago when she expressed “[t]ackling racism requires altering relationships of power. Changing the relationship between child welfare agencies and the communities they serve means giving the clients more say in the way the system operates.”⁴⁴

⁴⁰ *Id.*

⁴¹ CHILD. BUREAU, U.S. DEPT OF HEALTH & HUM. SERVS., ENGAGING, EMPOWERING, AND UTILIZING FAMILY AND YOUTH VOICE IN ALL ASPECTS OF CHILD WELFARE TO DRIVE CASE PLANNING AND SYSTEM IMPROVEMENT (2019), https://www.familyfirstact.org/sites/default/files/ACYF-CB-IM-19-03_CB%20Information%20Memorandum_Family%20Youth%20Voice%20.pdf [perma.cc/D53D-SPU4] (encouraging child-welfare agencies to incorporate family and youth voices in program planning and improvement efforts).

⁴² ROBERTS, *supra* note 5, at x.

⁴³ CHILD. BUREAU, *supra* note 41, at 2.

⁴⁴ ROBERTS, *supra* note 5, at 272.

Indeed the premise underlying the inclusion of lived experiences is that youth and families are the experts in their own lives and that expertise is critical to developing policies and practices that support families and communities.

Historically, the voices and participation of youth and families in the child welfare system were silenced or ignored by decision makers in the Family Court and child welfare systems, treating them as passive recipients of services instead of active collaborative partners in the creation, functioning and reform of the system.⁴⁵ Tellingly, the Children's Bureau guidance noted that, "[f]amilies and youth are our best sources of information about the strengths and needs of their families and communities, yet, historically, we make decisions and plans in the absence of their input. Moreover, where input is sought, it may not receive meaningful consideration."⁴⁶ Only recently did county and state child welfare agencies start inviting the meaningful participation of youth and parents with lived experience in the system.⁴⁷ The inclusion of youth and parent organizations was a hard-won battle which originated from the grassroots mobilization efforts of youth and parents in local jurisdictions.

In 2019, the Children's Bureau issued guidelines for state child welfare agencies encouraging local and state child welfare agencies to actively solicit participation and input from children, youth and parents involved in the system.⁴⁸ The agency's public memorandum described the necessity of this reform stating:

Hiring family members and youth with lived experience into leadership positions at the agency, county, and state level is an important way to ensure a representative voice in every aspect of the child welfare system. If there are not formal processes or structures for families and youth to provide input and feedback at various levels of the child welfare system, creating those forums should be a priority.⁴⁹

Youth voice, engagement and empowerment was defined in the guidance as "giving families and youth the opportunity to be heard and to use their input in making critical decisions that affect their lives. It also

⁴⁵ See generally Astraea Augsberger et. Al., *I Didn't Know You Were Fighting So Hard for Me: Attorneys' Perceptions of Youth Participation in Child Dependency Proceedings*, 54 FAMILY COURT REVIEW 578 (2016).

⁴⁶ CHILD. BUREAU, *supra* note 41, at 3.

⁴⁷ See generally Delaware Youth Advisory Council, FACEBOOK, <https://www.facebook.com/YACDelaware/> [perma.cc/7W3P-EZVW] (last visited May 23, 2022); see also *Youth Leadership Councils*, MINN. DEP'T OF HUM. SERVS., <https://mn.gov/dhs/people-we-serve/children-and-families/services/adolescent-services/programs-services/youth-leadership-councils.jsp> [perma.cc/5HB3-VKL2] (last visited May 23, 2021); see also *State Youth Advisory Board*, MO. DEP'T OF SOCIAL SERVICES, <https://dss.mo.gov/cd/older-youth-program/syab.htm> [perma.cc/H873-52RM] (last visited May 23, 2022); *Youth Advisory Board*, N.J. DEP'T OF CHILD. & FAM., <https://www.nj.gov/dcf/adolescent/involved/advocacy/> [perma.cc/K73F-G66B] (last visited May 23, 2022); *Youth and Young Adult Services*, N.Y. OFFICE OF CHILD. & FAM., <https://ocfs.ny.gov/programs/youth/yab/> [perma.cc/2MQG-4W8U] (last visited May 23, 2022); FLA. STAT. §409.1451(7) (2012) (detailing the establishment of an Independent Living Services Advisory Council and requiring the participation of young adults receiving services or funding through the Road-to-Independence Program).

⁴⁸ CHILD. BUREAU, *supra* note 41, at 2.

⁴⁹ *Id.* at 6 & n.12.

refers to soliciting and using the perceptions, experiences and recommendations of families and youth in child welfare to make system-level improvements.”⁵⁰

The discussion around reform in the child welfare system remains stubbornly and persistently devoid of meaningful discourse from and with the main participants of the child welfare system—youth and families of color. Reconstruction of the system requires a commitment to equalizing the participation of youth and families with lived experience in all aspects of reform including research, policy and practice and creating institutional structures to support the emotional, physical and intellectual labor associated with the work of individuals with lived experiences. While the recent focus on inclusion of those with lived experience is important, it falls short in providing a clear structure for engaging with individuals, creating supportive structures for their involvement, and prioritizing their perspective and expertise. This includes not only acknowledging the systemic racism throughout the system but moving beyond inclusion of youth and parents with lived experiences on panels or in working groups to true partnership with youth and families where they have an equal decision-making power with child welfare officials and stakeholders. In most instances, there is insufficient or non-existent institutional and financial support for the work of parent and youth organizations as partners in the child welfare system. The training and support provided by the Youth Advocacy Program model are critical factors to effectively incorporate youth voice. The components of the model avoid further disengagement and alienation of the community and ensure that individuals are compensated and respected for their time and expertise.⁵¹

When discussing the role of lived experience in policy making and reform, the youth advocates noted that lived experience could mean a range of interactions and experiences with the child welfare system. The notion that there was a monolithic perspective from youth formerly in care was misplaced. At its core, lived experiences are individualized by their very nature but in aggregate allow policy makers and stakeholders to understand common themes and interactions with a system. For example, each of the youth advocates spent a range of time in out of home placements and entered foster care for different reasons. As a result, their perspective of foster parents, group homes and caseworker practice varied. However, their overall sense that the stakeholders in the system including judges, caseworkers and child advocate attorneys did not value their perspective or experience when they were in foster care was shared by all regardless of the time spent and specifics of the type of placement. Furthermore, their overwhelmingly negative conclusions about the system as a whole and their desire for abolition and reconstruction of a family-based justice system provides critical feedback to policy makers interested in meaningful reform.

With regards to research, there is a noticeable dearth of legal and social sciences research which incorporates the meaningful participation of youth and parents in the child welfare system with a focus on reform. As

⁵⁰ *Id.* at 2–3.

⁵¹ MOFFA, *supra* note 8, at 13–16.

one researcher noted the “[r]ecent reviews of action research with children and adolescents indicate that only a small fraction of research actually involves young people as active collaborators in the research process.”⁵² A review of legal and social work literature discovered only a handful of articles incorporating the perspectives of youth and families in the research or writing.⁵³ This lack of inclusion in research and scholarly works is significant and ultimately contributes to the continuing devaluing of the perspective and expertise of youth and families in the child welfare system on how to support families and ensure safety for children in their communities. This lack of inclusion for youth and parent voices, could also be correlated to why the system has been unable to truly create reforms that are lasting, and effective at dramatically reducing the over representation of Black and Brown youth in the system. Family and youth experience and expertise is not only important to hear, but critical to making effective lasting reforms as they would be designed by those most effected by the system.

There are several research methods incorporating individuals with lived experience such as participatory action research, community based participatory research and collaborative partnerships that have successfully been used in healthcare and mental health research. These methods and models could be adapted in the child welfare field to elevate the expertise and perspectives of individuals with lived experience. Potential challenges to the research such as overcoming the inherent differential in power and authority between researchers and individuals with lived experience and creating structures that support the individuals with lived experience training and work have also been addressed in those fields. Additionally, youth and parents with lived experience in the child welfare system may not trust researchers or policymakers precisely because of their association with the child welfare system. Finally, there may not be established avenues for identifying and supporting individuals with lived experience to participate in these endeavors. These challenges are not insurmountable and should not deter current efforts at reform and action-based research from including the perspective of individuals with lived experience.

The youth advocates concluded that any reform efforts must include the perspective of children, youth and families currently or formerly impacted by the child welfare system. If the goals of the research and reform initiatives are to improve services and supports to youth and families and to reconstruct a just family support system, then it must incorporate the lived experiences of those same youth and families.⁵⁴

⁵² Ruff & Harrison, *supra* note 13, at 2. (describing the literature review focused on the involvement of foster youth as collaborators in research and concluding that the “lack of research utilizing youth as participants or co-investigators appears to be particularly pronounced in research concerning foster youth”).

⁵³ Miranda J. Cunningham & Marcelo Diversi, *Aging Out: Youths’ Perspectives on Foster Care and the Transition to Independence*, 12 QUALITATIVE SOC. WORK 587, 588 (2013) (noting that the “literature offers relatively few examples detailing the perspectives of former foster youth”).

⁵⁴ See Merritt, *supra* note 30, at 204 (highlighting the lack of research involving the perspective of families with lived experience in the child welfare system and the necessity of

Researchers, policymakers and academics from all disciplines involved in the child welfare system therefore must prioritize the creation, identification and implementation of research efforts that partner with individuals with lived experience. This reprioritization will not only improve the type of research informing current child welfare policy but also begin to shift the balance of power more equitably towards youth and families. Policymakers must commit to a fundamentally new model that is in partnership with individuals with lived experience, creating spaces where those experiences can be shared and supported in a safe way that is not retraumatizing.

Additionally, the same support that would be provided to any other stakeholder with decision making authority in the child welfare system should be provided to individuals with lived experience. This means providing compensation for the time and expertise of individuals with lived experience for all of their participation in speaking engagements, trainings, and focus groups. Furthermore, individuals with lived experience should have training provided to them in a range of issues to support their work and growth including political action, narrative advocacy, trauma, and storytelling. Finally, mentors and clear processes for support must be provided to individuals with lived experience since they are being asked to reflect and publicize their own histories of trauma and discrimination. The emotional and psychological labor implicit in this work is significant and must be considered as part of any process to engage and incorporate the work of individuals with lived experience.

There are several ways to incorporate this collaboration in a meaningful way that will shift the existing power balance between child welfare stakeholders and youth and families with lived experience. First, youth and family advocates can train attorneys and judges as part of their initial onboarding, supplementing their legal education. The training by youth and family advocates can serve as a prerequisite to certification by the court or to a bench appointment. This can be accomplished through the presence of parent or youth advocates as staff members or by partnering with local youth and parent organizations to conduct frequent trainings. The youth advocates model presentation to ICAC law and social work students could be expanded to include sessions on engaging with youth and families as client partners, advocating for services, and empowering youth and families in court. Second, child welfare agencies should invest in having individuals with lived experience embedded in the agency and any contract organizations, including foster care agencies, to help guide policies and practices and most importantly reform efforts. Finally, organizations dedicated to reform or reconstruction of the child welfare system can fund and incorporate programs for individuals with lived expertise to train as advocates utilizing youth and family empowerment models.⁵⁵

VI. CONCLUSION

Ultimately, any system designed to support and empower families should not only be informed by the lived experience of such families but

understanding “their experiences with this system and the ways in which they view it as helpful or harmful”).

⁵⁵ See MOFFA, *supra* note 8.

should further seek to promote partnership and shared decision making with youth, parents and communities. Our systemic failure to elevate and respect the voices of youth and families perpetuates a racist and deficit-based narrative about the communities impacted by the child welfare system. The engagement of youth and families in the child welfare system on its own, however, is insufficient unless it is matched by participation and commensurate power for those same individuals. Reorientation requires child welfare leadership at the federal, state and local level to acknowledge and address the system's historical failures to provide just processes and outcomes for children and families and to actively shift decision making authority. As Mr. Price concluded to the symposium audience, "to the Social Workers and Leaders in the Child Welfare System: If it was your family, would you all do the exact same thing, with the same rules and regulations, and stipulations to your family that you did to ours? If you had the opportunity to take what we received, would you accept it without any hesitation?"⁵⁶ Until that question can be answered in the affirmative, justice for youth and families will be shattered instead of strengthened.

Youth and their families deserve a better response from society. They deserve a response that affirms their experiences, values them and their families, and where we (society) work intentionally to reconstruct a new and better structure alongside them, designed to preserve and protect their families.

⁵⁶ Youth Advocate Symposium, *supra* note 1.