

## **COVID-19 New York Public Health Emergency and Disaster Conditions: Call for Protection for Youth Aging Out of Foster Care**

### **COMMITTEE ON CHILDREN AND THE LAW**

Children # 23

May 13, 2020

The Committee on Children and the Law urges action to ensure the safety of youth who are aging out of foster care during New York's State of Emergency.

Youth aging out of foster care to live on their own are among the most vulnerable in our state; and, unfortunately, that vulnerability is magnified during this crisis. In the best of times, youth who age out of foster care are overrepresented among the population of homeless and unemployed young adults in New York. They are also significantly less likely than their peers to participate in a program of higher education, or to receive the treatment and services they need to address the mental health issues that plague young people who have been victims of abuse or neglect. Allowing these youth to age out of foster care now – when it is virtually impossible to move into stable, permanent housing, to maintain employment, and to engage in mental health treatment with a community-based provider, does them a great disservice. It is particularly cruel to youth who need a stable place to reside in order to participate in remote-access to an educational program.

For this reason, we are respectfully requesting an Executive Order as follows:

- Placing a 180-day moratorium on discharging youth over the age of 18 from foster care without the express consent of the youth and the youth's attorney.  
Declaring a moratorium that will continue for a period of time after the State of Emergency has ended will ensure that youth leaving foster care to independence have time to secure a stable place to live and a source of income once it is safe to pursue housing and employment.
- Allowing all young people under the age of 21 who have been discharged from foster care after age 18 to return to placement without court approval.  
Family Court Act Art. 10-B allows youth to return to placement when they have no alternative and agree to participate in a vocational or educational program, upon the approval of the Family Court. Because access to court is severely restricted at this time, requests for assistance by youth between ages 18 and 21 should be automatically granted by the local social services districts.

New York would not be the first jurisdiction to adopt these emergency measures to protect youth aging out of foster care in the midst of this pandemic. We urge that New York join California<sup>[1]</sup>, Illinois<sup>[2]</sup>, Rhode Island<sup>[3]</sup> and the District of Columbia<sup>[4]</sup>, which have taken similar steps to assist this population of youth.

Continuing foster care in these circumstances will not have an untenable fiscal impact. Youth who leave foster care prematurely during the pandemic are more likely to need and receive costly services from other state-funded government support systems for longer periods of time - including the public assistance and shelter systems. Investing in foster care for them until they are able to obtain permanent housing and a stable source of income makes sound fiscal sense.

At a time when young people are returning to the homes of their parents all over the country, we ask that the state consider the plight of youth who do not have that option. The state stepped in and took over for their parents because the youth were abused or neglected and their parents could not provide a safe home for them. The state needs to keep its doors open to these youth during this crisis.

Based on the foregoing, the Committee on Children and the Law recommends an Executive Order to ensure the safety of youth who are aging out of foster care during New York's State of Emergency.

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<sup>[1]</sup> State of California Executive Order N-53-20 (April 17, 2020).

<sup>[2]</sup> State of Illinois Executive Order 2020-22, Executive Order in Response to COVID-19 (April 7, 2020).

<sup>[3]</sup> State of Rhode Island Executive Order 20-26, Twenty-third supplemental Emergency Declaration – Support for Young Adults Aging out of State Care (April 15, 2020).

<sup>[4]</sup> 2020 District of Columbia Laws Act 23-286, COVID-19 Response Supplemental Emergency Amendment Act of 2020, Sec. 402 (Twenty-Third Council Session 2019-2020).