



**Memo of Support  
For S.8834/A.10581-B**

**Authorizing former foster care youth who have been discharged from foster care to return to foster care placement during the COVID-19 state of emergency**

The legislation, based on bills S.8834/A.10581, would permit youth to re-enter foster care before age 21 through an expedited process, providing youth with housing and other essential resources and supports during the COVID-19 crisis. This amendment to the family court act is critical, as communities – especially Black and Latinx families – are enduring sustained stress from economic insecurity and the disproportional impact of the illness. We support this legislation as a key strategy for promoting young people’s resilience during this time.

The Children’s Defense Fund-New York (CDF-NY) has a unique approach to improving conditions for children, combining research, public education, policy development, community organizing, and advocacy. A recognized authority in the endeavor to protect children and strengthen families, CDF-NY serves as a resource and partner for children, families, and organizations throughout New York City and State. We leverage our national influence to attack the harmful and disproportionate impact that poverty has on children in New York and to eliminate race and gender inequities in the areas of early childhood, education, health, housing, youth justice and child welfare.

**The Needs of Older Youth Now**

Older youth are extremely vulnerable during the COVID-19 pandemic. Based on a new report from the Children’s Bureau at the federal Department of Health and Human Services, we know they need ongoing supports, including the kinds of care they can access in New York’s child welfare system.<sup>1</sup> Older youth report that it is important for them to remain connected to caseworkers and independent living coordinators as they grapple with the trauma of the COVID-19 pandemic. Caseworkers and Independent living coordinators have provided young people with the stability, security, and familiarity needed to navigate these tough times.

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<sup>1</sup> U.S. Department of Health & Human Services, Administration for Children and Families, *Letter to Child Welfare Leaders*, Nov. 18, 2020.

However, the COVID-19 pandemic has amplified the inequities for all youth in care, especially with regard to the challenges facing those facing discharge. Older youth face extreme social isolation and loneliness, lack of mental health services, access to quality healthcare, job-loss, housing insecurity, and grappling with their new virtual educational reality. Based on these concerning findings, the Children’s Bureau “strongly urge[s] all child welfare leaders to thoughtfully consider all ways to continue supporting this population of young people, including, but not limited to, temporarily extending care or suspending timelines that typically require exit from foster care or accompanying supports.” Removing barriers to older youth re-entering foster care in New York is consistent with this guidance.

### **Pathways Back into Foster Care**

Under this change, former foster youth can return to foster care either by applying directly to the local commissioner of social services and re-enter care without first getting family court approval, or making an expedited request through the family court, while the Governor’s COVID-19 Executive Order is operative. It also clarifies that youth can re-enter foster care without being required to participate in vocational or educational programming, which may be simply impossible to pursue during this crisis.

While the COVID19 crisis continues, there remains an ongoing need to suspend policies that require youth to exit foster care at age 21. We continue to advocate for a moratorium that protects transition age youth state wide. In this context, we urge the Governor to sign this legislation into law to help meet the needs of vulnerable adolescents youth *under 21*, by permitting former foster youth to re-enter custody and access safe and secure housing, health care and mental health services, financial supports, and case management.

For more information about this bill, please contact Julia L. Davis, Esq. Director of Youth Justice & Child Welfare, Children’s Defense Fund-NY at [jdavis@childrensdefense.org](mailto:jdavis@childrensdefense.org) or (212) 697-0882.