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CENTER FOR FAIR COURTS

SB1478/Youth Right to Counsel, Senate Amendment 1, Proponent Testimony of Chicago Appleseed Center for Fair Court

Senate Judiciary Committee Tuesday, March 21st at 2:30 pm

We submit this testimony in support of SB1478 SA1 to establish a statutory right to counsel for youth in DCFS care. The bill ensures youth in care are treated equally to all other parties in the DCFS case who benefit from legal counsel to ensure their rights are protected and to assist in navigating system complexities. Illinois is one of only 7 states that does not guarantee counsel to any youth in care and it is time for that to change.

Illinois by-and-large provides *guardian ad litem* (GAL) support to children involved in the legal and child welfare systems. A GAL's main role is to analyze the case to provide a summary judgment of what this representative believes to be in the best interest of the youth. The bill does not prevent a GAL from serving the court in this case, but guarantees *expressed interest* representation, which prioritizes the voice of the youth by advocating for what they desire for guardianship.[1] Doing so will not only support the youth, but support DCFS' mission to prioritize youth who unequivocally require placement into DCFS care. Children represented by specially trained legal counsel are 40% more likely to leave the foster care system within their first six months and experience 45% higher reunification rate with their biological parents; 30% reduction in the rate of placement moves; and 65% reduction in the rate of unnecessary school moves.[2] Because it improves case outcomes and reduces foster care costs in this way, providing expressed interest representation to youth in care is a nationally-recognized best practice.

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[1] Expressed-Interest Legal Representation for Children in Substitute Care: Evaluation of the Impact of Representation on Children's Permanency Outcomes, October 2015, *Family Court Review*, by Clark Peters, University of Missouri and Andrew Zinn, University of Kansas, accessed at: https://www.researchgate.net/publication/282976569_Expressed-Interest_Legal_Representation_for_Children_in_Substitute_Care_Evaluation_of_the_Impact_of_Representation_on_Children's_Permanency_Outcomes

[2] These statistics are provided by the ACLU of Illinois and the Illinois Chapter of the National Association of Social Workers.

Additionally, expressed interest representation is critical for the children released from youth jails and prisons who remain incarcerated after adjudication because DCFS cannot find suitable places for them. According to *WBEZ Chicago* and DCFS data, there were 71 children left in detention centers after release in 2021 with the average stay being 53 days.[3] These children in particular need assistance navigating complex DCFS court proceedings. Substantial evidence demonstrates that incarceration during childhood, adolescence, or young adulthood is correlated with a variety of physical, mental, and emotional health complications, with increasing severity as time spent in juvenile detention centers lengthens.[4] These factors are also associated with long-term difficulties related to attaining education and employment.[5] Guaranteeing expressed interest attorneys to all youth in care—especially youth released into care from detention—ensures meaningful due process to adolescents and children.

We support SB1478 because it is time to bring Illinois in line with best practices to establish a statutory right to counsel for youth in care. The bill is thoughtfully drafted to include implementation oversight and will not prevent a guardian ad litem or Court Appointed Special Advocate from serving the court in DCFS court proceedings.

Respectfully submitted,

Chicago Appleseed Center for Fair Courts

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[3] "Illinois is routinely housing wards of the state in Chicago's jail for kids. The state's child welfare agency says it has nowhere else to put the children. Opponents call it cruel, and a civil rights violation." by Patrick Smith, accessed at: https://www.wbez.org/stories/illinois-dcfs-housing-kids-in-chicagos-juvenile-jail/64305b5d-eea2-4c08-915e-639e759b08d7

[4] Studies collected at: https://www.crimefreefuture.com/resources-understanding-child-development/the-effects-of-incarceration/

[5] Long Term Effects of Juvenile Correctional Confinement, by Gina Erickson and Shelly Schaefe, contained within Criminology and Post-Mortem Studies, edited by Sara Palermo and Raluca Dumache, December 2020, accessed at: https://www.intechopen.com/chapters/74455