

First Focus Campaign for Children  
Statement for the Record

U.S. House of Representatives Committee on Ways and Means  
Subcommittee on Worker and Family Support  
Comments for the Record for the “Making a Difference for Families and Foster Youth”  
Subcommittee Hearing

Chairman Neal, Ranking Member Brady, Subcommittee Chairman Davis, Subcommittee Ranking Member Walorski and Members of the House Committee on Ways and Means Worker and Family Support Subcommittee, thank you for hosting a hearing on May 12, 2021, titled “Making a Difference for Families and Foster Youth.” First Focus Campaign for Children is a 501(c)(4) nonprofit organization affiliated with First Focus, a bipartisan children’s advocacy organization. First Focus Campaign for Children advocates directly for legislative change in Congress to ensure children and families are a priority in federal policy and budget decisions.

As an organization that focuses on children, we are committed to seeing past systems and their limitations. Our perspective allows us to see that youth in foster care are multi-faceted and in need of multidimensional supports. Foster youth are not *just* children in a system. Youth in foster care are students, workers, sibling and parents. They are patients in doctors’ offices, dentists’ offices, and mental health providers’ offices. They are residents in foster homes, grandparents’ homes and congregate settings. They are immigrant children, children of immigrants, members of federally recognized American Indian Tribes and citizens of the United States of America who have a right to have their civil rights protected. They are disproportionately Black, Latinex, Native American and LGBTQ+. Our job as advocates is to ensure that every system and policy advances the best interests of every child.

In 2012 First Focus on Children worked with the Annie E. Casey Foundation to launch the State Policy Advocacy and Reform Center (SPARC), a community of state child welfare advocates supported by our technical assistance and strategic expertise. We have learned about the challenges facing foster youth across the country by working with our SPARC partners, by listening to the advocacy of young people in care, and by paying attention to the ways that policy changes beyond the child welfare system (such as health, tax, education, and immigration) impact children and youth in foster care. It is from this knowledge base, that we make the following recommendations for how Congress can make a difference for youth in care and the families that support them.

**Promote the Health of Youth in Foster Care and their Children**

Despite the popular narrative to the contrary, young people’s health has in fact suffered during the pandemic and foster youth were not exempt from this reality. In fact, 13% of older and former foster youth surveyed in in December 2020 reported testing positive for COVID-19.<sup>1</sup> Additionally,

---

<sup>1</sup> Foster Club. (Dec. 22, 2020). “Checking in on Young People from Foster Care as COVID-19 Continues A National Poll.” at 2 ,

the mental health of young people in care was also challenged as many dealt with a lack of access to therapy, housing insecurity, and difficulty obtaining enough food from day to day.<sup>2</sup> Now more than ever, Congress needs to take the following steps to promote the health of older and former foster youth and their children.

### ***Improve Former Foster Youth's Access to Medical and Dental Coverage***

Congress should pass the three bills introduced by Rep. Karen Bass (D-CA) to improve Medicaid access and oral health insurance coverage for former foster youth.

- The Doshia Joi Immediate Coverage for Former Foster Youth Act ([H.R. 1793](#)), which has a companion bill introduced by Senator Casey (D-PA) ([S. 712](#)), provides immediate Medicaid coverage until age 26 to former foster youth that moved to a different state since leaving foster care.
- The Expanded Coverage for Former Foster Youth Act ([H.R. 1795](#)) expands access to continued Medicaid coverage to youth who were not enrolled in Medicaid when they left foster care or who left foster care before age 18 via emancipation or legal guardianship with a kin provider. The bill also requires states to establish outreach and enrollment programs by January 1, 2022.
- The Foster Youth Dental Act of 2021 ([H.R. 1794](#)) provides extended oral health service benefits for former foster youth to age 25, protects youth from losing their coverage if they move between states, incentivizes private providers to participate by making the Medicaid reimbursement rate equal to the median private sector rate, and requires states to establish an outreach and enrollment program for both former foster youth and dentists.

Furthermore, all children should have access to health care regardless of their immigration status. The COVID-19 pandemic has made clear that we are all connected, that children have been impacted by the public health and economic crises, and that every child and family needs support to recover. Therefore, Congress must eliminate structural barriers in our immigration system and other systems to promote the healthy development of immigrant youth who experienced foster care, including the five-year waiting period for those with legal permanent status to access certain federal programs and determinations of public charge for children.

### ***Make Children's Health Insurance Program (CHIP) Permanent***

Research indicates a statically significant relationship between a decrease in child physical abuse and an increase in child care coverage.<sup>3</sup> So while it is important that Congress ensure that this essential program will be permanently available for the approximately 10 million children and hundreds of thousands of pregnant women who rely on CHIP for their coverage, it is a particularly important step for Congress to take in order to prevent intergenerational child welfare system involvement. By enacting a permanent extension of CHIP through the CARING for Kids Act or the Children's Health Insurance Program Permanency (CHIPP) Act, Congress can make sure that the foster youth and former foster youth that rely on the program will never again have to worry about their coverage expiring mid-year or mid-treatment. Both bills would take the necessary step of finally

---

<https://www.fosterclub.com/sites/default/files/docs/blogs/COVID%20Poll%20Results%20Dec%202020%20Final.pdf>

<sup>2</sup> Think of Us. "COVID-19 Impact on Current and Former Foster Youth." <https://www.thinkof-us.org/covid19-impact-on-current-and-former-foster-youth>

<sup>3</sup> Neil McCray. (Nov. 2018). "Child health care coverage and reductions in child physical abuse." <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6251011/>

making CHIP permanent, like every other public health insurance program, including Medicare and Medicaid.

### ***Ask Youth How to Support Their Mental, Emotional and Behavioral Health***

Without a doubt, aging out of foster care is one of the most stressful child welfare experiences that any youth can face, and foster youth deserve our support as they learn to manage their mental and emotional health as young adults. However, we owe it to them to follow their lead and to craft user-centered, trauma-informed, culturally competent solutions to the many issues that impede foster youth from becoming their healthiest selves. We encourage Congress to hold a series of listening sessions on the topic and we know that youth are ready to share their solutions.

### ***Educate Foster Youth on the Rescission of the Public Charge Rule***

The Trump Administration rhetoric and policies broke trust with immigrant communities. It will take intentional and culturally appropriate outreach to restore this trust and make families comfortable accessing programs that will benefit their children. Congress should provide funding for federal agencies and states, in partnership with nonprofit organizations, to do outreach to communities about immigrant eligibility for benefits and to assist families seeking to enroll or re-enroll in benefit programs, particularly after the rescission of the public charge rule and related guidance.

### **Promote the Safety and Dignity of Youth in Foster Care**

First Focus has recommended to the Administration that it establish an independent ombudsperson for youth in care who works with a diverse advisory board of children and youth in foster care, and we ask Congress to take the following steps to ensure the safety and dignity of youth in foster care.

### ***Protect Children and Youth in Foster Care from Abuse and Neglect***

Research suggests that children and youth in foster care are four times more likely than their non-foster care peers to experience sexual abuse and that placement in a group setting increases a child's risk of maltreatment.<sup>4</sup> Additionally, 16% of children missing from care were likely victims of child sex trafficking.<sup>5</sup> Congress should take steps to protect youth in government care by increasing oversight and accountability. Initial steps should include allowing states to use federal child welfare funding to create, operate and publicize an independent foster youth ombudsman; passing a bill consistent with the bipartisan Child Welfare Oversight and Accountability Act of 2017 ([S. 1964](#) (115<sup>th</sup>)); and equipping child welfare stakeholders to address the safety needs of the thousands of kids who are “thrown away” (i.e., abandoned by their foster placement provider) or who run away from foster care each year.

### ***Safeguard Youth's Benefits***

The Marshall Project in collaboration with NPR shed light on a widespread, problematic practice of 49 state child welfare agencies, wherein the agencies amassed federal benefits meant for the children

---

<sup>4</sup> Focus for Health. “Child Abuse and the foster Care System.” <https://www.focusforhealth.org/sex-abuse-and-the-foster-care-system> (citing Tittle, G., & Garnier, P. (2001). Child Maltreatment in Foster Care: A Study of Retrospective Reporting Executive Summary.

[https://cfrc.illinois.edu/pubs/rp\\_20010501\\_ChildMaltreatmentInFosterCareAStudyOfRetrospectiveReporting.pdf](https://cfrc.illinois.edu/pubs/rp_20010501_ChildMaltreatmentInFosterCareAStudyOfRetrospectiveReporting.pdf)

<sup>5</sup> National Center for Missing & Exploited Children. Children' Missing from Care: By the Numbers.

<https://www.missingkids.org/theissues/cmfc#bythenumbers>

in their care.<sup>6</sup> We urge Congress to pass a bill consistent with the bipartisan Protecting Foster Youth Resources to Promote Self-Sufficiency Act ([H.R.5737](#)), which was introduced by Subcommittee Chairman Davis (D-IL) in the 114<sup>th</sup> Congress and saves foster children’s social security benefits instead of allowing the money to be taken into the state agencies coffers.

### ***Care for Immigrant Foster Youth***

For many years, children have fled violence, abuse, and persecution in Central America and other countries of origin to seek protection in the United States.<sup>7</sup> In 2020, not only were these ongoing safety crises continuing, but also the whole world was hit with a deadly pandemic that led to loss of life and livelihoods, putting children and families in even more dire situations. Additionally, in late 2020 Guatemala, El Salvador, and Honduras were hit by two hurricanes—Hurricanes Eta and Iota—which further exacerbated conditions in the region. With little protection from traffickers, gangs, and gender-based violence in the region and with no other channels to safely resettle, children and families are fleeing to seek safety at our borders.

Social science research shows that detention is harmful to children’s mental and physical development. Despite this knowledge, the government continues to hold children in family detention, large institutional settings, and unlicensed “influx” facilities. For unaccompanied children, the Office of Refugee Resettlement should expand transitional foster care, long-term foster care and small-shelter facilities placements for children and end the use of unlicensed “influx” facilities.

Congress must ensure that COVID-19 relief includes children of immigrants and their families. The Coronavirus Immigrant Family Protection Act of 2019 ([H.R. 6437/S. 3609](#)), sponsored by Rep. Judy Chu (D-CA) and Sen. Mazie Hirono (D-HI), would provide immigrant children and families access to COVID-19 testing and treatment, food assistance and economic support, prevent immigration enforcement at sensitive locations, and fund public outreach programs to immigrant communities.

### **Address Inequities in the Child Welfare System**

System failures and systemic discrimination have led to Black, Latinx, Native American and LGBTQ+ youth being disproportionately overrepresented in foster care.<sup>8</sup> Advocate and foster care alumni Dominique Freeman explains,

According to the National Women’s Law Center, Black girls make up 23% of all girls in foster care but are the largest group (36%) of those experiencing more than 10 placements in the system. In addition, the center has said, Black girls in foster care “lack access to early childhood education and special education services and have higher discipline rates, lower achievement rates, and lower graduation rates.”<sup>9</sup>

It is against this backdrop of inequity that we urge Congress to take the following steps.

---

<sup>6</sup> Michelle Pitcher, Weihua Li and David Eads. (May 19, 2021). The Marshall Project. “These States Take Money Meant for Foster Children.” <https://www.themarshallproject.org/2021/05/17/these-states-take-money-meant-for-foster-children>

<sup>7</sup> “Central American Migration: Root Causes and U.S. Policy, Congressional Research Services” (Apr. 22, 2021). <https://s3.amazonaws.com/fn-document-service/file-bysha384/67af38233d694a1d8d7781e777d6b472dea23629425105dcacbb646e31d4fec58c4a8a98611df2b1aac4cc98a881abb>.

<sup>8</sup> National Conference of State Legislatures (Jan. 2021). “Disproportionality and Race Equity in Child Welfare” <https://www.ncsl.org/research/human-services/disproportionality-and-race-equity-in-child-welfare.aspx>

<sup>9</sup> Dominique Freeman, (May 2021). “The Privilege of Innocence: Ma’Khia Bryant and the Adultification of Black Girls in Foster Care.” The Imprint. <https://imprintnews.org/foster-care/makhia-bryant-adultification-black-girls-foster-care/55008>

### ***Systematically Honor the Racial and Cultural Heritage of Youth in Foster Care***

Racial disparities and inequities exist at every stage of the child welfare system, leaving many Black, Native American, and Latinx youth disproportionately worse off for having come in contact with the system.<sup>10</sup> We urge Congress to address these injustices by assessing and addressing the disparities and racial identity harm caused by the implementation of the Multiethnic Placement Act of 1994. It's time for youth's racial identities and cultural heritages to be acknowledged as sources of resilience and connection. By failing to recruit a cadre of foster families that represent the youth in care and by shying away from conversations about racial identity development, we are failing to provide racialized youth with the information and support they need to confidently navigate the world we live in.

Honoring cultural heritage will also require Congress to pass the bipartisan Native American Child Protection Act ([H.R.1688](#)), which was introduced by Representative Gallego (D-AZ) and allows tribes to use funds for culturally appropriate treatment services and programs. Lastly, Congress should require the Children's Bureau to expand states' ability to collect and analyze racial and ethnic data of youth in foster care.

### ***Affirm LGBTQ+ Youth in Foster Care***

Congress should work with the Children's Bureau to expand state welfare agencies' ability to collect children and youths' sexual orientation and gender identity expression (SOGIE) in a trauma informed, age-appropriate manner. Without this training and the data it will provide, we will be falling short in the best practice of providing SOGIE affirming care to youth in foster care. We also call upon Congress to work with the Administration to ensure that child welfare agencies are not passing along the benefit of federal dollars to subcontractors or grantees that discriminate against youth or families based on sexual orientation, gender identity, marital status or religion.

### ***Support Kinship Caregivers and Foster Parents***

The adults who have stepped up to care for children while they are in foster care have also been hit hard by the pandemic. Job loss and the increased costs for utilities and food are straining kinship caregivers and foster parents alike. Increasing flexibility and funding to reimburse these caregivers will promote the health, education and stability of the children in their care.

### **Promote Foster Youth's Successful Transitions to Adulthood**

Becoming an adult is a challenging time and older youth in foster care and former foster youth use the support of the John H. Chafee Foster Care Independence Program and Education and Training Vouchers to ready themselves for life as independent adults. First Focus is pushing for an increase in those program funds and urges Congress to take the following step to support the economic security of young people in and formerly in foster care.

### ***Make the Earned Income Tax Credit Available to Current and Former Foster Youth***

The American Rescue Plan (ARP) made historic improvements to the tax code and along with other investments in child care, nutrition, rental assistance, child health and more, it is estimated by the

---

<sup>10</sup> For an in-depth analysis of institutional racism in the front end of the child welfare system, see Children's Rights, (May 2021). "Fighting Institutional Racism at the Front End of Child Welfare Systems: A Call to Action to End the Unjust, Unnecessary, and Disproportionate Removal of Black Children from their Families."

[https://www.childrensrights.org/wp-content/uploads/2021/05/Childrens-Rights-2021-Call-to-Action-Report.pdf?utm\\_source=dailykos&utm\\_medium=email&utm\\_campaign=ciofr](https://www.childrensrights.org/wp-content/uploads/2021/05/Childrens-Rights-2021-Call-to-Action-Report.pdf?utm_source=dailykos&utm_medium=email&utm_campaign=ciofr)

Center on Poverty and Social Policy at Columbia University, to cut child poverty by more than half in 2021.<sup>11</sup> The ARP temporarily expands and strengthens the Child Tax Credit, the Earned Income Tax Credit (EITC) and the Child and Dependent Care Tax Credit, all of which are identified in the National Academy of Sciences, Engineering and Medicine's 2019 landmark study, "*A Roadmap to Reducing Child Poverty*," as important policy changes to meet the goal of cutting child poverty in half over the next decade. These changes should be made permanent.

According to the National Foster Youth Institute, more than 23,000 young people age out of the U.S. foster care system annually and far too many of them find the deck is stacked against them as they struggle to access support from our government systems.<sup>12</sup> While the ARP's changes to the tax code would benefit millions of low-income children, the changes to the EITC specifically acknowledge the unique needs of foster and homeless youth. Unfortunately, and historically, prior to passage of the ARP, the EITC program disadvantaged childless workers, non-custodial parents (who still have financial obligations to their children), grandparents who help care for their grandchildren, and younger workers such as foster and homeless youth by taxing them into or deeper into poverty largely because the credit is too small to offset federal payroll and income taxes. Our best estimate is that the ARP changes to the EITC would benefit between 380,000 and 500,000 former foster youth by increasing the maximum benefit for low-paid childless workers, and allowing EITC eligibility for working foster and homeless youth starting at age 18 (rather than age 25 under pre-ARP law) even while full-time students. It makes sense to build on the successes of the EITC to bring recipients into the labor market and reduce poverty by pursuing permanent changes to the tax code such as those in the Foster Opportunity EITC Act ([H.R. 4954/S. 2790](#)) introduced by Subcommittee Chairman Rep. Davis (D-IL) and sponsored by Sen. Casey (D-PA) in the 116<sup>th</sup> Congress and temporarily authorized under the American Rescue Plan Act. These permanent changes would reduce poverty and positively impact the economic well-being of hundreds of thousands of qualifying former foster and homeless youth.

We thank you again for this opportunity to submit this written testimony. We look forward to working with you to implement policies that help foster youth and their families thrive. Should you have any further questions please contact Aubrey Edwards-Luce, Senior Director for Child Welfare and Juvenile Justice at [AubreyEL@firstfocus.org](mailto:AubreyEL@firstfocus.org).

Sincerely,



Bruce Lesley  
President

---

<sup>11</sup> Zachary Parolin, Sophie Collyer, Megan A. Curran, and Christopher Wimer. (Mar. 11, 2021). The Center on Poverty and Social Policy at Columbia University. "The Potential Poverty Reduction Effect of the American Rescue Plan: Legislation Could Cut Child Poverty by More Than Half." <https://static1.squarespace.com/static/5743308460b5e922a25a6dc7/t/604aa2465cfc4a35b8a1c236/1615503943944/Poverty-Reduction-Analysis-American-Rescue-Plan-CPSP-2021.pdf>

<sup>12</sup> Cindy Sorell. (May 26, 2017). National Foster youth Institute. "51 Useful Aging Out of Foster Care Statistics: Social Race Media" <https://nfyi.org/51-useful-aging-out-of-foster-care-statistics-social-race-media/>