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Assembly Member Wesley Chesbro
State Capitol
P.O. Box 942849
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Executive Director
JENNIFER RODRIGUEZ

Via Facsimile Transmission (916) 319-2102 and U.S. Mail

Senior Director
Strategic Initiatives
CAROLE SHAUFFER

Re: AB 388 – Sponsor

Managing Director
MARIA F. RAMIU

Dear Assembly Member Chesbro,

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The Youth Law Center is proud to join California Youth Connection, Children's Advocacy Institute, and Public Counsel in co-sponsoring Assembly Bill 388, a bill to protect foster youth from being inappropriately referred to, and detained in, the juvenile justice system for minor incidents and typical adolescent behavior that in competently parented family settings would not result in law enforcement intervention and formal handling in the juvenile justice system. AB 388 would require policies, reporting and monitoring on law enforcement interventions for foster youth placed in residential facilities. The protections provided in AB 388 will prevent foster youth from needlessly entering the delinquency system.

Children in the foster care system, particularly those placed in group homes, are especially vulnerable to crossing over to the delinquency system.¹ Group homes are designed to provide a higher level of care and supervision to foster youth than the level of care provided in family-based foster care settings. Adolescents in the dependency system often end up placed in group homes by default because of a lack of other placement resources to meet their needs. Despite the higher level of care and supervision, some group homes rely on law enforcement as the primary behavior management system to respond to minor misconduct such as fights among peers, threats or conflict with group home staff, or damage to facility property. Once arrested, many foster youth are needlessly detained in juvenile halls for extended periods because they are without a parent to whom they can be released, a placement to return to and a child welfare agency willing to place them in a new foster care setting. Sadly, detention exponentially increases a foster youth's risk of spiraling deeper and deeper into the juvenile justice system and experiencing poor education and employment outcomes after exiting the system.²

¹ Ryan, J. P., Marshall, J. M., Herz, D., & Hernandez, P. (2008). *Juvenile delinquency in child welfare: Investigating group home effects*. Children and Youth Services Review. <http://www.cwla.org/programs/juvenilejustice/grouphomeeffects.pdf>

² Mendel, R. (2013). *NO PLACE FOR KIDS The Case for Reducing Juvenile Incarceration*, The Annie E. Casey Foundation.




Group homes are currently required to report incidents, including calls to law enforcement, to Community Care Licensing, but data on the use of law enforcement in group homes is not routinely aggregated or published. Over the last two decades, the Youth Law Center has been involved in many conditions of confinement advocacy efforts where inappropriate or excessive use of law enforcement in group home facilities was at issue and documented. For example, in one case, a 40 bed facility excessively contacted law enforcement and admittedly used law enforcement to counsel youth on their behavior. In a 15-month period, the facility made over 700 calls to law enforcement (including 450 AWOL, 76 fights, 46 property damage, 25 tobacco possession and 18 theft incidents), resulting in 49 youth being removed from the placement and held in juvenile hall.

Foster youth should not be unfairly subjected to arrest, detention and prosecution for typical teen misbehavior that would not trigger such dire consequences for youth living at home with parents. Foster youth are disproportionately impacted by the negative effects of the delinquency system simply because of their foster care status and the system's inability to provide competent substitute parenting. Children living at home and referred to the juvenile justice system for such minor offenses would likely be diverted away from formal handling in the juvenile justice system and, even if prosecuted, would not be detained in juvenile hall. For foster youth, a delinquency record can create not only a lifelong stigma, but significant barriers to successful transition to adulthood and independence.³ AB 388 will allow foster youth the same opportunities as their peers who have not been removed from home to avoid the direct and collateral consequences of juvenile justice system involvement.

Advocacy on conditions of out-of-home placements for children involved in the juvenile court system has been at the core of the Youth Law Center's mission since its inception in 1978. The Youth Law Center thanks you for being the author of this important bill and for your overall support for California's foster youth. Please do not hesitate to let us know how we can be helpful as the bill moves through the legislative process.

Sincerely,



Maria F. Ramiu
Managing Director

³ Culhane, D.P., Byrne, T., Metraux, S., Moreno, M., Toros, H., Stevens, M. (November 2011). *Young Adult Outcomes of Youth Exiting Dependent or Delinquent Care in Los Angeles*, (Foster youth who crossed over into the delinquency system were twice as likely to experience unemployment, homelessness, incarceration, mental health disorders, and lower educational attainment than youth exiting supervision from either probation or child welfare.) http://works.bepress.com/cgi/viewcontent.cgi?article=1125&context=dennis_culhane