

NOTES FROM THE FIELD

THE CHILDREN'S RIGHTS NEWSLETTER

SPRING
2017



Defending America's
Abused and Neglected Kids

INSIDE:



States Fail to
Protect Transgender
Youth in Out-of-
Home Care



Fifth Annual
Campaign Says
#FosterMyEducation!

IN FOCUS:

Educational Instability a Grim Reality for Youth in Care

When Crys O'Grady entered foster care at the age of 13, she began to experience what is all too common for foster youth. She bounced between several homes, and with almost every placement move came a new school.

"The frequent moves disrupted my education. ... I missed a month and a half, which is a fundamental time to prepare for high school," she told CR.

Like many other children in state care, school changes were a significant problem for O'Grady. Transferring between schools caused her to completely miss out on learning critical concepts like basic algebra and the periodic table, leaving her scrambling to find ways to fill the gaps.

For young people like O'Grady, entering state care means being at risk of dropping out of high school, and battling an even steeper climb to get a college degree. The statistics are grim: Just under 60 percent of young people who age out of foster care graduate from high school by age 19, compared to almost 90 percent of all young people,



Crys said bouncing between three schools and four homes disrupted her education.

while only 4 percent of former foster youth who age out of care graduate from a four-year college by age 26.

Christian Delacruz entered foster care the day he was born. He spent much of his childhood bouncing back and forth between foster homes



ON THE FRONTLINES

FROM CR'S EXECUTIVE DIRECTOR

More than 1 in 5 children under age 5 live in poverty in America. This should be cause for sustained national outrage. Yet, the policy changes being considered in Washington indicate quite the opposite. Our very social safety net seems to be on the chopping block.

Take health care reform. Although the Affordable Care Act remains in effect, many expect that deep cuts in Medicaid will soon be back on the table and that millions of poor and disabled children may be left with no access to desperately needed physical and mental health services. At the same time, state cuts in food stamps, welfare, substance abuse treatment and other programs may lead to more children shuffled into our already-strained child welfare systems.

In this environment, our advocacy must be flexibly responsive to the threats coming out of Washington D.C., and state capitals. And it must always remain grounded in the needs of suffering children. It is why we are building a *Healthy Kids* litigation strategy to ensure that children in foster care continue to receive the medical care to which they are constitutionally entitled, no matter what changes are ultimately made to the Medicaid program.

It is also why we are working with an extensive network of advocates to protect LGBTQ youth in state care from discrimination; why we continue to represent unaccompanied minors arriving from Central America in search of protection — and who are at risk of being returned to great harm, even death, in their countries of origin; and, as we highlight in this issue, why we will fight attempts to roll back laws and policies designed to promote educational stability for children in foster care.

While our work is evolving to meet a changing political landscape, the need for accountability and system change to protect and improve the lives of our most vulnerable children has never been more urgent. And the voices of these children must remain front and center, lest we forget the harm and suffering far too many experience — and the remarkable perseverance, resiliency and hope they exhibit even under the most horrific circumstances. Their voices, the urgency of our mission, and your support inspire us as we move forward.

A handwritten signature in black ink, appearing to read 'Sandy Santana'.

Sandy Santana
Executive Director

CR INSIDER

Children's Rights is extremely fortunate to have the support of Chiara Trento Mai, an independent film producer and co-founder of Bystander Films. Her current indie, THE CURSE OF DOWNERS GROVE, is in release on STARZ and iTunes. She lives on Long Island with her husband and three children.

CR: How did you learn about Children's Rights?

Chiara: From CR board member Molly Gochman. It was a great fit: My husband and I are strong supporters of organizations that use the courts to enforce basic constitutional rights when they are not being met.

CR: Clearly a commitment to social justice runs in your family.

Chiara: I really looked up to my older brother, Andrea, who strongly values fairness and equal opportunity. My contributions will always pale in comparison—last year he was recognized

as the Pro Bono Volunteer Lawyer of the Year by the Maryland bar! I'm constantly in awe of him.

CR: How has your commitment to social justice evolved?

Chiara: Our parents sent us to Tijuana to help children in need. The government's solution often involved putting children into the street—literally. I felt grateful to live in a country that protects basic human rights of children, but I was wrong. Take a look at any of CR's cases. It makes me want to stand up for them and fight.



CR: What influence do you hope you can have on future generations?

Chiara: To change the system so it is less life-threatening and inhumane for children in foster care. Along with CR, we can provide them an opportunity to have healthier childhoods and grow to be positive contributors to our society.

CÉLINE and CR team up to support vulnerable kids

Children's Rights and French fashion house CÉLINE joined forces for an end-of-winter shopping benefit at the flagship boutique in New York City. Hosted by CR Board Member Molly Gochman, the event shared our critical mission with new audiences and raised over \$5,000 in support of our work.

Special thanks goes to CR Board Chair Megan Shattuck, Jenny Galluzzo, Katie Ford, Hana Shahin, CR Staff, the incredible CÉLINE SoHo Team and all the shoppers who showed their commitment to the kids we serve.



CR Board Chair Megan Shattuck and Board Member Molly Gochman.

STEP UP FOR KIDS TODAY!

Support Children's Rights by making a tax-deductible contribution at www.childrensrights.org.

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Children's Rights' Fifth Annual Campaign Asks the Nation to #FosterMyEducation



May is a month when students across the country are not only celebrating academic feats and achievements but also the bright futures for which their hard work has paved the way. For thousands of American young adults, this month signifies an exciting rite of passage ... the beginning of the rest of their lives. But for those who experienced foster care, the month of May can tell a very different story.

"Ironically, going to court and advocating for myself to stay at the same school meant that I had to miss a bunch of school. ... Do I tell my teachers I'm a foster youth in order to avoid getting zeros on all my missed tests and homework assignments, or do I try to keep the very little privacy I have?"

- Ariella

This May, in honor of National Foster Care Awareness Month, Children's Rights' fifth annual *Fostering the Future* campaign sets out to "school" the nation on what it's like to attain an education in, and after, foster care.

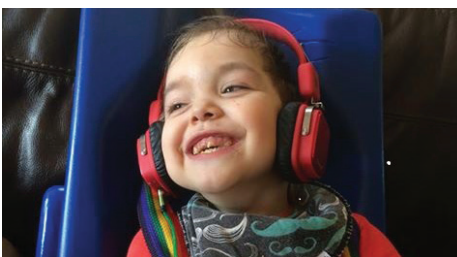
Harnessing the power of digital storytelling — including first-person blogs, compelling statistics and youth-produced video content — *Fostering the Future* 2017 is about amplifying the voices of a population that is all too often unheard. Each week will kick off a new thematic "subject," around which the week's

stories will center, such as Graduation, Survival Skills 101 or A+ Mentors.

"Young people in care often experience lower academic achievement, higher rates of grade retention, higher chronic absence and higher dropout rates," explains Celeste Bodner of FosterClub, a *Fostering the Future* 2017 partner. "As an organization that empowers foster youth to advocate on their own behalf, we are thrilled to be a part of a campaign that's turning this unacceptable and unfair reality into a national conversation that inspires systemic change."

Want to make a difference? Read, watch and share our stories by visiting fosteringthefuture.com and following Children's Rights on   

In Memoriam: Gideon David August Irons



they shouldn't take him. Christy simply responded, "I absolutely do want him."

Auggie thrived with the Irons family, despite frequent illnesses and several surgeries. He was a social butterfly, the happiest child with the biggest smile, always ready for a picture to be taken.

In this edition of *Notes from the Field*, we pay tribute to one of the youngest members of the extended CR family — Auggie Irons, son of our Advisory Council Chair Christy Irons, who passed away on March 22 at age 6, after going into cardiac arrest.

Augustin, as he was once called, was born on Feb. 9, 2011 in Cherkasy, Ukraine. He lived in an orphanage, never having a visitor until Christy and her husband Nigel adopted him on August 31, 2015. He was 4 ½ years old and an unimaginable 8 pounds, 4 ounces. Time and again the orphanage tried to convince them that

He loved his siblings and loved being held, especially by his mother. And though he never grew to like traveling, he managed to visit us in New York City not once, but twice, most recently at CR's 2016 Annual Benefit.

In looking for the true definition of compassion, one needn't look further than Nigel and Christy, who fostered and/or adopted eight of their nine children. They have continued to recognize the value of Auggie's brief time on this Earth — including during his Celebration of Life service, where Nigel sent a strong message about stepping up for

children in need, "without waiting for a better time or a bigger bank account or a nicer house." "Let's commit to a point of view that's focused on the future of these children's lives, and not our present situations," Nigel urged the more than 250 people in attendance.

It is a message that Christy has shared on her blog, the Sometimes 8 Irons:

*GO and DO.
Change the world.
Change a life,
and in so doing change YOUR life.*

Nigel and Christy most certainly changed Auggie's life — and he, in turn, is changing the lives of other children who need our help most. He will be missed and remembered by his parents, grandparents Charles and Joye Irons and George and Karen Milner, and his siblings, T.C., Celee, Judsen, Joseph, Mia, Corban, Asher and Adam. Children's Rights will miss him, too.

Fighting on Behalf of Transgender Youth



Now more than ever, transgender peoples' lives are playing out on the airwaves, in the news, in the courtroom. But while public recognition may be increasing, acceptance is slow to catch up. And being a transgender woman of color is downright dangerous: according to GLAAD, eight have already been murdered in the U.S. in 2017.

Transgender and gender nonconforming (TGNC) children are also at risk. They are often rejected by their birth families, only to face additional discrimination, and even danger, in foster care, the juvenile justice system and shelters for runaway and homeless youth. Because most of these settings are sex-specific and many aspects of youth's supervision and care are governed by sex or gender, acceptance and affirmation of TGNC young people is rare. In fact, only three states in the nation include

gender identity in their definitions of sex or gender, and only one of those does so in a regulation specific to out-of-home care.

Such are the results of a new report from Children's Rights, Lambda Legal and the Center for the Study of Social Policy. The report, *Safe Havens: Closing the Gap from Recommended Practice to Reality for Transgender and Gender Nonconforming Youth in Out-of-Home Care*, includes a first-of-its-kind 50-state survey of policies, regulations and statutes, and urges states to adopt comprehensive protections for TGNC youth.

In absence of these safeguards, consequences can be dire. Lydia, a 19-year-old transgender woman who was in long-term secure juvenile justice facilities, says some staff discriminated against her and peers harassed and assaulted her. "While I was in the

facilities, I wasn't able to focus on my classes and what I needed to learn," she said. "I was always more focused on who was out to fight me and who was going to jump me today. I was so busy paying attention to my surroundings that I couldn't pay attention to my work." At times, "I just wanted to kill myself and leave it at that."

Right now, only 27 states and Washington D.C. explicitly include sexual orientation and gender identity in non-discrimination protections specific to the child welfare system; only 21 states and D.C. do so in juvenile justice systems; and only 12 states and D.C. do so in facilities serving runaway and homeless youth. *Safe Havens* includes recommendations that were developed with significant input from TGNC youth and providers who have translated recommended practices into reality for the youth they serve.

"Grappling with gender identity can be overwhelming in even the most affirming of homes. Exposing youth to severe trauma in out-of-home placements leads to devastating outcomes for transgender and gender-nonconforming youth," said Christina Remlin, CR lead attorney and an author of the report. "With this report, we can better equip states and empower TGNC people with a vital resource to hold systems accountable for ensuring safe, supportive placements for all children."

IN FOCUS: Educational Instability a Grim Reality for Youth in Care

(continued from page 1)

and his biological family, and endured brief periods of homelessness. Delacruz says he faced a lack of support from child welfare staff during his time in state care and a lack of understanding from educators in the GED program, leaving him ill-prepared for college. “Although I worked hard to earn my GED and make up for lost time, I struggled. When I enrolled in college, I didn’t know things that I should’ve known, and professors weren’t equipped to deal with everything that I had missed.”

While children in state care have always faced steep odds, with a new administration, child advocates fear that it could start to become even harder for foster youth to reach their educational goals.

The Every Student Succeeds Act (ESSA) — which replaced No Child Left Behind and governs U.S. K–12 public education policy — included hard-won and important protections for children in foster care, such as immediately enrolling children in school once they’ve been placed in a new home, and implementing transportation plans to ensure school stability.



Christian faced a lack of support from child welfare staff, leaving him ill-prepared for college.

As of press time, however, U.S. Secretary of Education Betsy DeVos’ new framework is expected to shift responsibility from the federal level to the states, giving states much more leeway in how they choose to implement the law.

“I think this will impact [youth in care] negatively, unless states step up to the plate to fully implement both the letter and promise of ESSA,” said Maura McInerney, Senior Attorney at the Education Law Center. “In the absence of the common ground and clarity of federal regulations detailing how states should build effective state plans and promptly intervene to support struggling students, our marginalized students will suffer.”

What’s causing education instability?

Children in foster care face extraordinary barriers that follow them during their entire pursuit of education — from K–12 through higher education. At the root of the problem is frequent placement moves and school disruptions. Constantly moving causes the child to fall behind in coursework and suffer academically due to excessive absences and schools not transferring credits.

In addition, kids’ social lives are impacted negatively. “Being a new student made me a target for bullying. On the bus, other students would put things in our hair and shout out reasons why we may have been removed from our homes,” said O’Grady. While “school had always been an outlet for me,” she now felt unwelcome not only in her foster homes, but in school. “The treatment from peers made me want to stay at my placements,” she said. To cope, she sought refuge in a construction zone near one foster home. “I would sneak into the fenced in area to crawl into a giant concrete tube and journal.”

She also faced roadblocks to extracurricular activities. “In middle school I couldn’t play sports because I was transferred between foster homes that were over two hours away from each other,” she said. In high school, she was forced to drop out mid-season when she either couldn’t afford dues, or her placements wouldn’t allow her to travel for games or to go to practice. “It was difficult for my varsity lacrosse coach to understand why I needed to miss some practices.”

Both Delacruz and O’Grady assert that being overmedicated with powerful psychotropic drugs while in foster care added another layer of complications, with O’Grady saying they “impacted my attendance,” and Delacruz experiencing “a severe lack of motivation.”

And the hardships often continue for these children beyond high school.

Youth in state care frequently “age out” between ages 18 to 21 without permanent families, leaving them to face inconsistent and hard-to-navigate financial aid processes alone, and without basic needs like housing.

“I entered unhealthy relationships and stayed with significant others during college breaks and holidays because I had nowhere else to go,” said O’Grady. “One summer, before a live-in summer internship started, Stanford connected me with the Stanford Parent Association. I had a special counselor at the office of financial aid who helped. If it wasn’t for her, I wouldn’t have known these services or connections were available. I went to her because I struggled.”

Although some young adults qualify for financial aid, the amount they receive may not go far enough to cover their costs. Pending proposals in Congress include tuition waivers for community college, an income-based repayment program and increasing the amount of money offered to foster youth through Pell Grants.

What CR Is Doing

Children’s Rights has successfully used impact litigation to demand that states support education for youth in foster care. In Tennessee, which is positioned to soon exit court oversight, the state has extended foster care to age 21, and is supporting youth in post-secondary education and employment programs. The state is also promptly providing current Individual Education Plans (IEPs) for children with special education needs, and has dismantled the inappropriate use of in-house schools in shelters and group homes. In our current cases, like Arizona, CR is fighting for children like C.P. who, by 6 years old, had been in foster care for less than two years, and had already attended eight different schools.



Only
4 percent
of foster youth
who age out of care
graduate from
a four-year college.

Data: Chapin Hall, University of Chicago, Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 26

“For children already exposed to the trauma of being uprooted from their families, school disruptions increase the risk that they will not lead the stable, fulfilling adult lives they so richly deserve,” said Children’s Rights’ Executive Director Sandy Santana. “CR is committed to systemic reforms that promote educational stability and success for our most vulnerable children. We must do more.”

Children’s Rights and Foster Care Alumni ‘School’ the Nation This May

Throughout National Foster Care Awareness Month, CR will devote its fifth annual *Fostering the Future* campaign to the issue of education in foster care. Using the hashtag #FosterMyEducation, we will illuminate first-hand stories from those who have faced barriers in pursuing their education, and the positive influences along the way who have helped them succeed. Check out page 4 to see how you can make a difference!



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DID YOU KNOW?

Average number of weeks missed per school year by children in foster care: 5.

Percent of 17-18 year olds in state care who have had 5+ school changes: 34.

Therefore, the average reading level of 17-18 year olds in foster care: 7th grade.

To make a gift to Children's Rights, visit
www.childrensrights.org
and click "Donate Now."