

MEMORANDUM IN SUPPORT
S.8724/A.9321

The Schuyler Center for Analysis and Advocacy urges the Legislature to pass S.8724/A.9321, the Safe Landings Act, to authorize the Family Court to adjudicate motions to enforce orders that were issued on behalf of children while they were in foster care, after they are discharged from or age out of care.

The Schuyler Center for Analysis and Advocacy is a 152-year-old statewide, nonprofit organization dedicated to policy analysis and advocacy in support of public systems that meet the needs of disenfranchised populations and people living in poverty.

Each year, over 960 young adults are venturing out on their own for the first time after spending years in foster care without having the advantages of family support and stability.¹ Currently, if court orders made prior to a young person being discharged from foster care are unfulfilled when they leave care, the Family Court loses jurisdiction and with it, its authority to compel compliance.² Prior to a young person's discharge from care, the foster care agency is obligated – by law and court order – to provide them with preparation for living independently, including assisting them in securing appropriate housing, employment, and education; obtaining health insurance; applying for benefits; and obtaining a driver's license.³ However, at the time the young person ages out at 21, the court orders often remain unfulfilled. Under current law, the moment a young person ages out, the family court jurisdiction ends, stripping young people of the only available avenue to seek enforcement of the orders because the Family Court has lost jurisdiction. This leaves these young people on their own to navigate the complexities involved in becoming a self-sufficient adult.

Homelessness and housing instability are devastating barriers to establishing an independent life for young people who have spent time in foster care. In fact, the child welfare system has been described as a "highway to homelessness."⁴ In addition to a significantly higher likelihood of becoming homeless, research has shown that these young adults are at an increased risk of having run-ins with the law,⁵ suffering physical and mental health issues,⁶ and encountering problems in obtaining and retaining employment,⁷ much of which can be attributed to their inadequate preparation for taking on the challenges of living independently, and the lack of a safe place to "land" should they face a setback.

The Safe Landings Act, S.8724/A.9321, would provide young adults who have aged out of foster care a vital safety net not currently available to them. It would extend the Family Court's authority to direct the agency to comply with orders issued prior to the child's discharge from care until the young person reaches the age of 22, unless good cause exists to extend the court's oversight. This bill would provide a limited period for the agencies to fulfill their obligation to ensure that young people are not discharged to homelessness and have the skills and supports necessary for a successful transition to independent life.

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¹ Schuyler Center for Analysis and Advocacy. 2024. Fostering Transparency and Accountability in New York's Child Welfare System. <https://scaany.org/wp-content/uploads/2023/12/Fostering-Transparency-and-Accountability-in-New-Yorks-Child-Welfare-System.pdf>

² See, e.g., *Matter of Donique T.*, 193 A.D.3d 490 (1st Dept. 2021) (Family Court lacked subject matter jurisdiction to make contempt determination against agency based on its failure to fulfill lawful orders issued prior to child's 21st birthday because the child was over 21 when the contempt action was brought).

³ In 2008, the United States Congress passed the Fostering Connections to Success and Increasing Adoptions Act (PL 110-351), which gave states the option to extend foster care up to age 21, upon consent of the child. The legislation recognized that "foster youth today do not have the same family, societal, and financial support and guidance their non-foster care peers have" and, as reflected in federal data, youth who continue in care to age 21, as compared to those who leave at age 18 have better outcomes:

The National Academies report recommends that "to better promote resilience and positive outcomes for adolescents involved in the child welfare system, all states should adopt the existing federal option to provide extended care to youth until age 21 ... and provide comprehensive aftercare support to youth as they transition out of the child welfare system."

CWLA Hot Topic: Extended Foster Care to Age 21 in All States, available at <https://www.cwla.org/hot-topic-extend-foster-care-to-age-21-in-all-states/#>

⁴ NFYI: Housing and Homelessness, available at <http://nfyi.org/issues/homelessness/#>

⁵ Jaxzia Perez, *The foster care-to-prison pipeline: A road to incarceration*, American University Washington College of Law: The Criminal Law Reporter, Feb 24, 2023, Updated Oct 18, 2023, available at <https://www.crimlawpractitioner.org/post/the-foster-care-to-prison-pipeline-a-road-to-incarceration#>: ("By age 17, over 50% of foster children will have an encounter with the juvenile legal system through arrest, conviction or detention. In addition, 25% of youth in foster care will be involved with the criminal legal system within two years of leaving foster care.")

⁶ Young Adults Formerly in Foster Care: Challenges and Solutions, available at <https://youth.gov/youth-briefs/foster-care-youth-brief/challenges>

⁷ *Id.*