



## **SB 1376 by Uresti: Foster Youth in the Juvenile Justice System**

Senate Criminal Justice Committee

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Chairman Whitmire and members, thank you for this opportunity to provide testimony. Texans Care for Children is a statewide nonpartisan, nonprofit advocacy organization dedicated exclusively to the children of Texas. We look to our broad base of community-based experts—our members and partners who together represent thousands of Texas children—to inform our work and help us in developing our legislative agenda. These partners have empowered Texans Care to mobilize coalition groups to work together towards common solutions to the difficult conditions many Texas children and youth face and to assist local communities in advocating for their own children's needs. Our focus areas are: family economic security; infant, child and maternal health; children's mental health; child welfare; and juvenile justice and at-risk youth.

### Senate Bill 1376 by Uresti

SB 1376 would address the needs of some of the state's most vulnerable youth: those who are involved in both foster care and juvenile justice. Historically, there has been a coordination failure between these two different child-focused systems. When a child is removed from his or parent's care due to abuse or neglect, the child is placed in substitute care and the state is in the role of parent until another permanency option, like reunification, adoption, or emancipation, is reached. In most parts of the state, when a foster child is adjudicated and committed to the Texas Youth Commission (TYC), the court dismisses the foster care case, the child's attorney ad litem, and the guardian ad litem, and Child Protective Services (CPS) stops providing case management and services. However, the mission of the juvenile justice system is retribution and rehabilitation, not parenting, and these dually-managed youth are left with no one in the role of parent or guardian and, often, no legal representation.

SB 1376 would have the following benefits for dually-managed youth:

- Clearly assign responsibility for the youth's medical consent in TYC,

- Allow a court to appoint an attorney or guardian ad litem for a child so that he or she has continued legal and best-interest representation,
- Allow a child in TYC to participate, like other foster youth, in their own permanency hearings and placement review hearings,
- Specify that the youth's health, education, treatment, and rehabilitation needs and progress be reviewed regularly by the court,
- Prevent a youth from being lost between systems by prohibiting the family court from dismissing the abuse/neglect case when a child is in TYC,
- Ensure that a foster youth in TYC has someone in the role of parent by giving the Department of Family and Protective Services (DFPS) the same rights that parents have for a child committed to TYC,
- Require the youth's TYC caseworker to report to the court at permanency hearings, just like the other parties in a foster care suit,
- Assure at least a monthly visit by the youth's CPS caseworker,
- Guarantee that an incarcerated youth may communicate with his or her CPS caseworker, attorney and guardian ad litem.

Texans Care is grateful to those who have worked so hard to shine a light on the situation of this group of youth who are already vulnerable from having experienced abuse or neglect and then experience criminal institutionalization. These youth have complex needs, and the kind of coordination that SB 1376 proposes would help to advance the youth's wellbeing, for the benefit of both the youth and his or her community.

Thank you again for your time and commitment, and for favorable passage of SB 1376 from this committee to the full Senate. If you have any questions, please feel free to contact me or the staff of Texans Care For Children at 512.473.2274.