



# MARYLAND LEGAL AID

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**Human Rights and  
Justice for All**

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February 23, 2021

The Honorable William C. Smith, Jr.  
**Chairman, Judicial Proceedings Committee**  
2 East Miller Senate Office Building  
Annapolis, MD 21401-1991

## RE: TESTIMONY IN SUPPORT OF SENATE BILL 592 State Child Welfare System - Reporting

### Dear Chairman Smith and Members of the Committee:

Thank you for your invitation to present testimony on SB 592. Maryland Legal Aid (MLA) is a non-profit law firm that provides free legal services to Maryland's low-income and vulnerable residents. As a part of this representation, MLA's staff provides legal services to over 2,000 Maryland children every year in the child welfare system who participate in Children in Need of Assistance (CINA) and Termination of Parental Rights (TPR) proceedings. Thus, MLA has expertise in child welfare matters, including children in foster care and youth aging out of foster care. Maryland Legal Aid supports SB 592 with favorable amendments and asks that this committee give it a favorable report. This letter serves as notice that Erica LeMon, Esq., will be providing testimony at Senator Craig Zucker's request.

SB 592 is necessary because it aims to pinpoint strategies to improve outcomes for foster children. SB 592 will assist efforts to ensure that systemic issues affecting foster children are appropriately addressed. Evidence-based practice is increasingly common in fields such as medicine and public health. However, the child welfare field is in the early stages of developing and utilizing a solid empirical evidence base. The lack of available evidence about specific child welfare policies, programs, and outcomes is one barrier to the widespread implementation of evidence-based practice,<sup>i</sup> so accurate information can be reported to the Federal government.

A 2011 study done by the National Center for Education Statistics found that 84 percent of 17- and 18-year-old foster youths report wanting to go to college. However, only 20 percent attend college, and only between 2 percent and 9 percent earn their bachelor's degree. Only 26 percent of foster care youth who attend a 4-year college or university will obtain their degree in 6 years compared to almost 57 percent of non-foster care students who enrolled in U.S. colleges and universities.

Obtaining this specific information for Maryland is imperative to address the needs of Maryland's foster children. Information should be accessible to compare children's performance in foster care to other students', to identify deficiencies. This information will allow advocates to provide the supports needed to increase post-secondary education or vocational training.

Children and youth in foster care represent one of the most vulnerable student subgroups in this country. Of the approximately 415,000 children in foster care in 2014, nearly 270,000 were in elementary and secondary schools. Studies find that children in foster care are much more likely than their peers to struggle academically and fall behind in school. Students in foster care at age 17 are also less likely to graduate from high school, with only 65 percent graduating by grade 12.<sup>ii</sup>

Children in foster care experience much higher residential and school instability than their peers; one study showed that 75 percent of children in foster care made an unscheduled school change in one school year, compared to less than 40 percent for children not in foster care. Unplanned school changes may be associated with delays in children's academic progress, leaving highly mobile students potentially more likely to fall behind their less mobile peers academically. Children experiencing this type of instability, including many students in foster care, are thus more likely to face various academic difficulties. The data collected and reported under SB592 will go a long way to collecting evidence-based practices to improve the lives of foster children.

Seven-year-old "Aaron"<sup>iii</sup> was removed from his mother's care due to unsafe conditions in the family home. While residing with his mother, Aaron attended the neighborhood Baltimore City elementary school. Upon his removal, Aaron was placed in a foster home outside Baltimore City and enrolled in an elementary school near the foster home. Shortly thereafter, the local Department of Social Services (DSS) located a relative who was willing to care for Aaron and moved Aaron to the relative's home, and he enrolled in another new school. Six months after Aaron's placement in foster care, his mother obtained new housing, and Aaron returned to his mother's care. Although in Baltimore City, this new home was in a different catchment resulting in a third school change. Knowing how many foster children have the same or similar experience will undoubtedly help create practices that will have positive outcomes for foster children all over the State of Maryland.

Aaron has learning disabilities and speech delays and requires evaluation for special education services. Changing schools three times during one academic year substantially delayed his receipt of necessary educational services. As a result of these multiple school changes, Aaron is still not receiving the special education services he desperately needs. Aaron's experience is not unlike that of many other foster children throughout Maryland who need Independent Educational Plans (IEPs) and Section 504 Plans. However, it is often very challenging to get assessments for those who need these plans. More data in these areas would assist in policy changes and training.

It is also essential to track reports, services, and outcomes for siblings who are not removed to determine whether those children are safe/stable with services in their home environment, or whether they should have been removed based on the initial report. When children who are the subject of abuse and neglect reports are not removed from their homes, child's counsel and the juvenile court cannot monitor their safety and services being provided to the family. This bill would require the Department to report information regarding those children, as well.



For the reasons stated above, Maryland Legal Aid supports SB 592 and asks that this committee give it a favorable report.



Erica I. LeMon, Esq.  
Director of Advocacy for Children's Rights  
Maryland Legal Aid

cc: Senator Craig J. Zucker  
Stuart O. Simms, Chief Counsel, Maryland Legal Aid

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<sup>i</sup> Evidence-Based Practice in Child Welfare <https://www.childwelfare.gov/topics/management/practice-improvement/evidence/ebp/> (last visited January 18, 2021)

<sup>ii</sup> Maryland Department of Education, Ensuring Educational Stability for Children in Foster Care, <http://marylandpublicschools.org/about/Pages/DSFSS/SSSP/FosterCareStudents/index.aspx> (Last visited January 18, 2021)

<sup>iii</sup> This name was changed for privacy considerations.