



# Representing Youth Clients

How to support successful transitions from foster care to adulthood.

BY JAMIE BERNSTEIN AND MARY CHRISTINE REED

Adolescence is a time of great emotional, physical, behavioral, social, and developmental change. Experiencing foster care during adolescence compounds the complexities of becoming a young adult. Youth in foster care and the professionals advocating on their behalf not only have to navigate the child welfare system but also acquire knowledge of various other intersecting systems including medical, education, employment, and housing, which is critical to advocating for the youth's success. Attorneys providing legal representation to youth in foster care must also pay close attention to the timelines and benefits that affect a youth's transition from foster care to ensure every opportunity is recognized and seized. In doing so, attorneys can help propel youth clients into becoming successful, independent young adults. With effective representation, an ongoing and strong attorney-client relationship, familiarity with available supports and resources, and continuing advocacy to ensure that the systems actually provide them to the youth, the lawyer representing youth in any stage of their case can significantly aid in the transition to independence.

## Overview of Supports and Resources

The state of Texas provides significant resources to assist older youth in foster care in the transition to independence.<sup>1</sup> The Texas Department of Family and Protective Services, or

DFPS, our state child welfare agency, is responsible for ensuring youth in foster care are safe, regardless of where they live, and that they have access to positive relationships with caring adults. The agency must conduct an independent living skills assessment for youth who are 14 and older to determine what supports and services are needed during the transition to adulthood. Also, youth-centered transition planning,<sup>2</sup> including Circles of Support,<sup>3</sup> is required for older youth and, at 16, youth can request to be named their own medical consentor.<sup>4</sup>

The courts are in place to review whether the youth is safe and well cared for and that the required assessments and subsequently identified services are being provided. A few of the more critical needs that must be addressed for youth aging out of the foster care system include: securing post-foster care housing, providing original or certified copies of identification documents to those 16 and older, and ensuring youth regularly engage in age-appropriate normalcy activities.<sup>5</sup>

While there are extensive supports for older and aged-out youth in foster care, numerous factors result in youth not fully accessing them including the multitude of revolving people involved in the youth's case, incomplete and inaccurate information, high caseloads, and a system that may not consistently integrate the youth's voice in their case.

## Role of the Attorney for the Child

For youth who will remain in the care of DFPS, Texas law only requires an attorney ad litem appointment until a final order names DFPS as the permanent managing conservator. Many courts choose to continue the appointment throughout the youth's time in foster care,<sup>6</sup> including into extended jurisdiction over youth ages 18-21.<sup>7</sup>

Among other duties, lawyers are mandated to meet in person with their clients before each court hearing.<sup>8</sup> Although it satisfies the letter of the law, contact once every six months is insufficient where occurrences such as placement and school changes, medication changes, failure to obtain critical documents, and caseworker changes can set back progress significantly. For example, any 16-year-old lacking a Social Security card won't be able to obtain a summer job, thus losing an opportunity to develop skills, build up savings, spend discretionary income on items similar to their peers, and experience life outside of foster care. Delayed or absent advocacy to reach a client-centered resolution can have dire consequences, particularly when the youth will soon turn 18 and potentially exit foster care.

Child welfare is an area of law that requires a less adversarial approach. Collaboration with other professionals is often critical to reaching the best outcomes with youth clients. This includes working with school counselors, attorneys for parents, attorneys representing DFPS, court appointed special advocates, DFPS staff who coordinate transition planning,<sup>9</sup> and other individuals involved in youth's lives.

## The Attorney as a Counselor

Youth are more responsive to an attorney they trust, who has proven to them that he or she supports and advocates for what the youth wants the outcome of their case to be,

and who also provides sound advice when something the client requests is not achievable.<sup>10</sup> Additionally, the attorney familiar with what is driving a client's plans can take action to address the underlying factors to reduce the negative consequences of impulsive behavior. For example, many youth long for contact with their biological family and do not want to enter extended foster care after turning 18 because they see extended foster care as a barrier to a relationship with family members. However, if the attorney is aware of this concern, he or she could advocate for the youth to have contact with family under DFPS supervision, increasing the likelihood the youth will remain in care and access additional support past their 18th birthday.

Attorneys should consider revisiting information about available resources as they become more relevant to a client. For example, funding to help with college expenses may be of little interest to a youth who is semesters away from graduating from high school and focused on exiting the child welfare system. However, when the youth later confronts the realities of independent living, funding for college may become an urgent need. A best practice is for the attorney to have frequent contact with his or her youth clients via phone, text, or email communications to obtain updates on pending matters, check in to see how the youth is doing, and assess any new needs or concerns.

### Youth Engagement

Part of a successful relationship with youth clients is advising them what the role of an attorney is, setting reasonable expectations about the case and about attorney-client communication. It will be necessary for the attorney to refer youth to resources for casework assistance, such as help in applying for college or obtaining employment from the local foster youth transition center. While providing these referrals and troubleshooting any difficulties connecting to services is important, ultimately youth clients need to be responsible for accessing the support that is outside of the scope of the lawyer's role. This includes guidance about how to leave complete voicemail messages and how to follow up on matters. Finally, a word of praise from their attorney can be particularly meaningful to youth in foster care. It is important to let youth clients know when they successfully handle something and underscore that even small steps are significant.

Although legal advocacy can have a profound impact, it is essential that youth find their own voice and learn to self-advocate. Lawyers can help youth develop needed skills to manage their affairs by ensuring they participate in their permanency court hearings. If distance or school schedules impact meeting the youth client's statutorily required attendance at the hearing,<sup>11</sup> arrangements should be made for pre-hearing conferences in person or telephone calls with the judge, video participation,<sup>12</sup> and advocacy to arrange for the youth client's presence. Another way to develop youth autonomy and advocacy skills is to pursue making the youth their own medical consentor.<sup>13</sup> The youth must complete training to qualify. Acting in this capacity can help youth develop their ability to manage health care, which is particularly important for youth who take psychotropic medications.

Encouraging youth to participate in the decisions that impact their lives not only leads to improved engagement throughout the process, but also builds their resilience.

Representing youth clients can be challenging, but helping a youth successfully navigate the journey from foster care to adulthood is also incredibly rewarding. Multiple resources are available to help attorneys better support their teenage clients and ensure youth clients have full access to available services and programs.<sup>14</sup> With support and encouragement, youth can develop self-advocacy skills and partner with their attorneys so their voices are heard both in court and in the decisions that impact their adult lives. **TBJ**

### Notes

1. The Texas Foster Youth Justice Project maintains a comprehensive list of services and supports in the *Guide to Aging out of Foster Care in Texas*, available at <http://texasfosteryouth.org/>.
2. For more information, see DFPS Transitional Living Services at [https://www.dfps.state.tx.us/Child\\_Protection/Youth\\_and\\_Young\\_Adults/Transitional\\_Living/](https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Transitional_Living/).
3. Circles of Support are meetings to develop the transition plan for youth 16 and older. For more information, see DFPS Circles of Support at [https://www.dfps.state.tx.us/Child\\_Protection/Youth\\_and\\_Young\\_Adults/Transitional\\_Living/circles\\_of\\_support.asp](https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Transitional_Living/circles_of_support.asp).
4. Tex. Fam. Code § 266.010.
5. *Id.* at §§ 263.306, .4041, .5031.
6. *Id.* at § 107.016.
7. *Id.* at § 263.605.
8. *Id.* at § 107.004.
9. Preparation for adult living coordinators provide transition support for youth in every region in Texas. Contact information is available at [https://www.dfps.state.tx.us/Child\\_Protection/Youth\\_and\\_Young\\_Adults/Preparation\\_For\\_Adult\\_Living/PAL\\_coordinators.asp](https://www.dfps.state.tx.us/Child_Protection/Youth_and_Young_Adults/Preparation_For_Adult_Living/PAL_coordinators.asp).
10. Tex. Fam. Code § 107.004(a).
11. *Id.* at § 263.302.
12. For more information, see Texas Judicial Branch Collaborative Video Conferencing, available at <http://www.txcourts.gov/programs-services/video-conferencing/>.
13. Tex. Fam. Code § 266.010.
14. See Texas Foster Youth Justice Project Legal Resources for Advocates. Retrieved from <http://texasfosteryouth.org/legal-resources/legal-resources-for-advocates/>.



### JAMIE BERNSTEIN

*is the assistant director of the Supreme Court of Texas Permanent Judicial Commission for Children, Youth and Families.*



### MARY CHRISTINE REED

*is the director of the Texas Foster Youth Justice Project at Texas RioGrande Legal Aid.*

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