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Inspired by 'youth stories,' a bill of rights for foster kids is now Louisiana law

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Former foster youth Aliyah Zeien, Jarvis Spearman and Tiffany Cruz (left to right) pose with Gov. John Bel Edwards after he signed legislation they crafted establishing a "Foster Youth's Bill of Rights." Courtesy of Gov. John Bel Edwards' Office

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Before entering foster care, Aliyah Zeien spent every morning helping her sisters get ready for school. She combed their hair, got them dressed and helped them onto the bus. The oldest of five, Zeien often took on the role of a parent, and at night, she shared a bed with her 2-year-old brother.

But when she was 13, Louisiana moved Zeien into foster care.

She didn't have contact with her siblings again for another five years.

"Kids that want to see their siblings and can't — they're angry and sad and lonely," said Zeien, who is now a social worker.

It's the kind of firsthand knowledge that Zeien and a group of former foster youth drew on when they crafted a "Foster Youth's Bill of Rights," otherwise known as Senate Bill 151, sponsored by Baton Rouge Sen. Regina Barrow and recently

signed into law by Gov. John Bel Edwards.

The legislation spells out in clear language the basic privileges every 14- to 18-year-old in foster care deserves — including the right to have access to a telephone, at least once a month, to visit with siblings and friends.

Many of the 18 rights listed are already part of the state's child welfare policy, like the right to “be in a stable and supportive setting,” free from neglect and abuse, or the right to see a doctor when necessary.

But policies can change with administrations — and just because it's written down in a manual doesn't mean it's always followed.

“Our bill came directly from youth stories,” Zeien told lawmakers. “A lot of youth were violated physically, sexually or emotionally while they were in their own biological homes. And unfortunately, a lot of times those experiences are only further compounded. They continue to be violated while they're in the system by no fault of their own.”

Advocates hope that elevating the policies into law will ensure they're not ignored, while also providing a clear list of nonnegotiables that foster youth can rely on as they're shuffled between homes.

“We want these rights to be on the forefront for every child that's in the system,” said Jarvis Spearman, the president of the Louisiana Elite Advocacy Force, a coalition of former foster youth who advise the Department of Children and Family Services and wrote the legislation.

The bill emphasizes the importance of including foster youth in discussions about their future and demands that they be given the opportunity to voice their “needs, concerns and desires about foster care.” It makes clear that foster youth have a right to attend all court hearings and participate in all case planning meetings regarding their care.

“It's a step toward giving youth a voice,” said Antonica Frazier, another former foster youth who helped craft the legislation.

When she was 13, Frazier wrote a letter to her English teacher recounting the neglect and abuse she faced at home. Her decision to speak up resulted in her placement in foster care — but once she entered the system, she no longer felt like her voice mattered.

“I couldn’t talk for myself, especially when it came to court,” Frazier said. “It was like I was nonexistent. I felt like I was excluded from my own life.”

For the bill’s authors, the legislation is an attempt at sparing future generations of foster youth from the agony they experienced in the system.

There are 3,573 children in foster care in Louisiana. Each circumstance is unique, but many were placed in the state’s custody after facing some form of neglect or abuse at home. The first goal is to reunite those children with their biological families, but oftentimes they grow up cycling through various foster homes — an experience that can bring its own traumas.

Just after Zeien settled into her second foster home placement, tragedy struck: Her foster parent died in front of her, gasping for air from congestive heart failure. The experience was traumatic, but the counseling provided by the state did little to soothe her pain.

“It was like putting a Band-Aid on a head wound,” Zeien said. “They didn’t adequately help me heal.”

The law now entitles foster youth to trauma-based counseling and therapeutic services. It also demands that foster youth be treated like any other teenager on a path toward independence, with the right to take driver’s ed, play high school sports, go on field trips and get a part-time job.

“There’s a lot to make you feel like you’re not normal when you’re a ward of the state,” Frazier said. “You can’t go to a sleepover without running a background check.”

The advocates who crafted the legislation are part of a task force at the Department of Children and Family Services who work on behalf of current and former foster youth. Many of them cut their teeth in legislative advocacy through a one-week internship program at the State Capitol where foster youth meet with policymakers, testify before committees and track bills related to foster care.

Their presence in Baton Rouge has transformed how lawmakers understand the foster care system, said Madeleine Landrieu, the dean of Loyola University’s College of Law, who helped set up the internship. She pointed to an encounter several years ago, when lawmakers were discussing an appropriation for a new fleet of cars for the department.

During the debate, a foster youth testified of the embarrassment he faced getting dropped off at his high school in a rickety car with the state’s logo slapped on its side. The testimony helped secure state dollars for new vehicles.

“The internship helps legislators see the system that they’re responsible for through the eyes of the children impacted by the system,” Landrieu said. “There’s a lot of misunderstanding about what foster care is and who’s in care.”

Chip Coulter, director of governmental affairs for the agency, said when he first arrived at the State Capitol several years ago, there were some lawmakers who didn’t understand the concept of foster care and thought that foster children were simply juvenile delinquents.

But the one-on-one conversations between legislators and foster youth have changed the landscape, Coulter said, and have been instrumental in passing reforms like extended foster care, which allows youth to take advantage of state services until they’re 21 instead of getting kicked out right when they turn 18.

The rights listed in the legislation, in theory, should already be afforded to foster youth through the state’s child welfare policy, but Landrieu said elevating them into law will give judges more leeway to question actors in the system on whether they’re being enforced.

“We shouldn’t have to have this bill, but if these policies aren’t being afforded or respected, then maybe this bill will be that added layer of protection,” said Kathleen Richey, who spent decades as a judge in East Baton Rouge Parish’s Juvenile Court and is now executive director at Louisiana Court Appointed Special Advocates.

Marketa Garner Walters, the Department of Children and Family Services secretary, said staff “might not always get policy exactly right, but they’re going to follow the law, and now that this is in law, it lets staff know: Pay attention; this is important.”

Sitting on a couch in the Governor’s Mansion, shortly after Edwards signed the legislation she helped craft, Zeien began to tear up thinking about the foster youth, still in the system, who shared their stories of trauma and pain with her as she developed the bill.

“They would always ask me, ‘Well, what came about from what we talked about last time?’ ” Zeien said. “Now I can tell them that something did come out of what they told me: ‘I wasn’t hearing y’all’s pain and y’all’s stories just to do it. I was doing it to help you and the people who will come after you.’ ”

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