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California Weighs Protections for Parenting Foster Youth

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A California bill on Gov. Gavin Newsom's desk would put protections into place for parenting foster youth to help address intergenerational involvement in the child welfare system. Illustration by Christine Ongjoco.

Amid a typically feverish legislative season in Sacramento, a small but significant bill on the governor's desk aims to protect hundreds of the most vulnerable state residents: the children of children raised in foster care, who enter government custody at staggering rates.

Assembly Bill 670 aims to stop the alarming rates at which parenting foster youth see their own children enter the system, by providing them with more robust legal representation and limiting the way social workers can investigate them for possible abuse or neglect.

Young parents in California's child welfare system struggle to find stable housing, child care and health coverage, and many are also working to overcome the trauma of being raised in state care. Often, their history in foster care places them under the close scrutiny of social workers.

More than half of all parenting foster youth will become the subject of a child abuse or neglect report, a [study](#) recently found — a rate that is more than five times that of their parenting peers who are not in the child welfare system.

"These young parents are at high risk of losing temporary or even permanent custody over their children," bill author

considered by Democratic Gov. Gavin Newsom “will preserve these family units and disrupt intergenerational involvement in the child welfare system.”



It's time to change how we support kids



If signed into law by Oct. 10, the bill will require that attorneys for parenting foster youth be notified within 36 hours of a referral of abuse or neglect against their client. The notifications align with a small, but growing number of counties and states that are providing low-income parents with legal representation before a case is filed in dependency court.

To ensure that young parents aren't scrutinized simply because they've grown up in foster care, the bill also clarifies that social workers can't conduct an investigation without a report of abuse or neglect being made. Examples of that are not uncommon, attorneys say, such as parents who are investigated even without a call to the child protection hotline, based solely on their history and circumstances.

AB 670 would also make it more difficult for dependency courts to fast-track a termination of parental rights for parents in foster care who previously had another child removed — allowing them to engage in family reunification services with each of their children when cases arise.

For Isabella Arroyo, a former foster youth and mother of two from Los Angeles County, an investigation by county social workers two years ago was a terrifying ordeal — an experience that brought back her trauma of being placed in foster care at age 11.

"I'M LIVING IN A CONSTANT STATE OF FEAR THAT I COULD LOSE MY KIDS BECAUSE THEY MIGHT SEE ME AS AN IGNORANT OR UNEDUCATED MOTHER. I FEAR THEM LIKE AN ENEMY, LIKE THEY'RE A MONSTER IN MY CLOSET."

-ISABELLA ARROYO, FORMER FOSTER YOUTH AND MOTHER OF TWO

The investigation began shortly after Arroyo, who is now 21, told her therapist about an altercation with her husband. As a result, a report was filed with the county child protection hotline and police came to her house. They found nothing amiss, she said, but the next day a social worker knocked at her door to investigate her son's safety and began by insulting her ability to parent.

"It brought me back to that childhood fear that I had going into the system," Arroyo said, "and that confusion of being told to go with someone that I didn't know."

But the next day, Arroyo spoke with Milinda Kakani, who was then a lawyer with the Los Angeles-based Public Counsel, who explained her rights and how to navigate the investigation process. With Kakani's help and her own determination, Arroyo's son was not taken into foster care, she recounted.

With their lives and histories extensively documented in case files, foster youth who are parents fall under heavy scrutiny by social workers and the courts.

"There is a picture of you, there's a story of you, there is a history of you," Kakani said. "Your picture is already painted before an investigation is even done."

Arroyo, who struggled with housing insecurity as a young adult in extended foster care, faced another investigation from the Los Angeles County Department of Children and Family Services social workers months after the first one, though her case was ultimately closed.

"I'm living in a constant state of fear that I could lose my kids because they might see me as an ignorant or uneducated mother," she said. "I fear them like an enemy, like they're a monster in my closet."

As of Apr. 1, 857 minors and “nonminor dependents” were parents while in the foster care system, according to state statistics. California has seen an 80% decline in teen pregnancies since the 1990s, yet young women who have aged out of foster care remain more than twice as likely to become pregnant as their peers, according to a 2019 study by the nonprofit John Burton Advocates for Youth.

The study identifies the foster care experience — with its placement instability, lack of consistent social supports and frequent school changes — as contributing to the statistics, along with a lack of information and resources needed for sexual and reproductive health.

Once the children of foster youth are born, they have a far greater likelihood of entering foster care than other children. In California, 10% of all babies are reported to child protective services by age 3, according to a study [published in 2019 by University of Southern California researchers](#). That rate jumps to 53% of children born to mothers who are in foster care at the time of their child’s birth.

In Los Angeles County, there were 468 parenting foster youth with 561 children last year, according to Department of Children and Family Services data. About 27% of the children raised by foster youth had an open dependency case themselves.

For teens in foster care, parenthood can be fraught with challenges, while they care for and nurture their babies, often alone in the world. Many have few friends and family who can step in for child care or help throw baby showers. Most are still dealing with the trauma of growing up in the system and their own family separation.

Meanwhile, young mothers and fathers in foster care often end up housed in group care settings where they are constantly being watched, their parenting ability viewed with skepticism. Advocates for pregnant and parenting foster teens said they are routinely reported to child protection hotlines for things like sharing a bed with their infants, or admitting to a therapist their struggles with a fussy infant.

“These parents are constantly under the eye of the court and social workers through no fault of their own,” said Luciana Svidler, a senior policy associate with the Children’s Law Center of California. “They’ve come to the system because of their own abuse and neglect, but everything they do is under a microscope.”

AB 670 would build on a pilot program launched last year by the Children’s Law Center, whose lawyers represent more than 35,000 children in dependency cases in three counties. Like other programs in New Jersey, Detroit and Iowa in recent years, through the firm’s Pre-Filing Representation Project, once a social worker investigation has been launched, a lawyer works with a parenting foster youth before a petition has been filed in court alleging abuse or neglect.

In L.A. County, an attorney explains the legal process to parents, and connects them with services aimed at alleviating the need for foster care intervention. Attorneys and case managers also may accompany clients during investigations to de-escalate potentially volatile situations, and help young parents find relatives and friends who can offer temporary respite to avoid a removal from home, those familiar with the project said.



Former foster youth Isabella Arroyo worries that she could face unfair scrutiny of her parenting of Aiko and Doja, her two young children. Photo courtesy of Arroyo.

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So far, 54 clients have been served by the project, with foster care placements averted in all but five cases, according to the Children’s Law Center.

Expanding the program statewide would require relatively minor additional costs, associated with the requirement that county child welfare agencies notify the attorneys of parenting foster youth when their clients are being investigated for alleged child abuse or neglect, according to the Senate analysis. Providing additional reunification services to some parents separated from their children under AB 670 would cost the state between \$71,000 and \$74,000.

Mara Ziegler, a senior social worker with Public Counsel who works with many pregnant and parenting teens like Arroyo, believes that AB 670 is in line with a [new federal law](#) that seeks to strengthen families and prevent their separation. A child abuse investigation can make some young parents wary of accepting other vital services, she said, such as home visits from nurses who can help during challenging times after birth when they might feel overwhelmed.

Involving a lawyer in the cases of parenting foster youth quickly, before a case is filed in court, can help to avoid the traumatic toll of foster care across generations, she said.

“Based on what we know about neuroscience and attachment, even a short separation of an infant or a toddler from their parents can have some pretty significant and lasting impacts,” Ziegler said. “The quicker they can get counsel and assistance, the more we’re going to empower and provide hope to young parents and their families.”

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