



Testimony of Colleen Connell: Executive Director, ACLU of Illinois
Before the Illinois Senate Appropriations I Committee
March 17, 2015

Chair Steans and members of the Committee:

Thank you for inviting the American Civil Liberties Union of Illinois to be part of this hearing. The ACLU strongly opposes the cuts announced by Governor Rauner, cuts that eliminate critical services for young people – aged 18-to-21 years of age – who are under the care of the Department of Children and Family Services.

Legally, once children are removed from their homes due to parental abuse or neglect, DCFS takes on the role of the parent for these foster children. The ACLU has successfully sued DCFS to force the Department to live up to its constitutional and legal obligations to provide adequate care for foster children.

For more than two decades the ACLU has overseen the federal court consent decree that was the culmination of our litigation against the Department. That decree empowers the ACLU to go back to federal court and force the Department to live up to its obligations.

The consent decree specifically protects young people, 18-21 years-old, whom an Illinois Juvenile Court judge has declared in continuing need of foster care services beyond their 18th birthday.

Should the proposed budget cutting continued services to foster children ages 18-21 become effective, the ACLU will return to federal court to block these cuts because they clearly violate the consent decree.

As you know, the ACLU consistently has enforced the protections of the Consent Decree.

In fact, we returned to Court one week ago and secured an order directing the appointment of independent experts who would monitor the residential treatment centers that have been the subject of recent disclosures because of inadequate and in some cases abusive care.

I also would remind the Committee members that in 2009, after the passage of the so-called “doomsday” budget, the ACLU enforced the consent decree to stop massive cuts to the DCFS budget. We intend to do the same in this instance.

Let me give you a little bit of additional detail. Currently, approximately 2,100 young people between the ages of 18-21 remain under the care of DCFS. They remain in state care for numerous, individual reasons. But in each instance, a judge has made the determination it is in the best interest of the young person to remain in state care.

The decree requires that these youth, like all other DCFS wards, are entitled to adequate placement and services. In the case of youth from 18-21 years-old, these services may include specialized foster care, help with housing for college, meal programs for students in college and transportation to and from college.

These are necessary and appropriate services, the type of support and assistance that many of us enjoyed just after high school and many more of us provide to our own children.

The population of children we are talking about here – children in the care of DCFS – are the State's children. This body – along with the Governor – has responsibility, legal and moral responsibility, for these children.

The cuts outlined by the Governor and his staff not only are cruel and counter-productive, but they also are a violation of the consent decree.

I want to note that the Governor's announcement of these proposed cuts already is doing harm. We know that even when we restore any inappropriate budget cuts through the legal process, children already will have suffered irreparable harm by virtue of the uncertainty created by this doomsday budgeting crises.

We learned this lesson the hard way in the 2009 budget process. The looming prospects of the 2009 cuts caused changes in services. For example, mental health care providers began to wind down the therapeutic services provided foster children, because their professional obligations require a gradual rather than abrupt discontinuation of services.

Even though the ACLU's litigation restored funding for these mental health services, some of the therapeutic relationships were never restored – meaning that children who'd already been traumatized lost the much needed professional services of another, caring adult.

In 2015, we now are hearing from transitional living programs who are making plans to abruptly dislodge current residents -- because of these proposed cuts. Make no mistake – Illinois foster children already are suffering harm as service providers prepare for draconian budget cuts.

This Committee also should recognize that these cuts are bad policy. This population of young people often have experienced horrific traumas that can impact and derail their maturation.

Research tells us that forcing youth who have suffered this trauma and setback into premature "independence" results in more negative than positive outcomes. Lacking underlying support, they are less likely to achieve modest educational or employment goals.

As a result, young people prematurely cut off of support often will require public assistance, face homelessness, have a harder time accessing health care and mental health services and are much more likely to find their way into the pipeline of our expensive and dysfunctional criminal justice system.

Our experience in Illinois, where we have funded services to 18-21 for two decades shows modest increases in both educational attainment and future earnings. In contrast, two neighboring states, Iowa and Wisconsin, which did not fund continued services for 18-21 at the time of the study, do not show these gains.

Furthermore, several federal programs provide at least partial funding for these supports for youth aged 18-21.

So, to cut services for the 18-21 youth will create immediate harm, and result in much higher costs to the State of Illinois. This is the classic definition of “penny wise and pound foolish.”

Thank you for your time. I would be happy to answer questions.