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Molly B. Jones
ACF PRA Lead
Office of Planning, Research & Evaluation
Administration for Children and Families
U. S. Department of Health and Human Services
330 C Street, SW, Washington, DC 20201
OPREinfocollection@acf.hhs.gov

Re: "Survey of Youth Transitioning from Foster Care," 84 Fed. Reg. 47,519 (Sept. 10, 2019)

Dear Ms. Jones:

Thank you for the opportunity to provide comments regarding the "Survey of Youth Transitioning from Foster Care" proposed by the Administration for Children and Families (ACF). The Children's Law Center of California and the National Center for Youth Law applaud ACF's efforts to survey youth to gain a better understanding of their needs when transitioning out of the foster care system and offer suggestions aimed at making some of the questions clearer and more inclusive.

Children's Law Center of California (CLC) provides multi-disciplinary representation to over 33,000 children who have been abused, neglected, or abandoned that come under the protection of the Los Angeles, Sacramento, or Placer County Juvenile Dependency Courts. CLC attorneys are committed to excellence in child advocacy and appear on behalf of children in day-to-day dependency proceedings well as in a host of related hearings; always working to protect our clients' rights and promote their well-being and future success. As the largest children's legal services organization in the country, all of our policy and system reform work is fueled by the collective voices of the children we represent. We are especially proud of the successful efforts we have made over the past 10 years to ensure that our workforce includes staff in almost all job categories who have lived experience in foster care. CLC is often seen at the forefront of much needed local, state and national policy change and system reform.

The National Center for Youth Law (NCYL) is a non-profit law firm that has worked to improve the lives of low-income children and youth for over four decades. We coordinate campaigns that weave together research, public awareness, policy development, technical assistance and litigation when necessary, to ensure the systems designed to support at-risk children do so effectively. We specialize in transforming the multiple public systems serving vulnerable children – including education, child welfare, public health, behavioral health, juvenile justice, and workforce development – so that children and youth receive the supports they need to advance and thrive. In particular, NCYL's Collaborative Responses to Commercial Sexual Exploitation Initiative has led efforts across California and the nation to improve our understanding of and develop innovative solutions to address the overlap of child welfare and juvenile justice system involvement and vulnerability for exploitation or trafficking.

As a general matter, we strongly support the proposed survey. It is critically important that the people most impacted by laws and policies have opportunities to share their voices, perspectives, and experiences, and that these perspectives are regularly built into federal, state, and local data collection systems and mechanisms.

We recognize the challenges in collecting complete and accurate information about the subjective experiences of individuals and doing so in a consistent manner such that information can be compared across sites. Therefore, our comments outlined below are aimed at making some of the questions clearer and more inclusive.

In addition, we encourage ACF, as the study sponsors, and RTI International, the nonprofit research institute carrying out the study, to develop clear guidelines for administration of the survey across research sites.

INTRODUCTION

Page 1 – What is the Purpose of this Study? ; What Will I Be Asked to Do?

We suggest adding language to the survey instrument that recognizes that some youth engage in commercial sex not at the behest or coercion of a third party, but in order to meet their basic needs, such as food, clothing and shelter (otherwise known as “survival sex”). Especially in these situations, youth may not recognize that they are “being taken advantage of or pressured,” as the description states, despite that survival sex constitutes trafficking under the law.

Page 2 – Will I Benefit from Taking Part in This Study?

We suggest deleting the language stating “You will not get any personal benefit...” Participants will be receiving financial compensation; also, some youth may feel personal satisfaction in being able to tell their story.

Page 3 – Who Will See the Information I Give?

The second paragraph of the survey instrument currently states that the interviewer or project staff may report the situation if they believe the participant’s life or health may be in danger. Please clarify what will happen if the staff believes the participant is a danger to others. Also, giving examples may be helpful in illustrating the circumstances where this would come into play.

Page 3 – Research Participant Statement and Signature

The survey instrument states youth may refuse to participate or stop participating without penalty or loss of benefits. Please clarify whether participants get to keep the financial compensation if they do not complete the survey.

QUESTIONS

A. DEMOGRAPHICS

2. Are you of Hispanic, Latino/a, or Spanish origin?

Consider broadening Mexican, Mexican American to Central American, unless there is a specific reason that information about Mexican nationality or heritage is needed.

3. What is your race?

Include an option for mixed race or allow participants to select multiple races.

4. Are you currently attending school?

Consider separating this into two questions, one asking whether the participant is *enrolled* in school and one asking whether the participant is *attending* school.

8. Have you attended college or junior college?

Also include the term “community college,” as in some states that terminology is more commonly used than junior college.

If response to 8 is “yes,” consider asking: What subject area did you study in college, junior college, or community college?

First General comment:

Following question 10 in this section, or in a separate, additional section (such as “Educational Experiences and Aspirations”) consider including questions about the participant’s educational experiences, school engagement, school supports, and future educational and career aspirations. Asking such questions would provide researchers with an opportunity to examine potential correlations between educational experiences and outcomes for youth in foster care, and would also provide an opportunity to identify areas in which child welfare agencies and other service providers could offer support and resources to youth in planning for their futures.

For example, consider adding questions such as the following: “Do you plan to continue school after completing [highest school level attended to date]?”; “What is the highest level of school you plan to attend?”; “If you plan to attend junior college, community college, college, and/or graduate school, what would you like to study?”; and “Once you are done with school, what type of job would you like to have?”

In addition, if responses to questions 5 and 7 are “no,” consider adding a question asking why the participant did not complete high school, such as: “The reason I did not finish high school was...” with a response scale listing possible reasons such as “I didn’t like school,” “I didn’t get the support I needed,” “I dropped out to work,” “I had to take care of my siblings,” “It was too hard,” “Other (specify),” “Don’t know / Not Sure,” and “Choose not to answer.”)

Also consider adding a question around school supports, such as: “When I was in school, I felt like I had the support I needed to learn...” (response scale: “All of the time,” “Most of the time,” “Some of the time,” “Never,” “Don’t know / Not sure,” and “Choose not to answer.”)

Also consider adding a question around school engagement, such as: “When I was in school, I felt engaged and excited to learn...” (response scale: “All of the time,” “Most of the time,” “Some of the time,” “Never,” “Don’t know / Not sure,” and “Choose not to answer.”)

14. Would you say that, in general, your health is...?

It is not clear whether this question is referring to physical health, or mental health, or both. It would be helpful to have separate questions for physical and mental health.

15. Same comment as #14 – physical and mental health should be addressed separately.

18. Same comment as #14 – physical and mental health should be addressed separately.

23. Same comment as #14 – physical and mental health should be addressed separately.

24. The words “you first had” are repeated.

29. Same comment as #14 – physical and mental health should be addressed separately.

32. Include “non-binary” as an answer option.

33. Consider asking a second question about gender of person(s) with whom you most often engage in sexual activity, if any – such as male having sex with male, female having sex with male – to account for sexual behaviors, as distinct from sexual orientation or identity.

41. More clarification is needed as to what is meant by “where you are a parent or like a parent” and the goal of this question. Would this include siblings for whom the participant is caring? If the participant is living with one child of their own, and three other children (siblings or otherwise) for whom they are not caring/parenting, how would they respond?

Second General comment:

Following question 39 in this section, consider including several additional questions about pregnancy and birth control. The following four questions come from the Youth Transitions to Adulthood Studies that Chapin Hall implemented in California, Iowa, Illinois and Wisconsin:

Thinking of your most recent pregnancy, did you want/intend to get pregnant by partner?
Definitely no; Probably no; Neither wanted nor didn't want; Probably yes; Definitely yes.

Thinking of your most recent pregnancy, what was the month of pregnancy you first saw a doctor? month 1; month 2; month 3; months 4-6; months 7-9; did not receive prenatal care.

Frequency of birth control use during past year? None of the time; Some of the time; Half of the time; Most of the time; All of the time.

Frequency of condom use during past year? None of the time; Some of the time; Half of the time; Most of the time; All of the time.

B. SYSTEM INVOLVEMENT

4. More clarification is needed regarding what is meant by “most recent time” and “same time in foster care.” For example, does this refer to stays in out-of-home placement that are separated by a return home, a stay in detention, a runaway/absent without leave incident, or other interruption? In addition, this question appears duplicative of question # 7.

10-11. We support and encourage the inclusion of more questions of this nature which get at the subjective experiences of individual youth with system actors, such as their caseworkers.

13. Distinguish between # of different foster homes and # of times in foster care. Ask how many different foster care placements.

15. The terms “illegal or delinquent offense” may be confusing. Consider switching to “violating a law or a court order.” In addition, in some places, youth may be taken into custody for behavior that does not violate a specific law or is a status offense, such as violating curfew, missing school, “running away” or leaving care without permission, or for their own protection. If those types of arrests or custodial situations are meant to be included in this question and the following questions (through # 21), more clarification is needed.

23. Add prostitution or related offenses (ex. solicitation), given that in approximately half of U.S. states, youth under 18 may still be arrested for prostitution.

31. Clarify what is meant by “that time.”

35. Clarify what is meant by “that time.”

General comment regarding the system involvement questions:

In some cases, youth may be under the custody of the dependency system (child welfare) and the delinquency system (juvenile justice) at the same time. It therefore may be difficult or impossible for a youth to distinguish when an out-of-home placement was through the juvenile justice system rather than the child welfare system.

For youth involved in both systems simultaneously, the questions regarding placement through the child welfare system (#3-14) may overlap or produce duplicative information with the later questions regarding placement through the juvenile justice system (#37-41).

In addition, more clarification may be needed to distinguish between questions asking about time spent in a juvenile detention facility due to a sentence (#30-32) and out-of-home placement through the juvenile justice system (#37-41).

C. SOCIAL SUPPORT

2. In response scale, consider broadening the option “Teacher, counselor or coach” to “Teacher, counselor, school staff member, or coach.” Also, should “counselor” in this option be “school counselor”? “Counselor” is also included in the following option, “Therapist, counselor or doctor,” which may be confusing.
4. Same comment as above in response scale.
6. Same comment as above in response scale.
10. The methods of communication listed are not exhaustive. Consider revising to, “During the past 3 months, since [REFERENCE DATE] how often have you communicated with your parents, brothers or sisters, or other people related to you by birth or adoption, for example by speaking to them, texting, emailing, or visiting?”

D. INTERNAL ASSETS

No suggestions.

E. EXTERNAL ASSETS

4. Include Supervised Independent Living Placement (SILP) payments.
12. Change spouse to partner or add partner to list.
- 1-14. This is an opportunity to capture information about potential trafficking or exploitation. For example, if a youth considers their trafficker to be their boyfriend, they may indicate that they are receiving financial help from that person. Although this may be captured later in the section on Human Trafficking, if the participant does not consider their situation to be one of trafficking or victimization, including questions in other parts of the survey may provide insight or information that would not otherwise be captured.

F. COMMUNITY SERVICES

8-17. Provide clarification about who the participant tried to get help from. If this is focused on community resources only, that should be specified. It may also include a family member, a friend, a system actor (such as a social worker), a trafficker, or others.

G. RUNAWAY OR THROW OUT EXPERIENCES

- 8-13. Add an option for “feeling dissociated, or like you were outside of your own body.” This is a common traumatic stress reaction that many youth experience both during and after severe trauma, such as trafficking.
- 22.d-f. Add “in the home” – Someone in the home hit, kicked or beat you.

22.k. Change “my” to “your.”

22. Add option for “someone threatened to hurt me or told me I would be in trouble if I did not run away.” Youth who are experiencing exploitation may cycle in and out of the exploitative situation, moving from home or care to the trafficker/exploiter or the “life,” multiple times. In some cases, youth are encouraged or threatened by a trafficker/exploiter to leave home or care.

31. This is an opportunity to capture information about familial trafficking or abuse. Consider adding an option such as “You refused to do something your family wanted you to do (ex. sell your body, have sex with someone you did not want to),” or something more direct, such as “Your family abused you or hurt you and you tried to stop them or fight back.”

40.c-e. Same comments as # 22 d-f. Also, add an option for being encouraged or threatened by a trafficker/exploiter to leave home or care. In addition, some youth leave care for short periods of time if they are triggered and need a break, or to engage in developmentally appropriate behaviors, such as taking a walk to calm down or hanging out with friends after school, that are not allowed under the rules of the out-of-home placement. Consider adding options to capture those behaviors. Also, in some places, short “breaks” (where a youth is away for only hours or a day or two) are recorded as runaways or absences from placement without leave. Consider adding a separate question regarding the length of time away from placement to better understand whether the behaviors are short or longer term.

4-49. Consider adding alternative language to “thrown out.” In some places, this will be considered a placement change; it may also be known as a “7-day notice” or “14-day notice” or other terms.

49. Consider adding option such as, “You were accused of encouraging other youth to engage in negative or risky behaviors, or considered a bad influence on others” to account for youth who are removed from placement or home because of perceived recruitment of others into trafficking situations or other risky behavior. This same comment may also apply to youth being thrown out of their homes.

H. VICTIMIZATION

After # 10 – Consider adding questions to account for different forms of trafficking, such as:

- “Before you turned 18, did anyone force you to do sexual things with someone else? If so, did you receive any money, drugs, or anything else of value? Did the person who forced you receive any money, drugs, or anything else of value?”
- “Before you turned 18, did you trade sexual acts with anyone to get something you needed, like food, clothing, drugs, or a place to stay?”

11. Change to “another parent, their spouse/partner/boyfriend/girlfriend.”

I. SUBSTANCE USE

Consider adding questions regarding reasons for substance use and intersection with exploitation/trafficking, rather than only the prevalence of drug use. This is especially important because drug and alcohol use is common among youth and adults impacted by trafficking and exploitation as a way to avoid and/or cope with symptoms of trauma and to escape or dissociate from difficult situations. Example questions include:

- Did you ever use alcohol or drugs to help you deal/cope with feelings of sadness, fear, depression, anger, or other feelings about what has happened to you in the past?
- Did you ever use drugs or alcohol to escape something difficult that was happening to you in the moment, like having sex with someone you did not want to have sex with, or getting hurt or abused by someone?
- Were you ever forced to use drugs or alcohol by someone else?

7. Consider revising for clarity: “Have you ever used a prescription medication in any way, *or in any amount*, that a doctor did not direct you to use it?”

8. Consider revising for clarity: “How old were you the first time that you used a prescription medication in a way, *or in an amount*, a doctor did not direct you to use it?”

11. Clarify what “a lot of time” means.

12. Clarify what “a lot of time” means.

J. AGE AT FIRST SEXUAL EXPERIENCE

K. RELATIONSHIP VIOLENCE

No suggestions.

L. HUMAN TRAFFICKING

17. Add option for staying with the trafficker/exploiter, such as “At the home of the person who was setting up dates for me.”

General comments:

- While much of the content here is critically important and worth separating out from other topics, consider incorporating some questions/content earlier in the survey (as suggested above) because participants may be fatigued by the time they reach this section of the survey, or may be triggered or resistant to framing their experiences as “human trafficking.”

- In addition, consider adding questions to better understand the source of coercion from others, such as “What was the reason that you engaged in XX type of work for another person?” with options such as “I needed the money/clothing/place to stay,” “they forced me to do it,” “they hurt me or threatened to hurt me if I did not do it,” “they told me that they loved me and would take care of me if I did it,” “they told me I needed to contribute to the household.”

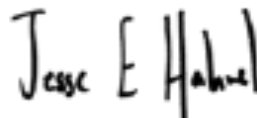
Thank you for considering these comments prior to finalizing and administering this survey. We greatly appreciate this effort by the ACF to better understand trafficking experiences and to identify modifiable risk and protective factors associated with trafficking victimization.

Should you have any questions or wish further input, please contact Mae Ackerman-Brimberg at NCYL (mabrimberg@youthlaw.org) or Julie McCormick at CLC (mccormickj@clccal.org).

Sincerely,



Leslie Starr Heimov
Executive Director
Children's Law Center of California



Jesse Hahnel
Executive Director
National Center for Youth Law