

SUPPORT SB1478 SA1

Say YES - DCFS youth deserve meaningful due process

SPONSORS: Sen. Gillespie & Rep. Collins

What does this bill do?

- ✓ **SB1478** amends the Juvenile Court Act to establish a statutory right to counsel for youth in DCFS care so youth in care are treated like every other party to the DCFS court case who benefit from legal counsel to navigate system complexities and ensure legal rights are protected.
- ✓ **SB1478** amends the Children and Family Services Act to establish the Due Process for Youth Oversight Commission, a multidisciplinary group to oversee and guide implementation of the statutory right to counsel.
- ✓ **SB1478** amends the Foster Children's Bill of Rights Act to inform youth of their right to legal counsel.

What this bill does not do.

- ✓ **SB1478** does not:
 - Prevent a guardian ad litem (GAL) or Court Appointed Special Advocate (CASA) from serving the court in DCFS court proceedings.
 - Provide the right to counsel immediately upon enactment. It allows time for implementation as needed.

Why does this bill matter?

Children matter. Illinois must guarantee legal representation for children in foster care.

- **Children should matter under Illinois law.** Under Illinois' current system, the one person at the center of a child welfare case is the **one** person not represented by their own attorney.
- **Illinois is an outlier.** Illinois is one of only 7 states that does not guarantee counsel to **any** youth in care.
- **Without legal representation, a child is left to navigate complex proceedings on their own**, putting them at risk of receiving unfair treatment, or having vital decisions about their future made without their input. High quality legal representation for youth in care throughout DCFS court proceedings is crucial to protect and enforce the legal rights of youth in DCFS' care and improve the experiences youth have in care.

Attorneys make a difference. Illinois must adopt the nationally recognized best practice of providing legal representation to youth in care to must transform DCFS. Counsel for youth:

- **Improve case outcomes:** Illinois has the longest length of stay in the nation for youth to achieve permanency. Children and parents who have legal counsel obtain better results than those who do not, including less time in foster care or group settings, shorter time to adoption or guardianship, and more successful reunifications. Children represented by specially trained legal counsel are 40% more likely to leave the foster care system within their first six months and experience 45% higher reunification rate with their biological parents; 30% reduction in the rate of placement moves; and 65% reduction in the rate of unnecessary school moves.
- **Save taxpayers money:** An attorney can shorten the time a child is in the foster care system, meaning cost savings on the daily expense of out-of-home care for taxpayers. Shortened foster care stays also reduce costly long term societal problems including criminal legal system involvement, imprisonment, unemployment, homelessness, teenage pregnancy, and drug and alcohol dependence and abuse.
- **Can be subsidized through uncapped federal entitlement funds:** The federal government encourages the appointment of legal counsel to every child and provides IV-E funding opportunities for legal representation.

ACLU Illinois

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National Association of Social Workers
ILLINOIS CHAPTER