



To Consider: Legislation Impacting Children & Youth in Child Welfare

This tool was created to encourage and support lawmakers in thinking critically, digging deeper, and thoroughly investigating potential legislation that will directly impact the lives of children and families. As lived experts who have had to personally navigate and survive the foster care and juvenile justice systems, it is of vital importance that lived experience voices are represented and centered in potential legislation. The following questions were authored in collaboration & partnership with advocates and leaders with direct lived experience and expertise in the child welfare system in the following states: New Mexico, California, Kansas, Georgia, Oklahoma, and Michigan.

When drafting a child welfare bill or before voting "yes" on a child welfare bill, we, as lived experts and advocates within the child welfare system, strongly encourage you as a lawmaker to consider and ask the following:

- 1. Were lived experts and advocates, engaged, consulted, and prioritized in the creation of the potential legislation? Do our fellow lived experts stand in support of the legislation?** We encourage lawmakers to ask when this consultation happened, who specifically was engaged, which community stakeholders working with individuals with lived experience support this, and how frequently lived experts and advocates were brought to the table. Also we ask that you consider how does the legislation address the need for equitable representation of historically excluded voices in decision-making within the child welfare system.
- 2. What are the long-term impacts or consequences of the legislation to our safety, stability, and holistic well-being?** We encourage lawmakers to question whether the legislation is strengthening our voice, vision, and ability to take action in our own lives during and long after our time in care.
- 3. Is the language of the legislation strengthening or combatting the bias, stigma, and prejudice we already face as "foster children" or "foster youth"?** We encourage lawmakers to prioritize person-first language and to reflect whether the legislation reinforces the "troubled" child or youth narrative in any way.
- 4. Is the language of the legislation increasing or decreasing our autonomy or choice in our own lives and over our own bodies?** We encourage lawmakers to center consent-based language so that we may be supported and legally empowered to have choice and voice in our own lives.
- 5. Is the legislation strengthening, in any way, the criminalization of trauma or trauma-related behaviors?** We encourage lawmakers to prioritize mental health services and trauma-responsive service providers over law enforcement involvement and to minimize law enforcement involvement and punitive response for trauma-related behaviors and actions.
- 6. Is the legislation moving and supporting us in our journey towards "normalcy"? Will this support or harm our inalienable rights?** We encourage lawmakers to consider the long-term impacts the legislation has on our normal day-to-day life, and whether it will isolate or cause unrecognized harm. We also encourage lawmakers to ask how the legislation supports the preservation of our connections to our cultures, heritage, schools, kin, and family members, especially considering the instability and insecurity of placements.
- 7. Is the legislation inclusive of and centered in cultural humility, and will this support us in having access to culturally appropriate and culturally relevant placements, treatment, activities, and services?** We encourage lawmakers to integrate, prioritize, and engage historically excluded communities and voices - including members of tribal communities, communities of color, Transgender and LGBTQIA2S+ communities, and persons living with a disability.
- 8. How will or does the legislation address the historical and systemic factors that have contributed to the overrepresentation of children of color in the child welfare system? How will it work towards rectifying this?** We encourage lawmakers to critically consider whether the legislation will interrupt inter-generational cycles of harm. How will the legislation impact the future children and grandchildren of a child or youth currently in care? Is the legislation in any way increasing the risk of multi-generational child welfare involvement?
- 9. Does the legislation provide mechanisms to hold agencies and institutions accountable for effectively implementing the legislation? How are the legislation's outcomes for children and families monitored and measured?**