Title

Within the Shadows: The Qualitative Experiences of Undocumented Youth

Permalink

https://escholarship.org/uc/item/2q47r7bj

Author

Oshiro, Michael

Publication Date

2016

Peer reviewed|Thesis/dissertation

UNIVERSITY OF CALIFORNIA

Los Angeles

Within the Shadows:

The Qualitative Experiences of Undocumented

Foster Youth

A dissertation submitted in partial satisfaction of the

requirements for the degree Doctor of Philosophy

in Special Education

by

Michael Alan Oshiro

2016

ABSTRACT OF THE DISSERTATION

Within the Shadows:

The Qualitative Experiences of Undocumented

Foster Youth

by

Michael Alan Oshiro

Doctor of Philosophy in Special Education

University of California, Los Angeles, 2016

Professor Jeffrey J. Wood, Co-Chair

Professor Lois A. Weinberg, Co-Chair

Los Angeles County is home to the country's largest child welfare system and the state of California's largest undocumented population. While a considerable amount of research exists for each population, very little is

known about how these two populations intersect. This study seeks to explore the qualitative experiences of undocumented foster youth, with the aim of understanding what types of institutional barriers exist and how they affect academic, physical and mental health, and placement outcomes for these youth. Using Critical Race Theory and Legal Violence frameworks, the study utilizes two methods of inquiry: semi-structured interviews with various key stakeholders representing the fields of social welfare, law, and community advocacy; and a *testimonio* with a former foster youth who was undocumented during her time in care. After a collaborative analysis with the former foster youth, results indicate that there are numerous structural barriers for undocumented foster youth, including issues with policy, mental health and medication, lack of support, racism and prejudice, barriers to reunification, and alienation and exclusion due to having undocumented status. Implications for policy and practice are discussed.

The dissertation of Michael Alan Oshiro is approved.
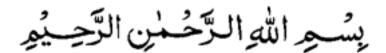
Andrea Zetlin

Marjorie E. Orellana

Leisy Janet Abrego

Jeffrey J. Wood, Committee Co-Chair

Lois A. Weinberg, Committee Co-Chair

University of California, Los Angeles

2016

DEDICATION

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيْمِ

I start this dedication in remembrance of Allah SWT, Most Gracious, Most Merciful. Without His endless blessings, none of this work would be possible.

I dedicate this dissertation to my wonderful wife Amelia, who has sacrificed in every aspect of her life for me to complete this study. There is no replacing the long nights where I did not sleep by her side, weekends cooped up at the dining table transcribing, or the ultimate sacrifice of having to live across the country from each other for a year so that I could stay in Los Angeles to finish data collection. The sweat, stress, and tears that have been poured into this are just as much hers as mine. In many ways, this work is also hers, for without her unwavering support and her drive to critically push me to do better, this dissertation might not be the result that I am so proud of. With endless love, respect, and honor, I dedicate this to you, Amelia.

This work is also in the memory of my late father, Maurice, who we suddenly lost a decade ago. He pushed me to strive for greatness in school and to always look towards the future. It pains me to think that he never saw so much of my adult accomplishments come to fruition; yet I know that

these things would also not come into being the way they have if it weren't for his everlasting influence on who I am. I pray that we might be reunited some time in the future, just so that I can hear his gentle voice and warm embrace, telling me he is proud of whom I have become. I miss you, Dad, and this is for you.

Lastly, I dedicate this dissertation to my young daughter Ayah, the coolness of my eyes, who came into this world right in the middle of my doctoral program. Her name means "sign of Allah's greatness" or "sign of Allah's existence" and she has embodied this meaning so very early in life. Through nothing but the blessings of Allah SWT, we were fortunate to be given a child who eats everything, sleeps like a hibernating bear, and has such a wonderful disposition. She came at a time when my program was reaching the most stressful part and she always managed to be my escape from the hell that academia can sometimes be. I finish this dedication in honor of you, Ayah, in the hopes that when you are old enough to read this, you will know how much you did for me before you could even speak and how eternally grateful I am to you. Baba loves you.

TABLE OF CONTENTS

LIST OF FIGURES AND TABLES

ACKNOWLEDGEMENTS

بِسْمِ اللهِ الرَّحْمٰنِ الرَّحِيْمِ

In the name of Allah, Most Gracious, Most Merciful

يَفْقَهُوا لِسَانِي مِنْ عُقْدَةً وَاحْلُلْ أَمْرِي لِي وَيَسِّرْ صَدْرِي لِي اشْرَحْ رَبِّ قَوْلِي

"He said, "My Lord, put my heart at peace for me, And make my task easy for me, And remove the knot from my tongue, So that they may understand my speech" Surah Taha, 20:25-28

First and foremost, anything in this work that speaks to a greater Truth and Justice is a gift from Allah SWT, and errors or omissions are of no fault but my own.

I have many caring individuals I would like to acknowledge who played some role in helping me complete this dissertation.

First, thanks to the love and support of my wife, who sacrificed at every turn of this dissertation process in order for me to finish. I love you dearly for all you've done.

Thank you to my mother, who cared for our infant daughter for several months while my wife started her Master's degree and I worked on this dissertation. Thank you to my brother Mark and his partner Baize for letting me camp out for days on end in your apartment so I could write up my results and for always being my most stable source of support. Thank you to my sisters Christine and Vikki for giving me much needed emotional support over the past couple years, especially in those stressful moments when I really hated academia. I am also indebted to my wife's family (Shahid, Zenobia, Camellia, Arif, Mummie, and all the kids), who came through and supported us when my wife and I were separated by 3,000 miles and looked after our family when I was suddenly hospitalized earlier this year. You were all never more than a phone call away, and I give thanks to Allah SWT for being blessed with such wonderful in-laws.

Many thanks to all of the support I have received from my committee members, who have provided me with countless opportunities to thrive and pushed me to create something worth sharing with the world. A special thanks belongs to my committee chairs. Dr. Jeffrey Wood supported my research interests wholeheartedly and always made himself available to meet my needs, even when my research interests diverged from his own areas of expertise, and who always came through even when I presented him with a tight deadline. Dr. Lois Weinberg has been my closest advisor and mentor throughout the entire 6-year PhD journey. She has been the

most critical, the most supportive, and the most caring advisor I could have been blessed with, and I am truly honored and humbled to have been mentored by her.

Thank you to all of my UCLA Residential Life colleagues, who provided me a home away from home for the final 2+ years of life at UCLA. Special thanks to Dr. Yen Ling Shek, soon-to-be Dr. Janelle Rahyns and Jason Chan, and Hannah Doan for becoming like family. We all pushed and supported each other in such wonderful ways, and I am forever grateful to have ended my UCLA career with you all as my colleagues.

I want to thank all of my scholar activist colleagues at UCLA and CSULA who helped me engage in this work and the work of others in a meaningful and thoughtful way. Thank you for giving me a space to feel at home, despite being so unwelcome as a person of color in academia. Each of you has shown me how to resist with dignity and honor, and I am indebted to each of you for your support.

Lastly, I hope that this work truly honors all the lived experiences of foster youth in Los Angeles. Thank you to my students at Rosemary's who inspired and pushed me to go into doctoral work so that I could gain the tools and access to hopefully make radical changes to the way we care for foster youth.

VITA

Education

- California Polytechnic University, Pomona - MA in Special Education and Level II Clear Credential, 2010

- California State University, Dominguez Hills - Level I Preliminary Credential, 2007

- Claremont McKenna College - BA in Psychology, 2006

Teaching Experience

- Part-Time Professor, Cal State Los Angeles - September 2012-June 2014

- Graduate Assistant, Cal State Los Angeles - September 2010-June 2016

- Special Day Class instructor, Rosemary Children's Services; Pasadena, CA - 2008-2010

- Resource Specialist Instructor, Webster Middle School; Los Angeles Unified School District - 2007-2008.

- Special Day Class Instructor, Webster Middle School; Los Angeles Unified School District - 2006-2008.

Research Experience

- Graduate student researcher, Residential Life, UCLA - April 2014-
  August 2016

- Graduate Research Consultant, Public Counsel; Los Angeles, CA -
  January 2013 - April 2016

- Graduate Student Researcher, Graduate School of Education and
  Information Studies; UCLA - January 2013-April 2014

- Director of Curriculum and Development for the Incarcerated Youth
  tutorial Project, Community Programs Office Student Association;
  UCLA - January 2012-June 2014

- Consultant, Mental Health Advocacy Services, Inc.; Los Angeles, CA -
  December 2011-April 2012

Honors/Awards

- UCLA Charles E. Young Humanitarian Award: April 2014

Publications

Weinberg, L.W., Oshiro, M., & Shea, N.M. (2014). Education liaisons work to
   improve educational outcomes of foster youth: A mixed methods case
   study. *Children and Youth Services Review, 41*, 45-52.

Hoang, T., & Oshiro, M. (2011). Research in reading interventions for
   students with emotional and behavioral disorders. *Journal of the
   American Academy of Special Education Professionals,* 34-44.

Chapter 1: Introduction

"They have no record of me even existing." – Undocumented foster youth

Casey Family Programs, the largest foster care and child welfare advocacy group in the nation, states that there are more than 57,000 foster youth in California, with a third residing in Los Angeles County, making it the largest child welfare system in the nation (Casey Family Programs, 2010). According to a July 2011 report by the Public Policy Institute of California, Los Angeles County also has the highest undocumented population in the state, with more than a third of undocumented immigrants living there (Johnson & Hill, 2011). With the largest group of undocumented immigrants and the largest population of youth in foster care, in what ways do these two groups intersect in Los Angeles?

How do undocumented youth participate in the foster care system in Los Angeles? What types of experiences do undocumented youth face when they are in the care of the state? Does their experience largely follow the same trajectories as other Latinas/os in the foster care system? Or does their undocumented status create major roadblocks in attaining a quality education, including accessing special education services, mental and physical health services, and/or the maintenance of one's emotional well-being?

Unfortunately, the experiences of undocumented youth in foster care have gone largely unexplored. There are very limited sources of statistics on where child welfare and undocumented youth intersect; currently there are no uniform data collection processes that exist at a national, state, or local level. Also, there has been almost no research that qualitatively documents the unique experiences of these youth.

In the past few years, there have been several high-profile cases in the media that center around undocumented youth's participation in the child welfare system. According to a case that was reported on in February of 2012, a Missouri judge ruled that an undocumented mother had no rights as a parent because "illegally smuggling herself into the country is not a lifestyle that can provide stability for [her] child" (Associated Press, 2012). Her rights were subsequently terminated and her child was placed with foster parents. Colorlines, a noted online news site dedicated to discussing issues surrounding race, also has reported on the issue of undocumented youth being placed in foster care. In a report from November 2011, Colorlines documented several instances in which children were forcibly removed from their homes because of parents being deported from Immigration and Customs Enforcement (ICE) agents' raids on their respective homes (Wessler, 2011). This report was based on the only comprehensive analysis of immigration enforcement and its effect on youth participation in the child welfare system (Applied Research Center, 2011).

This landmark study has found that there are likely over 5,000 children in foster care nationally because of parents who were detained or deported. As this recent report demonstrates, the intersection of child welfare and immigration status is an issue that needs immediate attention from academia, as well as from policy makers.

In order to better chronicle, understand, and highlight the experiences of undocumented youth in foster care, the current research will utilize several important theoretical frameworks to guide the process of critical ethnography on this topic. This includes Critical Race Theory and legal violence frameworks to support a critical review of the racialized history of child welfare in the US, and the existing literature on foster youth of color. Utilizing semi-structured interviews of practitioners in the field and the construction of *testimonios* with former foster youth (who were undocumented during their time in foster care), this study hopes to contribute to filling in the picture of the current status of undocumented foster youth in Los Angeles.

Critical Theoretical Frameworks

Current research trends. Social welfare and educational research concerning the academic and behavioral outcomes of foster youth has traditionally focused on describing a population that has lagged behind their non-foster youth peers throughout their schooling experiences. Foster youth

have been described as poor performing, at-risk, lacking necessary academic skills, and as academically or educationally vulnerable (Romano, Babchishin, Marquis, & Fréchette, 2015; Berger, Cancian, Han, Noyes, & Rios-Salas 2014; Coohey et al., 2011; Sullivan, Jones, & Mathieson, 2010; Faruggia, Greenberger, Chen, & Heckhausen, 2006; Zetlin, Weinberg, & Shea, 2006; Altshuler, 1997). Three-fourths perform below grade level and more than half have been retained at least one year in school (Parrish et al., 2001). When foster youth are compared to their non-foster care peers, they are typically described as experiencing academic difficulties, including weaker cognitive abilities and lower academic achievement and classroom performance (e.g., grades, standardized test scores) (Pecora, 2012; Altshuler, 1997). Foster youth also have high incidence rates of receiving special education services in school, ranging from 30 to 50% being identified as having a disability (Parrish et al., 2001; Scherr, 2007). This population is also described as experiencing a multitude of behavior problems, including elevated rates of suspension and/or expulsion, as well as increased involvement in the juvenile justice system (Faruggia, et al., 2006; Havlicek, 2011; McRae, Lee, Barth, & Rautkis, 2010; Pears, Kim, & Leve, 2012; Scherr, 2007).

Research on undocumented youth similarly points to deficits among the population in its research, although in recent years, much less so. A 2007 report by the UCLA Center for Labor Research and Education states

that there are approximately 26,000 undocumented youth in the state of California (UCLA Labor Center, 2007). Undocumented youth experience similar academic, mental health, and behavioral outcomes as Latinas/os do on the whole, as well as foster youth populations. Undocumented youth are also pushed out (i.e., are forced out due to lack of academic and/or counseling supports, are forced out due to inadequate or inappropriate discipline policies, forced out for familial economic reasons, etc.) of high school at much higher rates than their documented peers.

In their analysis of institutions that act as the greatest barriers to undocumented immigrants, Gleeson & Gonzales (2012) found that schools are can be enormous barriers to progress. Schools, on the whole, tend to not stratify their students based on documentation status; undocumented status is not "emphasized as a central obstacle for students" (Gleeson & Gonzales, 2012, p. 7). In effect, this lack of stratification actually shields undocumented youth from the realities of life outside of school, namely the workforce and navigating government services, therefore making them ill-equipped to deal with many of the realities that undocumented workers regularly face.

A recent study by Suarez-Orozco, Yoshikawa, Teranishi, & Suarez-Orozco (2011) documented some of the emotional stress and trauma that undocumented youth face in the United States during adolescent development. This includes the fear of deportation (of one or both parents or

of themselves), a constant state of liminality (state of ambiguity in being a citizen and non-citizen), and the racism and/or discrimination one faces simply by being undocumented. This study also described how undocumented students are often placed in racially and linguistically segregated schools that provide limited college prep courses, are typically crowded, under resourced, have poor state assessment outcomes, and are located in cities with high rates of poverty.

The literature on foster youth and undocumented youth reveals a picture that is often painted very bleak for these populations, one that typically does not include narratives on the highly problematic societal structures that influence the child welfare and education systems on both a local and national level, although research on undocumented youth does so to a bit higher degree. The vast majority of research does not consider the effect of racism, cultural insensitivity, and a deficit-orientation in the foster care and immigration systems and how they play a role in the academic and behavioral outcomes for both youth populations.

A critical analysis of the structural elements of these two systems is necessary to depict the barriers that populations in the two systems face. The primary lens of analysis utilized will be Critical Race Theory (CRT), particularly the work of Daniel Solorzano and Tara Yasso, which focuses on the relevance of CRT in education research. The secondary lens will be employing much of the work of Menjívar & Abrego (2012), an analysis of the

forms of legal violence will be utilized to chronicle how structural and symbolic forms of violence become embedded in US law and marginalize undocumented youth. After framing these distinct lenses, a critical analysis of the current literature on foster youth outcomes will be conducted, focusing on the structural inequities that many foster youth face while in care, as well as analyzing some of the known experiences that undocumented foster youth experience in care.

Critical Race Theory. Critical race theory (CRT) has its roots in the legal profession and was developed by lawyers, activists, and legal scholars in the 1970s in response to and appearance of stalling (or rollback in some cases) of the advances made during the Civil Rights era. Unlike traditional civil rights, which embraces incrementalism and step-by-step progress, CRT "questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law" (Delgado and Stefancic, 2001, p. 3). Although CRT has its roots in the legal field, it has spread quickly to other disciplines.

Tenets of CRT. Delgado and Stefancic (2001) provide a succinct summary of the six basic tenets of CRT. First, racism is a commonplace occurrence experienced by most People of Color (PoC) in our society and requires more than a basic colorblind approach to eradicate, which is a common national narrative. Second, the system of privilege afforded the

dominant class (whites[1]) has important material and psychological purposes. Also referred to as material determinism or interest convergence, racism affords benefits to both white elites and middle-to-upper-class individuals; these large proportions of society, therefore, have little interest in combating racism, as it would cut back the privileges that racism affords them. Third, CRT holds that race is an entirely socially built construct, with important emphasis on recognizing the forces that create and maintain these social constructions. Fourth, CRT also draws attention to the ways that different marginalized groups are racialized in different ways by the dominant society. For example, while Latinas/os and Blacks share some similar experiences in terms of exclusion from public facilities and services (*de facto* and *de jure* segregation in the South and Southwest), the racialization processes of these two groups are unique and important. Fifth, the notion of intersectionality, or the "conflicting, overlapping identities, loyalties, and allegiances" of PoC in the United States is of great importance to CRT scholars (p. 10). To consider oppression as only singular is problematic, as it is not inclusive of the ways in which race, gender, class, sexuality, and citizen status interact for Youth of color within the foster care system. Lastly,

---

[1] The use of the term 'white' in lowercase, while other racial and ethnic categories are capitalized throughout this document is intentional. I am following a common approach by fellow CRT scholars and Neil Gotanda, in which white is "better left in the lower case rather than privileged with a capital letter" as the term 'white' has typically stood for "racial domination" (Gotanda, 1991, p. 4). Black, Latino, Asian, etc., have deep "political and social meaning as a liberating term, and, therefore, deserve capitalization" (Gotanda, 1991, p. 4).

CRT holds that PoC, due to their unique experiences of oppression, are more qualified to speak on issues of race and racism. The voices of PoC, therefore, are valued more so than whites when it comes to experiences of racism, a position which flips the traditional power dynamic seen in academia.

CRT in educational research. Daniel Solorzano (1998) and Tara Yasso (2005) have chronicled five central tenets of CRT for use in educational research. While CRT was originally developed in the legal field, Solorzano and Yasso present a CRT framework that can be applied to educational research that is central to the current analysis. First, race and racism are central in understanding the state of educational inequality. Racism serves to protect the educational interests of the white majority and oppress the educational prospects of Youth of color. This dynamic is further compounded by the intersectionality of gender, class, immigration status, and sexuality of PoC as well. Second, another key element of CRT is its direct challenge to whiteness and white hegemony, as it contests the hegemonic ideas of colorblindness, meritocracy (if you work hard, you will succeed), and particularly, equal opportunity. Third, CRT includes a commitment to social justice and the eradication of racism in educational practices and policy. CRT holds central that schools are active political institutions that are vehicles for dispensing and maintaining various forms of hegemony and subordination, such as classism, racism, sexism, and heteronormativity. Fourth, CRT, contrary to current educational practices,

holds great value in the lived experiences of PoC, and that the knowledge

PoC have gained from experiencing racism and oppression is an essential

component in understanding racism in education. One way in which CRT

scholars practice this value of lived experiences is through the use of

counterstories, *counternarratives*, or *testimonios*, which are autobiographical

accounts of the experiences of PoC. These methods of documenting lived

experiences give agency to PoC and legitimize a form of narrative that has

been long practiced in many communities of color. Lastly, the fifth tenet of

CRT is utilizing an interdisciplinary approach. Traditionally, many academics

are forced to use the common approaches to research that are confined to

their field of study (Solorzano, 1998; Yasso, 2005). In education,

quantitative methods such as pre- and post-performance are often used to

study interventions, nationally normed assessment instruments are used to

measure various achievement and behavioral outcomes, and structured

interviews and focus groups are typically employed in qualitative educational

research. Historical, sociological, anthropological, and other disciplinary

approaches are not employed as often and have been seen as not carrying

as much scholarly weight in educational research (Yasso, 2005). CRT

transcends these boundaries to employ scholarship from fields such as

women's studies, sociology, law, psychology, and ethnic studies, to name a

few. The centrality of race within the tenets of CRT provide a tool to analyze

and describe the ways in which race plays a role in placement for Youth of color in the child welfare system.

Legal Violence. Lastly, a legal violence framework, heavily based on Menjívar & Abrego's (2012) work with undocumented communities, will be utilized in this study. In order to discuss the concept and framework of legal violence, it is important to discuss two other forms of violence: structural and symbolic violence.

Galtung (1969) introduced the concept of structural violence. Structural violence, as he explained it, is when violence is committed against an individual in which no direct actor (or individual) is responsible; the violence is "built into the structure and shows up as unequal life chances" (Galtung, 1969, p. 171). For example, uneven resource and income distribution, unequal educational opportunities and resources, and an inequality of medical service availability would all be examples of structural violence. Galtung (1969) made the point that if there is inequality present at a structural level that can objectively be avoided, then violence is being committed, regardless of the absence of an individual, explicit action. For undocumented youth in foster care, this structural violence can manifest in several ways. If undocumented youth experience deficits in food, housing, health care and possess an uncertainty about everyday life and their future, this would be a form of structural violence.

Symbolic violence, on the other hand, refers more to habits, practices, and belief systems that further social domination over marginalized groups, making this social domination seem naturally occurring. Lakomski (1984) examines the centrality of ideology within symbolic violence, especially within the context of schools. Schools, these theorists argued, conserve notions of normality by perpetuating hegemonic social structures by valuing students who fall in line with hegemony and subsequently ostracize students who run counter to the hegemonic norm, leading to those students' elimination from school. Educational institutions are seen as natural and students who do not succeed in school can be seen as failures that suffer from natural, individual deficiencies inherent in a meritocratic system. In thinking of undocumented youth in child welfare, many experience failure at school and likely internalize these notions of hegemony and meritocracy, blind to the structural inequalities that underlie the American education system.

Legal violence, therefore, is a combination of structural and symbolic violence that is embedded in United States law. Menjívar & Abrego (2012) documented the ways in which structural and symbolic violence combine within legal systems in the United States and manifest as legal violence against undocumented immigrants. Legal violence against undocumented immigrants results from a combination of the implementation of federal and immigration law, domestic and foreign immigration policies, and local law

enforcement practices. The fallout from legal violence is an overt and all-encompassing criminalization of undocumented immigrants. This state of criminalization targets an entire class of people and results in a state of "illegality." De Genova (2002) discussed the legal production of undocumented immigrants' "illegality." Illegality, he contended, is produced as an effect of law and maintained in the context of a long history of marginalization of mostly Mexican migrant workers in the United States. This marginalization has been complicated by selective enforcement of U.S. immigration laws, often in coordination with seasonal labor demands. This selective reinforcement has ultimately led to a racialization of almost all Latina/o immigrants (Mexicanas/os, Chicanas/os, Central Americanas/os) that is centered on the idea of illegality. At this intersection of the law, racialization, and legal practice, lies the notion of legal violence directed at undocumented immigrants. Undocumented immigrants, as De Genova explained, live in a constant and palpable state of deportability; at any time, they face deportation from the nation-state, which is a manifestation of legal violence. Undocumented immigrants living under the constant shadow of legal violence are given little to no recourse; they are denied basic human rights, rudimentary social entitlements, and are consigned into an uncertain sociopolitical predicament, often with little or no protection from the law (De Genova, 2002). Undocumented immigrants are therefore always vulnerable

to legal violence, as this community can never flourish under the constant threat of deportation.

When thinking of the ways that undocumented youth in the foster care system experience these different forms of violence, the various violence frameworks discussed previously can provide a means to understand the unique positioning of these youth within Los Angeles. What are the forms of structural, symbolic, and ultimately legal violence, that undocumented youth in foster care in Los Angeles face?

From a structural and legal standpoint, several historical and political processes could be examined. For instance, what role did the passage of Proposition 187 in 1994 in California play in contributing to the legal violence against undocumented youth in the child welfare system? What effect did the Supreme Court ruling in *Plyer v. Doe* (1982), which struck down a statute denying undocumented students a public education, have in muting the effects of legal violence for undocumented children in schools? How did the 1980s drug war during the Reagan administration, and specifically the mandatory minimum sentences for crack possession, manifest as a form of legal violence for undocumented youth? In what ways did the United States funding and involvement in the civil wars in El Salvador during the 1980s become a contributing factor of legal violence? Considering the lack of academic research concerning the experiences of undocumented youth in foster care, is the absence of national, state, or even local sources of

demographics and qualitative inquiry a form of violence as well? How did the passage of the Immigration and Reform Control Act (IRCA) in 1986, which penalized employers who hired undocumented workers, act as a form of legal violence in Los Angeles, and how did this legislation contribute to the further marginalization of undocumented youth? These are just a handful of the many legal issues that have affected undocumented youth over the last several decades.

A legal violence framework, much like that of CRT, allows for a more nuanced, contextual, and liberatory lens from which to conduct research with and about marginalized groups. So much of education research is inadequate in addressing the structural inequalities and hegemonic notions that are accepted as the "norm" in academia. Instead of focusing primarily on deficit models of thinking and placing the fault of inequality at the feet of the individual, CRT and legal violence frameworks permit a critical analysis of the structural and contextual factors that oppress and ultimately decimate marginalized communities. These frameworks also help create counternarratives that work to drive out simplistic, racist, and dogmatic notions of undocumented and foster youth, giving agency to youth who are often denied their humanity in the United States through deficit-oriented and negative depictions in research and in the media.

Chapter 2: Literature Review

History of Racism and Exclusion in Foster Care

The history of foster care in this country, particularly for Black
communities, can trace its roots to slavery. The first cases of out-of-home
care for Black children can be traced to the 1700 and 1800s, when free
Black children were placed in almshouses (charitable housing for the "less
fortunate") and indentured; evidence suggests that they were treated poorly
in these settings (Hogan & Siu, 1988). Throughout the 19th century until the
second half of the 20th century, Black youth were excluded from the vast
majority of orphanages and child welfare services. Black children were
typically placed in Black-run benevolent and mutual aid societies, as Black
communities were forced to create institutions to serve their youth (Hogan &
Siu, 1988; Roberts, 2002). As waves of European immigrants entered the
United States in the earlier part of the 1900s, charitable missions and
orphanages responded to the increase in demand for child welfare services;
however, this response still completely excluded Black children. Black
orphanages (referred to as "colored orphan asylums") were woefully inferior
and were overcrowded (Roberts, 2002, p. 7). The main system of child
welfare during this time was to declare most Black children "delinquent" and
have them incarcerated until they were adults (Roberts, 2002; Billingsley &
Giovannoni, 1972). In fact, in the Census reports from 1923 and 1933, Black
children were vastly overrepresented as juvenile delinquents compared to

their white peers and were receiving services at much lower rates (Billingsley & Giovannoni, 1972). This data is compounded even more by the fact that it did not include Black youth who were incarcerated in adult penal systems; according to the Census that year, half of all Black youth labeled as delinquent were institutionalized in adult facilities (Billingsley & Giovannoni, 1972).

Changes to child welfare did not occur until after World War II, particularly with the discovery of Nazi concentration camps. Welfare services shifted from institutions to more formal foster care and also from private to public agencies (Roberts, 2002). Albeit slowly, Black children began being included in these newer systems of care. This inclusion was slow, as group homes and residential placements were seen as expensive costs that should be spent on other (white) children (Hogan & Siu, 1988). Through the 1930s to 1970s, Black and white children were still mostly separated; white children were seen as in need of mental health services, while Black children were often "warehoused" in correctional facilities or institutions (Rosner & Markowitz, 1997). Sectarians' domination of the foster care system in New York, for example, led to the *de facto* racial segregation of the city's dependent children, as the vast majority completely excluded Black youth (who were mostly Protestant) from their care under the guise of religious preference (Roberts, 2002; Rosner & Markowitz, 1997). When citizen advocates from Harlem pushed the Board of Estimates to not publicly fund

any institution that practiced racial discrimination, Catholic and Jewish organizations were still permitted to discriminate based on religious preference, effectively institutionalizing racial segregation within New York City's foster care (Rosner & Markowitz, 1997). Protestant organizations then had no choice but to integrate their child welfare services or face closure, and a third of the Protestant institutions that were receiving public funds chose to close their doors rather than integrate their child welfare services. This led to overcrowding at the Protestant organizations that remained in service. To remedy this, the New York City council amended a law that had prevented judges from remanding children to New York City jails; this amendment would allow judges to remand children to city jails in order to secure the child's safety or prevent the child from escaping care (Rosner & Markowitz, 1997). Many of the city's Black youth found themselves incarcerated until 1945, when the amendment was revoked due to public attitude changing towards the practice of sending children to city prisons (Rosner & Markowitz, 1997).

From the period around World War II until the mid-1990s, Black youth were still segregated in foster care and their proportion of the population receiving out-of-home care grew steadily. Full segregation in New York City did not legally end until 1984, with the ACLU-led filing of *Wilder v. Sugarman* (1984). This case was prompted by decades of explicit racial categorization by the Bureau of Child Welfare, in which darker-skinned Black children were

retained in the city's institutions (which were a part of the corrections system) and lighter-skinned youth of color were funneled into better-funded religious and voluntary agencies (Rosner & Markowitz, 1997). Despite the city settling in the late 1980s, several more challenges based on the *Wilder* settlement lasted through the early 2000s, as the city's institutions resisted change.

The late 80s and 90s were a period of drastic change for the nation's foster care system, particularly those that served large, urban cities where many communities of color were located. During this time, the foster care population and the share of Black children in foster exploded, from 262,000 in 1982 to 568,000 in 1999; Black youth, being 15% of the population, comprised 35% of the foster care population (Roberts, 2002). It is no coincidence that this period of time saw an almost doubling of foster youth and a disproportionate increase in Black children in child welfare. This period of time, coinciding with Ronald Reagan's presidency, saw the slashing of social services for the poor, such as Section 8 subsidies, cuts to public housing, and a freeze on the minimum wage. This period also saw the introduction of large amounts of cocaine into urban communities by way of the CIA's involvement in covert anti-Communist and anti-socialist military actions in Central America and an explosion of incarceration rates for communities of color (especially Black males) as a result of the Reagan administration's "War on Drugs" (Roberts, 2002). This War on Drugs

decimated communities of color, especially in Los Angeles. Countless drug-addicted mothers and fathers ended up on the street, incarcerated, or killed by drug overdoses, conflicts with other drug users or gangs, or at the hand of an over-militarized police force (Roberts, 2002). Concurrently, Los Angeles' foster youth population skyrocketed during this period, as many children in South Los Angeles found themselves without one or both parents due to the detrimental effects of the War on Drugs (Roberts, 2002).

While the vast majority of research on disproportionality in the child welfare system has focused on Black youth, it is important to look at how the system has also harmed other communities of color historically. Child welfare policy has been extremely destructive to American Indian children; 25-35% of all American Indian children were placed in child welfare custody, with 80% of those placements being white foster parents/caregivers (Hogan & Siu, 1988). In a 1971 census, the Bureau of Indian Affairs found that there were over 35,000 American Indian children placed in institutional facilities (Hogan & Siu, 1988). Transracial adoptions (TRA), which will be discussed later, were overused as well, with 80% of foster parents being white. Also, the role of American Indian boarding schools, which contributed to the cultural genocide of American Indians, cannot be ignored.

Unfortunately, despite now comprising the majority of foster youth population in Los Angeles County, research on the history of Latina/o involvement in the child welfare system is still behind. Early research

described Latina/o underrepresentation in child welfare in the 1990s and documented the quick rise to majority by 2010 (Heimpel, 2013). A larger study of California's Latino population born in 2002 revealed that in five years, children of US-born mothers were significantly more likely to have contact with child welfare than white children and that Latino children of foreign-born mothers were less likely to be involved with Child Protective Services (CPS) than their US-born counterparts (Putnam-Hornstein, Needell, King, & Johnson-Motoyama, 2013).

There has been some research done in the last decade that has begun to look more closely at Latina/o youth of immigrant parents and their interactions with the child welfare system. Detlaff, Earner, & Phillips (2009) found that while most literature suggests that children of immigrant families experience higher risk factors for child maltreatment (Earner, 2007; Segal & Mayadas, 2005), Latina/o children whose parents were foreign-born experienced significantly less risks (high family stress, history of arrest, poor parenting skills, or drug abuse) than native-born Latina/o children. The authors contend that these results may be the result of an increased sense of responsibility and initiative that many immigrant families display as a result of undertaking such a large endeavor of immigrating to the US.

Race Forward, formerly named the Applied Research Center (ARC), released what they described as the first nationwide effort to investigate the intersection of child welfare and immigration enforcement (Applied Research

Center, 2011). This comprehensive report had several key findings that will likely have important policy and practice implications over the next decade. Their conservative estimates place at least 5,000 children in foster care whose parents have either been deported or detained, with that number predicted to rise to 15,000 by 2016 (Applied Research Center, 2011). In counties where Immigration and Customs Enforcement are allowed to pursue undocumented immigrants more aggressively (through 287 agreements with local law enforcement officials), youth in foster care are 29% more likely to have a parent in custody or deported. Unfortunately, the report does not delineate between youth who are documented versus undocumented.

Providing a critical examination of the historical, societal, and political development of the foster care system for youth of color is a key component in understanding not only why youth of color are disproportionately represented in out-of-home care, but it provides an important context through which to view the behaviors of child welfare systems.

Child Welfare Policy and Practice

When a child is removed from the care of their biological parents, they can be placed with a family member (kinship care), a foster parent (nonkinship care), or some form of group care (such as a group home or residential facility). The critical decision of when and where the child should

be placed is an important lens through which to view the structural racism of the child welfare system.

First, Black children are more likely than white children to be removed and placed in foster care (McRoy, 2008). This decision to remove the child is based on reports or allegations of child abuse or neglect; for Black families, this decision has been shown to include race as a factor (James, Green, Rodriguez, & Fong, 2008; McRoy, 2008; Miller & Ward, 2008; Rivaux et al., 2008; Wells, Merritt, & Briggs 2009). For example, despite the fact that whites are the largest consumers and users of illegal substances, Black children are removed from their family's care for substance abuse issues at far greater rates (McRoy, 2008).

What is it that pushes child welfare workers to remove Black children at greater rates than white children, even though research has shown that when controlling for income, Black families are less likely to maltreat their children than white families (Miller & Ward, 2008)? Wells, Merritt, and Briggs (2009) argue that the explanation is multi-factorial, such as race and class biases in initial reporting and subsequent case processing and the impact or recent child welfare policy initiatives that may disproportionally impact children of color. McRoy (2008) also found that cultural misunderstandings, stereotypes, assumptions, and bias could lead to disparate decision making among child welfare workers.

Rivaux et al. (2008) found that disproportionate representation may not be overt racism, but manifests in the ways child welfare workers determine the risk of a child's situation. In a review of all cases in Texas that had reached the end of an investigation, Rivaux et al. (2008) found that all else being equal, race, risk, and income predict the services decision and the removal decision in different ways for Black and white families. Rather than racial bias being present in the assigning of the risk score itself, disproportionality may be better explained by racial/ethnic differences in the risk threshold workers use to make case decisions (Rivaux et al., 2008). In other words, the risk threshold for more intrusive case decisions is higher for whites than for Blacks; this is still an effect of institutional and structural racism towards Black families, albeit in a more covert, internalized form.

Secondly, Black children are more likely to be placed in either nonkinship care or group care than white children despite research pointing to the positive effects that kinship care have on Black children (Harris & Skyles, 2008; Schwartz, 2008). Kinship care is not a new practice in the US. Slave children often relied on family members of fictive kin, as Blacks were not included in child welfare systems until after World War II. Kinship care, particularly the role of grandmother figure, has been a key feature of Black families in the US for centuries (Schwartz, 2008). In a study of Texas foster youth in kinship care, Schwartz (2008) found that kinship placements buffer Black adolescents from some of the stresses experienced by those in

nonkinship placements "and offer some practice implications that may mitigate the consequences of disproportionality in child welfare" (p. 92). Kinship care also allowed Black foster children to form stronger connections with other people in their lives and have a closer relationship with their birth mother (Schwartz, 2008).

Despite the protective effect kinship care can have on Black foster youth, the inequities built into many child welfare systems also complicate kinship care relationships. Harris & Skyles (2008) argue that kinship care is often overused and misused in some child welfare systems and places a non-supported burden on typically older grandparents. Kinship care was authorized in 1961 as a funded option for children in foster care under Title VI of the Social Security Act (Harris & Skyles, 2008). However, kinship caregivers were given much less funding than nonkinship caregivers until the Supreme Court, in *Miller v. Youakim* (1979), ruled that payments must be equivalent (Harris & Skyles, 2008). Law makers, policy makers, and child welfare practitioners often see kinship care as a final solution, exploiting the role of kin in Black families and ignoring the alleged priority of child welfare systems to reunite youth with their birth families. Harris & Skyles (2008) also found that informal systems of kinship care occur at one and a half times the rate of formal kinship care, due to families being wary of reunification not occurring in the formal system.

Adoption is also a route for foster youth to leave the child welfare system; however, the chances of Black children being adopted are significantly lower than for white children. Looking at the path to adoption for children of color, Kapp, McDonald, & Diamond (2001) found that adoptions with white children were legalized significantly faster than those for Black children, waiting twice as long as white children and other children of color. Transracial adoption (TRA) has been theorized as a way for more youth of color to be adopted. This has been a controversial topic in the child welfare field, with the National Association of Black Social Workers (NABSW) labeling TRA "cultural genocide" (Fenster, 2005).

Academic Outcomes

The literature on the typical academic outcomes for foster youth paints a picture of a population that lags a year or more behind their non-foster youth peers. For example, on standardized state assessments, youth in foster care perform significantly lower in reading and mathematics than their non-foster youth peers (Zetlin, Weinberg, & Kimm, 2004). Emerson & Lovitt (2003) reported that a significant proportion of students in foster care perform poorly, as much as 15-20% below their non-foster youth peers, on state standardized testing in mathematics and reading. The authors also found that youth in foster care perform lower in the same school subjects as well (Emerson & Lovitt, 2003). McMillen, Auslander, Elze, White and Thompson (2003) found among a group of over 250 foster youth (of whom

more than 60% were Black), more than half had failed at least one class in the past year and a quarter had repeated at least one grade in their school career. In a meta-analysis of special education, retention, and discipline rates, Scherr's (2007) research shows grade retention among foster youth to be much higher, at a third of youth being retained at least one grade. McMilllen et al., (2003) also found no gendered difference between the frequencies of school problems, with females just as likely to experience serious academic difficulties as their male counterparts. McRae et al., (2010) found similar results in their study of a matched group care versus foster care sample of 124 foster youth. Regardless of placement in a group care or foster home setting, foster youth had below average cognitive, math, and reading scores, showed little improvement over the three years of the study, and many youth got worse over time. Black youth fared the worst among the sample, making no improvements over time compared to the rest of their peers (McMillen et al., 2003). Similarly, in an analysis of Wisconsin state data of foster youth, Berger et al. (2015) found that youth who experienced any out-of-home placement had considerably lower math and reading achievement scores than their general population peers.

Education research, particularly in the field of special education, has focused on deficit models of risk and achievement to explain academic and behavioral differences (Harry & Klingner, 2007; Trent, Artiles, & Englert, 1998). The use of these models usually places the blame for academic

"deficiencies" on the youth, parents, or cultures. In the field of special education, this phenomenon has become "intertwined with the historical devaluation of minorities in the United States" and resulted in some of the institutional factors for overrepresentation of youth of color in special education (Harry & Klingner, 2007, p. 17). Research within the last decade has begun to shift focus from deficit models and identify some of the barriers that affect the educational outcomes for foster youth

In a review of the previous fifteen years of research on child maltreatment and academic vulnerability, Stone (2007) found that there is typically an association between various socio-demographic factors such as poverty, education level, community resources, parent education and social capital, and exposure to harsh and/or inconsistent parenting practices that either mediate or moderate academic achievement among foster youth. Also missing from the literature is a critical discussion on the inadequacy of state testing, inappropriate school placements, or the sub-par schools that youth of color often occupy. Stone (2007) did find studies that point towards this systematic disproportionality in terms of quality of schools; in Chicago, foster youth are contained to a relatively small percentage of overall schools, which are among the lowest-performing schools in the city (20% of foster youth concentrated in 5% of the schools).

More recently, Leone & Weinberg (2012) and Zetlin & Weinberg (2013) reviewed some of the major institutional factors that youth in foster care and

juvenile justice systems face that affect their educational outcomes. These significant barriers included:

- Mobility and placement issues: Many foster youth experience multiple placement moves over the course of their stay in the system, which can have a negative effect on their academic outcomes (Zetlin & Weinberg, 2013; Leone & Weinberg, 2012).

- Educational records: The timely transfer of school records was also cited as a major barrier for foster youth, as delayed or missing records are often the reason youth are prevented from enrolling in new schools quickly. As is discussed later, California passed legislation (Assembly Bill 490) that specifically addressed this issue.

- Inadequate or lack of collaboration/coordination: Identified as a major barrier, the sub-par collaboration between schools and child welfare systems stems from a multitude of issues, including "confidentiality provisions, lack of understanding across agencies, lack of a single person to advocate for the youth and lack of coordinated efforts to address youth needs" (Leone & Weinberg, 2012, p. 19). Again, California has attempted to remedy this issue with the passage of AB 490, which will be discussed later.

- Inadequate or inappropriate school services: Foster youth experience both over- and underrepresentation in special education, likely due to frequent transfers and placement moves. On one hand, schools fail to identify youth who might need services, whether because of frequent transfers or because schools often suspend foster youth for behaviors that are actually manifestations of a disability (Leone & Weinberg, 2012; Zetlin & Weinberg, 2013). On the other hand, foster youth are also over-identified due to the lack of supports for students in general education settings; many foster youth are then referred for more restrictive settings in order to facilitate placements that have on-grounds private special education schools (Leone & Weinberg, 2012). Lastly, foster youth, especially those receiving special education services, are often disproportionately suspended and/or expelled from school(s) (Leone & Weinberg, 2012; Zetlin & Weinberg, 2013).

There is also little discussion of the institutional factors within schools and classrooms that contribute to the academic disproportionality of students of color. Harry & Klingner (2006) discussed several ways that racist ideologies find their way into classrooms and affect the achievement levels of students of color. On one hand, some scholars argue that low

achievement among Black students (and to the extent, other students of

color) is a form of resistance and withdrawal by the students themselves in

response to racist narratives being taught in the curriculum (Harry &

Klingner, 2006). On the other hand, other scholars, such as Steele (1997),

contended that perceived stereotype threat, in which youth of color

experience anxiety or stress due to worry over displaying or confirming a

negative stereotype about their particular social group, can depress youth of

color's academic functioning and test scores. Harry and Klingner (2006) also

found that Black students' academic performance is more vulnerable to

negative teacher perceptions than that of their white peers.

The role of cultural and racial hegemony in the classroom has also not

been given the scholarly attention when considering the academic outcomes

for foster youth. Hegemony refers to when the "cultural style, beliefs, and

practices of the mainstream of a society infiltrate the values and behaviors

of all sectors of the society and are valued and privileged above all others"

(Harry & Klingner, 2006, p. 42). This value and privilege manifests in public

situations, such as the classroom environment, resulting in a cultural

consonance for some and a dissonance for others. Cultural consonance, as

described by Harry and Klingner (2006), is a comfort level that does not

require an individual who belongs to the dominant class to change one's

language, accent, tone of voice, and/or laughter; it can also be considered

an environment where language preference, customs, and interaction style

are shared and implicitly valued by all. Considering the classrooms that many foster youth of color occupy, it's important to understand the ways in which hegemony in all its forms can foster an environment that stifles the creativity, imagination, and ultimately, the academic success of many youth of color.

Representation in Special Education

For youth in foster care, many, if not a majority, are educated in special education settings. The numbers vary by study; Emerson & Lovitt (2003) report that most experts believe about 50% of youth in foster care receive special education services. Zetlin (2006) reports that the number varies by region, from a low of 28% to 52% of foster care youth receiving services. However, most studies tend to cite around half of youth receive services (Scherr, 2007; Zetlin, Weinberg, & Kimm, 2004; Zima et al., 2000; Trout, Hagaman, J., Reid, R., & Epstein, M.H. 2008). In a statewide report on the status of foster youth in California in 2001, 47% of the 18,000 foster youth who were in care at the end of 1999 were receiving special education services and were placed in restrictive placements (Parrish et al., 2001). Altshuler (1997) reported that the vast majority of youths in foster care who receive special education services do so under qualifications as individuals with either learning disabilities or emotional disturbance disorders. For youth with a disability in foster care, they are often found to be among the poorest performing groups of students in special education (Geenen & Powers,

2006). Several studies have described the high strain that youth with disabilities place on both the child welfare system and the school systems, including "draining" already taxed resources used for non-foster youth with disabilities (Stone, 2007; Smucker, Kaufman, & Ball, 1996).

Why would a status of receiving special education services be significant for youth in foster care? Many foster youth receiving special education services, particularly those identified as having a learning disability or an emotional disturbance, can be educated in segregated settings, away from their non-disabled peers. According to Emerson & Lovitt (2003), at least half, if not more, of foster youth are reported to have a disability falling under those two categories. Haskins, Wulczyn, & Webb (2007) found that in a national sample of foster youth, 30% were found to have disabilities that would likely make them eligible for special education services. This likely represents a significant number of foster youth who may be receiving some portion, if not all, of their education segregated from their peers, especially considering that approximately 12% of the general school population receives special education services (Zetlin, Weinberg, & Kimm, 2004). However, national statistics or studies that give a more concrete number of youth in foster care that are placed in more restrictive settings than their non-foster youth peers have not been collected nor conducted.

Even with knowledge that youth in foster care are performing below their peers, youth in foster care are often placed into educationally

inadequate programs. Many foster youth, particularly those that live in group homes, are placed in non-public special education schools or alternative school programs, such as continuation schools and/or community day schools (Zetlin, Weinberg, & Kimm, 2004). These schools can employ teachers that lack specialized credentials to work with specialized populations and also tend not to offer college preparatory courses (Zetlin, Weinberg, & Kimm, 2004).

Zetlin (2006) found very similar results. Some group homes require youth in foster care to attend their on-grounds private and/or special education school, particularly if the student has an IEP. These placements are highly restrictive in which students have zero exposure to both non-foster youth and typically developing peers. Zetlin (2006) cites several important concerns about this education setting, including:

> [T]he lack of certified teachers, the provision of low-level academics, mixed age groupings of students ranging from 11-17 in the same classroom, poor educational facilities (e.g., no science laboratories, libraries, computer rooms), lack of participation in statewide assessment programs (i.e., no educational accountability), and no or limited extracurricular activities such as team sports. (p. 163-164)

It is important to note that there have been important developments over the last decade to remedy some of these academic barriers for foster

youth. In California, Assembly Bill (AB) 490 was passed in order to ensure educational equity for youth in care. These protections include:

- Educational equity, in which educational placements for foster youth must guarantee access to academic resources, services, enrichment, and extracurricular activities that are available to all other students.

- Placement protections that ensure where youth are placed is in the best academic interest of the youth and is the least restrictive environment that serves their needs.

- Allowing a youth to remain at their school of origin even if their placement changes.

- Immediate enrollment in school even if documents typically needed are missing or fees are owed to the youth's previous school.

- An educational liaison for foster youth must be appointed by each school district.

- Records must be transferred between schools in a timely manner; both the school requesting records and the school of previous record have two business days to transfer or request records.

- Protection of student credits and grades; a student's grades cannot be lowered due to absences caused by court or placement-related activity. Schools also must award full and partial credits for any coursework completed.

- Allowing access to student records for case workers and probation officers without parental consent, in order to assist with case management duties and school transfers or enrollments (California Foster Youth Education Task Force, 2006).

To assist foster youth who likely experience multiple placement moves while in care, AB 167 was passed and became law in 2010. This law allows youth in 11th or 12th grade that moved to different schools within a district an exemption from completing extra requirements beyond basic educational courses defined by the state if they present an unreasonable burden on the youth to finish on time. Since research has shown that foster youth experience multiple placements in care, and that these moves can have a negative effect on academic achievement, the intent is to make the process of earning a high school diploma less burdensome on foster youth.

While there have been cases in the literature where several structural and institutional inadequacies have been highlighted, there has been little to no discussion on the connection between racism, hegemony, and exclusion in connection with foster youth. From a CRT perspective, what role does race, gender, and class, among other social categories, play in the decision making process of whether or not a youth qualifies for special education services?

In their study on racial disproportionality in special education, Harry & Klingner (2006) discuss the notion of *culture of referral*, which can be

described as the attitude toward and beliefs about children who are not doing well in general education settings, as well as beliefs about special education. Notions of whether low academic performance or behavioral difficulties in the classroom were a sign of something wrong with the child or whether or not these children "belonged" in general education classes supported the culture of referral in schools (Harry & Klingner, 2006).

This "othering" of foster youth with disabilities, using a CRT lens, functions as a means of control for state-based institutions (such as schools) over what is overwhelmingly a system that almost exclusively affects of youth of color in places like Los Angeles, New York, Chicago, and the Bay Area of Northern California. Recent data shows that of the more than 20,000 youth in foster care in Los Angeles County, more than 88% are Black or Latino (Lucille Packard Foundation for Children's Health, 2015). The same foundation reported that Alameda County in Northern California (where the city of Oakland is located) and San Francisco County have foster youth populations that are more than 80% Black and Latino (Lucille Packard Foundation for Children's Health, 2015). New York City's Administration for Children's Services most recent annual report indicates that their population of foster youth who are Black and Latino hovers around 87-90% at any given time (New York City Administration for Children's Services, 2015). The state of Illinois reports that as of late August 2015 in Cook County, where

the city of Chicago is located, 85% of the county's foster youth are Black and Latino (Illinois Department of Children & Family Services, 2015).

Several studies have shown the link between foster youth, disability, and involvement in both the juvenile and criminal court systems, with literature reporting that three fourths of foster youth have committed at least one illegal act while in care and close to a third of former foster youth have experienced incarceration within two years of exiting the system (Courtney & Dworsky, 2006; Havlicek, 2011). This funneling of youth of color into prison systems, also known as the school-to-prison pipeline, can be seen as a tool of control and domination by the hegemonic institutions that determine local, state, and national policies for disability services within child welfare and school districts.

Behavioral and School Engagement Outcomes

Research on school behavioral and engagement difficulties for foster youth have been well documented, with much of the research focused on attendance rates and occurrences of suspension and/or expulsion. Youth in foster care have been found to experience social and/or emotional problems at rates three times higher than non-foster youth (Nilson, 2007). While the nationwide and statewide suspension rate hovers around 5-10% (California Department of Education, 2012), youth in foster care experience much higher rates of suspensions (typically 15% to 31%, with one study of older foster youth revealing 73% occurrence of at least one suspension) than their

non-foster care peers (McMillen et al., 2003; Scherr, 2007; Trout, et al., 2008; Zima et al., 2000). School problems, such as instances of defiance, truancy, and/or negative classroom behavior, are also found to be relatively common among foster youth (McMillen et al., 2003). Foster youth have also been found to abuse drugs and alcohol, experience serious social problems (such as marital or domestic strife, social isolation, relational violence) and have higher rates of unemployment, homelessness, and/or antisocial behaviors later in life than their non-foster youth peers (Farruggia et al., 2006).

Attendance has also been documented as a serious school-based issue for foster youth. Castrechini (2009) found that the absence rate for foster youth in a county in California was double that of non-foster youth peers and the rate at which children left school mid-year was eight times higher for foster youth. Other studies have supported these results, showing much higher rates of absenteeism for foster youth (Emerson & Lovitt, 2003; Leve & Chamberlain, 2007; Sullivan, Jones, & Mathieson, 2010; Trout et al., 2008).

Again, missing from these mostly descriptive studies concerning behavioral and engagement outcomes are any critical analysis of the institutional barriers to foster youth success. Utilizing a CRT perspective, another clear connection can be drawn between the high suspension rates for foster youth and the school-to-prison pipeline referred to earlier.

According to a recent report in *Colorlines*, Florida received the distinction of being the largest school-to-prison pipeline offender, with more than 12,000 students being arrested for mostly (67% of arrests) minor infractions, such as fist fights, talking back to teachers, and dress code violations (Hing, 2013). Black students make up the majority (46%) of arrests made, despite making up only one fifth of the state population.

Why is this example from Florida important? The disproportionate incarceration of PoC has dire ramifications as these youth transition into adulthood and will likely continue to be involved with the criminal justices system. Despite making up a distinct minority in the United States, Black and Latinas/os make up more than 60% of the United States' prison population (ACLU, n.d.). The introduction of zero-tolerance policies in schools is contributing to the rise in incarceration rates for youth of color, and these contacts with jails, prisons, and law enforcement can have long-lasting affects, even if charges are not filed. For youth who have been arrested for minor school crimes, these arrests typically follow the youth and can affect future employment (Hing, 2013). According to a recent report by the California Senate Office of Research, it is estimated that around 15% of California's inmates were likely former foster youth (California Senate Office of Research, 2011). Considering that foster youth of color are dealing with the intersections of race, class, and legally being wards of the state, it is no surprise that rates of incarceration are high for this population.

Regarding attendance rates and foster youth, most literature has focused on a multitude of issues to try and explain foster youths' lack of engagement in school, from transportation issues, inconsistent or inadequate foster parenting skills, or are focusing on deficit notions of the individual (disability, total disengagement from school, criminal activity, etc.) (Zima et al., 2000; Stone, 2007; Pears et al., 2012; Nilson, 2007; McMillen et al., 2003; Leve & Chamberlin, 2007; Havlicek, 2011). Missing from this discussion are school- and classroom-based analyses of the ways in which youth of color are generally excluded from classroom activities by means of a Eurocentric and racist curriculum that does not value their experiences as immigrants, American citizens, and legitimate contributors to society. In the current culture of overemphasis on standardized assessment and notions of accountability, little room has been left for educators to teach a culturally relevant, empowering curriculum that is engaging for youth of color. A recent analysis of the Tucson Unified School District's (TUSD) ethnic studies program revealed that both students of color and white students were found to benefit both academically and socially from the highly engaging ethnic studies curriculum (Sleeter, 2011). Ethnic studies programs have been shown to be wildly successful among youth of color, and have also been shown to be academically rigorous and promote feelings of self-worth and empowerment among youth of color (Sleeter, 2011).

This review of existing literature has revealed that foster care systems in this country, particularly those in large urban areas like Los Angeles, have a long history of grappling with exclusion and racism. While we know that in many instances, this exclusion and racism plays a part in foster youth performing at lower levels of academic proficiency, having challenging behavioral and school engagement outcomes, overrepresentation in special education and child welfare systems, we know very little with which undocumented youth interact with child welfare systems. The aim of the current study is to begin to close the gap between what little we know and a clear picture of the state of undocumented youth in Los Angeles County.

Chapter 3: Methodology

Purpose

The purpose of the current study is to document and highlight the qualitative experiences of undocumented youth in foster care, focusing on placement, educational, and mental/physical health outcomes and evaluate the many institutional factors that may have a direct effect on this populations. With deportations at their highest level ever under the Obama administration, the number of undocumented youth who will undoubtedly come under the care of the social welfare system remains high and could likely increase in the next several years. A clear picture of the institutional barriers that undocumented youth face while in care is critical to understand the ways in which practitioners and policy makers can meet the needs of such a vulnerable and marginalized population.

Research Questions

1. What types of institutional barriers do undocumented foster youth face in terms of educational, placement, mental health, and physical health outcomes in Los Angeles County?

    a. In what ways are foster care agencies, non-profits, community service agencies, etc., serving undocumented foster youth? What institutional barriers do these agencies face and what types of strategies/resources do they employ to help advocate/assist these youth?

2. What are the personal narratives (*testimonios*) of former foster youth who either have remained undocumented since aging-out of foster care or who were undocumented while in care in Los Angeles County?

Research design. This study utilizes a critical ethnographic framework, an approach that falls in line with CRT research and its assertion that racism is a central, and not tangential, experience in the lives of PoC. Traditional educational research is typically seen as mostly objective and free of political meaning, while critical ethnography can be described as ethnography with an explicit political purpose (Madison, 2005). In the spirit of CRT research, critical ethnography directly challenges notions of hegemony and other dominant discourses that control narratives about marginalized groups, placing the author/researcher and "subjects" at odds with the status quo (Bagley & Castro-Salazar, 2012). A critical ethnographic approach allows for a more nuanced look at the institutions that influence and control the outcomes for undocumented foster youth. It also allows for the experiences of PoC (i.e., undocumented foster youth) to be a central and key component to this study, valuing their life experience in ways that traditional research does not. *Testimonios* or *counterstories* are a valuable source of information on the lives of PoC and represent a nuanced and accurate depiction of the lived experiences of PoC, while maintaining authenticity true to the subject's experiences.

Data sources. The vast majority of research was conducted at foster care agencies, non-profit agencies, community service centers, and other organizations throughout Los Angeles County that provided any sort of aid or support to youth in foster care. Foster care agencies were the main source of contact, as the many of the county's foster youth have contact with various public and private-run facilities. According to a recent state report, of the more than 18,00 foster youth in LA County in 2012, approximately one-third reside in Foster Family Agency homes or group homes in (a little more than 40% are in kinship care) (Lucille Packard Family Foundation, 2015). If foster homes are included, which receive children from Foster Family Agencies, then the percentage jumps closer to 40% of all youth placed in a home or facility by the Department of Children and Family Services (DCFS). Since its unknown how many youth in foster care are currently undocumented, and it's also unknown how many are placed in kinship care, it seemed logical to pursue public and private placement options as the primary sources of data for this study.

Participants. This study featured two main types of participants: those in the social welfare field who are either directly responsible for youth well-being (child-care counselors, teachers, advocates, Court Appointed Special Advocates (CASA) workers) or manage/direct/supervise those directly responsible for youth care and former foster youth who are currently no longer minors.

Participants were recruited primarily through recruitment emails, recruitment flyers, and through snowball sampling of other participants' professional contacts. Emails and flyers were initially distributed through the researcher's own professional contacts in the social welfare field and through Facebook. Professional contacts included the researcher's former teaching colleagues, colleagues met through graduate research and conferences, and individuals from several informal activist/advocate organizations. Saturation of information was reached when the data being gathered was no longer revealing any new viewpoints or experiences.

Recruitment for participants was also particularly difficult for several reasons. For one, many (fourteen) of the potential participants that responded to recruitment emails or flyers had either superficial or second-hand knowledge of working with undocumented foster youth; they either relayed stories they had heard from colleagues or misunderstood the exact nature of the study. These interviews were not included in the final data count, as they either a) reveled little to no information on the barriers that undocumented youth face in foster care or b) were of secondhand nature and were deemed unreliable or invalid data sources. Data on the types of participants is included in Table 1.

Table 1: Interview Participant Details

Position Title	Years of Experience	Pseudonym
Supervising Clinical Social Worker (SCSW)	30	Maria
Clinical Social Worker (CSW)	3	Luz
	4	Lisa
	6	Danielle
	2	Armando
	3	Jamal
Lawyer	10	Rick
	17	Elisa
	9	John
Foster Care Agency Case Manager (FCACM)	3	Michelle
	2	Rene

	2	Patricia
	5	Yvette
Court-Appointed Special Advocates (CASA)	4	Pam
	9	Susan
Community Advocates	6	Jose
	2	Paul

Potential youth could have aged-out of the system or may have fallen under Assembly Bill 12 (AB12), the California Fostering Connections to Success Act, which, starting in 2012, allowed minors to stay in foster care into their adulthood as "non-minor dependents" (California Department of Social Services, 2015). These former foster youth included unaccompanied minors who found themselves in foster care at any point during the adolescence. Former foster youth who are in federal detention awaiting criminal and/or deportation proceedings were not included in the study, as permission would be difficult to obtain from both university IRB and federal court systems. Current foster youth were excluded from this study due to

the difficult nature of getting both IRB and DCFS permission to include minors in research.

The intended plan was to involve five to seven former foster youth in the course of this study. However, only one former foster youth, Sofia, agreed to participate in the construction of a *testimonio* for this study. At the time of this study, Sofia had just turned eighteen years old and had transitioned from a group home to an independent living placement. She is of Mexican descent and had recently received her high school diploma. She remains undocumented.

Several different youth responded to either recruitment flyers or through contact with stakeholders who were interviewed, but only Sofia committed and followed through with the entire *testimonio* process.

Sampling. The primary means of sampling was a combination of purposive and snowball sampling. Purposive sampling is the most effective considering the aims of this study; since not much is known about undocumented foster youth in the county, purposive sampling allows for the researcher to "discover, understand and gain insight [in selecting] a sample from which the most can be learned" (Merriam, 2009, p. 77). Those cases, whether child-care counselors, advocates, agency executives, CASA workers, social workers, special educators, and even former foster youth, which are the most "information-rich" were selected for greater depth and

understanding (Merriam, 2009). Criterion for sampling was based on the

individual's knowledge of foster youth (current or former) who are or were

undocumented during the youth's stay at the facility or home, the potential

participants knowledge of advocacy and services provided for undocumented

foster youth, or their knowledge of the structural/institutional barriers that

undocumented foster youth face. Due to the fact that the number of

undocumented foster youth in Los Angeles County remains unknown, any

youth who at one time (or currently) was in foster care and undocumented

was included. Snowball sampling will be especially useful as a strategy for

participant selection; this strategy allows the researcher to locate key

participants who meet the criterion for inclusion and have them refer or

recommend others (whether other youth or other

facilities/advocates/executives) who would also fit the same criterion. In this

sense, the sample is not well defined ahead of time (known as theoretical

sampling) and allows for the ongoing selection of participants as data

emerges (Merriam, 2009).

Several strategies for recruitment of participants were employed. The

researcher initially contacted numerous professional within the field of social

work, education, and juvenile justice. Recruitment flyers, approved by

university IRB, were distributed and displayed in various foster youth

agencies, advocacy centers, and online. Social media was a valuable tool for

recruitment, particularly Facebook; posts were made and shared across this

public platform to help cast the widest net possible, as it ended up being difficult to find participants due to the sensitive nature of the research.

Data collection

  Semi-structured interview. The primary means of data collection for this study was semi-structured interviews. This method creates some standardization of questions asked to each of the participants, but allowed for some freedom to digress and probe far beyond set questions (Berg, 2009). A semi-structured format is key to this study due to the exploratory nature of the research being conducted; it allows for the interviewer to adapt the questioning and probe when presented with avenues of interest that occur naturally during the interview (Merriam, 2009). These semi-structured interviews allowed for the researcher to gather *testimonios* from former foster youth, in which they can construct counterstories about their specific, valid experiences.

  Interviews ranged from 30-90 minutes in length. The majority (ten) of interviews were conducted in person, while the remaining seven were conducted over the phone due to time constraints on behalf of the participants. All interviews were audio-recorded except for two participants, who expressed a desire not to be recorded. In place of an audio recording, extensive notes were taken instead. Due to the sensitive nature of some of the information that might be discussed, steps were taken to ensure a high

degree of privacy and, if desired, anonymity for the participant(s). Participants were notified of their informed consent to participate in this study and were informed that they may be contacted in the future by the researcher for follow-up questions. All participants were notified of their right to discontinue the interview process at any time without any penalties. Lastly, pseudonyms were created for each interviewee to ensure anonymity. Interviews were conducted until a point of saturation of information; for qualitative research, this point of saturation is highly dependent on the scope of research. For more in-depth, highly specific topics, the level of saturation included a smaller number of participants (i.e., 15-20) as opposed to the commonly accepted level of 30-50 for qualitative research (Mason, 2010). Interview questions can be found in Appendix A.

Testimonios. The use of *testimonios* with former foster youth in this study is a deliberate choice to allow for a more nuanced and humanizing approach to educational research. *Testimonios* present an oral history and a narrative of life experiences that is not often presented (or valued) in educational research. The history of the use of *testimonios* can be traced through several centuries of Mesoamerican history and has been utilized for centuries by groups that, in the context of imperialism, colonialism, and US institutionalized racism, are now considered marginalized or disenfranchised (Jasis & Ordoñez-Jasis, 2012). In context of this critical ethnographic stance, the use of *testimonios* with former foster youth can be seen:

…as a sort of contextual mosaic that allows for the validation of a

diversity of traditionally disenfranchised voices, experiences and views

of reality, which then take center stage in sociohistorical analysis. This

methodological stance gives public relevance to complex narratives of

the daily struggles, challenges, aspirations, and symbolic realms of

working people who are often marginalized from official discourses

(Jasis & Ordoñez-Jasis, 2012, p. 71).

Testimonios are often told by a "witness" and are motivated by a social

and/or political urgency to voice injustice and bring about awareness of

oppression that can be happening on a local, state, national, or even

international level (Pérez Huber, 2009). The important distinction of

difference between a *testimonio* and the typical semi-structured interview is

that *testimonios* are "usually guided by the will of the narrator to tell events

as she/he sees significant, and is often an expression of a collective

experience, rather than the individual (Pérez Huber, 2009, p. 644). Instead

of the researcher dictating the terms of the "interview," the interviewee

maintains control of the direction of the *testimonio*. In this sense, the

testimonio remains a flexible, fluid process of gaining information about a

particular community.

The use of counter-stories within the education research field can have

four theoretical, pedagogical, and methodological functions:

(1) they can build community among those at the margins of society by putting a human and familiar face to educational theory and practice; (2) they can challenge the perceived wisdom of those at society's center by providing a context to understand and transform established belief systems; (3) they can open new windows into the reality of those at the margins of society by showing the possibilities beyond the ones they live and demonstrating that they are not alone in their position; and (4) they can teach others that by combining elements from both the story and the current reality, one can construct another world that is richer than either the story or the reality alone (Solorzano & Yasso, 2001, p. 475).

These distinctions serve an important function for this study; they place the experiences and collective knowledge of communities that are seen as disenfranchised at the forefront of this research. Whereas traditional educational research typically views, studies, and reports on these communities with an "Othering" lens, *testimonios* reject these hegemonic forces of control and centralize our understanding of these communities in relation to a specific racialized, gendered, and classist US historical and societal experience.

The amount of time that the *testimonio* process takes varies, as the process is centered on the narrative of the participant and the interviewee guides the direction; these can range from a couple of hours to multiple

instances over several days. To prepare for these variables, the *testimonio* was scheduled at a time most convenient for the lone participant, outside of her work and school schedule. During this period of time, the researcher provided food and drinks as a form of compensation for the longer amounts of time spent constructing this personal history. The participant was informed of her consent in this study and her right to stop at any point in time and have any of her information discarded. Due to the long length and detail involved in constructing *testimonios*, all sessions were audio recorded and permission was obtained through the consent process. To help protect both the identity and the safety of the youth who held undocumented status or who could have revealed the undocumented status of others, care was taken to hold these meetings in private. While offices at two major public universities in Southern California were made available for the researcher to use to protect the anonymity of the interviewee, the participant elected to be interviewed at a family friend's house; this was in order to honor the spirit of the *testimonio*, allowing the participant to be most comfortable.

Data analysis. The researcher transcribed all interview data. Semi-structured interview data was transcribed within one to two weeks of the interview; the rationale behind this method is that the inferences, reflections, and impressions that the interviewer has pertaining to the process will be much more fresh in the mind than by waiting longer periods of time to transcribe. Due to the exploratory nature of this study, it was

necessary to reflect and respond to the information gained in the interviews conducted in order to adjust the types of questions asked of the practitioners and/or advocates. For example, after learning about a recently released memorandum concerning immigrant visas from Central America, the researcher had to alter some questions in response to this new information.

In terms of on-going analysis of interviews, preliminary codes were created (*a priori* coding) and utilized in order to help inform future interviews and sampling procedures (Creswell, 2012). An *a priori* coding scheme is common for targeting specific data within interviews, particularly semi-structured interviews (Berg, 2009). These codes reflected the research questions of this project in that they dealt with the overall themes of barriers to education, mental health, physical health, placement, and special education. Once interviews were completed, the *a priori* coding scheme was refined to target specific information that was mentioned by the majority of interview participants. For example, nearly all of the interview participants mentioned the special status that undocumented foster youth are granted by the county; therefore, it was integrated as a major theme for the stakeholder interviews.

Analysis of *testimonios* differs from traditional education and ethnographic research methods in that it features collaboration with the participants. The vast majority of educational research employing ethnographic methodologies excludes the participant from participating in

the research process in any way; CRT research stands opposite, and in direct opposition to, this method of excluding the participants in being active participants in the research process. This deliberate exclusion furthers the Eurocentric and hegemonic divide between academia and the communities they "study" by effectively "Othering" participants as simply subjects of study, much as classical anthropological studies have created "exotification" of communities in the "third world" with research that distantly studies cultures without including them as active participants. Borrowed from the work of Pérez Huber (2009), who utilized a Latina/o Critical Race Theory (LatCRT, or a Latina/o-focused extension of CRT research) approach to her analysis of *testimonios* from college-going Chicanas, the analysis of data in this study was a continuous, collaborative project. After the majority of semi-structured interviews and the *testimonio* were gathered, a preliminary analysis of the data was conducted and then presented as themes to the former foster youth to engage in reflection, discussion, and synthesis of the greater narrative of the data that had been gathered in order to best represent the experiences as told in the *testimonio* (Pérez Huber, 2009). This process centralized the research process and narrative on the voice of an undocumented former foster youth and remained faithful to the methodologies of CRT ethnography. After the subsequent collaborative analysis had been conducted, the researcher, incorporating the major themes from the research questions as well as the follow-up reflections of

the former foster youth, conducted a final analysis of all qualitative data

using a modified *a priori* coding scheme that honors the voice of the former

foster youth participant. See Figure 1 for a model of this analysis process.

Table 2 details the original *a priori* codes and the subsequent revised

collaborative codes.

Figure 1: Pérez Huber (2009) model of LatCRT/*testimonio* analysis process

Preliminary **Collaborative** **Final**

Major themes. Presented in Table 2 are the *a priori* codes initially

developed and the subsequent codes derived from the collaborative analysis

process with Sofia. While the main codes are still reflected in the final

themes presented here, Sofia assisted in adding important context and

importance to certain themes, particularly those concerning mental health,

reunification, and lack of support.

Table 2: Development of Codes

Original *a priori* codes	Themes developed after collaboration	Rationale (if applicable)
Education/academic barriers	General academic issues	Education/academic barriers were split into two themes: general academic issues, which were mostly anchored by the former foster youth *testimonio*, and special education issues, which were not the youth's experience but were talked about by many of the interview participants.
	Special education issues	
Placement barriers	Placement issues due to undocumented status	Placement barriers were divided into three distinct themes. The first were placement issues around undocumented status, such as youth being rejected from placements for having undocumented status. Second, both the former youth and many of the participants spoke at length of the many challenges in getting a youth reunified with their parent(s). Third, as is reflected in much of the literature, having placement stability seems to also be a challenge for many of these youth.
	Reunification barriers	
	Placement stability	

Mental health barriers	Mental health – medication, trauma, and stress	While mental health barriers as a whole were recognized by nearly all participants, the former foster youth believed that medication issues, trauma, and the stress that being in care places on the youth should be emphasized as a theme.
Physical health barriers	Code eliminated	Since foster youth, regardless of immigration status, are covered by Medi-Cal, this code was eliminated.
Transition-related barriers	Lack of support	The former foster youth spoke at length of the types of support that were either inadequate or did not take place. She believed this was one of the major factors why she experienced such hardship in care.
Undocumented status as barrier	Undocumented status as barrier	This code was split into two separate themes to reflect the general difficulties that came along with being undocumented (particularly being excluded from activities funded by the city or state), as well as the specific issues that SIJS presented.
	Special Immigrant Juvenile Status (SIJS) issues	

Advocacy	Advocacy	This theme remained unchanged from the original version.
	Racism and prejudice	This was exclusively discussed by the former foster youth and she wanted it included as a separate theme. She described several instances in which people in authority positions (staff, law enforcement) used racial slurs towards her, made anti-immigrant statements, and racially profiled her.
	Policy deficits	This theme specifically discusses deficits in policy that have presented challenges for many of the interview participants, particularly stipulations to youth gaining SIJS.

Chapter 4: Results

Testimonio

As previously stated, only one former foster youth participated in constructing a *testimonio* and collaborated with the analysis of the data collected. While this is much lower than the projected number of participants and places limitations on the original plans for analysis, the *testimonio* that was constructed provided significant insight into the life of an undocumented youth in foster care.

The *testimonio* was constructed over approximately five hours at the participant's current placement, a nearby restaurant, and over the phone. The majority of the conversations took place in English, with some Spanish mixed in. All conversations were audio recorded with the participant's verbal consent.

The first meeting, which lasted nearly four hours, took place at the former youth's primary placement and at a nearby restaurant. The final meeting (the collaborative analysis), which took place over the phone due to the former youth's busy work and school schedule, took place approximately two-and-a-half weeks after the first session and lasted for nearly an hour.

Since a CRT lens places the lived experiences of those who are often the subject and "Other" of qualitative research, this work will center the results on the *testimonio* that was conducted. This is a purposeful,

intentional action, meant to subvert traditional qualitative research, which often treats the interviews of stakeholders and experts as inherently more objective and valuable than youth narratives.

Sofia*

"The hardest things to overcome are the fact that you're viewed as worthless in this country. You're viewed differently, treated differently."

I received an email from Sofia three days after sending recruitment information to one of my colleagues who assists former foster youth at a community college in Southern California. It was very simply titled, "My story." She opened the email with an introduction and quickly jumped right into telling her story:

> Throughout my life in foster care, life had many barriers for me to be successful in what I wanted. People look and treat you different because of what you been through. I was in foster care for 5 years and just recently continued onto SILP [Supervised Independent Living Placement], prior to me turning 18. I suffered a lot of abuse while in care and many did nothing about it. It's like you're a life without a voice. I am strongly encouraged to share my story and how I'm progressing.

I quickly called and left a message at the number provided, as well as sent her an email. I had received a few other messages expressing interest

in participating in the research, but none of them contained this level of engagement and eagerness. We spoke by phone and set up a time to sit down and talk the following day.

Experience in foster care. Sofia came to the United States at the age of two with her family. She remembers nothing of the journey and can only relay bits of it that she was told by her mother. Her grandfather suggested they go to the United States to lead a better life. She came across the border with just her older brother and some strangers. She said that she was drugged so that she would sleep and not cry for her mother when she made the journey across. Once she arrived, she was reunited with her parents. Her parents divorced a few years later and her mom remarried. When Sofia was around thirteen years old, her stepfather began abusing her, and this was when she was removed from her home.

After we finished discussing the exact nature of a *testimonio* and that she was ultimately in control of the narrative that was being told, she jumped right in:

> I wanted to say that it's really hard to be in foster care in general.
> There's a lot of things that people don't know about um, how it is
> because they have such regulations that are so harsh, they don't let,
> even, they even make it difficult for families to come in and visit the
> youth. It's not well-organized, it could be better organized. I mean I

suffered a lot. I got times where I was just in my room hanging out and a girl would come in and assault me and they literally just stand there and they just look, and they don't do anything, and um, I got my finger bit. They didn't take me to the hospital, I had to leave off grounds and seek medical care on my own, and they seemed pretty ignorant about it. They were unwilling to work with me. They told me not to file a police report. It was just, like, a lot to go through.

Sofia begins her *testimonio* by talking through her initial impressions of the last several years. She has been involved in the foster care system for approximately five to six years. The last two have been the most difficult; she was in a total of fourteen group homes during that period of time. Her longest period of stay was six months, at a larger facility that housed at least thirty young women. She remembers that this particular placement allowed her to work odd jobs around the facility washing dishes and cleaning the tables for cash under the table. She mentioned that she was around fourteen or fifteen years old when she was there and she had finally adjusted to their schedules and routines when she was kicked out of the group home:

I got kicked out of that group home because the nurse there filed a complaint to a police officer saying that I was, I scared her, she felt threatened by me in some type of way, just because I…she was improperly giving me my medication and I made it, um, I made a

complaint to one of the other nurses saying, 'Hey, the other nurse is not bringing everybody their medication at the time scheduled for the medication and she just forgets mine,' and so I confronted her about it and she made a big deal and she had me arrested and fingerprinted. And I was undocumented so they made a big deal.

This was the first time she mentioned her undocumented status in the context of her care. She quickly, however, moved on to describe the trauma that being in care caused her, stating that, "It's traumatizing. You're coming out of trauma on your own, whatever happened that you're in foster care, and they just put you in another place that causes more damage to you. That's how I felt." She then described how the living conditions were at this particular facility where she stayed for six months:

It was very dirty. The dishwasher was full of ants, rotting food on the counters, and the girls too, they weren't really educated enough to clean after themselves, and some other ones are very ignorant…and they just do whatever they want and no one can tell them anything because they'll just start fighting or causing problems.

Educational experience. Her focus then shifted towards her schooling, particularly her experience the last two years. She went to continuation schools since she was so far behind in credits from missing the entirety of her freshman and part of her sophomore year:

I didn't go to school my freshman or part of my sophomore year. I was

enrolled, but I went to one class a month. I just…I was going through

a lot of problems, there were social workers going in and out of my

home (with mother, stepfather, and brothers), physical abuse, mental

abuse. It was just too much… They did hold me back from going to

11th and 12th grade because I didn't have the credits, so I had to go to

continuation school.

One of the few areas that she lighted up about was talking about her

eventual success in schooling, despite the setbacks that she experienced.

She said that the schools on-site at many of these facilities would often

prevent her from attending school if she went AWOL (Absent Without Leave)

from the facility for any amount of time. She explained that she would get

"frustrated from time to time and…would feel the need to leave the facility

for a couple hours 'cause [I] just couldn't bear with it anymore and I felt like

if I stayed there, worse things were going to happen." Many of these AWOL

incidences were due to Sofia being the victim of assaults at the hands of

other students and the facility staff either not doing much to stop the attack

or refusing her adequate and appropriate medical care for her injuries. For

example, one time a fellow student bit her on her finger and drew blood,

eventually leaving a one to one-and-a-half inch scar on her index finger.

Despite pleas to take her to a doctor and not the on-grounds nurse (who

only provided her with a Band-Aid but no sort of antibiotics common for bite

victims), she was ignored. So Sofia made the decision to leave the facility and check into the emergency room herself to get treated.

After leaves like the one described, Sofia said that the facility would prevent her from attending school until she got a medical clearance. If the on-grounds nurse was unavailable for whatever reason, Sofia had to wait in her room until the nurse was available, which she said happened "often." These waits at home usually last three to four days at a time.

Despite setbacks such as these, Sofia recently received her diploma and her proudness beams clearly across her face. She calls it her birthday present to herself, as she obtained the diploma approximately two weeks before her eighteenth birthday.

Undocumented status. At this point there is a natural lull in the conversation; this is the first time in about forty-five minutes that Sofia has taken a pause for more than a second or two. We each took sips of water bottles that are on the table. I ask her if she wouldn't mind speaking about her experience of being undocumented while she was in foster care, and as before, a flurry of information spills from her:

> It was pretty hard, there were times when all the girls would line up
> and they would take them to ILP (Independent Living Program) classes
> and I didn't get to join those services because they were asking me for
> documentation and I have nothing. And the things that I did have, my

temporary things, they got lost, my social worker lost them. They have

no records of me even existing, so I couldn't participate in those

programs. Until this day, I'm 18 and I don't even have an ID. I don't

have an ID. They haven't really helped me. I've been telling my social

worker, I'm gonna need an ID, I'm transitioning to SILP, and they're

helping me out, and I'm gonna need identification. And it's illegal to

even walk in the streets without identification. They don't seem to

notice that it's a problem. I got told by my old foster mom, because I

was in a – previous to coming here [current living arrangement], I was

at a foster home, and it was not that great as well. She told me, 'Oh

you're not gonna need that, why are you thinking about that?' And I

was like, why doesn't anybody understand what I'm saying?

Sofia continued by speaking about her undocumented status and the

fear that she had of it being used against her. She said:

I didn't necessarily hide it, but I always did keep in the back of my

mind, like, I know that I'm in a government facility, they know that my

mother is unwilling to care for me, and that I'm alone and I do have

relatives in another country, so I was hoping that wouldn't be an

option for them. Because I really wanted to stay here and study, and

you know, I have goals, just like any other person and its just that I've

had so many barriers. Until this day, I went to go get an immigration

physical and they told me that I can't because I need records of my

vaccines, and I don't have anything. So…they're making it really hard for me. I need one thing to go – I can't go to the DMV and schedule an appointment and get an ID without a social. I'm stuck and it's frustrating. I try to stay out of trouble, I try to stay off the streets as much as I can and focus on my real goals, getting little jobs here and there, and studying of course.

As it will be discussed later, there is actually a clear, fairly streamlined process for changing the immigration status for undocumented foster youth in Los Angeles County that starts as soon as the social worker notifies the Special Immigrant Juvenile Status division of DCFS. It appeared that either Sofia's social worker was unaware of this office or she was aware of this office and simply dropped the ball, whether intentionally or not. Either way, Sofia was deprived of necessary and vital services and legal protections for several years because of this oversight.

Sofia also noted that the incidence described earlier in which she was detained and fingerprinted for allegedly "scaring" a nurse was the time she became most frightened that her undocumented status would be used against her. She feared that she might get deported, especially when the cop began telling her, "I hope your life goes to hell, and you don't do shit, and never become shit. I hope you never go back with your family." She was worried that this false accusation might be a reason for her to be sent to a federal detention facility and eventually deported back to Mexico.

Lack of support. This theme of constantly being let down and disappointed by those within the system who are supposed to advocate for and assist her in succeeded continued as she spoke about other figures in her life. Her relationship with her social worker can hardly be described as functional; she described her social worker as "very negative" and that her social worker told her family that she would not graduate on time, that she would end up doing "nothing" in life, that she did not like Sofia, and she did not know what to do with her. She even said her social worker told her family that she would end up "in the street doing drugs." Sofia consistently described her as someone who has dropped the ball in terms of her advocacy as both a foster youth and an undocumented youth. For example, Sofia described several instances where her social worker failed to both set her up with the necessary tools to plan and implement her upcoming aging-out from foster care and her transition to independent living, despite this being required by law. There were numerous occasions where Sofia was either led to believe that she would be enrolled in ILP classes or the process would begin, only to be let down and, as she put it, "blown off" and have her concerns dismissed. Her eligibility for ILP was based on her documentation status; Sofia's social worker was clear that she could not enroll in these programs because she did not have a social security number. Despite repeated attempts by Sofia to get the process started to change her immigration status, to her knowledge, nothing ever came to fruition. Sofia

71

stated that she would ask; yet "nobody's helping me with anything. I call supervisors, receptionists, everybody; if I could call the president I would, but I can't. Everything is everywhere, unorganized, sloppy."

This lack of organization and mismanagement of Sofia's case led her to be placed several times at the infamous Youth Welcome Center for long periods of time. While originally hailed as a temporary (i.e., 24-hour) safe, welcoming, and warm environment for older youth aged 12-17 and aged-out foster youth, the Center was recently closed at the threat of a lawsuit by the California Department of Social Services. This lawsuit was filed due to chronic "overstays" by many youth at the Welcome Center (Heimpel, 2016).

Sofia was one of those youth who experienced chronic "overstays" at the Welcome Center. She described one recent encounter that occurred within the last year:

Sofia: My social worker had nowhere to place me and there's a Welcome Center, I'm sure you've heard of it –

Me: I know of it very well.

Sofia: I've been there many times; they already know my name by memory. They really like me there. I was there for almost a week and they were like we don't want to leave you here, but my social worker said she didn't know what to do.

Unfortunately for Sofia, the lack of responsiveness and accountability from her social worker extended beyond DCFS. Sofia described many situations in which she attempted to self-advocate for her needs and approach individuals who were higher up in the foster care facility hierarchy in order to get her needs met. She stated that she would often "look for higher positions of people to ask questions about issues" that she had and push them to address her needs directly and help her come up with a solution to various issues (such as issues around medication, physical abuse at the hands of her peers, getting correct and update documentation, etc.). The response she received each time was nearly the same; many times Sofia would "get rejected, and they would say, 'You have to go back to your area, I can't be talking to you now," leaving her issue ignored and unresolved.

Self-advocacy and medication issues. In the face of rejection and dismissal, Sofia often took her self-advocacy skills to the next level and personally addressed her issue by whatever means she had available at the time. For example, one issue that Sofia spoke at length about was issues surrounding her medication – whether it was an incorrect or she had not received her dosage, side effects that were gravely affecting her everyday functioning, or other concerns. From a young age (approximately fourteen or fifteen years old), Sofia was prescribed Zoloft and Seroquel to treat supposed depression and/or Post Traumatic Stress Disorder (PTSD).

Oftentimes, the psychotropic medication that she was prescribed had profound effects on her daily life, as she described:

> My first experience with medication was before I got placed into placement. After I got taken from my home, they sought help from a doctor, that doctor prescribed me Zoloft and Seroquel. I felt kind of bad. I feel like they were trying to make me be someone I wasn't, or change my mood. I felt different when I was on medication. I didn't feel like myself, I would zone out, or I would not be the typical me, sometimes I would be angry for no reason, irritable. Sometimes I would fall asleep where I wasn't supposed to fall asleep, like I was falling asleep on the kitchen or on the floor. And I felt like that was really bad.

Rampant overmedication among foster youth in group home settings is nothing new. Recent reports show that medication usage is often underreported by DCFS; the most recent data suggest that more than 15% of all foster youth in the county are on some form of medication (Therolf, 2015b). This is an issue of great importance, as many of these medications come with serious warnings for side-effects that include weight gain, diabetes, high cholesterol, weight gain, lethargy, tremors, and even suicidal ideation (Loudenback, 2015).

Like many foster youth, Sofia became aware of the serious side effects of her psychotropic medication early on. When youth are prescribed medication, usually, they have a right to be informed of their ability to ask for changes in their medication, as well as the right to refuse medication (Department of Social Services, n.d.). This is an important self-advocacy skill for foster youth to develop; yet for Sofia, they often were misconstrued as occasions for her to challenge authority figures. For example, Sofia described an incident to me during which she went to great lengths to get her medication issues addressed:

> It was a problem with my medication again, I was taking it and it wasn't making me feel good, and I wanted to change the medication and they weren't doing nothing about it, so I decided to tell them to take me to the hospital. I really needed the medical attention and they told me, no, your doctor's appointment is next week, let's just hold it off. I just didn't want it anymore, it made me feel like a zombie, I felt weird. I had to say, "I wanna kill myself." And then they were like, ok, gotta call the PET Team (Psychiatric Emergency Team). I was totally messing around. Sometimes it gets to that point, and you have to learn to work with these people when they don't work with you.

> According to the Los Angeles County Department of Mental Health website, PET teams:

Consist of DMH licensed clinical staff assigned to a specific Service Area in Los Angeles County. Teams have legal authority per Welfare and Institutions Code 5150 and 5585 to initiate applications for evaluation of involuntary detention of individuals determined to be at risk of harming themselves or others or who are unable to provide food, clothing, or shelter as a result of a mental disorder (Los Angeles County Emergency Outreach Bureau, 2016).

Typically referred to as 5150 holds within the field, these evaluations can often lead to foster youth being held involuntarily at psychiatric emergency hospital facilities for up to 72 hours. For Sofia, she had to weigh her options; either continue taking a medication that was causing her harm or falsifying a threat of bodily harm in order to get quick access to a psychiatrist who would potentially listen to and address her medication concerns. As she stated, unfortunately it got to the point where she felt the need to take more drastic measures to make sure her mental health needs were met.

This was not the only involuntary hospitalization that Sofia experienced during her teenage years. Her first hospitalization came when she was fourteen years old, just after her entering foster care. After her initial removal from her home, her social worker sought help from a doctor and Sofia was prescribed her first psychotropic medications (Zoloft and Seroquel). She described how the medications made her feel:

I felt kind of bad. I feel like they were trying to make me be someone I wasn't, or change my mood. I felt different when I was on medication. I didn't feel like myself, I would zone out, or I would not be the typical me, sometimes I would be angry for no reason, irritable. Sometimes I would fall asleep where I wasn't supposed to fall asleep, like I was falling asleep on the kitchen or on the floor. And I felt like that was really bad.

Sofia had taken medication previously to help with difficulty sleeping, including difficulty falling asleep and night terrors. She also struggled with suicidal ideation at the time. After a case was opened by DCFS against her mother and struggling with the trauma of being separated from her family for a brief amount of time, Sofia made an attempt on her life:

On the medication I had, I took it all, on purpose. I took like 12 of them. It made me start getting really hyper, and I just couldn't' stop doing things, and my mom was like what's wrong with you. And I started having a seizure and that's when things got serious, my mom called the ambulance, and they came for me and they took me, and so for…I spent Christmas there, so it was a little over two weeks.

Sofia was able to bounce back after this incident and began attending school more frequently, making a more conscientious effort to avoid conflict, and also be more mindful of following regulations within the group

77

home placement. However, even improvements in her demeanor and actions were not enough to protect her from yet another negative and traumatizing experience at the hands of someone working within the foster care system:

> One incident at my Hollywood group home, I was crossing the street and they [group home staff]…I was crossing the street to leave, I didn't want to be there anymore, I was fed up, I got in an argument with somebody and I couldn't take it. So they were doing stuff that was unfair and I just left, and I crossed the street really quickly. The cars were coming and going, but I made sure that I saw, that I made eye contact with the drivers and that no one was going to go. And the lady called 911 and said, 'Oh yeah, there's a youth out here that's trying to commit suicide by running out into the street,' and I heard her and said oh no. And that's when I was just there for the 72 hours. And I was like I'm ok, I'm fine, I'm perfectly normal, I just tried to cross the street, this seems so pathetic to me. And they were like, well, we still gotta take you. And I spent 72 hours there. Sleeping on a sofa.

These negative encounters with authority figures were not uncommon for Sofia. However Sofia had few encounters with law enforcement; yet the few times she did were overwhelmingly negative and abusive. During the previous encounter described, Sofia described the officer as "hostile" and

said that he verbally abused her and called her names while yelling at her. Sofia also mentioned that she would get harassed by law enforcement officers while she would be home on a home visit; the placement would be late in picking her up yet they also reported her AWOL at the same time and she would get detained for a short amount of time. She also described a particularly harrowing encounter she experienced while she was AWOL from a placement:

> The cops caught me AWOLing from a group home, and they took me to Los Padrinos (a juvenile detention facility in Los Angeles County) and said they were gonna put me in jail. Los Padrinos [intake staff] was like, 'Wait a minute, what has this young lady done? We have no evidence, nothing against her, she's never committed any crime, we can't have her here.' And the cops were like mad, saying 'Why? This bitch, she deserves to be here.' I started crying because I had not done anything. And then they were forced to take me back to the Youth Welcome Center. They were like, 'We don't know where to take this child, we don't know what to do. We're not here to babysit.' So they gave me a misdemeanor, for leaving placement. For current AWOLing. And my social worker called me up and told me after that situation and told me, 'Did you know that you could go to jail for leaving placement?' And it sucks because I didn't feel comfortable in my placement and I told the officer that I need to go, this girl is

assaulting me with pepper spray, she bit my finger. And they're telling

me that I gotta wait, that maybe I'll go on probation. You see how I

was viewed as a minority? I was gonna go on probation because I was

attacked? And I decided to leave the facility because I was not willing

to stay there. I was not going to stay there.

From a legal standpoint, a youth's judge can issue a bench warrant if

the youth has been AWOL for some time from a placement and is unable to

be located or if the youth has a chronic AWOL history (Welfare and

Institutions Code, Section 340). If a youth is then picked up by a law

enforcement agency, they can be detained for a short period of time

(typically no more than 72 hours) at juvenile hall. However, in Sofia's case,

she had been gone only for a couple of hours and her judge was unaware

she had even AWOLed from placement.

Racism in care. Sofia was also keenly aware of how the foster care

system in Los Angeles County is disproportionally comprised of youth of

color. She commented that she had witnessed and experienced a lot of

racism in her time in foster care. I asked her to define what she saw as

racism and she responded "there was never any white girls in my facilities

that I was at. It was all Black and [Latino] and maybe one Chinese or Asian

girl. That's it." She felt the system was unfair against Black and Latino

families, that they were they only ones who got their kids removed from

their homes.

She also experienced racist language and racial profiling while she was in care. She said several staff throughout her stay at group homes would refer to her as a "beaner" and she would get told to "go back to your country." She recounted one encounter in which she was profiled by foster agency staff and law enforcement:

> I think I'm viewed as a minority because…I had another friend, her name was Brittany, and she was white. The cops were called to the facility because they smelled marijuana in the facility and they were blaming it on me and it was Brittany. I was like, 'Brittany, you smell, get out of here, get out of my room. You're burning my spot.' And they [placement staff] said, 'Oh, you need to go with them [law enforcement] and get a medical clearance, and you need to go see a therapist before you go to school.'

Sofia was detained shortly until she was able to convince the officers that she had not actually been smoking and they released her back to her placement without bringing charges. Sofia's frustration over the situation, she explained, was not for the fact that she was accused of smoking marijuana, but the fact that staff and law enforcement immediately accused her without paying any attention to the young white woman. She said she felt it was "unfair" that they automatically assumed she was "smoking weed 'cause she was Latina" even though the other girl showed signs of being under the influence.

Sources of support. At this point in our conversation, Sofia had been speaking for nearly two hours about all the negative and damaging experiences that had, for all intents and purposes, defined her time in foster care. We stood to stretch and use the restroom and upon returning, I asked her if she could think of any positive sources of support during her time in care:

> Yes, definitely, I feel like it was people on the 'outs,' outside of that horrible environment. Basically the people that I talked to, my family and my friends. They would get me out of harsh situations. My mother-in-law and father-in-law [her boyfriend's parents] would help me. They were involved in my case, they wanted to bring me in, and I felt comfortable here and I was doing what I had to do… They are good role models and there are good vibes here, I can be healthy… they're probably the reason I graduated from high school and got accepted to LA Valley [College]. I wouldn't have graduated. I was such a troublemaker. I didn't go to school my freshman or part of my sophomore year. I was enrolled, but I went to one class a month. I just…I was going through a lot of problems, there were social workers going in and out of my home (with mother, stepfather, and brothers), physical abuse, mental abuse. It was just too much. I think I would have gotten kicked out of a group home at age 18 and had to go live with my mom and do who knows what.

At this point I can see the emotion welling up in her eyes, the appreciation for this family that she has. I commented that she was lucky, that very few of my former students had a source of support as stable and supportive as she did transitioning into adulthood. She nodded her head in agreement and paused, deep in thought. It was the only moment during the evening where she was quiet for more than three to five seconds. She looked towards me and, with a sense of awe, shared her thoughts with me:

> Honestly, I don't know what I would have done after I turned eighteen, because those facilities don't try to keep teens when they turn eighteen, especially if you're acting up or any little thing, then out you go. So I took advantage, but not a lot of those youth have anywhere to go to. I have a lot of friends who were eighteen or nineteen, almost twenty years old, going to the [Youth] Welcome Center.

Sofia is speaking to a harsh reality for many youths who have aged out of foster care. Despite being able to receive services and support until age 21, many end up homeless, victims of sex trafficking, or sometimes back in the Youth Welcome Center (Therolf, 2015a). Not only did Sofia have her own history with the Youth Welcome Center, but she also experienced bouts of homelessness as well. While AWOL on several occasions, she would stay with friends, but only for a short amount of time, as her friends would ask her to find another place to stay after a week. She stated that she,

"learned from all that, that I deserve better. I want something better. And that's when I started getting my act together."

Aside from her boyfriend's family, the only other source of support that Sofia mentioned was wraparound service:

I think wraparound is a great service, yeah. Wraparound really helps, they come out to your home, and they figure out the problems, they get to the bottom of it right away. And actually, when I was having wraparound services, one of the ladies from the services got me my temporary work permit and I was undocumented at the time. I hadn't even submitted for the U-Visa or nothing. So that was great, for that lady to help me.

Wraparound services are multi-agency and based in the community around where the youth lives; they are needs-based, family-centered, and strengths-driven, with the ultimate goal of providing a safe and healthy living environment for families (Los Angeles County Department of Children and Family Services, 2009). They help develop plans with families that can include connections to community services and help to either keep the youth at home with their family or to reunite them as soon as possible.

Sofia also mentioned that she was glad that she was able to make up credits quickly and obtain her diploma despite falling far behind in her credits. She said that wherever she was placed, for the most part,

84

transportation to school was reliable and on time, which was a positive

constant in her life.

Our conversation seemed to be coming to a close, I wanted to see if

Sofia had anything else positive to say about her experience. When I

prompted her to think if there was anything else that stood out amongst all

the difficulties she had experienced, she did not hesitate in responding:

No. It's sad to say, you know, but I felt like I was at a concentration

camp, without the gas. They're mental prisons, because you're

constantly thinking of things that happen to you, day and night. No

entertainment. The best thing that you have there is a radio. It's your

best friend. Because we're so disconnected from the outside world,

from internet access, from phone calls, from even going outside to

hang out. So no, there is really nothing positive about being in foster

care.

While in many ways Sofia's experiences are unique, much of what she

discussed fell in line with the aims of this project; namely, to discuss the

educational, health, mental health, and placement barriers that

undocumented youth face while in foster care. Sofia's undocumented status

became a more tangible barrier as she got older and closer to transitioning

out of foster care. Her physical and mental health care was also affected by

her undocumented status as well, often preventing her from receiving

adequate care in a timely fashion. In terms of aging out of foster care, her status most greatly affected her ability to be placed appropriately, as she nearly became homeless on her 18th birthday. Her greatest barrier, however, seemed to be the numerous individuals whom she came into contact with in her life: child care counselors, her social worker, law enforcement officers, health care providers. While each of these gatekeepers is an individual, they collectively acted as an institutional barrier to Sofia's well-being, preventing her from receiving, in many cases, the baseline level of care.

Semi-structured interviews

A total of seventeen semi-structured interviews were conducted over the course of the study with individuals who worked directly with undocumented foster youth. These individuals are referred to throughout this section as participants. Saturation of information was reached when the data being gathered was no longer revealing any new viewpoints or experiences. As shown in Table 1, most (nine) of the participants were either child care counselors or clinical social workers, positions that had the most contact with foster youth on a daily basis. On average, participants had nearly seven years of experience working with undocumented foster youth.

Special Immigrant Juvenile Status (SIJS) referral process. Many undocumented youth in foster care qualify for eligibility to adjust their status to a Lawful Permanent Resident under the Immigration Act of 1990. To

qualify, it must have been determined by a court that one or both parents were found guilty of abuse, neglect, or abandonment of the youth and it is not in the best interest of the youth to return to the country of origin by the age of 21.

One of the first interviews conducted was with Maria, the Supervising Clinical Social Worker for the Special Immigrant Status (SIS) Unit at DCFS. Her office is solely responsibly for filing SIJS applications for undocumented youth in foster care. Any youth in foster care who is known to be undocumented is referred to her office by their social workers.

The SIS Unit also handles several other responsibilities as well, such as:

- Providing social work services for Service Planning Area (SPA) 7 in the East Los Angeles area, which has the highest concentration of undocumented immigrants in the county.
- Filing for U.S. naturalization for children deemed eligible
- Filing of United States Citizenship and Immigrations Services (USCIS) work permits for youth
- Help replace lost or stolen green cards
- Occasionally assist youth in obtaining California ID cards or a social security card

The SIS Unit works closely with the local USCIS office, as well as several established legal firms (such as Public Counsel, Alliance for Children Rights, Legal Aid of Los Angeles) to assist in securing SIJS for undocumented foster youth. One of the major benefits of this specialized unit within DCFS is that it has it's own budget, which is used to cover all fees and costs associated with securing SIJS for undocumented foster youth, including application fees, photos, medical clearances, passports, and other necessary documents. They even provide transportation for the youth on the day of their interviews. According to Maria, the process for most cases takes approximately five to six months to complete before youth are granted SIJS.

For youth who lack certain documents, particularly their birth certificates from their home country, the SIS Unit works with consulates in order to obtain birth certificates, which are a required aspect of the application process. Maria explained in depth how this process might work for an undocumented youth with no birth certificate whose country of origin is Mexico:

> We have been able to first file a petition with dependency court so that the judge can make the finding that this child is believed to be Mexican. But in order to do that we have to obtain letters from the consulate saying that they completed a search and there's no records of this child being born in Mexico. Then we have to have witnesses that say, "I'm the grandmother and I know that my daughter had this

child in Tijuana and just crossed the border immediately after. I know this because I was there, etcetera. So we have to prove to the judge why we believe this child is from Mexico. And when the judge is convinced with all the proof – we may have a hospital record or something – the judge makes the order that this child is from Mexico, born on this day, because of the evidence we presented. With that we can file a petition with the Office of Vital Records in Sacramento and we can say this child was found by a dependency judge to be born in Mexico, but this child never obtained a birth certificate, and they can issue one. The reason why we go to Sacramento and not to the Consulate of Mexico to obtain a Delayed Registration of Birth is because Mexico doesn't have that process. The only way you can register a child afterwards, you have to physically take that child to Mexico and register that child. And parents aren't willing to do that, because if they leave the country, how will they re-enter. So Sacramento has offered us to extend this process for foreign children, and that's why we are able to obtain a birth certificate for children not born in the US.

Since the SIS Unit solely deals with undocumented foster youth, they are likely the best source of data on the number of undocumented foster youth in the county. Whenever a youth is removed from a home, it is important for a social worker to determine PRUCOL (Permanent Resident

Under the Color of the Law) status of a child. Every undocumented youth in the county who has been identified as undocumented and is placed out of home has PRUCOL status, which is effectively an agreement between USCIS and DCFS where the youth is recognized as a possible dependent of the court and no deportation action will be taken by USCIS. This is not an official legal status or classification, but simply an entitlement for the youth to assist them in becoming eligible for federal funding.

According to Maria's best estimates and using PRUCOL data reports, three percent of the 35,000 open cases in the county are likely undocumented youth, meaning there could be 1,100 undocumented foster youth in the county.

Most of the stakeholders interviewed were familiar, if not fairly knowledgeable about the SIS unit and that many undocumented foster youth likely meet SIJS status. All lawyers had experience filing SIJS on behalf of some clients and had even worked pro-bono with the SIS Unit for cases that were less straightforward. All case managers, CASA workers, and community advocates were also aware of the SIJS for undocumented youth. Three out of five of the CSWs (Danielle, Luz, and Lisa) were aware of the SIS unit; the other two were not as aware of the existence of the unit. It is also possible that since both these particular social workers were relatively new, they just had not been made aware of the specialized unit. Armando

commented that while he had likely heard of the unit, he was "unclear of the follow up process once the youth has been referred."

Lack of stability of youth and documentation. While the SIS Unit represented a large source of protection for many undocumented foster youth, several interviewees commented that the two main barriers for undocumented foster youth was the lack of placement stability and missing documentation for the youth.

It is not uncommon for foster youth to have multiple placements during their stay in care; Casey Family Programs (2010) estimates that foster youth have, on average, at least three placement changes during their time in care. While Sofia's experience of fourteen placements in a year likely falls on the other end of the spectrum, it cannot be as easily dismissed as an outlier case. Several of her placements were temporary housing while her social worker sought a suitable placement facility for Sofia, including the Youth Welcome Center.

Youth on AWOL or unable to be located were also significant barriers that came up in several interviews. Lisa commented that they, "often had difficulty obtaining signatures from a few of my youth who are undocumented because they are constantly on AWOL. They've missed appointments for medical clearances and one even missed their interview."

Rick spoke on how it gets more difficult to maintain regular contact with youth who have aged out of foster care:

> Once these kids turn eighteen, it gets harder and harder for us to keep in contact with them regularly. Of the two dozen or so I've worked with over the last five years, I'd say close to half were over the age of eighteen. Now even though these youth can receive services and help until age twenty-one, it doesn't happen all that much, in my experience. Some of the kids end up homeless and without any real way to contact. I remember this one young man; he would contact me every few weeks or so when he'd have enough money to put minutes on his phone, but I almost could never get ahold of him if I missed his call. They often have no forwarding address, no real permanent address that they could get mail sent to, nothing. They become almost like ghosts in a sense.

As mentioned by Sofia, keeping track of important documents, particularly birth certificates, vaccination records, court documents, and other records, acts as a major barrier for undocumented foster youth receiving their necessary services. Several of the social workers (Danielle, Lisa, and Luz), both CASA workers, two agency case managers (Yvette and Rene), the lawyers, and one of the community advocates (Jose) mentioned that they had spent significant amounts of their time tracking down and securing important documents. Yvette described it as "a wild goose chase,"

while Luz believed that lost paperwork was the "major reason why some youth are not receiving their proper and necessary services."

Sofia's *testimonio* is an example of how lost or delayed paperwork can lead to frustration and the denial of services. For example, Sofia mentioned that several times she was prevented from enrolling in a few schools for not possessing up-to-date vaccination records, despite the protections of Assembly Bill 490, which requires immediate enrollment of foster youth regardless of what records they possess or do not possess.

Mental health. Many of the interviewees discussed how they believed the mental health needs of undocumented foster youth were not being met in a variety of different ways. Several CSWs and case managers spoke at length about how some youth were not receiving consistent therapy while in care. Armando mentioned that a youth who had been regularly AWOL had seen a therapist, "maybe once or twice over a six to seven month period." Michelle, a case manager at a foster facility in northeast Los Angeles was very passionate about her dedication to making sure undocumented youth are receiving regular mental health care:

> Not only are some of these kids experiencing traumatic things due to the abuse or neglect issues that brought them into the foster care system, but many are dealing with trauma associated with coming to this country, with evading ICE (Immigrations and Customs

Enforcement) raids, with living under a fear of being deported at any time. Like many other youth in our system, they are bounced around from placement to placement, from family to family, and there just isn't any consistency in therapeutic services that they are receiving. I've worked with youth who haven't sat down with a therapist in months!

One of the CASA workers I spoke to, Pam said that regular therapy only happened if the youth "were in a placement for more than a month or two. Then they tend to build up rapport with a therapist and I see some real breakthroughs happen, but only if they can remain at one placement for a while."

Several interviewees mentioned that they felt some therapists are not equipped to handle working with the undocumented community, especially those working within foster agencies. Jose stated that they felt therapists were "prepared to handle the fall out of youth experiencing abuse, neglect, etc.," but many either had not been trained or were simply not aware of the "complexities of what it means to be undocumented in this country and the trauma that may occur as a result of crossing the border." Danielle described how an undocumented youth on her caseload was refusing weekly therapy sessions because he felt that his therapist "didn't understand what it was like to cross into the U.S. and leave family members behind."

Maria also spoke of the importance of undocumented youth receiving mental health services for the trauma they often experience. She spoke at length about several examples of youth who had experienced severe trauma and how either the lack of mental health services available or the mental health state of the youth itself can act as a barrier for obtaining legal status:

> We recently had two cases where the father killed the mother in front of the children, and then killed himself. So we have two orphan children – two sets of orphan children where they have no parents. A very traumatic event for them… So we see very dramatic cases where the abuse or the neglect is so traumatic, it's so severe, that sometimes it may interfere with the normal process of obtaining legal status for them. Some children, for example, are so traumatized that they have to be hospitalized and immigration process has to wait until they are stable. Or some children are so mixed-up in the trauma that they have experienced that they don't understand all these immigration issues, and all they are only concerned about their immediate well-being and they decide to run away, for example. If a child runs away, there is nothing we can do until that child is relocated.

Sofia also expressed some reservations with therapy for similar reasons as mentioned previously. For the most part, she said she received therapy sessions weekly when she was not AWOL from her placement. Her main issue had to do with both rapport and a lack of knowledge surrounding

the undocumented community. She complained that some therapists would pass judgment and even "diagnose" depression after only one visit:

> They're basing their knowledge off of paperwork. Oh this girl's depressed. They see you sad one day, oh she's depressed. I'm not really comfortable with that. I had a time where I did get comfortable with a therapist, and they would judge me a lot, saying, "oh you should blame your mom, what is this lady." I started to doubt therapy. And they diagnosed me with PTSD, and I'm like, where? I don't feel that way. They tell me I feel some type of way, and I tell them, no I feel like this. It just, you know, I been through things and I'm different. I have a different experience being undocumented. Yeah and they aren't very understanding. I feel like only to a certain extent, it helps.

Sofia's response speaks to many of the issues brought up by several interviewees. She felt unheard and that the therapists she had seen were not well equipped to work with individuals from the undocumented community; they did not understand her unique struggle.

Special education. While Sofia did not have any specific experience with special education, several stakeholders indicated that there are some barriers for undocumented youth in foster care receiving appropriate special education services. The most significant issue mentioned was the difficulty in

obtaining signatures on IEP forms when initiating initial assessments or for annual/triennial review IEPs. The lack of signatures on any of these forms would greatly delay the delivery of appropriate special education services.

Another issue mentioned by Paul concerned what parties attended the actual IEP meetings. He placed great value on the attendance of the social worker and/or the CASA worker at a student's IEP meeting. He explained that:

Unless a CASA worker or a youth's social worker is present at an IEP meeting, you typically have a table full of people who barely know the child. In my experience, they do not attend very often. I understand that they are likely busy and probably have a large caseload, but they are likely the person who knows the most about this child. They'll know schooling history, special education referral history, current issues, youth strengths, etc. Many times the IEP team has little to no special education-specific documentation for some of our undocumented foster youth, so it makes the team decision-making process very difficult and misinformed.

His point on missing documentation was echoed by several other interviewees, as well as it being similar to Sofia's experience. The lawyers, social workers, and case managers all mentioned instances in which lost documentation – old copies of IEPs, referrals, behavior plans, Functional

97

Behavior Assessment (FBA) results – were misplaced, temporarily lost, or had effectively disappeared.

Lastly, a few participants mentioned their concerns over how undocumented youth who were receiving services for a disability were often placed in the on-grounds school, likely a non-public school (NPS), despite it not being the least restrictive environment as required by special education federal law. Paul mentioned that they have helped a couple students fight placement in an on-grounds non public school, as there was no justification for it in the IEP. Paul stated, "the IEPs called for the majority of the youths' time to be in a general education classroom, and that NPS was not a general education classroom."

Placement. For the most part, the majority of interviewees did not say that they experienced difficulty with finding appropriate placements for undocumented youth simply because of their undocumented status. The challenges that they experienced with finding suitable placements for their undocumented youth were not much different than for their peers who had documentation; challenges arose in finding placements that were near the home school, with next of kin (discussed below), in a "healthy environment," as Jamal put it, or finding a placement for youth who had histories of AWOL, behavior issues, and/or previous involvement with the juvenile justice system.

That's not to say that it was never an issue; two social workers (Armando and Lisa) told of similar encounters in which potential foster homes turned away a youth because they were undocumented. Lisa said that the potential foster mother, "quickly changed her demeanor once I told her [the youth] was undocumented" and then said it would not work out, as she was afraid of "the extra attention an illegal kid might bring" being in her house. Despite the social worker explaining that the youth had SIJS and there was no danger of any extra law enforcement attention, the foster mother refused placement.

Kinship care and reunification. Many of the stakeholders interviewed talked of the difficulties associated with reunifying the youth with their parent(s), as well as difficult experiences finding appropriate next of kin to place the youth with. Reunification for undocumented youth can be difficult for a number of reasons. One, because of the severe nature of the abuse or neglect that landed the child in foster care, it is possible that one or both parents could be facing deportation proceedings, therefore making reunification not possible if a judge determines that returning to the country of origin is not in the best interest of the child. Two, it is also possible that a parent or parents could lose custody of their child by being convicted of a crime and being deported, leaving their child here in the U.S. alone. The child would be considered abandoned, hence entering the foster care system. Maria told of one such case that was particularly heart-wrenching:

So I have this case, where the child is only 15, came from El Salvador. According to the mother, she brought the child because the child was in danger of being recruited by gangs. During the time the child was in our system…the mother was a good mother, but the problem with mother was that she stole something in a supermarket, she was detained, never released, and was deported afterwards. So the child was totally by herself. So she entered our system because of parents' absence. In cases like that, even though that child has the possibility of obtaining legal status, the policy of the Department is if there is the possibility of reunification, they want to do that. They don't want to keep the child in the foster care system if they have a willing parent who's not abusive, to actually reunify with that child. Efforts were made by [DCFS] – in this case the primary social worker did everything to try and reunify this child with the mother. We thought that was going to be the plan. But I understood there were going to be some problems. So I called the mother in El Salvador and I wanted to understand what the problems were. And she said that even though the home study and everything was positive to send this child to El Salvador, she didn't want the child to go back. She said that, 'she has no future here, there's still the threat of gangs. Please don't send the child here, I don't want her back. She will be better off in foster care, she's going to graduate from high school, she's going to obtain a green

100

card from you. I want her to do that and come and visit me when she has a green card. But I don't want her to live here, she has no future here.' So people are willing to make those kinds of sacrifices sometimes for a child to remain in the US, have a better future, and obtain legal status eventually. So I see that as a sad situation for some families that would rather remain separated and give a green card so much value. I think it's sad it's the reality.

Danielle, one of the social workers, and Elisa, one of the lawyers each spoke of cases that shared some similarities with the case Maria shared with me. Elisa worked with a young man who's mother was detained for an unspecified crime and was subsequently deported back to Mexico, leaving three young children here alone. Elisa was fortunate to assist the kids' social worker and find next of kin in Southern California and place the three kids with an aunt, but he described the case as "one of the most difficult and time consuming cases I've ever worked on." Danielle spoke of a case in which a young woman and her mother left Guatemala to escape an uncle who was molesting the young woman, only to have the mother abuse her daughter here in the U.S. during several instances of heavy drinking. The social worker explained the dilemma that she was in:

On one hand, a court will likely not force the young woman to return to Guatemala due to the threat of further abuse by this uncle, who shares their family home. On the other hand, the mother is an

alcoholic and abuses her child when she drinks. There is no next of kin

here that we can find. The mother has shown some drive to better

herself, but her untreated alcoholism is a major barrier for

reunification. I'm forced to find non-kinship care for this poor young

girl who doesn't want to go back to Guatemala but also doesn't want

to go back to her mom because of her drinking problem.

Finding appropriate kinship care has also proven difficult at times for

many of the interviewees. Armando, Luz, and Danielle mentioned a range of

barriers to finding next of kin for some of their undocumented youth,

including not having complete or having inaccurate contact information for

families, kinship families feeling overburdened with caring for an unexpected

youth, to some next of kin refusing outright to take in the youth.

For Sofia, reunification was unfortunately not an option, but not for the

reasons mentioned above. According to DCFS reports that Sofia receives,

due to the suicide attempt right after she was removed from the home,

reunification was never an option. Her social worker placed full responsibility

for not locking Sofia's medication up and not monitoring it on her mother.

Despite no other suicidal attempts or ideation in years and the progress that

Sofia has made, reunification never occurred.

Policy deficits. Maria's position as the head of the SIS Unit affords a

unique and valuable outlook on the system for undocumented foster youth;

her role there, which she finds a very valuable resource for undocumented youth, is not free of several policy challenges.

One of the major policy challenges that very recently came to light was a bulletin released by USCIS that visa limits for special immigrants from El Salvador, Guatemala, and Honduras have been reached for the 2016 fiscal year. That means that as of May 1, 2016, SIJS applications can be processed, but the path to gaining Lawful Permanent Resident status has been suspended. Effectively, any undocumented youth from these three countries who comes into the foster care system from May 1 onwards can gain SIJS, but will not be able to gain Lawful Permanent Resident status. Maria indicated that the waiting time for gaining resident status is estimated to be close to six years. Her frustration at this development was palpable; she commented that for most youth who come through her office, "six years is a lifetime away." Many of these youth will already be adults by the time the visa restriction lifts and she states that, "we may not have any way of finding them to get the process started that far in the future."

Only two social workers (Luz and Lisa) were interviewed after this bulletin went into affect on May 1(the bulletin was released on April 15 of this year, a mere two weeks before the cutoff date), and both were visibly frustrated and angry that there was not an earlier warning. Both workers, as well as the SIS Unit, rushed to process as many SIJS cases as possible in the two week span between the cutoff and the notification period. Luz's

frustrations turned into worry and sadness when she realized she would have to inform one her youth that there would be a six-year delay in gaining citizenship:

> What am I supposed to tell [this youth] now? I just got her on my caseload a week ago, she's undocumented and from Honduras, going back to Honduras is not an option…I have to tell her to be patient and wait six years? That's more than nearly half of her age right now, she'll be twenty years old when she can gain citizenship? This is really unfair and unjust; they should really make exceptions for those who fall under [SIJS].

Maria did mention that her unit did receive advance warning that in the future, visa limits will occur for individuals originating from Mexico and India, but she was not given specific guidelines (or even a general estimation) for when to expect this to come into effect.

There are also several important restrictions that come along with youth gaining SIJS. If a youth goes through with the process and gains a green card, they can never petition for a green card on behalf of their parents. The logic behind it is that the youth gained SIJS because of abuse at the hands of one or more parents; therefore it supposedly does not make sense for the youth to petition them for citizenship. However, the glaring hole in this logic is that it implicitly states that rehabilitation is not a viable

possibility in these scenarios. Even if a youth gains citizenship and wishes to sponsor their parent(s) as citizens, they are barred from doing so. On top of this, siblings can only be petitioned for a green card if the youth becomes a citizen of the U.S. Having a green card is not enough to qualify.

Another important restriction associated with SIJS is that it is only applicable for youth who are placed outside of home. If it is determined that the youth can stay at home and receive wraparound services at home, then they are not eligible for SIJS. With this important restriction, a scenario is created where, as Maria puts it, there is almost an "advantage" in detaining a child so that they can receive SIJS as protection against deportation and to be granted access to federal funding. Youth who remain at home only have access to limited emergency Medi-Cal, while SIJS youth are granted access to full-scope Medi-Cal.

Fortunately, if a youth does not qualify for SIJS, the SIS Unit will continue to work with the family and look at other laws and visa options that could qualify them for a path to citizenship and protection, such as U-Visa (for victims of various criminal activities), T-Visa (for victims of human trafficking) or applying for asylum, to name a few options. Maria commented that the T-Visa option is becoming more common as "more and more cartels are moving towards using human trafficking" as it is "more profitable and more difficult to be caught" and "legislation is not as harsh as drug trafficking laws are."

Advocacy strategies. Lastly, each interviewee was asked to dwell on the types of advocacy strategies that they engaged in to best serve undocumented youth in care. The following is a list of strategies that were utilized by many, if not all of the stakeholders that participated in this research.

- Work to secure documents for each youth: nearly every interviewee mentioned that making sure that vital documents (birth certificates, IEPs, court proceedings, report cards with current credits, etc.) were located and kept in a central location or with a central figure was key in ensuring the success of each youth. For many, these documents were best kept with the youth's social worker or CASA worker, as available. Lisa commented that she, "makes sure to a copy of anything [she] gets her hands on," and maintains a section of her office for only records for her caseload. Susan said she invested in one of those portable scanning devices so that she could scan and save important forms on a secure drive in her office so that she "always has a copy of everything."

- Discretionary funding: All case managers said that at the foster care agencies where they were employed at, they had access to a discretionary fund (usually put aside from fundraising efforts) to help pay for services or programs for undocumented youth

when they do not qualify for federal funding prior to receiving
SIJS status. These funds have been spent on things such as
obtaining identification cards, medical care, dental care,
transportation, and out-of-pocket expenses related to
programming/services. All lawyers said they also had access to
extra funding to aid for things such as getting records, traveling
for research purposes, and meals for meetings with youth and
their families.

- Connect with advocacy groups/create informal professional
  networks: Each interviewee mentioned that creating a network
  of advocacy, whether through groups that advocate on behalf of
  undocumented youth (Immigrant Youth Coalition, Coalition for
  Humane Immigrant Rights of Los Angeles, California Immigrant
  Youth Justice Alliance) or on behalf of foster youth (Foster Youth
  in Action, Youth Justice Coalition, California Youth Connection,
  Guardian Scholars) or creating informal networks among other
  professionals was an invaluable tool in advocating for
  undocumented foster youth. Several participants referred their
  colleagues for this research project as part of this "informal
  network" they had created. Danielle explained it as a network of
  other professionals that she "had come across in her years at
  DCFS who worked hard to advocate and protect undocumented

foster youth." She would often turn to specific lawyers, certain CASA workers, or even foster homes where she knew the foster parent would be a good source of support for undocumented youth. By creating this network, as she explained, she always had "various tools I could pull out of my 'tool belt' whenever I ended up with an undocumented youth on my caseload."

Chapter 5: Discussion

This research study was conducted with the aim of understanding the types of institutional barriers that undocumented foster youth face while in care in Los Angeles County, bringing a CRT and Legal Violence lens to a project about a population that is not well known. This methodological approach was a deliberate attempt at not only centralizing undocumented foster youth voices in the analysis of institutional barriers, but to also treat their source of knowledge as valid and valuable.

Limitations

Before discussing the results, it is important to talk about some major limitations and setbacks that required the researcher to shift certain aspects of the methodology to account for these limitations.

First, overall, recruitment of stakeholders for this study was difficult. Despite contacting numerous individuals through personal and professional networks, recruiting at agencies, law firms, and various organizations in person, sending flyers to numerous organizations and individuals, and utilizing social media, participants were difficult to recruit. There could be several reasons for this; one, the social welfare field is notoriously short-staffed and it is not uncommon to hear stories of long hours and endless paperwork. It is possible that this creates an environment in which setting aside time to talk to a researcher for 30 to 60 minutes is difficult. Several

interviewees could only do phone interviews during breaks or lunch, and for those in-person, they were done at offices and cubicles, in between meetings and report writing.

Recruitment for former foster youth was even more difficult than that of recruiting willing participants. Very few contacts and replies came in through email and phone, and only one youth ended up meeting to construct a *testimonio*, despite setting up several different appointments with other youth. Due to getting only one *testimonio*, changes in the methodology had to be made. The original intention was to conduct a focus group with all the former foster youth interviewed and present preliminary themes of the stakeholder interviews to the youth for critical analysis. Adjusting for the lack of other former youth, the lone former foster youth and the researcher had a phone conference in which preliminary themes developed by the researcher from both the stakeholder interviews and her *testimonio* were presented and discussed. After listening to feedback and her analysis of the themes presented, themes were re-examined and re-organized to center the focus on the analysis and feedback that Sofia provided during the last conversation. The intent here was to not only honor the original intent of this study, but to also continue to center the research from the voice of someone who directly experienced foster care while undocumented. Therefore, the following discussion is the direct result of analysis and feedback provided by Sofia of the preliminary themes developed by the researcher.

Unique intersection of foster youth and undocumented youth experiences

The main purpose of this study was to help build a youth-centered, comprehensive picture of the lives of undocumented foster youth in Los Angeles County and determine what institutional barriers exist that effect physical, emotional, and academic well being. Through the use of semi-structured interviews of various stakeholders in the field of social welfare and an in-depth *testimonio* constructed by a former foster youth, we can begin to see how the marginalization of foster youth and undocumented youth intersect within the life experiences of Sofia.

Academic well being. Sofia experienced academic difficulties early on in her stay in foster care; she did not attend school nearly at all during her freshman year and only completed part of her sophomore year; these attendance issues have been shown to be a major barrier to academic success for foster youth (Castrechini, 2009; Emerson & Lovitt, 2003; Leve & Chamberlain, 2007; Sullivan, Jones, & Mathieson, 2010; Trout et al., 2008). She spent much of her time in foster care catching up on credits she missed when she first entered the system. Sofia was held back from eleventh and twelfth grade due to lack of credits, consistent with research that states that most foster youth fail at least one class and some have to repeat grades (McMillen et al., 2003; Scherr, 2007). In a show of resilience and determination and despite living in 14 different placements over the last two

years, Sofia managed to make up all her credits and earn her high school diploma, defying the institutional stereotype of failure and resisting push-out that is often attributed to foster and undocumented youth (Gleeson & Gonzales, 2012).

For Sofia and other undocumented foster youth, the lack of proper documentation can often be a barrier for academic success. Whether it was a birth certificate (which is needed to process SIJS), to school records, or even vaccination records, the interviews revealed that any one of these missing items could hold up enrollment in school, enrollment in the correct courses, etc., even with the protection of AB 490 for foster youth.

Sofia's experience in care is also an example of how multiple placements can effect a youth's academic development. Over the last two years, Sofia was moved over 14 times. These moves were a contributing factor in her not developing a consistent academic habit until she was much older and much more capable of advocating for herself.

Sofia herself did not qualify for special education services, but several stakeholders discussed the various barriers faced by special needs youth in care. Many spoke of how initial special education assessments were being delayed by months due to difficulty in obtaining signatures from education rights holders. Foster parents are not always the entity that possesses educational rights for foster youth; coupled with frequent placement changes

and the process of obtaining permission to conduct initial assessments can be greatly delayed.

Missing school documentation and frequent placement changes mean that IEP paperwork has the potential of being greatly affected by the barriers previously discussed. A potential solution to missing paperwork is having social workers and/or CASA workers attend IEP meetings, as these figures often know the child well, can bring copies of important paperwork, and can provide insight and feedback that many educators cannot provide. However, our interviewees (and professional experience) tell us that their attendance is sparse, at best.

Elevated levels of trauma and stress. Both Sofia and several stakeholders spoke about the role that stress and trauma play as a major barrier to a youth's well-being, supporting research that has shown that undocumented youth often experience stress and trauma during their secondary schooling years (Suarez-Orozco, Yoshikawa, Teranishi, & Suarez-Orozco (2011). Sofia spoke about many youth being doubly-traumatized, once when they experience abuse or neglect, and then again when they are removed from their homes and are placed in sub-standard foster facilities and homes. Several stakeholders also spoke about the trauma that these youth experience in care and also that which they possibly experience on their journey to the United States and the constant fear they live under of being deported. Menjívar & Abrego (2012) and De Genova (2002) both

speak on this notion of living in a state of "illegality," where Sofia's existence as being undocumented has been criminalized. Whereas many undocumented individuals are offered little to no protection from the law, undocumented youth in foster care are offered a form of protection with the SIJS. This agreement between USCIS and DCFS actually serves to alleviate living in a constant state of deportability by ensuring youth that they will not be deported while in foster care (De Genova, 2002).

However, despite qualifying for SIJS from the age of 13, Sofia never enjoyed the comfort of knowing that she could not be deported. It is unclear if Sofia's social worker even knew about the SIS Unit at DCFS or the SIJS protection that Sofia qualified for. This lack of knowledge, whether deliberate or accidental, prevented Sofia from receiving services and protections that she was actually guaranteed from federal law. So in this sense, Sofia had to contend with institutional violence (fear of deportation, fear of detainment, deprivation of medical and mental health services, etc.) that she should have been protected from.

During the collaborative analysis meeting, Sofia shared a very recent conversation that she had with her social worker that took place the day before the collaborative analysis phone conference:

It's funny…just yesterday, my social worker came over and talked about some things that I need – my social security, my ID. I'm already

working and they ask me for these things, and I need to cash checks, and you know it's things that I need in order to survive now that I'm an adult. And it's funny 'cause I asked what's gonna go on with my ID and my social and she tells me, 'Well you're 18 now, you gotta do that all on your own.' And I was like, 'You didn't help me when I was 14, 15, 16, 17…ok, whatever.' I just told her off like, 'Well you never help me anyway, so…thank you.' Yeah so it's just unbelievable and I still struggle today. I still don't have the things that I need.

Benefit of the doubt aside, it does appear that her social worker is not aware of DCFS policy, on many levels. One, she qualifies for assistance until age 21. Two, she also qualifies for protection as a youth with SIJS until she is 21 as well. It is difficult to tell if this lack of knowledge is because she simply is not aware of these policies or if this is an extension of the negative feelings that Sofia says her social worker (and her supervisor) harbor for her. Either way, Sofia is being denied benefits and protections that she is rightly due under federal law.

According to some of the participants interviewed, other undocumented foster youth are also experiencing elevated levels of trauma and stress because of institutional barriers preventing regular access to mental health services, which can also delay the process of obtaining legal status for some youth. Unprepared or ill-equipped therapists who struggle to build rapport with undocumented youth, on top of delays caused by

115

hospitalizations, are just some of the barriers experienced by undocumented youth in care.

This lack of care or poor mental health care due to therapists being ill-equipped to talk with youth who are undocumented is an urgent issue that needs to be addressed immediately. Examples such as the one Maria, head of the SIJS Division of DCFS, shared about the types of trauma that these youth uniquely face are signs of the urgency with which this issue needs to be addressed.

Experiences of racism and prejudice. Utilizing a CRT framework and lens to analyze the institutional barriers that undocumented youth face in foster care means that race and racism play a central role in understanding these barriers. Race also played a central role in Sofia's experience in care. She recounted several instances in which staff used ethnic slurs to refer to her and told her to "go back to her country." She recounted an instance in which she was blamed for smoking marijuana, even though it was her white peer who had been the one smoking. Most notably, Sofia made the observation that the makeup of the foster care system was almost entirely Black and Brown, that she rarely saw white or Asian youth in the system. On top of this, she also expressed that there were two different systems of care in Los Angeles: one for the Black and Latina/o youth, and one for white and Asian youth. The latter system, she explained, often

allowed those kids to stay at home with their families, whereas the former system almost always removed the youth from their homes.

This observation is hardly a departure from reality, particularly in Los Angeles. According to the most recent data available, more than 88% of foster youth in Los Angeles County are either Black or Latina/o (Lucille Packard Family Foundation, 2015). This vast representation of youth of color within the foster care system is hardly accidental. Numerous studies have shown that youth of color, particularly Black youth, are removed from their homes at much greater rates than their white peers, and that while controlling for income, Black families are less likely to maltreat their children than white families (McRoy, 2008; Miller & Ward, 2008; Rivaux et al., 2008; Wells, 2009).

There is also the connection between race, foster care, and incarceration that deserves exploring. Studies have shown that up to a third of foster youth have become justice-involved within two years of exiting the foster care system (Courtney & Dworsky, 2006; Havlicek, 2011). Sofia's own entanglements with law enforcement are an example of legal violence that institutionalize and criminalize foster youth. Sofia and other youth like her have left foster facilities for a number of reasons, including sub-standard living conditions, lack of food, abusive staff, or improper medication issues and found themselves with bench warrants, detained, or incarcerated for months at a time (California CASA, 2014).

Legal violence. When speaking to Sofia and the various stakeholders, it was clear that many of the legal barriers that undocumented foster youth face could be categorized as forms of legal violence. While the SIJS remains an effective tool to provide many abused and neglected undocumented youth with a pathway to medical and mental health care, a safe living environment, and eventually a change in undocumented status, there are gaps in its coverage that potentially have serious repercussions.

SIJS eligibility based on placement is one such restriction with potentially serious consequences. It forces the hands of social workers to make a decision to detain a youth in order to provide SIJS as a form of protection or leave them ineligible for SIJS by allowing the youth to remain in the home (which is a less traumatic and preferred strategy within the field). It is possible that some undocumented youth who have been taken into care are being done more so to provide them with the protection of SIJS than choosing the less traumatic option of staying in the home with wraparound services. While Maria (Supervising CSW) mentioned that there are other legal options aside from SIJS, some options are much more difficult to obtain. Heidbrink (2014) explains that while some youth can apply for amnesty, there are "significant obstacles…[including] the rules of evidence and testimony do not distinguish between a child and adult, forcing children to meet levels of detail and credibility standards of adults" (p. 80).

Another devastating consequence of receiving SIJS status, as mentioned earlier, is that it requires children seeking SIJS to, "in effect, sustain legal charges against their parent or parents" (Heidbrink, 2014, p. 81). For the SIJS to be granted, the court must rule that the parent or parents of a youth are not fit to care for the youth, cutting off custody for as long as the youth has SIJS. There is no room for rehabilitation in this model and it forces youth, social workers, and judges to make a decision to separate a family for likely years with no course of reunification until at least age 21 or risk not securing legal protection from deportation for undocumented foster youth. Even then, some courts have nullified Lawful Permanent Resident status for youth who attempt to reunify with their parents after entering care (Heidbrink, 2014).

Sofia's inability to obtain legal employment, denial of access to federal funding, forced living in sub-standard housing, experiencing of racialized abuse by foster agency staff, and exclusion from daily activities in care all represent manifestations of legal violence in her life.

Visa restrictions for El Salvador, Guatemala, and Honduras. Another form of legal violence against a large swath of the undocumented community is the newly enforced visa restrictions on immigrants from El Salvador, Guatemala, and Honduras. This recent development will likely have devastating effects on the undocumented community in Los Angeles, and the large number of undocumented youth in care. Maria (Supervising

CSW) estimated, using data from the PRUCOL system, that there are likely around 1,100 undocumented youth in foster care at the current moment. While DCFS does not collect data on immigration status, her department does collect some data on country of origin for the undocumented youth who's SIJS applications are processed in her office. Her data sources indicate that roughly 69% of applications have a country of origin of Mexico, 20% have a country of origin in Central America, and the last 11% are a mix of European, African, and Asian countries. Using these numbers, there could be a little more than 200 undocumented youth each year in foster care whose country of origin would prevent them from receiving a green card for approximately six years from their application date. This does not take into account youth who, like Sofia, are not being caught in the net of SIJS for whatever reason, nor does it account for the wave of increased migration from these three countries to the U.S. (Chisti & Hipsman, 2016). From a policy standpoint, this represents not only a tool of violence against these immigrant communities, but a potential disaster for Los Angeles County. How will DCFS be able to follow-up with these youth after the course of years? What kind of protections will ensure that these youth are safe from deportation while they wait to get Lawful Permanent Resident status?

Conclusions

The barriers that undocumented youth face while in foster care range from issues around access to appropriate and culturally-sensitive mental

health care, to repeated and elevated exposure to trauma, to difficulties in the process of reunification with one's family. Sofia gave a glimpse into a life that many did not even know existed, an intersection of identities that even the author did not know of until a few years ago. An examination using a CRT and Legal Violence lens allows for a nuanced, historical, and frank look at the social welfare and immigration systems in Los Angeles County, which are systems that effect almost only communities of color. These systems have historically served white, hegemonic interests, and in many ways, continue to do so, denying basic human rights to many of these youth.

While the overwhelming focus has been on identifying institutional barriers to undocumented foster youth well being, revealing structurally violent policies and practices that deny many youth basic aspects of humanity, this research has also illuminated a single voice among a community that lives in the shadows of social welfare. In the face of daunting challenges, Sofia represents a voice of hope and resilience for other youth who find themselves in the same situation as her.

It has also highlighted some encouraging practices that stakeholders have utilized when policies and practices are limited. Stakeholders identified three main forms of advocacy that they utilize to support undocumented foster youth: secure important documentation for youth, utilizing discretionary funding when federal funds are inaccessible, and forming informal professional and advocacy networks with other stakeholders.

While Los Angeles County is one of the more progressive areas of the country in terms of support of immigrant communities, there is always room for improvement. The foster care system is the largest in the country and despite a well-organized unit for undocumented youth in care, there are several major policy and practice implications based on this research project:

1. Advocacy and/or legislation to make SIJS more inclusive to placement of youth in their home of origin. As of now, if youth are placed in their own home, even with substantiated allegations of abuse/neglect, they automatically become ineligible for SIJS. This runs counter to the field of social welfare and it's goals of rehabilitation and reunification. The current practice creates an "advantage" of detaining a child in order to secure SIJS.

2. Eliminate restrictions for petitioning for a green card for parents and siblings. By eliminating the possibility of a youth with SIJS of ever petitioning for a green card, the system is effectively splitting a family, regardless of whether the parent or parents have taken steps to rehabilitate themselves. This is a forced separation for life that is unnecessarily violent.

3. While social workers have no duty to report undocumented children and families to authorities, they should be required to

determine the citizenship status of each youth on their caseload AND should be required to immediately begin the referral process for SIJS, when applicable. Sofia's experience is a perfect example of how youth can fall through the cracks without established procedures for social workers.

4. Require all therapists who either work in Foster Care Agencies or will knowingly work directly with foster youth to receive training on how to support undocumented youth.

5. Extend the usage of education liaisons from foster youth to undocumented foster youth in Los Angeles County school districts. Educational liaisons have been shown to be effective in building positive relationships with foster youth, troubleshoot various educational barriers, and provide a useful bridge between child welfare and school districts (Weinberg, Oshiro, & Shea, 2014; Zetlin & Weinberg, 2013; Shea, Zetlin, & Weinberg, 2010; Weinberg, Zetlin, & Shea, 2004).

6. Rescind visa restrictions for immigrant youth from El Salvador, Guatemala, and Honduras if they qualify for SIJS.

I want to close as I opened, with the words of Sofia. This project's strength is due to her and her ability to weave a beautiful and poignant narrative. I asked her towards the end of constructing her *testimonio* what drove her to push herself and rise above the powerful forces that were trying

to drag her down. Her response is a reminder that even in the face of insurmountable odds – very few youth who have experienced setbacks of the magnitude she has can say they have a diploma and are starting college in a few weeks – we are often our best advocates:

> I think about the respect I have from my mother, even though everything we've been through, I feel it's just drawn me closer to her and made me visualize we got to value people where, when they're there. And I just put everything negative to the side and pushed all those memories forward and believed that I deserve something better and my mom deserves something better, and we deserve something better. And I just want to make it better, so I do the best I can to stay positive and…I'm a really outgoing person. Everything that I do, I put a lot of effort into it. If I'm gonna do it, I'm gonna do it correctly. I'm that type of person.

Interview Questions

Demographics:

- Years of experience in the field, position within organization, education

Level of contact/experience with undocumented youth:

- Lead with: tell me about the last case that dealt with an undocumented youth in foster care. Describe some of the challenges and/or progress made.

Services available and difficulty with services:

- What is the process for care/referral/services for a youth who is undocumented?

- Can you tell me about any of the problems you've encountered within this process?

- What specific barriers do undocumented youth face in receiving appropriate mental health services?

- Can you identify any cases with an undocumented foster youth receiving/referred for/in need of special education services? What challenges did you experience?

- Have you experienced difficulty with placement (home and school) for these particular youth?

- How often does kinship care occur, in your experience, with undocumented foster youth?

- Are these youth being sent to federal detention facilities more often than being placed with local/county agencies?

Advocacy/strategies

- What specific strategies does your organization use to meet the unique needs of undocumented youth?

- Have you or your organization ever worked to secure citizenship for these youth? Describe the process/experience(s)

- How does your organization find solutions to the various barriers that might be placed in front of undocumented youth?

Appendix B

Prompts/Themes for *testimonios*

- Possibly begin construction of testimonio with narrative of earliest memories of coming to the United States (if applicable) or of earliest memories of being in the United States

- Family background, including, but not limited to, building family tree, tracing roots of family in country(ries) of origin, immigration patterns, etc.

- Understood reasons for why and when family immigrated to the United States

- Prompt for specific memories/feelings/impressions of living life undocumented in the United States

- Discussions on first contact with the Department of Child and Family Services, any subsequent contacts/issues with DCFS

- Memories/feelings/impressions of removal from home

- Narrative of life in foster care, could include construction of timeline of placements, court dates, etc.

- Prompt for specific instances in which undocumented status became known to professionals who had contact with youth, what the responses were to learning of undocumented status

- Pros/Cons of undocumented status while in care, including highlighting

  barriers to progress and/or care, as well as practices by individuals or

  organizations that were beneficial to youth

References

ACLU. (n.d.). National racial disparities. Retrieved from http://www.aclu-md.org/our_work/tackling_mass_incarceration_in_maryland

Altshuler, S.J. (1997). A reveille for school social workers: Children in foster care need our help! *Social Work in Education, 19*(2), 121-127.

Applied Research Center. (2011). Shattered families: The perilous intersection of immigration enforcement and the child welfare system. Retrieved from https://www.raceforward.org/research/reports/shattered-families

Associated Press. (2012, February 2). Judge places illegal immigrant's child in foster care. *Associated Press*. Retrieved from http://www.abc2news.com/dpp/news/national/judge-places-illegal-immigrants-child-in-foster-care

Bagley, C., & Castro-Salazar, R. (2012). Critical arts-based research in education: Performing undocumented historias. *British Educational Research Journal, 38*(2), 239-260.

Berg, B.L. (2009). Qualitative research methods for the social sciences. Boston, MA: Pearson Education, Inc.

Berger, L.M., Cancian, M., Han, E., Noyes, J., & Rios-Salas, V. (2014). Children's academic achievement and foster care. *Pediatrics, 135*(1), 109-116.

Billingsley, A., & Giovannoni, J.M. (1972). Children of the storm: Black

children and American child welfare. New York, NY: Harcourt Brace

Javanovich, Inc.

California CASA. (2014). Youth runaway/AWOL from placement. Retrieved

from http://californiacasa.org/wp-content/uploads/2014/10/Youth-

Runaway-AWOL.pdf

California Department of Education. (2012). Suspension, expulsion, and

truancy report for 2011-2012. Retrieved from

http://dq.cde.ca.gov/dataquest/SuspExp/suspexplrate.aspx?cYear=20

11-

12&cType=ALL&cCDS=34673143432572&cName=Statewide&cLevel=

State&cChoice=SusExpRt

California Department of Social Services. (2015). Fact sheet: After 18

program. Retrieved from

http://www.childsworld.ca.gov/res/pdf/AB12FactSheet.pdf

California Department of Social Services. (n.d.). Foster youth mental health

bill of rights. Retrieved from

http://www.fosteryouthhelp.ca.gov/PDFs/FosterYouthBillOfRights.pdf

California Foster Youth Education Task Force. (2006). Frequently asked

questions & answers about AB 490. Retrieved from

http://www.cfyetf.org/uploads/AB%20490%20FAQs06.pdf

California Senate Office of Research. (2011). State survey of California's

      prisoners: What percentage of the state's polled prison inmates were

      once foster care children? Retrieved from

      http://www.sor.govoffice3.com/vertical/Sites/%7B3BDD1595-792B-

      4D20-8D44-626EF05648C7%7D/uploads/Foster_Care_PDF_12-8-

      11.pdf

Casey Family Programs. (2010). Foster care by the numbers. Retrieved from

      http://www.fostercareandeducation.org/portals/0/dmx/2013%5C07%

      5Cfile_20130719_111354_oStS_0.pdf

Castrechini, S. (2009). Educational outcomes in court-dependent youth in

      San Mateo County. Issue Brief: Court Dependent Youth. Stanford, CA:

      John W. Gardner Center for Youth and Their Communities.

Chisti, M. & Hipsman, F. (2016). Increased Central American migration to

      the United States may prove an enduring phenomenon. Retrieved from

      http://www.migrationpolicy.org/article/increased-central-american-

      migration-united-states-may-prove-enduring-phenomenon

Coohey, C., Renner, L., Hua, L., Zhang, Y., & Whitney, S. (2011.) Academic

      achievement despite child maltreatment: A longitudinal study. *Child

      Abuse & Neglect, 35*, 688–699.

Courtney, M.E., & Dworsky, A. (2006). Early outcomes for young adults

      transitioning from out-of-home care in the USA. *Child and Family

      Social Work, 11*, 209-219.

Creswell, J.W. (2012). Qualitative inquiry and research design: Choosing among five different approaches. Thousand Oaks, CA: Sage Publications.

De Genova, N.P. (2002). Migrant "illegality" deportability in everyday life. *Annual Review of Anthropology, 31*, 419-497.

Delgado, R., & Stefancic, J. (2001). Critical race theory: An introduction. New York, NY: New York University Press.

Detlaff, A.J., Earner, I., & Phillips, S.D. (2009). Latino children of immigrants in the child welfare system: Prevalence, characteristics, and risk. *Children and Youth Services Review, 31*, 775-783.

Earner, I. (2007). Immigrant families and public child welfare: Barriers to services and approaches to change. *Child Welfare, 86*(4), 63−91.

Emerson, J., & Lovitt, T. (2003). The educational plight of foster children in schools and what can be done about it. *Remedial and Special Education, 24*(4), 199-203.

Farruggia, S.P., Greenberger, E., Chen, C., & Heckhausen, J. (2006). Perceived social environment and adolescents' well-being and adjustment: Comparing a foster care sample with a matched sample. *Journal of Youth and Adolescence, 35*(3), 349-358.

Fenster, J. (2005). The relationship between optimism about race relations, Black awareness, and attitudes toward transracial adoption. *Journal of Ethnic and Cultural Diversity in Social Work, 13*(3), 45-67.

Galtung, J. (1969). Violence, peace, and peace research. *Journal of Peace Research, 6*(3), 167-191.

Geenen, S., & Powers, L.E. (2006). Are we ignoring youths with disabilities in foster care? An examination of their school performance. *Social Work, 51*(3), 233-241.

Gleeson, S. & Gonzales, R.G. (2012). When do papers matter? An institutional analysis of undocumented life in the United States. *International Migration, 50*(4), 1-19.

Gotanda, N. (1991). A critique of "Our constitution is color-blind." *Stanford Law Review, 44*(1), 1-68.

Harris, M.S., & Skyles, A. (2008). Kinship care for African American children: Disproportionate and disadvantageous. *Journal of Family Issues, 29*(8), 1013-1030.

Harry, B., & Klingner, J. (2006). Why are so many minority students in special education? Understanding race & disability in schools. New York, NY: Teachers College Press.

Harry, B., & Klingner, J. (2007). Discarding the deficit model. *Educational Leadership, 65*(5), 16-21.

Haskins, R., Wulczyn, F., & Webb, M.B. (2007). Child protection: Using research to improve policy and practice. Washington, D.C.: Brookings Institution Press.

Havlicek, J. (2011). Lives in motion: A review of former foster youth in the

   context of their experiences in the child welfare system. *Children and

   Youth Services Review, 33*, 1090-1100.

Heidbrink, L. (2014). Migrant youth, transnational families, and the state:

   Care and contested interests. Philadelphia, PA: University of

   Pennsylvania Press.

Heimpel, D. (2016). Los Angeles to shutter celebrated center for abused

   children. Retrieved from

   https://chronicleofsocialchange.org/featured/los-angles-to-shutter-

   celebrated-center-for-abused-children/15655

Heimpel, D. (2013). Americanization, Latino families and the future of foster

   care. Retrieved from

   https://chronicleofsocialchange.org/analysis/americanization-latino-

   families-and-the-future-of-foster-care/2545

Hing, J. (2013). Florida's school-to-prison pipeline is largest in the nation.

   COLORLINES. Retrieved from

   http://colorlines.com/archives/2013/02/in_2012_florida_arrested_120

   00_students_in_school—and_that_was_an_improvement.html

Hogan, P.T., & Siu, S.F. (1988). Minority children and the child welfare

   system: An   historical perspective. *Social Work, 33*(6), 493-498.

Illinois Department of Children & Family Services. (2015). Demographic

   information of children in foster/relative/institution/group home care

data as of 08/31/15. Retrieved from

https://www.illinois.gov/dcfs/aboutus/newsandreports/Documents/sub

demogr.pdf

James, J., Green, D., Rodriguez, C., & Fong, R. (2008). Addressing

disproportionality through undoing racism, leadership development,

and community engagement. *Child Welfare, 87*(3), 279-296.

Jasis, P.M., & Ordoñez-Jasis, R. (2012). Latino parent involvement:

Examining commitment and empowerment in schools. *Urban

Education, 47*(1), 65-89.

Johnson, H., & Hill, L. (2011). Unauthorized immigrants in California:

Estimates for counties. San Francisco, CA: Public Policy Institute of

California. Retrieved from

http://www.ppic.org/content/pubs/report/R_711LHR.pdf

Kapp, S.A., & McDonald, T.P., & Diamond, K.L. (2001). The path to adoption

for children of color. *Child Abuse & Neglect, 25*, 215-229.

Lakomski, G. (1984). On agency and structure: Pierre Bourdieu and Jean-

Claude Passeron's theory of symbolic violence. *Curriculum Inquiry,

14*(2), 151-163.

Leone, P., & Weinberg, L. (2012). Addressing the unmet educational needs

of children and youth in the juvenile justice and child welfare systems

(pp. 1-68, Publication). Washington, DC: Center for Juvenile Justice

Reform.

Leve, L.D., & Chamberlain, P. (2007). A randomized evaluation of

multidimensional treatment foster care: Effects on school attendance

and homework completion in juvenile justice girls. *Research on Social*

Work Practice, 17(6), 657-663.

Los Angeles County Department of Children and Family Services. (2009).

Wraparound overview. Retrieved from

http://www.lacdcfs.org/katieA/wraparound/index.html

Los Angeles County Department of Mental Health, Emergency Outreach

Bureau. (2015). Retrieved from

http://dmh.lacounty.gov/wps/portal/dmh/our_services/countywide?1d

my&page=dept.lac.dmh.home.services.countywide.detail.hidden&urile

=wcm%3Apath%3A/dmh+content/dmh+site/home/our+services/our+

services+detail/eob-field+response+operations

Loudenbeck, J. (2015). Brown signs bills to curb the overmedication of Calif.

foster youth. Retrieved from https://chronicleofsocialchange.org/news-

2/brown-signs-bills-curb-overmedication-calif-foster-youth/13651

Lucille Packard Foundation for Children's Health. (2015). Number of children

in foster care, by race/ethnicity. Retrieved from

http://kidsdata.org/topic/22/fostercare-

race/table#fmt=19&loc=2,127,347,1763,331,348,336,171,321,345,3

57,332,324,369,358,362,360,337,327,364,356,217,353,328,354,323,

352,320,339,334,365,343,330,367,344,355,366,368,265,349,361,4,2

73,59,370,326,333,322,341,338,350,342,329,325,359,351,363,340,335&tf=79&ch=7,11,8,10,9,44

Madison, D.S. (2005). Critical ethnography: Methods, ethics, and performance. Thousand Oaks, CA: Sage Publications.

Mason, M. (2010). Sample size and saturation in PhD studies using qualitative interviews. *Forum Qualitative Sozialforschung / Forum: Qualitative Social Research*, *11*(3).

McMillien, C., Auslander, W., Elze, D., White, T., & Thompson, R. (2003). Educational experiences and aspirations of older youth in foster care. *Child Welfare, 82*(4), 475-495.

McRae, J.S., Lee, B.R., Barth, R.P., & Rautkis, M.E. (2010). Comparing three years of well-being outcomes for youth in group care and nonkinship foster care. *Child Welfare, 89*(2), 229-249.

McRoy, R.G. (2008). Acknowledging disproportionate outcomes and changing service delivery. *Child Welfare, 87*(2), 205-210.

Menjívar, C., & Abrego, L.J. (2012). Legal violence: Immigration law and the lives of Central American immigrants. *American Journal of Sociology, 117*(5), 1380-1421.

Merriam, S.B. (2009). Qualitative research: A guide to design and implementation. San Francisco, CA: Jossey-Bass.

Miller, O.A., & Ward, K.J. (2008). Emerging strategies for reducing racial disproportionality and disparate outcomes in child welfare: The results

of a national breakthrough series collaborative. *Child Welfare, 87*(2),

211-240.

New York City Administration of Children's Services. (2015). Report on youth

in foster care 2014. Retrieved from

http://www.nyc.gov/html/acs/html/statistics/statistics_links.shtml

Nilson, W. (2007). Fostering futures: A preventative intervention program

for school-age children in foster care. Clinical Child Psychology and

Psychiatry, 12(1), 45-63.

Parrish, T., DuBois, J., Delano, C., Dixon, D., Webster, D., Berrick, J.D., &

Bolus, S. (2001). Education of foster group home children, whose

responsibility is it? Study of the educational placement of children

residing in group homes (Final report). Retrieved from California

Department of Education website:

http://www.cde.ca.gov/ls/pf/fy/documents/lcistudies.pdf

Pears, K.C., Kim, H.K., & Leve, L.D. (2012). Girls in foster care: Risk and

promotive factors for school adjustment across the transition to middle

school. *Children and Youth Services Review, 34*, 234-243.

Pecora, P. (2012). Maximizing educational achievement of youth in foster

care and alumni: Factors associated with success. *Children and Youth

Services Review, 34*, 1121-1129.

Pérez Huber, L. (2009). Disrupting apartheid of knowledge: *testimonio* as

methodology in Latina/o critical race research in education.

International Journal of Qualitative Studies in Education, 22(6), 639-654.

Plyer v. Doe, 457 U.S. 202, (1982).

Putnam-Hornstein, E., Needell, B., King, B., & Johnson-Motoyama, M. (2013). Racial and ethnic disparities: A population-based examination of risk factors for involvement with child protective services. *Child Abuse & Neglect, 37*, 33-46.

Rivaux, S.L., James, J., Wittenstrom, K., Baumann, D., Sheets, J., Henry, J., & Jeffries, V. (2008). The intersection of race, poverty, and risk: Understanding the decision to provide services to clients and to remove children. *Child Welfare, 87*(2), 151-168.

Roberts, D.E. (2002). Shattered bonds: The color of child welfare. New York, NY: Basic Books.

Romano, E., Babchishin, L., Marquis, R., & Fréchette, S. (2015). Childhood maltreatment and educational outcomes. *Trauma, Violence, and Abuse 16*(4), 418-437.

Rosner, D., & Markowitz, G. (1997). Race, foster care, and the politics of abandonment in New York City. *American Journal of Public Health, 87*(11), 1844-1849.

Scherr, T.G. (2007). Educational experiences of children in foster care: Meta-analyses of special education, retention, and discipline rates. *School Psychology International, 28*(4), 419-436.

Schwartz, A. (2008). Connective complexity: African American adolescents and the relational context of kinship foster care. *Child Welfare, 87*(2), 77-97.

Segal, U., & Mayadas, N. (2005). Assessment of issues facing immigrant and refugee families. *Child Welfare, 84*, 563−583.

Shea, N.M., Zetlin, A.G., & Weinberg, L.A. (2010). Improving school stability: An exploratory study of the work of the AB 490 liaisons in California. *Children and Youth Services Review, 32*, 74-79.

Sleeter, C. (2011). The academic and social value of ethnic studies: A research review. (Research Report) Retrieved from http://www.nea.org/assets/docs/NBI-2010-3-value-of-ethnic-studies.pdf

Smucker, K.S., Kauffman, J.M., & Ball, D.W. (1996). School-related problems of special education foster-care students with emotional or behavioral disorders: A comparison to other groups. *Journal of Emotional and Behavioral Disorders, 4*(1), 30-39.

Solorzano, D.G. (1998). Critical race theory, race and gender microaggressions, and the experience of Chicana and Chicano scholars. *Qualitative Studies in Education, 11*(1), 121-136.

Solorzano, D.G., & Yosso, T.J. (2001). Critical race and LatCrit theory and method: Counter-Storytelling. *Qualitative Studies in Education, 14*(1), 471-495.

Steele, C. M. (1997). A threat in the air: How stereotypes shape intellectual

identity and performance. *American Psychologist, 52*, 613-629.

Stone, S. (2007). Child maltreatment, out-of-home placement and academic

vulnerability: A fifteen-year review of evidence and future directions.

Children and Youth Services Review, 29, 139-161.

Suárez-Orozco, C., Yoshikawa, H., Teranishi, R.T., & Suárez-Orozco, M.M.

(2011). Growing up in the shadows: The developmental implications of

unauthorized status. *Harvard Educational Review, 81*(3), 438-472.

Sullivan, M.J., Jones, L., & Mathiesen, S. (2010). School change, academic

progress, and behavior problems in a sample of foster youth. *Child and

Youth Services Review, 32*, 164-170.

Therolf, G. (2015a). Inside the foster care system: A bleak last stop for lost

youths. Retrieved from http://www.latimes.com/local/california/la-me-

adv-foster-overflow-20150301-story.html

Therolf, G. (2015b). Rampant medication use found among L.A. County

foster, delinquent kids. Retrieved from

http://www.latimes.com/local/california/la-me-children-psychotropic-

meds-20150217-story.html

Trent, S.T., Artiles, A.J., & Englert, C.S. (1998). From deficit thinking to

social construction: A review of theory, research, and practice in

special education. *Review of Research in Education, 23*, 277-307.

Trout, A.L., Hagaman, J., Casey, K., Reid, R., & Epstein, M.H. (2008). The
academic status of children and youth in out-of-home care: A review
of the literature. *Children and Youth Services Review, 30*, 979-994.

UCLA Labor Center. (2007). Undocumented students: Unfulfilled dreams.
Retrieved from http://www.labor.ucla.edu/publication/undocumented-
students-unfulfilled-dreams/

Weinberg, L.A., Oshiro, M., & Shea, N. (2014). Education liaisons work to
improve educational outcomes of foster youth: A mixed methods
study. *Children and Youth Services Review, 41*, 45-52.

Weinberg, L.A., Zetlin, A.G., & Shea, N.M. (2004). The education liaison
model. Los Angeles: Mental Health Advocacy Services. Retrieved from
https://www.researchgate.net/publication/228383995_The_Education
_Liaison_Model

Welfare and Institutions Code, Sec. 340, Amended by Stats. 1987, Ch. 1485,
Sec. 29.

Wells, S.J., Merritt, L.M., & Briggs, H.E. (2009). Bias, racism and evidence-
based practice: The case for more focused development of the child
welfare evidence base. *Children and Youth Services Review, 31*, 1160-
1171.

Wessler, S.F. (2011). Thousands of kids lost from parents in U.S.
deportation system. *Colorlines*. Retrieved from

http://www.colorlines.com/articles/thousands-kids-lost-parents-us-deportation-system

Yasso, T.J. (2005). Whose culture has capital? A critical race theory discussion of community cultural wealth. *Race Ethnicity and Education, 8*(1), 69-91.

Zetlin, A., & Weinberg, L. (2013). Placed at risk by the system: The educational vulnerability of children and youth in foster care. New York, NY: Nova Science Publishers, Inc.

Zetlin, A.G. (2006). The experiences of foster children and youth in special education. *Journal of Intellectual & Developmental Disability, 31*(3), 161-165.

Zetlin, A.G., Weinberg, L.A., & Kimm, C. (2004). Improving education outcomes for children in foster care: Intervention by an education liaison. *Journal of Education for Students Placed at Risk, 9*(4), 421-429.

Zetlin, A.G., Weinberg, L.A., & Shea, N.M. (2006). Improving educational prospects for youth in foster care: The education liaison model. *Intervention in School and Clinic, 41*(5), 267-272.

Zetlin, A.G., Weinberg, L.A., & Shea, N.M. (2006). Seeing the whole picture: Views from diverse participants on barriers to educating foster youths. *Children & Schools, 28*(3), 165-173.

Zima, B.T., Bussing, R., Freeman, S., Yang, X., Belin, T.R., & Forness, S.R. (2000). Behavior problems, academic skill delays and school failure among school-aged children in foster care: Their relationship to placement characteristics. *Journal of Child and Family Studies, 9*(1), 87-103.