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Abstract

Young people leaving care face a number of challenges in making the transition to independent living in accessing educational, employment, housing and other opportunities years before and with much less support than their peers living with their parents. They are in a unique position to reflect on their experiences in care and provide feedback that might assist and improve policy and practice as it affects them. This chapter outline the findings from international research about the experiences and outcomes for children in care and young people leaving and after care, with a focus on their rights to the special protection and assistance by the State as their corporate parent. While research has had some impact on policy and practice in Australia and in similar jurisdictions, there is a considerable gap between good intent and good practice and the implementation and evaluation of the effectiveness of legislation, policy and practice is still very much a work in progress.

(Length 6580 words)

Children and Young People Leaving Care

When parents are deemed unable to provide adequate care for their children, and there are no other capable carers within the family, children may be removed from their family and enter the 'care' of the State. The most common reasons in countries such as Australia, New Zealand, Canada and the US are parental incapacity that is the result of substance abuse, mental ill-health, family violence, and children's exposure to abuse or neglect (Gilligan, 2008). Most children leave care after a relatively short stay and return to their families of origin but for some children, out-of-home care is a long-term placement.

- In Australia, for example, there were over 39,600 children in out-of-home care (at a rate of 7.7 per 1,000 children) as at 30 June 2012. Just under half (47%) were living with relatives or kin, 44% were in foster care, and 5% were in residential care. Young people aged 15-17 years comprised 14.9 per cent of children and young people in out-of-home care, 32.6 per cent of those discharged from care in that year (Australian Institute of Health and Welfare, 2013).
- In England, there were 67,050 children in care at 31 March 2012, 20 per cent of whom were aged 16 years and over (Department for Education, 2013).
- In the US, there were an estimated 399,546 children in foster care on September 30, 2012, with nearly half (47 per cent) in nonrelative foster family and 28 per cent in relative homes. Of the estimated 241,254 children who exited foster care during 2011-2012, 51 per cent were reunited with parent(s) or primary caretaker(s), 21 per cent were adopted, and 10 per cent were "emancipated" (under 18) or "aged out of foster care between the ages of 18 and 21, depending on State policy" (US Child Welfare Information Gateway, 2013).

As these thumbnail figures from three countries indicate, children enter care for a range of reasons and for different periods of time, and spend that time in different types of placements that include relative or kinship care, foster care, group homes and other forms of residential care. A relatively small proportion of children who enter out-of-home care remain in care until adulthood, and then “age out of care”. Of those who do reach adulthood in care, a number have been in care for much of their childhood but others entered care as adolescents.¹

“Leaving care” is formally defined as the cessation of legal responsibility by the state for young people living in out-of-home care. In practice, however, leaving care is a major life event, and a process that involves making a number of transitions from dependence on state accommodation and supports to adulthood and supposed self-sufficiency.

How well children fare in out-of-home care and how prepared young people leaving care are for their life after care depends on their experiences and circumstances before they entered care as well as various aspects of their care experience. The in-care factors include the kind of care setting (kinship care, foster care or residential care), and a range of other factors such as how old they were when they were removed from their family, whether they stayed in care for a short or a long period, and how stable and secure their living arrangements were – as well as the quantity and quality of professional and informal supports

¹ Courtney (2009) points out that “relatively few young people in the US who make the transition to adulthood in foster care spent the bulk of their childhood in care, unlike the situation in Australia and the UK. In the US, a study of placement trajectories of youth in care on their 16th birthday found that most had entered care since their 15th birthday and only 10% had entered care as preteens (Wulczyn & Brunner Hislop, 2001) (Courtney, 2009, p. 4).

available to them (Brandon & Thoburn, 2008; Cashmore, 2014; Fernandez & Barth, 2010; Rutter, 2000).

While young people leaving out-of-home care vary in terms of their experiences and circumstances, as a group they are arguably one of the most vulnerable and disadvantaged groups in society. Compared with their age-peers in the general population, they face particular difficulties in accessing educational, employment, housing and other developmental opportunities. Many care leavers can call on little, if any, direct family support or other community networks to ease their transition into independent living. Many have not completed their secondary education and their employment prospects and capacity to sustain a liveable income, to afford housing, health care and a reasonable lifestyle are very limited. Their abrupt and accelerated transition to adulthood and 'independence' is in stark contrast to the experience of their age peers, many of whom live at home well into their early 20s, have a safe haven available to them to return to as needed, and continue to receive social, practical, emotional and financial support into early adulthood.

The findings from a number of studies in Australia, England, Ireland, Canada, and the US over the last few decades have consistently highlighted the problems that many young people face in leaving care and in the first five years of so afterwards. The first studies were conducted in the UK from the 1980s (Biehal, Clayden, Stein, & Wade, 1995; Broad, 1998; Dixon & Stein, 2005; Stein, 1990; Stein & Carey, 1986). Another study was conducted in Northern Ireland by Pinkerton and McCrea (1999). In Australia, an early longitudinal cohort study (Cashmore & Paxman, 1996, 2006) followed a group of young people leaving care in New South Wales to the age of 23-24 years and another larger-scale study is now being conducted in another state, Victoria (*Beyond 18*). Several small-scale studies in Victoria have examined the experiences of discrete cohorts of care leavers such as

those also involved in the youth justice system and those with a disability (Mendes & Snow, 2014; Mendes, Baidawi, & Snow, 2013, 2014). In the US, there have been several large-scale studies of the outcomes for young people leaving care and beyond (Courtney et al., 2005, 2011; Garcia, Pecora, Harachi, & Aisenberg, 2012; Pecora et al., 2005). The large-scale longitudinal Midwest study by Courtney et al. (2005, 2011) in three US states now extends to age 26 over five waves of data collection from age 17-18 and includes a comparison of same-age peers from the National Longitudinal Study of Adolescent Health. The conclusions in the reports from this study about the troubling and disquieting findings in relation to how young people as a group are faring after leaving care speaks to the findings across studies and across countries.

The difficulties for care leavers include housing instability and homelessness, limited education and employment opportunities, poor mental and physical health, inadequate social and emotional support, and increased risks of substance abuse, early parenthood, and involvement in crime (Cashmore & Paxman, 2006a, 2006b; Courtney et al., 2005, 2011; Kufeldt, 2003; Mendes, 2012; Mendes et al., 2014; Reid, 2007; Stein, 2006, 2012). These difficulties are exacerbated for some young people – those leaving residential care, Indigenous young people, young people with disabilities, and those with criminal justice involvement, and with limited family/community supports and networks (Baker, 2011; Hall, 2012; Mendes et al., 2013; Rabiee, Priestley, & Knowles, 2001; Victorian Auditor General Office, 2014). The concerns outlined by Courtney et al. (2011) also detail the troubling state of economic hardship for young people at age 26, their relatively poor rates of school completion, and the numbers of young adults especially “young men who have been or are currently incarcerated” and the number of “young women who cannot support themselves who are raising children alone” and “young men who have children with whom they have little or no relationship” (Courtney et al., 2011, p. 113).

The research from several countries also indicates the factors that distinguish those young people who fare well after leaving care from those who do less well, and the group who do very poorly indeed. Not surprisingly, relational factors and how young people's sense of belonging and being listened to and respected are highlighted (Farineau, Wojciak, & McWey, 2013; Jones, 2014; Samuels, 2008; Sinclair et al., 2005). In England, for example, Sinclair et al.'s (2005) study of outcomes for foster children reported that having a close and supportive relationship with a family member or partner or former foster carer was predictive of a positive outcome whereas those young people who had a number of placement disruptions and behavioural problems fared more poorly. Similarly, Cashmore and Paxman (2006a) found that the extent to which young people felt secure with their carers while in care and the continuity and social support beyond care were the main predictors of their outcomes 4–5 years after leaving care. Felt security was also associated with a greater likelihood that young people would stay on in the same placement after leaving care and that they would continue to have more, and wider, social support. This is consistent with the findings of other studies in Ireland and the US which highlight the impact of disrupted relationships with family and the lack of formal and informal supports for young people leaving care that are associated with poorer outcomes, including more limited capacity to trust and maintain relationships and lack of self-esteem (DePanfilis, 2014; Farineau et al., 2013; Jones, 2014; McMahon & Curtin, 2013).

The needs of these young people, as the counter to their difficulties, are also well recognised (Stein, 2012). Their most common needs are for stable and affordable housing, educational and employment opportunities, income support, socially and emotionally supportive networks, physical and mental health services, independent living skills and access to information about entitlements to services, and advice and assistance in sustaining and managing disrupted family relationships. Also pivotal is the sense that young people have a voice, a sense of

agency and some control over what they need and what direction they wish to move in (Höjer & Sjöblom, 2014; Johnson & Mendes, 2014; Stein, 2012). In a recent Australian study based on in-depth interviews with 59 young people (aged 18-24 years) in Victoria and Western Australia who had experienced a volatile transition from out-of-home care, Johnson and Mendes (2014) identified five pivotal moments or experiences that encouraged young people to actively seize control over their lives and their circumstances — stable housing, addressing substance abuse, improved family relationships, meaningful relationships with professional support, and finding work. These five factors are often interlinked, but whatever the catalyst(s), the resulting turnaround in these young people's lives was pronounced.

This study and a number of other international studies that provide young people with a voice about their needs have informed the recommendations for legislation, policy and practice for young people leaving care across various Western countries (Munro et al., 2012; Stein, 2004, 2012; Stein & Munro, 2008). The consensus is that the basic framework should provide for:

- Planning and gradual preparation for leaving care that involves them and includes key independent living skills;
- Some choice and flexibility about when to leave care placements, rather than being subject to rigid age related transitions and being forced to leave before they are ready to do so;
- Flexible timing and delivery of different forms of assistance and services, available over time rather than as a one-off opportunity with no second chances; and preferably based on a partnership between professional welfare workers and mainstream community networks;

- Holistic services that include stable housing, education including further and higher education assistance, training and employment opportunities, income support, and physical and mental health services;
- Specialised programs of support for young people who are parents, for those who have a disability and for those who have mental health, substance abuse or offending issues;
- Continuing social and emotional support including an allocated worker or adviser.

Increasing international recognition of needs and rights of young people leaving care

There are positive signs that the research and advocacy efforts over several decades are bearing fruit in increasing recognition by government and non-government agencies of the importance of providing continuing support to mitigate the difficulties many care leavers face (Courtney, 2009; Munro et al., 2011; Pinkerton, 2002; Stein & Munro, 2008). At an international level, the rights of children who are separated from their families are outlined in various articles of the UN Convention on the Rights of the Child. These include children's right to special support and assistance from the State (Article 20), to maintain their identity and contact with their parents and others who are important to them unless it is contrary to their best interests (Article 9), to periodic review of their treatment (Article 25), and to have a voice in decisions that affect them (Article 12). More recently, *Guidelines for the Alternative Care of Children* (General Assembly of the United Nations, 2009) have provided "a set of orientations to help to inform policy and practice" that are explicit about the support that should be available for children and young people who need continuing care or support for a transitional period after reaching the age of majority (paragraphs 28, 131-136). These guidelines highlight the need to systematically prepare children to assume

self-reliance, to have ongoing educational and vocational training opportunities, and to have access to social, legal and health services, as well as appropriate financial support to help them to integrate fully into the community.

Corporate parenting

Consistent with these rights, references to the need for the State to be a responsible “corporate parent” for children in out-of-home care are now emerging in the academic, policy, and advocacy literature in various countries - first in the UK, and later in the US and Australia (Bullock et al., 2006; Courtney, 2009; Goddard, 2003). The term ‘corporate parent’ refers to the legal and moral responsibility that the State assumes for children when they are removed from the care of their parents by the State; it encompasses the actions and kinds of support that “good parents” provide for their children in order to maximise their ambitions and achievements (Courtney, 2009; Goddard, 2003). In England, for example, a coalition of voluntary and community sector organisations advocated in 2013 in their briefing document for the House of Commons, *Still our Children*, that “the obligations that flow from the state’s unique relationship as corporate parent” should include support for care leavers at any point up to the age of 25 years. They define corporate parenting for care leavers as encompassing “the collective responsibility of all relevant public bodies, not just children’s services, to work together to meet the needs of looked after children and young people up to the age of 25. The emphasis should be on ‘parenting’ and the relevant public bodies and agencies should act in a way a birth parent would.” *Still Our Children* clearly claims that:

Parents do not stop parenting their children when they reach the age of 18 or 21 or even 25. The values and ideals that should lie at the heart of any parental relationship should also lie in the relationship between

the Government and local authorities as corporate parents and the care leavers they work to protect.

In Australia, a federal government national framework for child protection highlights the need for the State to support care leavers, the *National Framework for Protecting Australia's Children* states:

Care leavers can be better supported if they are equipped with improved employment and independent living skills and more social and emotional skills while in care, and **the state continues to act as a 'good' parent in the first few years after they leave care** [bold emphasis added] (Cashmore & Paxman 1996; Maunders, Liddell, Liddell, & Green 1999; Mendes & Moslehuddin 2006). (COAG, 2009, p. 25)

Albeit, the framework lacks any concrete strategies or specific targets for promoting these objectives beyond 18 years. In the US, Courtney (2009) outlines positive shifts in federal policy in relation to foster youth ageing out of care and suggests that this “reflects an evolving understanding of normative transitions to adulthood, growing knowledge of the particular challenges faced by foster youth in transition, and changing views of the state’s role as corporate parent of foster youth and former foster youth” (p. 3). Courtney argues, however, that there are a number of challenges in implementing good policy and practice to give effect to good corporate parenting, relating to the links between legislation, research and evaluation, policy and practice.

Legislative expression of care leavers' rights

These parenting responsibilities and the consequent rights for children and young people in out-of-home care and on leaving care are expressed in legislation and in Charters of Rights in Australia, UK, Canada and the US. The UK

legislation is perhaps the most inclusive and comprehensive, with the *Children (Leaving Care) Act 2000* providing for a “personal adviser” for young people about to leave care and after leaving care till the age of 25 for those with relevant entitlements² as well as a range of other supports including needs assessment, a pathway plan with regular review, accommodation and maintenance, financial assistance to meet education, training and employment needs, and continuing contact with the responsible local authority.³ Australian legislation is state based and therefore varies across eight jurisdictions with a one-off Commonwealth entitlement, the Transition to Independent Living Allowance.⁴ The US is also a

² There are various categories of young people who are entitled to leaving and after-care support but the threshold question is whether or not the young person has been in care for a total of 13 weeks or more since the age of 14, including at some point at age 16 and 17.

³ The National Care Advisory Service (NCAS) provides advice for young people in relation to their transition from care in answer to the question: *What am I entitled to?* For example: “The basic rules are that from 16 you should have a Personal Adviser, an assessment of the support you need and a Pathway Plan that sets out how the local authority will support you, including financial support. They should also keep in touch with you until you are at least 21. If at age 21 you are already in education or training then leaving care support continues until the programme of education or training, which has been agreed in your Pathway Plan, ends. ...”

See <http://resources.leavingcare.org/uploads/dd7b04a3af00c1e201a2fd9cec158c27.pdf>

⁴ In New South Wales, for example, the *Charter of Rights for Children and Young People in Out-Of-Home Care* includes the rights:

- to have access to written, photographic and other records of continuing significant events and developments in their lives;
- after leaving care, to have access to records on files concerning the placement;

federal system with different entitlements across states but US federal legislation, the *Fostering Connections to Success and Increasing Adoptions Act* has encouraged the States, from 2011, to allow youth to remain in care beyond the age of 18, though Courtney (2009) is critical of the narrow definition of young people covered by the legislation.

Rights and reality in policy and practice

While the language and rhetoric around corporate parenting, legislation and the charters of rights of children and young people in care are positive and moving in the right direction, there are a number of challenges in making these rights a reality for the many young people leaving care and in the years beyond. The difficulties and needs of these young people may be very apparent, but the best and most efficacious ways to provide effective support and services are less obvious, especially for young people who have been involved in crime, have a disability or are Indigenous. In the US and Australia, there is also a “lack of established and well evaluated models that provide appropriate coordination between child welfare agencies and the other agencies” and a lack of good research and evaluation to assess the effectiveness of services for these young people (Cashmore & Mendes, 2008; Courtney, 2009). Although New South Wales was the first state in Australia to introduce leaving and after-care services, there have been no evaluations of the effectiveness or accessibility of these services. In

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- to maintain a relationship with parents, family, friends and community, unless this is not in the child’s best interests; and
 - after leaving out-of-home care, from the age of 15 and up to the age of 25, to receive continuing assistance from the Minister for Community Services, if necessary, with matters such as accessing education, housing, employment, health services, counselling and support.

Victoria, leaving after-care services have largely been funded and delivered by non-government agencies and there have now been several positive evaluations of some leaving care services that address housing, employment and mentoring (Meade & Mendes, 2014; Mendes et al., 2014).^{5, 6}

The picture is somewhat brighter in England and Wales but recent evaluations still indicate some gaps in services and support (Stein & Munro, 2008; Munro et al., 2012). There have, however, been more evaluations of services in the UK than elsewhere (Stein & Wade, 2000; Stein, 2004, 2012) resulting in some significant legislative reforms in the *Children (Leaving Care) Act 2000* that recognise the importance of preparing young people for leaving care with clear pathway planning and providing personal and practical support. In particular, the Act

⁵ The pilot *Stand by Me* program, for example, is providing a potentially effective safety net of support for young people with complex needs who are transitioning from care. It is adapted from the UK Personal Advisers model, offers client-focused and strengths-based relationships well before young people make their transition from care, and continuity of support during the transition from care, and post-care. The interim indications are positive in terms of the impact of the program in supporting young people in relation to finances, housing, facilitating links with family, supporting a young person who became a parent, accessing education and training, and addressing long-standing trauma (Meade & Mendes, 2014).

⁶ Adequate and appropriate funding is also a perennial issue in Australia as elsewhere. For example, funding in all states and territories for the post-18 year-old group is less than one per cent of the total out-of-home care budget (Whyte, 2012) although these young people constitute nearly 15 per cent of the total age groups in and beyond care (either 0-21 or 0-25 years) covered by most state and territory legislation. Additionally, most leaving care funding is not ring-fenced so large portions of the already small budget are sometimes shifted to cover deficits in out-of-home care funding for younger children (Victorian Auditor General Office, 2014).

requires local authorities to appoint personal advisers to assist young people through the transition, to work with them in deciding what services are needed and to coordinate those services and to keep in touch and offer personal and practical support. Stein (2006) indicated some positive outcomes associated with the first few years of the implementation of the Act, with:

the increased take-up of further education and reductions in those not in education, employment and training, directly linked to improvements in financial support for young people provided by local authorities; the increased provision of supported accommodation; a strengthening of leaving care responsibilities, especially through the introduction of needs assessment and pathway planning; more formalized interagency work; and improved funding for leaving care teams (Broad, 1998, 2005; Dixon et al., 2004; Hai & Williams 2004). (Stein, 2006, p. 275)

Despite the perception of positive outcomes by staff, there were, however, concerns about some continuing inequities and difficulties in relation to services for some particular groups of young people including young parents, accompanied asylum and refugee seekers, and young people leaving residential care and with criminal involvement.

More recently, the National Care Advisory Service (NCAS) in their report *Still Our Children* (2013) indicated that young people are still falling through the gaps in provision, and that support often falls away between ages of 18 and 21. One measure to mitigate this drop-off in support and to provide a delayed and more gradual leaving care process is to allow young people to stay with foster carers beyond the age of 18 years to provide the stability and support necessary for young people to achieve in education, training and employment. A three year evaluation of the *Staying Put* program in the UK found that the young people

involved were more than twice as likely to be in full-time education at 19 years (Munro et al., 2012). Similarly, the evidence from the USA, where some States have delayed the discharge from care till 21 years, suggests that those who leave care at an older age are likely to do better because they are provided with greater ongoing social and economic support commensurate to that usually provided by a birth family (Courtney, Lee & Perez, 2011).

The importance of research involving young people

Most important, arguably, is how the young people involved feel about leaving care and how they perceive services and supports, and to what extent they feel involved in the process (Bessell & Gal, 2009, 2011; Cashmore, 2002, 2014). Various reports and studies make it clear that young people often do not feel that they have been involved in planning and preparing for leaving care. Nor do they feel that they have available to them the level of support, both emotional and material, that their peers in the general population do (Höjer & Sjöblomb, 2014; McDowall, 2013). A National Care Advisory Service survey of 1000 young people in England and Wales reported that 21 per cent said they needed to stay in care for longer, 27 per cent said they did not receive enough help when leaving care, 32 per cent said they found it difficult or not possible to contact their worker, and 32 per cent said they did not receive the support they needed from their local authority. These views have driven the advocacy of a leaving care model that would ensure support is available for all care leavers – not just those in education or training - till 25 years, and based on need rather than age (National Care Advisory Service, 2013). This is likely to be particularly important for groups of young people with more complex needs.

An important development in research and methodology, especially in England and Europe, is the involvement of care leavers in peer research. This takes the philosophy of involving young people in decision affecting them into

the area of research – research by young people rather than with or about them. The National Care Advisory Service in the UK has taken a strong lead in this area, involving care leavers in a number of research projects, “built upon partnerships with universities, young people, local authorities, public bodies and international organisations”.⁷

In summary, it is clear that research in a number of countries, with UK researchers at the forefront, has drawn attention to the challenges facing young people leaving care, and highlighted the need for legislative reform, appropriate policy and services that can mitigate some of the difficulties for these young people. Research that tells of the experiences and outcomes for young people in a mix of circumstances, and peer research by care leavers, makes it very plain that such services need to be “planned and negotiated with young people”, to be proactive, and to be flexible and holistic and reflect the diversity of needs of young people making the transition to adulthood in very difficult circumstances (Stein, 2006, p. 90). As this area shows once again, the link between research, policy and practice is an iterative one, and takes time to establish and make constructive, given the different cultures, timeframes and expectations of researchers, advocates, legislators, policy-makers and practitioners (Shonkoff, 2000).

⁷ See NCAS website: http://leavingcare.org/what_we_do/peer_research.

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