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Trial Lawyers Section gift provides a lawyer advocate for foster kids

In just six months, a \$75,000 gift to [The Florida Bar Foundation](#) by The Florida Bar's [Trial Lawyers Section](#) has provided nearly 70 foster youth an advocate to protect their legal rights, and more referrals are coming every week.

Jessica Rae, the Trial Lawyers Section children's legal services fellow at the Community Law Program in St. Petersburg, has had foster youth referred to her by caseworkers, guardians ad litem, judges, the general magistrate, and the state attorney's office.



Through her Transitioning Dependent Youth Project, Rae represents kids as they navigate the foster care system. In more than 10 years spent advocating for foster youth, mostly in Maryland, Rae has witnessed the long-term benefits legal representation for foster children can have.

"When the court is contemplating an order of where a child should be placed, it's really easy to think we're just talking about where this child is going to live for the next year or two years, but those orders have a profound impact on that child's life," Rae said.

Rae has made a list of the potential impacts. A child's placement, Rae said, determines whether he or she can: Have a permanent family or permanent home; maintain school stability; maintain medical or therapeutic stability or services; have access to and contact with the people who are most important to him or her; qualify for a college tuition exemption; receive any sort of independent living services, including a monthly stipend he or she can access as a young adult while completing his or her education; and participate in normal teen activities.

Foster youth often have little say in such matters. Unlike other parties in a dependency hearing — which generally include the state, the child's parent or guardian, and a guardian ad litem — children have no statutory guarantee of legal representation. Even when a child has a GAL, that person is there to represent what he or she believes to be the child's best interest. That may not coincide with the child's interests or legal rights, and the distinction is important, Rae said.

She cites the example of an 8-year-old client Rae once had who was doing well in a placement with his grandmother and little sister. On paper, the placement seemed ideal. But the boy wanted to live with his aunt for a simple reason. There, he could play outside where there were trees and grass and he didn't have to live in constant fear of the drug dealers who controlled his grandmother's neighborhood.

"Most of us have a really good self-preservation instinct," said Rae, adding, in her experience with hundreds of foster cases, kids are no exception.

"When kids don't have a day in court, that can be incredibly damaging in the long-term," Rae said. "They feel like they've got no control of their lives, and in fact, often they haven't, because they've been involved in this massive bureaucracy. But when they have an attorney, I feel like they take some of that power back. And that can have a lifelong impact on a child's well-being."

Moving children out of dependency as they approach their 18th birthday is the major focus of Rae's work. Clients she has helped include a young woman who ended up in the dependency system because of the illness of a parent. Working with her both inside and outside the courtroom, Rae put a plan in place to get her through high school.

"I expect she will be college-bound," Rae said.

Another client managed to get her GED on her own, only to be hit with out-of-state college tuition because of a lack of documentation, when, in fact, she was entitled to a tuition exemption. Rae resolved her issues, enabling the 17-year-old to avoid being saddled with \$7,000 a year in student loans.

"Clearing that path so she can be successful in college is huge," Rae said. "Because one of the things we see is that when kids do really well, they tend to leave the foster care system and never come back. When kids struggle, that's when we start to see their kids and their kids' kids [in the system]. And it's an incredible, unfortunate saga when we begin to see second and third generation families involved in the foster care system. When kids have counsel and they can make good choices about what their options are, we can break that cycle."

Kimberly Rodgers, executive director of the Community Law Program, said Rae, whose career protecting children's rights has taken her from Baltimore to Bolivia and from Washington, D.C., to Afghanistan, has been a tremendous boost to the effectiveness of the program.

"The kids who Jessica represents are the most vulnerable within our client population because oftentimes their parents are dead or incarcerated or strung out on drugs. They don't have a safety net," Rodgers said. "She's a voice for these children, and she gets them the financial and social and educational benefits they need to make them successful adults."

Without the Trial Lawyers Section's generosity, Rodgers said she would not have been able to hire Rae when her predecessor left to take another job, and the Community Law Program's Transitioning Dependent Youth Project would not have been there for vulnerable children in foster care.

"Community Law Program's Transitioning Dependent Youth Project is among the most impactful of the organization's projects for me personally," said Linda Perrigoue, president of the organization's board of trustees. "We are truly thankful to the Trial Lawyers Section for making it possible for us to continue this incredibly meaningful work."

Judge Jack Day, one of four judges on the Sixth Circuit Unified Family Court in Pinellas County, calls Rae "unbelievable" and said she has exceeded expectations, even after he told her "she was expected to walk on water" based on the reviews he'd heard of her prior work.

"She has taken on all the teenagers I've been able to throw at her, which is a lot," Judge Day said. "She is so good with teenagers; they can see the benefits of her advocating for them."

Day said the statistics of the dependency system are grim. According to a 2007 report of the Pew Charitable Trusts, one in four will be incarcerated within two years of leaving the system, and more than one in five will become homeless at some point.

“So, there is a particular need for things to help them find their way to being functioning adults,” Day said. “The foster care system has tools to do a lot of those things, but it takes some work to get the right tools in the right hands. There’s nothing that compares to having an advocate for the kids before the court to rattle the cage and get the kids what they need. The reality of dependency court is that young people on the verge of adulthood need advocacy or else they get steamrollered.”

Wayne Helsby, chair of the Trial Lawyers Section, said one of the primary missions of the section is to protect and preserve access to the courts for all of Florida’s citizens.

“The severe decline in IOTA revenue in recent years has jeopardized that access, especially for underprivileged youth in our state,” Helsby said. “The Trial Lawyers Section is delighted that our contribution has enabled The Florida Bar Foundation to provide these individuals with an attorney to protect their rights in the course of the legal process. The Trial Lawyers Section is also appreciative of the fact that our donation has prompted other sections of the Bar to do likewise.”

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