
SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair
2019 - 2020 Regular

Bill No:	AB 1979		
Author:	Friedman		
Version:	July 28, 2020	Hearing Date:	August 10, 2020
Urgency:	No	Fiscal:	Yes
Consultant:	Marisa Shea		

Subject: Foster youth: housing

SUMMARY

This bill addresses the housing needs of nonminor dependents (NMDs) in the child welfare system by expanding the definition of a supervised independent living setting (SILS) to include a transitional living setting, as provided, requiring counties to examine their ability to meet NMDs emergency housing needs, and preserving a NMD's transitional housing placement during an absence of up to 14 days, as provided.

ABSTRACT

Existing Law:

- 1) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect or to have been abused or neglected, as specified. (*WIC 202*)
- 2) Establishes a system of juvenile dependency for children for specified reasons, and designates that a child who meets certain criteria is within the jurisdiction of the juvenile court and may be adjudged as a dependent child of the court, as specified. (*WIC 300 et seq.*)
- 3) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, neglected or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (*WIC 300.2*)
- 4) Provides for extended foster care funding for youth until age 21, as well as adopts other changes to conform to the federal Fostering Connections to Success Act. (*WIC 241.1; 303; 366.3; 388; 391; 450; 11400; 11402; 11403*)
- 5) Defines "nonminor dependent" as a current or former foster youth who is between 18 and 21 years old, in foster care under the responsibility of the county welfare department,

county probation department, or Indian Tribe, and participating in a transitional independent living plan, as specified. (*WIC 1400(v)*)

- 6) Defines “Transitional Housing Program for Nonminor Dependents” (THP-NMD) to mean transitional housing program (THP) serving NMDs between the ages of 18 and 21. (*WIC 16522.1(a)(2)*)
- 7) Defines “supervised independent living placement” (SILP) as, on and after January 1, 2012, an independent supervised setting, as specified in a NMD’s transitional independent living case plan, in which the youth is living independently, as specified by federal law. (*WIC 11400(w)*)
- 8) Defines “supervised independent living setting” as including both a SILP, and a residential housing unit certified by the transitional housing placement provider operating a THP program for NMDs, as specified. (*WIC 11400(x)*)
- 9) Requires the California Department of Social Services (CDSS), in consultation with stakeholders, to define how certain supervised independent living settings meet health and safety standards suitable for nonminors. (*WIC 11403(i)*)
- 10) Requires county placement agencies to, on a regular basis, conduct an evaluation of the county’s placement resources and programs in relation to the needs of children placed in out-of-home care. Further, requires county placement agencies to specifically examine placements which are out of county and determine the reason the placement was necessary, and identify the additional placement resources and programs which need to be developed and available to allow a child to remain within the county and as close as possible to their home. Additionally requires CDSS to support the development and operation of a consortia of county placement agencies on a regional basis for the purpose of developing specialized programs serving a multicounty area. (*WIC 16001(a)*)
- 11) States the intent of the Legislature, through recognition that transition to independence involve self-initiated changes in placements, that regulations developed regarding the approval of supervised independent living settings ensure continuity of placement and payment while the NMD is awaiting approval of their new supervised independent living setting. (*WIC 11402.2(a)*)
- 12) Enables a county to elect to complete an inspection of a SILP to ensure that it meets health and safety standards through methods other than an in-person visit, including but not limited to, videoconferencing and telephone calls that include pictures of the living space, and may, for the 2020-21 fiscal year, temporarily approve the supervised independent living placement pending the submission of required forms by the NMD, based on the NMD’s agreement that the forms will be submitted. (*WIC 11402.2(b)*)
- 13) Places a number of requirements on the payments provided to transitional housing providers for transitional housing services provided to an eligible foster youth, as specified. (*WIC 11403.3*)

- 14) Sets forth policies and procedures that allow a county to continue to make payments to an eligible facility from which the child is determined to be temporarily absent for no more than 14 days in a calendar month. (*CDSS Manual of Policies and Procedures 45-302.23*)
- 15) Creates the California Community Cares Facilities Act to establish a coordinated and comprehensive statewide service system of quality community care for mentally ill, developmentally and physically disabled, and children and adults who require care or services by a facility or organization issued a license or special permit through CDSS's Community Care Licensing Division. (*HSC 1500 et seq.*)
- 16) Specifies that the California Community Cares Facilities Act does not apply to specific facility types, as defined, including the following: any child day care facility; any school dormitory; any home of a relative caregiver; any home of a nonrelative extended family member; a Transitional Housing Program – Plus; any supported living arrangement for individuals with developmental disabilities; a family home approved by a family home agency; among others. (*HSC 1505*)

This Bill:

- 1) Expands the definition of a “supervised independent living setting” to include a transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements, but excludes a youth homelessness prevention center or an adult homeless shelter from qualifying.
- 2) Provides that the California Community Cares Facilities Act does not apply to a transitional living setting, as defined.
- 3) Enables a county to elect to certify that a SILP meets health and safety standards once every 12 months, as long as the county has no reason to believe that the health and safety conditions of the housing option have changed. Further provides that this supervision does not require that the individual placements be certified every 12 months if the same youth remains continuously in the placement.
- 4) Requires a county placement agency to examine the county's ability to meet the emergency housing needs of NMDs in order to ensure that all NMDs have access to immediate housing upon reentering foster care or for periods of transition between placements.
- 5) Requires a county to approve payment to a transitional housing placement provider for a period of up to 14 days in a calendar month in which the NMD is absent from the placement if the NMD provides notice to the transitional housing placement provider that they intend to return to that placement within 14 days or the transitional housing placement provider has reason to believe the NMD will be returning within 14 days.
- 6) Prohibits a transitional housing placement provider from filling a NMD's place if the NMD is temporarily absent from the placement for 14 days or less, and requires the county to continue to pay board and care costs for up to 14 days, unless the provider and

the NMD's case worker have jointly determined the NMD is unlikely to return within 14 days.

FISCAL IMPACT

According to an analysis prepared by the Assembly Appropriations Committee, the January 23, 2020 version of this bill presents the following fiscal impact:

- Estimated annual costs in the range of \$175,000 (GF) to \$250,000 (GF) to CDSS to pay transitional housing providers for up to 14 days in a calendar month in which the foster youth is absent and does not return to the same provider. This estimate assumes between 5 percent and 10 percent of foster youth in these settings are absent for the full 14 days. These costs could be substantially different depending on number and length of absences.
- No state costs to CDSS to allow a county to include a transitional living setting, approved by the county, as an additional placement option for foster youth entering or reentering foster care or transitioning between placements.
- Unknown costs to counties to each evaluate their ability to meet the emergency housing needs of youth in extended foster care.

(Pursuant to Proposition 30 (November 2012), legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by realignment (including child welfare services and foster care) apply to local agencies only to the extent that the state provides annual funding for the cost increase.)

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, "research as shown that the Extended Foster Care (EFC) Program has numerous benefits for participants. Overall, more time spent in EFC was found to decrease the number of economic hardships youth encountered." The author notes that these benefits include a reduced risk of homelessness, but that "research has also shown that even with the benefits available through the EFC Program, many youth are still experiencing homelessness."

The author states, "the purpose of EFC is to prevent homelessness among youth as they enter early adulthood. However, without sufficient supported housing the vision of EFC is falling flat. AB 1979 attempts to bridge the housing gaps for youth in EFC by requiring counties to assess their ability to meet the housing needs of individuals in the EFC Program, reduce barriers, and ensure that youth live in healthy and safe facilities."

Child Welfare Services (CWS)

California's child welfare services (CWS) system is an essential component of the state's safety net. Social workers in each county who receive reports of abuse or neglect, investigate and resolve those reports. When a case is substantiated, a family is either provided with services to

ensure a child's well-being and avoid court involvement, or a child is removed and placed into foster care. In 2019, the state's child welfare agencies received 475,450 reports of abuse or neglect. Of these 475,450, 67,427 reports contained allegations that were substantiated and 28,407 children were removed from their homes and placed into foster care via the CWS system.

Abused and neglected children who have been removed from their homes fall under the jurisdiction of the county's juvenile dependency court. The dependency court holds legal jurisdiction over the child, while the child is served by a CWS system social worker. This system seeks to ensure the safety and protection of these children, and where possible, preserve and strengthen families through visitation and family reunification. The CWS system provides multiple opportunities for the custody of a foster child, or the child's placement outside of the home, to be evaluated, reviewed and determined by the judicial system, in consultation with the child's social worker to help provide the best possible services to the child. It is the state's goal to reunify a foster child or youth with their biological family whenever possible. In instances where reunification is not possible, it is the state's goal to provide a permanent placement alternative, such as adoption or guardianship, with the second highest placement priority of the CWS system being to unite children with other relatives or nonrelative extended family members.

As of January 1, 2020, there were 59,156 children in California's CWS system.

Extended Foster Care

The intent of extended foster care is to bridge the gap between the intensive supervision of foster care and unsupervised adulthood by maintaining a safety net of support while providing the youth independence and additional educational or work opportunities. It was prompted by the recognition that many youth were unable to successfully transition from foster care or group care to adulthood without additional guidance and assistance.

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (*P.L. 110-351*) enabled states to expand the definition of a foster "child," by creating extended care for youth up to age 21. The federal law allows foster youth to remain in care past age 18 if they meet one of the following participation criteria: enrolled in high school or a high school equivalency credential; enrolled in college, community college, or vocational education; employed for at least 80 hours a month; participating in other qualifying activities or programs designed to remove barriers to employment; or medically exempt from meeting any of the other participation criteria.

In 2010, California enacted AB 12 (*Beall, Chapter 559, Statutes of 2010*), which permits foster youth to remain in extended foster care until age 21, under the same criteria as the federal statute. At the six month hearing prior to a youth turning 18 years old, the youth's social worker or probation officer must submit a transitional living plan to ensure that the youth will meet at least one participation criteria, listed above, if the youth plans to participate in extended foster care. The youth must also sign an agreement to remain in foster care within six months of turning 18, reside in an eligible placement, and agree to work with their social worker to meet the goals of their transitional living plan. Additionally, existing law allows qualifying nonminors who are former foster youth under the age of 21 to petition the court for re-entry into foster care to participate in extended foster care, as provided.

The University of Chicago's Chapin Hall conducted the California Youth Transitions to Adulthood Study (CaYOUTH) in 2018. This study evaluated the impacts of extended foster care on outcomes for transition age foster youth. The following were among the findings of the CaYOUTH study for each additional year a youth spent in extended foster care:

- Increased the probability that they completed a high school credential by about 8 percent;
- Increased their expected probability of enrolling in college by 10 to 11 percent;
- Decreased the odds that they became pregnant or impregnated an individual between the ages of 17 and 21 by 28 percent; and
- Decreased the odds of being homeless or couch-surfing between the ages of 17 and 21 by about 28 percent.

Youth participation in the program has exceeded expectation. Between July 2010 and July 2014, the number of youth age 18-20 in extended foster care in California increased 211 percent, from 2,908 to 9,032, according to data compiled by UC Berkeley. As of January 1, 2020 there were an estimated 7,396 youth participating in extended foster care in California.

Youth Homelessness

Homeless children and youth are defined by the federal McKinney-Vento Homeless Assistance Act of 2011 as minors younger than 18 or young adults between 18 and 24 years of age who “lack a fixed, regular, and adequate nighttime residence.” The U.S. Department of Housing and Urban Development (HUD) reported in its Annual Homeless Assessment Report (Reprint) that, on a single night in 2019 almost 568,000 people experience homelessness across the United States. Of that total, approximately 35,000 of the counted individuals were unaccompanied youth, and just under 50 percent of those youth were unsheltered. HUD further reported that California had the largest number of unaccompanied youth experiencing homelessness, with 11,993 homeless youth being counted. Meaning in 2019, according to the Report, California's homeless youth population represented one-third of all unaccompanied youth experiencing homeless in the country.

Former foster youth are at high risk of experiencing homelessness. An annual study of California's foster youth and former foster youth participating in THP-NMD and THP-Plus programs conducted by John Burton Advocates for Youth reports on the rates of youth exiting those programs over 2016-17 who had previously experienced homelessness. This study found that more than half of the youth in THP-Plus had experienced homelessness prior to entering the program and nearly one third entered the program directly from homelessness or unstable housing. This study further reported that 25 percent of THP-NMD youth had experienced homelessness prior to entering the program and 8 percent of youth who entered THP-NMD had done so directly from homelessness or unstable housing.¹

Transitional Housing Programs for Foster Youth

The following housing programs are available for youth and young adults in foster care:

¹ <https://www.jbaforyouth.org/wp-content/uploads/2017/09/2016-17-THPFC-THP-Plus-Annual-Report-1.pdf>

Transitional Housing Placement Program (THPP): THPP placements provide safe living environments for youth who are 16 to 18 years old and participating in an Independent Living Program (ILP). The goal of this placement is to provide youth with a housing environment where they can safely learn and practice independent living and self-sufficiency. Participants are able to live alone, with CDSS approval, with a host family or with roommates in apartments or single-family dwellings. Participating youth are supported and supervised by THPP agency staff, who may live onsite, county social workers and ILP coordinators. The THPP agency, county social worker and ILP coordinators provide the youth with supportive services including, but not limited to: educational guidance, employment counseling, and assistance in reaching the youth's emancipation goals outlined in the youth's Transitional Independent Living Plan. Program rules prohibit temporary housing accommodations, including supervised or privately operated shelters, and temporary housing provided by friends or family.

Transitional Housing Placement Program for Non-Minor Dependents (THP-NMD): When AB 12 enacted extended foster care, the legislation also created the Transitional Housing Placement Program + Foster Care placement, now known as THP-NMD. This placement provides NMDs, 18 to 21 year olds, with transitional housing and supportive housing based on the youth's Transitional Independent Living Plan. Youth participating in a THP-NMD placement receive case management, supervision, and supportive services from their THP-NMD provider. The goal of these services is to help the NMD transition to independent living by helping them meet education goals, obtain gainful employment, learn financial management and other daily living skills. NMDs are placed in THP-NMD settings based on an assessment of the NMD's strengths and needs, and their THP-NMD setting may use any of the following three housing models:

- Host Family: Placement where the NMD lives with a caring adult who has been selected and approved by the THP provider;
- Single Site: Placement where the NMD lives in an apartment, condominium, or single family dwelling rented or leased by the THP-NMD provider, in which one or more adult employees of the THP-NMD provider resides on site; or
- Remote Site: Placement where the NMD lives in a single housing unit rented or leased by the housing provider. The NMD lives independently but still receives regular supervision from the provider.

According to a THP-Plus and THP-NMD report published by the John Burton Advocates for Youth, on April 1, 2017 there were 1,661 NMDs placed in THP-NMD. Additionally, at that time, remote-site housing accounted for 85 percent of the placement types utilized by THP-NMD participants.

As of January 2017 there were only 66 providers licensed by CDSS to provide THP-NMD placements in the following 30 counties: Alameda; Butte; Contra Costa; El Dorado; Fresno; Humboldt; Kern; Los Angeles; Marin; Mariposa; Mendocino; Monterey; Napa; Orange County; Plumas; Sacramento; San Bernardino; San Diego; San Francisco; San Luis Obispo; San Mateo; Santa Clara; Santa Cruz; Shasta; Solano; Sonoma; Stanislaus; Tehama; Tulare; and, Ventura.

Transitional Housing Program-Plus (THP-Plus): The THP-Plus program provides housing for former foster youth between the ages of 18 and 24 who exited foster care on or after their 18th birthday. A qualifying youth can then receiving THP-Plus housing and services for 24 cumulative months, or until they turn 24 if that occurs before their 24 month clock has run. To

participate, an eligible youth must be actively pursuing the goals of their Transitional Independent Living Program, which will be reviewed and updated annually. Additionally, the youth must report any changes to their Transitional Independent Living Program to their ILP coordinator, including but not limited to changes in their address, living circumstances, or education training. Residential units including apartments, single family dwellings, condominiums, college dormitories, and host family models may all qualify as an acceptable residential unit for the purposes of a THP-Plus placement. In April of 2017 there were approximately 1,500 youth in THP-Plus placements.²

These placements are not licensed by CDSS, but rather certified by the county social services agency who must ensure certain health and safety standards are met and must certify that the program is needed by the county and the provider is capable of effectively operating the program and meeting the needs of the identified population.

Some counties have chosen to extend THP-Plus programs so that they can provide services for 36 cumulative months to former foster youth who are not more than 25 years of age, as allowed for by SB 1252 (*Torres, Chapter 774, Statutes 2014*). As of October 2018, the following 27 counties have opted into this THP-Plus extension: Imperial; Kings; Lake; Los Angeles; Mariposa; Mendocino; Merced; Napa; Nevada; Placer; Plumas; Riverside; Sacramento; San Bernardino; San Diego; San Francisco; San Joaquin; San Luis Obispo; San Mateo; Santa Barbara; Santa Clara; Santa Cruz; Solano; Tulare; Ventura; Yolo; and, Yuba.

Supervised Independent Living Placements (SILPs): NMDs in extended foster care also have the option of living in an SILP. This allows the youth to live independently while still receiving the supports and services extended foster care provides. In an SILP a youth lives in an apartment, house, condominium, room and board arrangement, or college dorm, either alone or with an approved roommate, while still under the supervision of their social worker or probation officer. A youth must be approved to live in an SILP, this occurs through them undergoing a SILP Readiness Assessment that reviews the youth's preparedness to live independently. If this assessment finds the youth is ready for a SILP, then the housing arrangement the youth has found must undergo and pass a health and safety inspection which is conducted by the county within 10 calendar days. If the residence passes this inspection, a Placement Agreement is completed by the NMD and their social worker or probation officer whereby they agree that the placement has met certain safety standards and is an appropriate placement for the youth.

AB 79 (*Committee on Budget, Chapter 11, Statutes of 2020*), the Fiscal Year 2020-21 human services budget bill, provides counties with the authority to complete the health and safety inspection of a SILP through methods other than an in-person visit. These methods may include, but are not limited to, videoconferencing and telephone calls that include pictures of the living space. Additionally, due to constraints placed on both county child welfare agencies and NMDs by the COVID-19 pandemic, for the 2020-21 fiscal year, counties may temporarily approve the supervised independent living placement pending the submission of required forms by the NMD, based on the NMD's agreement that the forms will be submitted.

Related/Prior Legislation:

² <https://www.jbaforyouth.org/wp-content/uploads/2017/09/2016-17-THPFC-THP-Plus-Annual-Report-1.pdf>

SB 912 (Beall, 2020) specifies the treatment of NMDs who turn 21 during a declared state of emergency and provides for EFC for youth who turn 18 while under a temporary dependency order during the declared state of emergency and for 90 days thereafter, among other provisions. This bill is currently waiting to be heard by the Assembly Appropriations Committee.

AB 79 (Committee on Budget, Chapter 11, Statutes of 2020), the Fiscal Year 2020-21 human services budget bill, among other things, enables a county to elect to complete an inspection of a SILP to ensure that it meets health and safety standards through methods other than an in-person visit, including but not limited to, videoconferencing and telephone calls that include pictures of the living space, and may, for the 2020-21 fiscal year, temporarily approve the supervised independent living placement pending the submission of required forms by the NMD, based on the NMD's agreement that the forms will be submitted.

AB 531 (Friedman, 2019) was similar to this bill and would have allowed certain approved caregivers to convert to a host family without additional certification, required counties to examine a county's ability to meet the emergency housing needs of NMDs, and allowed a county welfare agency, to upon appropriation in the annual Budget Act, request funds for the purpose of providing housing navigation services to youth, among other things. AB 531 was held on the Senate Appropriations Committee Suspense file.

SB 612 (Mitchell, Chapter 731, Statutes of 2017) made a number of changes to the program rules and educational requirements for transitional housing programs available to minors and NMDs in foster care.

AB 1712 (Beall, Chapter 846, Statutes of 2012) enabled a dependent youth to continue receiving foster care, Kinship Guardian Assistance Payments and other funding after age 18, if they are NMDs, and added THP+NMD Foster Care to the list of programs licensed by the CDSS.

AB 12 (Beall, Chapter 559, Statutes of 2010), the California Fostering Connections to Success Act, enabled youth aging out of foster care to opt into EFC between the ages of 18 and 21.

AB 427 (Hertzberg, Chapter 125, Statutes of 2001) established the Foster Youth Transitional Housing Fund to pay for transitional housing costs for foster and emancipated youth.

COMMENTS

California's foster youth were not immune to the disruption to daily life caused by the COVID-19 pandemic and resulting efforts to control exposure to the virus. Rather, they were often more vulnerable to its impact. Thus, many NMDs lost employment, faced school closures, and were possibly transitioned to remote learning, sometimes without access to the needed technology or internet services. Additionally, since most NMD's housing is tied to their participation in extended foster care whether it be in a THP+FC or other settings, those youth who aged out of extended foster care during the pandemic were likely to lose their housing and financial support at a time when all Californians are being impacted by the economic impacts of the pandemic. Although many necessary flexibilities were granted through executive orders and the California

State Budget for Fiscal Year 2020-21, this bill will additionally help ease the housing challenges faced by NMD's both during and after the COVID-19.

PRIOR VOTES

Assembly Floor:	77 - 0
Assembly Appropriations Committee:	18 - 0
Assembly Human Services Committee:	8 - 0

POSITIONS**Support:**

Alliance for Children's Rights (Co-Sponsor)
Children's Law Center of California (Co-Sponsor)
Children Now (Co-Sponsor)
County Welfare Directors Association of California (CWDA) (Co-Sponsor)
First Place for Youth (Co-Sponsor)
GRACE (Co-Sponsor)
Association of Community Human Service Agencies
California Academy of Child and Adolescent Psychiatry
California State Association of Counties
County of Santa Clara
John Burton Advocates for Youth
Public Counsel
SEIU California
Youth Law Center

Oppose:

None received

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