

SENATE RULES COMMITTEE

AB 1979

Office of Senate Floor Analyses
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THIRD READING

Bill No: AB 1979
Author: Friedman (D)
Amended: 8/20/20 in Senate
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 7-0, 8/10/20
AYES: Hurtado, Jones, Beall, Jackson, Melendez, Pan, Wiener

SENATE APPROPRIATIONS COMMITTEE: 7-0, 8/20/20
AYES: Portantino, Bates, Bradford, Hill, Jones, Leyva, Wieckowski

ASSEMBLY FLOOR: 77-0, 6/8/20 - See last page for vote

SUBJECT: Foster youth: housing

SOURCE: Alliance for Children's Rights
Children Now
Children's Law Center of California
County Welfare Directors Association of California
First Place for Youth
GRACE

DIGEST: 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), 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.

ANALYSIS:

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, as provided. (*WIC 16001(a)*)
- 11) 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)*)
- 12) 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*)
- 13) 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*)
- 14) Creates the California Community Cares Facilities Act to establish a coordinated and comprehensive statewide service system of quality community 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.*)
- 15) Specifies that the California Community Cares Facilities Act does not apply to specific facility types, as defined, including 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) Allows 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 if the county continues to pay the board and care costs during the NMD's absence, and further prohibits the provider from providing a removal notice or filling a NMD's place in the program during that time.
- 7) Requires CDSS to issue guidance encouraging counties to continue to approve payment during temporary absences from the program as a best practice to prevent NMD housing instability.

Background

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 CWS system is an essential component of the state’s safety net. This system seeks to ensure the safety and protection of children, and where possible, preserve and strengthen families that are involved with the CWS system 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 EFC 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.

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: are 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 EFC 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 EFC. 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 EFC, as provided.

Youth participation in the program has exceeded expectation. Between July 2010 and July 2014, the number of youth age 18-20 in EFC 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 EFC in California.

Transitional Housing Programs for Foster Youth. There are several types of housing programs for youth and young adults, including:

- *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 these 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.
- *Transitional Housing Placement Program for Non-Minor Dependents (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.
- *Transitional Housing Program-Plus (THP+).* The THP+ 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 receive THP+ housing and services for 24 cumulative months, or until they turn 24 if that occurs before their 24 month clock has run. These placements are not licensed by CDSS, but are certified by the county social services agency.
- *Supervised Independent Living Placements (SILPs).* 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 and receiving supports and services of extended foster care.

For more information on these housing programs and their availability please see the Senate Human Services Committee analysis.

Related/Prior Legislation

AB 79 (Committee on Budget, Chapter 11, Statutes of 2020), the Fiscal Year 2020-21 human services budget bill, among other things, enabled 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.

SB 912 (Beall, 2020) specifies the treatment of NMDs who turn 21 during a declared state of emergency, among other provisions. This bill is currently waiting to be heard on the Assembly Floor.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Senate Appropriations Committee:

- Cost pressures of \$3.5 million (General Fund), annually ongoing, to CDSS to pay for 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. Although the duration and number of absences is difficult to ascertain, this figure assumes \$120 per day per child rate.
- Cost pressures of \$515,000 General Fund in state staff for the evaluation for counties to assess emergency placement and to add non-minor dependents to the evaluation.
- Unknown costs to counties to each evaluate their ability to meet the emergency housing needs of youth in extended foster care.

SUPPORT:(Verified 8/20/20)

Alliance for Children's Rights (co-source)
Children Now (co-source)
Children's Law Center of California (co-source)
County Welfare Directors Association of California (co-source)
First Place for Youth (co-source)
GRACE (co-source)
Association of Community Human Service Agencies
California Academy of Child and Adolescent Psychiatry
California Court Appointed Special Advocate Association
California Judges Association
California State Association of Counties
County of Santa Clara
John Burton Advocates for Youth
National Association of Social Workers, California Chapter
Public Counsel
SEIU California
Youth Law Center

OPPOSITION: (Verified 8/20/20)

None received

ASSEMBLY FLOOR: 77-0, 6/8/20

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Berman, Bigelow, Bloom, Boerner Horvath, Bonta, Brough, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Chu, Cooley, Cooper, Cunningham, Megan Dahle, Daly,

Diep, Eggman, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gloria, Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kamlager, Kiley, Lackey, Levine, Limón, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Mullin, Nazarian, Obernolte, O'Donnell, Patterson, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Smith, Mark Stone, Ting, Voepel, Waldron, Weber, Wicks, Wood, Rendon
NO VOTE RECORDED: Muratsuchi, Quirk

Prepared by: Marisa Shea / HUMAN S. /
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****** END ******