

Date of Hearing: March 26, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 531 (Friedman) – As Introduced February 13, 2019

**SUBJECT:** Foster youth: housing

**SUMMARY:** Addresses the affordable housing needs of youth in the foster care system by: allowing certain approved caregivers to convert to a host family without additional certification, requiring counties to examine a county's ability to meet the emergency housing needs of nonminor dependents (NMDs), and allowing 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. Specifically, **this bill**:

- 1) States Legislative intent to ensure local child welfare agencies have clear guidance and authorization to place nonminor dependents on a short-term basis when they are reentering foster care or are transitioning between extended foster care placements.
- 2) Allows, for purposes of licensure, a resource family, foster family home, certified foster home, or approved relative caregiver or nonrelative extended family member (NREFM) of a participant to be automatically converted to a transitional housing host family without additional certification, as specified.
- 3) Allows a county to certify that a supervised independent living placement (SILP) meets health and safety standards once every 12 months, so long as the housing option is listed in a county-maintained database and the county has no reason to believe that the health and safety conditions of the housing option have changed.
- 4) Requires a transitional housing provider, if an eligible NMD receiving transitional housing services lives with a host family, to ensure that the payment is equally divided between the transitional housing placement provider, the host family, and the NMD, unless a different apportionment is agreed to by all parties.
- 5) Requires the evaluations conducted by county placement agencies on the county's placement resources and programs, as required by current law, include the needs of NMDs.
- 6) Requires a county placement agency to examine the county's ability to meet the emergency housing needs of NMDs in order to ensure all NMDs have access to immediate housing upon reentering foster care or for transitional periods between placements.
- 7) Requires a county to continue to approve payments to a transitional housing placement provider for up to 14 days in a calendar month in which the NMD is absent from the placement if:
  - a) The NMD provides notice to the provider that they intend to return within 14 days; or,
  - b) The provider has reason to believe the NMD will be returning within 14 days.
- 8) Prohibits a transitional housing placement provider from filling an NMD's spot if the NMD is temporarily absent from the placement for 14 days or less, and further requires the county

to continue to pay board and care costs for up to 14 days, unless it is determined that the NMD is unlikely to return within 14 days, as specified.

- 9) Allows a resource parent, approved relative caregiver, NREFM, foster family home, or certified family home to be converted to a host family without additional certification in order to support an NMD, as specified.
- 10) Allows, subject to an appropriation in the annual Budget Act, a child welfare agency to request housing navigation funding from the California Department of Social Services (CDSS) to provide housing navigation services to certain youth to assist in securing housing and housing stability, and further allows a county welfare agency to use appropriated funds to provide housing navigation services directly or through a contract with other housing assistance programs, as specified.
- 11) Requires housing navigation services to prioritize provision of services to youth most in need of assistance in securing safe and stable housing, and specifies that all foster youth transitioning to extended foster care and NMDs may access housing navigation services, as specified.
- 12) Allows counties to identify additional populations that should be given priority receipt of housing navigation services.
- 13) Requires housing navigation services be individualized and based on the needs of each youth, and include all of the following, as specified:
  - a) Coordination with the youth's case manager and child and family team (CFT) to identify strengths and barriers and to support implementation of a housing plan that facilitates housing stability;
  - b) Search assistance, defined by the provisions of this bill to include asking a youth's relatives, extended family members, or other supportive adult if they have a possible housing placement for the youth; and,
  - c) Placement stabilization assistance.
- 14) Specifies that housing navigation services may include other activities identified by a county as appropriate to support housing placements and stability of foster youth and NMDs, including, but not limited to, identifying and securing additional SILPs, and maintaining a repository or placement options that may be rented, as specified.
- 15) Requires CDSS, in consultation with the County Welfare Directors Association of California (CWDA) to update the Child Welfare Services/Case Management System (CWS/CMS), or develop another automated method, to track the provision of housing navigation services, and document reported outcomes.
- 16) Allows a child welfare agency that provides housing navigation services, subject to an appropriation in the annual Budget Act, to also request funding from CDSS to provide additional housing-related financial assistance to foster youth and NMDs, as specified, and to provide risk mitigation funds, landlord or host incentives, and interim housing assistance.

17) Makes technical and conforming changes.

**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 or have been abused or neglected, as specified. (Welfare and Institutions Code [WIC] Section 202)
- 2) 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)
- 3) States the intent of the Legislature to preserve and strengthen a child's family ties whenever possible and to reunify a foster youth with his or her biological family whenever possible, or to provide a permanent placement alternative, such as adoption or guardianship. (WIC 16000)
- 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 11400 (v))
- 6) Permits a nonminor former foster youth under the age of 21 to petition the court for re-entry into foster care if his or her guardian or adoptive parent is no longer providing him or her with support, as specified. (WIC 388.1)
- 7) Allows nonminor dependents who meet general Aid to Families with Dependent Children-Foster Care (AFDC-FC) requirements, as well as one or more of a set of specified requirements, to voluntarily continue placement in or to re-enter into foster care. (WIC 11403(b))
- 8) Defines "Transitional Housing Placement Program" as a program serving foster children at least 16 years of age and not more than 18 years of age. (WIC 16522.1 (a)(1))
- 9) Defines "Transitional Housing Program-Plus Foster Care" (THP+FC) to mean transitional housing program serving nonminor dependents between the ages of 18 and 21. (WIC 16522.1 (a)(2))
- 10) Defines "Transitional Housing Program-Plus" as a provider certified by the applicable county to provide transitional housing services to former foster youth who have exited the foster care system on or after their 18th birthday. (WIC 11400 (s))
- 11) Requires CDSS, in consultation with stakeholders, to define how certain supervised independent living settings meet health and safety standards suitable for nonminors. (WIC 11403 (i))

- 12) Defines “transitional housing units” as including any of the following: a host family certified by a transitional housing placement provider with whom a participant lives in an apartment, single-family dwelling, or condominium owned, rented, or leased by the host family; a staffed site in which the participant lives in an apartment, single-family dwelling, or condominium owned, rented, or leased by a transitional housing provider either with one or more adults approved by the provider; a remote site in which a participant lives independently in an apartment, single-family dwelling, or condominium owned, rented, or leased by a transitional housing provider under the supervision of the provider if CDSS provides approval. (Health and Safety Code [HSC] Section 1559.110 (d)(1)(2)(3))
- 13) Requires CDSS to license transitional housing placement providers who provide supervised transitional housing services to foster children who are at least 16 years of age and not more than 18 years of age, or nonminor dependents, as specified. (HSC 1559.110)
- 14) 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)
- 15) 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 [MPP] 45-302.23)
- 16) Defines a “host family” as a variant of the remote site model and means a living situation where the transitional housing placement provider (THPP) participant resides in a single housing unit with one or more adults approved by the THPP. (CDSS MPP 86001 (h)(3))
- 17) Defines “child and family team” as a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and his or her family, and to help achieve positive outcomes for safety, permanency, and well-being. (WIC 16501 (a)(4))

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**Child welfare services:** California’s Child Welfare Services (CWS) system exists to protect children from abuse and neglect, and in doing so, to provide for their health, safety, and overall well-being. When suspicions of abuse or neglect arise, often as a result of a report by a mandated reporter like a doctor or teacher, Child Protective Services is tasked with investigating the report. If the allegation of abuse or neglect is substantiated, it is then determined whether it is in the best interest of the child to remain in their parent’s custody or be placed within the CWS system. If a child is suspected to be at risk of neglect, abuse, or abandonment, the juvenile court holds legal jurisdiction, and the CWS system appoints a social worker to ensure that the needs of a youth are met. As of October 2018, there were 59,487 youth between the ages of 0 and 21 placed in California’s CWS system.

**Extended foster care:** AB 12 (Beall), Chapter 559, Statutes of 2010, known as the California Fostering Connections to Success Act, was signed by Governor Schwarzenegger in September 2010 and extended foster care benefits for eligible youth (referred to as nonminor dependents, or NMDs) aging out of the CWS system. Prior to the passage of AB 12, youth aged out of the

foster care system at 18 years old and were instead required to navigate the challenges of young adulthood, including obtaining education, stable housing, and employment, without the support of the CWS system. In recognition of the difficulties faced by these youth, AB 12 provided services and supports to transition-age youth until they reach 21 years of age and afforded these youth the opportunity to experience independent living in supervised living environments and the ability to obtain educational and employment training to better prepare them to transition into adulthood and self-sufficiency.

At the six month hearing prior to a youth turning 18 years old, the youth's social worker or probation officer must have a plan to ensure that the youth will meet at least one of the following participation criteria:

- a) Be enrolled in a high school or equivalent program;
- b) Be enrolled in a college, community college, or vocational program;
- c) Be employed at least 80 hours a month;
- d) Participate in a program or activity designed to remove barriers to employment; or,
- e) Be unable to do one of the above requirements due to a medical condition.

NMDs 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.

In 2018, The University of Chicago's Chapin Hall conducted the California Youth Transitions to Adulthood Study (CaYOUTH), an evaluation on the impacts of extended foster care on outcomes for transition age foster youth. The study found that, for youth, each additional year in extended foster care:

- Significantly increased the probability they completed a high school credential by about 8%;
- Increased their expected probability of enrolling in college by 10-11%;
- Significantly decreased the amount of money they received in need-based public food assistance by more than \$700;
- Decreased the odds that they became pregnant or impregnated an individual between the ages of 17 and 21 by 28%; and,
- Decreased the odds of being homeless or couch-surfing between the ages of 17 and 21 by about 28%, among other findings.

Ultimately, the CaYOUTH study concluded that, to date, evidence suggests that extended foster care has a range of positive impacts on youths' lives, though providing extended foster care in California remains a work in progress. Not until youth become older can researchers observe whether the benefits of extended foster care last through young adulthood.

**Youth homelessness:** The 2018 Point in Time (PIT) count conducted by the U.S. Department of Housing and Urban Development (HUD) found that on a single night in January in 2018, there were approximately 36,391 unaccompanied youth experiencing homelessness under the age of 25, with one-third of all unaccompanied youth (12,396 individuals) living in California. For youth, homelessness can mean living in cars, shelters, or couch surfing with friends; due to an increased susceptibility to exploitation and violence, youth experiencing homelessness may develop substance use issues or engage in survival sex in exchange for shelter or food.

Youth who age out of the foster care system are at high risk of becoming homeless; a 2013 study published in the Journal of Public Health found that between 31% and 46% of former foster youth had been homeless at least once by age 26. According to the study, the odds of becoming homeless by age 19 were higher for youth who had been physically abused before entering foster care, had run away more than once while in foster care, had engaged in delinquent behaviors, were placed in a group care setting at baseline, and did not feel very close to a biological parent or grandparent.

**Housing supports for foster youth:** To address homelessness among youth and young adults who fall within the jurisdiction of the child welfare system, California makes available the following programs:

Transitional Housing Placement Program (THPP): Available to foster youth who are at least 16-years-old, but not more than 18-years-old, THPP provides safe living environments that enable youth to practice necessary life skills required for independent living once a youth has exited the foster care system. THPP utilizes a Transitional Independent Living Plan (TILP), which outlines the objectives and goals the youth plans to achieve while working towards self-sufficiency. Participants in THPP may live alone, with host families, or with roommates as determined by CDSS and the transitional housing provider. Program rules prohibit temporary accommodations, including supervised or privately operated shelters, and temporary housing provided by friends and family.

Transitional Housing Placement Program + Foster Care (THP+FC): AB 12, in addition to extending foster care, created THP+FC, which provides NMDs with a placement option that provides transitional housing and supportive housing based on a TILP. THP+FC participants may live in any of the following settings:

- a) With a host family where a youth lives with a caring adult who is selected and approved by the transitional housing placement provider;
- b) A single site location where an NMD lives in an apartment, condominium, or a single family home rented or leased by the THP+FC provider where one or more adult employees of the provider live on site; or,
- c) Remote site placement where the minor lives in a single housing unit rented or leased by the housing provider that enables a youth to live independently but still receive regular supervision from a provider.

Like many supports and services offered to transition age youth, THP+FC aims to provide youth with the skills necessary to achieve self-sufficiency by providing case management, supervision, and supportive services. In 2016, the John Burton Advocates for Youth published a report titled "THP-Plus & THP-Plus Foster Care: Providing Affordable Housing and Supportive Services to

Youth Transitioning from California's Foster Care and Juvenile Probation Systems," which found that, on June 30, 2016, there were 1,737 individuals placed in THP+FC, of which, 42% of participants were male and 58% were female. Remote-site housing accounted for 85% of the placement types utilized by THP+FC participants.

Transitional Housing Program-Plus (THP-Plus): For former foster youth who are between the ages of 18 and 24, California offers the THP-Plus program, which provides youth with up to 24 months of supportive housing while receiving a wide range of supportive services, including job training, educational supports, and counseling. THP-Plus participants are required to be actively pursuing the requirements of their TILP, report any changes in the conditions outlined in the TILP (e.g. a change in address or living arrangement), and, for some youth, must be completing secondary education or be enrolled in a postsecondary institution. Like other programs, acceptable housing for THP-Plus includes residential units such as apartments, condominiums, and college dormitories, and does not include shelters and temporary accommodations with friends or family members.

Supervised Independent Living Placements (SILPs): For NMDs who wish to live independently but still receive the supports and services provided through extended foster care, SILPs provide an alternative housing setting. SILPs allow NMDs to live independently in an apartment, house, condominium, room and board arrangement, or college dorm, either alone or with an approved roommate, while still receiving supervision from a social worker or probation office. In order to reside in a SILP, youth must undergo a SILP Readiness Assessment to ensure the youth is prepared to live independently. The placement must then undergo and pass a health and safety inspection which is conducted by the county within 10 calendar days. Once the health and safety inspection has occurred, a Placement Agreement is completed by the NMD and their social worker or probation officer that the placement has met certain safety standards and is an appropriate placement for the youth.

***Need for this bill:*** The provisions of this bill seek to address the issue of affordable housing for NMDs who are reentering foster care or who are transitioning between placements in extended foster care. California is in the midst of an affordable housing crisis; for young people in the foster care system who perhaps do not have the skills necessary to find, apply for, and obtain affordable housing, the housing crisis is particularly dire. By simplifying the process by which certain caregivers can provide housing to nonminor dependents, requiring counties to examine placement resources, requiring counties to make payments for NMDs who are absent from a transitional housing placement for up to 14 days, and by allowing counties to request funding to provide housing navigators as a resource to NMDs, the provisions of this bill seek to eliminate the lack of affordable housing from the long list of barriers faced by youth in California's foster care system.

According to the author, "Research has shown that the EFC [extended foster care] Program has numerous benefits for participants. Overall, more time spent in EFC was found to decrease the number of economic hardships youth encountered. In fact, more time in EFC was significantly associated with a reduced risk of homelessness. However, the research has also shown that even with the benefits available through the EFC Program, many youth are still experiencing homelessness.

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. [This bill]

attempts to bridge the housing gaps for youth in extended foster care by establishing housing navigators at the county level to help transition age youth and non-minor dependents access and maintain sustainable housing that meets their needs. In addition, the bill requires counties to assess their ability to meet the housing needs of individuals in the EFC Program, reduce barriers, and streamline the certification process for host families.”

#### **PRIOR LEGISLATION:**

**AB 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.

**SB 1252 (Torres), Chapter 774, Statutes of 2014**, authorized a county to choose to extend THP-Plus to former foster youth not more than 25 years of age and for a total of 36 cumulative months if the former foster youth is completing secondary education or is enrolled in an institution that provides postsecondary education.

**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 nonminor dependents, and added THP+ Foster Care to the list of programs licensed by 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 extended foster care 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

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Alliance for Children's Rights (Sponsor)  
 California Alliance of Caregivers (Sponsor)  
 Children Now (Sponsor)  
 County Welfare Directors Association of California (Sponsor)  
 GRACE (Sponsor)  
 Juvenile Court Judges of California  
 California State Association of Counties  
 California State PTA  
 Children's Law Center of California  
 County of Ventura

##### **Opposition**

None on file

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