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## SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair  
2019 - 2020 Regular

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**Bill No:** AB 531  
**Author:** Friedman  
**Version:** May 16, 2019  
**Urgency:** No  
**Consultant:** Marisa Shea

**Hearing Date:** June 24, 2019  
**Fiscal:** Yes

**Subject:** Foster youth: housing

### SUMMARY

This bill allows certain approved caregivers of youth in extended foster care to convert to a host family without additional certification, requires counties to examine their ability to meet the emergency housing needs of nonminor dependents (NMDs), and allows counties, upon appropriation in the annual Budget Act, to request funds for the purpose of providing housing navigation services to youth, as provided.

### ABSTRACT

#### Existing Law:

- 1) Establishes a system of juvenile dependency for children for specified reasons, including but not limited to children who are, or are at risk of, being physically, sexually, or emotionally abused, being neglected or being exploited, to ensure their safety, protection, and physical and emotional well-being, as specified. (*WIC 300 et seq.*)
- 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) Declares the intent of the Legislature to, whenever possible, preserve and strengthen a child's family ties and, when a child must be removed from the physical custody of his or her parents, to give preferential consideration to placement with relatives. States the intent of the Legislature to reaffirm its commitment to children who are in out-of-home placement to live in the least restrictive family setting and as close to the child's family as possible, as specified. Further states the intent of the Legislature that all children live with a committed, permanent, nurturing family and states that services and supports should be tailored to meet the specific needs of the individual child and family being served, as specified. (*WIC 16000*)

- 4) 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 their family, and to help achieve positive outcomes for safety, permanency, and well-being. (*WIC 16501(a)(4)*)
- 5) 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, 388, 391, 450, 11400, 11402, 11403*)
- 6) Defines “nonminor dependent” as a 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)*)
- 7) 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*)
- 8) Allows NMDs 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)*)
- 9) 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)*)
- 10) Defines “Transitional Housing Program-Plus Foster Care” (THP+FC) to mean a transitional housing program serving NMDs between the ages of 18 and 21. (*WIC 16522.1(a)(2)*)
- 11) Defines “Transitional Housing Program-Plus” (THP-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 18<sup>th</sup> birthday. (*WIC 11400(s)*)
- 12) Defines “Supervised Independent Living Placement” (SILP) to mean an independent supervised setting, as specified in a nonminor dependent’s transitional independent living case plan, in which the youth is living independently, as provided. (*WIC 11400(w)*)
- 13) 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)*)
- 14) 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 owner, renter, 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. (*HSC 1559.110(d)(1)(2)(3)*)

- 15) 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 NMDs, as specified. (*HSC 1559.110*)
- 16) 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*)
- 17) 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 from for no more than 14 days in a calendar month. (*CDSS MPP 45-302.23*)
- 18) 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)*)

**This Bill:**

- 1) States the intent of the Legislature to include provisions that ensure local child welfare agencies have clear guidance and authorization to place NMDs on a short-term basis when they are reentering foster care or are transitioning between placements in extended foster care.
- 2) Redefines a “host family” for the purposes of defining “transitional housing units” to mean a host family with whom a participant lives in an apartment, single-family dwelling, or condominium owned, rented, or leased by the host family, with supervised transitional housing services provided by the licensed transitional housing placement provider. Further provides that a host family may be certified by the transitional housing placement provider, or may include an approved resource family, a licensed foster family home or certified foster family home, an approved relative caregiver, or a nonrelative extended family member of the participant, as provided, and states that for these previously approved caregivers additional certification by the transitional housing placement provider is not required.
- 3) Provides that a county may certify that a supervised independent living placement meets health and safety standards once every 12 months, as long as the housing option remains listed in a database maintained by the county and the county has no reason to believe that the health and safety conditions of the housing option have changed.
- 4) Provides that payments for transitional housing services for NMDs living with a host family shall be equally divided between the transitional housing placement provider, host family, and NMD, unless a different apportionment is agreed to by all parties.

- 5) Requires county placement agencies evaluate 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.
- 6) Requires counties to continue 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 intent to return within 14 days or the transitional housing placement provider has reason to believe the NMD will be returning within 14 days.
- 7) Prohibits a transitional housing placement provider from filling an NMD's placement 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 NMD's case worker have jointly determined that the NMD is unlikely to return within 14 days.
- 8) Allows a resource parent, approved relative caregiver or non-relative extended family member, foster family, or certified family home to be converted to a host family without additional certification.
- 9) Permits for a child welfare agency to request housing navigation funding from CDSS, subject to an appropriation in the annual Budget Act for this purpose, to provide housing navigation services to foster youth who will soon enter extended foster care or to NMDs to assist them in securing housing. Further provides that a child welfare agency may provide these housing navigation services directly or through a contract with other housing assistance programs.
- 10) Requires housing navigation services provided to prioritize providing services to those who are most in need of assistance in securing safe and stable housing, including foster youth who have no identified placement as they transition to extended foster care and NMDs who report disruption in their living arrangements. Further allows counties to identify additional populations for priority provision of navigation services.
- 11) Requires housing navigation services to be individualized based on the foster youth's unique needs and to include all of the following:
  - a. Working with the youth's case manager and CFT to identify strengths and barriers to accessing the preferred housing option, and developing and supporting implementation of a plan to facilitate housing stability for the youth that aligns with the youth's case plan and transitional independent living plan;
  - b. Search assistance for an available and appropriate placement that is consistent with the youth's housing stability plan, including asking the youth's relatives, extended family members, or other adult support if they have a possible housing placement for the youth;

- c. Placement stabilization assistance, including engaging with entities that own or operate supervised independent living placements and educating the youth on strategies to maintain stable housing.
- 12) Allows counties to include additional navigation services as appropriate to support housing placement and housing stability, including, but not limited to, identifying and securing additional supervised independent living placements and maintaining a repository of placement options, including rooms and apartments, that may be rented.
- 13) Requires CDSS, in consultation with the County Welfare Directors Association of California, to update the Child Welfare Services/Case Management System, or develop another automated method, to track housing navigation services provided pursuant to this section and document the reported outcome.
- 14) Allows child welfare agencies that provide housing navigation services to, subject to an appropriation in the annual Budget Act, also request from CDSS funding to provide additional housing-related financial assistance to foster youth, including, but not limited to, rental assistance, security deposit assistance, utility payments, moving cost assistance, and to provide risk mitigation funds, landlord or host incentives, and interim housing assistance.
- 15) Makes technical and conforming changes.

### **FISCAL IMPACT**

According to the Assembly Appropriations Committee on April 10, 2019 this bill may result in the following costs:

- 1) Unknown, ongoing costs, likely in the low millions of dollars (General Fund (GF)) annually to support existing foster homes transitioning to become host families for youth in extended foster care.
- 2) Ongoing costs of approximately \$15 million (\$10 million GF) annually to counties for housing navigation services, subject to an appropriation in the annual budget act.
- 3) Ongoing costs of approximately \$2 million (GF) annually to counties for housing-related financial assistance to certain youth, subject to an appropriation in the annual budget act.
- 4) Unknown costs to counties to evaluate their ability to meet the emergency housing needs of youth in extended foster care.

## BACKGROUND AND DISCUSSION

### **Purpose of the Bill:**

According to the author, “the purpose of extended foster care is to prevent homelessness among youth as they enter early adulthood. However, without sufficient supported housing, the vision of extended foster care is falling flat.” In an attempt to ensure youth in extended foster care’s access to adequate, supported housing, AB 531 “establishes 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 extended foster care program, reduce barriers, and streamline the certification process for host families,” per the author.

### *Child Welfare Services*

California’s child welfare services (CWS) system is an essential component of the state’s safety net. 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 children, while the children are served by the 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. It is the state’s goal to reunify a foster children 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 October 1, 2018, there were 59,487 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: 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 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 have a 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 (CalYOUTH) in 2018. This effort evaluated the impacts of extended foster care on outcomes for transition age foster youth. The following were among the findings of the CalYOUTH 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 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 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, 2018 there are an estimated 7,000 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 (AHAR) that, on a single night in 2018, almost 553,000 people experience homelessness across the United States. Of that total, approximately 36,000 of the counted individuals were unaccompanied youth, and 51 percent of those youth were unsheltered. HUD further reported that California had the largest number of unaccompanied youth experiencing homelessness, with 12,396 homeless youth being counted. Meaning in 2018, according to the HUD AHAR, 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+FC 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 enter the program directly from homelessness or unstable housing. This study further reported that 25 percent of THP+FC youth had experienced homelessness prior to entering the program and 8 percent of youth who entered THP+FC had done so directly from homelessness or unstable housing.<sup>1</sup>

### *Transitional Housing Programs for Foster Youth*

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

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. 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 + Foster Care (THP+FC): When AB 12 enacted extended foster care, the legislation also created the THP+FC placement. 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+FC placement receive case management, supervision, and supportive services from their THP+FC 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+FC settings based on an assessment of the NMD's strengths and needs, and their THP+FC 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+FC provider, in which one or more adult employees of the THP+FC 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 2017 THP-Plus and THP+FC report published by the John Burton Advocates for Youth, on April 1, 2017 there were 1,661 NMDs placed in THP+FC. Additionally, at that time, remote-site housing accounted for 85 percent of the placement types utilized by THP+FC participants.

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



As of January 2017 there were only 66 providers licensed by CDSS to provide THP+FC 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 18<sup>th</sup> birthday. A qualifying youth can then receive 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.<sup>2</sup>

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.

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

**Related/Prior Legislation:**

**AB 612 (Mitchell, Chapter 731, Statutes 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 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 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 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 2001)** established the Foster Youth Transitional Housing Fund to pay for transitional housing costs for foster and emancipated youth.

**COMMENTS**

California is in the midst of an affordable housing crisis. Foster youth, especially those in the process of transitioning to adulthood, are not immune from the impact of this housing crisis. As foster youth transition to extended foster care and prepare to live independently, the overall lack of affordable housing impacts their own ability to locate safe and affordable housing. This bill seeks to address some of this impact by allowing counties to request funding to provide housing navigators as a resource to NMDs, helping them navigate the increased complexities of finding affordable and appropriate housing. Additionally, the bill proposes to simplify the process by which certain caregivers can provide housing to NMDs, requiring counties to examine their available placement resources, and requiring counties to continue to pay for and facilities to hold transitional housing placement for NMDs who are absent from a placement for up to 14 days, as provided.

**PRIOR VOTES**

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

**POSITIONS**

**Support:**

Alliance for Children's Rights

California Judges Association

California State Association of Counties

California State PTA

County Welfare Directors Association of California (CWDA)

Grace Institute - End Child Poverty in Ca

National Association of Social Workers, California Chapter

County of Ventura

**Oppose:**

None received

**-- END --**