

Date of Hearing: March 10, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 1979 (Friedman) – As Introduced January 23, 2020

SUBJECT: Foster youth: housing

SUMMARY: Addresses the affordable housing needs of youth in the child welfare system by: expanding the definition of a supervised independent living setting (SILS) to include a transitional living setting approved by the county to support youth entering or reentering care or transitioning between placements, and requiring counties to examine a county's ability to meet the emergency housing needs of nonminor dependents (NMDs), among other things.

Specifically, **this bill:**

- 1) Expands the definition of a SILS to include a transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements, and, further, prohibits the short-term independent living setting from including a runaway and homeless youth shelter or an adult homeless shelter.
- 2) Allows a county to elect to certify that a supervised independent living placement (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 options have changed, and, further, specifies that individual placements are not required to be certified every 12 months if the same youth remains continuously in the placement.
- 3) 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.
- 4) 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.
- 5) Requires a county to continue to approve payment to a transitional housing provider for a period of 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 transitional housing placement provider has reason to believe the NMD will be returning within 14 days.
- 6) Prohibits transitional housing placement providers from filling an NMD's place if the NMD is temporarily absent from the placement for 14 days or less, and, further, requires the county to pay board and care costs for up to 14 days, unless the provider and the NMD's case worker have jointly determined that the NMD is unlikely to return within 14 days.
- 7) Makes technical 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) 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)
- 4) 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))
- 5) Defines “Transitional Housing Program for Nonminor Dependents” (THP-NMD) to mean transitional housing program serving nonminor dependents between the ages of 18 and 21. (WIC 16522.1(a)(2))
- 6) Defines “supervised independent living placement” 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 Section 472(c) of the federal Social Security Act. (WIC 11400(w))
- 7) Defines “supervised independent living setting” as including both a SILP, and a residential housing unit certified by the transitional housing placement provider operating a Transitional Housing Placement program for NMDs, as specified. (WIC 11400(x))
- 8) 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))
- 9) 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, and, 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. Further, 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))
- 10) 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)

11) 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)

FISCAL EFFECT: Unknown

COMMENTS:

Child welfare services: The goal of California's Child Welfare Services (CWS) system is to protect children from abuse and neglect, as well as 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, such as a doctor or a teacher, child protective services is responsible for investigating the report. If the abuse or neglect allegation is substantiated, it is then determined whether it is in the best interest of the youth to remain in their parent's custody or be placed within the CWS system. In instances where a youth is removed from their parent's custody, the juvenile court holds legal jurisdiction and a social worker is appointed by the CWS system to ensure that the needs of the youth are met. As of October 1, 2019, there were 59,508 youth placed in California's child welfare system.

Extended foster care: In 2010, Governor Schwarzenegger signed AB 12 (Beall), Chapter 559, Statutes of 2010, which extended foster care benefits for certain eligible youth until the age of 21. Prior to the adoption of AB 12, known as the Fostering Connections to Success Act, youth "aged out" of the CWS system at 18 years old and were 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 these difficulties, AB 12 provided eligible youth between the ages of 18 and 21, known as NMDs, with the services and supports they need to experience independent living in supervised living environments. Extended foster care also enables youth to obtain educational and employment training to better prepare them to transition to adulthood and self-sufficiency.

At the six month hearing prior to a youth attaining 18 years of age, 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 criteria for participation in extended foster care:

- Be enrolled in a high school or equivalent program;
- Be enrolled in a college, community college, or vocational program;
- Be employed at least 80 hours a month;
- Participate in a program or activity designed to remove barriers to employment; or,
- 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 (CalYOUTH) Study, which evaluates the impacts of extended foster care on

outcomes for transition age foster youth. The study found that, for youth, each additional year spent in extended foster care:

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

The CalYOUTH 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 benefits in California is still a work in progress. It is not until youth are older that researchers can observe whether the benefits of extended foster care last through young adulthood.

Youth homelessness: The 2019 Point in Time count conducted by the U.S. Department of Housing and Urban Development found that, on a single night in January 2019, there were approximately 11,993 youth identified as experiencing homelessness. While this represents a 3% decrease from the 12,396 youth identified as experiencing homelessness in January 2018, California is home to 34% of the nation's homeless youth population. For youth, homelessness can mean living in cars, shelters, or couch surfing with friends, and youth experiencing homelessness are more susceptible to exploitation and violence, and may develop substance use issues as a result. They also may engage in risky behaviors, such as 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: California provides a number of services and supports to provide for the housing needs of current or former foster youth. Youth participating in extended foster care have the option of living in a SILS, which currently consists of two types of placements:

Supervised Independent Living Placement: A SILP is a placement option geared towards NMDs who are prepared to live independently with supervision and support from the child welfare or probation system. In order to be placed in a SILP, a youth must undergo a SILP readiness assessment to determine if they are prepared to live independently. If the assessment determines that a NMD can live independently, the youth can receive their foster care placement directly and

is able to live completely on their own. Types of SILPs include private market housing, such as apartments, houses, single room occupancies; dormitories; and, university settings.

Certified residential housing units: California also offers the THP-NMD, which provides NMDs with a placement option that provides transitional housing and supportive housing based on a Transitional Independent Living Placement (TILP). Placement settings under the THP-NMD program can include: host families where a youth lives with a caring adult who is selected and approved by the transitional housing placement provider; a single site where an NMD lives in an apartment, condominium, or a single family home rented or leased by the housing provider (one or more adult employees of the housing provider lives on site); or, a remote site placement where the NMD lives in a single housing unit, such as an apartment or single family home, that is rented or leased by the housing provider in order to enable the youth to live independently, but still receive regular supervision and case management services.

The provisions of this bill would expand the definition of a SILS to include a transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements. The provisions of this bill specifically exclude runaway and homeless youth shelters or adult homeless shelters from being included in the definition of a SILS.

Need for this bill: The provisions of this bill seek to address the housing needs of older youth participating in extended foster care. California is in the midst of an affordable housing crisis and has one of the highest rates of homelessness in the country; for young people in the foster care system who perhaps lack the necessary skills to find, apply for, and obtain affordable housing, the housing crisis is particularly dire. By expanding 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, requiring counties to make payments for NMDs who are absent from a transitional housing placement for up to 14 days, and by requiring counties to evaluate the county's ability to meet the emergency housing needs of NMDs, the provisions of this bill seek to reduce barriers to affordable housing faced by youth in California's child welfare 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 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 health and safe facilities."

PRIOR LEGISLATION:

AB 531 (Friedman) of 2019, was similar to this bill and would have allowed certain approved caregivers to convert to a host family without additional certification, would have required counties to examine a county's ability to meet the emergency housing needs of NMDs, and

would have 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.

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.

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 California Department of Social Services.

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 (Co-Sponsor)
Children Now (Co-Sponsor)
County Welfare Directors Association of California (Co-Sponsor)
First Place for Youth (Co-Sponsor)
GRACE (Co-Sponsor)
California Alliance of Child and Family Services
California Alternative Payment Program Association
California State Association of Counties
Children's Law Center of California
County of Santa Clara
John Burton Advocates for Youth
SEIU California

Opposition

None on file

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