

Date of Hearing: April 21, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 592 (Friedman) – As Introduced February 11, 2021

SUBJECT: Foster youth: transitional housing

SUMMARY: Deletes the requirement that a host family be certified by a transitional housing placement (THP) provider; expands the scope of a host family to include supervised transitional housing services; permits a host family to include certain approved placements and declares that those placements, when operating as a host family, do not require additional certification; expands the definition of a Supervised Independent Living Setting (SILS) to include a transitional housing unit in which a host family lives with a nonminor dependent (NMD) participating in a THP program in certain settings; and, permits a county to elect to authorize a licensed THP provider to offer supportive services to assist an NMD in their SILS, as specified. Specifically, **this bill:**

- 1) Expands the scope of a host family, as specified, to include supervised transitional housing services provided by the licensed THP provider.
- 2) Deletes the requirement that a host family be certified by a THP provider, and, instead, declares that a host family may be:
 - a) Certified by the transitional housing placement provider;
 - b) An approved resource family;
 - c) Licensed foster family home or certified foster home;
 - d) An approved relative caregiver; or,
 - e) A nonrelative extended family member (NREFM) of a participant.
- 3) Declares that a resource family, licensed foster family home, certified foster home, approved relative caregiver, or NREFM operating as a host family does not require additional certification by the THP provider.
- 4) Expands the definition of SILS to also mean a transitional housing unit in which a host family lives with an NMD who is a participant of a transitional housing placement program, as specified, including an apartment, single-family dwelling, or condominium owned, rented, or leased by the host family, with supervised transitional housing services provided by the licensed THP provider.
- 5) Permits a county to elect to authorize a licensed transitional housing placement provider to provide supportive services to assist an NMD in their SILS.
- 6) 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 Section [WIC] 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) Permits a THP provider to operate a Transitional Housing Placement program for participants who are minor foster children (THP-M), or a Transitional Housing Placement program for participants who are NMDs (THP-NMD). (Health and Safety Code Section [HSC] 1559.110(a)(2))
- 6) Defines “THP-M” 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))
- 7) Defines “THP-NMD” as a transitional housing program serving NMDs between the ages of 18 and 21. (WIC 16522.1(a)(2))
- 8) Requires THP providers to provide supervised transitional housing services to foster children who are at least 16 years of age, and certify that housing units are adequate, safe, and sanitary. (HSC 1559.110(b) and (c))
- 9) Defines “transitional housing units” as including any of the following: a host family certified by a THP 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 a participant lives in an apartment, single-family dwelling, or condominium owned, rented, or leased by a THP provider either with an adult employee of the provider who provides supervision or in a building in which one or more adult employees of the provider reside and provide supervision; and, a remote site in which a participant lives independently in an apartment, single-family dwelling, or condominium owned, rented, or leased by a THP provider under the supervision of the provider if the California Department of Social Services (CDSS) provides approval. (HSC 1559.110(d))
- 10) Defines “supervised independent living setting” as including all of the following: a supervised independent living placement (SILP); a residential housing unit certified by a transitional housing placement provider operating a THP program for NMDs; and, a

transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements, as specified. (WIC 11400(x))

- 11) Permits 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, as specified, and, further, permits, for the 2020-21 fiscal year, a county to temporarily approve the SILP 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) Permits 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. (WIC 11402.2(c))

FISCAL EFFECT: Unknown

COMMENTS:

Child welfare services system: The goal of California's Child Welfare Services (CWS) system is ultimately to protect children from abuse and neglect, and provide for their health, safety, and overall well-being. When a child is identified as being at risk of abuse or neglect, county juvenile courts hold legal jurisdiction and the CWS system appoints a social worker in order to ensure the needs of the child are met. Through the CWS system, multiple opportunities arise for the judicial system to evaluate, review, and determine the custody of the child, or determine the best out-of-home placement for the youth. Together, the judicial system and the child's social worker ensure that the best possible services are provided to the child. The CWS system, when appropriate, also works to reunite children who have been removed from the custody of their parents or guardians with individuals they consider to be family in order to maintain familial bonds wherever possible. As of January 1, 2021, there were 59,716 youth placed in California's child welfare system.

Extended foster care: In 2010, AB 12 (Beall), Chapter 559, Statutes of 2010, extended foster care benefits for certain eligible youth until the age of 21. Prior to the expansion of foster care benefits, 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 the difficulties faced by these youth, extended foster care provides 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.

Youth homelessness: In March 2021, the U.S. Department of Housing and Urban Development (HUD) released its Annual Homeless Assessment Report (AHAR) to Congress, which found that, nationwide, on a single night in January 2020, 34,210 people experienced homelessness on their own as an "unaccompanied youth." Unaccompanied youth are defined as people in households without children, who are not a part of a family with children, or accompanied by their parent or guardian during their episode of homelessness and are between the ages of 18 and 24. California reported the largest numbers of homeless unaccompanied youth (12,172), accounting for over a third of all unaccompanied youth nationally. Additionally, 56% (9,510 individuals) of the homeless youth in California were unsheltered, meaning they are in living

situations that include couch surfing, staying in shelters, and living under bridges, in abandoned buildings, and on the streets.

Homelessness among youth is often unique from homelessness among other populations, such as seniors, veterans, and families, as transition age youth often enter homelessness with little or no work experience, experience high levels of criminal victimization, such as sexual exploitation and labor trafficking, and often enter homelessness without the life skills necessary to secure employment and housing, such as money management, housekeeping, and job searching. Homelessness among transition age youth occurs for a variety of reasons, but overwhelmingly, family conflict and breakdown, including abuse or neglect, alcohol or drug addiction of a family member, pregnancy, and rejection over sexual orientation, are cited as root causes. Additionally, many youth in the child welfare, juvenile justice, and/or mental health systems become homeless when they transition out without the housing and employment opportunities that often accompany these systems.

The CalYOUTH study, which is administered by Chapin Hall at the University of Chicago, and is conducted in collaboration with CDSS and the County Welfare Directors Association of California, evaluates the impacts of extended foster care on foster youth transitioning to adulthood. The CalYOUTH study found that more than half of the youth surveyed (718 young people) stated that just under one-fifth of study participants reported experiencing homelessness between ages 17 and 19, whereas about one-quarter reported experiencing homelessness at some point between ages 19 and 21, and between ages 21 and 23.

Housing supports for nonminor dependents: 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 consists of, among others, the following placement types:

Supervised independent living placement: SILPs are geared towards NMDs who are prepared to live independently with supervision and support from the child welfare or probation system. Prior to placement in a SILP, youth must undergo a SILP readiness assessment to determine if they are prepared to live independently. If the assessment determines that an NMD can live independently, the youth can receive their foster care payment directly upon approval of a placement. Types of SILPS include private market housing, such as apartments, houses, single room occupancies, dormitories, and other university settings.

Certified residential housing units: California also offers the THP-NMD program for youth in extended foster care between 18 and 21 years old, and which provides NMDs with a placement option that provides transitional housing and supportive housing based on a Transitional Independent Living Placement (TILP). Under THP-NMD, placement settings can include: host families where a youth lives with a caring adult who is selected and approved by the THP 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.

County-approved transitional housing settings: In 2020, AB 1979 (Friedman), Chapter 141, Statutes of 2020, expanded the definition of a SILS to include a transitional living setting that is

approved by the county to support youth who are entering or reentering care, or who are transitioning between placements. AB 1979 specified that the transitional housing could not include a youth homelessness prevention center, or an adult homeless shelter in order to ensure that the housing provided to youth is stable and not temporary.

Lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth in foster care: A March 2019 article in the Journal of the American Academy of Pediatrics found that 30.4% of youth in foster care and 25.3% of youth in unstable housing self-identified as LGBTQ when compared to youth in a nationally representative sample (11.2%). When compared with heterosexual youth and youth in stable housing, LGBTQ youth in unstable housing reported poorer school functioning, higher substance use, and poorer mental health. LGBTQ youth in foster care also reported more fights in school, victimization, and mental health problems compared with LGBTQ youth in stable housing and heterosexual youth in foster care.

Additionally, an August 2014 report by the UCLA School of Law found that LGBTQ youth experiencing homeless services were reported to have been homeless longer than non-LGBTQ youth, and were reported to be in worse mental and physical health than non-LGBTQ youth. Additionally, transgender youth were estimated to have experienced bullying, family rejection, and physical and sexual abuse at higher rates than LGBTQ youth.

Need for this bill: The provisions of this bill seek to provide additional housing supports to NMDs participating in extended foster care, particularly as it relates to housing options for LGBTQ youth, for whom welcoming and supportive housing can play a vital role in housing stability. Specifically, this bill would expand the definition of a host family to include supervised transitional housing services, and declares that host families can include a resource family, a licensed foster family home or certified foster home, an approved relative caregiver, or a non-relative extended family member. The provisions of this bill also declare that any of these placements operating as a host home do not require additional certification by the THP provider. Additionally, this bill expands the definition of a SILS to include a transitional housing unit in which a host family lives with an NMD participating in a THP program in certain settings. Finally, this bill would permit a county to elect to authorize a licensed THP provider to offer supportive services to assist a NMD in their SILS.

According to the author, “Welcoming and supportive housing play a critical role in protecting the safety of all youth, particularly youth identifying as LGBTQ, and supporting and affirming their self-identity in their relationships with adults and peers. [This bill] promotes placement stability and a positive, supported transition to independence for transition-age foster youth in the Extended Foster Care Program. This bill creates a pathway for families that are already licensed as a resource family to serve as a host family, adds flexibility to the Transition Housing Program payment to support greater independence, and emphasized targeted housing and services to vulnerable youth.”

PRIOR AND RELATED LEGISLATION:

AB 1979 (Friedman), Chapter 141, Statutes of 2020, expanded the definition of a SILS to include a transitional living setting approved by the county to support youth entering or reentering care or transitioning between placements, and required counties to examine a county’s ability to meet the emergency housing needs of NMDs, among other requirements.

AB 531 (Friedman) of 2019, 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 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

None on file

Opposition

None on file

Analysis Prepared by: Kelsy Castillo / HUM. S. / (916) 319-2089