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The Honorable Toni Atkins
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The Honorable Anthony Rendon
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Dear President pro Tempore Atkins and Speaker Rendon,

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In this time of crisis, we write to urge you to prioritize the immediate and long-term needs of transition age youth who are in foster care or have recently emancipated from foster care. In times of health and prosperity, foster youth lag behind their peers in educational attainment and employment, and they are more likely to experience homelessness.¹ Without immediate action, COVID-19 will certainly worsen these outcomes. Critical housing, educational, and employment supports have cut programming or closed completely to comply with social distancing and shelter-in-place orders. The systems that typically are responsible for care and support for these youth are under major strains and anticipating trying to address increased need with decreased resources. The national economy is badly damaged and will not recover quickly. COVID-19 has exposed the dire consequences of gaps in our social safety net, including the need to better prepare foster youth for their transition to adulthood and to support housing stability and prevent homelessness.

The recommendations below build upon [Executive Order N-53-20](#), allowing youth who would otherwise “age out” of foster care to remain in care through the end the fiscal year, and guidance from the Department of Social Services directing the issuance of extended foster care payments even when youth are not meeting the school or work requirements that are normally required for payment. We urge the California State Legislature to adopt the recommendations described below as part of California’s COVID-19 relief efforts. Without your leadership and action, youth in foster care face an uncertain and challenging future.

1. Ensure placement stability for youth in extended foster care.

Children and youth across the country are home with their parents or other family while they wait for answers as to when, how, and if they will be able to return to school and life as normal. This is not the experience of most young adults in foster care. Youth in extended foster care (nonminor dependents) are vulnerable to housing instability in normal circumstances, and they are much more vulnerable during this public health crisis. College dorms have closed abruptly, displacing students without offering alternative housing. Young people who are renting an apartment for the first

time may face eviction due to unemployment or underemployment once state and local tenant protections lift. Nonminor dependents who were detained in juvenile hall before the public health crisis may face extended incarceration as courts make release contingent on the availability of a safe housing option. Housing programs designed for foster youth, such as the Transitional Housing Placement for Nonminor Dependents (THP-NMD) program, continue to force youth to exit against their wishes, and some programs have slowed or halted their intake processes despite having available beds. The housing instability that nonminor dependents face presents an immediate danger and also reduces their ability to return to school and work after the public health crisis ends. Practices that cause a foster youth to become homeless, move between multiple residential settings, or rely on the homeless shelter system are inconsistent with public health guidance and must cease.

A. Prohibit involuntary discharges from licensed transitional housing programs except when there is an imminent safety risk.

Executive Order N-53-20 waived the age and participation conditions for extended foster care. At minimum, to be consistent with the executive order, licensed transitional housing programs must be directed to not discharge nonminor dependent participants from their programs due to failure to meet programming requirements, which often entail in-person meetings and participation in work and school activities that are currently unavailable. In addition, we propose a six-month moratorium on discharging transitional housing participants for any reason except to prevent an imminent safety risk. The California Department of Social Services should be required to ensure the stability of transitional housing placements for all nonminor dependents through departmental guidance and technical assistance. Continuing to discharge youth at the usual rate—35% of exits from the Transitional Housing Program for Nonminor Dependents (THP-NMD) are involuntaryⁱⁱ—would force youth into homelessness and undermine community efforts to limit the spread of coronavirus.

B. Extend current placement preservation laws to nonminor dependents.

Existing law requires that, in order to effectuate a placement change, county placing agencies must implement a placement preservation strategy to avoid placement disruption, and foster care providers must give notice of a request for placement change at least 14 days prior. The law applies broadly to foster children under the age of 18 but does not apply to nonminor dependents in transitional housing programs and supervised independent living placements. We propose an amendment to the current placement preservation laws to ensure that nonminor dependents have sufficient notice to contest a possible placement change and to encourage collaborative placement preservation planning in placements where the rate of disruption is high. In situations where the placement cannot be maintained, the additional 14 days provides time to create an alternate housing plan so youth do not become homeless.

C. Require county placing agencies to immediately report to the California Department of Social Services the number of vacant THP-NMD beds based on the capacity reported in county THP-NMD contracts.

Nonminor dependents are often homeless while waiting for a THP-NMD bed to become available. Meanwhile, their peers in transitional housing report that some program beds remain empty. During this public health crisis, THP-NMD programs must provide housing to the maximum extent that public health and their county contracts allow. We propose that counties be required to report biweekly on the following benchmarks: (1) THP-NMD capacity in their county, based on county THP-NMD contracts;

(2) number of open beds in county THP-NMD programs; (3) total number of youth on THP-NMD waitlists; and (4) the county's plan to fill existing beds and shrink program waitlists, including existing county resources used to implement the plan. This reporting will allow the state to provide technical assistance to expand capacity and provide advocates the information they need to ensure program accountability.

2. Prevent homelessness among former foster youth in Transitional Housing Program-Plus.

Former foster youth are an extremely vulnerable population. Executive Order N-53-20 allowed several additional months of care for nonminor dependents who turn 21 years old in foster care, but it does not restore any foster care services for youth who aged out of foster care before the public health crisis began. Former foster youth lose their social worker, their dependency attorney, and many other child welfare supports when they exit foster care. Most counties offer Transitional Housing Program-Plus (THP-Plus) as an additional bridge to self-sufficiency for former foster youth up to age 24 and sometimes up to age 25. Preserving THP-Plus housing for former foster youth is consistent with the Governor's administrative and emergency priorities and will reduce homelessness and the attendant public health consequences.

A. Allow former foster youth to remain in Transitional Housing Program-Plus beyond the age and duration requirements for at least six months.

In most counties, youth can reside in THP-Plus until age 24 or for a total of 24 months, and some counties have extended eligibility to age 25 or a total of 36 months. We propose that youth who currently reside in a THP-Plus program and reach the maximum age or duration of participation be allowed to remain in their program for the next six months or until 90 days after the Governor lifts the State of Emergency related to the COVID-19 pandemic, whichever is later.

B. Prohibit involuntary discharges from THP-Plus except when there is an imminent safety risk, and require that THP-Plus providers advise participants of their rights under all state and local orders affecting landlord-tenant law.

Similar to the moratorium we propose for transitional housing programs serving nonminor dependents, we propose a six-month moratorium on discharges and evictions from THP-Plus for non-safety reasons. Because landlord-tenant law applies to THP-Plus, participants may have additional rights and protections against discharge and eviction. We propose that THP-Plus programs be required to provide to all participants prompt and written advisements of these rights and protections, including changes pursuant to state and local emergency orders and contact information for civil legal aid resources in the county.

C. Establish a pilot program to recruit, train, and hire peer advocates to provide transition planning and housing navigation support for former foster youth transitioning out of THP-Plus.

Peer support programs have been found to improve outcomes among youth across systems. Directly impacted youth can provide unique mentoring, support and leadership to other youth. California is home to some exceptional peer advocacy programs, including VOICES Youth Center and TAY AmeriCorps, but these models are not widespread. A new California investment in a model pilot, with

the potential for expansion, would provide a much-needed resource for former foster youth whose other safety net supports (social workers, attorneys, CASAs) have fallen away. A peer advocacy pilot program would also create jobs for former foster youth who are at greatest financial risk during and after COVID-19.

3. Build sufficient capacity for nonminor dependents to access emergency housing.

Most California counties do not have dedicated emergency or temporary placements for nonminor dependents who lose their housing. In the absence of other options, nonminor dependents resort to local homeless shelters or the streets. This is a challenge that nonminor dependents face in normal times, but the public health emergency caused by COVID-19 makes the need for emergency housing even more urgent. Building capacity for emergency placements for older foster youth would prevent homelessness, reduce the spread of disease caused by young people cycling through shelters, preserve federal matching funds that are available when youth are in a foster care placement but not when they are in a shelter or unhoused, and provide the investment necessary for counties to meet the housing needs of nonminor dependents going forward.

A. Require county placing agencies to immediately report to the California Department of Social Services the number of youth who are not currently residing in a placement.

Implementing a reporting requirement would allow the Department to respond swiftly when nonminor dependents experience homelessness and to identify patterns to inform future policymaking and resource allocation decisions. We propose a reporting requirement that would require both child welfare agencies and juvenile probation departments to report to the Department whenever they are unable to provide an emergency or permanent placement within 24 hours of (a) a youth's initial contact requesting to re-enter foster care, or (b) the date that the county receives notice that a nonminor dependent's housing arrangement will terminate. Shelters and detention facilities are not placements, so youth residing in those facilities would be reported. County placing agencies would also be required to report whenever a nonminor dependent resides in an unlicensed emergency placement (i.e. a motel/hotel) and has not transitioned to an approved or licensed placement within 72 hours.

B. Provide resources for counties to obtain emergency housing for any nonminor dependent who lacks an appropriate placement, including nonminor dependents seeking to re-enter foster care and nonminor dependents recently discharged from a housing program.

Additional resources would support coordination with transitional housing programs and foster family agencies (FFAs) to identify available emergency placements (including a sufficient number of emergency placements for parenting youth), issuance of hotel or motel vouchers, emergency funds for move-in costs and immediate needs, and training and employment of peer advocates to identify and connect nonminor dependents to emergency housing.

C. Require counties to make public and widely available all of the policies, procedures, and contacts available to immediately connect nonminor dependents to an appropriate placement.

Nonminor dependents experiencing homelessness do not have the ability to identify and call multiple intake numbers and sift through inconsistent guidance on how to find emergency housing.

Counties should be required to provide easy access to the following information: reentry process and reentry contact; county contact for emergency housing needs; the process for applying to transitional housing programs; the process for getting a SILP approved, including the county's SILP readiness assessment and grievance process; administrative appeal rights; local civil legal aid resources; and any changes to county operations during an emergency.

4. Invest in targeted supports for expectant and parenting foster youth.

Estimates are that more than a third of youth currently in California's foster care system will have at least one child before age 21. Research has demonstrated the great impact that supports that provide stability, meet basic needs, and enhance parenting capacity can have on outcomes across generations. Expectant and parenting foster youth rely on many services, including health care, child care, mental health, and parenting support to raise children who are safe, healthy, and thriving. Shelter-in-place orders are disrupting these services, and some of these services—like childcare—have no remote substitute. Developmentally appropriate mental health, coaching, and mentoring services that parenting youth can access remotely can ameliorate the challenges of being a young parent in isolation and promote positive childhood experiences for their children.

A. Ensure that all expectant and parenting youth in foster care receive information and support to enhance their parenting capacity and meet the needs of their children.

Expectant and parenting youth may not have access to timely information on child development or needed supports because the pandemic has limited the little previous contact youth may have had with their doctors, public health nurses, parenting coaches, teachers, and mentors. We propose that child welfare agencies and public health agencies be required to (1) ensure that youth who are pregnant and parenting receive prenatal and postnatal care, parenting training, and home visiting, and (2) develop and deliver timely information to all expectant and parenting foster youth, with technical assistance from the Department of Social Services and the Department of Public Health, during any California State of Emergency. The scope of information should be targeted at current and former foster youth parents, including fathers, and include how to access resources and health care in an emergency, important safety information about topics such as sleep, childproofing and childcare, coping with stressors such as child distress and anxiety, self-care and mental health, nurturing early brain development, effective parenting practices such as reading to and talking to young children, managing screen time and positive discipline, and co-parenting education.

B. Establish a fund to ensure the availability of remote versions of evidence-based parenting programs for expectant and parenting foster youth.

Evidence-based programs like Triple P (Positive Parenting Program) are reimbursable through Medi-Cal and are available online for a small licensing fee. We propose a small additional investment for child welfare agencies and county public health departments to leverage existing resources to provide virtual home visiting and coaching for all parenting foster youth, including nonminor dependents so that youth can access needed supports at times they most need support.

C. Provide specific funding that supports innovative foster family recruitment, support and stabilization strategies specific to expectant and parenting youth.

Pregnant and parenting youth face particularly limited housing options and specific risk factors for homelessness. Many parenting youth are currently forced to live in congregate care settings because little specific recruitment for family homes exists. We propose funding that can support new innovative recruitment for families willing to mentor and coach parenting youth, and new supports to ensure the strength and stabilization of placements, including increased protections before displacement that acknowledge the consequences of housing instability for expectant youth and the very young children of parenting youth.

D. Reinforce that non-discrimination protections based on familial status apply to parenting youth, and ensure transitional housing program access for fathers and nonbinary parenting youth.

Parenting foster youth and former foster youth often are unable to access the full range of housing options that are available to other youth due to discrimination based on their status as parent. We propose reinforcing that legal protections against discrimination based on familial status applies to parenting foster youth across the full range of placements and housing options. Additionally, programs must ensure that parenting youth can live with significant others who are co-parenting, and they must serve single father and nonbinary-identifying youth with children.

5. Improvements to respond to the needs of nonminor dependents in the new economy.

The current and projected future economic impacts of COVID-19 have increased the necessity for additional support for nonminor dependents who even before the crisis may have been unemployed, underemployed, working in the gig economy, and putting a large fraction of their income toward rent. Current benefits and protections were designed with the expectation of a strong economy, robust services and programs, and agencies that were not overwhelmed with backlogs and large populations of citizens needing help. Meeting the needs of nonminor dependents in a much weaker economy with reduced services and capacity will require careful program planning, targeted resource allocation, and a more robust data set to drive decision-making.

A. Require the California Department of Social Services to create nonminor dependent wellbeing measures, develop performance standards for itself and county placing agencies, and report on nonminor dependent outcomes annually.

Wellbeing measures and performance standards must be developed in consultation with stakeholders, including foster youth themselves, and should include measures on quality of care and parenting, housing and placement stability, educational attainment and persistence, health and wellness, employment, permanent connections with siblings and supportive adults, other system involvement (e.g., juvenile or adult probation, mental health), and youth satisfaction. We propose annual reporting by CDSS to the Legislature assessing the outcomes of all of these measures (including county-based outcomes), describing any deficiencies, and proposing benchmarks for ameliorating the deficiencies by a specified date.

B. Commit resources to county child welfare agencies and juvenile probation departments to recruit and train new social workers and peer advocates that are specially qualified to support the needs of nonminor dependents.

These resources would be used for specialized recruitment and training to ensure that social workers have sufficient expertise in adolescent development, youth development, and trauma-informed practice. Additionally, we propose that counties be required to dedicate a portion of these resources toward the recruitment, training, and employment of peer advocates with lived experience. Having embedded peer support in child welfare and juvenile probation departments has the potential to increase nonminor dependent engagement, improve outcomes, and provide an additional career pathway for current and former foster youth.

C. Commit resources to county placing agencies to contract with community-based organizations, including civil legal advocates, to provide housing navigation and advocacy for nonminor dependents and former foster youth.

Through expansion of the current Housing Navigation Program or establishment of a new program, housing navigators would help promote tenant literacy, assist nonminor dependents in locating and vetting supervised independent living placements (SILPs), represent nonminor dependents and former foster youth in housing program discharge proceedings, and provide robust housing navigation and support services for youth who are aging out of extended foster care.

D. Develop a time-limited funding program for counties to build out an infrastructure for nonminor dependent housing, including emergency placements.

Counties would be required to submit plans for how the funds would be used, and the plans should describe a housing array that is inclusive of youth with disabilities, expectant and parenting youth, and nonminor dependents with safety needs that may require specialized housing. Additionally, we recommend that all proposals must certify that new funds will be used to increase the overall number of available placements for nonminor dependents or to substantially increase a particular type of placement that is acutely needed in the county.

E. Ensure that foster youth continue to access postsecondary education.

Postsecondary education remains a vital pathway to employment and career mobility, especially during an economic downturn. Foster youth, like all students, have experienced a significant disruption to their educational progress. Moreover, foster youth are disproportionately affected by a remote learning environment where they cannot easily access counselors and programs that assist with postsecondary enrollment and financial aid. We support current legislative efforts to require Foster Youth Services Coordinating Programs (FYSCPs) to coordinate enrollment and financial aid for high school seniors and track the number of students who successfully transition to postsecondary education. We also recommend increased financial aid and grant funding in order to compensate for reduced employment and other financial resources.

F. Amend existing law to strengthen transition planning requirements for transition age foster youth.

Existing law requires county placing agencies to develop a 90-day transition plan for every youth approaching emancipation from foster care. We recommend that county placing agencies create a transition plan six months prior to emancipation, in partnership with youth, with a clear timeline for actual provision of critical housing, healthcare, employment, financial, and child care resources. Given the current emergency and others that may follow, transition plans should also include an emergency plan so that foster youth know how to access resources and services during a natural disaster or public health crisis.

G. Ensure availability of civil legal aid to youth in extended foster care and former foster youth

According to current projections, support for California civil legal aid programs will decrease by as much as 60% in the next year, leaving less than half of the resources that currently exist to help Californians in need as they navigate eligibility for public benefits, apply for unemployment and family leave benefits, appeal wrongfully denied claims, enforce housing protections, defend against abuse and harassment, and assert their rights in the civil justice system. Civil legal aid programs provide important advocacy for youth in extended foster care and former foster youth in accessing public benefits, preventing housing instability and displacement, seeking protections in family court, and advocating for local systems reform. We recommend sustaining the level of support to civil legal aid to ensure that youth can continue to rely on civil legal advocacy, along with additional investments in civil legal aid that will allow it to be an even larger part of California's short and long term policy response to COVID-19 as economic conditions make more Californians eligible for free legal services.

Thank you for your time, consideration, and leadership to ensure the well-being of foster youth during this moment of crisis. We respectfully request your support for the recommendations described above and are available as a resource to discuss these recommendations further.

Sincerely,



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Cc:

Assembly Human Services Committee Members

Assembly Budget Subcommittee on Health and Human Services Members

Senate Human Services Committee Members

Senate Budget Subcommittee on Health and Human Services Members

ⁱ Mark E. Courtney et al., *Findings from the California Transitions to Adulthood Study (CalYouth): Conditions of Youth at Age 21*, Chapin Hall at the University of Chicago (2018), pp. 18-23, 32-38, 53-64, available at https://www.chapinhall.org/wp-content/uploads/CY_YT_RE0518_1.pdf; Kristine Frerer, Lauren Davis Sosenko & Robin R. Henke, *At Greater Risk: California Foster Youth and the Path from High School to College*, Stuart Foundation (2013), pp. 10-13, available at <https://stuartfoundation.org/wp-content/uploads/2016/04/at-greater-risk-california-foster-youth-and-the-path-from-high-school-to-college.pdf>.

ⁱⁱ *THP-NMD & THP-Plus Annual Report 2018-19*, John Burton Advocates for Youth (October 2019), pp. 22, available at <https://www.jbaforyouth.org/wp-content/uploads/2020/04/V8-THP-NMD-THP-PLUS-Annual-Report-2019.pdf>.