



# How Lawyers can Assist Youth Experiencing Homelessness

**December 6, 2023**

The information provided in this training and the referenced materials do not constitute legal advice. All content is for general informational purposes only.

# Session Goals

- Provide a brief overview of issues youth encounter
- Discuss some of the ways lawyers can serve the youth in our communities
- How to connect with lawyers in your community
- What ideal partnerships looks like

# Reflection

- **What shapes youth's expectations of how lawyers can help them?**



# **Benefits Available to Youth and Families**

# CalWORKs (Temporary Assistance for Needy Families (TANF))

- CalWORKs provides monthly cash assistance payments to low-income families with minor children and pregnant folks.
  - The benefit is provided on an EBT card
  - There are income and resource/assets requirements to establish eligibility
- Minor teen parent can count as an “adult” head of household under certain circumstances
  - No available adult parent of teen
  - Minor’s health or safety at risk
  - Minor has lived apart from parent/guardian 12+ months

# CalFresh (aka Food Stamps or SNAP)

- CalFresh is a nutrition program that provides monthly food benefits to households.
  - Benefits are issued monthly on an EBT card.
  - There are limits to how CalFresh benefits can be used
- Eligibility is based on who is in the household, and meeting income requirements
  - A household is defined as a group of people that (1) lives together AND (2) purchases and prepares food together
- Special rules may apply to full-time college students and some other groups, but many exceptions may apply
- Can get expedited benefits (within 3 days of application) if emergency

**Medi-Cal**

**Unemployment  
Benefits**

**Subsidized Child Care**

**Subsidized Housing**

**Supplemental Security  
Income (SSI)**

**Social Security  
Benefits (Title II)**

**School Meals**

**CalWORKs**

**CalFresh**

**WIC**

**Tax Credits (including  
new California Foster  
Youth Tax Credit)**

**Financial Aid for  
higher education**

**Guaranteed Income or  
Universal Basic  
Income**



# **Housing Options for Youth**



# Housing Options for Former Foster Youth

- Shelters
- Transitional housing for former foster youth through Transitional Housing Placement-Plus (THP-Plus) from 18-25
- Foster Youth to Independence or Family Unification Program (FUP) Housing Choice Vouchers from 18-25 (3 year voucher than can be extended 2 additional years under the Family Self-Sufficiency (FSS) Program)
  - Eligibility Criteria:
    - Youth is 18 through 24 years of age (have not reached their 25th birthday), and
    - Has left foster care, or will leave foster care within 90 days, and
    - Are homeless or are at risk of becoming homeless when they were age 16 or older. (42 U.S.C.A. 1437f(x)(2))
- Current and former foster youth (under age 25) are a priority for Housing Navigation and Maintenance Program Funds (program expansion under SB 187 and SB 154)



# **Access to Mental Healthcare**

# Speciality Mental Health Services via CalAIM (SMHS)

- The Medi-Cal Specialty Mental Health Services (SMHS) program is carved out of the broader Medi-Cal program and operates under the authority of a waiver approved by the federal Centers for Medicare and Medicaid Services under Section 1915(b) of the Social Security Act.
- **Automatic eligibility for youth under the age of 21 who** (1) have involvement in the child welfare system, (2) juvenile justice involvement, (3) are experiencing homelessness, and/or (4) are at a high risk for experiencing a mental health disorder due to the experience of trauma.

# Speciality Mental Health Services via CalAIM (SMHS)

- **SMHS include all of the following:** mental health services, crisis intervention services, crisis stabilization services, day treatment intensive services, day rehabilitation services, adult residential services, crisis residential services, medication support services, psychiatric health facility services, psychiatric inpatient hospital services, targeted case management services, therapeutic behavioral services, intensive care coordination services, intensive home based services, and therapeutic foster care.



# How Lawyers can Help

Individual Remedies for Youth

# State Fair Hearings

- Applicants and recipients of public social services programs and benefits administered by the CDSS are entitled to:
  1. **Adequate Written notice** of any change, termination, or denial of that social services program benefit.
  2. A **state fair hearing** to challenge the county's decision before an administrative law judge (ALJ).
- If there was no notice, no change can occur
- Recipients can request aid paid pending the hearing

## After the State Fair Hearing

- If ALJ determines the person is **eligible** for benefits, they should be reinstated or granted immediately and retroactive benefits should be issued
- If ALJ determines the person is **ineligible** for benefits, the person and advocate may consider filing a request for rehearing with the state fair hearings division (MPP § 22-065) or a writ challenging the ALJ's decision in Superior Court (Cal. Code Civ. Pro. § 1094.5)

# Discrimination Complaints

- California law and federal law have many different anti-discrimination provisions that protect folks attempting to access social services
- These laws protect certain groups of people, including groups based on race, color, national origin, religion, sex, familial status, and disability (and others).





# Systemic Issues

Common systemic issues and ways lawyers address them



# Common Systemic Issues w/ Youth Receiving Benefits

- Verbal denials and/or failure to provide an application
- Youth being told that they're ineligible or that they should be receiving another benefit
  - Alternatively, youth being told they there has to be a CPS report if they apply for benefits
- Adding unnecessary verification requirements
- Failure to timely process applications
- Improper benefits amounts
- Improper benefits termination
- Inadequate notices of action

# How Lawyers can Respond to Common Issues w/ Youth Receiving Benefits

- Have standing meetings with local county welfare departments to resolve frequently recurring issues
- Ask for policy updates where the policy is incorrect or unclear
- Provide training and technical assistance to local youth services and homelessness providers so they can spot issues and refer cases to legal aid.
- Filing writs of mandate under Cal. Code Civ. Pro. § 1085



# **Group Discussion**

**In small groups y'all are going to review provided hypotheticals and attempt to identify:**

- 1) Potential legal issues that youth are experiencing
- 2) what policies, practices, training, advocacy, etc would need to be implemented at an organization/agency level to address this type of challenge

Questions?

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