

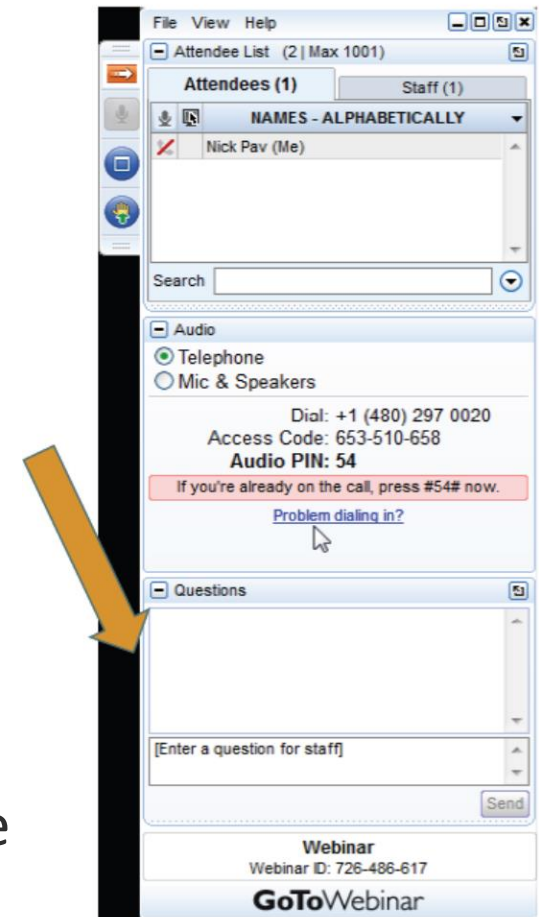


Supporting Transition Age Foster Youth in the Child Welfare and Probation Systems

March 21, 2018

Logistics

- Webinars will be recorded and archived at <http://kids-alliance.org/webinars/>
- All attendees will be on mute – if you experience technical difficulties email Shanti Ezrine at s.ezrine@kids-alliance.org
- A certificate of participation will be posted online after the webinar at <http://kids-alliance.org/webinars/>
- We will be answering your questions – please submit questions using the “Questions” function on your GotoWebinar dashboard



Today's Speakers

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Agenda

1. Overview of placement rights
2. Overview of housing rights of foster/probation youth
3. Common challenges and barriers
4. Best practices
5. Legislative Update: AB 2337

OVERVIEW OF PLACEMENT RIGHTS

Right to Placement

- Foster youth, including NMDs, have a right to “live in a safe, healthy, and comfortable home.” **WIC § 16001.9**
- NMDs have the same right to placement as children in foster care. **WIC § 303(e)**
- State law defines the types of placement available for NMDs
 - Placement with relatives, extended family members, and tribal members, foster family homes, treatment certified homes, THP+FC, SILP, and in certain circumstances, congregate care settings

Right to *Appropriate* Placement

- Choice of placement must be based upon:
 - The least restrictive family setting that promotes normal childhood experiences
 - The most appropriate setting that meets the child's individual needs and is available, in proximity to the parent's home, in proximity to the child's school
 - The environment best suited to meet the child's special needs and best interests
 - **The developmental needs of young adults**
 - **Providing opportunities to have incremental responsibilities that prepare for transition to successful adulthood**

Right to *Emergency* Placement

- Foster youth, including NMDs, are entitled to receive emergency placements, as needed
 - Nonminor may be housed in an emergency shelter
 - Emergency shelter must be provided in a licensed or approved eligible facility **WIC 16541; ACL 11-77**
- **Note:** NMDs have the same right to emergency placement that foster children do



Type of Placement	Description
Relative or Foster Family Home	<ul style="list-style-type: none">- When foster youth approaches age 18...caregiver and young adult may want to...[define] different roles as caregiver and young adult."- "Increased responsibility based on the developmental needs of the NMD"
THP+FC (aka THPP-NMD)	<ul style="list-style-type: none">- For NMDs who are "not ready for highly independent living situation"- "More frequent and intensive services for NMDs than other placement options"
SILP	<ul style="list-style-type: none">- "Highly independent living experiences"- "No caregiver or provider to assist the NMDs"- "Assessment must take into account that youth's level of skills and ability to manage independent living in the least restrictive environment"

OVERVIEW OF RIGHTS OF YOUTH LIVING IN GROUP/TRANSITIONAL HOUSING

THPP-NMD

- Participant must apply and be accepted into program
- Affordable housing and supportive services from ages 18-21
- NMDs only
- Providers must be licensed by Community Care Licensing and by the county they operate in

THP+

- Participant must apply and be accepted into program
- Affordable housing and supportive services for up to 24 months (ages 18-24)
- Former foster/probation youth only
- SB 1252: providers can serve youth who are enrolled in school for 36 months, to age 25 (counties opt in)
- No license from Community Care Licensing needed

List of providers: thplusplus.org

Housing Rights of Youth in THP+

- Regulations promulgated at Manual of Policies and Procedures (MPP) 30-920
 - Refers to program participants as “tenants” and requires providers to comply with **California landlord-tenant law** and/or the **Transitional Housing Misconduct Act**
- Youth who are exited from THP+ have same rights as California tenants, transitional housing residents, and the additional rights specified in MPP

Housing Rights of Youth in THPP-NMD

- Final regulations not yet adopted – interim regs codified at **MPP 86168.4(a)**
- H&S Code, Welfare & Institutions Code help provide insight into the rights of THPP-NMD youth
- Advocates believe youth in THPP-NMD should be entitled to the same protections as youth in THP+
 - Same population (just opted in)
 - Codified rights to be seen and treated as legal adults
 - Pay rent in exchange for housing

Youth Responsibilities in Transitional Housing

- Pay rent on time (if required to pay rent)
- Keep unit in good repair and pay for any damage you cause
- Follow the rules in the lease agreement (e.g., pets, smoking, overnight guests, parking)
- Respect other tenants' rights (e.g., keeping noise down, not blocking hallways or leaving security gates open)



Exiting Youth from THP+

- What are the correct procedures?
 - A properly served written notice of a lease violation before the legal process of eviction can occur in certain circumstances
 - Providers must either file an unlawful detainer and get a court order for eviction or follow the procedures under the **Transitional Housing Misconduct Act (THMA)** before exiting a youth from THP+
- A provider cannot:
 - Change the locks prior to obtaining a court order evicting the youth
 - Get rid of a youth's belongings in the unit without written notice and following certain procedures
 - Exit a youth without following California landlord-tenant law and/or rent-control laws if the housing unit is in a rent-controlled jurisdiction

Transitional Housing Misconduct Act

- Codified at [Cal. Civ. Code § 1954.11](#)
- When there are immediate safety concerns, a provider may use the THMA process to get a temporary or permanent restraining order to stop the youth from engaging in unsafe or abusive conduct
- This process requires providing a youth with notice and the opportunity to respond, and results in a court hearing/order
- Legal advocates have not seen this procedure being utilized against youth

Exiting Youth from THPP-NMD

- What are the correct procedures?
 - Providing a copy of the written policies and procedures for discharge in the NMDs records
 - **Emergency** discharge can occur without written notice when the NMD is arrested, for emergency medical/psychiatric care, or if NMD is endangering himself/others
 - Advance written notice to the NMD and the placing agency which states the reason for the discharge, including specific facts and request for a placement elsewhere

COMMON CHALLENGES



Common Challenges

- While many NMDs can take advantage of existing placement options, some NMDs do not receive what they need from what is currently available
- These NMDs often face concurrent challenges which further hinder their success and self-sufficiency
- NMDs also endure frequent placement disruptions, often with little advance notice or due process
- As a result, some NMDs experience homelessness while they are in foster care

Study by John Burton Advocates for Youth

- Tracked youth exiting between April 1, 2016 and March 31, 2017
- 36% youth exited involuntarily from THP+, 33% youth exited involuntarily from THP+FC housing
 - Involuntary exit = exit based on program noncompliance
- Average length of stay for youth in THP+, THP+FC is between 13-14 months
- The majority of these exits were not via the civil eviction process (7% THP+FC, 3% THP+)

Housing Instability

- In a 2015 survey of 19 year olds eligible for extended foster care, almost a fifth of youth (18.3%) reported being homeless
- Over a quarter of youth (27.4%) had couch surfed
- A quarter of homeless youth (24.2%) were homeless for more than one week and 15.8% were homeless for more than one month

Courtney, M. E., Okpych, N. J., Charles, P., Mikell, D., Stevenson, B., Park, K., Kindle, B., Harty, J., & Feng, H. (2016). Findings from the California Youth Transitions to Adulthood Study (CalYOUTH): Conditions of Youth at Age 19. Chicago, IL: Chapin Hall at the University of Chicago.

BEST PRACTICES & RECOMMENDATIONS

Youth Voice

- Foster youth are a diverse community with a variety of needs
- Need to develop housing that reflects this diversity – no one size fits all
- Many youth respond to on-site mentors who demonstrate genuine care for youth and are trained to de-escalate situations
 - Mentors who are there not to judge or punish, but to help youth work better with the program can help avoid unnecessary terminations
- Values that youth-centered housing should have include: compassion, understanding, tolerance (not zero tolerance), and making the place into a home where youth want to spend time

Could CA Have More Expansive Array of Housing Options to Serve NMDs?

- **YES** -- Federal guidance allows states to be innovative in development of housing to meet the needs of youth 18 and older:
 - “A title IV-E agency has the discretion to develop a range of supervised independent living settings which can be reasonably interpreted as consistent with the law, including whether or not such settings need to be licensed and any safety protocols that may be needed.”
 - Options could include: “host homes, college dormitories, shared housing, semi-supervised apartments, supervised apartments or another housing arrangement meet the supervised setting requirement.”
 - “We encourage the title IV-E agency to be innovative in determining the best living arrangements that could meet an older child’s needs for supervision and support as he/she moves toward independence.”

Best Practices & Recommendations: THPP-NMD

- Note: THPP-NMD is **flexible**
 - Contract with a range of providers to offer an array of THPP-NMD options that meet the varying needs of youth
 - “Light-touch” programs that give most of the foster care payment back to the youth
 - “Medium-touch” programs that provide robust education/employment support programs and mentorship
 - Programs that offer intensive on-site mental health, behavioral health, or substance use support
- Incorporate harm reduction principles into THPP-NMD programs



Best Practices & Recommendations: SILP

- Note: SILP is also **flexible**
 - Supportive SILPs: SILP with a trusted adult and wraparound services in community setting
 - SILP in adult treatment facility
 - Can use SILP funds to pay for facility
 - Note: must be voluntary placement



Best Practices & Recommendations:

Emergency Placement

- Utilize THPP-NMD as emergency placement for **30-60 days**
 - Example: Stepping Stones in Sonoma County
- Identify a certain number of STRTP beds as emergency placements
 - County may need to supplement rate to ensure that beds remain open for emergency placements
- Partner with homeless youth service providers to license emergency placements for TAY



Best Practices for Exiting Youth

- Include clear terms of housing in program agreement, including end date and **provide a copy to youth**
- Review state and local landlord-tenant laws/ordinances which govern your jurisdiction and **consult with legal counsel**
- Provide the youth with a reasonable amount of time to find alternative housing
- Provide youth with written notice which specifies the reason for discharge in advance
- Create a plan for safe and speedy exit
 - No lock-outs on end date
 - If youth leaves possessions behind, follow applicable laws re: storage/notice

LEGISLATIVE UPDATE: AB 2337 (GIPSON)

Preventing Youth Homelessness

- Despite the success of extended foster care, gaps remain
- **AB 2337 (Gipson)** is designed to address some of the barriers that prevent youth from accessing the benefits and supports of extended foster care
- By dismantling these barriers, AB 2337 gives vulnerable youth access to housing through extended foster care



Existing Law

- Youth who have been placed in temporary foster care before age 18 have been denied the benefits of extended foster care due to court timing that is out of their control
- Youth who turn 18 during the adjudication or disposition process are not able to access critical foster youth support services

AB 2337: Closing the Gap for Vulnerable Transition Age Foster Youth

- Allows a youth who has been found in need of a temporary foster care placement, and was in that placement on their 18th birthday, to be eligible to be declared a nonminor dependent after age 18
- **Note:** Not all youth who turn 18 in a temporary foster care placement will become nonminor dependents – court still has to make findings that they meet the criteria for foster care placement
- Ensures that vulnerable youth are not penalized by bad timing

Existing Law

- Youth cannot appeal juvenile court ruling dismissing dependency after age 18
- *In re David B.*: the Court of Appeal reluctantly dismissed a youth's appeal of the juvenile court's dismissal of the dependency petition because the appeal became moot when the youth turned 18

AB 2337: Closing the Gap for Vulnerable Transition Age Foster Youth

- Protects due process rights of youth by allowing them to appeal juvenile court dismissal of dependency after age 18



Existing Law

- Allows youth who have been adopted or placed in legal guardianship to petition court for re-entry only if adoptive parent or legal guardian is no longer supporting them and is no longer receiving benefits for them
- Youth who need critical services, including housing, food, transportation, and benefits are forced to wait to re-enter until bureaucratic process to terminate benefits is completed

AB 2337: Closing the Gap for Vulnerable Transition Age Foster Youth

- Ensures that a youth who is otherwise eligible to re-enter extended foster care is not barred from petitioning the court for reentry simply because adoption or guardianship payments have not been terminated to an adoptive parent/legal guardian who no longer cares for them
- Streamlines re-entry process for youth whose adoptions or legal guardianships have disrupted

How can you help make AB 2337 a reality?



Send in a [support letter](#)



Attend and testify at Committee hearings



Meet with legislators in the district



Encourage foster youth and caregivers to get involved



Stay tuned for more work over the spring and summer

Review

- Right to Appropriate Placement and Emergency Placement
- Planned Discharges from Placement with Due Process
- Best Practices for Placement Array and Discharge Planning



Thank you! Questions?

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