

Widening Door on Extended Foster Care for Probation Youth

By [Brian Rinker](#), March 26, 2015

In October 2014, The Chronicle of Social Change [published a story](#) that showed how probation-involved foster youth were being denied extended-care benefits because of an arbitrary rule that basically said if they were locked up on their 18th birthday, they were locked out of foster care.

The story, and efforts of a handful of advocacy groups that have been tracking probation-involved foster youth, led California State Senator Jim Beall (D-San Jose) to introduce Senate Bill 12 this legislative session. Beall and supporters say SB 12 will fix the problem and make it easier for more foster youth in probation to get extended foster care benefits.

“The [Chronicle] highlighted to me and a lot of foster youth advocates the problem with the current law,” said Beall, who co-sponsored Assembly Bill 12, the 2010 law that extended foster care benefits from age 18 to 21. “With SB 12, we are sending a message to probation and judiciary that we don’t want foster youth to lose their benefits.”

While SB 12 has undergone substantive revision since being first introduced in December, the bill in its current form will allow foster youth who turn 18 inside a locked correctional facility and would otherwise lose extended benefits the chance to opt back into foster care and get access to money, housing and services to age 21.

The bill also targets kids who enter foster care through the back door of probation, meaning they have committed some type of crime and on top of that they can’t be placed back at home because it is unsafe for them. This population of youth is never formally entered into the child welfare system and can get lost in the shuffle, according to advocates. Often, these kids live at group homes and, after some time, are sent out of foster care to live with an adult who isn’t a parent. If the youth turns 18 out of foster care they can’t access AB 12 extended benefits. SB 12 will help secure benefits for youth who have had a foster care placement but aren’t currently in foster care at 18.

The new law would have protected foster youth like Terrick Bakhit, who was denied his extended care benefits because he happened to turn 18 in Camp Barrett, a juvenile correctional camp in San Diego County. As a result, he was homeless and broke after being released.



Terrick Bakhit in a sales job training in San Diego, California, September 2014. Bakhit has completed his GED, and is a former foster child who's struggled to make his way as an adult. He spent his 18th birthday incarcerated after a three-minute joyride in his group home van, so is unable to take advantage of AB12 – California legislation that gives assistance to foster youth as they transition into adulthood. Photo by Max Whittaker.

Bakhit and his two brothers were featured in [Three Brothers; Three Paths out of Foster Care](#), which highlighted Terrick's situation. Since AB 12 was implemented in 2012 cracks in the legislation have continued to emerge, requiring legislators to amend the law a handful of times already.

Beall said that when AB 12 was written no one imagined that some judges would punish foster youth by denying them their benefits.

“It was completely out of our wave length,” Beall said. But he learned his lesson. “We have to realize that judges don't think the way we do,” he said. “That's why we have to change the law so they don't have to think at all.”

According to the most recent data compiled by the Center for Social Services Research at UC Berkeley's School of Social Welfare, 1,516 probation youth ages 18-20 were still in a foster care placement on Oct. 1, 2014. That figure doesn't represent all the kids who were once in foster care but have since left and become ineligible for extended foster care benefits. SB 12 aims to help those kids who are now living in unstable homes. Extended foster care benefits cost the state around \$78,000 to \$103,000 per foster youth, per year, according to estimates by the Senate Appropriations. If the bill becomes law, no one knows for sure how many more youth will have access to AB 12 or how much it will cost.

Probation departments across the state oppose SB 12. “Probation is concerned with the fiscal impact of the current AB 12 population,” said Rosemary McCool, deputy director of the Chief Probation Officers of California.

Providing services to probation-involved foster youth costs more money compared to foster youth overseen by child welfare, said McCool. Officers aren't compensated for travel time and expenses when meeting with youth.

"We are having difficulty serving the foster youth we do have," McCool said. "The current programs, in our view, aren't sufficiently funded. We shouldn't be expanding the population by any amount."

But Catherine McColluch of Youth Law Center, one of the authors of SB 12, said the population they're trying to reach is small, even at the highest estimates. "These are the kids who need it the most," McColluch said. "It is an arbitrary rule and it makes no sense to keep these kids out."

When told that a State Senator had read his story and was taking action, Terrick Bakhit was appreciative and surprised.

"Wow, that is really cool," Bakhit said. "All that was worth something— it made a difference."

When the story published in October, Bakhit had just gotten his driver's license. Now he drives a 2007 Toyota Camry. He works the graveyard shift washing dishes at a resort where he drank Fiji bottled water for the first time. But his plans to go to college still haven't panned out.

"I don't know about school," he said. "All I do is sleep and work."

Terrick Bakhit's younger brother, Joseph, approached *The Chronicle* last summer in the hopes of drawing attention to his older brother's troubles. The younger Bakhit attends UC Berkeley, something he says would be exceedingly difficult without AB 12 benefits.



Joseph Bakhit, right, jokes with a classmate during Spanish class at UC Berkeley, September 2014. Bakhit is a former foster child and UC Berkeley student. California's AB12 legislation provides him with a stipend of \$838 per month until age 21, in an effort to ease the transition from the foster care system into adulthood. Photo by Max Whittaker.

“What? Seriously,” the younger Bakhit said when he heard the news. “That’s awesome. Super cool. That was like the most optimal outcome. Imagine if Terrick had this, his life would have been so different.”

He is keeping his fingers crossed as the bill works its way through the State Legislature.