

# A NEW DEAL FOR TRANSITION AGE FOSTER YOUTH IN CALIFORNIA:

A POLICY ROADMAP  
FOR ENSURING A  
RESILIENT RECOVERY  
AFTER COVID-19



**“Lawmakers and state and county agencies should take action across five domains that are critical to preventing homelessness and ensuring wellbeing among transition age foster youth during and after COVID-19.”**

## EXECUTIVE SUMMARY

This policy brief calls upon policymakers at every level 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.<sup>i</sup> Without immediate action, the effects of the current public health crisis will certainly worsen these outcomes.

Policymakers have recognized the urgent need to support transition age foster youth during COVID-19 and have acted quickly to sign executive orders, pass legislation, and issue administrative guidance to create and extend several basic protections. Youth who would otherwise “age out” of extended foster care now can remain in care until June 30, 2021, and they can remain care even if they do not meet the usual work and school requirements. Counties may exercise the flexibility to keep former foster youth in Transitional Housing Program-Plus (THP-Plus) until June 30, 2021, even if the participant reaches the maximum age or duration. Young people who experience homelessness and housing instability can re-enter foster care and get their supervised independent living placement (SILP) approved without the usual in-person requirements. These

protections and flexibilities—emergency measures necessitated by the current public health crisis and economic recession—present an opportunity to assess the strengths and needs of the existing safety net for transition age foster youth and make critical long-term investments. Significant barriers to accessing foster care and transitional supports remain, and future reforms and investments must be responsive to the unique needs of all transition age foster youth, including youth who receive foster care services through juvenile probation, youth who are pregnant or parenting, and youth who have experienced commercial sexual exploitation.

We recommend that lawmakers and state and county agencies take action across five domains that are critical to preventing homelessness and ensuring wellbeing among transition age foster youth during and after COVID-19.

First, immediate action should be taken to ensure placement stability for youth ages 18-21 in extended foster care. Policies and practices that ensure placement stability and prevent homelessness among foster youth include:

- **Prohibiting involuntary discharges from licensed transitional housing programs.** This prohibition would curtail the high rate of involuntary exits among transitional housing program participants and is consistent with the statewide suspension of participation requirements for extended foster care.
- **Extending current placement preservation laws to nonminor dependents.** Nonminor dependents in extended foster care, like younger children in foster care, need adequate notice and placement preservation strategies to prevent placement changes, especially during a public health crisis when alternate housing options are scarce.
- **Instituting reporting requirements to ensure that transitional housing programs promptly fill vacant units.** It has become all too common for youth in extended foster care to wait for transitional housing for several months. Despite the need, current participants report vacancies in their programs.

Second, lawmakers, county child welfare agencies, and housing providers should halt any policies and practices that would cause former foster youth participating in Transitional Housing Program-Plus (THP-Plus) to become homeless. Recommended policies and practices include:

- **Allowing THP-Plus participants to remain in the program beyond the age and duration requirements.** THP-Plus participants have no social worker, attorney, CASA, or other court-appointed support to help navigate housing during a crisis. Counties have flexibility to keep youth in place until June 30, 2021.
- **Prohibiting involuntary discharges from THP-Plus programs and advising participants on their rights as tenants.** Absent an imminent safety risk, THP-Plus participants are tenants with all of the rights that attach and cannot be discharged from THP-Plus programs while emergency orders are in place. Yet, youth continue to get discharged from programs without due process or a transition plan.

- **Establishing a pilot program to provide peer advocacy for former foster youth.** Peer advocates have lived experience and can provide transition planning and navigation services to former foster youth transitioning out of THP-Plus.

Third, policymakers should build capacity for emergency housing for foster youth and add transparency requirements for county agencies that serve foster youth who have experienced housing loss. A coordinated strategy to increase the stock of emergency housing for foster youth includes:

- **Resources for counties to obtain emergency housing for any nonminor dependent who lacks a placement.** Resources could be used to identify placements with transitional housing programs and foster family agencies and to reimburse immediate needs associated with moving.
- **Reporting requirements for counties.** County placing agencies should be required to immediately report to the California Department of Social Services the number of nonminor dependents who are not currently residing in a placement.
- **Transparency requirements.** Youth report being unable to find up-to-date and accurate information on how to access emergency placement supports now that many agencies and services are operating remotely. Counties need to make this information public and widely available to transition age foster youth.

Fourth, policymakers should invest in targeted supports for expectant and parenting foster youth, who are disconnected from services under the current shelter-in-place orders. Supports include:

- **Information and support to enhance their parenting capacity and meet the needs of their children.** Expectant and parenting youth need prenatal and postnatal care, home visiting, public health updates and contacts, and techniques for coping with stressors.
- **Remote versions of evidence-based parenting programs.** Many of these programs are reimbursable through Medi-Cal and are available at lower cost through coordination with public health agencies
- **Innovative foster family recruitment, support, and stabilization strategies.** Expectant and parenting youth have particularly limited housing options, and housing instability has particularly negative health effects on pregnant youth and the very young children of parenting youth.
- **Enforcement of nondiscrimination laws in transitional housing programs.** Discrimination based on familial status is already illegal but continues to occur in transitional housing programs that impose maximum family sizes or prohibit co-parents from living together.



Finally, the current crisis demands a reexamination of the outcomes of California's transition age foster youth and a reinvestment in the services and supports needed for these youth successfully navigate the new economy. We need a New Deal for foster youth that includes:

- **Creation of older foster youth wellbeing measures, performance standards, and annual reporting requirements.** Outcomes should include housing and placement stability, quality of care, educational attainment and persistence, employment, health and wellness, and permanent connections.
- **Recruitment and training of social workers and peer advocates that are specially qualified to support the needs of older foster youth.** Personnel should be trained in adolescent development, youth development, and trauma-informed practice.
- **Housing navigation supports for nonminor dependents and former foster youth.** Housing navigators can help promote tenant literacy, assist youth in locating supervised independent living placements (SILPs), and advocate for youth in discharge proceedings, among other supports.
- **Time-limited funding for counties to build out an infrastructure for housing for youth in extended foster care.** Counties have an obligation to provide an appropriate placement for all foster youth, including youth in extended foster care. In some counties, the need for extended foster care placements exceeds the number of available placements. This funding program would help counties to increase the overall number of available placements.
- **Continued access to postsecondary education and financial aid.** Foster Youth Services Coordinating Programs (FYSCPs) should help coordinate enrollment and financial aid for high school seniors, and students who successfully transition to postsecondary education will need increased financial aid and grant funding as employment income and other financial resources deplete.
- **Strengthen transition planning requirements for transition age foster youth.** Transition plans should be developed with concreteness and specificity six months prior to emancipation, and they should include emergency plans to anticipate crises like this one.
- **Automatically waive age and participation requirements for extended foster care during a declared State of Emergency.** California's swift policy response to COVID-19 still left certain foster youth without a safety net, either because they turned 21 years old before Executive Order N-53-20 was signed or because challenges in disseminating information during the global pandemic led them to exit foster care and transitional housing on the mistaken belief that they were no longer eligible. We support legislation that would create an automatic extension of eligibility during a State of

Emergency, which would reduce delays, anxiety, and trauma for transition age foster youth in need of an emergency plan.

- **Ensure availability of civil legal aid to youth in extended foster care and former foster youth.** Civil legal aid funding is projected to decrease over the next few years, cutting off a critical source of basic needs and housing advocacy for transition age foster youth. As more Californians become eligible for free civil legal services, legal aid is a critical part of the state's policy response to COVID-19 and its funding should be sustained.
- **Revisit the current structure of extended foster care.** It is time to engage youth and their communities in reflecting on the first ten years of the extended foster care program and ensure that its approach and outcomes are consistent with the developmental needs of young adults, built on the strengths of communities, and meet the needs of transition age foster youth in an individualized and comprehensive manner.



# INTRODUCTION

The COVID-19 public health crisis has laid bare the gaps in our country's social safety net and the devastating consequences that result when people fall through the gaps. As critical housing, educational, and employment supports have cut programming or closed completely to comply with social distancing and shelter-in-place orders, California's transition age foster youth are at extreme risk of becoming ill, becoming homeless, and losing the resources that they need to successfully transition to independence. The systems that typically are responsible for care and support for these youth are under major strains and are trying to address increased need with decreased resources. The national economy is badly damaged and will not recover quickly, meaning that youth who age out of foster care during COVID-19 may have no source of income to pay rent or meet their basic needs.

Policymakers at every level must take immediate steps to ensure the housing stability and wellbeing of transition age foster youth. But they also must reexamine the state's current policy approach to youth in extended foster care and former foster youth. Young adults who grew up in foster care will need a robust and targeted

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policy response—a New Deal—to facilitate their transition to independence in the face of diminished housing and employment resources.

To date, Governor Newsom, the California Legislature, and the California Department of Social Services have taken the following emergency steps to meet the needs of this population:

- On April 17, 2020, Governor Newsom signed Executive Order N-53-20, allowing youth who would otherwise “age out” of foster care to remain in care until June 30, 2020.<sup>ii</sup>
- On April 18, 2020, CDSS issued guidance in the form of an All-County Letter that effectively suspended the usual school and work requirements for youth in extended foster care and called upon counties to take administrative steps to continue funding for youth who would otherwise emancipate from care.<sup>iii</sup>
- On June 15, 2020, Governor Newsom signed Executive Order N-69-20, extending certain provisions from Executive Order N-53-20, including flexibilities for counties to help with reentry and supervised independent living placement (SILP) approval without the usual in-person requirements.<sup>iv</sup>
- On June 26, 2020, the California Legislature passed the Budget Act of 2020, which includes \$32 million to allow youth to remain in extended foster care until June 30, 2021, as long as they turned 21 in extended foster care between April 17, 2020 and June 30, 2021.<sup>v</sup> The Budget Act and its accompanying trailer bills also contained provisions waiving participation requirements for youth unable to participate in work or school due to COVID-19; waiving in-person SILP approval requirements; and allowing counties to extend participation in THP-Plus beyond the statutory age and time limits.<sup>vi</sup> The Governor signed the Budget Act into law on June 29, 2020.

These efforts are a lifeline to youth who were imminently facing a 21st birthday during a pandemic. There is more work to do to build upon these efforts and ensure that transition age foster youth are safe, stable, and healthy in the years ahead.

Without leadership and prompt action, youth in foster care face an uncertain and challenging future. In this brief, the Youth Law Center enumerates several recommendations aimed at rebuilding the safety net for transition age foster youth so that it is stronger than it was before COVID-19. Although this brief focuses on California, many recommendations are nationally applicable.






# POLICY RECOMMENDATIONS

## 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



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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.**

State policymakers have waived the participation conditions for extended foster care until June 30, 2021. At minimum, to be consistent with current law, 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 one-year 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 involuntary<sup>vii</sup>—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.<sup>viii</sup> 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.<sup>ix</sup> 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.<sup>x</sup> 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. State law provides for 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 one year.**

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.<sup>xi</sup> 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 an additional year. The Legislature clarified counties' ability to offer such an extension during the budget process.<sup>xii</sup>

**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 one-year 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.<sup>xiii</sup> 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.<sup>xiv</sup> 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.**

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.<sup>xv</sup> Research has demonstrated the great impact that supports that provide stability, meet basic needs, and enhance parenting capacity can have on outcomes across generations.<sup>xvi</sup> 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 explicit law and policy to reinforce that legal protections against discrimination based on familial status applies to parenting foster youth across the full range of placements and housing options.<sup>xvii</sup> 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. Make targeted investments 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.**

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.<sup>xviii</sup> 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.<sup>xix</sup> We recommend that county placing agencies create a transition plan six months prior to exit, 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. Codify protections that automatically waive age and participation requirements for nonminor dependents during a State of Emergency.**

Governor Newsom's executive order allowing youth to remain in extended foster care upon attaining age 21 was signed six weeks after he declared a State of Emergency due to COVID-19—a rapid response by nearly any measure. A small but significant number of youth who aged out of care during those six weeks are not eligible for the more robust timelines that were put into place by the executive order and subsequent budget legislation. Other eligible youth did not learn about the executive order until after they had already been terminated from extended foster care and transitional housing—a consequence of the challenges of disseminating information in the middle of an emergency. Transition age foster youth will always be uniquely vulnerable during any kind of declared State of Emergency. We support current legislative efforts to automatically continue extended foster care supports for nonminor dependents who turn 21 whenever the Governor declares a State of Emergency, for a period of time that ensures housing stability and gives the Governor and Legislature time to develop a policy response.<sup>x</sup>

## **H. Ensure availability of civil legal aid to youth in extended foster care and former foster youth**

According to current projections, financial resources 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.

## **I. Reexamine the existing model of extended foster care and make necessary reforms, based on youth and community feedback.**

In 2010, California started building the most robust extended foster care program in the nation, with the recognition that stakeholders and policymakers would need to iterate and modify the program based on the lessons learned in implementation. Now is the time to revisit the existing model of extended foster care, through the lens of the past ten years and our current unprecedented crisis, and implement new strategies and structures. Driven by input from current and former foster youth and their families, policymakers should reexamine whether the common features of extended foster care—from reentry procedures to court hearings to foster care placement arrays—are developmentally appropriate for young adults. We should place a renewed focus on ensuring that youth in extended foster care—youth for whom the child welfare system did not achieve permanency prior to adulthood—build and maintain lifelong relationships and family connections as a critical safeguard against the isolation and disconnectedness that the global pandemic has magnified.

Additionally, policymakers should build on the strengths of communities by engaging with community-based organizations that have expertise in providing comprehensive and individualized supports to young people, experience building innovative programming in the face of systemic barriers, and a record of achieving successful outcomes on youth safety, stability, wellness, and resiliency.



# ENDNOTES

- 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](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 Executive Order N-53-20 is available at <https://www.gov.ca.gov/wp-content/uploads/2020/04/4.17.20-EO-N-53-20-text.pdf>.
- iii California Department of Social Services, All-County Letter 20-45, *Guidance Regarding Extended Foster Care Program Flexibilities due to COVID-19 Impacts*, April 18, 2020, available at <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2020/20-45.pdf>.
- iv Executive Orders N-53-20 and N-69-20, available at <https://www.gov.ca.gov/category/executive-orders/>.
- v Budget Act of 2020 (A.B. 89) § 55.
- vi *Id.*; Assembly Bill 79 (2020) §§ 57, 58.
- vii *THP-NMD & THP-Plus Annual Report 2018-19*, John Burton Advocates for Youth (Oct. 2019), p. 22, available at <https://www.jbaforyouth.org/wp-content/uploads/2020/04/V8-THP-NMD-THP-PLUS-Annual-Report-2019.pdf>.
- viii Cal. Welf. & Inst. Code § 16010.7.
- ix *Id.* § 16010.7(j).
- x *See THP-NMD & THP-Plus Annual Report 2018-19*, p. 22.
- xi Cal. Welf. & Inst. Code § 11403.2(a)(2).
- xii Assembly Bill 79 (2020) § 58.
- xiii Cal. Manual of Policies and Procedures § 30-920.1(p).
- xiv *Findings from the California Transitions to Adulthood Study (CalYouth)*, p. 20.
- xv *Id.* at pp. 124-26.
- xvi Annie E. Casey Foundation, *Creating Opportunity for Families: A Two-Generation Approach* (Nov. 2014), available at <https://www.aecf.org/resources/creating-opportunity-for-families/>.
- xvii *See* 42 U.S.C. § 3604. *See* Budget Act of 2019 (S.B. 109) § 16.
- xviii Senate Bill 860 (Beall 2020).
- xix Cal. Welf. & Inst. Code §§ 391(h)(1)(E), 16501.1(g)(16)(B).
- x Senate Bill 912 (Beall 2020).



The Youth Law Center (YLC) advocates to transform foster care and juvenile justice systems across the nation so every child and youth can thrive. For the past forty years, YLC has been a thought leader in advocacy for children and youth in the nation's child welfare and juvenile justice systems. We envision a world where systems interventions and approaches prioritize children's humanity and needs.

For more information about this policy brief, please contact [info@ylc.org](mailto:info@ylc.org).

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