



## **Transitional Housing Placement for Minors (THP-M) A Fact Sheet Prepared by the Youth Law Center**

### **What is THP-M?<sup>1</sup>**

The Transitional Housing Placement Program for Minors (THP-M) is a transitional housing placement for youth in foster care ages 16 to 18.<sup>2</sup> The THP-M program offers supervised, transitional housing services to foster youth under the supervision of the county welfare department or the juvenile probation department.<sup>3</sup> A transitional housing provider<sup>4</sup> can serve youth ages 16 to 18 years old, non-minor dependents,<sup>5</sup> or both.<sup>6</sup> The goal of THP-M is to assist youth transitioning from foster care to independent living by increasing the freedom and responsibilities of the youth as they near transition to extended foster care.<sup>7</sup>

The THP-M program is different from THP-NMD, transitional housing for **nonminor dependents** ages 18 to 21, and THP-Plus, transitional housing for **former foster youth** ages 18 to 24 (or 25 in participating counties). For more information about these two transitional housing programs, see Youth Law Center's Fact Sheets: [THP-NMD](#) and [THP-Plus](#).

### **What makes foster youth eligible for THP-M?**

Foster youth ages 16 to 18 must have a Transitional Independent Living Plan (TILP) in order to participate in THP-M.<sup>8</sup> The THP-M program then provides transitional housing and supportive services based on the contents of the TILP.<sup>9</sup> A TILP is a written service-delivery plan that identifies the youth's current level of functioning, emancipation goals, and the specific skills needed to prepare the youth to live independently upon leaving foster care.<sup>10</sup> The TILP is mutually agreed upon by the youth and support persons such as the social worker or probation officer.<sup>11</sup>

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<sup>1</sup> Note: THP-M used to be called the Transitional Housing Placement Program ("THPP"). The name was formally changed by Senate Bill 612 (Mitchell, 2017), effective January 1, 2018.

<sup>2</sup> Cal. Welf. & Inst. Code § 16522.1(a)(1).

<sup>3</sup> Cal. Welf. & Inst. Code §§ 11400(v)(2), 16522.2(a).

<sup>4</sup> Note: the terms "provider", "agency", and "licensee" are used interchangeably throughout this fact sheet.

<sup>5</sup> A nonminor dependent (NMD) is a 18 to 21 year-old who is currently in foster care under the placement and care of the county welfare department or county probation department and has a transitional independent living case plan Cal. Welf. & Inst. Code § 11400(v).

<sup>6</sup> Cal. Health & Safety Code § 1559.110(a)(2).

<sup>7</sup> California Department of Social Services (CDSS) All County Letter (ACL) 02-04 (2002), *available at* <http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl02/pdf/02-04.pdf>.

<sup>8</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1(d); Cal. Welf. & Inst. Code § 11400(v)(2).

<sup>9</sup> CDSS ACL 02-04 (2002) at 2.

<sup>10</sup> 22 Cal. Code Regs. 86001(t)(8).

<sup>11</sup> *Id.*

Foster youth ages 16 to 18 who want to participate in THP-M must also be enrolled in the county's Independent Living Program (ILP), which is a program for services and activities to assist foster youth 16 or older to make the transition to independent living.<sup>12</sup> For a youth 16 to 18 years old, the county ILP coordinator and the county department of social services or probation department need to approve the decision for the youth to reside in transitional housing.<sup>13</sup>

### **What kind of housing does THP-M provide?**

Transitional housing under THP-M can include either of the following programs:<sup>14</sup>

1. A host family certified by a transitional housing placement provider with whom a participant lives in an apartment; a single-family dwelling; or a condominium owned, rented, or leased by the host family; or
2. A staffed site in which a participant lives in an apartment; a single-family dwelling; or a condominium owned, rented, or leased by a transitional housing placement provider either with an adult employee of the provider who provides supervision, or in a building in which one or more adult employees of the provider reside and provide supervision.

Transitional housing placement providers must certify that housing units are adequate, safe, and sanitary.<sup>15</sup>

### **How does an agency become a transitional housing placement provider?**

To become a licensed transitional housing placement provider, an agency must first obtain a certification from the county specifying whether the facility will serve foster youth 16 to 18 years old, NMDs, or both.<sup>16</sup> The certification for THP-M must confirm that the programs provide certain services and supports as well as conform to state standards.<sup>17</sup>

*The certification for THP-M must confirm that the program provides the following (this list is non-exhaustive):*<sup>18</sup>

1. Admission criteria for participants in the program, including, but not limited to, consideration of the participant's age, previous placement history, delinquency history, history of drug or alcohol abuse, current strengths, level of education, mental health history, medical history, prospects for successful participation in the program, and work experience. Youth who are wards of the court described in Section 602 (i.e. youth placed in foster care by the juvenile probation department) and youth receiving psychotropic

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<sup>12</sup> CDSS ACL 02-04; 22 Cal. Code Reg. 86001(i)(1).

<sup>13</sup> Cal. Welf. & Inst. Code § 16522.2(a), Cal. Dept. of Social Services, Manual of Policies and Procedures 30-908.

<sup>14</sup> Cal. Health & Safety Code § 1559.110(d)(1)-(2).

<sup>15</sup> Cal. Health & Safety Code §§ 1559.110(c), 1501(b)(5).

<sup>16</sup> Cal. Health & Safety Code § 1559.110(a)(3); Cal. Welf. & Inst. Code § 16522.1.

<sup>17</sup> Cal. Welf. & Inst. Code § 16522.1.

<sup>18</sup> Cal. Welf. & Inst. Code § 16522.1(b); Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1.

medications shall be eligible for consideration to participate in the program and shall not be automatically excluded due to these factors.<sup>19</sup>

2. County review of the admission criteria to ensure that the criteria do not discriminate on the basis of sex, race, color, religion, ancestry, national origin, ethnic group identification, age, mental disability, physical disability, medical condition, genetic information, marital status, or sexual orientation.<sup>20</sup>
3. Strict employment criteria that include a consideration of the employee's age, drug or alcohol history, experience in working with persons in this age group, and criminal background checks.<sup>21</sup>
4. A training program (1) designed to educate employees who work directly with participants about the characteristics of foster youth in this age group placed in long-term care settings and (2) designed to ensure these employees can adequately supervise and counsel participants and provide them with training in independent living skills.<sup>22</sup>
5. A detailed plan for monitoring the placement of persons under the agency's care, evaluating the participant's progress in the program, and reporting to the independent living program and the county agency with jurisdiction.<sup>23</sup>
6. A contract between the foster youth and the THP-M provider that specifically sets out the requirements for each party, and in which the provider and the foster youth participant agree to the requirements of this article.<sup>24</sup>
7. Policies regarding, but not limited to, the following: education requirements, work expectations, savings requirements, personal safety, visitors, emergencies, medical problems, disciplinary measures, childcare, curfew, use of utilities, and grounds for termination.<sup>25</sup>
8. A staffing ratio of case manager to client not to exceed 1 to 12.<sup>26</sup>
9. Assurances that participants will be allowed the greatest amount of freedom possible and appropriate for their level of functioning to prepare them for self-sufficiency.<sup>27</sup>
10. Assurances that the housing is served by public transportation to enable the participant's reasonable access to schools, employment, appropriate supportive services, shopping, and medical care.<sup>28</sup>
11. A 24-hour emergency number provided to each participant.<sup>29</sup>

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<sup>19</sup> Cal. Welf. & Inst. Code § 16522.1(b)(1); Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1(b)-(c).

<sup>20</sup> Cal. Welf. & Inst. Code § 16522.1(b)(2); Cal. Gov. Code § 11135.

<sup>21</sup> Cal. Welf. & Inst. Code § 16522.1(b)(3); Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1(g).

<sup>22</sup> Cal. Welf. & Inst. Code § 16522.1(b)(4); Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1(g)(5).

<sup>23</sup> Cal. Welf. & Inst. Code § 16522.1(b)(5), (b)(11); Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1(h).

<sup>24</sup> Cal. Welf. & Inst. Code § 16522.1(b)(6).

<sup>25</sup> Cal. Welf. & Inst. Code § 16522.1(b)(9); Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1(q).

<sup>26</sup> Cal. Welf. & Inst. Code § 16522.1(b)(13).

<sup>27</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1(i).

<sup>28</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1(j).

<sup>29</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 30-911.1(m).

Once the THP-M provider has received county certification, it then must be licensed as a transitional housing placement provider by the Community Care Licensing Division of the California Department of Social Services using licensing standards in the California Code of Regulations.<sup>30</sup>

### **What funding is available for placement in THP-M?**

The placing agency (either child welfare or probation), through an administrative process, determines eligibility for foster care funding based primarily on whether a youth's home is an approved, licensed, or otherwise **eligible placement** under state and federal law.<sup>31</sup> To receive foster care funds on behalf of a minor in the THP-M program, the program must be licensed as a transitional housing placement provider.<sup>32</sup> The THP-M monthly foster care rate is set at the county level, based on a rate structure set in statute.<sup>33</sup>

### **Can participants in THP-M have children who live with them in the placement, and what funding is available?**

Foster youth participants in the THP-M program may have children who will live with them and an infant supplement to the foster care rate is available.<sup>34</sup> To the greatest extent possible, the foster youth parent and their child shall be provided with access to services targeted at supporting, maintaining, and developing the parent-child bond and the foster youth parent's ability to provide a permanent and safe home for the child.<sup>35</sup> Available services include but are not limited to: child care, parenting and child development classes, and additional funding to cover the costs of caring for the child.<sup>36</sup>

As of January 1, 2022, the rate paid for a pregnant minor or nonminor dependent for the three-month period immediately prior to the month in which the birth is anticipated shall include

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<sup>30</sup> Cal. Health & Safety Code § 1559.110(a); Title 22, Division 6, Chapter 7 (22 Cal. Code Regs. 86000 *et. seq.*) available here:

[https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I53965750D4BE11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)&bhep=1](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I53965750D4BE11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)&bhep=1). Note: currently, the updated THPP regulations (approved on September 14, 2021 and disseminated by Provider Information Notice (PIN) 21-26-CRP (Children's Residential Program)), available here:

<https://www.cdss.ca.gov/Portals/9/CCLD/PINs/2021/CRP/PIN%2021-26-CRP%20PIN%2021-26-CRP%20THPP%20Nonsubstantive%20Changes%20to%20Regulations%20Update.pdf?ver=2021-10-19-144024-970>) have the same numbering as the AB 12 Interim Regulations, so be sure to check which regulations are being cited/referenced while the regulations for the Transitional Housing Placement Program for Nonminor Dependents are still pending.

<sup>31</sup> Cal. Welf. & Inst. Code §§11401, 11402, 11403(e), 11401.5, 11401.6.

<sup>32</sup> Cal. Welf. & Inst. Code § 11402(d); Cal. Dept. of Social Services, Manual of Policies and Procedures 45-202.515.

<sup>33</sup> Cal. Welf. & Inst. Code § 11403.3(a)(1). The rate is 75 percent of the average foster care expenditures for foster youth ages 16 to 18, inclusive, in group home care in the county in which the program operates.

<sup>34</sup> CDSS ACL 02-04 at 3 and ACL 17-93, *available at*

<https://www.cdss.ca.gov/portals/9/acl/2017/17-93.pdf?ver=2017-10-02-114040-600>.

<sup>35</sup> Cal. Welf. & Inst. Code § 16002.5(a).

<sup>36</sup> *Id.*

the amount that would otherwise be paid to cover the care and supervision of a child, if born.<sup>37</sup> Any amount paid shall be an expectant parent payment used to meet the specialized needs of the pregnant minor or nonminor dependent and to properly prepare for the needs of the infant.<sup>38</sup> For more information about what additional services and funding may be available for parenting youth, see Youth Law Center’s Fact Sheet: [Rights of Pregnant and Parenting Foster Youth in California](#).

### **Can a provider or the county placing agency remove a youth from the THP-M program?**

Both the THP-M provider and the county placing agency may remove a youth from the THP-M program; however, certain removal and/or discharge procedures must be followed.<sup>39</sup> There is a difference between removals and placement changes that are initiated by the county placing agency and the THP-M provider, and their respective roles are discussed in this section.

For removals initiated by the THP-M provider, the applicable regulations require the provider to develop, maintain, and implement written policies and procedures governing a THP-M participant’s removal and/or discharge from the program.<sup>40</sup> The THP-M provider shall ensure that the THP-M participant and his/her authorized representative have an opportunity to participate in the development of a discharge plan for the participant prior to discharge and the participant and his/her authorized representative shall be provided a copy of the discharge plan.<sup>41</sup> When the THP-M provider determines that the THP-M can no longer “meet the needs” of the participant, the provider shall notify the authorized representative (usually the child welfare or probation agency) of the determination and provide written notice to the participant of removal.<sup>42</sup>

For removals instead initiated by county placing agencies (child welfare or probation), prior to issuing written notice of removal, the agency must develop, implement, and document a placement preservation plan in consultation with the Child and Family Team (CFT) for most

<sup>37</sup> Cal. Welf. & Inst. Code § 11465(e).

<sup>38</sup> *Id.*

<sup>39</sup> CDSS ACL 19-26 (2019), *available at*

<https://www.cdss.ca.gov/Portals/9/ACL/2019/19-26.pdf?ver=2019-05-13-154257-380>; 22 Cal. Code Reg. 86168.4.

<sup>40</sup> 22 Cal. Code Reg. 86168.4(a), CDSS ACL 02-04 (2002).

<sup>41</sup> 22 Cal. Code Reg. 86168.4(b).

<sup>42</sup> *Id.* at (c). Note: though the regulations indicate the THP-M licensee must provide seven days’ written notice, this regulation has been superseded by Assembly Bill 2247 (Gipson, 2018), effective January 1, 2018 *available at* [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB2247](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB2247) because AB 2247 requires 14 days written notice and does not exclude THP-M participants. *See also* CDSS ACL 19-26 (2019). Additionally, though AB 2247 and CDSS ACL 19-26 (2019) do not mandate these placement protection provisions for juvenile probation, Assembly Bill 153 (2021), effective July 16, 2021 *available at* [https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=202120220AB153](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB153) expands the placement protections of Cal. Welf. & Inst. Code § 16010.7 to youth placed by juvenile probation.

dependent foster youth placement changes.<sup>43,44</sup> If, after implementing the placement preservation strategy the county placing agency receives a placement change request from the caregiver or provider, or otherwise finds that a foster care placement change is necessary, state law requires a social worker, probation officer, or placing agency to provide a minimum of 14 days written notice prior to a removal.<sup>45</sup> Additionally, state law prohibits an unplanned foster care placement change to occur between the hours of 9 p.m. and 7 a.m., except in very limited circumstances.<sup>46</sup>

#### *What If Notice of Removal is Received Without a Placement Preservation Plan?*

If a notice of removal is received without a placement preservation plan implemented as discussed in Welf. & Inst. Code § 16010.7(b), the youth or advocate can request the creation of a placement preservation plan by communicating with the placing agency. The minor's dependency counsel or juvenile defender should request that the county placing agency schedule a CFT meeting for the development of a placement preservation plan as soon as possible upon receiving a notice of removal. A template letter to request the creation of a placement preservation plan can be found in the **Resources** section below.

If a minor believes that their rights under AB 2247 and AB 153<sup>47</sup> have been violated, the minor can contact the Office of the Foster Care Ombudsman.<sup>48</sup> Contact information for the Ombudsman is in the **Resources** section below. The minor and their advocate may also be able to pursue other remedies as discussed in the next section.

#### **What can a THP-M participant do if there are challenging issues with the THP-M provider or the participant believes their personal rights have been violated?**

THP-M participants and their advocates can pursue a number of strategies if the youth is experiencing difficulties with the THP-M provider or the youth believes that their rights have been violated. The youth or their advocate may contact the youth's social worker or probation officer, or the county placing agency regarding their concerns, and/or also pursue one or more of the strategies discussed below to preserve placement for the youth and ensure that their rights are protected.

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<sup>43</sup> Cal. Welf. & Inst. Code § 16010.7(b); CDSS ACL 19-26 (2019) at 2. Note: The county placing agency is permitted to make a placement change without complying with the requirements of Cal. Welf. & Inst. Code § 16010.7(b) in limited circumstances, including when: (1) [i]t is determined that remaining in the existing placement or providing prior written notice of that placement change poses an imminent risk to the health or safety of the dependent foster youth or other children in the home or facility; or (2) if the dependent foster youth's child and family team and the dependent foster youth, if they are 10 years of age or older, or if their representative if they are less than 10 years of age, unanimously agree to waive the placement change requirements. Cal. Welf. & Inst. Code § 16010.7(h); CDSS ACL 19-26 (2019) at 4.

<sup>44</sup> Note: A removal initiated by the county placing agency is by definition a placement change.

<sup>45</sup> Cal. Welf. & Inst. Code § 16010.7(e).

<sup>46</sup> Cal. Welf. & Inst. Code § 16010.7(f); CDSS ACL 19-26 (2019) at 3.

<sup>47</sup> See footnote 42 regarding these two bills.

<sup>48</sup> Cal. Welf. & Inst. Code §§ 16010.7(g), 16164(a)(2), 16001.9(a)(41).

*Bring the Issue to the Attention of the Juvenile Court*

THP-M participants are foster youth under the jurisdiction of the juvenile court. Once the juvenile court has jurisdiction over the youth<sup>49</sup>, the court can make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of the child.<sup>50</sup> The court is also responsible for making placement orders regarding the youth.<sup>51</sup> The court also has authority to “join” certain public and private agencies to the juvenile court case to ensure that they fulfill their legal duties to a youth.<sup>52</sup>

*Contact or File a Complaint with the Office of the Foster Care Ombudsman*

The Foster Youth Bill of Rights applies to all minors and nonminors in foster care, including those supervised by juvenile probation.<sup>53</sup> If any of these rights have been violated, a youth may contact or file a complaint with the Office of the Foster Care Ombudsman.<sup>54</sup> Contact information for the Foster Care Ombudsman is provided in the **Resources** section below.

*File a Community Care Licensing Complaint*

Anyone can file a licensing complaint with the California Department of Social Services’ Community Care Licensing (CCL) Division if a THP-M agency has violated the state laws and regulations that govern it.

To make a complaint, contact the appropriate [Children’s Residential Regional Office](#) based on the county where the THP-M program is located. If the youth or their advocate cannot reach the regional office, they may also call CCL’s complaint hotline at (844) 538-8766. It is important for youth in THP-M to consult with an advocate to carefully document licensing violations (including citations to the laws, regulations, or licensing standards violated) to support their complaint, because CCL can find an allegation to be unsubstantiated if presented with conflicting information, a complainant who is absent or inaccessible, or a lack of physical evidence.

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<sup>49</sup> Under Cal. Welf. & Inst. Code § 300 for youth in the child welfare system or Cal. Welf. & Inst. Code §§ 601 or 602 for youth in the juvenile justice system.

<sup>50</sup> Cal. Welf. & Inst. Code §§ 362(a), 727(a).

<sup>51</sup> Cal. Welf. & Inst. Code §§ 361.2(e), 727(a)(3).

<sup>52</sup> Cal. Welf. & Inst. Code § 362(b), 727(b); Cal. Rules of Court, rule 5.575. THP-M housing programs are agencies that could be joined under Cal. Welf. & Inst. Code § 362(b), 727(b) if they are not fulfilling their duties to the youth.

<sup>53</sup> Cal. Welf. & Inst. Code § 16001.9(a). The Foster Youth Bill of Rights was updated in 2019 through Assembly Bill 175 to explicitly include nonminor dependents and to expand foster youth’s rights. See CDSS ACL 21-69 (2021), available at

<https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-69.pdf?ver=2021-06-25-155859-067> for background on the Foster Youth Bill of Rights and the recent expansion.

<sup>54</sup> The Office of the Foster Care Ombudsman provides a neutral and independent office that helps solve problems and complaints about the care, placement, and services of children and youth in foster care. See Cal. Welf. & Inst. Code § 16160 *et. seq.*.

*Request a Grievance Review Hearing*

The THP-M participant and their advocate may be able to request a Grievance Review Hearing in response to the placement or removal of a child from a foster home.<sup>55</sup> The complainant shall file the grievance review request within ten calendar days after becoming aware of the action under complaint.<sup>56</sup> Unless the youth is in immediate danger, he/she shall remain with the foster parent(s), pending the decision of the county director, when removal is the basis for a complaint.<sup>57</sup> There are limited circumstances when there is no right to a grievance review hearing.<sup>58</sup>

Grievance review request forms may vary county to county. If the youth was not provided a grievance review request form by the county placing agency, a template letter can be found in the **Resources** section below.

*Request a State Fair Hearing*

THP-M is a public social services program funded and supervised by the California Department of Social Services, administered by the counties. Because THP-M is a public social services program, youth are entitled to a notice of termination of the THP-M benefit and right to appeal that termination through a state fair hearing.<sup>59</sup> Specifically, youth are entitled to:

1. **Written notice of any change or termination of that social services program benefit.**

<sup>60</sup> Verbal notice, though common, is insufficient. When a benefit is scheduled to cease, a youth must receive adequate written notice that specifies the type of benefit, the date that it will terminate, the reason it will terminate, and the youth's appeal rights.<sup>61</sup> The notice must be mailed at least ten days in advance of the effective date of termination from the

<sup>55</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 31-020.1. Note: The intent of this regulation was likely to limit the regulation to foster homes, but the language could be interpreted to apply to provide a youth a mechanism to complain about placement changes generally or placement/removal to or from a foster home specifically (e.g. THP-M with a host family, removal from THP-M and placement in a foster family home).

<sup>56</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 31-020.34.

<sup>57</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 31-020.7.

<sup>58</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 31-020.2. These circumstances include:

- Removal of a child occurred under circumstances where the agency is not required to give notice of removal (*see* Welf. & Inst. Code § 16010.7(b), (e) for circumstances).
- Removal of a child or modification of services results from an administrative review panel determination.
- Removal of a child occurs for direct placement into an adoptive home.
- Any complaint regarding only the validity of a law or of a statewide regulation.
- Any complaint regarding an issue for which a state hearing is available as specified in Welfare and Institutions Code §§ 10950 – 10965.

<sup>59</sup> *See* Cal. Dept. of Social Services, Manual of Policies and Procedures 22-001(a)(3)(A), containing a list of public social services programs subject to a state hearing. The list includes “the Social Services Programs described in Divisions 30 and 31 of the Manual of Policies and Procedures (MPP).” The THP-M program is described in Cal. Dept. of Social Services, Manual of Policies and Procedures 30-900 - 30-911.

<sup>60</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 22-001(a)(1).

<sup>61</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 22-001(a)(1); MPP §22-071.13.



program.<sup>62</sup> The notice must be a CDSS or county-developed form, prepared in clear language, and should inform the participant what information or action, if any, is needed to reestablish eligibility.<sup>63</sup>

2. **A state fair hearing to challenge the county’s decision before an administrative law judge (ALJ).** The youth can challenge the agency’s determination by **requesting a state fair hearing** through the California Department of Social Services’ State Hearings Division to continue their foster care benefits if the youth believes that they are still eligible.<sup>64</sup> The appeal will be heard through by an administrative law judge and not by the juvenile court.

Minor foster youth and anyone receiving foster care benefits on their behalf (like THP-M programs) should therefore be entitled to the same protections given that they are such recipients. Contact information for the State Fair Hearings Division is provided in the **Resources** section below.

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<sup>62</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 22-001(t)(1), 22-072.4. The ten-day count does not include the day of mailing or the effective day of the action.

<sup>63</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 22-071.3 – 22-071.6.

<sup>64</sup> Cal. Dept. of Social Services, Manual of Policies and Procedures 22-001(a)(3)(A). See generally *Goldberg v. Kelly*, 397 U.S. 254, 275 (1970) (holding that “to cut off a welfare recipient in the face of ‘brutal need’ without a prior hearing of some sort is unconscionable, and therefore, unconstitutional.”).

## Resources

California Department of Social Services, MANUAL OF POLICIES AND PROCEDURES

<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Legislation-and-Regulations/Adult-Services-Regulations>

California Department of Social Services, ALL COUNTY LETTERS

<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Letters-and-Notices/All-County-Letters>

California Department of Social Services, TRANSITIONAL HOUSING PROGRAMS FOR CURRENT AND FORMER FOSTER YOUTH

<http://www.cdss.ca.gov/inforesources/Foster-Care/Transitional-Housing-Programs>

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION COMPLAINT HOTLINE

<http://www.cdss.ca.gov/inforesources/CCLD-Complaint-Hotline>

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION ADMINISTRATIVE GUIDANCE

<https://www.cdss.ca.gov/inforesources/childrens-residential/public-info-and-policies>

California Department of Social Services, STATEWIDE CHILDREN'S RESIDENTIAL PROGRAM REGIONAL OFFICES

<https://www.cdss.ca.gov/Portals/9/CCL/ChildrensResidentialDirectory.pdf>

California Department of Social Services, STATE HEARING REQUESTS

<https://www.cdss.ca.gov/hearing-requests>

Office of the Foster Care Ombudsman, COMPLAINTS

<https://fosteryouthhelp.ca.gov/file-a-complaint/>

Advokids, PLACEMENT PRESERVATION STRATEGY REQUEST-TEMPLATE LETTER

<https://advokids.org/wp-content/uploads/2020/10/Placement-Preservation-Strategy-Request-Template-2.docx>

Advokids, GRIEVANCE REVIEW HEARING REQUEST TEMPLATE

<https://advokids.org/wp-content/uploads/2019/11/Grievance-Review-Hearing-Request-Template.docx>

Welfare and Institutions Code

<https://leginfo.legislature.ca.gov/faces/codesTOCSelected.xhtml?tocCode=wic>