



THP-NMD

An Advocacy Guide
to Preventing
Involuntary Exits

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INTRODUCTION

The goal of this advocacy guide is to point youth and their advocates to legal information and strategies to help stabilize housing and prevent involuntary exits from the Transitional Housing Placement Program for Non-Minor Dependents (THP-NMD).

THP-NMD, formerly called “THP-Plus Foster Care,”¹ is a foster care placement created in 2010 by the California Fostering Connections to Success Act.² THP-NMD programs provide housing and supportive services to foster youth from 18 up to 21 years of age.³ THP-NMD is designed to be more than just housing. It is a foster care placement intended to provide individually tailored support and services to youth with a focus on building independence to the extent a young person is able. This supportive, transitional environment is a critical part of the extended foster care placement array for those young people needing or desiring a supportive, transitional placement.

Access to transitional housing and supportive services is essential for young adults in foster care,⁴ yet many eligible youth encounter obstacles in accessing these programs,⁵ and once admitted, do not stay in their transitional housing programs for the full period of eligibility and are forced to exit these programs involuntarily.⁶ In fiscal year 2019-2020, the average length of participation in THP-NMD was 14.27 months.⁷ That’s less than half of the maximum possible duration of participation, 36 months. Of those exits from THP-NMD, 32 percent were involuntary.⁸ This guide is focused on exits from THP-NMD, but does address some access issues as well.

Many of the stated reasons for involuntary exits—interpersonal conflict, behavior-related violations of program rules, failure to meet program requirements, etc.—can be addressed through trauma-informed programming and individualized service delivery, rather than through involuntary exits. THP-NMD youth participants and their advocates should familiarize themselves with the laws and regulations governing THP-NMD agencies,⁹ ongoing programmatic responsibilities, child welfare and probation agency duties and practices related to planning and services, and the due process rights THP-NMD participants have when facing an involuntary exit. This advocacy guide summarizes some of the legal authorities that can aid participants and their advocates in preventing involuntary exits and in requesting program supports that could reduce the likelihood of an involuntary exit.

To begin, pages 3-10 of this guide describe the extended foster care program, including the ways in which juvenile courts and county placing agencies work together to support nonminor dependents. Pages 11-33 focus on THP-NMD placements and describes the legal duties of THP-NMD agencies under the California Welfare and Institutions Code and corresponding regulations. Pages 34-39 provide a general overview of rights that THP-NMD participants may have under state and local landlord-tenant law. Finally, pages 40-43 discuss rights and remedies under federal and state fair housing law. Each section includes a summary of the law as well as advocacy tips for ensuring housing stability for THP-NMD participants. The document ends with a high-level checklist for youth and their advocates and other appendices.

Throughout this guide, keep in mind that an “involuntary exit” can encompass the loss of two distinct but overlapping components of THP-NMD: (1) the THP-NMD program (i.e. the supportive services and foster care funding), and (2) the youth’s possession of the housing unit that was secured by, but may not be owned by, the THP-NMD agency. The loss of one component may not automatically result in the loss of the other. It is important for advocates to discern which component of the program is at issue (supportive services/foster care funding, housing, or both), utilize the appropriate advocacy strategies, and work with nonminor dependents to understand the risks and responsibilities associated with each strategy. We will revisit, and attempt to disentangle, these dual THP-NMD components throughout this advocacy guide.

To understand how these laws will apply to any specific case, consult a legal services attorney. Many of the legal resources and strategies described in this advocacy guide may be applicable to other transitional or supportive housing programs.¹⁰ For specific information related to youth in Transitional Housing Program-Plus (THP-Plus) (transitional housing for former foster youth ages 18-24, or 25 in some counties), see the Youth Law Center’s advocacy guide Preventing Involuntary Exits from THP-Plus: An Advocacy Guide.¹¹

The information provided in this advocacy guide does not constitute legal advice. All content is for general informational purposes only. This guide was last updated in October 2021. For any questions related to this advocacy guide, please contact info@ylc.org.



EXTENDED FOSTER CARE: AN OVERVIEW

In 2010, California opted in to receive federal foster care funding for foster youth ages 18 to 21 through the passage of Assembly Bill 12, the California Fostering Connections to Success Act. AB 12 allows eligible youth to remain in care as “nonminor dependents” and access age-appropriate supports to help them transition to adulthood, including housing and placement services. As described beginning on page 8, THP-NMD is one of several placement options available to nonminor dependents. Although participation of nonminor dependents in extended foster care is voluntary, all THP-NMD participants are under the jurisdiction of the juvenile court and in the care of their county placing agency, which may be a social services agency, a juvenile probation department, or a tribe. To advocate effectively for nonminor dependents, including those who live in THP-NMD, advocates must understand the different decision makers, rights, and responsibilities that apply to the extended foster care program.

ELIGIBILITY

Young adults are eligible to remain in foster care as nonminor dependents until they turn 21 years old if they meet all three of the following requirements:

1. **They must have turned 18 years old while subject to a foster care placement order through the juvenile dependency or delinquency court;** or if they turned 18 under a juvenile court legal guardianship or adoption order, then lost the support of their legal guardian or adoptive parent.^{12,13}
2. **They must be under the placement and care responsibility of the county placing agency** (child welfare agency, juvenile probation department, or tribe/organization).¹⁴ This requirement is met when the juvenile court has ordered foster care placement or, if the youth exited foster care at some point and the juvenile court has not yet resumed jurisdiction, when the nonminor dependent signs a Voluntary Re-entry Agreement with the placing agency.¹⁵

3. **They must have a transitional independent living case plan (TILCP)**, a document developed jointly by the county placing agency and the nonminor dependent.¹⁶ For a nonminor dependent who exited foster care at some point, a TILCP is not required until 60 days after the court has resumed jurisdiction over their case.¹⁷ The TILCP must include a plan for the youth to satisfy one of five participation conditions:

- Be enrolled in a high school or equivalent program;
- Be enrolled in college or vocational education program at least half-time;
- Participating in a program or activity designed to remove barriers to employment;
- Employed at least 80 hours a month; or
- Be unable to fulfill these requirements because of a medical condition.¹⁸

Nonminor dependents are eligible to continue participating in extended foster care up to age 21 unless they opt out or the juvenile court determines they are no longer eligible and holds a hearing pursuant to Welfare and Institutions Code Section 391.¹⁹ If they do exit extended foster care, they may request to re-enter care at any time before age 21, and may do so an unlimited number of times.²⁰

Eligibility Changes Due to COVID-19:

New laws enacted to address the COVID-19 public health emergency allow counties to be more flexible with the eligibility requirements for current nonminor dependents age 18-21 and for funding extensions for youth who turned 21 after January 27, 2020. California Assembly Bill 128²¹ and Senate Bill 129²² authorize young adults who were in extended foster care when they turned 21 years of age on or after January 27, 2020 to continue to receive foster care assistance payments and case management through December 31, 2021 upon the signing of a voluntary reentry agreement. Additionally AB 128 and SB 129 continue to waive participation requirements for nonminor dependents ages 18-21 through December 31, 2021, so long as the Federal Stafford Act flexibilities do not expire sooner.²³

These emergency laws provided critical support to young people during the public health crisis, including many youth currently in THP-NMD placements. Unfortunately, neither the health crisis nor the many social and economic crises it unleashed are likely to end on December 31, 2021, but many of the resources and extensions supporting youth will nonetheless expire. This creates a cliff-edge that youth will need significant support to avoid. It is imperative that advocates reach out to young people as soon as possible to help ensure appropriate plans are in place for these transitions. This includes assessing eligibility for THP-Plus housing and services as well as any other supports available. For additional guidance on transition and emergency planning, see Youth Law Center's Resource: Emergency Planning with Transition-Age Youth in California's Foster Care System: A Checklist for Dependency Attorneys, Youth Providers, and Advocates.²⁴

PERSONAL RIGHTS OF NONMINOR DEPENDENTS

Advocates should familiarize themselves with the California Foster Youth Bill of Rights, which includes nonminor dependents and foster youth supervised by the juvenile probation department.²⁵ The Foster Youth Bill of Rights confers broad protections for foster youth and can be used as a legal anchor for a variety of advocacy strategies. This guide explains how the Foster Youth Bill of Rights can be used in licensing investigations beginning on page 27.

Additionally, California law states that nonminor dependents, though under the jurisdiction of the juvenile court, are adults and have all the rights that a person who has attained 18 years of age may have as an adult under California law.²⁶

If a nonminor dependent believes that their rights have been violated, the nonminor may contact or make a complaint with the Office of the Foster Care Ombudsman,²⁷ ask their court-appointed dependency attorney or juvenile defender to intervene or address the issue with the juvenile court, or file a community care licensing complaint (as discussed on pages 27-32).

FUNCTIONS OF THE JUVENILE COURT AND COUNTY PLACING AGENCY


Because all THP-NMD participants are still in foster care, advocates working with youth in THP-NMD should engage with the juvenile court and the county placing agency (child welfare agency or juvenile probation department) to ensure the nonminor dependent’s housing stability through their overlapping, yet distinct, functions, as summarized in the chart below:²⁸

	Juvenile Court	County Placing Agency
Eligibility for Extended Foster Care	Has sole authority to determine whether a youth is a nonminor dependent based on the legal definition and eligibility criteria. ²⁹ The court has the sole discretion to make this determination at every stage of the proceeding, including reentry. ³⁰	Ensures the nonminor dependent’s ongoing eligibility and submits to the court the information necessary to determine and make a finding of eligibility. ³¹

	Juvenile Court	County Placing Agency
Finding and Maintaining an Appropriate Placement	<p>Must make a finding at least every six months that the nonminor dependent's placement is appropriate and may order the county placing agency to identify and assist with finding a new placement.³² The court must also make a finding that reasonable efforts were made by the social worker or probation officer to comply with the TILCP (Transitional Independent Living Case Plan), including efforts to finalize the nonminor dependent's permanent plan, efforts to maintain relationships between a nonminor and individuals who are important to the nonminor, and efforts to prepare the youth for independence.³³ This includes maintaining and stabilizing placement.³⁴</p>	<p>Is responsible for identifying and securing a safe and appropriate placement for the nonminor dependent (including THP-NMD) and assessing the county placing agency's own capacity to provide safe and appropriate placements for all nonminor dependents in the county.³⁵ Nonminor dependents must be included in the selection and identification of a placement and in any placement decisions.³⁶</p>
Funding for Placement	<p>Makes the necessary prerequisite findings and orders the county placing agency will use to ensure that nonminor dependents are eligible for foster care funding.³⁷ The court's placement orders, and a youth's entitlement to placement, are not dependent on the actual availability of any particular type of funding.</p>	<p>Is responsible for completing the SOC 161 form³⁸ to establish a nonminor dependent's eligibility for foster care funds, including the infant supplement for parenting youth, to support their current placement (including THP-NMD) and confirming that the placement is approved or licensed under state law.³⁹ The county placing agency is also responsible for giving adequate and timely notice for any changes to youth's foster care funding, including suspension of funding under specific circumstances.⁴⁰ The county placing agency must follow the orders of the court and ensure that a nonminor dependent has an appropriate placement regardless of the availability of funding.</p>

	Juvenile Court	County Placing Agency
Transitional Independent Living Case Plan (TILCP)	Reviews the TILCP every six months and makes findings and orders regarding its appropriateness including whether reasonable efforts were made by the social worker or probation officer to comply with the TILCP, to finalize the youth's permanent plan and prepare the nonminor dependent for independence, and to maintain relationships between the nonminor dependent and individuals who are important to the nonminor dependent. ⁴¹	Must engage in case planning with the nonminor dependent to ensure the nonminor dependent's success and continued participation in extended foster care and document this process in the TILCP every six months. ⁴² The TILCP should identify the reasonable efforts the agency will make to complete or assist the NMD in completing the components of the plan. ⁴³
Coordinating Services & Care	Evaluates and makes findings as to the county placing agency's reasonable efforts, which should include the efforts to appropriately coordinate care and services and to meet their obligations related to interagency coordination of service provision. ⁴⁴ Has authority to "join" certain public and private agencies to ensure that they fulfill their legal duties to a nonminor dependent. ⁴⁵	Is obligated to provide ongoing, reasonable efforts to effectuate the TILCP. To do this it must, at a minimum, engage with service providers as needed to support the nonminor dependent's TILCP goals, including goals related to education, financial literacy, establishing mentorship with supportive adults, upkeep of important documents, mental health counseling, and employment. ⁴⁶
Termination of Extended Foster Care	Has sole authority to terminate jurisdiction over a nonminor dependent following a noticed hearing and after making required findings at such a hearing. ⁴⁷	Does not have authority to terminate eligibility for extended foster care without a juvenile court termination order, but may submit a court report recommending termination. ⁴⁸ Any such recommendation should be accompanied by a summary of their reasonable efforts to provide the nonminor with the assistance needed to maintain eligibility as a nonminor dependent, and verification that the nonminor was informed of their right to re-enter care before age 21. ⁴⁹ The County Placing Agency may not cease to provide case planning, reasonable efforts or an appropriate placement unless and until a court terminates jurisdiction.

Coordination of these functions can be critical for a nonminor dependent who relies on housing through THP-NMD. For example, if a youth living in THP-NMD is facing court termination from extended foster care, advocates should alert the court that termination of extended foster care will result in an immediate loss of THP-NMD housing and work with the youth's dependency attorney or juvenile defender to contest the termination. Or, if a youth is trying to enter THP-NMD but is not currently in foster care, advocates can help the youth reach out to the county placing agency to sign a Voluntary Reentry Agreement to facilitate immediate housing support and then assist the youth in petitioning the juvenile court to resume jurisdiction over the youth as a nonminor dependent.⁵⁰ When a youth makes a request to re-enter foster care, the placing agency should immediately assess the youth's circumstances and complete a SOC 163 Voluntary Reentry Agreement. This initial assessment and completion of the form should not be delayed.⁵¹



When a youth makes a request to re-enter foster care, the placing agency should immediately assess the youth's circumstances and complete a SOC 163 Voluntary Reentry Agreement.

SUPERVISED INDEPENDENT LIVING SETTINGS AVAILABLE TO NONMINOR DEPENDENTS

THP-NMD is one of many foster care placement options available to nonminor dependents, and each placement has various eligibility requirements and funding. Some of the other placement options for NMDs include the home of an approved resource family or a supervised independent living placement (SILP).⁵² This guide will discuss the statutory and regulatory requirements of THP-NMD, the funding associated with THP-NMD, and ways to challenge funding denials in the next section.

Example 1:

DAVID



David is 19 years old. When David was 17 years-old, the juvenile court made a foster care placement order, placing David in a group home. David remained in the group home placement until his 18th birthday, but he decided to exit extended foster care shortly after his 18th birthday and his juvenile court case closed. David has been couch surfing for the last year, and moving between two different counties. David just started a job working with his uncle but has not yet received his first paycheck. His best friend is in THP-NMD housing through extended foster care, and David wants to know if he is eligible for the same housing program.

ADVOCACY CONSIDERATIONS

- ▶ David will need to re-enter extended foster care to be eligible for THP-NMD housing since he is not currently in extended foster care. Is David willing to re-enter extended foster care?

No, David is not willing to re-enter foster care. David would not be eligible for THP-NMD housing, but he could be eligible for THP-Plus transitional housing as a former foster youth. However, this is generally not preferable since THP-Plus is time-limited and THP-NMD is not (See pages 11-12 for basics about the THP-Plus program).

Yes, David is willing to re-enter extended foster care. David should be eligible to re-enter since he was subject to a juvenile court order for foster care placement on his 18th birthday.

- ▶ Discuss the five extended foster care participation requirements with David to help him identify which he might satisfy and help David contact the county placing agency⁵³ to complete a Voluntary Re-Entry Agreement (“VRA”) (SOC 163).⁵⁴
- ▶ Advise David that when he meets with the county placing agency, he should tell the social worker (or juvenile probation officer if he was a probation-supervised foster youth) that he would like to be placed in THP-NMD Housing. Also inform David that he has a right to a safe and appropriate placement as soon as the VRA is signed (even before his re-entry hearing with the court), so he should request immediate placement when he speaks to the county placing agency.
- ▶ Let David know that if, instead of THP-NMD housing, he would like to explore having a current living arrangement approved (like a Supervised Independent Living Placement), he should ask the county placing agency to review that option.

- ▶ Advise David that someone will complete and file the JV-466 Petition to Request Return to Juvenile Court Jurisdiction and Foster Care with the juvenile court clerk on his behalf. The county placing agency has a legal obligation to complete and file the form, but an advocate or attorney could also complete and file the form to expedite court re-entry.
- ▶ Simultaneously help David to complete an application for THP-NMD Housing, or advise him to ask the county placing agency to help him complete it as quickly as possible (especially since many THP-NMD agencies have waitlists).



THP-NMD STATUTORY AND REGULATORY REQUIREMENTS

WHAT IS THP-NMD?

The Transitional Housing Placement Program for Nonminor Dependents (THP-NMD) is part of the placement array available to NMDs through the extended foster care program. The chart below highlights the differences between THP-NMD and other housing programs designed for older youth in foster care and youth who have recently exited foster care. Confirming that a youth is residing in a THP-NMD program—rather than THP-Plus or another transition age youth (TAY) housing program—is an important first step in understanding and enforcing their legal rights.

	THP-M Transitional Housing Placement Program for Minors	THP-NMD Transitional Housing Placement Program for Nonminor Dependents	THP-Plus Transitional Housing Program-Plus
Age	16 up to 18 years old	18 up to 21 years old	18 up to 24 years old (25 in certain counties)
Duration of Program	No maximum duration if age requirements met	No maximum duration if age requirements met	24 months (36 months in certain counties)

Status of Foster Care Case	Must have an order for foster care placement under the jurisdiction of the juvenile court as a dependent or ward, including minors under transition jurisdiction.	Must be under the jurisdiction of the juvenile court as a nonminor dependent or ward, including nonminors under transition jurisdiction, or be under the placement and care authority of a county welfare or probation department pursuant to a voluntary reentry agreement.	Must have exited from the foster care system, including foster care placement through probation, on or after 18 th birthday. This includes youth who reentered and spent time in extended foster care after exiting to guardianship or adoption. ⁵⁵
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Living settings for THP-NMD include living with a host family that has been selected and screened by the provider, living in a single site where the NMD lives in an apartment building or single family home rented or owned by the provider with one or more adult staff on site, and a remote site where single units are rented or owned by the provider and the non-minor dependent lives independently with regular check-ins with staff.⁵⁶ In appropriate cases, a THP-NMD setting may cosign a lease with a nonminor dependent, but a nonminor may not be the only one to sign a lease or rental agreement.⁵⁷ All THP-NMD placement settings include case management, supervision, and supportive services to assist youth in meeting their educational and employment goals, improving life skills, and building financial literacy.⁵⁸

THP-NMD agencies are licensed as children’s residential facilities by the Community Care Licensing Division (CCLD) of the California Department of Social Services (CDSS). To become a licensed transitional housing placement provider, a provider must first obtain a certification from the county specifying whether the facility will serve foster youth 16 to 18 years old, nonminor dependents, or both.⁵⁹ The county certification for THP-NMD must confirm all of the following:

- That the program is needed by the county.
- That the transitional housing placement provider is capable of effectively and efficiently operating the program.
- That the transitional housing placement provider is willing and able to accept the AFDC-FC-eligible⁶⁰ nonminor dependents for placement by the placing agency who need the level of care and services that will be provided by the program.
- That the program’s plan of operation is suitable to meet the needs of the identified population.
- That the program maintains a staffing ratio for nonminor dependents of case manager to participant not to exceed a shared average caseload of 1 to 12, inclusive, with a designated lead case manager assigned to each youth.

- That the provider has established a process, which includes the county if the county chooses to participate, to evaluate whether a participant may be placed with a nonparticipant.^{61, 62}

After receiving the county certification, the CCLD of the California Department of Social Services (CDSS) can then license transitional housing placement providers using licensing standards in the California Code of Regulations. CCLD promulgates regulations, including interim regulations, that govern the operations and duties of all THP-NMD programs. The rules governing THP-NMD can be found in the THPP regulations (Title 22, Division 6, Chapter 7),⁶³ AB 12 Interim Regulations for THPP (Title 22, Division 6, Chapter 7, Subchapter 1: Nonminor Dependents),^{64,65} general licensing regulations (Title 22, Division 6, Chapter 1)⁶⁶, and the Manual of Policy and Procedures Sections 30-901—30-920.⁶⁷ The interim regulations are still in effect for THP-NMD because CCLD has yet to issue regulations specific to this placement type.⁶⁸ However, CCLD is in the process of promulgating regulations, which are currently expected to be finalized some time in 2022. Further guidance on THP-NMD can be found in All County Information Notice Number I-40-11,⁶⁹ and All-County Letters (ACLs) 11-69,⁷⁰ 12-44, and 11-77. CDSS has authority to issue new guidance as appropriate.⁷¹ Each THP-NMD Agency should have a program statement on file that is approved by CDSS.⁷² CCLD also has responsibility for investigating complaints about providers, and maintains a website with information about each provider's recent licensing and complaint history as well as written investigation reports.⁷³ Information on how to file a CCL complaint and advocacy strategies can be found beginning on page 27 of this guide.

FUNCTIONS OF THE COUNTY PLACING AGENCY AND THP-NMD AGENCY

Nonminor dependents who are in THP-NMD have been placed in that setting because their transitional independent living case plans (TILCPs) identified a transitional housing setting as the best setting to meet their needs. THP-NMD agencies fulfill important responsibilities in implementing a nonminor dependent's TILCP, in consultation and coordination with the county placing agency.


Prior to placement in a THP-NMD setting, the THP-NMD agency shall work jointly with the placing agency to complete a Pre-Placement Appraisal of the nonminor dependent.⁷⁴ The appraisal shall include, but not be limited to: confirmation that the nonminor dependent does not pose a threat to children in the THP-NMD; overall health and health history; physical and developmental disabilities; mental health and mental conditions; and social factors like dislikes, interests and activities.^{75, 76} The appraisal shall also specify the THP-NMD agency's ability to meet the needs of the nonminor dependent.⁷⁷ The nonminor dependent should not be subject to a criminal records check for admission into the THP-NMD housing.⁷⁸ The appraisal may not include a request for or consideration of a youth's confidential delinquency history, and under no circumstances may it include review of a sealed delinquency case.⁷⁹

Finally, the THP-NMD Agency must follow federal and state fair housing laws and reasonable accommodation requirements, including at admission, and cannot use discriminatory bases for excluding youth from the THP-NMD program and housing.⁸⁰ Advocates should look out for whether a program-exclusion violates federal or state antidiscrimination laws. For instance, a THP-NMD admission denial because the nonminor is pregnant or has a child may constitute discrimination on the basis of pregnancy or familial status. Such an admission denial may also constitute discrimination on the basis of a disability.⁸¹

Nothing in the regulations governing THP-NMD housing provide a basis for failure to comply with existing legal requirements and protections including the confidentiality provisions in Welfare and Institutions Code Section 827. Indeed, nonminors retain all of their adult legal rights and decision-making authority while participating in extended foster care, and nothing in the Welfare and Institutions Code or the interim regulations should be interpreted to interfere with these rights.⁸²

When a nonminor dependent is facing an involuntary exit from THP-NMD, it is not always clear whether that decision was made by the THP-NMD agency, the county placing agency, or both.

In fact, county placing agencies and THP-NMD agencies have overlapping responsibilities at intake, during the youth's placement in THP-NMD, and upon discharge, and should work together to ensure coordinated service provision and housing stability for the nonminor dependent. The chart on the next page summarizes the key responsibilities of each agency.



The THP-NMD Agency must follow federal and state fair housing laws and reasonable accommodation requirements, including at admission, and cannot use discriminatory bases for excluding youth from the THP-NMD program and housing.

	County Placing Agency	THP-NMD Agency
Safe & Appropriate Placement	<p>Responsible for identifying and securing a safe and appropriate placement for all nonminor dependents under the placement and care of the county placing agency, securing foster care benefits to pay for placement, and giving timely and adequate notice if funding is suspended under certain circumstances.⁸³ Regardless of funding issues, placing agencies remain responsible, at all times, for providing appropriate placements to all nonminors under the jurisdiction of the juvenile court or subject to a voluntary reentry agreement.⁸⁴</p>	<p>Works with the placing agency to complete a Pre-Placement Appraisal of the NMD to determine the program's ability to meet an individual youth's needs.⁸⁵ For youth in their programs, THP-NMD agencies are responsible for providing safe and appropriate housing and services unless and until a nonminor exits the program voluntarily or in a manner consistent with the law.⁸⁶</p>
Case Planning	<p>Must engage in ongoing case planning with the nonminor dependent, including convening meetings of the child and family team as needed or required, to ensure the nonminor dependent's success and continued participation in extended foster care. The case plan must be documented in writing and updated in the TILCP at least every six months.⁸⁷</p>	<p>Must develop a Needs and Services Plan for each youth that is consistent with the youth's TILCP, including the intended length of placement and discharge plan, and maintain a copy of each youth's TILCP and Health and Education Passport in program files.⁸⁸ THP-NMD agency staff may participate in child and family team meetings when appropriate.⁸⁹</p>

	County Placing Agency	THP-NMD Agency
Service Provision & Coordination	<p>Must engage with service providers as needed to support the nonminor dependent's TILCP goals, including goals related to education, financial literacy, establishing mentorship with supportive adults, upkeep of important documents, mental health counseling, and employment.⁹⁰ This includes making efforts to assist nonminor dependents with maintaining eligibility for extended foster care.⁹¹ In addition, the placing agency is responsible for collaborating with other agencies to deliver timely and effective services consistent with the Integrated Core Practice Model.⁹²</p>	<p>Must include in the Needs and Services Plan all of a youth's current service needs and plans for providing services to meet those needs, and ensure that those service needs are met.⁹³ This includes, but is not limited to, access to appropriate medical, dental, vision, first aid, and mental health services, as well as services related to financial literacy, health and nutrition, home maintenance, child care, auto maintenance, education and employment, accessing health care and community resources, self-care, reproductive health, and substance use education.⁹⁴</p>
Removal/ Discharge	<p>If a nonminor is facing an involuntary discharge from THP-NMD, the placing agency must make reasonable efforts to maintain the placement as a first resort. If a nonminor must move out of their THP-NMD placement, the placing agency is responsible for ensuring that a nonminor dependent has an immediately available, safe, and appropriate placement chosen in consultation with the nonminor.⁹⁵</p>	<p>Must follow state law procedures for discharge, including providing discharge policies at the time of placement, and giving written notice to both the youth and the placing agency.⁹⁶ For youth who have signed a lease or are otherwise considered a tenant, this will include following applicable laws related to eviction and removal of a tenant.⁹⁷ Providers must take care to follow the appropriate processes for discharge from the program as well as removal from the housing, which may implicate different sets of legal rights and requirements.</p>

It is important for advocates to understand the overlapping functions, roles, and responsibilities of each system stakeholder regarding housing nonminor dependents to develop an effective strategy to prevent an involuntary exit from housing. Also, understanding the reason for an involuntary exit can help advocates identify the appropriate remedy or remedies to pursue.

- If a nonminor dependent is facing housing instability because of a decision, action, or

inaction made by the **county placing agency**, then the advocate will want to pursue advocacy in juvenile court⁹⁸ (for issues related to county provision of placement and/or services), in a state fair hearing before an administrative law judge (for issues related to the county's change in or termination of funding or any action or inaction by the county in providing a benefit or service to the youth), and/or with the youth's child and family team (to address placement disruptions and changes in the youth's needs, including housing needs or to advocate for additional supports and services required to stabilize a placement). These processes are detailed in this guide on pages 5-8 and 17-22.


- If a nonminor dependent is facing housing instability because of a decision, action, or inaction made by the **THP-NMD agency**, see pages 24-32 below for the applicable procedures.

ADMINISTRATIVE PROCESSES RELATED TO FUNDING FOSTER CARE PLACEMENTS

As discussed above on pages 5-7, the duties of the juvenile court and the county placing agency are interrelated yet distinct. One distinct duty of the county placing agency is to provide a safe and appropriate placement and to perform the administrative functions to secure funding for that placement.⁹⁹ Although issues related to court jurisdiction, extended foster care eligibility, and provision of services can and should be discussed in juvenile court, decisions about funding are determined through administrative processes within county and state child welfare agencies. Advocates should know how to determine when the source of a nonminor dependent's housing instability is related to a denial or termination of foster care funding, so that they can work with the nonminor dependent to contest the funding issue when appropriate.

The placing agency, not the court, makes the decision about the fact of and amount of funding. The placing agency, through an administrative process, determines eligibility

Although issues related to court jurisdiction, extended foster care eligibility, and provision of services can and should be discussed in juvenile court, decisions about funding are determined through administrative processes within county and state child welfare agencies.



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.¹⁰⁰ For example, for supervised independent living placements (SILPs), the county must approve the SILP by completing a SILP readiness assessment and a health and safety inspection of the home.¹⁰¹ Similarly, to receive foster care funds on behalf of a nonminor dependent, a THP-NMD agency must be licensed as a transitional housing placement provider.¹⁰² Annual foster care funding rates are published each year in an All-County Letter (ACL).¹⁰³

If the county placing agency determines that a nonminor dependent's placement is ineligible for foster care funds, or has become ineligible,¹⁰⁴ the person or provider requesting those funds is entitled to an administrative process to challenge the agency's decision. As with all public social services programs administered by the California Department of Social Services, nonminor dependents and anyone receiving foster care benefits on their behalf (like THP-NMD programs) are entitled to:

1. Written notice of any change or termination of that social services program benefit.¹⁰⁵

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 recipient's appeal rights.¹⁰⁶ The notice must be mailed at least ten days in advance of the effective date of termination from the social services program.¹⁰⁷ 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.¹⁰⁸

2. A state fair hearing to challenge the county's decision before an administrative law judge (ALJ). The youth can challenge the county agency's determination by **requesting a state fair hearing** through the California Department of Social Services' State Hearings Division¹⁰⁹ to continue their foster care benefits if the youth believes that they are still eligible.¹¹⁰ The youth can request that their aid be maintained pending the appeal so long as they file the notice of appeal (state fair hearing



request) before the effective date of the Notice of Action.¹¹¹ The appeal will be heard by an administrative law judge and not by the juvenile court. The advocacy strategies detailed below describe the administrative hearing process.

A nonminor dependent can still remain under the court's jurisdiction in order to participate in the extended foster care program even if the county determines that the youth's placement is not eligible for foster care funding.¹¹² For example, youth committed to a locked facility for a brief period of time would not be eligible for funding in that setting, but may continue in extended foster care so that they could continue to receive services from the county placing agency and maintain court oversight. Likewise, nonminor dependents can be eligible for foster care funds and still be involuntarily exited from THP-NMD for some other reason.

A state fair hearing before an administrative law judge (ALJ) cannot resolve disputes over **eligibility** for extended foster care (since this rests solely with the juvenile court), but it can resolve disagreements over eligibility for **foster care benefits**. For instance, if a nonminor dependent learns that they must leave their THP-NMD program involuntarily because the county has stopped issuing foster care benefits to fund the THP-NMD placement, the youth has the option to request a hearing with an ALJ and argue that they are eligible for continued support so that they can remain in THP-NMD. Issues around foster care funding can be difficult to assess since there are many reasons funding may be or have been discontinued, some of which may not be able to be resolved through the state fair hearing process. When funding issues arise, they may relate to the provider (licensing issues or CCL violations), to the youth's continued eligibility for foster care funding (income too high, savings and assets over the property limits, or other reasons), or they could relate to eligibility issues properly addressed with the juvenile court (for example, whether a youth is eligible for extended foster care or meets the categorical eligibility requirements).

But, when a nonminor dependent's housing instability is tied to the county placing agency's denial or termination of foster care benefits—rather than some other decision made by the court or the THP-NMD agency—youth and their advocates should consider pursuing a state fair hearing.

ADVOCACY STRATEGIES:

STATE FAIR HEARINGS



It is critical to determine which type of issue is causing the funding problem before deciding whether administrative advocacy on behalf of a youth is the appropriate course of action. Advocates should contact a civil legal aid attorney or Youth Law Center for additional technical assistance regarding these issues

Before you Request a State Fair Hearing

Review any written notice issued by the county related to the youth's eligibility for foster care funding (the notice may be sent to the THP-NMD agency, rather than the youth) (see the next section "Request a State Fair Hearing" if no written notice is issued). Review the applicable statutes and regulations,¹¹³ and assess whether the county made an error or misinterpreted the law. Consider reaching out to the county's foster care eligibility department, in writing, to ask them to rescind the notice, and explain the reasons why.

Request a State Fair Hearing

If the county does not rescind the notice, and the youth maintains that the decision is incorrect based on the applicable law, request a state fair hearing.

If the county provides adequate written notice, then the youth must request a hearing within 90 days of the date of the notice, unless the youth can show "good cause" for exceeding that timeline. If the program or county never provided written notice, then the youth can request a hearing any time to contest the program or county's "constructive notice" of termination.

The youth can request that payments (aid) be maintained pending the state fair hearing so long as they file the request for state fair hearing before the effective date on the Notice of Action. Continued maintenance payments can be used as a discharge prevention strategy since the youth's payments would be maintained while the state fair hearing request is being resolved.

The written notice should provide contact information on where to request a hearing. The contact information will be for the California Department of Social Services, State Hearings Division. Requests can be made online¹¹⁴ or by phone (800-743-8525).

If the youth has an advocate who will be representing them during the hearing process, make sure that the advocate is listed as the youth's authorized representative.

If asked, the applicable aid program is “foster care benefits” or “AFDC-FC,” because that is the primary funding source for THP-NMD and other extended foster care placements.


If asked to state a reason, it is sufficient to simply state that the county has improperly denied/terminated/changed foster care benefits to the youth.

Prepare for the Hearing

Once the youth’s hearing request is received, the youth and their authorized representative will receive correspondence assigning the case to a county representative (frequently called an appeals officer, or “AO”) as well as the date and time of the hearing.

It is important to discuss the case with the county representative before the hearing. Schedule a time for the county representative to provide access to the youth’s benefits case file. Sometimes, the county representative will agree that the youth is eligible and instruct the county placing agency to resolve the issue in the youth’s favor. The term for this kind of agreement is a “conditional withdrawal.” It should be written and signed by the county representative and the youth (or the youth’s authorized representative). It should also be a specific description of the resolution rather than just a generic commitment to, say, resolve in a manner favorable to the nonminor.

If the county representative thinks that the youth’s funding was properly terminated, then the hearing will go forward. The county is required to prepare a position statement at least two days before the hearing. The youth can also submit a position statement, and it is best practice to do so before the hearing, but they can bring it to the hearing, too.



The youth can request that payments (aid) be maintained pending the state fair hearing so long as they file the request for state fair hearing before the effective date on the Notice of Action. Continued maintenance payments can be used as a discharge prevention strategy since the youth’s payments would be maintained while the state fair hearing request is being resolved.

Administrative hearings can be less formal than other court hearings. The youth may bring witnesses and evidence to support their position. The youth or their authorized representative can ask questions of the county representative and the county's witnesses. The administrative law judge (ALJ) can ask questions of all parties.

After the Hearing

The ALJ will send a written decision a couple of months after the hearing. The youth should review the decision carefully with an advocate and ensure that the THP-NMD agency has received the decision, too.

If the ALJ concludes that the youth is eligible for foster care benefits, then the benefit should be reinstated immediately. Additionally, retroactive benefits should be issued back to the date of the improper discontinuance.

If the ALJ concludes that the youth is not eligible for foster care benefits, then the youth should engage with the county placing agency and child and family team (CFT) to identify an appropriate alternative placement and a plan to restore eligibility.

The youth and their advocate may consider filing a request for rehearing with the state fair hearings division¹¹⁵ or a writ challenging the ALJ's decision in superior court.¹¹⁶

Example 2:

JIZEL



Jizel is 20 years old and living in Independence+ (I+) THP-NMD Housing. She has been in the program for 6 months and is attending her local community college. One day her I+ case manager contacts Jizel to let her know that she will need to leave the program and her housing by this weekend. Jizel asks the case manager about why she needs to leave the program, and the case manager informs her that the I+ program manager just said it was an “eligibility issue”, but couldn’t provide the case manager or Jizel with any more information. The case manager didn’t mention anything about the program receiving any written notices about eligibility and Jizel also did not receive any written notice.

ADVOCACY CONSIDERATIONS

- ▶ Use the State Fair Hearings Advocacy Strategies above as an outline for advocacy. Not all of these strategies will be applicable in each case.
- ▶ Discuss with Jizel what she knows about the reasons she’s being told she needs to leave the I+ program. If Jizel hasn’t been able to gather much information, join a call with Jizel and the case manager and/or program manager (with Jizel’s permission) to find out more about the “eligibility issue”.
- ▶ Once you confirm with I+ that the “eligibility issue” is about funding, contact the county’s foster care eligibility department¹⁷ to find out whether a written notice of action was issued, and if so, where it was sent and request a copy. Make a written request to the eligibility worker that the county rescind the notice and continue to issue foster care payments to the THP-NMD agency on Jizel’s behalf.
- ▶ If the county will not immediately rescind the notice and reinstate payments, request a state fair hearing. If no written notice was issued, the payment discontinuance can be considered “constructive notice” since the payment was not issued.
- ▶ Advocate with the THP-NMD agency for Jizel to remain in the program and in her housing during the state fair hearing process by describing the state hearing process and the likelihood of receiving retroactive payments.

Note: the THP-NMD agency would also need to follow the appropriate process to remove Jizel from the THP-NMD program (See pages 24-32 below) and may need to follow landlord-tenant law and formal eviction proceedings to exit the youth from her housing. See pages 34-38 below).

STATE LICENSING RULES FOR THP-NMD

THP-NMD Removal/Discharge Requirements

State licensing rules for THP-NMD provide various levels of protection for youth residing in THP-NMD housing and also specific procedures that a THP-NMD agency must follow to exit a youth from the program. It is critically important to realize that discharge and removal from a THP-NMD program (supportive services and foster care funding) does not always mean that a youth can be required to leave or move out of the physical housing unit. This section focuses primarily on exits from the THP-NMD program.

The interim regulations for THP-NMD provide that an NMD may not be discharged from the program without a written notice given seven days prior to discharge, with a copy sent to the county placing agency.¹¹⁸ The written notice must be based on a specific reason provided in state regulations, including that the youth has reached the maximum age for THP-NMD, that the THP-NMD agency's license has changed¹¹⁹, or that the THP-NMD agency "is no longer able to meet the needs" of the nonminor dependent.¹²⁰ The THP-NMD agency must maintain a copy of its discharge policies and procedures that the youth signed upon entry, as well as documentation of the nonminor dependent's discharge from the program.¹²¹

A 7-day notice should mobilize the county placing agency to immediately advocate for the youth to remain in the current THP-NMD program and housing. If the agency is unable to preserve the placement, it must immediately provide an available alternative placement. The NMD should not lose housing before the placing agency fulfills its duty to find an alternative placement. Advocates should therefore work with the social worker or probation officer to secure a timely placement, and seek out options for emergency housing as a last resort. However, should it at any time become necessary to find an alternative placement, it is the county placing agency's responsibility to provide it.¹²² Any effort to preserve a



Credit: Nathan Dumlao

placement or identify a new placement must involve the youth and their child and family team (CFT).¹²³

Advocates should also assess whether a 7-day notice based on an “inability to meet the nonminor’s needs” violates federal or state antidiscrimination laws. For instance, a THP-NMD that provides a 7-day notice stating that it is unable to meet a nonminor’s needs because the nonminor is pregnant or has a child may constitute discrimination on the basis of pregnancy or familial status. Such a notice may also constitute discrimination on the basis of a disability. The Fair Housing Act and the California Fair Employment and Housing Act both prohibit housing discrimination on the basis of familial status discrimination, as well as other forms of discrimination.

California’s Unruh Act also prohibits discrimination on the basis of disability and other forms of discrimination. The Unruh Act has been interpreted to prohibit discrimination on the basis of familial status as well, and it offers protection beyond the housing context. The Unruh Act states that “[a]ll persons within the jurisdiction of this state are free and equal, and... are entitled to the full and equal accommodations, advantages, facilities, privileges, or services in all business establishments of any kind whatsoever.”¹²⁴ The Unruh Act’s prohibitions against discrimination apply beyond the housing context and arguably apply to the THP-NMD program and delivery of services. This may also be true of the antidiscrimination provisions in California Government Code section 11135, which prohibit discrimination by any program or activity that receives any financial resources from the state.

Advocates should familiarize themselves with the basic provisions of these antidiscrimination laws and assess whether a discharge or removal from THP-NMD violates them. See pages 40-42 of this guide for more about State and Federal Housing Laws and other remedies to address potential violations.

In certain “emergency circumstances,” a youth may be removed from the THP-NMD program by the county placing agency without the 7 days prior written notice otherwise required.¹²⁵ An emergency circumstance includes when the youth is arrested by a law enforcement officer, when the health and safety of the NMD or others in the THP-NMD agency are endangered by the continued presence of the NMD, or when the youth is removed for emergency medical or psychiatric care.¹²⁶ Advocates should note that the regulation specifically says “may be removed” not “must be removed,” and should advocate against removal where the emergency circumstances do not interfere with program operation or health and safety of other residents, since this is the only plausible interpretation of the regulation.¹²⁷ In addition, the interim regulation allows the county placing agency to remove a nonminor from the THP-NMD in emergency circumstances, **but it does not allow a THP-NMD agency to discharge, remove, or demand removal on this basis.**¹²⁸ The determination as to whether a youth will be removed due to “emergency circumstances” rests with the placing agency, or the appropriate law enforcement or health crisis personnel.¹²⁹ If the THP-NMD seeks to discharge a youth from the program, it must follow the 7-day notice procedure.¹³⁰

A note about advocacy strategies for “emergency circumstances”:


THP-NMD exits for “emergency circumstances” should be used very infrequently by county agencies and each case should be handled individually without blanket policies. Absent an arrest or removal due to a health crisis, the determination as to whether a youth will be removed based on the “emergency circumstances” is not the decision of the THP-NMD agency, but rather the county placing agency. In these situations, advocates should remind placing agencies (social workers or probation officers) that if they remove the nonminor based on the “emergency circumstances” they will be responsible for immediately providing an available, appropriate placement.

Arrest should not lead to an immediate exit from the THP-NMD program since young people are presumed innocent at arrest, there may be no connection between the alleged criminal conduct and the program operations or health and safety of other residents, and the youth may be released quickly from detention.¹³¹ Additionally, emergency medical or psychiatric care should also not always lead to an immediate exit from THP-NMD since the youth may be released very quickly, a brief period of hospitalization could have sufficiently stabilized the youth, and there may be no connection between the hospitalization and the program operations or health and safety of other residents. Note also, that with either arrest or medical or psychiatric hospitalization, funding and placement can be maintained for up to 14 days of absence from the program.¹³² Still, in all cases, the THP-NMD agency is required to notify the county placing agency social worker or probation officer of the removal and the county placing agency has the responsibility to immediately secure a placement for the nonminor dependent.

A note about discharge from the THP-NMD program vs. removal from the dwelling:

It is critically important to realize that discharge and removal from a THP-NMD program does not always mean that a youth can be required to leave or move out of the physical dwelling unit. Young people who have signed a lease for their living unit have additional rights and protections against removal and eviction, and may not be removed in the manner described in the interim regulations. Young people who have signed a lease agreement, or are otherwise considered tenants, or those who may have gained possessory rights to their dwelling unit may only be evicted or removed by the landlord in compliance with applicable landlord-tenant laws.

Depending on a youth’s circumstances, youth and advocates can pursue multiple strategies to preserve the youth’s housing, including asserting the youth’s rights as a tenant under state and local eviction law (discussed in more detail in pages 34-38 of this advocacy guide). This should definitely be addressed if a nonminor is on the lease for their apartment because it may preserve the placement and also because a youth may remain liable for the unit if they move out while still on the lease.



It is critically important to realize that discharge and removal from a THP-NMD program does not always mean that a youth can be required to leave or move out of the physical dwelling unit.

A note about emancipation funds and a NMD's personal belongings:

Nonminor dependents are adults and must have control of their own cash resources, personal property, and valuables in accordance with their TILCP goals, but THP-NMD agency staff must, at the nonminor dependent's request, assist with managing cash resources and maintaining accurate records of the NMD's bank account, savings, and monthly budget.¹³³ While a nonminor dependent is in THP-NMD, the THP-NMD agency must deposit retained funds on the youth's behalf into an individual interest bearing savings account separate from any THP-NMD funds.¹³⁴ State law does not permit the use of these funds by the agency for any other purpose.¹³⁵ Any time a youth exits a THP-NMD program, even upon an emergency exit, they are entitled to any cash resources that were retained by the THP-NMD agency during the youth's time in the program, along with any personal property or valuables.¹³⁶

If the THP-NMD program has been entrusted with the nonminor's cash resources, personal property and valuables, the THP-NMD program should also provide an itemized inventory when a nonminor leaves THP-NMD, and the THP-NMD staff and the nonminor dependent or the county placing agency shall inspect the itemized inventory list to ensure that all personal belongings of the nonminor dependent are being surrendered to the nonminor dependent.¹³⁷ Failure to distribute emancipation funds and personal belongings at the time of exit, or withholding of emancipation funds to cover unit repairs, move-in expenses, and any other uses that treat these funds like security deposits, violates state law and is subject to investigation by the state licensing agency.

Filing a Licensing Complaint

Anyone can file a licensing complaint with the California Department of Social Services' Community Care Licensing (CCL) Division if a THP-NMD agency has violated the state laws and regulations that govern it. Youth and their advocates should avail themselves of the CCL complaint process in a wide range of circumstances, including discharge.¹³⁸



Examples of Substantiated CCL Violations by Transitional Housing Programs include¹³⁹:

- The condition of the housing unit left the youth without a safe, healthy, and comfortable home, due to inoperative appliances (e.g., heaters, stove lights, toilets), failure by the program to make prompt repairs, failure to provide an alternative residence during major repairs (e.g., ceiling caved in, doors off hinges), mold in bathrooms and kitchens, insect and rodent infestations, and failure to provide and set up cribs for parenting youth.¹⁴⁰
- Inappropriately punitive conduct by program staff, such as waving a finger in a youth's face and blocking the youth's entry into the housing unit, cursing and calling youth derogatory names, verbal threats and other inappropriate language, and refusing to give a youth allowance that was due the day before the youth was set to leave the program.¹⁴¹
- Violating a youth's personal rights by failing to change the youth's case manager after she reported that the case manager made her feel uncomfortable.¹⁴²
- Unreasonable searches and/or failure to safeguard the personal items of program participants.¹⁴³
- Failure to provide adequate care and supervision, including duties related to supervision (like approving a room-sharing arrangement with a non-participant and preventing drug and alcohol use) and duties to assist youth develop independent living skills and establish permanent connections.¹⁴⁴
- Violations related to participants' cash resources, including failure to keep records on the youth's cash resources and improperly deducting maintenance and repair costs from participant stipends and savings accounts.¹⁴⁵
- Discharge for an improper reason or without written notice.¹⁴⁶
- Failure to timely pay bills including rent and utilities. Because the THP-NMD failed to cosign the lease and had the participant solely sign the lease agreement, the untimely payment ultimately led to formal eviction proceedings against the participant.¹⁴⁷

When CCL substantiates a violation,¹⁴⁸ the investigator will issue the program a citation, and the program has a certain period of time to remedy the violation. The period of time depends on the nature of the violation. In certain cases, the state may also place the agency on probation, suspend its license, or even file legal action to revoke its license. The severity of the consequences will depend on both the nature of the violations as well as the licensing history of the provider. Advocates can and should use CCL complaints in a variety of circumstances, especially since repeat CCL violations may lead to more serious consequences for providers that are not meeting their obligations to youth.

To make a complaint, contact the appropriate Children's Residential Regional Office¹⁴⁹ based on the county where the THP-NMD program is located. If you cannot reach the regional office, you may also call CCL's complaint hotline at (844) 538-8766. For complaints related to an improper exit from a THP-NMD program, nonminor dependents and their advocates should cite section 86168.4 of the AB 12 Interim Licensing Standards. It is important for nonminor dependents and their advocates 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. When making or preparing a complaint it is important to review the provider's licensing history, and in particular any written reports regarding past complaints and violations.¹⁵⁰ See Appendix B for a real sample Licensing Complaint Investigative Report.

ADVOCACY STRATEGIES: COMMUNITY CARE LICENSING COMPLAINTS



Community Care Licensing (CCL) complaints can/should be used as an advocacy strategy to address a variety of housing related issues that young people in THP-NMD housing might face. Not only would a CCL complaint be appropriate for habitability-type issues, but also to address improper exits from the program or housing (including improper notice to exit), inappropriate behavior by program staff or failure to provide appropriate services, among other issues.

Prior to Filing a Complaint

Take affirmative steps to request a meeting with the THP-NMD agency, the nonminor dependent's social worker or probation officer, and any other supportive friends or family, to resolve the licensing violation informally. Start by making the request by phone, then following up with a written letter explaining the need for a meeting and asserting that the nonminor dependent's needs would be best met through continued participation in the THP-NMD. Advocate for the nonminor dependent to stay in their THP-NMD unit pending the completion of this process. Advocates should review the provider's previous licensing history (including previous licensing complaint investigation reports and facility evaluation reports) in advance of this meeting as it may lend additional persuasive facts as to why the THP-NMD agency should resolve the licensing violation informally before a CCL complaint would need to be filed.



If, after this informal process, the THP-NMD agency agrees to address the licensing violation (and, if applicable, keep the nonminor dependent in the THP-NMD program), obtain this agreement in writing. Make sure that the social worker or probation officer, the THP-NMD agency, the nonminor dependent, and the nonminor dependent's advocates have a copy of the agreement and that the agreement is attached to the youth's TILCP. Set a date to follow up on any action steps contained in the agreement.

If the informal process does not resolve the licensing violation, and the licensing violation is related to an impending discharge:

- Ensure that the nonminor dependent has received proper notice that explains the reason for their discharge and the amount of time that they have to address the issues that led to the notice.
- If the youth received a written notice, review the notice and help the youth summarize its contents. Advise the youth that they do not have to leave the unit immediately and show them the part of the written notice that says so. Discuss the plan for housing and placement at the end of the notice period if the nonminor is ultimately unable to remain. Ensure that the county placing agency is working to make an alternative placement available by that date.
- If the youth did not receive a written notice, then contact the program to explain that the youth has a right to a written notice and that no exit can occur without that notice.

Advocates should also advise the nonminor that if they make a licensing complaint, they have a right "to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints." (See Welfare and Institutions Code § 16001.9(a)(41) and AB 12 Interim Licensing Standard 86172). Advocates should make sure that the nonminor documents any retaliatory actions they experience as such actions may constitute a separate licensing violation.

See Appendix B for a sample Licensing Complaint Investigation Report.

Making the Complaint

Contact the appropriate Children's Residential Regional Office to make a complaint. Cite all of the applicable laws and regulations (including the Foster Youth Bill of Rights, Health and Safety Code § 1559.110, Title 22 regulations, and the AB 12 Interim Licensing Standards) that the CCL investigator should consider. If applicable, attach the youth's most recent Needs and Services Plan and TILCP.

Counsel the nonminor about the complaint process and the importance of being available to speak to the investigator about their issue, and to identify a reliable way to reach the nonminor even if the nonminor has to move before the complaint process is completed.

Help the youth collect as much evidence as possible so that CCL is not just weighing conflicting narratives. Text messages, emails, video, dated photographs, additional witnesses, and correspondence are all useful evidence. If the complaint is based on verbal interactions, the youth may want to write an email immediately after an interaction documenting what happened. Finally, if the complaint is based on improper accounting (of cash resources or personal property), make sure the youth has written down their own accounting of what resources they have or should have.

Undertake a review of the provider, particularly if the youth receives a notice to exit the program following the nonminor's informal complaints about things that might rise to the level of licensing complaints or if the notice to exit alleges an inability to meet the nonminor's needs. Review the licensing history for the provider and consider requesting the program statement and county contract. Both the program statement and the county contract may contain statements about services the provider promised or needs it claimed an ability to address.

- If the provider has been the subject of past complaints for the same or similar issues, that may be worth noting as part of the complaint or in advocacy. If there are the same or similar complaints, consider requesting the program statement, prior reports, emails, letters, corrective action plans etc. from CCL.

The complaint should be elevated to a licensing program manager, regional manager, or state-level administrator any time investigatory conduct violates the law, regulations, standards or CCL policy, such as when you suspect discrimination based on the youth's age, race, ethnicity, sex, gender, background, disability, or any other characteristic.

Upon Exit

If the CCL complaint and investigation do not resolve the underlying issues and/or the youth is forced to exit the program, coordinate with the county placing agency to ensure that an appropriate alternative placement has been identified. Remember, the county placing agency has a duty at all times to provide the nonminor dependent with a safe and appropriate placement.

Confirm that the youth has received the full amount of their emancipation fund and personal belongings. If they have not, request an accounting from the program and assess whether funds have been used to pay for unauthorized costs, such as a security deposit or move-in costs, without the tenant's consent. If so, direct the agency to the applicable law¹⁵¹ that requires agencies to return any retained funds and personal belongings to the tenant upon exit, or file a new CCL complaint. You can also contact the California Office of the Foster Care Ombudsperson (877-846-1602) and the TAY Policy Unit of the California Department of Social Services (TAYPolicy@dss.ca.gov).

Example 3:

ESMERELDA



Esmerelda has lived in Sunflower Housing THP-NMD program for a few months. When she moved into her apartment unit in the fall, she noticed that the oven and refrigerator lights were not working. She also noticed that one of the outlets in her bathroom did not work and that though the bathtub had fresh caulking, it seemed a little black around the edges. She notified the THP-NMD's property manager in writing about the issues when she first moved in, and they told her they would send a repair person. Esmerelda followed-up a few times by both email and phone, but no one ever came to look at the unit. Once winter started, she tried to turn on the heat, but found that it did not work. She also noticed that the black spots in the bathtub were getting worse, and she started to see lots of insects under her bathroom sink and in the kitchen. She called the property manager by phone and left a voicemail message, reminding him about all of the previous issues and the new issues about the heater and insects. The property manager did not respond. Esmerelda wants to stay in her unit since it is close to her job, but she's upset that the property manager has not fixed the issues and she wants them repaired. She contacts an advocate for support.

ADVOCACY CONSIDERATIONS

- ▶ Use the Community Care Licensing (CCL) Complaint Advocacy Strategies above as an outline for advocacy. Not all of these strategies will be applicable in each case.
- ▶ An advocate should begin by trying to resolve the matter informally by phone and in writing with the THP-NMD provider before escalating to a formal process of requesting a meeting and/or filing a licensing complaint.
- ▶ Throughout the process, collect all of Esmerelda's emails, any notices/contracts/or other documents she's received from the THP-NMD agency, and have her create a log of all of the phone calls she made and messages she left for the property manager regarding the various issues, and any responses that she received.
- ▶ If Esmerelda is asked to leave her unit or the THP-NMD program during this time, the advocate may need to engage in alternative strategies simultaneously (see pages 24-32 regarding program exits and pages 34-38 regarding housing exits).
- ▶ Additionally, if it seems like Esmerelda is being exited from her housing or the program in retaliation for her licensing complaint, it may be the basis for an additional licensing complaint.



STATE AND LOCAL LANDLORD-TENANT LAW

APPLICABILITY TO YOUTH IN THP-NMD

As discussed throughout this advocacy guide, extended foster care implicates many legal rights, responsibilities, and protections, implemented by many different decisionmakers, across multiple systems and jurisdictions. The fact that nonminor dependents in THP-NMD reside in a housing unit that is governed by state and local housing law adds another layer of complexity. Though not often invoked, nothing in California law explicitly prevents establishing a landlord-tenant relationship in a Transitional Housing Program.¹⁵² In fact, California landlord-tenant law is broad and includes protections for all persons who “hire” a “dwelling” unit, with very limited exceptions (e.g. brief hotel occupancy).¹⁵³ Therefore, in certain circumstances, nonminor dependents in THP-NMD may have strong tenancy rights that would require THP-NMD agencies (or the property owners with whom they contract) to pursue a formal eviction in state court to remove the nonminor dependent from the housing unit. *This is still an open question and it is not explicitly addressed in any current case law.* This strategy should be considered in each case and there may be times that landlord-tenant law applies.

Advocates should also be aware that even where landlord-tenant law protects a nonminor’s right to remain in the dwelling, it may not impact a THP-NMD agency’s ability to discharge the client from the *program*. This is another reason that it is important for advocates to analyze a nonminor’s rights and legal protections related to the program and the dwelling unit both jointly and separately.

When landlord-tenant law does apply, it may provide crucial protections for THP-NMD participants.¹⁵⁴ Housing law protections can be extremely nuanced and often have short timelines in which individuals must assert their rights before losing the option. It is critical that nonminors speak to a housing attorney as soon as possible to determine if these protections apply to them.

The following are some general points of information to guide initial steps for a THP-NMD participant facing an involuntary exit when landlord-tenant law may apply. The most important first step is to **contact a housing attorney immediately**.¹⁵⁵

The timelines for exercising rights in this area can be extremely short, sometimes just a few days, so contacting a housing attorney should be considered a matter of urgency. NMDs and advocates should consult with their court's self-help center or local legal services office to learn about landlord-tenant protections that may be in effect in their city or county.¹⁵⁶ Certain rights, protections, and timelines may vary depending on the city or county in which the youth resides, the type of building the residence is located in, and whether or not the landlord also lives there. Some jurisdictions (like San Francisco and Los Angeles) have made efforts to provide legal counsel to tenants more universally.¹⁵⁷



Based on the nonminor dependent's situation, the housing attorney may conclude that the nonminor dependent is entitled to possession of their housing unit until the landlord or agency goes to court and the court issues an unlawful detainer judgment against the nonminor dependent. **If the nonminor signed a lease with the landlord (regardless of whether the THP-NMD agency is the landlord or it is some other party/entity), they are a tenant.** A THP-NMD provider may cosign a lease with a nonminor dependent, but a nonminor shall not be the only one to sign a lease or rental agreement.¹⁵⁸ Some additional circumstances in which a housing attorney could reach the conclusion that the nonminor is a tenant include:

- The nonminor dependent is a tenant based on an implicit agreement between the nonminor dependent and property owner;
- The nonminor dependent is a tenant based the terms of the agreement between the nonminor dependent and THP-NMD agency;
- The nonminor dependent has certain rights as a third-party beneficiary of the agreement between the THP-NMD agency and the property owner.


Consulting an attorney with expertise in landlord-tenant law will allow the nonminor dependent to choose the best path for their particular circumstances. The important point is not to give up on these protections without the benefit of assessing and making the legal argument.

RIGHTS AND PROCESS

Simply put, a tenant cannot be forced to exit their housing unit without proper written notice and, upon expiration of that notice, formal court proceedings to evict the tenant.¹⁵⁹ The party that is required to give notice and file a complaint for eviction may or may not be the THP-NMD agency, depending on who owns the property and whether the THP-NMD tenant has signed a lease, sublease, or other written agreement. When landlord-tenant law applies, THP-NMD agencies should not advise tenants to leave their units before they have an opportunity to engage in these formal processes. If a participant is facing an involuntary exit from THP-NMD without proper notice or process, then a housing attorney can help the youth explain, in writing, that they are a tenant and have a right to stay in the unit until the resolution of formal court proceedings by the appropriate party. It is important to distinguish between the 7-day notice that a THP-NMD agency may issue to terminate a youth's participation in the THP-NMD **program** and the notice required under landlord-tenant law to terminate the youth's possession of the **housing unit**.¹⁶⁰

Once a tenant receives a written notice from the landlord to vacate the housing unit, then the notice will set out a particular period of time for the tenant to correct the reason for the notice or leave the unit. Landlords may give a variety of reasons for giving notice. It could relate to the tenant's conduct or a factor outside of the tenant's control. The duration of a notice, and the allowable reasons for giving notice, are dictated by state and local law, so it is important to consult a housing attorney in the youth's city or county as soon as the tenant receives the written notice.

Once the notice "expires" (that is, once the stated number of days have passed from the date the notice was given), the landlord can file an unlawful detainer summons and complaint, the documents that a landlord must file with the court to begin an eviction. Once the landlord begins eviction proceedings, the tenant has a brief opportunity to respond, which can include raising affirmative defenses like retaliation, discrimination, being the victim



The duration of a notice, and the allowable reasons for giving notice, are dictated by state and local law, so it is important to consult a housing attorney in the youth's city or county as soon as the tenant receives the written notice.

of domestic violence, emergency assistance, and defective notice. Advocates can help the youth gather documents and communications that can aid the youth's housing attorney in raising these or other defenses. For example, an advocate may be able to provide a copy of the youth's TILCP containing certain accommodations related to the youth's conduct, or evidence that the date on the notice is incorrect.

It is important for youth and their advocates to know that there are certain instances when a landlord is prohibited from evicting a tenant, such as when the eviction is based on acts of domestic violence¹⁶¹, sexual assault, or stalking committed against a tenant or a tenant's household member.¹⁶² Likewise, no county, city housing authority, board, commission, or other local public agency may require a landlord to terminate or fail to renew a tenancy based on acts against a tenant or a household member that constitute domestic violence, sexual assault, stalking, or human trafficking.¹⁶³ Youth should talk to their housing attorney confidentially if they think that this policy applies to their situation.

ADVOCACY STRATEGIES:

LANDLORD-TENANT LAW



Upon Receipt of a Notice to Leave the THP-NMD Program

If the youth received a 7-day written notice that the THP-NMD agency is terminating the youth from the THP-NMD program, consult with a housing attorney immediately. Even if the THP-NMD agency has the authority to end the youth's participation in the THP-NMD program, landlord-tenant protections may apply to the youth's possession of the housing unit. Also assess whether the basis for the notice constitutes prohibited discrimination, such as discharge based on pregnancy or having a child.

Actions if the Youth is Being Asked to Leave THP-NMD Housing

Regardless of whether the youth fits the definition of a tenant, they should not have to vacate their unit immediately upon receiving notice. This is the purpose of notice: to inform the person living in the unit about the reason for their discharge and the amount of time that the youth has to address the issues that led to the notice.

- If the youth received a written notice, review the notice and help the youth summarize its contents. Advise the youth that they do not have to leave the unit immediately and show them the part of the written notice that says so.
- If the youth did not receive a written notice, then contact the program to explain that the youth has a right to a written notice and that no exit can occur without that notice.
- Work with the nonminor to begin the placement search process with the county placing agency (child welfare or probation department) in case the nonminor ends up needing an alternative placement.

Help the youth gather any information that will be helpful when consulting with a housing attorney, including the program agreement and lease and any communications with program staff and the landlord, including but not limited to text messages.

If you are working with the youth to challenge the THP-NMD exit through another process (juvenile court advocacy, state fair hearing, CCL complaint, etc.), coordinate with the youth's housing attorney to ensure that any negotiation with the landlord is unified and driven by the youth's preferences.

Example 4:

CHRIS



Chris is a 20 year old nonminor dependent. He lives in a THP-NMD apartment about an hour drive away from his school because the THP-NMD programs closer to his school have long waitlists and require him to live with a roommate. His THP-NMD program, Vision Independence (VI), helped him find a one-bedroom apartment and co-signed the lease. VI requires him to meet with his case manager in-person once a week and attend six hours of independent living skills classes each month. Chris has a documented sleep disorder, and sometimes he has to pull off on the side of the road during his commute to and from school. He frequently stays overnight with a cousin when he finishes school after dark and doesn't think that it is safe to drive home. Toward the end of the semester, he spent fewer nights at his apartment and missed several appointments with his case manager. He says that he called his case manager to reschedule most, but not all, of the appointments, and that when he called, he explained that he was worried about driving home because of his sleep disorder. After missing four appointments in a row, Chris received a 7-day written notice from VI that explained that he would need to leave his apartment due to persistent violation of VI program rules.

ADVOCACY CONSIDERATIONS

- ▶ Use the Landlord-Tenant Law Advocacy Strategies above as an outline for advocacy. Not all of these strategies will be applicable in each case.
- ▶ Confirm that Chris received the 7-day notice in writing, and consult with a housing attorney immediately. If he did not receive a written notice, contact the THP-NMD agency to inform them of Chris's right to receive notice in writing, and indicate that no exit can happen until he receives proper written notice.
- ▶ Even if the THP-NMD agency has authority to terminate his participation in the program, landlord-tenant protections may apply in Chris's case regarding his possession of the housing unit. This is especially true given that he co-signed the lease with VI.
- ▶ Chris may be able to request a reasonable accommodation from the THP-NMD agency given his documented sleep disorder which may also allow him to stay in the program and his housing unit. See pages 40-42 below regarding reasonable accommodation requests.



FEDERAL AND STATE FAIR HOUSING LAWS AND REASONABLE ACCOMMODATION REQUIREMENTS

As broadly as landlord-tenant law applies in California, the federal and state fair housing laws are even broader. The Federal Fair Housing Act (FHA), California's Fair Employment and Housing Act (FEHA), the Unruh Act, and California Government Code Section 11135 prevent discrimination in housing, including most forms of THP-NMD housing.¹⁶⁴ These laws protect certain groups of people, including groups based on race, color, national origin, religion, sex, familial status, and disability. These laws should protect youth trying to access and remain in the THP-NMD program as well.¹⁶⁵ Youth and their advocates can make a complaint at any time if the youth experiences discrimination in their THP-NMD program. Detailed instructions for how to file a complaint are available on the website for the California Department of Fair Employment and Housing.¹⁶⁶ The most important first step is to **contact a housing attorney immediately** if nonminors are facing a loss of housing because of discrimination. In some situations an attorney may be able to seek court intervention to maintain the housing.

REASONABLE ACCOMMODATION

Fair housing law contains disability-based protections that youth and advocates may use to prevent or defend against both rejections to admissions and involuntary exits from THP-NMD. For purposes of these laws, a disability is a "medical condition," "physical impairment," or "mental impairment" that limits activity.¹⁶⁷ If a nonminor dependent is unable to meet one of the program requirements, like being enrolled in school or working, or a TILCP goal because of a disability, fair housing laws may aid in challenging an exit based on failing to meet a program requirement.

A nonminor dependent with a disability may be entitled to a reasonable accommodation at any time during their participation in THP-NMD, including upon admission or when facing an involuntary exit. It may be appropriate to request a reasonable accommodation when an involuntary exit is based on a failure to comply with a condition of eligibility such as the pursuit

of education or employment, and the tenant is unable to comply because of a disability. The reasonable accommodation may include making an exception for certain “rules, policies, practices, or services.”¹⁶⁸

An accommodation is reasonable when it may be necessary to afford persons with disabilities an equal opportunity to use and enjoy a dwelling.¹⁶⁹ To show that a requested accommodation may be necessary, there must be an identifiable relationship, or nexus, between the requested accommodation and the individual’s disability.¹⁷⁰

The THP-NMD agency has a duty to engage in an “interactive process” with the person making the request before denying the accommodation.¹⁷¹ The person considering the request cannot flatly deny the accommodation, and must give the participant a chance to provide any needed information.¹⁷² When the need for the accommodation is in question, the THP-NMD agency may ask for evidence including information describing the accommodation and how it relates to the disability. However, under no circumstances may the THP-NMD participant be required to tender a diagnosis, medical record, or other sensitive information.¹⁷³ If the information already given is reliable and the accommodation is necessary, the landlord may not be allowed to request more proof.¹⁷⁴ Evidence can come from the person making a request who self-certifies, in some instances, or through a reliable third party.¹⁷⁵ Lastly, delaying a response to the request for accommodation or failing to reach an agreement at all after an interactive process may itself constitute a denial.¹⁷⁶

The “interactive process” required by federal and state law overlaps with the county placing agency’s legal duty to develop and assist nonminor dependents in meeting their TILCP goals and the THP-NMD agency’s duty to ensure that nonminor dependents receive the services necessary to meet their identified needs and goals.¹⁷⁷ It is possible that a youth already has something that looks like a reasonable accommodation in their TILCP or that the THP-NMD agency already builds certain accommodations into its programming for all youth in recognition of the prevalence of mental health diagnoses and complex trauma among foster youth.¹⁷⁸ However, advocates should note that there is no duty under fair housing law for a THP-NMD agency or county placing agency to affirmatively offer¹⁷⁹ a reasonable accommodation.¹⁸⁰ The youth or their advocate must ask for a reasonable accommodation and should do so when appropriate. Although the law does not require the request to be made in writing, it should be written down for the sake of keeping records of the youth’s request.

ADVOCACY STRATEGIES: REASONABLE ACCOMMODATION



Request a Reasonable Accommodation

If a youth has a disability that has previously required some kind of accommodation or specialized service, consider requesting that accommodation when they first enter the THP-NMD program, even if the youth is not sure that they will need the accommodation. A youth may, for instance, request that certain mandatory meetings be held one-on-one rather than in a group format, that the youth's case manager follow up any verbal communication with a written communication, or that the youth be allowed an emotional support animal.

A request for reasonable accommodation should be made in writing with a request for the THP-NMD agency or county placing agency to reply in writing by a specified date. The request should explain the nexus between the requested accommodation and the individual's disability. Advocates can cite the applicable law justifying the reasonable accommodation.

Actions if a Reasonable Accommodation Request is Denied

If the THP-NMD denies the request without engaging in an "interactive process," remind the agency of its duty to give the youth a chance to provide any relevant information. It cannot require the youth to tender a diagnosis, medical record, or other sensitive information. Help the youth identify people who can provide reliable evidence that the accommodation is necessary.

If the THP-NMD agency or county placing agency denies the youth's reasonable accommodation request, and the youth is at risk of an involuntary exit, the youth should consult with a housing attorney as soon as possible to discuss their options. The youth should be candid with the attorney about any medical condition or disability that prevented the youth from meeting program requirements or following the property manager's rules. If another advocate is working with the youth to challenge an involuntary exit through another process (e.g. through advocacy with the county placing agency), then the youth's attorneys and advocates should coordinate their work.

For any denial, consider whether to file a complaint with DFEH. Detailed instructions on filing a complaint are available below.¹⁸¹

Example 5:

CHRIS, PART II



Credit: Photosavvy - Flickr

As discussed in example #4, Chris has a documented sleep disorder which impacts his ability to drive the one hour to and from his school program and THP-NMD housing unit and in turn, his ability to meet with the case manager as often as directed. He has discussed his sleep disorder with his county placement agency social worker and it has been documented in his TILCP. His TILCP allows him to have phone meetings with his social worker in lieu of in-person meetings in-between their monthly meetings, and during their monthly in-person meetings, the social worker agrees to meet Chris where he is (either at the school or his housing unit at VI) so that he does not need to drive extra distances to meet with him. Chris has also told his THP-NMD case manager about his sleep disorder, but he was told that it was program policy that all weekly meetings be in-person at the THP-NMD agency offices near his housing unit. Chris wants to continue to participate in the VI program and stay in his housing unit, but he does not think that he will be able to meet with his THP-NMD case manager in-person as often as is required.

ADVOCACY CONSIDERATIONS

- ▶ Use the Reasonable Accommodations Advocacy Strategies above as an outline for advocacy. Not all of these strategies will be applicable in each case.
- ▶ Help Chris to brainstorm reasonable accommodation requests that will allow him to remain in the VI program and housing. Chris's TILCP and Needs and Services Plan may provide helpful examples of what types of reasonable accommodations are needed to ensure Chris's ability to participate in the program and maintain his housing.
- ▶ Request a reasonable accommodation from the VI program in writing, and if needed, request a meeting with the THP-NMD agency, and include Chris's county placing agency social worker, friends, family, and health personnel (as appropriate).
- ▶ If the request is denied, consider filing a complaint with DFEH.
- ▶ The advocate may need to engage in other parallel advocacy strategies to challenge the program and housing exit while simultaneously requesting a reasonable accommodation. (see pages 24-32 above regarding a program exit and pages 34-38 above regarding an exit from the housing unit).



CONCLUSION

This advocacy guide is meant to point youth and their advocates to legal information and strategies to help stabilize housing and prevent involuntary exits from THP-NMD. THP-NMD is a critical part of the extended foster care placement array for nonminor dependents needing or desiring a supportive, transitional placement. Access to transitional housing and supportive services is essential for nonminor dependents and housing preservation should be a critical focus for advocates working with nonminor dependents. Given the numerous system-actors with overlapping as well as distinct roles and responsibilities, advocacy strategies will be different in every case. To understand how these laws will apply to any specific case, consult a legal services attorney or contact the Youth Law Center for technical assistance. For any questions related to this advocacy guide, please contact info@ylc.org.

APPENDIX A: HOUSING PRESERVATION CHECKLIST FOR YOUTH AND ADVOCATES

UPON ENTRY INTO THP-NMD

- ▶ Review eligibility requirements and confirm that the county placing agency is helping the youth ensure ongoing eligibility.
- ▶ Request a child and family team meeting to address TILCP needs. Request any necessary mental health services and ensure that the youth can access services from their unit, either using available transportation or with transportation support from the program.
- ▶ If a youth has a disability, request a reasonable accommodation in writing and document the accommodation in the TILCP.
- ▶ Request a copy of the youth's TILCP, their agreement with the THP-NMD agency, and any other written program communications, in both hard copy and electronic form.
 - ▶ Make sure that the youth also has written and electronic copies and advise the youth to keep all documents and communications
- ▶ Request a copy of the THP-NMD program rules and make sure that the youth understands them. Make sure that the youth also receives a copy of the program rules.
- ▶ Ensure that both the TILCP and the program rules reflect any emergency circumstances. For instance, due to the COVID-19 public health emergency, nonminor dependents will continue to be eligible for extended foster care even if they cannot meet one of the five participation conditions until December 31, 2021, unless the Federal Stafford Act flexibilities expire earlier. Confirm whether the THP-NMD offers similar flexibility and document those flexibilities in the TILCP.¹⁸²

UPON NOTICE OF TERMINATION FROM THP-NMD

- ▶ Review any written 7-day notice and summarize its contents. If the youth did not receive a written notice, then contact the program to explain that under AB12 Interim Regulation 86168.4(c)(1), the youth has a right to a written notice and that no exit can occur without that notice.
- ▶ Advise the youth that they do not have to leave the unit immediately and show them the part of the written notice that says so.

- ▶ Convene a team meeting to assess the nonminor dependent's needs and advocate for a more appropriate solution than discharge. Come prepared with a written agreement to keep the youth in housing.
- ▶ Consult with the county placing agency to ensure that the reason for the nonminor dependent's discharge is not related to a termination of foster care funding. In the rare circumstance that the discharge is related to a determination that the nonminor dependent is no longer eligible for foster care funds to support their placement in THP-NMD, then assist the youth in filing a state fair hearing request with the State Hearings Division of the California Department of Social Services.
- ▶ Bring any issues of housing instability to the attention of the juvenile court, and request that the county placing agency assist the nonminor dependent with maintaining their current housing or finding a new appropriate placement. Ensure that the juvenile court is aware of the nonminor dependent's housing situation and does not terminate jurisdiction (which would terminate the youth's eligibility for THP-NMD, as well).
- ▶ Assert the youth's rights as a tenant, and consult a housing attorney immediately. The youth cannot be removed from the unit without having received proper written notice and may be entitled to a formal judicial process of eviction, which includes an opportunity to respond to and contest the eviction in court.
- ▶ Consider filing a licensing complaint with CCLD and/or contacting the Office of the Foster Care Ombudsperson (877-846-1602) if the nonminor's rights are violated.

UPON EXIT

- ▶ Ensure that the county placing agency has secured another safe and appropriate placement for the nonminor dependent. Remember, the county placing agency has an obligation at all times while the youth is subject to either a voluntary re-entry agreement or court jurisdiction to provide an appropriate placement to the nonminor dependent.
- ▶ Ensure that the youth receives their emancipation funds and all personal belongings upon exit from the program.
 - ▶ Consider filing a licensing complaint with CCLD and/or contacting the Office of the Foster Care Ombudsperson if the youth does not receive all of their funds and personal belongings

SYSTEMS ADVOCACY

If county or program policies do not comport with existing law, raise these issues at the program, county, or state level. You can find the contacts for your county's THP-NMD agencies below.¹⁸³ At the state level, you can contact the TAY Policy Unit of the California Department of Social Services (TAYPolicy@dss.ca.gov) or Youth Law Center at info@ylc.org.

APPENDIX B: COMMUNITY CARE LICENSING COMPLAINT INVESTIGATIVE REPORT

COMPLAINT INVESTIGATION REPORT	SERVICES
	COMMUNITY CARE LICENSING DIVISION

This is an official report of an unannounced visit/investigation of a complaint received in our office on **01/26/2016** and conducted by Evaluator [REDACTED]

PUBLIC	COMPLAINT CONTROL NUMBER: [REDACTED]
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FACILITY NAME: [REDACTED]	FACILITY NUMBER: [REDACTED]
ADMINISTRATOR: [REDACTED]	FACILITY TYPE: 726
ADDRESS: [REDACTED]	TELEPHONE: [REDACTED]
CITY: [REDACTED]	ZIP CODE: [REDACTED]
CAPACITY: [REDACTED]	DATE: 03/23/2016
MET WITH: Facility Administrator	UNANNOUNCED TIME BEGAN: 12:00 PM
	COMPLETED: 01:15 PM

ALLEGATION(S):

1	Accountability
2	Reporting requirements
3	
4	
5	
6	
7	
8	
9	

INVESTIGATION FINDINGS:

1	Criminal records were reviewed and the facility is in compliance with the requirement. LPA conducted a
2	complaint investigation to the above allegations.
3	An allegation was made the facility failed to meet reporting requirements as per regulation, and failed to
4	follow the Plan of Operation regarding facility and program operations. During the investigation,
5	interviews were conducted and upon reviewing the pertaining documents, it was revealed, in December
6	2015 around the holidays a former NMD had left the client's house and did not return. The NMD had
7	been in contact with the assigned county social worker, and as per facility administrator was also in
8	contact with the program director. However, per NMD no contact was ever made with facility staff during
9	that time frame; only the CPS worker. The facility staff failed to report the incident within the required time
10	frame per Title 22. It was also determined that the facility never actually reported the incident (AWOL) at
11	all, and the county worker disclosed this information to the Licensing Program Analyst.
12	
13	

Substantiated	Estimated Days of Completion:
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SUPERVISOR'S NAME: [REDACTED] LICENSING EVALUATOR NAME: [REDACTED] LICENSING EVALUATOR SIGNATURE:	TELEPHONE: [REDACTED] TELEPHONE: [REDACTED] DATE: 03/23/2016
I acknowledge receipt of this form and understand my licensing appeal rights as explained and received.	
FACILITY REPRESENTATIVE SIGNATURE:	DATE: 03/23/2016

This report must be available at Child Care and Group Home facilities for public review for 3 years.
 LIC9099 (FAS) - (06/04) Page: 1 of 3

Control Number [REDACTED]

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY COMPLAINT INVESTIGATION REPORT (Cont)	CALIFORNIA DEPARTMENT OF SOCIAL SERVICES COMMUNITY CARE LICENSING DIVISION [REDACTED]
FACILITY NAME: [REDACTED]	FACILITY NUMBER: [REDACTED] VISIT DATE: 03/23/2016

NARRATIVE	
1	The facility also failed to follow their Plan of Operation: LPA's made numerous attempts to
2	initiate this complaint investigation however there were no staff ever present at the office.
3	The door was locked and staff did not respond to LPA's requests to contact the LPA. The
4	social work staff do not meet with NMD's at the office but rather continue to utilize another
5	space in the client's residence in lieu of the addressed office space. Records are required to
6	be kept locked when not in use by the social worker and the files are not stored as per the
7	facility's own procedure as outlined in the plan of operation. The agency administrator has
8	not been present at the addressed facility location stating he is in the [REDACTED] office or
9	with client's at other locations. It was further noted that case managers are performing
10	duties of a social worker and the administrator.
11	Based on the information obtained, there is preponderance of the evidence to determine
12	the facility failed to report a client's AWOL, and was not following the plan of operation for
13	protocols and procedures in regard to the operation of this agency.
14	LPM and LPA's met with administrative staff for an Informal Meeting in the [REDACTED] office on
15	March 4, 2016, to discuss these issues and concerns. LPA will continue to monitor the
16	operation of the agency and will expect the office to be staffed during regular office hours to
17	ensure availability.
18	Hence the above allegations are Substantiated.
19	Appeal Rights were provided and deficiencies cited.
20	Exit interview conducted and copy left with the Administrator on site.
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SUPERVISOR'S NAME: [REDACTED]	TELEPHONE: [REDACTED]
LICENSING EVALUATOR NAME: [REDACTED]	TELEPHONE: [REDACTED]
LICENSING EVALUATOR SIGNATURE:	DATE: 03/23/2016

I acknowledge receipt of this form and understand my licensing appeal rights as explained and received.

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY	CALIFORNIA DEPARTMENT OF SOCIAL SERVICES COMMUNITY CARE LICENSING DIVISION
COMPLAINT INVESTIGATION REPORT (Cont)	[REDACTED]

FACILITY NAME: [REDACTED] **FACILITY NUMBER:** [REDACTED]
DEFICIENCY INFORMATION FOR THIS PAGE: **VISIT DATE:** 03/23/2016

Deficiency Type POC Due Date / Section Number	DEFICIENCIES	PLAN OF CORRECTIONS(POCs)
Type B 04/20/2016 Section Cited 86061 (a) (6)	<ol style="list-style-type: none"> Reporting requirements: The licensee shall report to the licensing agency, the participant's authorized representative, and placement entity within 24 hours, any unexplained absence of a THPP participant, unless otherwise specified in the participant's needs and services plan. Licensee failed to report the unauthorized absence of the youth to CCL. 	<ol style="list-style-type: none"> Licensee shall report the incidences in a timely manner per title 22. (Immediate correction) and review the reporting requirements with all attending staff members as addressed in Title 22. A signed copy shall be submitted to LPA by due date.
Type B 03/28/2016 Section Cited 86064 (2)	<ol style="list-style-type: none"> Administrator Duties: The administrator shall be responsible for the operation of the THPP. The administrator shall be present or readily available in the THPP during regular business hours (e.g. 8:00 a.m. to 5:00 p.m.). Facility Administrator wasn't available at the office site per LIC500 	<ol style="list-style-type: none"> Licensee shall submit a revised LIC 500 with specific day and time of the operational hours of the office location by 3-28-16
Type B 04/20/2016 Section Cited 86072 (b)	<ol style="list-style-type: none"> Personal Rights: The licensee shall ensure that each THPP participant is accorded personal rights. THPP participants' personal rights include the right to safe, healthful and comfortable home accommodations, furnishings and equipment that are appropriate to his/her needs. Licensee failed ensure the THPP participant's safety at the home. 	<ol style="list-style-type: none"> Licensee shall review the Personal Rights as addressed in Title 22 with all attending staff members and submit a signed training sheet to the LPA by the due date. 4-20-16
Type B 04/20/2016 Section Cited 86078 (a)(2)	<ol style="list-style-type: none"> The licensee is responsible for ensuring that the THPP participant provides care and supervision for the participant's child(ren). Licensee failed to provide care and supervision to the THPP participant in their care. 	<ol style="list-style-type: none"> Licensee shall review the requirements for Care and Supervision as addressed in Title 22 with all attending staff members and submit a signed training sheet to the LPA by the due date. 4-20-16

Failure to correct the cited deficiency(ies), on or before the Plan of Correction (POC) due date, may result in a civil penalty assessment.

SUPERVISOR'S NAME: [REDACTED]	TELEPHONE: [REDACTED]
LICENSING EVALUATOR NAME: [REDACTED]	TELEPHONE: [REDACTED]
LICENSING EVALUATOR SIGNATURE:	DATE: 03/23/2016
I acknowledge receipt of this form and understand my licensing appeal rights as explained and received.	
FACILITY REPRESENTATIVE SIGNATURE:	DATE: 03/23/2016

APPENDIX C: RESOURCES AND REFERENCES

IMPORTANT CONTACTS

Office of the Foster Care Ombudsperson https://fosteryouthhelp.ca.gov/ (877) 846-1602 fosteryouthhelp@dss.ca.gov	California Department of Social Services Transition Age Youth Policy Unit (916) 651-7465 TAYPolicy@dss.ca.gov
California Department of Social Services State Hearing Requests https://www.cdss.ca.gov/hearing-requests (800) 743-8525	Department of Fair Employment & Housing – Complaints and Other Info https://www.dfeh.ca.gov/complaintprocess/
County Ombudsperson Offices https://advokids.org/wp-content/uploads/2020/10/County-Ombudsperson-List-10.26.2020.pdf	Children’s Residential Regional Offices https://www.cdss.ca.gov/Portals/9/CCL/ChildrensResidentialDirectory.pdf
THP-NMD Provider Roster https://docs.google.com/spreadsheets/d/1cBNmrOi9Yj84zM1iGsUYbdeoBlf3ICMtLOQWdiY1stM/edit#gid=2069713702	Community Care Licensing Complaint Hotline (844) 538-8766

<p>California Department of Social Services Independent Living Program Coordinators</p> <p>https://www.cdss.ca.gov/Portals/9/ALL%20Contact%20List5.23.pdf?ver=2019-05-30-184551-463</p>	<p>Legal Aid Directory http://lawhelpca.org/legal-directory</p>
<p>County Welfare Directors Association AB 12 (Extended Foster Care) Re-Entry Contact List</p> <p>https://www.jbay.org/wp-content/uploads/2020/05/CWDA-AB-12-Re-Entry-Contact-list-05-20-20.pdf</p>	<p>Legal Aid Association of California, California Legal Services Support Center Directory</p> <p>https://secureservercdn.net/198.71.189.253/zzg.f6f.my-ftpupload.com/wp-content/uploads/20-21-Support-Center-Directory-1.pdf</p>

RELATED RESOURCES

- ▶ THP-NMD Fact Sheet: <https://www.ylc.org/wp-content/uploads/2021/11/THP-NMD-Fact-Sheet-10.2021.pdf>
- ▶ THP-NMD Statewide Implementation Project: <https://jbay.org/resources/information-about-thp-nmd-extended-foster-care/>
- ▶ THP-NMD & THP-Plus 2019-2020 Annual Report: <https://jbay.org/resources/2019-20-thp-nmd-thp-plus-annual-report-covid-19-program-access-youth-outcomes-more-2/>
- ▶ Representing Yourself at a State Hearing: Tips to Succeed: <https://www.lsnr.net/sites/default/files/files/resources/Representing%20Yourself%20at%20a%20State%20Hearing%20-%20Tips%20to%20Succeed.pdf>
- ▶ Your Right to Reasonable Housing Accommodations: <https://www.disabilityrightsca.org/post/your-right-to-reasonable-housing-accommodations>

LEGAL AUTHORITIES

- ▶ United States Code (USC): <https://uscode.house.gov/>
- ▶ U.S. Code of Federal Regulations (CFR): <https://www.ecfr.gov/cgi-bin/ECFR?page=browse>
- ▶ California statutes, including the Welfare & Institutions Code, Health & Safety Code, and Civil Code: <http://leginfo.legislature.ca.gov/>
- ▶ California Code of Regulations (CCR): <https://govt.westlaw.com/calregs/Index?transitionType=Default&contextData=%28sc.Default%29>
- ▶ California Department of Social Services Regulations, including Manual of Policies and Procedures: <https://www.cdss.ca.gov/inforesources/cdss-regulations-home-page>
- ▶ California Department of Social Services Administrative guidance, including All-County Letters and All-County Notices: <https://www.cdss.ca.gov/inforesources/letters-and-notices>
- ▶ California Department of Social Services, Community Care Licensing Division Administrative Guidance, including Information Releases: <https://www.cdss.ca.gov/inforesources/childrens-residential/public-info-and-policies>
- ▶ California Rules of Court: <https://www.courts.ca.gov/rules.htm>
- ▶ Judicial Council Court Forms: <https://www.courts.ca.gov/forms.htm>

ENDNOTES

1 The name was formally changed by Senate Bill 612 (Mitchell, 2017), effective January 1, 2018.

2 The California Fostering Connections to Success Act, Assembly Bill 12 (2010), implemented the Federal Fostering Connections to Success and Increasing Adoptions Act for California youth which allows states to claim Title IV-E funds to extend foster care up until the age of 21 and created new foster care placements for nonminor dependents.

3 Cal. Health & Safety Code § 1559.110(a)(2)(B), (b).

4 Stephen Gaetz, “A Safe and Decent Place to Live: Towards a Housing First Framework for Youth,” Canadian Homeless Research Network – The Homeless Hub (2014) (explaining the advantages and necessity of the housing first approach for transition aged youth).

5 The number of youth waiting for THP-NMD has more than doubled since 2018 when this data was first collected, with 482 youth waiting for space in the program as of June 30, 2020. “THP-NMD & THP-Plus Annual Report 2019-20,” John Burton Advocates for Youth (November 2020), p. 3, available at https://www.jbay.org/wp-content/uploads/2020/11/THP_AR_final-11-5-20-1.pdf.

6 Id. at 19. Note: the John Burton Advocates for Youth Report defines an involuntary exit as “an exit based on program non-compliance.” This advocacy guide uses the term “involuntary exit” more broadly to mean an exit that is not initiated by the nonminor dependent.

7 Id. at 18.

8 Id. at 19.

9 This advocacy guide uses the terms “THP-NMD agency,” “THP-NMD program,” and “THP-NMD provider” interchangeably.

10 Other housing programs that often target the transition aged youth (TAY) population but are not discussed in this resource include Independent Living Program housing (ILP, for former foster youth up to age 21), permanent supportive housing and rapid rehousing (often administered through local homelessness Continuums of Care with some dedicated TAY units), and Mental Health Services Act housing (MHSA, for individuals with mental health needs including TAY).

11 Available at: <https://www.ylc.org/resource/preventing-involuntary-exits-from-thp-plus/>.

12 Cal. Welf. & Inst. Code §§ 11400(v)(1), 388.1.

13 A small group of youth are also eligible for extended foster care under Assembly Bill 748 (Gipson, 2019), effective January 1, 2020, which amended Cal. Welf. & Inst. Code § 358. The new Cal. Welf. & Inst. Code § 358 allows for a child welfare dispositional hearing to occur after a youth has turned 18 if the following criteria is met:

(1) The youth was found to be a minor described by Cal. Welf. & Inst. Code § 300 at a jurisdictional hearing pursuant to Cal. Welf. & Inst. Code § 355, prior to their 18th birthday, and was continuously detained pursuant to Cal. Welf. & Inst. Code § 319(c), and

(2) The youth must provide informed consent for the dispositional hearing.

For additional guidance on AB 748, see California Department of Social Services All-County Letter (ACL) 21-62, available here: <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-62.pdf?ver=2021-06-28-154625-820>.

14 Cal. Welf. & Inst. Code § 11400(v)(2).

15 Cal. Welf. & Inst. Code §§ 11403(b), 11400(z). Under Cal. Welf. & Inst. Code § 388(e) and Cal. Rules of Court, rule 5.906(c), if the petition to Request Return to Juvenile Court Jurisdiction and Foster Care (Judicial Council Form JV-466) has not been filed at the same time the nonminor completes the Voluntary Re-entry Agreement (SOC 163), the placing agency must file form JV-466 on the nonminor’s behalf within 15 court days of the date the Voluntary Re-entry Agreement was signed, unless the nonminor files form JV-466 prior to the expiration of the 15 court days. The JV-

466 can be accessed here: <https://www.courts.ca.gov/documents/jv466.pdf>.

16 Cal. Welf. & Inst. Code § 11400(v)(3).

17 Cal. Welf. & Inst. Code § 388(e)(5)(C).

18 Cal. Welf. & Inst. Code § 11403(b).

19 Cal. Welf. & Inst. Code §§11403(e); 391(d). Notably, Cal. Welf. & Inst. Code § 391(d) indicates that the court shall not terminate jurisdiction over a nonminor unless a hearing is conducted pursuant to § 391(d). At any hearing at which the court is considering terminating jurisdiction over a nonminor, the county welfare department shall do all of the following:

(1) Ensure that the dependent nonminor is present in court, unless the nonminor does not wish to appear in court and elects a telephonic appearance, or document reasonable efforts made by the county welfare department to locate the nonminor when the nonminor is not available.

(2) Submit a report describing whether it is in the nonminor's best interests to remain under the court's dependency jurisdiction, which includes a recommended transitional independent living case plan for the nonminor when the report describes continuing dependency jurisdiction as being in the nonminor's best interest.

(3) If the county welfare department recommends termination of the court's dependency jurisdiction, submit documentation of the reasonable efforts made by the department to provide the nonminor with the assistance needed to meet or maintain eligibility as a nonminor dependent, as defined in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(4) If the nonminor has indicated that they do not want dependency jurisdiction to continue, the report shall address the manner in which the nonminor was advised of their options, including the benefits of remaining in foster care, and of their right to reenter foster care and to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction prior to attaining 21 years of age.

20 Cal. Welf. & Inst. Code § 388(e).

21 AB 128 is available here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220AB128.

22 SB 129 is available here: https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=202120220SB129.

23 See ACL 21-96 for additional guidance on the implementation of AB 128 and SB 129. ACL 21-96 is available here: <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-96.pdf?ver=2021-08-20-155723-527>.

24 Available here: <https://www.ylc.org/resource/emergency-plan-with-tay-in-foster-care/>.

25 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 also to expand foster youth's rights. See ACL 21-69 for background on the Foster Youth Bill of Rights and the recent expansion, which is available here: <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-69.pdf?ver=2021-06-25-155859-067>.

26 Cal. Welf. & Inst. Code § 303(d)(1).

27 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. A link to the Office of the Foster Care Ombudsman complaint webpage can be found here: <https://fosteryouthhelp.ca.gov/file-a-complaint/>.

28 Advocates who do not represent youth in the underlying dependency or delinquency matter should do this in consultation and coordination with the juvenile court attorney.

29 The court can make this determination under Cal. Welf. & Inst. Code §§ 366.31(a), 388(e)(5)(A), 388.1(c)(5), 450, 607.2(b)(1) & (b)(4), following the procedures set forth in Cal. Rules of Court, rules 5.707(c)-(d), 5.811(e)-(f), 5.813(e)-(f), 5.903(e), and 5.906(i).

30 A county placing agency may not decline or fail to file a youth's reentry request based on its own determination that a youth is ineligible for extended foster care. While the county placing agency may argue or recommend against reentry, the decision remains with the court. See ACL 19-105, available here: <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2019/19-105.pdf>.

31 Cal. Welf. & Inst. Code § 11403(e); Cal. Rules of Court, rule 5.903(d).

32 Cal. Welf. & Inst. Code § 366.3(d)-(e); Cal. Rules of Court, rule 5.903(e)(1).

33 Cal. Welf. & Inst. Code §§ 366.3(e), 366.31(d)(2); Cal. Rules of Court, rule 5.903(e)(1)(K).

34 Cal. Welf. & Inst. Code §§ 16501, 16501.1.

35 Cal. Welf. & Inst. Code § 16001(a), ACL 19-105, and ACL 21-95. ACL 21-95 is available here: <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-95.pdf?ver=2021-08-18-163613-730>.

36 ACL 19-105 and ACL 11-77. ACL 11-77 is available here: <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-77.pdf>.

37 Cal. Welf. & Inst. Code §§ 11401(e), (g); specifically that "continuance in the home would be contrary to the child's welfare and that, if the child was placed in foster care, reasonable efforts were made, consistent with Chapter 5 (commencing with Welf. & Inst. Code Section 16500) of Part 4, to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home."

38 Available here: <https://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC161.pdf>.

39 Cal. Welf. & Inst. Code §§ 11403(e), 11401.5, 11401.6.

40 Cal. Welf. & Inst. Code § 11403(c). See pages 17-22 of this guide for a discussion of state administrative hearings and responding to written notices. While the county placing agency has an obligation to secure the foster care funding and pay for the placement, unavailability of any particular type of funding does not alleviate the agency's obligation to provide a placement after a Voluntary Reentry Agreement has been signed and for the duration of court jurisdiction.

41 Cal. Welf. & Inst. Code §§ 366.3(d), 366.31(e); Cal. Rules of Court, rule 5.903(a), (b)(5), (e)(1).

42 Cal. Welf. & Inst. Code §§ 11403, 16501.1; MPP § 31-201, MPP § 31-236(a). If the youth does not participate in the development of a TILCP, the social worker or probation officer still must complete one, and include documentation explaining the youth's refusal.

43 Note: The requirements around TILCP development sit inside the child and family team (CFT) process and should include the youth and the youth's CFT to develop a comprehensive and meaningful TILCP with goals and services that will prepare the youth for independent living. See ACLs 16-84 and 18-23 for more about how the case planning process fits within the CFT process. ACL 16-84 is available here: <https://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acl/2016/16-84.pdf>. ACL 18-23 is available here: <https://www.cdss.ca.gov/Portals/9/ACL/2018/18-23.pdf?ver=2018-06-01-160245-447>.

44 For more information about the placing agency's obligations, see the California Integrated Core Practice Model Guide for Children, Youth, And Families available here: <https://www.cdss.ca.gov/Portals/9/CCR/ICPM/ICPM%20document%20with%20CDSS%20and%20DHCS%2012-17-2018%20FINAL.pdf?ver=2019-01-14-094317-290>.

45 Cal. Welf. & Inst. Code §§ 362, 727(b); Cal. Rules of Court, rule 5.575. THP-NMD housing programs are agencies that could be joined under Welf. & Inst. Code §§ 362, 727(b) and advocates should consider this strategy in their advocacy.

46 MPP § 31-236(h)-(i). Further specification of the service delivery requirements of the county placing agency's social worker or probation officer are outlined in MPP § 31-310.

47 Cal. Welf. & Inst. Code § 391. Note: A lack of foster care funding from a particular source or failure by the county placing agency to provide an appropriate placement for the nonminor are not allowable bases to terminate court jurisdiction.

48 Cal. Welf. & Inst. Code § 391(d).

49 Cal. Welf. & Inst. Code §§ 391(d)(3)-(4), 303(c).

50 Cal. Welf. & Inst. Code § 11403(b), (e); All-County Letter 12-12 (Mar. 23, 2012), p. 2, available at <https://cdss.ca.gov/lettersnotices/entres/getinfo/acl/2012/12-12.pdf>. Reentry timelines and processes can be found at Cal. Welf. & Inst. Code §§ 388, 388.1, and Cal. Rules of Court Rule 5.906. Advocates should review these sections and processes to be able to assist youth with speedy reentry.

51 ACL 12-12. Advocates should note the sample timeline for processing re-entry cases beginning on page 11 of ACL 12-12.

52 Cal. Welf. & Inst. Code § 11402.

53 A list of county re-entry contacts can be found here: <https://www.jbay.org/wp-content/uploads/2020/05/CWDA-AB-12-Re-Entry-Contact-list-05-20-20.pdf>.

54 The Voluntary Re-Entry Agreement (“VRA”) (SOC 163) can be found here: <https://www.cdss.ca.gov/cdssweb/entres/forms/English/SOC163.pdf>.

55 This would be a Cal. Welf. & Inst. Code § 388.1 reentry.

56 Cal. Health & Safety Code § 1559.110(d).

57 Cal. Health & Safety Code § 1559.110(e).

58 ACL 12-44, AB12 Interim Regulation 86178(c). ACL 12-44 is available here: <https://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl/2012/12-44.pdf>.

59 Cal. Health & Safety Code § 1559.110(a)(3), Cal. Welf. & Inst. Code § 16522.1.

60 AFDC-FC stands for Aid to Families with Dependent Children-Foster Care and “AFDC-FC eligible” means that the child or nonminor dependent is eligible for foster care funding (either state or federal).

61 Cal. Welf. & Inst. Code § 16552.1(c).

62 Note: Advocates can request copies of the county certifications from the county directly or the individual THP-NMD provider. The county certifications could provide the basis for additional advocacy where there is a disparity between what the THP-NMD provider certified they could provide to program participants and what they are actually providing to youth in their program.

63 THPP Regulations (Title 22, Division 6, Chapter 7) are available here: [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I53965750D4BE-11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)&bhcp=1](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=I53965750D4BE-11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)&bhcp=1).

64 AB 12 Interim Regulations for THPP (Title 22, Division 6, Chapter 7, Subchapter 1: Nonminor Dependents) are available here: <https://www.cdss.ca.gov/Portals/9/Children’s%20Residential/AB12thpp.pdf?ver=2019-07-09-144957-243>.

65 The AB 12 Interim Regulations are in the process of being promulgated and will be incorporated into the regulations as “Title 22, Division 6, Chapter 7, Subchapter 2: Transitional Housing Placement Program for Nonminor Dependents.” This is expected to happen in 2022. Advocates should note that 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 advocates should double check which regulations they’re using and citing to while the regulations for the Transitional Housing Placement Program for Nonminor Dependents are still pending. This advocacy guide makes it clear when it is citing to the AB 12 Interim Regulations and when it is citing to the newly updated THPP Regulations.

66 General Licensing Regulations (Title 22, Division 6, Chapter 1) are available here: [https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IDDDE3B90D4BD11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=\(sc.Default\)](https://govt.westlaw.com/calregs/Browse/Home/California/CaliforniaCodeofRegulations?guid=IDDDE3B90D4BD11DE8879F88E8B0DAAAE&originationContext=documenttoc&transitionType=Default&contextData=(sc.Default)).

67 Manual of Policy and Procedures Sections 30-901 — 30-920 is available here: <https://www.cdss>.

ca.gov/ord/entres/getinfo/pdf/ssman4.pdf.

68 Advocates should note that there is an argument that the interim licensing regulations are no longer in effect because only the initial adoption of the emergency regulations and one readoption (to be in effect for no more than 180 days) were authorized under Cal. Health & Safety Code § 1502.7 (effective January 1, 2011) and California Department of Social Services CCL Information Release No. 2011-06, available here: <https://www.cdss.ca.gov/Portals/9/CCL/Childrens-Residential-Licensing/201106.pdf?ver=2019-12-09-100550-993>

69 All County Information Notice Number (ACIN) I-40-11 is available here: <https://www.fresnostate.edu/chhs/ccta/documents/ab12-acin-i-40-11.pdf>.

70 ACL 11-69 is available here: <https://cdss.ca.gov/lettersnotices/entres/getinfo/acl/2011/11-69.pdf>.

71 For the most current CDSS guidance for Children's Residential Programs, including THP-NMD, see <https://www.cdss.ca.gov/inforesources/childrens-residential/resources-for-providers/laws-and-regulations>.

72 These program statements can be obtained from CDSS and should include information on what services the THP-NMD provider has claimed to provide and may be helpful in advocacy where the provider is not meeting the level of service in its own program statement.

73 Information about individual facilities and providers can be found by searching at: <https://www.ccl.dss.ca.gov/carefacilitysearch/>.

74 AB12 Interim Regulation 86168.1(c).

75 AB12 Interim Regulation 86168.1(c)(1).

76 As discussed in footnote 68, there is an argument that the AB 12 Interim Regulations are no longer in effect. Whether they are or are not in effect, to the extent the interim regulations are interfering with a nonminor dependent's rights as a legal adult or their ability to maintain their housing and access the THP-NMD program, advocates should argue that nothing in the regulations governing THP-NMD housing provides a basis for failure to comply with existing legal requirements and protections (e.g. applicable confidentiality laws, nondiscrimination and fair housing laws etc.).

77 AB12 Interim Regulation 86168.1(c)(2).

78 AB12 Interim Regulation 86168.2.

79 Cal. Welf. & Inst. Code §§ 781, 786, 786.5.

80 For more on Federal and State Fair Housing Laws and Reasonable Accommodation Requirements, see pages 40-42 of this guide.

81 See pages 24-25 and 40-43 of this guide for more discussion about federal and state anti-discrimination laws and their application to program admissions and exits.

82 Cal. Welf. & Inst. Code § 303(d)(1).

83 Cal. Welf. & Inst. Code §§ 11403(c), (e), 11401.5, 11401.6; ACL 19-105. See pages 17-22 of this guide for a discussion of state administrative hearings and responding to written notices.

84 Cal. Welf. & Inst. Code §§ 11403(c), (e), 11401.5, 11401.6; ACL 19-105. If counties have routine difficulty finding THP-NMD placements for nonminors in their care due to lack of availability or admission denials, they should evaluate the sufficiency and amount of THP-NMD housing in the county, and reevaluate their certifications and contracts with THP-NMD agencies to ensure that placement resources meet local population needs. See Assembly Bill 1979 (2020) which requires county placing agencies to evaluate the county's placement resources and programs in relation to the needs of nonminor dependents, and to examine the county's ability to meet the emergency housing needs of nonminor dependents. This portion of AB 1979 is codified at Cal. Welf. & Inst. Code § 16001. See also ACL 21-95.

85 AB 12 Interim Regulation 86168.1(c).

86 AB 12 Interim Regulations 86168.1(c), 86178; ACL 12-44.

87 Cal. Welf. & Inst. Code §§ 11403, 16501.1; MPP §§ 31-201, 31-236(a). If the youth does not participate in the development of a TILCP, the social worker or probation officer still must com-

plete one, and include documentation explaining the youth's refusal.

88 AB 12 Interim Regulations 86168.1(d), 86168.3(c), 86170.

89 Cal. Welf. & Inst. Code § 16501(a)(4)(B).

90 MPP § 31-236(h). Further specification of the service delivery requirements of the placing agency's social worker are outlined in MPP § 31-310.

91 Cal. Welf. & Inst. Code §§ 11403(a), (c) & (e); ACL 19-105.

92 The California Integrated Core Practice Model Guide for Children, Youth, And Families is available here: <https://www.cdss.ca.gov/Portals/9/CCR/ICPM/ICPM%20document%20with%20CDSS%20and%20DHCS%2012-17-2018%20FINAL.pdf?ver=2019-01-14-094317-290>.

93 AB 12 Interim Regulation 86168.3(e)(2).

94 AB 12 Interim Regulation 86175(b)(1), 86178(c).

95 ACL 19-105.

96 AB 12 Interim Regulations 86168.4, 86161(e).

97 See pages 24-28 of this guide regarding landlord-tenant protections.

98 Note: If the advocate is not the dependency attorney or juvenile defender, the advocate should work in partnership with juvenile court counsel.

99 Cal. Welf. & Inst. Code §§ 11403(c), (e), 11401.5, 11401.6, 16001(a); ACL 19-105.

100 Cal. Welf. & Inst. Code §§ 11403(e), 11401.5, 11401.6.

101 ACL 11-77, pgs. 6-11.

102 Cal. Welf. & Inst. Code § 11402(d).

103 The rates for Fiscal Year 2021-22 can be found in ACL 21-76, available here: <https://cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-76.pdf?ver=2021-07-19-115429-903>.

104 Note: If the county determines that a particular placement is ineligible for funding, it does not end the county placing agency's obligation to provide an appropriate placement to the non-minor dependent (that would be eligible for funding). See ACL 19-105 and Welf. & Inst. Code §§ 11403(c), (e); 11401.5.

105 Cal. Welf. & Inst. Code § 11403(c); MPP § 22-001(a)(1).

106 MPP §§ 22-001(a)(1), 22-071.13.

107 MPP §§ 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.

108 MPP §§ 22-071.3 – 22-071.6.

109 CDSS' State Hearings Division website: <https://www.cdss.ca.gov/hearing-requests>.

110 MPP § 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.").

111 MPP § 22-072.5. Note: If the youth or provider does not prevail in their state fair hearing, they may need to repay the aid paid pending ("[n]othing in MPP §§ 45-304.122, .123 or .124 prevents counties from collecting an overpayment which results from the payment of aid paid pending"). MPP § 45-304.127.

112 See *In re M.W.*, 26 Cal. App. 5th 921, 932 (2018) (finding that "the court was not required to terminate dependency jurisdiction simply because [the nonminor dependent] was not, for the moment, in an approved foster care placement.").

113 The applicable regulations for the ADFC-FC program can be found at MPP §§ 45-100 - 45-300, available here:

<https://www.cdss.ca.gov/Portals/9/Regs/12EASb.pdf>.

114 CDSS' State Hearings Division website: <https://www.cdss.ca.gov/hearing-requests>.

115 MPP § 22-065. The request for rehearing must be filed within 30 days of receipt of the original hearing decision and would be heard by an ALJ.

116 Cal. Code Civ. Pro. § 1094.5.

117 The foster care eligibility department is the unit within the county welfare department that

administers foster care benefits. Staff within this area are oftentimes called “eligibility workers” and they process applications and oversee foster care benefits cases. Note that these staff members occupy a separate unit and have separate roles and responsibilities than the county placing agency social workers who largely work directly with young people, even though they are all employed by the same agency.

118 AB 12 Interim Regulation 86168.4(c)(1).

119 Losing access to a single apartment unit or having a particular lease terminated does not constitute a licensing change as the license belongs to the provider not the particular unit.

120 AB 12 Interim Regulation 86168.4(d)(B). Note: Pregnancy or becoming a parent cannot be the basis for this “needs change” as the THP-NMD agency must still be in compliance with anti-discrimination laws (see pages 40-42 of this guide).

121 AB 12 Interim Regulation 86170(b)(2)(F).

122 ACL 19-105.

123 See ACL 18-23.

124 Marina Point, Ltd. v. Wolfson, 30 Cal. 3d 721 (1982).

125 AB 12 Interim Regulation 86168.4(c). Note that additional landlord-tenant or Fair Housing protections may apply regarding the housing portion of the THP-NMD program.

126 Id. at 86168.4(c)(2).

127 Note: This “health and safety” catchall provision to exit a youth from the THP-NMD program should not be used to remove youth from the THP-NMD housing where a landlord is prohibited from evicting a tenant, such as when the eviction is based on acts of domestic violence, sexual assault, or stalking committed against a tenant or a tenant’s household member. See pages 34-38 of this guide regarding landlord-tenant protections.

128 AB 12 Interim Regulation 86168.4(c).

129 Id.

130 AB 12 Interim Regulations 86168.4(d)-(e).

131 In fact, sometimes advocacy in the form of providing a youth’s defense attorney with information about the THP-NMD program and extended foster care opportunities can assist with expediting release from custody as it helps to illustrate that a young person has a local address and community support.

132 Cal. Welf. & Inst. Code § 16522.1(d)(1). Note: Section 16522.1(d)(1) applies in all cases of temporary absence, not just those associated with an emergency exit. See also ACL 21-95.

133 AB 12 Interim Regulations 86126(b)-(c).

134 MPP § 30-911.1(s); AB 12 Interim Regulation 86126(d)(2).

135 AB 12 Interim Regulation 86126. See also Cal. Welf. & Inst. Code § 11155.5 which provides that youth participating in extended foster care as a nonminor dependent may retain resources up to \$10,000 and “[a]ny cash savings shall be the child’s own money...[and] [t]he cash savings shall be for the child’s use for purposes directly related to the child’s or nonminor dependent’s transitional independent living case plan goals.”

136 MPP § 30-911.1(s); Cal. Welf. & Inst. Code § 16001.9(a)(30); AB 12 Interim Regulation 86126(f).

137 AB 12 Interim Regulation 86126(f).

138 Note: If the nonminor has been discharged and a nonminor submits a complaint against the licensee, the licensing agency shall investigate the reason for the discharge. AB 12 Interim Regulation 86168.4(f).

139 Note: The list of substantiated CCL violations detailed below in footnotes 140-147 might not contain all possible rule or regulation violations based on these facts.

140 Violations of Cal. Welf. & Inst. Code § 16001.9(a)(1); Health & Safety Code Section § 1501(b)(5); AB 12 Interim Regulations 86172(b)(1), 86187(c)(4).

141 Violations of AB 12 Interim Regulations 86126 and 86172(b)(1), (11); MPP § 30-911.1(s); Cal. Welf. & Inst. Code § 16001.9(a)(1)-(3).

142 Violations of AB 12 Interim Regulation 86172(b)(1), and Cal. Welf. & Inst. Code § 16009.1(a)(1)-(2).

143 Violations of AB 12 Interim Regulations 86172(b)(2), (11); 86126.

144 Violations of 22 Cal. Code Regs. 86168.2(a)(9)-(a)(12), 86187(b); AB 12 Interim Regulation 86168.3, 86178.

145 Violations of AB 12 Interim Regulations 86126; MPP § 30-911.1(s); Cal. Welf. & Inst. Code § 16001.9(a)(11).

146 Violation of AB 12 Interim Regulation 86168.4.

147 Violations of Cal. Health & Safety Code § 1559.110(e) and 22 Cal. Code Regs. 86022(b)(1)(l).

148 The standard to substantiate a violation is that there is a preponderance of the evidence to prove that an alleged violation occurred.

149 The statewide directory can be found here: <https://www.cdss.ca.gov/Portals/9/CCL/ChildrensResidentialDirectory.pdf>.

150 These reports are available at <https://www.ccl.dss.ca.gov/carefacilitysearch/> under “24 Hour Residential Care for Children”, then “Transitional Housing Placement.”

151 AB 12 Interim Regulation 86126, MPP § 30-911.1(s); and Cal. Welf. & Inst. Code § 16001.9(a)(30).

152 See *Savage v. City of Berkeley*, No. C 05-02378 MHP, 2007 WL 911868, at *5 (N.D. Cal. Mar. 23, 2007) (holding that transitional housing program defendant did not present any arguments to show that participant plaintiff could not claim protections as a tenant, hirer, or lessee under California law.).

153 Cal. Civ. Code § 1940; Cal. Code. Civ. Proc. § 1161 (a person subject to an unlawful detainer proceeding [eviction] includes “any person who hires real property except those persons whose occupancy is described in subdivision (b) of Section 1940 of the Civil Code”).

154 The AB12 Interim Regulations Section 86168.4, “Removal or Discharge Procedures” states that the “Eviction Procedures” within the same Chapter of interim regulations do not apply to nonminor dependents. However, this provision addresses only the eviction procedures that exist for other licensed community care facilities. The provision does not preclude the possibility that a licensee (the transitional housing agency) may be subject to all landlord-tenant requirements, including eviction procedures, under California law, which apply to the hiring of real estate generally. Note: State landlord-tenant law can be found in California Civil Code Section 1940, et seq..

155 You can find a statewide list of housing attorneys here: <https://lawhelpca.org/>.

156 For example, in Berkeley, CA, additional protections include: just cause is required for eviction; the landlord must file a copy of any eviction notices or unlawful detainer actions served upon the tenant with the Rent Stabilization Board offices; interest is due on security deposits; the rental unit must be registered with the Rent Stabilization Program; tenant cannot be charged more than the lawful rent ceiling on file with the rent board offices; tenant can file petition with Rent Board requesting a hearing to determine whether there are violations of tenant’s rights and to obtain possible rent refunds, reductions, or other adjustments. Berkeley Municipal Code, Chapter 13.76. Los Angeles County housing laws and regulations may be found here: https://library.municode.com/ca/los_angeles_county/codes/code_of_ordinances?nodeId=TIT8COPRBUWARE_DIV3HO. City of Los Angeles housing laws and regulations can be found here: https://codelibrary.amlegal.com/codes/los_angeles/latest/lamc/0-0-0-196693. The City and County’s San Francisco County housing laws and regulations can be found here: <https://sfrb.org/laws-regulations>.

157 J.K. Dineen, SF’s Measure F Wins, Will Give Tax-Funded Legal Help to Tenants Facing Eviction, *San Francisco Chronicle*, June 5, 2018, available at: <https://www.sfchronicle.com/politics/article/SF-Measure-F-to-give-tax-funded-legal-help-to-12970924.php>; Nadra Nittle, Free Legal Help for Tenants Who Get Eviction Notices? LA Poised to Budget \$3M for It, *Los Angeles Curbed*, May 16, 2019, available at: <https://la.curbed.com/2019/5/16/18623160/right-to-counsel-los-angeles-evictions-free-attorney>.

158 Cal. Health & Safety Code § 1559.110(e). Even though Cal. Health & Safety Code § 1559.110(e)(2) makes it clear that “[a] participant shall not be permitted to solely sign a rental or lease agreement,” this is a common issue. Advocates should look for this issue and, where a youth has signed a rental or lease agreement without a THP-NMD provider cosigner, should request that the THP-NMD agency become a cosigner and also consider filing a CCL complaint. Failure to include the THP-NMD provider as a cosigner could leave the nonminor dependent liable for unpaid rent and/or utilities, eviction, credit issues, etc. that should be the responsibility of the THP-NMD agency.

159 Grand Central Pub. Market, Inc. v. Kojima, 11 CA2d 712, 717 (1936); see also Cal. Civ. Proc. Code §§ 1159, 1160; Spinks v. Equity Residential Briarwood Apts., 171 Cal. App. 4th 1004, 1038 (2009); Glass v. Najafi, 78 Cal. App. 4th 45, 48-49 (2000).

160 The requirement to discharge or remove a nonminor dependent from a THP-NMD program is in section 86168.4(b) of the AB 12 Interim Licensing Regulations, and discussed on pages 24-27 of this guide.

161 Cal. Family Code § 6211: Domestic violence is defined by statute as violence perpetrated against any of the following persons:

- A spouse or former spouse.
- A cohabitant or former cohabitant (including a roommate) (California Family Code § 6209)
- A person with whom the respondent is having or has had a dating or engagement relationship.
- A person with whom the perpetrator has had a child.
- A child of a party or a child who is the subject of an action under the Uniform Parentage Act, where the presumption applies that the male parent is the father of the child to be protected.

Any other person who is a blood relative or affinity within the second degree, which includes: children; step-children; spouse; son/daughter-in-law; grandchildren; parent; parent-in-law; step-parent; brother/sisters; brother/sister-in-law; step brother/sister; grandparents; step-grandparents.

(Probate Code - PROB § 13)

162 Cal. Civ. Proc. Code § 1161.3(a).

163 Cal. Gov’t Code § 53165.

164 Fair housing law applies to an even broader population than landlord-tenant law. 2 C.C.R. 12005(b)(1) & (o) (applying state fair housing protections to a broad range of dwellings and accommodations, including transitional housing). See also 42 U.S.C. § 3603(a)(1)-(2); 29 U.S.C. § 794 (applicability of federal Fair Housing Act).

165 See pages 24-27 of this guide for further discussion about the application of antidiscrimination laws and THP-NMD program access.

166 Available here: <https://www.dfeh.ca.gov/complaintprocess/>. In addition to the administrative complaint process through DFEH, a THP-NMD youth participant with a disability may bring an affirmative claim under fair housing law and may recover damages and obtain injunctive and declaratory relief; or the youth may raise failure to provide a reasonable accommodation as an affirmative defense to an unlawful detainer action. 2 Cal. Code Regs § 12176(c)(8)(A); but see Vella v. Hudgins (1977) 20 Cal.3d 251 (discussing possible collateral estoppel issues for future affirmative claims).

167 Cal. Gov’t Code § 12926; 42 U.S.C. § 3602(h).

168 42 U.S.C. § 3604(f)(3)(B); 24 C.F.R. § 100.204; Budnick v. Town of Carefree, 518 F.3d 1109, 1119 (9th Cir. 2008).

169 42 U.S.C. § 3604 (f)(3)(B).

170 Kuhn by & through Kuhn v. McNary Estates Homeowners Ass’n, Inc., 228 F. Supp. 3d 1142, 1148 (D. Or. 2017).

171 2 Cal. Code Regs § 12177 (a).

- 172 2 Cal. Code Regs § 12177 (b).
- 173 2 Cal. Code Regs § 12178 (a)-(e).
- 174 2 Cal. Code Regs § 12178 (b).
- 175 2 Cal. Code Regs § 12178 (f)-(h).
- 176 2 Cal. Code Regs 12177 (e)-(f).
- 177 AB12 Interim Regulation 86175(b). Advocates should note that the county placing agency is obligated through the TILCP and child and family team processes (discussed on pages 13-17 of this guide) to help youth uncover their needs and brainstorm accommodations that may assist them.
- 178 John D. Ossowski & Julie M. Rosenzweig, Introduction: Trauma-Informed Care, Focal Point., 2015, at 3, <https://www.pathwaysrtc.pdx.edu/pdf/fpS15.pdf>.
- 179 Joint Statement of the Dep't of Housing and Urban Dev. and the Dep't of Justice, "Reasonable Accommodations Under the Fair Housing Act," (May 14, 2002), available at: <https://www.justice.gov/crt/us-department-housing-and-urban-development> (stating that "[a] housing provider is only obligated to provide a reasonable accommodation to a resident or applicant if a request for the accommodation has been made.").
- 180 42 U.S.C. § 3604 (f)(3)(A). Note: While the county placing agency may not have to identify a "reasonable accommodation", the county placing agency should identify and assess the youth's needs and provide a plan to meet those needs in the least restrictive environment through both the TILCP process and child and family team processes in an effort to help youth establish independence (see pages 13-17 of this guide).
- 181 <https://www.dfeh.ca.gov/complaintprocess/>.
- 182 See ACL 21-96 for additional guidance on the implementation of AB 128 and SB 129.
- 183 <https://docs.google.com/spreadsheets/d/1cBNmrOi9Yj84zM1iGsUYbdeoBlf3ICMtLO-QWdiY1stM/edit#gid=2069713702>.

