



Housing & Homelessness Prevention for Transition Aged Foster and Former Foster Youth

A Presentation by Youth Law Center

Note: The information provided in this resource and the referenced materials do not constitute legal advice. All content is for general informational purposes only.

Support Center Function and Services

Youth Law Center is a Qualified Support Center that provides free legal training, legal technical assistance, and advocacy support to the legal community across California.

- **Trainings and Workshops, Workgroups, and Outreach** (trainings on substantive areas of expertise and best practices, participation in local and statewide workgroups, and quarterly outreach and mailing regarding new resources)
- **Consultation, Research, Co-Counseling and Technical Assistance** (direct-assistance to advocates in our areas of substantive expertise, including advocate support for proposed legislation, pleadings and amicus briefs, and individual and systemic issues)
- **Resource Materials, Information Services and Support** (create trainings, toolkits, advocacy guides, facts sheets, policy bulletins and other resources, including co-authoring resources and trainings with other legal service providers)
- Find more about our support center services **in this flyer.**

Areas of Expertise

- Child Welfare
- Juvenile Justice
- Public Benefits for Juvenile Court Involved Youth
- Education of Juvenile Court Involved Youth
- Health and Mental Health
- Housing Issues Impacting Current and Former System Involved Youth and Their Families
- Juvenile Court Records
- Language Access
- Fees, Fines and Other Juvenile Court System Imposed Costs
- Immigrant-related Issues
- Civil Practice Issues in Child Advocacy

Why does this matter to you?

Why do civil legal aid lawyers need to know about housing and other challenges for Transition-Aged Youth (16-25 year-olds)?

- These young people are already your clients.
- They have unique rights/opportunities related to housing and other public benefits
- Their current or prior court involvement is important to screen for at intake and understand throughout their case(s).

How might you screen for current or prior child welfare or juvenile probation involvement? ASK:

- Were you ever in foster care? When you were a child or teenager did you ever have a social worker or probation officer? Did you ever live with someone who was not your parent? How did you come to live with them?

Current and Former Foster Youth are Especially Vulnerable to Homelessness

Homeless during extended foster care

- Nearly **20%** of CalYOUTH participants reported that they were homeless at some point in EFC.¹

Homeless with a history of foster care or delinquency involvement

- **1 in 4** U.S. foster youth will be homeless within 4 years of exiting the system²
- **27%** of SF homeless youth report a history of foster care and **33%** report a history of delinquency involvement³
- Nationally, almost **40%** of homeless youth report a history of foster care⁴

Criminal Justice & Child Welfare Interaction

- **28%** of CA prisoners under 30 yrs had a Child Welfare case or placement history⁵
- Nearly **51%** of CalYOUTH participants had been arrested by age 23⁶

1. Findings from the California Youth Transitions to Adulthood Study (CalYOUTH): Conditions of Youth at Age 21 2. US Interagency Council on Homelessness (2012) 3. 2015 San Francisco PIT Survey data 4. Administration for Children and Families, Family and Youth Services Bureau, Street Outreach Program. April 2016. 5. CA Dept of Social Services "CA State Prison-Child Welfare Data Linkage Study" 2014. 6. Findings from the California Youth Transitions to Adulthood Study (CalYOUTH): Conditions of Youth at Age 23

Housing Issues Unique to Transition Aged Youth (age 16-25)

- Overview of Extended Foster Care
 - Eligibility
 - Reentry
 - Placement Options
- An Overview of Transitional Housing*
 - Transitional Housing Placement Program for Nonminor Dependents (**THP-NMD**)
 - Transitional Housing Program-Plus (**THP-Plus**)
- Housing Preservation Strategies
- FYI & FUP Housing Voucher Programs
- Supportive Services for Housing: Related Legal Issues

*Other housing programs that often target the TAY population but are not discussed in this presentation 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).

Overview of Extended Foster Care (EFC) (AB 12)

- What is it?
 - Provides an *optional* extension of foster care up to age 21
 - Includes housing, case management, and ongoing services to transition to independence
 - Youth in EFC are called “nonminor dependents” or NMDs
- Who is eligible?
 - Youth must have turned 18 years old while subject to a foster care placement order through the juvenile dependency or delinquency court
 - Youth must continue to be under the placement and care authority of the county placing agency and live in a licensed or approved setting
 - Youth must have a transitional independent living case plan (TILCP) which documents the youth’s willingness to satisfy one of the five participation conditions under [WIC 11403\(b\)](#)

Optional Participation and Reentry

- Extended foster care is optional – but is opt out
- If a nonminor dependent (NMD) does not want to participate, they can request a hearing to terminate the juvenile court's jurisdiction
- When NMDs exit care, the juvenile court maintains general jurisdiction over them until age 21 to allow them to reenter (if they change their minds)
- Youth can re-enter care an unlimited number of times until they turn 21
- The reentry is intended to be accessible and easy
- An NMD is entitled to benefits and placement again as of the date the Voluntary Reentry Agreement is signed

Placement Options in Extended Foster Care (Age 18-21)

- Same as placements for minors (e.g. foster/resource parent)
- Three additional placements are available specific to NMDs called Supervised Independent Living Settings (SILS)
 - Transitional Housing Placement Program for Non-minor Dependents (THP-NMD)
 - Supervised Independent Living Placement (SILP)
 - Transitional Living Setting
- NMDs placed or residing out-of-state can still receive benefits (foster care benefits, right to a safe and appropriate placement, case management, and health insurance)

THP-NMD (For TAY Ages 18-21)

- What is it?
 - The Transitional Housing Placement Program for Nonminor Dependents (THP-NMD) is a transitional housing program that provides (1) housing and (2) supportive services to NMD foster youth
 - 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)
- Who is eligible?
 - Youth under the jurisdiction of the juvenile court as a NMD or ward (age 18-21), or youth under the placement and care authority of a child welfare or probation department pursuant to a voluntary reentry agreement
 - No maximum duration so long as the youth is in EFC

THP-Plus (For TAY ages 18-25)

- What is it?
 - The Transitional Housing Placement Program-Plus (THP-Plus) is a transitional housing program that provides: (1) A housing subsidy and supportive services facilitated by the County through a contract with the THP-Plus Agency and (2) Housing: the Tenant's actual possession of a housing unit that was secured by, but not be owned by, the Agency.
 - Note: THP-Plus programs are not licensed by the state. Instead, they are certified by counties.
- Who is eligible?
 - Youth are eligible for THP-Plus if they emancipated out of foster care (whether supervised by child welfare or probation) *on or after* their 18th birthdays
 - Youth are eligible between the ages of 18-25*
 - Youth can participate in the program for 36 months total*

*Note: The age and duration expansions became effective on July 1, 2022 (SB 187 and SB 154)

Preventing Homelessness: What Exactly is an Involuntary Exit?

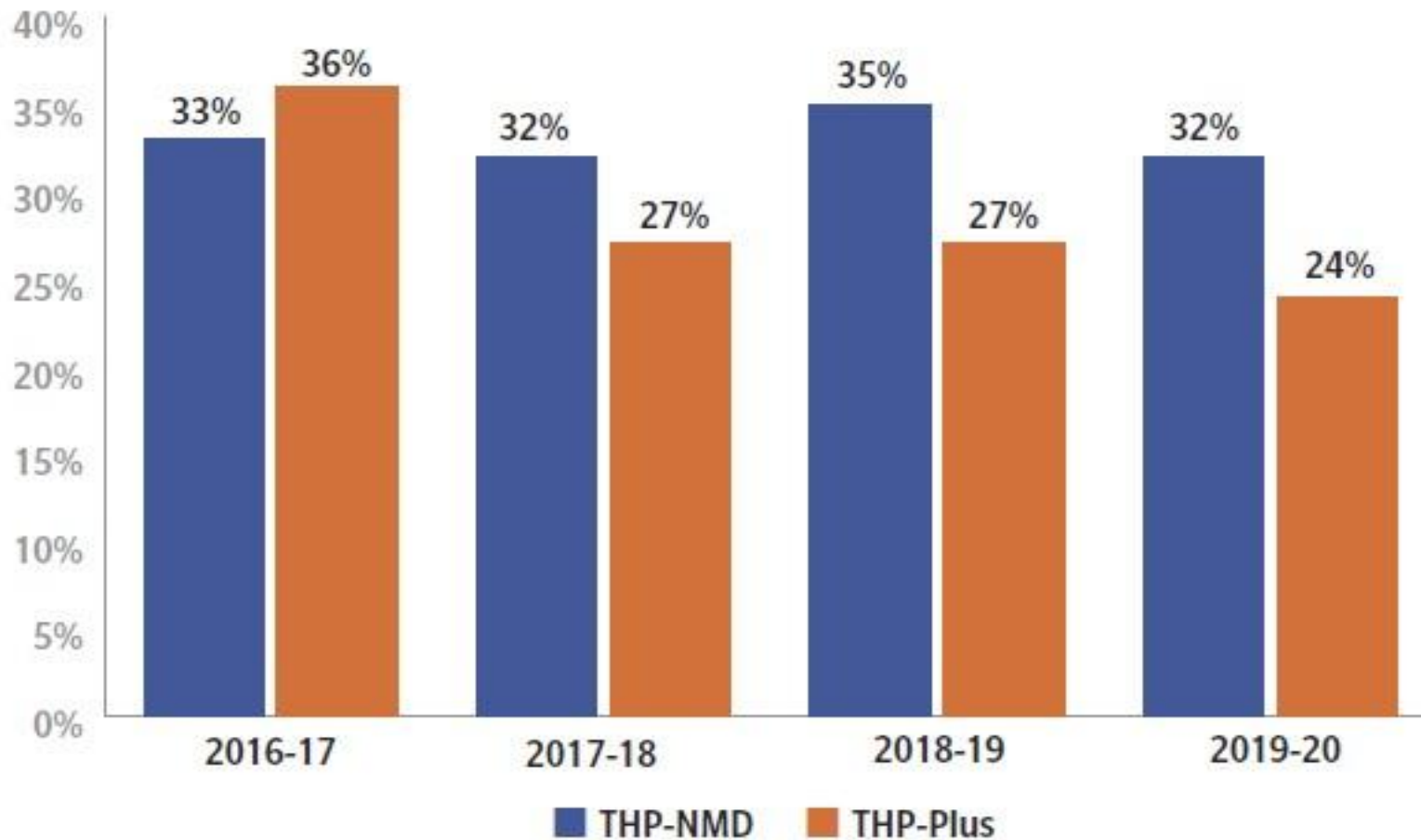
An “**involuntary exit**” can encompass the loss of two distinct but overlapping components of THP-NMD or THP-Plus:

(1) the THP-NMD or THP-Plus *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 or THP-Plus agency.

The loss of one component may not automatically result in the loss of the other.

Figure 15: Rate of Involuntary Youth Exits from THP-NMD and THP-Plus During the Fiscal Year²⁰



In FY 2020-2021, the rate of involuntary exits* from THP-NMD were **36%** and the rate of involuntary exits from THP-Plus were **16%**.

Source:
https://jbay.org/wp-content/uploads/2021/12/2021AR_Census.pdf

Source: John Burton Advocates for Youth. THP-NMD & THP-Plus Annual Report 2019-2020, <https://www.jbaforyouth.org/2019-20-thp-annual-report/>

*Note: the JBAY Reports define an involuntary exit as “an exit based on program non-compliance.” This presentation and the corresponding advocacy guides referenced on slide 14 use the term “involuntary exit” more broadly to mean any exit that is not initiated by the youth.

Housing Preservation Strategies: Preventing Involuntary Exits

- THP-NMD
 - Bring the issue to the attention of the juvenile court
 - Contact or [file a complaint](#) with the Office of the Foster Care Ombudperson
 - [File a Community Care Licensing Complaint](#) with the CCL Division of CDSS
- THP-Plus
 - Grievance Procedure ([MPP § 30-920.1\(l\)](#))
- Both
 - Request a State Fair Hearing
 - State and Local Landlord-Tenant Law
 - Federal and State Fair Housing Laws and Reasonable Accommodation Requirements

For more about housing preservation strategies for TAY in THP-NMD and THP-Plus see Youth Law Center's Advocacy Guides:

[THP-NMD: An Advocacy Guide to Preventing Involuntary Exits](#)
[Preventing Involuntary Exits from THP-Plus: An Advocacy Guide](#)

FYI & FUP Housing Voucher Programs

- What are the FYI/FUP vouchers?
 - FYI stands for the Foster Youth to Independence Program and FUP stands for the Family Unification Program. These are programs that provide a type of housing choice voucher for young people who are leaving or have left foster care.
- Eligibility:
 - Be at least 18 and no more than 24 years old;
 - Have left foster care or will leave foster care in the next 90 days, in accordance with a transition plan described in Section 475(5)(H) of the Social Security Act, and;
 - Be homeless or at risk of becoming homeless at the age of 16 or older.

FYI & FUP Housing Voucher Programs: Additional Information

- **Program length:** FYI/FUP is typically a 3 year voucher but can be extended for up to 2 additional years through the Family Self-Sufficiency Program.
- **Services included:** In addition to rental assistance, the child welfare agency must provide or arrange for support services to help youth maintain housing and meet their goals. These services are voluntary. Examples include: help with employment or school, getting connected with mental health services, or financial management support.
- **After:** FYI/FUP vouchers can, in an ideal scenario, be converted into typical Housing Choice Vouchers so that the young person can remain in stable and safe housing.

FYI/FUP: Resources and Technical Assistance

- YLC Resources:
 - [Fact Sheet](#) (for advocates)
 - [Maximizing Housing Entitlements for Current and Former Foster Youth](#)
 - [An Overview of FYI/FUP Vouchers](#) (for youth)
 - [Template Letters for requesting FYI/FUP](#) (for advocates)
- We are available to provide TA on issues related to housing, and specifically on FYI/FUP, including:
 - In-depth training on the voucher programs available
 - Individual case consultation
 - Issues with counties or public housing authorities providing these vouchers
 - Issues with landlords accepting these vouchers
 - Support for planning to ensure young people remain housed for as long as possible through voucher programs

Maximizing Housing Entitlements for Current and Former Foster Youth*

THP-NMD

- **Age:** 18-21
- **Duration:** No maximum duration so long as age requirements met
- **Status of Foster Care Case:**
CASE OPEN - Must be under the jurisdiction of the juvenile court as an NMD or ward, or be under the placement and care authority of the county placing agency pursuant to a Voluntary Reentry Agreement

THP-Plus

- **Suggested Ages:** 21-24
- **Duration:** 36 months maximum [or until 25th birthday, whichever happens first]
- **Status of Foster Care Case:**
CASE CLOSED - Must have exited from the foster care system, including foster care through probation, on or after 18th birthday

FYI/FUP

- **Suggested Ages:** 24-27 (or 29 under FSS)**
- **Duration:** 36 months maximum, but could be extended 2 years through the Family Self-Sufficiency (FSS) Program
- **Status of Foster Care Case:**
CASE CLOSED - Must have left foster care, or will leave foster care within 90 days, in accordance with a transition plan and be homeless or at risk of becoming homeless at age 16 or older

*This chart shows how a youth may maximize their time using housing options available to current and former foster youth. However, each case requires an individual assessment. Please contact us for TA if you need help working through the nuances of a particular case.

** A youth must be <25 y/o at the time of PCWA certification as FYI/FUP-eligible and also at the time of Housing Assistance Payment (HAP) contract execution. However, so long as the youth meets these criteria, the youth can use the voucher beyond the age of 25.

Supportive Services for Housing: Related Legal Issues

- Transition age youth with experience in foster care may face a variety of challenges to accessing and maintaining stable housing:
 - *Economic hardships* – Gaps in education, employment, and earnings compared to same-age peers, and more difficulty paying for everyday needs and living expenses
 - *Risky behavior* – Statistically more likely to engage in riskier behaviors such as illegal substance use and crime
 - *Lack of a support network* – Housing and placement instability can make it difficult for youth to build connections that can provide short and long-term guidance and support
 - *Experience of trauma* – Higher rates of post-traumatic stress disorder (PTSD) and other mental health conditions
- Legal aid can assist with certain related legal issues to help protect a youth's housing arrangement, including access to public benefits and specialty mental health services (SMHS).

Ensuring Access to Specialty Mental Health Services

- What are specialty mental health services (SMHS)?
 - SMHS include services such as targeted case management, crisis intervention or stabilization services, intensive home-based services, intensive care coordination, and therapeutic foster care.
- Who is eligible?
 - Youth under 21 who are enrolled in Medi-Cal and have a condition placing them at high risk for a mental health disorder due to experience of trauma, evidenced by any of the following:
 - High risk score on an approved trauma screening tool,
 - Child welfare system involvement,
 - Juvenile justice involvement, or
 - Experiencing homelessness (as defined in §11434a of the McKinney-Vento Homeless Assistance Act).

Ensuring Access to Specialty Mental Health Services (cont.)

- What if services are not provided?
 - Beneficiaries can challenge an adverse benefit decision (such as a denial, limitation, or delay of services) by **filing an appeal or requesting a state fair hearing**
 - Beneficiaries can also express dissatisfaction with services (such as a concern about the quality of services) by **submitting a grievance**

SMHS: Resources and Technical Assistance

- **YLC Resources:**
 - [Fact Sheet: Introduction to CalAIM](#)
 - [SMHS Info Sheet \(Bay Area\)](#)
 - [SMHS Info Sheet \(Northern California\)](#)
- We are available to provide TA and other support related to accessing SMHS for your clients
 - YLC has been working with dependency and civil legal aid partners across California to address barriers to accessing services by creating case referral processes in their regions. If you would like to join your regional partners in the Bay Area, Northern California, or Los Angeles (info sheet coming soon), or create a process in your region, please contact YLC.

Medi-Cal Coverage for Former Foster Youth

- Who Qualifies?
 - Youth in foster care (including foster youth supervised by juvenile probation) in ANY STATE on or after their 18th birthday
 - Living in California now
 - Are younger than age 26
- What's covered?
 - Medical care
 - Vision exams (glasses and contact lenses are not covered for youth over 21)
 - Substance abuse treatment
 - Mental health services and counseling
 - Dental Care (braces are not covered for youth over 21)

For more information, visit coveredtil26.org

Examples of Technical Assistance Related to Homelessness Prevention

- Example #1: Attorney reached out to YLC for assistance on behalf of former foster youth client who was facing exit from transitional housing due to age.
 - TA Provided: Conducted research and extensive email TA, then brief follow-up call w/ attorney. In TA, shared contact information for elevating issue to state and county level, inspected county ILP housing contract that states that LL/tenant law applies to the housing program, and gave cites to applicable sections of LL/tenant law
- Example #2: Attorney reached out to YLC for assistance on behalf of NMD placed in THP-NMD who was facing an involuntary exit from the program after the youth asked the program to address habitability issues within their housing unit and the program staff acted inappropriately towards the youth.
 - TA Provided: Conducted research and email TA with a follow-up call to the attorney. In TA, shared applicable law and regulations regarding THP-NMD, information about how to make a community care licensing complaint, and contact information for the Office of the Foster Care Ombudsperson.

Examples of Technical Assistance Related to Housing

- Example #3: A transition aged youth reached out to YLC directly through a community partner with questions about how to access mental health and substance use services for him and his girlfriend so that they could remain in their housing. He described having been denied access to these services recently.
 - TA Provided: A YLC attorney connected the young person to the legal aid office in his geographic area and then provided resources and TA to the attorney who agreed to take on the case.

Opportunity
to Join:

Transition
Aged Youth
Civil Legal
Practice
Exchange

Transition Aged Youth (TAY) Civil Legal Practice Exchange

The TAY Civil Legal Practice Exchange is a group of civil legal advocates across California that convenes regularly to share resources, exchange technical assistance, develop referral pathways, and identify recurring issues related to the civil legal needs of transition age young people. The Exchange provides monthly training for advocates on a variety of TAY topics including transitional housing, identity theft, and transition planning for TAY with disabilities. Contact Marisa Lopez-Scott, Staff Attorney at mlopez@ylc.org for more information or to join.

Additional Resources

- Youth Law Center, [Housing Preservation Strategies: A Supplement to Slide 14](#)
- Youth Law Center, [YLC Housing Resources 2020-present](#)
- JBAY, [Youth in THP-NMD and THP-Plus: a 2020-2021 census](#)
- JBAY, [2020-21 Statewide Analysis of Supportive Housing for Former Foster Youth in California](#)
- JBAY, [Statewide THP-NMD Provider Roster](#)
- JBAY, [Statewide THP-Plus Provider Roster](#)

Questions?

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Contact Us...

Website: ylc.org

