

Normalcy for Children and Youth in California's Foster Care System Frequently Asked Questions

Introduction

Extracurricular activities can provide youth with social, emotional, spiritual, and educational enrichment, as well as simply the opportunity to have fun. Extracurriculars are part of a normal childhood and promote healthy development for all youth. However, youth in the foster care and juvenile justice systems typically have faced adverse childhood experiences, including trauma, poverty, separation, abuse, neglect, loss, and disruption, all of which can hinder healthy development. These youth also frequently do not have access to the type of childhood opportunities, including extracurricular activities, that can mitigate the impact of those adverse experiences and support healthy development. These youth are in special need of opportunities to support healthy development and connect with their communities – opportunities that can be provided by extracurriculars.

Currently, California law requires that youth in foster care have regular opportunities to participate in extracurricular and enrichment activities, but there is no accountability for meeting this obligation and no dedicated financial investment to ensure that youth are able to actually participate in these activities. This FAQ resource provides information on the current state of the law in California regarding the participation of youth in foster care in enrichment and extracurricular activities and strategies for using the law to support these young people.

What are enrichment activities?

Enrichment activities are activities that are designed to enhance a young person's skills, abilities, self-esteem, and overall well-being and healing. We use the term enrichment activities over extracurricular activities to reinforce that these activities are central rather than "extra." The term is expansive and depends on the young person's interests. It includes things like: lessons or time spent doing music, dance, or drama; summer camp attendance; sports team or activity participation; community activities; and trips and excursions. It also includes other age-appropriate activities, including hobbies, chosen by the child, that are provided in a formal or informal setting.

What do we know about the positive impact of enrichment activities on children and youth in foster care?

Extracurricular engagement supports healthy development and improves mental health outcomes by helping young people build resiliency and counteract the harmful effects of trauma. Enrichment activities help young people improve academic outcomes, develop new skills, and reduce risky behavior. Activity participation also helps youth develop connections to caring adults and peers in their community which improves chances for permanency and supports placement stability. Numerous studies and program evaluations demonstrate that access to enrichment activities reduces the likelihood that youth will engage in risky behavior such as drug use, delinquency, and sexual activity. You can find a list of research studies [here](#).

How do enrichment activities help address the growing children’s mental health crisis?

Enrichment activities are effective as interventions that help youth heal, relieve stress, express their feelings, and connect with others. In January of 2022, the U.S. Surgeon General’s Advisory¹ highlighted the urgent need to address a growing crisis in the mental health of the nation’s youth. The challenges and stress experienced by children—especially those who are system-involved and not placed with their parents—has been extreme during the pandemic, and the need for positive interventions has never been greater. Prolonged traumatic stress can lead to negative effects on children’s emotional, behavioral, and social functioning. Developmentally healthy experiences, like enrichment activities, can “rewire” the brain to counteract damage caused by trauma and develop resilience.

What federal laws support promoting participation in enrichment activities for youth in foster care?

Training, the reasonable and prudent parent standard, and liability protection: The Preventing Sex Trafficking and Strengthening Families Act of 2014 requires that all states have in place a mechanism to ensure that caregivers in foster homes and placement facilities are trained on the reasonable and prudent parent standard as part of their licensing and approval process.² The reasonable and prudent parent standard—which asks caregivers to use the decision making considerations they would for their own children—empowers caregivers to make decisions about participation in enrichment activities for youth in their care rather than having to get court or agency approval. Caregivers must also be provided liability protection when they exercise the prudent parent standard. Implementing the reasonable and prudent parent standard has eliminated many of the decision-making barriers young people faced to participation in these kinds of activities.

Case planning: For youth aged 14 or older, federal law requires that the child welfare agency allows the youth to include an individual on their case planning team who can be an advisor or advocate to the youth with respect to the participation in enrichment activities and the exercise of the reasonable and prudent parent standard.³

Court oversight: For youth with the permanency plan of “another planned permanent living arrangement,” federal law requires that the court make findings at review hearings about (1) the steps the child welfare agency is taking to ensure the child’s foster family home or child care institution is following the reasonable and prudent parent standard, and (2) whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities.⁴

¹ *Protecting Youth Mental Health: The U.S. Surgeon General’s Advisory* (2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>

² 42 U.S.C.A. § 671(a)(10) & (24).

³ 42 U.S.C.A. § 675(a)(1)(B).

⁴ 42 U.S.C.A. § 675a(a)(3).

What state laws support promoting participation in enrichment activities for youth in foster care?

California law reiterates the federal requirements related to training and the exercise of the reasonable and prudent parent standard.⁵

California state law also provides a clear **right to participate in enrichment activities**. Every youth in foster care, including those in group care and those foster youth supervised by probation, “shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities, including, but not limited to, access to computer technology and the Internet. A state or local regulation or policy shall not prevent, or create barriers to, participation in those activities.”⁶ California’s Foster Care Bill of Rights adds the following: Youth in foster care have the right “to participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, access to computer technology and the internet, consistent with the child’s age, maturity, developmental level, sexual orientation, and gender identity and expression.”⁷

For a detailed list of all the state laws that support participation in enrichment activities, including specific requirements related to group care, for youth in foster care see this [resource](#).

What funding is available for enrichment activities?

There is currently no dedicated funding stream to support foster youth access to enrichment activities. Because youth in foster care in California have a right to participate in enrichment activities, the cost *should* be covered by the child welfare agency as part of the child’s care. However, because accessing funding continues to be a challenge, below is a list of the types of funding that may be pieced together to facilitate participation in these activities.

Please note that all youth will not be eligible for all the funds listed below, and the method by which each funding stream is accessed differs.

⁵ WIC § 362.05(a)(2) & HSC § 1522.44(c).

⁶ WIC § 362.05(a)(1); WIC § 727(a)(4)(F).

⁷ WIC § 16001.9(a)(16).

Funding Stream	Description	Legal or Policy Support	Eligibility
Title IV-E Placement Maintenance	These funds reimburse agencies for a portion of the cost of care, which includes enrichment activities (“placement maintenance”).	42 U.S.C.A. 675 (4); ⁸ Child Welfare Manual, 8.3B.1 TITLE IV-E, Foster Care Maintenance Payments Program, Payments, Allowable costs, Question 9.	Youth who are IV-E eligible.
Flexible Family Supports and Home-Based Foster Care Funding	\$50 million provided to stabilize and facilitate family-based care for youth in foster care. One of the five possible uses of the funds is the cost of enrichment activities.	AB 179 (Budget Act of 2022); ACL 23-02	County child welfare agencies and probation departments receive funds.
Child Specific Requests for Exceptional Needs	Funds for individual youth for services or care that will keep them in a family setting. The package developed for an individual youth can include enrichment activities.	AB 153, WIC 15001.1; ACL 21-119 ACIN 1-03-23 , (Revised Funding Request)	Children and youth in foster care with complex needs.
Medicaid Funds	DHCS is requesting permission from the Centers for Medicare and Medicaid Services (CMS) to use Medicaid funds for an activity stipend to promote the health and well-being of children and youth in foster care through an 1115 Demonstration Waiver.	California Behavioral Health Community-Based Continuum Demonstration (CalBH-CBC). ⁹	Children and youth in foster care may be eligible for this activity stipend if the Medicaid Waiver application is approved by CMS.
County Designated Funds	Some county agencies have allocated funds for enrichment activities.	County policy	Depends on county policy.

⁸ Federal IV-E funds help pay for the cost of care for IV-E eligible children and youth in foster care. While all youth are not IV-E eligible, for those youth who are, the state can receive a portion of the cost of care, or placement maintenance, in IV-E funds. These payments cover the cost of “food, clothing, shelter, daily supervision, school supplies, a child’s personal incidentals, liability insurance with respect to a child, reasonable travel to the child’s home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement....” 42 U.S.C.A. 675 (4)(A). Examples of personal incidentals include “...fees related to activities, such as Boy/Girl Scouts; special lessons, including horseback riding; graduation fees; funeral expenses; and miscellaneous items such as stamps, envelopes, writing paper, film and the cost of film development for a personal camera...the “reasonable and occasional” costs of such items as tickets or other admission fees for sporting, entertainment or cultural events or dues for clubs are reimbursable under the foster care maintenance payment as personal incidentals. The title IV-E agency may provide for these costs in the basic foster care maintenance payment or a separate payment to the foster parent.” Child Welfare Manual, 8.3B.1 TITLE IV-E, Foster Care Maintenance Payments Program, Payments, Allowable costs, Question 9, https://www.acf.hhs.gov/cwpm/public_html/programs/cb/laws_policies/laws/cwpm/policy_dsp.jsp?citID=46

⁹ The proposal can be found here: <https://www.dhcs.ca.gov/CalAIM/Pages/CalBH-CBC.aspx>

How can advocates use current law to promote participation in enrichment activities for youth in foster care?

Below are examples of actions you can take to promote participation in enrichment activities for your clients in foster care:

- **Talk to youth and caregivers about enrichment activities and facilitate these conversations in case planning meetings.**
- **Make formal requests of the child welfare agency, probation department and service providers to support participation in enrichment activities.**
 - Template letter to the [agency](#).
 - Template request for a [private provider agency](#).
- **Document the activities and needed support to participate in the activities in the youth's case plan.** Documentation should include Identification of costs for equipment, uniforms, or supplies, and transportation needed for participation.
- **Include funding for enrichment activities in a child-specific request for exceptional needs.** These funds are available to support maintaining or developing appropriate family-based settings for youth with complex needs. The package that is developed for an individual youth can include enrichment activities. Advocates can ask the county to develop a plan to request funds using the process found in [ACL 21-119](#) and template request found at [ACIN 1-03-23](#),
- **File a complaint with the Office of the Foster Care Ombudsperson.** The Ombudsperson's office can investigate and informally resolve complaints impacting youth in foster care, increase awareness about the right to participate in enrichment activities, and make recommendations to help support systemic change. You can file a complaint online: <https://fosteryouthhelp.ca.gov/file-a-complaint/>
- **File a motion to request that the court order the agency to provide necessary support to ensure the youth can participate in enrichment activities.** You can find a template motion here, with law to support your request: https://docs.google.com/document/d/1aAtWqnbIn1k18rsnGf_CRGEIGI_I62Wb/edit#

How would AB 1675 of 2023 improve access to enrichment activities for youth in foster care?

[AB 1675 of 2023](#), if passed, would promote participation in enrichment activities for children and youth in foster care by:

- **Ensuring that available funds are distributed in ways that are informed by youth and caregivers:** California is applying for a Medicaid 1115 Waiver, called Demonstration Waiver Request (CalBH-CBC). These waivers allow the Department of Health Care Services (DHCS) to use Medicaid funds in creative ways that promote the health and well-being of Medicaid recipients, including youth. The Concept Paper for the waiver application can be found here: <https://www.dhcs.ca.gov/CalAIM/Documents/CalBH-CBC-Demonstration-External-Concept-Paper-11-14-22.pdf> If California's application is approved by the federal government, DHCS will be able to use Medicaid funds for an activity stipend for youth in foster care.

AB 1675 requires DHCS to include young people and families in the design of how the activity stipend will be implemented. This requirement will ensure that the activity stipend meets the needs of youth and families and that systems for accountability are created.

- **Requiring a plan to maximize available funding for enrichment activities for children and youth in foster care:** While there is no current dedicated funding stream for enrichment activities, there are several funding streams that are available. However, it is not clear that they are being fully leveraged for this purpose or that data is being kept so we can better understand the most effective use of these funds. For example, counties can use a portion of the \$50 million in Family Flexible Funds allocated in the current year's budget for enrichment activities; California may be able to use Medicaid funds for this purpose, federal Title IV-E funds can be used to reimburse for a portion of these costs, and some education funds can be used for extracurricular activities.

AB 1675 would require that CDSS, DHCS, and the Department of Education develop a plan to maximize and leverage the usage of any available funds to support participation in enrichment activities for children and youth in foster care.

- **Improving accountability for available funds:** Current law requires that CDSS submit a summary report describing outcomes and program information related to the usage of Flexible Family Supports and Home-Based Foster Care funding provided by the Budget Act of 2022. These funds can be used for an array of purposes, including supporting enrichment activities.

AB 1675 requires that the report include how Flexible Funds were used to support participation in enrichment activities for children and youth in foster care, the impact of this funding on children and youth well-being, and best practices and challenges around the fund usage. This provision will help ensure accountability in the use of funds and will provide reliable data on the needs of youth and the impact of these funds on young people.

- **Assuring accountability related to the existing rights youth have to participate in enrichment activities:** Current law provides children and youth the right to participate in enrichment activities, yet no enforcement mechanisms exist.

AB 1675 requires that a youth's case plan include information about the youth's participation in enrichment activities, that the court make findings about such participation in the regularly occurring review hearings, and that caseworkers discuss enrichment activities with youth at their monthly caseworker visits.