

# ENSURING HOUSING SECURITY FOR YOUTH AGING OUT BY UTILIZING FYI HOUSING VOUCHERS

## QUESTIONS TO ASK

- What is the concrete and specific plan for housing that is included in the youth's transition plan?
- Does the young person have any family or supportive adults that can be identified to support the development of a concrete housing plan?
- Has the young person and their Child and Family Team received information about FYI and FUP vouchers and the process to receive a voucher?
- If the youth is age 18 or older, have they been offered Housing Navigation and Maintenance Program services to help with the development of a housing plan?
- What specific referrals to housing programs, including FYI and FUP, have been made? What is the specific status of those referrals?
- If the youth is age 18 or older, have they been offered Housing Navigation and Maintenance Program services from the agency to help with the development of a housing plan?

The Foster Youth to Independence (FYI) Program provides a type of housing choice voucher (formerly called "Section 8") for young people who are leaving or have left foster care, including probation supervised foster youth. These vouchers can be requested by Public Housing Authorities (PHAs) when they collaborate with local child welfare agencies and/or juvenile probation departments. When a young person gets an FYI voucher, they are also offered services to support their success. FYI vouchers last for three years, with an option to extend the voucher for two more years. While FYI vouchers are not the only housing option available, they are a critical resource that the court should be aware of, and these vouchers are currently underutilized.

The court plays a central role in ensuring that young people have an adequate transition plan before leaving foster care and that FYI vouchers are made available to young people for whom housing security has not been established through the discharge/transition plan. This Bench Card provides judges with useful questions and guidelines to help them make decisions and take action to support housing security for young people leaving foster care.

## ENSURING AN ADEQUATE HOUSING PLAN

### PRACTICE POINTS

- ◇ Transition to adulthood planning should begin at least at age 14 and continue until a youth leaves care. This includes planning for housing.
- ◇ Good permanency planning is one of the best ways to ensure a good housing plan as most young people greatly rely on family for housing support during the transition to adulthood.
- ◇ All counties have been allocated Housing Navigation and Maintenance Program (HNMP) funds for transition aged youth that can be used for housing planning while youth are in care. Judges should confirm with the county that it has received its HNMP funds and that they are being used for things like recruiting landlords, incentivizing landlords, and helping youth find apartments.

## LEGAL AUTHORITY

- ◇ The “services needed to assist the child to make the successful transition from foster care to a successful adulthood” must be included in the youth’s case plan beginning at age 14. 42 U.S.C. § 675 (5)(C); WIC § 16501.1(g)(16)(A)(i) & (ii) (B).
- ◇ A young person’s transition plan must include “specific options” around housing. 42 U.S.C. § 675 (5)(H). *See also* WIC § 16501.1(g)(B).
- ◇ At the hearing before the youth turns age 18 and every hearing thereafter, the transition plan must include:
  - (A) ... referrals to transitional housing, if available, or assistance in securing other housing.
  - (B) Whether the referrals or assistance as described in subparagraph (A) have resulted in housing being secured for the minor or nonminor, and, if not, what, if any, different or additional referrals or assistance the department has provided that are intended to secure housing.
  - (C) The duration of the housing, if known to the department ... WIC § 391(c)(6).<sup>1</sup>
- ◇ The court “shall not terminate dependency jurisdiction over a nonminor dependent who has attained 18 years of age” until a hearing is heard and a transition plan has been submitted, which includes the information related to housing noted directly above. WIC § 391(h)(7)-(8).
- ◇ “Transition services also include assisting the nonminor dependent in locating and securing appropriate after-care housing. Options include housing through the Transitional Housing Program-Plus (THP-Plus); housing funded through a Family Unification Program (FUP) voucher; living with a relative, friend or other permanent connection; or other housing that is within the [nonminor dependent’s] budget ...” [ACL 18-15](#) (February 16, 2018).

## POTENTIAL FINDINGS AND COURT ORDERS

- ◇ Find whether supports have been provided to develop an adequate housing plan as part of the transition planning process.
- ◇ If adequate supports have not been provided:
  - Order the child welfare agency or juvenile probation department to convene a planning meeting that will focus on housing.
  - Order that those with housing expertise, including, but not limited to, the Independent Living Program provider or Housing Navigation and Maintenance Program provider be included in the meeting.
  - Order a report back to the court within a month on the process of developing a housing plan, specifically whether a referral for an FYI or FUP voucher will be or has been made.
- ◇ If the agency is reporting that they do not have an FYI program:
  - Order that they provide an explanation for not utilizing this resource.
  - Order the PHA to come before the court to explain any barriers to collaboration with the child welfare agency.
  - Order that the child welfare agency/juvenile probation department convene a meeting about the subject of FYI and report the result of the meeting back to court within a month.

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<sup>1</sup> While the law is unclear as to whether this information must only be submitted at the last review before the youth turns age 18, we recommend that the reasonable interpretation to ensure an effective transition plan is that this information be required at every hearing until a youth is discharged.

# MAXIMIZING AND ENSURING THE USE OF FYI VOUCHERS TO ENSURE STABLE HOUSING UPON DISCHARGE

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## QUESTIONS TO ASK

- Does the young person have an adequate housing plan that has been presented to the court in the anticipation of discharge?
- If the young person does not have an adequate plan, what is the reason that a referral for an FYI or FUP voucher has not been made?
- If an FYI referral has been made, what is the status of the referral? What specific actions need to be taken so that the young person receives the voucher?
- What specific actions need to be taken to ensure that a young person who has a voucher finds and is able to maintain an apartment?

## PRACTICE POINTS

- ◇ All PHAs in California can request non-competitive FYI vouchers<sup>2</sup> as long as they are collaborating with the child welfare agency and/or the juvenile probation department.
- ◇ All PHAs can request up to 25 non-competitive FYI vouchers per year, with an option to request an additional 25. (Requests can be made for up to a total of 50 per federal fiscal year.)
- ◇ The PHA can make a request to the U.S. Department of Housing and Urban Development (HUD) for an FYI voucher for an individual young person if needed.
- ◇ Probation supervised foster youth are eligible for FYI vouchers.
- ◇ The court can order that the local PHA appear in court to address concerns over lack of collaboration with the child welfare agency and juvenile probation department.
- ◇ While the PHA can request an FYI voucher from HUD as early as 90 days before a youth leaves care, the child welfare agency can prepare the case for referral months in advance of 90 days before discharge and begin activities. For example, several orders can be made in advance of the PHA's referral: (1) Verify the youth's eligibility by the child welfare agency; (2) Complete the PHA Housing Choice Voucher application; (3) Identify an appropriate and eligible unit. It is critical to ask for specific status updates to ensure that progress towards securing housing is being made.
- ◇ Court jurisdiction cannot be terminated if an adequate housing plan has not been developed as part of the transition plan, so the hearings leading up to the 90 days before discharge are critical for ensuring that specific plans and action steps are in place.

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<sup>2</sup> Non-competitive FYI vouchers are vouchers that can be requested directly from HUD by a PHA in increments as little as 1 and as much as 25, with an option to request up to 50 in a fiscal year. Competitive vouchers are awarded through occasional Notice of Funding Opportunities issued by HUD.

## LEGAL AUTHORITY

- ◇ Young adults are eligible for FYI or FUP vouchers if they are “at least 18 years of age and not more than 24 years of age and who have left foster care, or will leave foster care within 90 days, in accordance with a transition plan described in section 475(5)(H) of the Social Security Act [42 U.S.C. § 675(5)(H)], and is homeless or is at risk of becoming homeless at age 16 or older.” 42 U.S.C.A. § 1437f(x)(2).
- ◇ The court “shall not terminate dependency jurisdiction over a nonminor dependent who has attained 18 years of age” until a hearing is heard and an adequate housing plan has been submitted, which includes the information related to housing and referrals for housing listed in WIC § 391(h)(7)-(8).

## POTENTIAL FINDINGS AND COURT ORDERS

- ◇ Find whether there is an adequate housing plan as part of the transition plan.
- ◇ Order that a planning meeting be held and that a housing plan be developed and submitted to the court within two weeks.
- ◇ If the agency is reporting that they do not have an FYI program:
  - Order that they provide an explanation for not utilizing this resource.
  - Order the PHA to come before the court to explain any barriers to collaboration with the child welfare agency.
  - Order that the child welfare agency/juvenile probation department convene a meeting about the subject of FYI and report the result of the meeting back to court within a month.
- ◇ Order that an FYI referral be made within one week and that a written plan be submitted to the court of the action steps to be taken to move from referral to leasing a unit.
- ◇ Order that the youth be assisted in completing the Housing Choice Voucher Application, including requesting any identification documents.
- ◇ Decline to terminate jurisdiction and ensure placement is provided until a housing plan is achieved.

For more information on FYI and FUP, see this [fact sheet](#).