

September 7, 2021

The Honorable Gavin Newsom
Governor, State of California
1303 10th Street, Suite 1173
Sacramento, CA 95814
Submitted via email to Leg.Unit@gov.ca.gov

RE: AB 546 (Maienschein) –REQUEST FOR SIGNATURE

The Children's Advocacy Institute at the University of San Diego School of Law, which for 30 years has worked to improve the well-being of children in California through regulatory, legislative, and judicial advocacy, and Dependency Legal Services, a multi-disciplinary, non-profit law firm providing legal representation to parents and children involved with California's Child Welfare System in nine California counties, respectfully request you sign AB 546 (Maienschein).

Homelessness Is A Significant Problem Among Children Who Grew Up In The Foster Care System.

The U.S. Department of Health and Human Services estimates that more than 20,000 young people age out of foster care each year. While California was an early adopter of extended foster care which allows foster children to remain under the jurisdiction of the court until age 21 as long as they meet certain requirements, California's foster youth are still *en masse* struggling with housing insecurity. The data are alarming:

Every year about 4,000 youth age out of care in California. According to Walden Family Services, 65% leave foster care at age 18 with no place to call home. In a representative sample of foster youth in California, over one-third of aged-out 19-year-olds experience homelessness and over 40% couch-surf.[] About 1,400 age out in Los

Angeles and of those, at least 400 become instantly homeless upon aging out.¹

Indeed, even twenty percent of the youths who are in extended foster care -- still under the jurisdiction of the court -- experienced homelessness.² For example, in June 2020, 539 former foster youth were on the waiting list for the THP-Plus housing program.³ “It is estimated ... that at least 16 percent of youth on waiting list are experiencing homelessness.”⁴ “Nearly one in four youth experiences homelessness while in foster care prior to entering THP-NMD, and one in three youth experienced homelessness between leaving foster care and entering THP-Plus.”⁵ Similarly, “nine percent of youth who enrolled in THP-NMD and 15 percent of youth in THP-Plus entered the program directly from an emergency shelter, homelessness, or other unstable housing (street, car, couch-surfing, etc.) At exit, six percent of youth across both programs exited to emergency shelter, homelessness, or other unstable housing.”⁶ Homelessness rates are even higher for certain foster youth such as youth identifying as LGBTQ.⁷

Moreover, while pandemic relief measures have resulted in fewer non-minors exiting foster care because temporary COVID-19 extensions allow youth to remain in care past age 21, once these extensions are lifted, the housing shortage will become more severe and will become more severe all at once. Indeed, “[t]he majority of [foster] youth who were working at the onset of the State of Emergency either lost their jobs or experienced a reduction in hours—79 percent in THP-NMD and 60 percent in THP-Plus.”⁸

¹ <https://finallyfamilyhomes.org/the-problem/#:~:text=More%20than%2023%2C000%20children%20will,by%20the%20age%20of%2024> Forty-four percent of foster youth who leave the extended care program early report experiencing homelessness, underscoring the challenge for those youth who do not remain in care after 18 years of age. (Feng, H., Harty, J., Okpych, N., and Courtney, Mark (May 2020) *Memo from Cal Youth: Predictors of Homelessness at Age 21*. Chicago, Illinois: Chaplin Hall at the University of Chicago p. 4).

² Feng, H., Harty, J., Okpych, N., and Courtney, Mark (May 2020) *Memo from Cal Youth: Predictors of Homelessness at Age 21*. Chicago, Illinois: Chaplin Hall at the University of Chicago pg. 4.

³ Transitional Housing Program for Nonminor Dependents, covering ages 18-21. THP-Plus is similar. Both help participants emancipate successfully by providing a safe environment for youth, while learning skills that can make them self-sufficient. Participants may live alone, with departmental approval, or with roommates in apartments or single-family dwellings with an employee or an employee living on site. Support and supervision is provided by agency staff, county social workers and ILP coordinators. Supportive services include: educational guidance, employment counseling, and assistance reaching emancipation goals outlined in a participant’s Transitional Independent Living Plan, the emancipation readiness portion of a youths’ case plan.

⁴ Lee, Simone Tureck, “THP-NMD & THP-PLUS ANNUAL REPORT 2019-20” (2020) San Francisco: California: John Burton Advocates for Youth p.14.

⁵ Id. at p.3.

⁶ Id. at p.16.

⁷ Ibid.

⁸ Lee, Simone Tureck, “THP-NMD & THP-PLUS ANNUAL REPORT 2019-20” (2020) San Francisco: California: John Burton Advocates for Youth p.26.

Effects Of Homelessness On The Children Raised In Our Care Are Far-Reaching And Endure.

Homelessness can have far-reaching and long term effects. Homeless youth are more likely to develop substance abuse issues and are more likely to be victims of physical and sexual abuse. Homeless can also have devastating health effects, including increased rates of asthma, diabetes, Tuberculous and HIV/AIDs.⁹

In the COVID crisis, the risk posed by homelessness to a youth's health has only increased. "Youth's risk of infection is increased by their tendency to have to frequently change where they are sleeping, to be intermittently unsheltered and to change with whom they are sheltering."¹⁰ Moreover, these youth tend to be medically vulnerable in the first place, which often puts them at increased risk for serious complications due to Covid-19.¹¹

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Nothing – not employment, not college, not even enrollment in health insurance -- is more immediately important to secure the safety of a teen or young adult exiting foster care than whether they have a safe place to sleep every night. Measured by (i) our matchless moral obligation to children who we have by force of law removed from the care of their parents to be raised in our care and (ii) the foundational and urgent importance of their physical safety, this bill is exceedingly modest.

Consider, please, that when parents involved in the child welfare system are required to undergo drug treatment, it would be inconceivable if the judge were not told in written status reports on the progress of the case whether the parent failed or passed their drug tests. Likewise, we would think poorly of a parent who did not ask a teen moving out of the house at 18 whether or not the child had a safe place to sleep that night.

Yet, that is what current law permits when it comes to our foster children exiting foster care as teens or young adults. Notwithstanding all of the documented and well-known harms that are caused by youth homelessness, current law does not require the judge to be informed in the final report sent to her before jurisdiction over the child ends¹² whether the teen or young adult will have a safe place to sleep after exiting the system or whether their post-foster care housing is stable or precarious.

⁹ *Consequences of Homelessness*. California Coalition for Youth <https://calyouth.org/advocacy-policy/californias-homeless-youth>. Access 23 Feb. 2021.

¹⁰ <https://publichealth.berkeley.edu/wp-content/uploads/2020/04/For-the-Good-of-Us-All-Report.pdf> at p. 23.

¹¹ Auerswald, Colette, (2020) *For the Good of Us All: Addressing the Needs of Our Unhoused Neighbors*, University of California, Berkley School of Public Health, Berkley California p.23-24); California Coalition for Youth 2021 Homelessness Youth Survey.

¹² The final report before termination of jurisdiction must, like all status reports, be filed and served no less than ten days before the hearing. See, Wic section 366.21(c). See also, *Judith P. v. Superior Court* (2002) 102 Cal.App.4th

The bill rectifies this baffling omission. It reads as follows:

WIC section 391 (c) At the last regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 before a dependent child attains 18 years of age, and at every regularly scheduled review hearing thereafter, the county welfare department shall submit a report describing efforts toward providing the following information, documents, and services to the minor or nonminor:

(6) (A) If applicable, 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.

(D) If applicable, information, including summaries, describing additional referrals, assistance, or services provided by county departments or agencies other than the county welfare department that are intended to prevent the minor or nonminor from becoming homeless if jurisdiction is terminated pursuant to this section.

(E) The information described in subparagraphs (B) to (D), inclusive, is required only for reports submitted at the last regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 before a dependent child attains 18 years of age.¹³

The bill imposes no new obligations on counties to find or provide housing. As shown above, it only requires (i) the dependency judge be forthrightly told in the final report prior to the teen or young adult being sent out into the streets to fend for themselves what is already known by the county when they are about to age out; namely, whether in fact the child has arranged for a stable place to live after they exit foster care, and (ii) the county to explain in some greater detail what it has done to prevent homelessness.

The aim of this language is to ensure a candid conversation occurs between counsel, the judge, and the county about whether all reasonable efforts within existing

535, 540 (“This is contrary to the express mandate of section 366.21, which requires that the status report be served ‘at least 10 days’ prior to the hearing date. We hold that the failure to provide timely service of such report constituted a denial of due process that compels reversal and remand of the trial court’s order.”)

¹³ Identical conforming changes are made to subdivision (h). The amendment related to Cal-Fresh is a chaptering amendment.

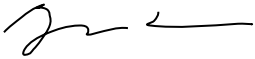
resources where exhausted before a teen or young adult is sent into the streets to fend for themselves.

Please sign AB 546 (Maienschein). Judges should be told whether or not a teen or young adult under their care will soon be homeless. The least we owe them as they forever leave our care is our candor.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Howard', with a stylized, cursive script.

Ed Howard
Senior Counsel, Children's Advocacy Institute

A handwritten signature in black ink, appearing to read 'Julia Hanagan', with a stylized, cursive script.

Julia Hanagan
Policy Director, Dependency Legal Services

cc Hon. Brian Maienschein