

Treat Emancipated Foster Kids as Well as Parents Treat Their Own

By Melanie Delgado
and Robert C. Fellmeth

In the first part of this two-part exposition, we showed that today's youth face extraordinary and new difficulties in achieving self-sufficiency after turning 18 and that the average age for self-sufficiency is now 26. We also explained that, although

Second of Two Parts

American parents invest substantially in their own children — the median investment amounts to \$44,500 in current dollars — California's major state program invests 3 percent of that amount in its own foster children. The state effectively abandons most of them to the streets.

In this part, we consider recent attempts to assist them, future anticipated costs and benefits from investment in their future, and the remedies commended by the evidence.

What has been the recent history of state public investment in foster children generally?

In 2006, the Legislature created its Select Committee for Foster Care, chaired by Assemblywoman Karen Bass, D-Los Angeles, a legislator with a deep and sincere interest in these children. The new committee signaled a commitment to responsible parenting. What was the result of the long overdue focus on the state's own children? New funds totaled \$85 million. The brunt of it (\$50 million) went to reduce the caseloads of social workers. But foster children facing the streets at 18 were allocated \$5 million.

The relative allocation between these two accounts reflects their respective political influence more than their comparative merits. With \$7.5 billion in unanticipated new funds available after January 2006 from an economic upturn,

responsible investment in our own children could have been accomplished without pain or without subtraction from the public employee union and the California Welfare Directors Association's allocation.

But that did not happen.

Instead, the Legislature congratulated itself at a Sept. 22 foster care conference and an attendant bill-signing press event. The governor joined in the staged celebration, with foster children standing behind him and current and former legislators posing for photos.

The four major bills that would have helped foster kids the most all died — most without vote through a little game in Sacramento called the "suspense file." Bills are put into it and die without vote unless affirmatively removed. The bills signed by the governor on Sept. 22 were not meaningless but were relatively minor compared to those that died. And some of those that passed with the usual grandi-

public officials, who purportedly reflect our values.

This is not spending for people who decline work; we are not talking about social services. This is not the evil state taking money from some and giving it to the undeserving. This is making the same prudent investment that most parents make in their children, because these are our children — not the figurative "all children of our nation belong to all of us." No, these are our children legally. The state is their parent. In a democracy, the state is we.

As the final coup de gras, the state not only fails to invest but also steals from kids who manage to get money on their own. If Social Security disability money comes in (for which some children qualify) and could be placed in trust for later use (as we would do for our own kids), the state allows only \$2,000 to be accumulated for the child — it takes the remainder. It takes Social Security death benefits, as well. It takes a tort judgment

The state not only fails to invest but also steals from kids who manage to get money on their own.

ose announcement are now being quietly squelched in their alleged implementation.

The total effort to fulfill our obligations to emancipating foster kids does not warrant extensive self-praise by our public officials — not in relation to the continuing deficiency nor to the failure to apply even 1 percent of the \$7.5 billion in new funds for this responsible task. And "responsible" is the operative word here.

If you add up all of the public funds for tuition, rent, utilities and other sustenance provided to the 20,000 California foster youth emancipating into technical adulthood over the last five years, that would not approach 5 percent of the sum provided by California's parents to their children. Such is the parental example set by our

to recompense the child beyond direct food and care. In fact, the state even takes paper route money beyond a low threshold.

For some kids in a special transition program, the state did raise the ceiling that foster kids are allowed to take with them (that is, their own generated or received money) into emancipation up to a beneficent \$10,000. This dispensation yielded its own self-flattery. We congratulate ourselves for our generosity in allowing kids to accumulate three months of private-college tuition. We take anything over that amount to recompense ourselves for their care — apparently suggesting that we do not have that obligation as their parents.

To put the numbers into perspective, consider that 4,200 youth "age out" of the foster care system

every year. We purport to have some transitional help available for these youth from ages 18 to 23, a group of 20,000. Most of these kids essentially have been left to the streets. Sixty-five percent of those emancipating age-out without a place to live. More than 25 percent of foster youth experience homelessness at some point after 18, and 30 percent of the homeless population was at one time in the foster care system.

If the paltry state funds invested in these children were evenly distributed among the 4,200 emancipating this year (forgetting about the 16,000 left destitute over the last four years), they would finance a grand total of \$104 a month for rent, utilities, food and all other support — a level of sustenance barely 10 percent over the federal poverty line.

The results of California's abandonment of its children at age 18 are predictable, and recent studies document a parade of horrors. Homelessness, unsurprisingly, is accompanied by unemployment among this population. Sixty-one percent of former foster youth were given no pre-emancipation work experience, hampering their job search effort. It is virtually impossible for any 18-year-old with no work experience to get an education, work and get ahead without assistance in the current housing market. A minimum-wage employee would have to work 131 hours a week, 52 weeks a year to afford to rent a studio apartment along with other costs of living.

The outcome measures here include high arrest rates, unemployment, homelessness, pregnancies, prostitution, disease and suicide. Less than 3 percent of former foster youth graduate from college.

There is much we can do, and it is not too much: Just match the median parental investment in our youth. What long-term public benefits would accrue from such a modest investment? What benefits in public cost savings (incarceration, welfare) and in public tax revenues (employment and higher education)?

Our study on the status of emancipating California foster kids includes an economic cost/benefit analysis of such an investment based on existing data from independent auditors. Our findings will be released on Jan. 4 in Sacramento. But the numbers should not be the final determinative, given the moral imperative here at issue. Parents do not base their investment in their children on their likely personal return.

So how do we live up to our parental obligations here? We can stop terminating jurisdiction and help for these youth at age 18. We should presume that they are not self-sufficient and hence will not leave court jurisdiction and public protection until age 24, unless their self sufficiency is established. We need to replicate what any responsible parent does: not just give out money but also pay some expenses.

And there is a logical Plan B for youth who understandably chafe at continued foster status, bitter about their treatment and plight. This alternative is for the juvenile court to appoint a transition guardian for all emancipating foster children. This should be a person known to the child, because the parade of transitory faces the bureaucracy arranges for its convenience is too long. The court — the same court overseeing the kid in foster care — would have jurisdiction over the \$44,500 in each youth's account for dispensation over the next four to six years and over the

guardian. The money would be allocated consistent with an agreed plan applicable to each youth — signed by the guardian, the local Department of Social Services, the child with his or her counsel's advice and help, and the court. The guardian would report twice a year on progress. The youth would be emancipated, but he or she would have a guardian doing what all good parents do: using both carrot and stick, monitoring, helping, sticking with the kid. The burden on the court is relatively light: Its presence and potential intervention provide the necessary check against waste and abuse.

We do not give these children this money. The suggested standard of \$44,500 over the first four to six year after emancipation replicates not what excellent parents do. The aspiration here is modest: hit the median. Instead, we give them virtually nothing.

If the age of majority were 21 again, the state and courts could properly be tried for criminal child neglect under Penal Code

Section 270. What if other parents shove their 16-year-olds into the streets and refuse to feed, clothe or medically care for them? The state properly presses charges. Only the technicality of an earlier age of allowable abandonment at 18 saves our political leaders from where they ought to be on the ethical merits: in the hoosegow to contemplate their hypocrisy.

If you draw the conclusion that we are angry over how these children of the state are treated, you are correct. Our question is, Why are you not just as angry? And what are we going to do to hold the "liberal" Democrats and the "family values" Republicans accountable?

Melanie Delgado is staff counsel at Children's Advocacy Institute, a statewide advocacy group for children headquartered at the University of San Diego School of Law. **Robert C. Fellmeth** is director of the institute and Price Professor of Public Interest Law at the law school.

