



Children's Advocacy Institute

Executive Director
Robert C. Fellmeth

Council For Children
Thomas A. Papageorge
Council Chair
Martin D. Fern
Birt Harvey, M.D.
Louise Horvitz, M.S.W.,
Psy.D.
Hon. Leon S. Kaplan
Paul A. Peterson
Gary F. Redenbacher
Gary Richwald, M.D.,
M.P.H.
Blair L. Sadler
Gloria Perez Samson
Alan Shumacher, M.D.
Owen Smith

November 13, 2002

Via U.S. Mail and Facsimile (916) 654-3286

Anthony J. Velasquez, Chief
Office of Regulations Development
California Department of Social Services
744 P Street, MS 7-192
Sacramento, California 95814

Re: Comment Regarding DSS Proposed Rulemaking for Supportive Transitional Emancipation Program (STEP) Regulations (ORD #0602-14)

Dear Mr. Velasquez:

The Children's Advocacy Institute (CAI), located at the University of San Diego School of Law, seeks to improve the health, safety, and well-being of California's children. CAI advocates in the legislature to make laws, in the courts to interpret laws, before administrative agencies to implement laws, and before the public to educate and build support for laws to improve the status of children statewide and nationwide. CAI educates policymakers about children's needs for economic security, adequate nutrition, health care, education, quality child care, and protection from abuse, neglect, and injury.

CAI supports the creation of the STEP program for emancipated youth, and generally agrees with the implementation of this program by DSS. However, there are two important sections of the statute creating the STEP program that have not been included in the language of the proposed regulations.

Assembly Bill (AB) 427 (Chapter 125, Statutes of 2001) amended section 1559.110, subsection (f), of the Health and Safety Code to read as follows:

"(1) The department shall adopt regulations to govern transitional housing placement facilities licensed pursuant to this section.

(2) The regulations shall be age-appropriate and recognize that youth who are about to emancipate from the foster care system should be subject to fewer restrictions than those who are younger. At a minimum, the regulations shall provide for both of the following:

(A) Require programs that serve youth who are both in and out of the foster care system to have separate rules and program design, as appropriate, for these two groups of youth.

(B) Allow youth who have emancipated from the foster care system to have the greatest amount of freedom possible in order to prepare them for self-sufficiency."

It is important that DSS maintain a distinction between the youth in and out of foster care, as this program is designed to provide youth the opportunity to develop independent living and employment skills, and the greatest amount of freedom possible in order to prepare for self-sufficiency. However, the proposed regulations do not appear to implement these legislative requirements, even though the All County Letter (No. 02-04) does briefly mention that "AB 427 requires programs that serve youth in the foster care system to have separate rules and program designs, appropriate to the age, characteristics and maturity of the participants." It remains unclear how DSS will fulfill the statutory requirement for separate program rules and designs for these distinct sectors of the youth population.

University of San Diego
School of Law
5998 Alcalá Park
San Diego, CA 92110
(619) 260-4806
(619) 260-4753 (Fax)

926 J Street
Suite 709
Sacramento, CA 95814
(916) 444-3875
(916) 444-6611 (Fax)

Reply to:
 San Diego
 Sacramento

AB 427 further added section 11403.1 to the Welfare and Institutions Code, which provides that “[e]ach participating county welfare department ***shall notify all foster youth in that county***, including those receiving Kin-GAP, ages 16 to 19 years, inclusive, ***of the existence of the program prescribed by this section***.” See Welfare and Institution Code section 11403.1(g)(2). The county's notification to eligible youth is obviously critical to the effectiveness and overall use of the program. This legislative requirement is also not found in either the proposed regulations or the All County Letter referenced above.

We appreciate the opportunity to submit our concerns and look forward to a response.

Sincerely,

ROBERT C. FELLMETH
Executive Director of CAI

DEBRA L. BACK
Attorney for CAI