

**Providing Foster Care  
for Young Adults:  
Early Implementation of  
California's Fostering  
Connections Act**

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# Introduction

In 2011, about 26,000 youth in foster care reached the age of emancipation. Most of these young people were just 18 years old (U.S. Department of Health and Human Services, 2012). Abruptly expected to support themselves, many emancipated youth will experience poverty, homelessness, and contact with the criminal justice system after they exit foster care (Courtney et al, 2007; Courtney & Hughes Heuring, 2005). The risks these youth face and their need for support during the transition to adulthood have been recognized since 1986 when Title IV-E of the Social Security Act, which covers adoption assistance and foster care, was amended to fund independent living services for emancipated foster youth and foster youth preparing for emancipation.

Several subsequent amendments to Title IV-E since the Independent Living Program was created have provided more support to transitioning foster youth. It was amended most recently in 2008 when the Fostering Connections to Success and Increasing Adoptions Act was unanimously passed by the U.S. House of Representatives and U.S. Senate, and signed into law by President George W. Bush. One of the law's provisions extended eligibility for Title IV-E assistance until youth in foster care are 21 years old. To qualify, youth must be enrolled in school, employed, participating in a training program designed to remove barriers to employment, or have a documented medical condition that limits their ability to work or attend school.<sup>1</sup> The new law allows youth to be living in a foster home, group care, or a supervised independent living setting, and child welfare caseworkers are required to help them develop a transition plan as they prepare to emancipate.

A key feature of the Fostering Connections Act is that it gives states a financial incentive to extend foster care but does not require them to do so. California became one of the earliest adopters of extended foster

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<sup>1</sup> For a description of the federal Fostering Connections Act, see:  
[http://www.childwelfare.gov/systemwide/laws\\_policies/federal/index.cfm?event=federalLegislation.viewLegis&id=121](http://www.childwelfare.gov/systemwide/laws_policies/federal/index.cfm?event=federalLegislation.viewLegis&id=121)

care when Assembly Bill 12 (AB 12), California's Fostering Connections Act, became law in late 2010. Its early adoption is arguably the most important both because California's foster care population is the largest of any state by far and because the state has been very ambitious in its approach.

This report, which examines the planning process for implementing California's Fostering Connections Act as well as the new law's early implementation, is the culmination of more than a year of research. It begins with a description of the study methods and some information about the California child welfare context. This is followed by an overview of California's Fostering Connections Act and its evolution through subsequent amendments. We then discuss the major themes that emerged during our observations of the planning process and our interviews with several dozen key informants. We also share the early impressions of some young people who were directly affected by the new law. The report concludes by highlighting some of the lessons other states might learn from California's experience extending foster care.

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# Study Methods

Data collection began in June 2011 with an investigation of the legislative history leading up to the passage of AB 12. This included a review of transcripts of the Assembly and Senate committee hearings during the 2009–10 legislative session, as well as the text of AB 12 (and later AB 212 and AB 1712, which were introduced to address some of AB 12’s limitations). It continued with the collection of observational data. Members of the research team attended implementation planning meetings with various stakeholders and participated in monthly conference calls designed to update service providers about AB 12 developments.

The majority of our data came from in-depth interviews with key informants who played a critical role in AB 12’s passage, in implementation planning, or in early implementation at the county and state level. Members of the research team conducted these in-depth interviews in two phases.

## *Phase One*

Between June and December 2011, we interviewed 38 key informants involved in the passage of and implementation planning for AB 12. They included policymakers, legislative staff, leaders of state agencies and organizations such as the California Department of Social Services (CDSS), the Administrative Office of the Courts (AOC), the County Welfare Directors Association (CWDA), and the Chief Probation Officers of California (CPOC), as well as advocates from foundations, legal advocacy groups, and foster youth development organizations. These interviews, as well as some of the historical and observational data we collected, formed the basis of a report describing the role stakeholders and research played in shaping AB 12’s passage and implementation planning (see Mosley and Courtney, 2012).

## *Phase Two*

Between April and September 2012, we interviewed 63 key informants about their experiences with AB 12 since the law took effect on January 1, 2012. Twenty of these key informants, nearly all of whom worked in government, social service provision, and/or advocacy roles at the state level, had participated in the phase one interviews. They also included county child welfare directors ( $n = 11$ ), county probation directors ( $n = 5$ ), and county independent living directors and other staff ( $n = 25$ ). Our interviews with these respondents centered on their daily experiences with AB 12, including the impact of implementation on their workloads and what they felt the strengths and limitations of the implementation process had been.

Given the importance of this legislation to the lives of California youth in foster care, we also wanted to get their perspective. To do so, we conducted five focus groups with young people in May 2012. These focus groups took place in both northern and southern parts of the state. In total, we spoke with 39 young people from four counties, one of which was rural. Because the focus groups were conducted during the early stages of implementation, some of the young people had not yet experienced a complete transition to extended foster care. Nonetheless, the focus groups included a diverse array of young people who spoke openly about their knowledge of the law.

Throughout this data collection period, which lasted well over a year, we held biweekly internal team meetings to discuss our findings as they evolved.

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# Our Approach to Telling AB 12's Story

Describing AB 12 and its implementation is challenging. The law itself has evolved considerably over a short period of time in response to issues identified during the implementation planning process and the early stages of implementation. Indeed, some of these issues—particularly those related to funding and to regulations governing the provision of transitional housing—were not resolved until June, 2012, nearly six months after implementation began. This means that implementation planning, revisions to the law, and actual implementation were occurring simultaneously. It also means that many of the planning activities we observed and many of the interviews we conducted occurred before important implementation issues had been resolved. Even now, as one of our informants remarked recently, “AB 12 is still very much a work in progress.” Therefore, while we believe that this report provides important food for thought for other states considering extended foster care, the final chapter of AB 12’s implementation story of has yet to be written.

Because a major focus of this report is on the lessons other states can learn from California’s experience extending foster care under the federal Fostering Connections Act, we provide only a broad outline of AB 12’s evolution, including its amendments, and the planning process that informed implementation. Throughout the report we direct interested readers to resources that offer greater detail about AB 12’s legislative history and the implementation planning process.

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# Background on California's Services for Older Foster Youth

California operates a state-supervised, county-administered child welfare system. This means that child welfare services, including foster care, are provided by California's 58 counties, with policy direction and some funding coming from the California Department of Social Services (CDSS). California has long provided independent living services to foster youth through county child welfare agencies and their not-for-profit contractors. By 2008, several initiatives aimed at the state's foster youth population were well underway. The Transitional Housing Placement Plus (THP-Plus) program was implemented by the CDSS in 2001 to provide affordable housing options and support services for youth between the ages of 18 and 24 who had been in foster care or on probation. Initially, the state and counties shared the costs. However, in 2006 the state shouldered 100 percent of the burden to increase the program's accessibility. Ultimately, 46 county child welfare agencies received funding from the state to support local not-for-profit THP-Plus programs.

Considerable philanthropic funding has also been dedicated to improving services and housing options for foster youth in California. For example, the California Connected by 25 Initiative (CC25I), which was started by the Stuart Foundation and the Walter S. Johnson Foundation in 2005, awarded six million dollars over six years to help eight county child welfare agencies provide better services and housing options. Additional support came from the William and Flora Hewlett Foundation, the Annie E. Casey Foundation, and the Charles and Helen Schwab Foundation. CC25I counties were required to implement Efforts to Outcomes (ETO), a data collection system designed to track the outcomes of youth with the hope that the experiences of youth in these counties might inform other counties moving forward. Technical assistance was provided by the Social Work Education Center at UC Berkeley (CalSWEC). As the initiative drew to a close in 2011, a report describing important trends in youth outcomes, successes

and challenges at the organizational level, and new innovations in data tracking and program accountability was published.<sup>2</sup>

Lastly, the Judicial Council of California, the policymaking body of the California courts, had exhibited significant interest in improving the conditions of youth in foster care prior to the passage of AB 12. For example, in 2006, Chief Justice Ronald M. George appointed a California Blue Ribbon Commission on Children in Foster Care and charged it with providing recommendations to the Judicial Council of California on ways that the courts and child welfare agencies could improve child and family outcomes. The Commission's May 2009 report and action plan included the extension of foster care funding to age 21 as one of its key recommendations.

Interestingly, California law prior to AB 12 allowed courts to maintain a dependency order until youth in foster care reached age 21 despite the absence of federal and state funding. This seldom happened in practice, except in recent years, when judges in a few counties (most notably Los Angeles) ordered that youth be allowed to remain in foster care beyond their 18<sup>th</sup> birthday, but rarely until their 21<sup>st</sup>. The ability of courts to order county child welfare agencies to provide foster care in the absence of funding to do so was historically a source of friction between counties and the courts.

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<sup>2</sup> The report on CC25I can be found at: [http://74.81.204.52/Files/CC25I\\_Premise\\_Promise.pdf](http://74.81.204.52/Files/CC25I_Premise_Promise.pdf)

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# AB 12: California's Fostering Connections Act

In the wake of a growing body of knowledge available about the unique challenges faced by youth aging out of foster care, and the financial incentive provided by the federal Fostering Connections Act, California lawmakers and advocates began crafting a bill to extend foster care beyond age 18. Introduced by California State Assembly member Jim Beall and Speaker Emeritus Karen Bass in 2008,<sup>3</sup> Assembly Bill 12 (AB 12), the California Fostering Connections to Success Act, was passed by the state legislature with bipartisan support and signed into law by Governor Arnold Schwarzenegger on September 30, 2010.<sup>4</sup> Sponsoring organizations included the Service Employees International Union (SEIU), which represents many of the state's public child welfare workers; the County Welfare Directors Association (CWDA); the Judicial Council; California Youth Connection (CYC), a not-for-profit advocacy organization run by and for current and former foster youth; and the Alliance for Child & Family Services, an association of child welfare services providers. Other legal and/or policy advocacy organizations for children in out-of-home care were also sponsors of and actively involved in crafting the legislation. These included the John Burton Foundation for Children Without Homes; the Youth Law Center; the Children's Law Center of California, a nonprofit public interest legal organization made up of attorneys representing children in the child welfare system; and the Alliance for Children's Rights, an organization that provides free legal services for children in Los Angeles County as well as statewide policy advocacy on issues affecting youth in Los Angeles.

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<sup>3</sup> Bass was elected to Congress as the Representative from California's 37th Congressional District in November 2010. She is the founder and chair of the Congressional Caucus on Foster Youth.

<sup>4</sup> For the full text and legislative history of AB 12, see: <http://openstates.org/ca/bills/20092010/AB12/>

The key provisions of AB 12 extending foster care to youth over the age of 18 were to go into effect on January 1, 2012, meaning that the state had a little over one year to put into place all of the policies and procedures needed to extend care. The new law allowed California to take advantage of the federal funding provided by the federal Fostering Connections Act, and advocates made the case that AB 12's extended foster care provisions would be cost neutral for California. Most importantly, the law adapted California's Kinship Guardianship Assistance Program (Kin-GAP), which was previously funded entirely with state dollars, to meet the requirements for federal funds. By saving the state millions of dollars that it had been paying each year to kinship guardians, this AB 12 provision helped render the legislation budget neutral. To further reduce the law's budget impact, the extension of foster care from 18 to 20 years old was to be phased in over a two-year period, and the decision to extend foster care to age 21 was deferred.

Consistent with the federal Fostering Connections Act's kinship guardianship and adoption provisions, AB 12 provided extended Kin-GAP and Adoption Assistance Program (AAP) subsidies for youth who were at least 18 but not yet 20 years old as long as the Kin-GAP payments or the initial AAP agreement began on or after their 16th birthday. Additionally, in recognition of California's existing program of state-funded subsidized nonrelative legal guardianships, AB 12 allowed youth who were at least 18 but not yet 20 years old and living with a nonrelative legal guardian to receive state-funded foster care benefits, regardless of the age at which they were placed, if their placement was approved by the juvenile court. All three of these provisions could be extended by the legislature to age 21 at a later date.

Finally, AB 12 created a new category of youth eligible for CalWORKs, California's Temporary Assistance to Needy Families (TANF) program. Under AB 12, youth in extended foster care who were at least 18 but not yet 20 years old could receive CalWORKs benefits if they were living with an approved relative caregiver who was not eligible for federal or state foster care payments. Contingent upon legislative approval, eligibility for these benefits could also be extended to age 21.

Dependents and probation wards eligible for extended foster care under AB 12 are defined as *non-minor dependents*. By law, they must have attained the age of 18 while under a juvenile court placement order, be less than 21 years old, and be supervised by a county welfare department, a county probation department, or an Indian tribe. Youth must also have a transitional independent living case plan and meet at least one of the five following conditions as stipulated by the federal Fostering Connections Act: (1) be enrolled in high school or an equivalency program, (2) be enrolled in a postsecondary or vocational school, (3) be participating in a program or activity that promotes, or removes barriers to, employment, (4) be employed at least 80 hours per month, or (5) have a medical condition that limits their ability to work or go to school.

Youth who are in foster care when they turn 18 years old are required to sign a mutual agreement stating that they are voluntarily consenting to remain in foster care as court dependents, that they will report life changes to their case manager, and that they will only reside in approved placements. Youth reentering foster care are required to sign a voluntary reentry agreement with the county child welfare agency that documents their desire and willingness to reenter foster care, to be placed in a supervised setting, and to immediately participate in activities that will meet at least one of the five conditions listed above. Youth must also consent to work with the placement agency to develop a transitional independent living plan within 60 days of reentry, to report any relevant change in circumstances, and to file a petition for juvenile court jurisdiction within 15 days of the signing agreement.

The federal government requires states to use either juvenile court supervision or administrative review to oversee provision of foster care services to youth in extended foster care. California, which provides attorneys to all youth in foster care, chose to require court supervision rather than administrative review.

AB 12 is intended to provide non-minor dependents with a wide range of placement choices including an approved relative or nonrelative extended family member, a licensed foster family home, a therapeutic foster home, a group care facility (with some limitations),<sup>5</sup> supportive transitional housing, and supervised independent living arrangements. Two new placement options under AB 12 warrant particular attention: Transitional Housing Program-Plus Foster Care (THP-Plus FC) and Supervised Independent Living Placement (SILP).

THP-Plus FC is a Title IV-E-eligible placement for non-minor dependents. AB 12 retained the existing Transitional Housing Program (THP-Plus) but required counties to move 70 percent of their THP-Plus funding to THP-Plus FC. This was necessary to ensure that federal Title IV-E reimbursement is maximized going forward. The original AB 12 legislation called for THP-Plus FC programs to be approved by individual counties. However, this ultimately proved to be unworkable, and the law was amended in 2012 to require licensing of these programs by the state Community Care Licensing (CCL) Division.

The SILP, the least restrictive and most flexible placement, is meant for highly independent youth. SILPs can include an apartment, a shared living situation, or a college dorm. Youth must undergo a readiness assessment prior to being approved for a SILP and these placements must be approved by counties and tribes as meeting health and safety standards. Non-minor dependents placed in SILPs may receive the foster care benefit directly, which was \$776 per month in 2012.

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<sup>5</sup> AB 12 specifies that youth may only remain in a group home after turning age 19 or graduating from high school, whichever comes first, if it is necessary due to a medical condition, as defined by CDSS regulation.

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# Implementation Planning

AB 12 implementation planning was led by the California Department of Social Services (CDSS), and involved a diverse group of stakeholders. CDSS and the Administrative Office of the Courts (AOC) proposed a four-tiered framework for informing the greater child welfare community and more effectively organizing planning efforts. The first tier of this framework was the AB 12 Steering Committee, made up of members of AB 12's sponsoring organizations, other stakeholders identified in the law, associated legislative staff, CDSS leadership, tribal representatives, youth representatives, and caregivers. The Steering Committee, which met approximately every two months, was charged with sustaining the vision of AB 12 throughout the implementation planning process, identifying experts for focus area teams (described below), providing feedback on all drafts of official implementation instructions and regulations, and consulting on and participating in matters of public education and dissemination.

The second tier was a coordinating leadership team whose members included officials from CDSS, AOC, County Welfare Directors Association (CWDA), and the Chief Probation Officers of California (CPOC). This group, which met approximately one a month, was responsible for overseeing implementation by coordinating with affiliated public agencies, ensuring cooperation and alignment across focus areas, and sharing initial drafts of official implementation instructions with stakeholders.

Five Focus Area Teams (FATs) comprised the framework's third tier. Each FAT was cochaired by a division within CDSS or AOC and a member of one of the cosponsoring organizations, included experts and associated stakeholders, and was responsible for guiding efforts around a specific area of AB 12 implementation, including the production of draft deliverables that would convey the new policies and regulations to counties statewide. Each of the five FATs is briefly described below.

### *Program and Placement Area Team*

The Program and Placement Area Team addressed issues surrounding the independent living program, case planning, new placement options, and licensing. It was cochaired by the Child and Youth Services Branch of the Children and Family Services Division at CDSS and the Alliance for Children’s Rights, and included three subgroups. One, the Program Criteria subgroup, met bimonthly in Sacramento to produce program eligibility criteria, implementation instructions and regulations, and other program guidelines for the entire state. A second, the THP-Plus Foster Care subgroup, met twice a month in Sacramento to determine the mechanics of county-level implementation of the new THP-Plus Foster Care program. A third, the Licensing and Approval subgroup, met about once a quarter to determine the new licensing and approval standards that would govern placements of non-minor dependents.

### *Eligibility, Rates, and Placement Team*

The Eligibility, Rates, and Placement Team was charged with the development of eligibility standards for AFDC-FC (Aid to Families with Dependent Children - Foster Care) and CalWORKs as applied to youth in extended foster care, as well as eligibility standards for extended Kin-GAP and AAP, THP-Plus Foster Care and SILPs. This FAT, which was led by the Foster Care, Audits, and Rates Branch of the Children and Family Services Division of CDSS and the Alliance for Children’s Rights, also focused on amendments to the state Title IV-E case plan.

### *Rules of the Court Team*

The Rules of the Court Team, which was cochaired by the AOC’s Center for Families, Children, and the Courts and the Children’s Law Center of California, was responsible for developing the rules for extended foster care ultimately adopted by the Judicial Council. These rules mandated certain practices and forms across all 58 counties to ensure consistent application of the law’s provisions to all non-minor dependents and probation wards throughout the state. They also provided needed clarity regarding the legal definitions of frequently used terms (e.g. “non-minor dependent”).<sup>6</sup>

### *Training and Informing Team*

The Training and Informing Team was cochaired by the Child Protection and Family Support Branch, the Office of the Ombudsman at CDSS, and the California Youth Connection. It was engaged in outreach and communications activities with counties, caregivers, providers, youth, the media, and the general public.

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<sup>6</sup> This resulted in a report to the California State Judicial Council entitled “Juvenile Law: Extending Juvenile Court Jurisdiction to Nonminor Foster Youth.” (<http://www.courts.ca.gov/documents/jc-20120424-itemA4.pdf>).

### *Administration and Fiscal Team*

The Administration and Fiscal Team was cochaired by the Fiscal Policy Bureau at CDSS and CDWA. Its purpose was to create aid codes pertaining to new benefits for foster youth, Title IV-E eligibility and claiming procedures, budget allocations, and caseload projections. This team became active once implementation began.

The fourth tier of the implementation framework was for stakeholder input. Cosponsor leads gathered information from stakeholders and other constituents through focus groups, surveys, and interviews for the Focus Area Teams and the Coordinating Leadership Team. Cosponsors represented the following constituent groups: (1) child welfare workers and eligibility workers; (2) dependency lawyers and judges; (3) foster youth; (4) foster youth entering THP-Plus Foster Care; (5) providers (THP-Plus programs, foster family agencies, and group homes); (6) foster parents; (7) relative caregivers; (8) education stakeholders (K-12 and postsecondary); (9) the juvenile probation system; and (10) legal service organizations. With funding from the philanthropic community, a subset of the cosponsors hosted a series of “stakeholder meetings” to keep those who were most interested apprised of AB 12 developments at the state level. Led by the nonprofit advocacy organizations, these cosponsors hosted four statewide meetings for over 900 attendees.

To communicate the specifics of eligibility requirements, rates, and other important regulatory details to the counties, CDSS issued a series of All County Letters (ACLs) and All County Information Notices (ACINs) between January and December 2011. The content of these communications was determined in work groups, and stakeholders were invited to comment and provide feedback on public drafts before official letters and notices were released. The wide variety of issues addressed by the ACLs and ACINs reveal the complexity of extending foster care to young adults. These issues included: instructions to counties about changes to the subsidized guardianship and adoption assistance programs, eligibility criteria for extended foster care, requirements for distinct extended foster care placement options, placement provider licensing and certification procedures, information about access to foster care for youth on probation, training about AB 12’s provisions, and data reporting requirements. Despite these efforts, some key regulations, most notably those pertaining to reentry and to the creation of the THP-Plus FC program, were not in place when youth became eligible for extended foster care on January 1, 2012.

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# Collaborative Partners and Additional Resources

In addition to state agencies, private philanthropic entities have been major contributors to the development, passage, and implementation of AB 12 (Mosley & Courtney, 2012). Foundations such as the Stuart Foundation and the Walter S. Johnson Foundation were integral in supporting the process by paying for planning meetings and providing a consultant to lead those meetings, maintain organization of the FATs, and generally keep the planning process on track. Some cosponsoring organizations also received philanthropic funds to support their participation in implementation planning. These organizations were very active in many of the state-led planning efforts, serving as intermediaries between stakeholders and the coordinating leadership by holding many informational and feedback sessions on the work of the FATs.<sup>7</sup>

To aid in the implementation of AB 12, the California Social Work Education Center (CalSWEC) at UC Berkeley developed a wide range of training resources and made them available on their website.<sup>8</sup> They provide basic information for a general audience, youth, social workers, probation officers, caregivers, and providers, as well as more advanced and specialized trainings regarding eligibility, placement, legal processes, postsecondary education, the development of case plans, and implementation tools and guides. Additionally, the Training and Informing FAT launched the “After 18” campaign to disseminate information about AB 12 using online tools.<sup>9</sup>

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<sup>7</sup> One result of these efforts is a website devoted to communication regarding developments in AB 12 implementation and dissemination of training materials and resources: <http://www.cafosteringconnections.org/index.html>

<sup>8</sup> CalSWEC training resources can be found at: [http://calswec.berkeley.edu/CalSWEC/OtherTraining\\_AB12.html](http://calswec.berkeley.edu/CalSWEC/OtherTraining_AB12.html)

<sup>9</sup> Information about “After 18” can be found on the national Fostering Connections website: <http://www.fosteringconnections.org/california>

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# The “Clean-up” Bills and Budget Realignment

The evolution of AB 12 as a legislative framework for extending foster care to young adults illustrates the challenges of crafting such complex policy. Some significant changes to AB 12 arose from the recognition that extending care to young adults was more complicated than originally understood by those who drafted the law. Stakeholders realized early in the implementation planning process that further legislation was needed to bring sections of AB 12 into compliance with federal standards and to resolve ambiguities that became apparent once state- and county-level implementers began to consider the practicalities of extending care.

On January 31, 2011, State Assembly member Jim Beall introduced AB 212, a clean-up bill that would allow the state to make changes to AB 12 in response to issues identified during the implementation planning process.<sup>10</sup> Because AB 212 was an urgency measure, it took immediate effect as soon as it was signed into law by Governor Jerry Brown on October 4, 2011, just three months before counties were supposed to begin providing extended foster care. This left very little time to communicate its provisions to the field.

AB 212 made substantive changes to the original bill with respect to delinquent youth and youth reentering care after having left foster care when they were at least 18 years old. Under AB 12, delinquent minors who wanted to remain in foster care after turning age 18 were forced to keep their delinquency status. Moreover, if they were to exit and reenter foster care for any reason, they could reenter only as delinquents. AB 212 created a nondelinquent status, “transition jurisdiction,” for minors who are ready to transition out of delinquency supervision but cannot return home, as well as for eligible non-minors who

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<sup>10</sup> For the full text and legislative history of AB 212, see: <http://openstates.org/ca/bills/20112012/AB212/>

exited the delinquency system and were reentering foster care. The decision as to which agency will supervise youth who enter transition jurisdiction was left for each county to decide.

AB 212 also modified the reentry provisions of AB 12. Under AB 12, youth could leave care and reenter care an unlimited number of times before age 21, based on the assumption that the federal government would allow California to treat these absences from care like “trial home visits” for the purposes of claiming Title IV-E reimbursement. However, early in the implementation planning process it became clear that the federal government would require California to arrange monthly visits between non-minor dependents and social workers, in addition to six-month court reviews during these absences, if the state wished to claim IV-E funds when the young people reentered. AB 212 addressed this problem by allowing cases to be dismissed and placed in “general jurisdiction” if youth decided to leave exit. Youth who later wished to reenter could do so by signing a “Voluntary Reentry Agreement.” This agreement, which is akin to the voluntary placement agreement federal law allows states to use with minors while still claiming IV-E funds, enables youth who exit foster care to be free of all the trappings of the child welfare system, but to easily reenter care.

Problems in getting the THP-Plus FC program off the ground also illustrate how assumptions made during the crafting of the original legislation were not always confirmed during the implementation planning process. Under AB 12, individual counties, rather than the California Department of Social Services (CDSS) Community Care Licensing (CCL) Division, were to approve THP-Plus FC providers. Youth advocates and existing THP-Plus providers had expressed a preference for this arrangement, believing that counties would be more flexible than the CCL in their approval process. Likewise, the counties had generally expressed a desire for the flexibility a county approval process appeared to give them. Additionally, CDSS and its CCL division were not eager to take on any added responsibilities during a period of budget cuts. A county approval process seemed to meet the needs of all these stakeholder groups. However, as implementation planning progressed it became increasingly clear that many counties lacked the capacity and/or the inclination to create an efficient approval process for THP-Plus FC providers. Ultimately, further clean-up legislation was required to, among other things, empower the state agency to license THP-Plus FC providers. Because this legislation did not take effect until June 2012, and was not implemented until several months later, a crucial placement option envisioned for young adults under AB 12 was not available until well into the first year of implementation.

Another major problem with AB 12 is that one of the strategies used to make extended foster care appear fiscally neutral and thereby more politically viable had unintended consequences. AB 12’s advocates had agreed to a phased-in approach to the extension of foster care funding. Specifically, under the original timeline, the extension of state funding was to begin for eligible dependents and wards of the court up

until their 19<sup>th</sup> birthday on January 1, 2012 and up until their 20<sup>th</sup> birthday on January 1, 2013. The extension to age 21 was to become effective January 1, 2014, *if* the legislature approved the extension and appropriated funds for that purpose. This staggered implementation meant that state funding for youth who turned 19 while in foster care during calendar year 2012 ended on their 19<sup>th</sup> birthday, although they could reenter foster care with state funding on January 1, 2013. They would face the same situation on their 20<sup>th</sup> birthday in 2013, and would have the option of reentering foster care with state funding on January 1, 2014, if the legislature had extended foster care to age 21.

These young people came to be known as “bubble” or “gap” youth because their birthdays fell “on the bubble” between the one-year-at-a-time extensions of foster care funding under AB 12. Some counties used county-only funds so that these youth could remain in extended foster care after their 19<sup>th</sup> birthday and until they became eligible again for state funding. Most counties, however, did not, and in the absence of state funding, few courts ordered counties to do so. Youth advocates, some of who had been party to the negotiations that led to the staggered implementation budget strategy in the first place, helped generate media attention about the plight of these young people during the initial months of AB 12 implementation. Changes in the state budget (described below) and the AB 1712 clean-up bill addressed this gap in program eligibility.

AB 12 implementation was also significantly influenced by California’s ongoing budget struggles. California Governor Jerry Brown’s 2011–12 budget proposal called for a realignment of funding for many services in California. Under his proposal, responsibility for funding many programs shifted from the state to the county level. During 2011, the state legislature passed two bills (AB 118 and SB 89), which essentially provided the revenues for realignment (through an increase in the sales tax and in vehicle registration and license fees) and created an accounts structure to support the Governor’s newly realigned budget. Several billion dollars per year were transferred from state to local control, and counties became responsible for a number of programs that had previously been funded and/or provided by the state. These programs included child abuse prevention; family preservation services; kinship support services; foster care; THP-Plus; adoption services and assistance; Early Periodic Screening, Diagnosis, and Treatment (EPSDT) Program mental health services; substance abuse treatment; mental health managed care; and some programs for youth in the juvenile justice system. AB 12 stakeholders had concerns about the quality of these services and the adequacy of future funding for them. Specifically, they feared that services would vary drastically across counties, that accountability would be reduced, and that county-level budget pressures would lead to cuts in services during times of economic hardship. For the time being, however, changes in the realignment budget formula have provided reassurance to AB 12 supporters; budget enhancements made by Governor Brown in May 2012 and subsequently adopted by

the legislature included full funding for extension of foster care to age 21 in 2014 and eliminated the gap in AB 12 eligibility that created the problem of so-called “bubble youth.”

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# Reflections on Early Implementation of Extended Foster Care in California

We turn now to a synthesis of what we learned from our observations of the AB 12 implementation planning process and our interviews with key informants involved in planning and implementation. We focus on issues that arose repeatedly during our observations and interviews and that we believe are likely to arise in other states that extend foster care to young adults in accordance with the provisions of the federal Fostering Connections Act.

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## California's Inclusive Philosophy of Extended Foster Care

Everyone kept their eye on developing a new system that is appropriate for young adults, not just an extension of foster care. —*Legal advocate for foster youth.*

This is a paradigm shift. —*County child welfare agency administrator.*

The philosophy is the right one. —*Manager of a not-for-profit treatment foster care and group care agency.*

I don't have a problem with it philosophically...I don't want AB 12 to be seen as a safety valve so that we lose our sense of urgency about helping youth achieve permanency...nothing I have seen has alleviated my concern. —*Juvenile court judge.*

We have created resources and funding, which is a success, but did we build enough of a paradigm shift to help prepare young adults for independence? —*Representative of a statewide foster youth advocacy group.*

Too many people involved still see this as extended foster care for minors. The mindset will need to change to allow young people to tell us what they want. We need to move to seeing the young people as consumers. —*Administrator of a not-for-profit agency serving foster youth.*

For states to claim reimbursement for extended foster care under the federal Fostering Connections Act, youth in extended foster care must be in school, employed, participating in a training program to remove barriers to employment, or living with a documented medical condition that limits their ability to work or attend school. These eligibility criteria provide considerable leeway for states as they craft their version of extended foster care. In particular, states need to decide whether to make their eligibility criteria more or less inclusive and what expectations they will have of young adults in extended foster care.

We found overwhelming support among our informants for California’s decision to adopt an approach that would be as inclusive as possible of the heterogeneous population of youth transitioning out of foster care. This approach is reflected in both the language of the new law and its implementation to date. Regardless of any apprehensions they might have had about particular aspects of the law’s *implementation*, those involved in the planning process generally embraced this inclusive philosophy. However, our observations and interviews also suggest that some county child welfare agency personnel did not share this view. For example, one county official went so far as to say that AB 12 might be “creating a culture of entitlement” that could have unintended consequences over the long term. Another questioned whether it made sense to allow all youth to remain in extended foster care until age 21 and recommended periodic assessments to determine if youth still “need the resources that AB 12 brings with it.”

Informants acknowledged that AB 12 marked a major change in both individual and institutional roles and responsibilities. For example, foster care agencies accustomed to keeping children safe and finding them legally permanent homes would now be held accountable for helping young adults move towards independence. Similarly, attorneys for youth would now be responsible for representing an adult client’s expressed wishes rather than a minor’s best interests. Informants also described how working with young adults requires a fundamental shift from providing supervision and protection to supporting youth and helping them learn from their mistakes. Some county-level staff noted that they were already accustomed to dealing with young adults whereas others called for additional training because a different skill set would be needed. A number of youth advocates also expressed concern that it would be difficult for some county child welfare workers, foster care providers, and juvenile court judges give non-minor dependents the freedom to make the kinds of choices that other young adults are allowed to make.

Many informants expressed pride in the fact that California was creating a wide range of services and supports for what stakeholders agreed was a population with a diverse range of aspirations and needs.

Throughout the implementation planning process there was a general agreement that youth making the transition from foster care to adulthood would not be served well by a “one size fits all” policy. At the same time, several informants lamented what they perceived as the lack of attention being paid to legal permanency. Of particular concern was the possibility that young people might end up leaving extended foster care without lifelong connections to family members or other supportive adults. Others expressed concern that AB 12 may have the unintended effect of creating a disincentive to permanency through adoption or legal guardianship. These informants made reference to cases in which guardianship or adoption had been delayed so that youth could “take advantage” of AB 12’s benefits. Given that adoptive parents and legal guardians of youth who exit foster care on or after their 16<sup>th</sup> birthday remain eligible for subsidies under AB 12 until the youth are 21 years old, and that youth remain eligible for Chafee-funded services until age 21, it remains to be seen whether these concerns will actually translate into reductions in adoption or guardianship.

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## **California’s Inclusive and Collaborative Approach to Planning for Extended Foster Care**

The process has been unprecedented in involving legislative staff in the policy implementation process. —*Legislative staff member involved in AB 12’s passage and implementation.*

Recognition from the major players that this was a big job that would take time...we had a bipartisan commitment with flexibility to go back to the legislature...this allowed the process to address issues as they arose. —*Representative of a statewide service provider association.*

Giving ourselves a year to prepare delayed the start date...it created a very collegial environment for the stakeholders to sit down and talk out issues, think through the process, and do a better job of planning. —*County child welfare agency representative involved in AB 12 planning.*

Being at the same table with folks that we typically struggle with gave us lots of respect for them. I now understand the resource constraints that they are under and know that their hearts are in the right place. —*Legal advocate for youth in foster care.*

The legislation and its implementation brought together a very diverse group of service providers in an atmosphere of greater collegiality than any of us had seen before. This was particularly true of the relationship of NGOs and government. —*Representative of foster youth advocacy organization.*

All of the constituency groups are still involved in implementation...much of that implementation structure is still in place. —*Member of the state child welfare agency leadership.*

There were pluses and minuses of the collaborative process. Collaboration was great at getting people involved and excited, but not as effective at generating the necessary products. —*State-level advocate for youth in foster care.*

Most informants characterized the AB 12 implementation planning process as the most inclusive effort in which they had ever participated, and many had been involved in planning and implementing child welfare policy for decades. Although some concerns had been expressed during our early interviews in 2011 about stakeholder groups that had not been included in the planning process as much as had been hoped (e.g., probation agencies and tribes), our interviews in 2012 indicated that progress had been made in engaging these stakeholder groups too.

Nearly all our informants believed that the inclusiveness of the planning process was well worth the effort and that the benefits of that inclusiveness would far outweigh the costs. First, there was universal agreement that the bipartisan support for AB 12, including the support of Governor Brown's administration, allowed those involved in AB 12 implementation planning to return to the legislature to address the original legislation's limitations. Informants pointed out that the ongoing involvement of key legislative staff in the planning process helped keep the lines of communication open between AB 12 planners and the legislature. It was clear to all concerned that failure to address the problems that were the focus of the clean-up legislation would have led to an impossible-to-implement policy and would have had serious unintended consequences for the state agency, county agencies, service providers, and, ultimately, the youth it was supposed to help.

Second, all our informants applauded the decision to allot a full year for implementation planning. This year allowed planners more time than is generally the case to seek input from various stakeholders and to draft regulations. In fact, several believed that even a year was not enough time to plan for such a sea change in policy and practice. As a result, county child welfare agencies found themselves in the position of "implementing a law while we are continuing to refine it."

Third, involving such a wide range of stakeholders in the process increased the likelihood that issues needing to be dealt with would be identified and that those responsible for implementation would have an opportunity to comment on proposed solutions. Involving such a wide range of stakeholders in the process may also "have moderated their tendency to complain outside of the process" and contributed to an atmosphere of mutual respect that had often been missing from prior child welfare policy implementation efforts. Some informants felt that the collaborative spirit fostered by the planning process continued once the law took effect, but others were less optimistic. As one youth advocate put it, "2012 has seen people go back to the roles they typically play."

Informants were not uniformly supportive of such an inclusive planning process. A few believed too much time had been spent trying to incorporate diverse viewpoints and that this came at the expense of timely regulations. Although most of these complaints were voiced by county-level staff who would play a key role in actual service provision, more than one state-level advocate expressed frustration with the

pace of implementation planning and felt that “collaboration needed to be more focused on output and not just dialogue.”

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## Capacity to Implement Extended Foster Case as Envisioned in AB 12

CDSS is very stretched. —*Legislative staff member involved in AB 12’s passage and implementation, speaking about the California Department of Social Services.*

CDSS is significantly understaffed. —*County agency participant in the planning process.*

CDSS doesn’t have nearly enough of the stars anymore to develop policy. —*Private sector service provider.*

There was no funding for planning and implementation other than that provided by foundations and people in the field making in-kind contributions of their time. Across the department, the public employees really stepped up to this compelling public policy issue. This was a priority, for the administration and for all of us, but that meant that other things sat. —*Member of the state child welfare agency leadership.*

Use of philanthropic resources has been extremely helpful...having a neutral entity involved has been helpful with planning. —*Legislative staff member involved in AB 12’s passage and implementation.*

The uptake rate is higher than we anticipated. —*County child welfare agency administrator.*

We still don’t have all of the services we envisioned...we need more supportive housing programs...some counties don’t have any programs. —*State-level advocate for youth in foster care.*

It’s a real stretch to serve group home youth without THP-Plus Foster Care. —*Consultant involved in the planning process.*

There will be variability in services between counties, not just child welfare services but also education, employment, housing, mental health, and other services. There are some services that are out of county child welfare agencies’ control that can affect youths’ outcomes. —*Representative of county child welfare agencies.*

California’s well-known budget challenges have had implications for AB 12 implementation planning. The legislation included no implementation planning funds, and informants who voiced an opinion felt that the process would have been much less ambitious or effective without the financial support provided by California foundations. In the absence of this support, it would have been much more difficult for nongovernmental organizations to convene stakeholder meetings, staff the planning work groups, and develop trainings for various parties involved in implementing the law.

Informants agreed that lack of government capacity posed a problem for implementation, but opinions varied as to how much of a problem it posed. Informants outside of government were the most vocal

about the inadequacy of state staff, both in terms of numbers and expertise, although state and county agency officials also acknowledged that they were severely stretched because of retirements, layoffs, and the sheer complexity of AB 12. One state official noted that “between fiscal letters and ACLs (All County Letters), we have had a dozen and a half implementing letters!”

Another frequently voiced concern about capacity focused on the delay in creating regulatory oversight of Traditional Housing Placement Plus Foster Care (THP-Plus FC). The fact that this did not occur until late 2012 meant that developmentally appropriate transitional supportive housing was not as available as had been envisioned under AB 12. THP-Plus FC was considered an especially crucial placement resource for youth with emotional and behavioral problems who did not wish to live in foster homes. Under AB 12, youth can only remain in group care until they graduate from high school or turn 19 years old, whichever happens first, unless doing so is necessary due to a medical condition. Nearly all our informants observed that some youth would not be well served by extended foster care until the kind of supportive transitional housing that THP-Plus FC is intended to provide is in place.<sup>11</sup>

A related concern raised by some youth advocates and not-for-profit service providers was that youth would be encouraged to move into Supervised Independent Living Placements (SILPs) instead of THP-Plus FC, even if the former would not address their needs. SILPs are less expensive because they provide more limited services and supervision and more readily available because no provider must be approved or certified.

Interestingly, our county-level informants also raised a number of concerns about the SILPs. First, they pointed out that the monthly stipend of \$776, the basic foster care boarding rate for 15–20 year olds in California, was insufficient for youth to rent their own apartment in most parts of the state. For SILPs to be viable, youth would need to have roommates or live with relatives. Second, they questioned what to do when youth wanted to move in with people whose influence on them might not be positive. One informant framed it this way: “If young adults have a right to self-determination, does the county ever have a right to say ‘no?’” Third, they had doubts about the validity of the assessment tools counties were using to gauge the readiness of youth to live on their own. These doubts were echoed by a legal advocate for youth in foster care who described the readiness assessment as “a ‘check the box’ exercise.” Finally, informants were uncertain what would happen if a SILP did not work out and a youth was left with nowhere to go. These issues illustrate the kinds of challenges public child welfare agencies will face as they try to balance legitimate concerns about youth safety and the desire to create developmentally-appropriate living arrangements for young adults.

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<sup>11</sup> All of the interviews upon which this report is based were conducted prior to the implementation of THP-Plus FC.

In addition to the concerns they raised about the availability of housing options, several informants pointed out that AB 12 was not the only important policy change taking place. They felt that some of these other, arguably more consequential, policy changes could not only divert attention from AB 12 implementation but also affect the availability of services that the new law called for. In particular, although budget realignment ostensibly provided counties with adequate funding to provide those services, it might ultimately allow counties to use that funding for other purposes. Some informants also predicted that as realignment shifts decision making about child welfare spending from the state to the counties, counties would be forced to cover the unanticipated costs of AB 12. This concern was heightened by the fact that more youth were choosing to remain in extended foster care beyond age 18 than had been assumed under budget projections. A legislative staff member noted that the state legislature was “creating new services and a new cash support program for these youth at the same time that we are making major cutbacks in other supports for families, such as TANF.” Another state-level informant involved in juvenile probation pointed out that because AB 12 implementation coincided with a reform of community corrections that also entailed a “major realignment of responsibility to the counties,” the population of probation youth AB 12 is intended to help “didn’t get as much attention as it might have.”

Both state- and county-level informants anticipated between-county differences in the availability of services under AB 12. Concern about these differences was captured by a state-level youth advocate who noted that “where you live will have lots to do with what help you get.” Of course, the availability of child welfare services often varies significantly within states, especially in county-administered child welfare systems such as California’s. However, some young people who remain in extended foster care may respond to these differences by moving from their county of origin. AB 12 regulations allow responsibility for the care of non-minor dependents who have lived outside of their county of origin for at least a year to be transferred to the county in which they currently live, but how that policy will play out in practice remains to be seen.

Lastly, a few informants called attention to the lack of data on the characteristics of and services provided to transition-age youth in extended foster care as a problem for AB 12 implementation. One likened the situation to “flying blind.” However, these informants also believed that the situation would improve significantly over time because much work had been done to lay the groundwork for better management of information going forward.

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## Importance of Youth Voice

The involvement of the California Youth Connection was central to getting the bill passed and in bringing the real world to the implementation process. —*Legislative staff member involved in AB 12's passage and implementation.*

Youth voice in the process was very positive. —*Member of the state child welfare agency leadership.*

Youth are being empowered...they are contacting CDSS and advocating for themselves. —*Consultant involved in AB 12 planning.*

The inclusion of young people was a first. —*Not-for-profit child welfare service provider.*

There were aspects of the process that could have been more youth friendly. —*State-level advocate for youth in foster care.*

Several of our informants commented on the important contribution made by current and former foster youth both to the passage of AB 12 and to the implementation planning process. The California Youth Connection was often mentioned as a key player, but it was certainly not the only source of youth input. Young people were involved in a variety of stakeholder meetings held in northern and southern California to help inform AB 12 implementation planning and were represented in major planning groups. Although our informants were generally positive about the level of youth involvement and the contribution youth made to the process, some youth advocates felt that more attention could have been paid to making the process more youth friendly. For example, they pointed out that many youth may have been precluded from attending the daylong meetings that were often held during the school or work week and that some youth subpopulations (e.g., youth involved in both the child welfare and juvenile justice systems) were not always represented.

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## Getting the Word Out

Getting the information out to the field has gone incredibly well...having so many people in the mix makes for misinformation, but that happens anyway in a state this large and with so many players. —*Member of the state child welfare agency leadership.*

All the tools for implementation are available. —*Consultant to the implementation process.*

Outreach and training have been a challenge...we have a hard time letting the counties know what the rules will ultimately be. —*Representative of county child welfare agencies.*

We need clarification of things that come up, but the state can take a long time to make things happen, which can be very frustrating for advocates. —*Legal advocate for youth in foster care.*

We need better training for all of the “adults” working with these young people, since it is a new world for them. —*State-level advocate for youth in foster care.*

*Like being on a roller coaster. —County independent living services coordinator.*

If extending foster care to young adults calls for a sea change in policy and practice, California's experience implementing AB 12 suggests that communicating the myriad elements of this sea change to those most affected also requires very heavy lifting. Compared with the generally positive views of the inclusivity of the AB 12 implementation planning process, perceptions of how well decisions, policies, and regulations were communicated to the field were much more varied. Perhaps not surprisingly, those involved in policy development at the state level seemed most positive about the dissemination of information. While acknowledging that there were bumps in the road, by and large they believed that the mix of in-person trainings, webinars, and other electronic media had made for unprecedented levels of communication with the child welfare services community. Some advocates, and particularly county personnel directly engaged in service provision, had more complaints about information dissemination. County-level staff were critical of the length of time it took to issue some of the regulations, particularly the final ACLs. Several informants described themselves as having to "play catch up" because the ACLs came out so late. Although counties could use the draft ACLs to move forward with their planning, policies and procedures often had to be revised once the final ACLs were issued. A related frustration was with the policy changes that were made through clean-up legislation after implementation had already begun. The delays in issuing regulations also meant that the Outreach and Training FAT that was charged with taking the lead on developing training resources did not begin its work until September, 2011. This did not leave much time for training prior to the AB 12 launch.

The delays in issuing regulations and in developing training resources likely contributed to perceived inconsistencies in the information that county people received. At least some of this confusion appears to be related to the fact that there were multiple sources of training on AB 12. CDSS often uses a network of university-based training centers to train child welfare workers and service providers. However, some of the advocacy organizations involved in sponsoring the original legislation also developed and delivered training, generally funded by the foundations that supported the planning process. Some county child welfare agency personnel reported that they had been told one thing by advocacy organizations and another by the state, depending on which training they attended. As one informant put it, "The advocates and state were not on the same page." In other cases, the conflicting information came from different sources at the state level.

Some of the differences in the content of these trainings are probably at least partly due to the contrasting intent of the advocates and the university-based trainers. As one advocate involved in training put it, "We view AB 12 as a public benefits program, so we are committed to ensuring that youth understand the benefits they are entitled to." The trainings developed by the university-based trainers focused more on

aspects of child welfare practice relevant to transition-age youth, such as helping youth establish lifelong connection with adults and connecting them with education and employment opportunities.

It is important to note that most of our conversations with county staff took place a few months prior to our interviews with informants who were more involved at the statewide level. Thus, some of the concerns we heard from counties may have subsided as regulatory loose ends were tied up and training became more available and coordinated.

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## **Extending Foster Care in Collaboration with the Federal Government**

We are the guinea pig...the feds have extended foster care of children up to age 21, essentially redefining “child,” whereas California has created the legal status of “non-minor dependent.” — *Member of the state child welfare agency leadership.*

The feds are still treating these youth like they are children, but we are trying to treat them like adults. —*County staff person involved in statewide AB 12 implementation planning.*

Treating these adults as children won’t necessarily achieve the goal of getting them to behave like adults. —*Member of the state child welfare agency leadership.*

When this began, we believed that every youth on a probation placement order at 18 would be eligible, but the feds did not see it that way. —*County juvenile probation agency manager.*

California is among the first states to opt into the extended foster care provisions of the federal Fostering Connections Act. A very important part of that process is obtaining federal approval for the state’s plan to extend foster care so that the state can claim Title IV-E reimbursement for foster care expenditures made on behalf of newly eligible youth. The U.S. Department of Health and Human Services, Administration for Children and Families (ACF) has a long history of crafting and enforcing foster care regulations pertaining to minors but little experience crafting and enforcing similar regulations pertaining to young adults. California’s experience with ACF suggests that it may take some time to achieve clarity regarding the full impact of existing federal regulations on extending foster care under the Fostering Connections Act.

Several informants pointed out several challenges to implementing AB 12 resulting from positions that the federal government has taken. First, California interprets provisions of data privacy laws to mean that young adults in extended foster care, like other young adults, have a right to control the release of their health and education records. However, the federal government requires California to share the health and education records of young adults in extended foster care, as they would for minors in extended foster care, with their foster care providers. Second, federal law requires that all minors in extended foster care have a *guardian ad litem* whose role is to make recommendations to the court concerning the minors’ best

interests, and California is expected to be in compliance with this requirement in its treatment of young adults in extended foster care. However, some legal advocates argued that it would be inappropriate for attorneys to represent young adults in extended foster care as if they were still minors. Rather, they would have a professional obligation to zealously represent the expressed wishes of those clients, as they would any other young adults, and protect their confidences. Third, federal law requires that minors in extended foster care be visited in person at least once a month by a caseworker. Some informants questioned the wisdom of applying this requirement to young adults in extended foster care who are living out of state. Instead, they suggested that virtual visits, using electronic media (e.g., Skype), should suffice at least some of the time. Finally, as the quote above suggests, California expected that every 18-year old youth on probation would be eligible for extended foster care. This did not accord with the federal government's expectations.

California's experience suggests that early adopters of the Fostering Connections Act face two less than ideal options. On the one hand, they can implement the law as they see fit and risk disallowance of their claims for federal reimbursement. On the other hand, they can take a more cautious wait and see approach, deferring to the federal government whenever conflicts arise, and risk failing to implement the law in a manner that is consistent with state legislative intent.

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## Special Populations and Connections to Other Systems

For youth with developmental disabilities, we may have more financial resources, but the DD system has more know-how regarding case management for these folks than we do. —*Member of state child welfare agency leadership.*

Youth that are most difficult for us to serve are those with significant mental health issues. —*Program manager for provider of therapeutic foster care, group care, and transitional housing services.*

Not all youth will succeed under any circumstances...what will be done for youth who are still struggling at 21? —*Representative of a statewide service provider association.*

Probation is always the square peg in the round hole of child welfare-supervised foster care, and AB 12 is no exception. —*Professional involved with the state probation officers association.*

THP-Plus has been seen in our county as a program that can cream...I need transitional housing programs that will serve the youth who no one else will serve, and THP-Plus has not historically done that. The shift from getting kids out of care to keeping kids in care while supporting them is a real culture change for probation agencies. —*County juvenile probation agency manager.*

Colleges have lots of information about how to engage 18–21 year olds! We need to better engage their expertise around housing, education, health, and mental health. —*CEO of statewide not-for-profit child welfare service agency.*

We still have lots of work to do with our systems partners...that's where lots of folks are focusing now. —*Consultant to the AB 12 planning process.*

Many informants talked about distinct subpopulations of youth in foster care and the need to develop better connections between the child welfare system and other public institutions that could help support these youth. One of these subpopulations was young people with mental and behavioral health problems that could be significant barriers to engaging in work or school. Concerns were raised about the availability of appropriate living arrangements for these youth (e.g., THP-Plus FC) and connecting these youth to the adult mental health services system. Similar concerns were raised about youth with developmental and physical disabilities. A few informants expressed a need for additional support to help young parents in extended foster care and their children, whereas others believed that county child welfare agencies could address this need by coordinating with existing TANF (Temporary Assistance for Needy Families), WIC (the Special Supplemental Nutrition Program for Women, Infants, and Children) and child care programs. Others commented on the challenges associated with trying to assist undocumented youth in extended foster care with postsecondary education or employment.

Many county-level informants talked about the relationship between the child welfare and probation systems. However, their characterizations of this relationship ranged from strong partnerships to contentious to virtually nonexistent. Some child welfare agency staff expressed concern that the probation department would expect the child welfare agency to handle extended foster care for probation youth. Representatives of both systems worried about the availability of appropriate living arrangements for probation youth, particularly in the absence of THP-Plus FC. Probation staff acknowledged that providing supportive services during the transition to adulthood was a big culture shift for their department and pointed out that AB 12 was “more complicated for probation youth.” For example, in addition to meeting the education or work requirements of AB 12, many probation youth must also work towards court-established rehabilitative goals. Supervising youth in transition jurisdiction, who are no longer adjudicated delinquents, can also be a challenge for probation departments and delinquency court judges used to working with the coercive tools of the juvenile justice system. Some counties, including Los Angeles, are dealing with this challenge by having specially trained probation officers who work exclusively with these transition jurisdiction youth.

Although youth can meet the AB 12 eligibility requirements by participating in activities designed to promote, or remove barriers to, employment or by working for at least 80 hours per month, one informant

voiced concern about the lack of attention during the planning process to how county child welfare agencies would address the workforce development needs of youth in extended foster care and prepare them for employment. This informant recommended that local workforce investment boards recognize youth in foster care as a special population in their five-year plans and develop career pathways that include apprenticeships and job shadowing.

We also interviewed a number of informants representing K–12 and postsecondary education. We wanted their perspective on AB 12 implementation for at least two reasons. First, two of the five conditions that youth can meet to be eligible for extended foster care under AB 12 involve education (i.e., completing high school or a program leading to an equivalent credential or being enrolled in an institution that provides postsecondary or vocational education). Second, AB 12 has the potential to address several of the barriers that can prevent youth aging out of foster care from pursuing or completing postsecondary education, including a lack of financial resources, a lack of adequate housing, and a lack of information about college applications and financial aid.

These informants identified challenges that are likely to arise in other states that extend foster care to young adults. For example, it may be difficult for youth in extended foster care who do not have a high school diploma or GED to access adult basic education. As is the case in many states, high schools in California are accustomed to serving 18-year-olds who chose to remain in foster care until they graduate. However, those high schools are not required to serve 19- or 20-year-olds unless they are special education students. Moreover, even if high schools are willing to serve them, 19- and 20-year-olds in extended foster care may not be interested in attending regular high school with much younger students.

One option these youth have is to obtain their high school diploma by transferring into the adult education system. Although attending adult school would satisfy the AB 12 eligibility requirement, youth who want to pursue this option may have trouble doing so. For example, the adult education system does not have experience working with youth in foster care and most adult education programs do not have social work staff. Also, access to adult education generally is subject to the budget priorities of state and local government. In fact, the laws pertaining to adult education in California were recently suspended, and adult education is no longer accorded a separate line in the education budget. Instead, funds that had previously been used to support adult education are now considered flexible, and school districts can allocate them as they see fit. This means that adult education programs can be dismantled and the funds redirected to elementary or secondary education. As a result, some youth in extended foster care may find themselves in a district with no adult education program. Their options then are to enroll in another school district's program or pursue a GED.

Another challenge to implementing AB 12 in a way that supports postsecondary education is that case workers must be able to verify that youth are enrolled in school. However, some school personnel may interpret the Family Educational Rights and Privacy Act (FERPA) as prohibiting them from verifying enrollment. In addition, recent cuts to California public university budgets could make it difficult for youth in extended foster care to register for classes they need to graduate, even though they are given preference in registration, behind veterans and active members of the military, at nearly all of California's public 2- and 4-year colleges and universities. Finally, complying with the federal requirement that caseworkers have monthly face-to-face visits with youth in foster care can be a particular problem if youth are attending college out-of-state.

Despite these challenges, most of our informants felt that the major concerns of the higher education sector had been addressed during AB 12 implementation planning. For example, after input from professionals involved in campus support programs, college dorms were deemed exempt from safety inspections normally required before SILPs can be approved. One of our informants hypothesized that higher education would be perceived as a more viable option by youth in foster care now foster care has been extended to age 21.

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# Young People’s Early Impressions of AB 12

In May 2012, we visited four California counties (two urban counties in the southern part of the state, one urban county in the northern part of the state and one rural county in the northern part of the state) and conducted a total of five focus groups with 39 young people who were still in foster care. We wanted to gain a better understanding of what those most directly affected by AB 12 knew about the legislation. All the young people were 18 years old and 56 percent were male, in part because one of the focus groups was composed exclusively of young men on probation. Youth in the urban counties tended to be living in their own apartments, with the exception of the probation youth who were living in group homes. Youth in the rural county were often living in foster homes.<sup>12</sup>

We do not know how representative our sample is of non-minor dependents across the state, but believe it is essential to include the voice of youth in this evaluation. We focus our discussion of the conversations we had with these young people on three primary topics: how young people heard about AB 12, what they knew about the law, and what they thought the law’s strengths and weaknesses were. We do not distinguish between the urban and rural focus group participants except where differences were found.

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## Learning about AB 12

Although the law had been implemented less than six months earlier, a majority of the young people we spoke with was at least somewhat familiar with AB 12. However, approximately half of the probation-only group, as well as a handful of youth across the other four groups, were unfamiliar with it. Those who were familiar with AB 12 knew that the law extended foster care for young people beyond age 18. One

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<sup>12</sup> California community care licensing regulations refer to the vast majority of congregate care settings used by the child welfare and probation systems as “group homes,” but those settings range from homes serving six or less youth who attend public schools to much larger residential treatment centers with on-site nonpublic schools.

probation youth described AB 12 as “a new law...you can stay in foster care longer than what we used to.” A young woman explained that AB 12 is “supposed to help your transitions...you’re not able to be independent and able to support yourself just because you turned 18.” Another young man said he “definitely knows AB 12 was implemented to help foster kids...it kind of helps them be more stable.”

Focus group participants reported finding out about AB 12 in a variety of ways. In the urban counties, youth generally attended some sort of information session like a presentation at their ILP. One probation youth described the presentation he attended at his group home. “There was a presentation, some people from college, they went and talked to us [at the group home] and they told us somewhat about it...in February [2012].” Another probation youth had learned about AB 12 not only at his group home but also from a number of sources. “[M]y PO [probation officer] told me about it and then my therapist and counselors and peer sponsors told me about it.” In the rural county, youth seem to have been informed by their caseworkers one by one. Sometimes this information came with a caveat. For example, one young man was warned by his social worker that he should not “count on everything they say because they’re still figuring it out as it comes down [from the state].”

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## **Knowledge of AB 12**

### **What They Knew**

In addition to knowing that AB 12 extends foster care beyond age 18, young people were also familiar with other aspects of the law. Many mentioned the monthly stipend they would receive; some even cited the exact amount. According to one probation youth, “You live with a family member or you have your own apartment and monthly get paid \$790.” Another young man explained that participants receive “around \$785 or something around there and it kind of helps them be more stable.”

Most of the youth were also aware of AB 12’s education and work requirements. As one young person put it, “They have to be working or going to school...and that’s kind of basically it, it’s not too severe or anything.” One young woman knew that “you get \$776 a month [and]...that you have to be in school or working a certain amount of hours in order to be eligible.”

The young people were overwhelmingly in favor of these requirements. One young woman supported having requirements “because it makes you stay productive. Like you have to follow all of these guidelines, you have to be working a certain amount of hours or you have to be in school and there’s no way to get around it because you need legit proof that you’re in school.” Having requirements also ensured that “[the money] goes to the people who actually want to do something, not the people who are just sitting around.” Moreover, as one young person noted, “if you’re holding a job and going to school you don’t have time to do drugs, you don’t have time to get into trouble.”

Some of the youth drew a connection between the education and work requirements, on the one hand, and personal responsibility on the other. That connection was reflected in the comments of this young man: “The money shouldn’t just be given, you need to earn it and I definitely feel like when you earn money, you feel a lot happier about it...[if people complain about working or going to school] that’s just life, you have to work for anything in life, things are not just given to you.”

Young people were aware that they would still be supervised by the court and would have to see their caseworker once a month. As one young woman explained “you have to do a 6-month follow up. You have a court hearing...every 6 months but you don’t have to attend, you can call in, you don’t have to be there.” Similarly, this probation youth knew that “a caseworker comes to check on you monthly and they review your requirements with you and see how you’re doing and see how they’re helping you out.” Even young people who were planning to attend college out of state were expecting to have monthly caseworker visits. As one young woman told us:

I know that your social worker still has to see you once a month since your case is still open. So I was talking to mine about that cuz I’m going out of state for school so I don’t know. I was like how are you going to see me once a month? And they were like until they change the law to make it over the phone or webcam or something, they’re going to have to see me in person.

Most of the young people had heard something about AB 12’s provisions for reentering care. One young man had been told that “if I want to move to a different state or somewhere it doesn’t apply. You can leave and you come back and you can still get accepted as long as you still meet the qualifications for AB 12 in the first place. So you can leave and come back.” This probation youth questioned whether the information about reentry he had gotten was correct. “I heard this, and I don’t know if it’s true, but you could stop taking AB 12, like say oh I don’t want to take it anymore, but then months pass and you go oh I need it again, you can start it again.”

With respect to types of placements, young people were aware AB 12 allowed young people to continue living with their foster parents. However, living with foster parents was not always an option. One young woman reported that after being given “five days to decide if I was going to stay or leave,” her foster family decided she would have to leave because “my foster mom is having a baby and she needs my room.” Some young people, particularly those in urban counties, were not interested in living with their foster parents. One young man felt this way because “foster parents, half of them, they don’t care about you, they just want the money.”

Most of the young people were also familiar with SILPs and knew something about the steps that had to be taken to get a SILP approved. During an exchange about whether a dorm room could qualify as a SILP, one young woman commented that “you can live in a hotel room too, as long as it’s passed by the

health people. Someone has to inspect it.” Another young woman noted that “in transitional housing, you can only live with a female but with the SILP I can actually live with my boyfriend.”

Given that THP-Plus Foster Care was not yet an option when we conducted our focus groups, it is not surprising that the young people didn’t mention it. However, they did know that AB 12 prohibited them from living with their biological parents or any other caregiver from whom they had been removed.

### **What They Didn’t Know**

Although word about AB 12 had clearly gotten out, youth were confused about some aspects of the law. For example, some didn’t realize they could only live in a SILP and receive a monthly stipend if their caseworkers determined they were ready to have so much independence. Others mistakenly believed that they would automatically begin receiving a monthly stipend once they turned 18.

Another common source of confusion was the age at which support under AB 12 ends. At the time our focus groups were conducted, the legislation extending care to age 21 had not yet been approved. Some young people correctly reported that AB 12 support would end on their 20th birthday unless additional legislation was passed. However, most seem to have been given conflicting information. The experience of this young man was typical: “First I heard 23 [was the age limit], then I heard 21, then I heard 19, then 20, then 19 again.” A young woman echoed his experience: “I’ve heard 21, I’ve heard 24, I don’t know.”

Equally confusing to young people were the provisions for reentry. In particular, they were uncertain as to whether youth who left care before their 18th birthday could reenter, although a young man in one of the urban counties “thought that’s what [AB 12] was for.”

Additionally, despite knowing that AB 12 had school and/or work requirements, young people didn’t necessarily know what those requirements were. For example, the probation youth couldn’t agree on whether it was 40 hours or 80 hours that they were required to work each week. Similarly, a few young people, like this young man, thought they had to be both working and in school: “I’m supposed to be looking for a job or have one while going to school.” There was also a difference of opinion within a couple of the focus groups as to whether one could enter Job Corps or the military and still be eligible for AB 12.

Finally, although AB 12 youth are not categorically ineligible for food stamps, most focus group participants believed they were. One young woman wished “we could just get food stamps. I think that would be pretty awesome. I mean if they can’t give us more money I would be okay with that because they don’t even have to give us nothing if they really didn’t want to...but food stamps would be pretty good.” Another young woman explained how food stamps would help because the monthly stipend she received was not enough: “[The monthly stipend] does help, it definitely does help and I don’t know what

I would do without it but there are more resources that should be available, like food stamps...I don't like that you don't get food stamps. You gotta eat."

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## **Young Adult's Views on the Strengths and Weaknesses of AB 12**

### **Strengths**

Focus group participants had no trouble describing what they liked about AB 12. Many talked about how AB 12 would greatly improve their chances for success as they transition to adulthood. In the words of one young man, "AB 12 give[s] us a chance to do something successful with our life, try to do something and become successful with legal activity." Another young man was even more specific about what AB 12 was allowing him to accomplish. "I'm glad this AB 12 came around because now I'm doing good. I'm going to [community college] right now. I'm about to be an EMT. I've got a job. I got my financial aid then, plus this, that's going to be an extra \$700 so getting my apartment is going to be easy."

Several young people talked about how AB 12 "help[s] you get on your feet." One young woman believed AB 12 was "a good program because it gives you a couple of years to really be focused on [getting a job and finding housing] and at least you have a stable income coming in so you don't have to think of...how am I going to make income, and struggle to go to school and this and that." Similarly, AB 12 was allowing another young woman to "get out on my own, get my own place to live, you know have a stable environment so I can go to school and get a job and have an address that I can give to my work."

Young people appreciated the fact that AB 12 gave them options. For one young woman, this marked a major shift in how youth were treated by the child welfare system. "They don't usually give you a lot of options but this option, you know, that's what I've been asking for." Young people also appreciated being treated more like an adult. One young woman described how her relationship with her caseworker had changed under AB 12.

For me it's kind of like I still have that social worker, I still have that rock to rely on. But we made a deal, my social worker and I, I'm not going to call him my social worker anymore. He's more like my mentor. He's not gonna be there to [tell me] don't do this, don't do that. He's there to guide me.

At the same time, young people still wanted to know that somebody would be there "if you have questions or need resources, but they're not hovering over your back, overbearing."

### **Weaknesses**

Their overall positive assessment of AB 12 notwithstanding, focus group participants did have some concerns about the law. First, they didn't think it was fair that some of their peers were not eligible for AB 12 because they were not in extended foster care on their 18th birthday. The requirement that youth be in extended foster care on the day they turned 18 struck most as arbitrary. One young man described

how AB 12 came too late for his friend: “He had just left the foster home [and] he was living with his girlfriend, doing his own thing. Then AB 12 came around, he’s hurting for money [and] his girl kicked him out. If he had stayed around a little longer he would have got AB 12...it would help him out so much more.” A young woman made a similar point:

A couple of girls and they had problems with their parents and whatever their situation is and they’ve been in and out [of care]. But if they were with their parents at the age of 18, they’re not qualified so I think that should be a little bit more looked at because there’s girls that...they don’t know what to do because they weren’t in the foster care system on their 18th birthday.

As a solution, participants in every focus group suggested a less restrictive policy that would allow more young people to be eligible for extended foster care.

Second, focus group participants greatly appreciated the monthly stipend they received because “not everybody is so lucky.” However, most of the young people in the urban counties didn’t think it was enough to live on. As one young woman noted, “it could range to like \$8[00], \$9[00], up to a thousand [dollars] just to live in a decent apartment. And you still gotta pay phone bill, lights, water, food.” Those who were planning to go to college did not believe they would be able to attend school without also working at least part time. That was the concern expressed by this young woman: “You can’t just live off of that [stipend] and go to school. You know that’s my concern, am I going to be able to juggle school and work and you know try to take care of all of my responsibilities?” By contrast, in the rural county, where the cost of living was considerably lower, young people seemed to think that the monthly stipend would be sufficient.

Third, focus group participants were quite frustrated by the incomplete or conflicting information they had received. A probation youth described what he had heard as a “story [that] had many holes in it.” One young woman noted that “my social workers have been so confused about [AB 12].” Another observed that “even some of the judges, the judges just got some of their training in January and the law was already passed.” Because of this confusion, young people recommended having a fact sheet (“a piece of paper”) that would explain the rules and the AB 12 requirements. One young woman suggested that young people could give this document to potential landlords rather than trying to explain why they didn’t have a credit history or why they didn’t have money for a security deposit or first and last month’s rent.

Young people also disagreed about the age until which foster care should be extended. Some thought that 21 was a good age for foster care care to end because “you should be set by the time you turn 21.” Likewise, another young man believed 21 was “reasonable...I mean, you should be saving your money and be able to work it out on your own at age 21. [At] 18 you’re still an adolescent.” Others argued that

young people needed more time to achieve stability and prepare for the future. This probation youth proposed age 24:

Twenty-four is like, that's when you [are] really really out there like actually being an adult, straight up. After you're 18 or whatever, you're going to start college and you're barely working part time in little restaurants or whatever, doing internships. At 24, that's when your real career starts, when you're heading to where you're actually going to be at.

The rural county focus group participants suggested that youth meet with their caseworkers at age 21 to assess whether they need more time in extended foster care or whether they are ready to be independent. The suggestion that youth be reassessed may have been related to the concern, discussed in every focus group, that some young people would try to “take advantage” of the law and “just ruin it for...everybody else.”

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### **Concluding Thoughts on Our Conversations with Young People**

Although ours is not a representative sample of 18-year-old foster youth in California, it did include young people from different parts of the state who had had a range of experiences with AB 12. Their knowledge about the law coupled with their confusion regarding many of its details is probably typical of young people in extended foster care across the state during AB 12's early implementation. Moreover, their opinions regarding how they hope to benefit from extended foster care, and what they hope to avoid, provide food for thought for policy makers and program developers.

Other states that extend care beyond age 18 may also find that this is an exciting but potentially confusing prospect for young people, particularly during the early stages of implementation. Advocates for youth in extended foster care and professionals working with these young people would do well to communicate clearly the intricacies of the law in their state so that young people may make decisions about their futures based on up-to-date and accurate information.

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# Lessons Learned for Efforts to Extend Foster Care to Young Adults

While truly impressive efforts have gone into the development and implementation of California's Fostering Connections Act to date, a wide array of stakeholders is still very much engaged in perfecting California's approach to providing continuing care and supervision to young people making the transition to adulthood from its foster care system. That extending foster care in a reasonably thoughtful manner requires Herculean effort, considerable time, and patience may be the most important lesson to be learned from California's experience. "Trying to treat [young adults in care] like adults," as one of the leaders of the state child welfare agency put it, turns out to be a very challenging task. It requires the engagement of a host of stakeholders whose agendas sometimes compete and who generally have competing demands for their attention. These stakeholders are being challenged to rethink the approaches they have long used to help minors in foster care and to come up with new approaches that make sense for young adults. Therefore, it should not be at all surprising that those responsible for implementing the extended foster care provisions of the Fostering Connections Act in an early adopter state like California would find themselves building the plane as they flew it.

California's experience provides some other lessons for states considering extending foster care to young adults:

- States should pay careful attention to the ways that serving young adults instead of minors calls not only for changes in policies, but also for changes in the cultures of the institutions involved in providing services, and ultimately in the hearts and minds of the individuals working in those

institutions. Policies that in principle do justice to the needs of young adults will in practice do little without the active commitment of those charged with implementing them.

- States would do well to be very inclusive in terms of who they invite to the table during planning for extended foster care. While this can be time consuming and may require public agency policy and planning staff to have more people at the table than they are used to, California's experience suggests that it will ultimately lead to policies that do justice to the needs of youth and those charged with supporting them.
- Extending foster care to young adults requires substantial resources for both planning and implementation. By all accounts, California's AB 12 planning process relied very heavily on philanthropic resources. To be sure, many organizations and individuals contributed time to planning activities, but it seems likely that without significant support from philanthropy much of the planning process would not have materialized. In the absence of such philanthropic support, states should not underestimate the extent of public resources that will need to be brought to the planning effort for it to be successful.
- Time for planning is crucial. Even with a full year between the passage of AB 12 and its official start date, there were still important policy and practice issues yet to be resolved. While the desire to extend foster care to vulnerable youth in extended foster care can be a compelling reason to speed up implementation planning, spending more time up front on planning can help avoid unintended consequences down the road. Time also provides an opportunity to get new, developmentally appropriate services in place for youth who choose extended foster care.
- Involve young people early and often in planning and listen to them throughout implementation. Our informants from all of the stakeholder groups commented on how the involvement of young people in the planning process improved the products of that process. Being conscious of organizing the planning process to be inclusive of youth, rather than simply accommodating the needs of professionals, can go a long way towards improving youth involvement.
- Attend to the needs of special populations (e.g., youth with juvenile justice system involvement, tribal youth, youth with disabilities, young parents) during the planning process. California did make efforts during the AB 12 planning process to engage members of these populations and the institutions responsible for supporting them. Nevertheless, some observers felt that more could have been done earlier in the process and that connections with other service systems had only become a more serious focus as young people from these populations began to try to take advantage of extended foster care.
- Lastly, much as California continues to learn about how to improve its policies as it puts them into practice, the federal government should learn from the experiences of states like California that are early adopters of extended foster care under the Fostering Connections Act. With the notable

exception of the Chafee Foster Care Independence Program, most federal foster care policy has been developed with minors in mind. As states continue to experiment with different approaches to extending care to young adults, they may identify ways that federal policy unnecessarily limits the ability of states to best serve that population. Moreover, the U.S. Department of Health and Human Services, Administration for Children and Families (ACF) is ideally placed to help states that are extending care share their experiences with each other. In a sign that the federal government is eager to engage states in a collaborative learning process, ACF recently organized the “First National Dialogue on Youth in Care over 18,” a meeting of states that have submitted plans to the federal government to extend care under the Fostering Connections Act.

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Established in 1985, Chapin Hall is an independent policy research center whose mission is to build knowledge that improves policies and programs for children and youth, families, and their communities.

Chapin Hall's areas of research include child maltreatment prevention, child welfare systems and foster care, youth justice, schools and their connections with social services and community organizations, early childhood initiatives, community change initiatives, workforce development, out-of-school time initiatives, economic supports for families, and child well-being indicators.

