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**THE CHILDREN'S ADVOCACY INSTITUTE RESPONDS TO
LOS ANGELES COUNTY'S CHALLENGES TO CAI'S JANUARY 2010 REPORT:
*PROPOSITION 63: IS THE MENTAL HEALTH SERVICES ACT REACHING
CALIFORNIA'S TRANSITION AGE FOSTER YOUTH?***

On January 25, 2010, the Children's Advocacy Institute (CAI) issued a report titled, *Proposition 63: Is the Mental Health Services Act Reaching California's Transition Age Foster Youth?* The report can be found at www.caichildlaw.org.

In its Report, CAI graded each county on its use of Mental Health Services Act (MHSA or Prop. 63) funding to address the needs of its transition age foster youth (TAFY) population. CAI's report was based on the information that each county provided in its initial three-year MHSA Community Services and Supports plan as approved by the Department of Mental Health. To supplement and update that information, CAI reached out to officials in each county (including Los Angeles County) on at least three separate occasions, seeking information, clarification, and feedback. Based on the information CAI had available to it at the time of publication, Los Angeles (L.A.) County earned a total score of 51 out of 100, which is an "F."

In a memorandum dated February 23, 2010, L.A. County Director of Mental Health Marvin J. Southard responded to the information contained in CAI's January 2010 report. Among other things, L.A. County provided information about a new program, the Tier II TAY FSP Wraparound program that started serving TAFY as of July 2009. In light of the new information L.A. County has provided, CAI has reassessed L.A. County's grade (see pp. 5-7).

Additionally, CAI responds herein to L.A. County's specific allegations regarding CAI's report and findings:

- 1) **L.A. County Allegation: CAI's report is based on out-dated information and provides an incomplete, inaccurate, and unfair characterization of the use of Mental Health Services Act (MHSA or Proposition 63) funding for services and supports to TAFY in L.A. County. The County goes on to describe an MHSA-funded program it has created specifically for TAFY which the CAI report did not reference.**

Response: In evaluating the impact that Proposition 63 is having on TAFY in L.A. County CAI will proceed under the assumption that everything that L.A. County says about its TAFY-targeted program in its response is true and accurate.

First, the County does not dispute that TAFY have some of the most urgent and acute mental health needs of any group of transition age youth (TAY).

Second, the County does not dispute that the State – having removed these children from their homes – has a unique moral and legal obligation to them transcending any other group of either adults or youth.

Third, the County does not dispute that Proposition 63 is supposed to be devoted to new programs.

Fourth, and critically, the County does not dispute the Report’s assessment of the number of TAFY in need of mental health services in L.A. County (3,091). In this way, the County does not contest the Report’s basic assessment of the TAFY need in the County.

Fifth, and finally, the County does not dispute the data in the CAI Report on homelessness and unemployment among TAFY resulting directly from the State’s policy of ending most supports for TAFY on or shortly after their 18th birthdays.

So, with this in mind, and taking the County at its word, how has the enactment of the MHSA benefitted TAFY in L.A. County, according to the County itself?

- According to the County, the new program specifically serving TAFY (the Tier II TAY FSP Wraparound program) has served 46 TAFY during the first six months of fiscal year 2009–10 — or approximately 1.5% of the eligible TAFY.¹
- This program’s projected capacity for 2009/2010 is 223 TAFY. If and when the program gets to be fully subscribed, it will meet just over 7% of the need.²

In 2008–09, the most recent full year for which data is available, L.A. County’s Community Services and Supports (CSS) programs serving the broader transition age youth population, served 337 TAFY through its Full Service Partnerships; 32 TAFY through its Enhanced Emergency Shelter Program (EESP); an estimated 43 TAFY through its Field Capable Clinical Services (applying the 22% figure from 2009–10, as no DCFS figure was provided by L.A. County for 2008–09); an estimated 46 TAFY through its Housing Specialists program (using the same percentage as for the EESP program, as no DCFS percentage was provided by L.A. County); and an estimated 1 TAFY through its Permanent Housing Subsidy program (using the same percentage as for the EESP program, as no DCFS percentage was provided by L.A. County), for a total of 459 TAFY. Assuming that 25% of the TAFY served by the Drop-In Centers reflects additional TAFY not also being served by other CSS programs³ adds another 87, for a total estimate of 546 TAFY served during 2008–09. Thus, according to its own representations, L.A. County used MHSA CSS funding to serve just ***18% of the TAFY need in fiscal year 2008–09.***

Generously assuming that the new Wraparound Tier II FSP-TAY program serves full capacity during current 2009–10, its first year of operation, would add another 223 TAFY served. Adding

that figure to the number of TAFY actually served during 2008–09 results in 769 TAFY being served by MHSA CSS programs — still just 25% of the estimated TAFY need.

Given the acute mental health needs of these youth, their unique situations, the State’s wholly unique obligations, the billions raised by the initiative, and the five years since the measure’s enactment, neither 18% nor 25% comes anywhere close to meeting the actual needs of TAFY in L.A. County and constitutes a failure to live up to the promises made to the electorate about Proposition 63.

That L.A. County believes this is a record that is somehow something worth protesting about only underscores the essential conclusion of the report — that counties have not treated TAFY with the emphasis they deserve. CAI believes that five years after its enactment, the MHSA should be doing far, far better than aiding a mere 18% (or even 25%) of the needs of just 3,091 youth in a county of over 10 million people. This is especially true when one considers that TAFY are one of the most acutely mentally ill populations of youth and that we have uniquely heavy moral obligations to them.

2) **L.A. County Assertion: The needs of the TAFY population exceed availability of resources.**

Response: As CAI explains in the report, TAFY are the children of the State.⁴ These are children for whom the State has assumed parental responsibility and as such should be the first priority for additional resources such as the funding generated by Proposition 63. Unfortunately, TAFY are barely on the radar, as evidenced by L.A. County’s lack of any programs created solely and specifically to meet the needs of TAFY in its original CSS plan and by the fact that it is still failing to meet the needs of the vast majority of these youth.⁵

While the very recent addition of the Wraparound Tier II FSP-TAY program to serve TAFY is commendable, L.A. County is devoting \$1 million to this program during 2009–10 — a year in which it requested total MHSA CSS funding in excess of \$282 million. Contrary to L.A. County’s assertion, the resources are clearly available; what is lacking is the willingness to make TAFY a funding priority.

3) **L.A. County Allegation: CAI’s report fails to recognize the significant impact of its investments on outreaching and engaging TAFY in addressing their mental health and co-occurring substance abuse problems; especially since this age group is sensitive to the stigma associated with mental illness.**⁶

Response: CAI’s report explicitly commends L.A. County for its MHSA TAY housing program as well as its TAY System Navigators⁷ co-located in the Transition Resource Centers serving Independent Living Program (ILP) eligible TAY.⁸

It is somewhat encouraging that L.A. County is consistently increasing the percentage of TAFY that it is serving with its MHSA CSS funding, and this may well be a reflection of L.A. County’s outreach efforts. However, the fact still remains that the programs are, by the County’s own

numbers, failing to reach 75% of the County's eligible TAFY in need of such programs, five years after Proposition 63's enactment.⁹ L.A. County should create more programs solely and specifically for TAFY, or at the very least create more capacity in the programs that are available solely and specifically for TAFY.

L.A. County makes the point that TAY are sensitive to the stigma associated with mental illness. It is important to note that the TAFY population has some distinguishing features from other populations of at-risk TAY. When compared with their TAY peers with no history of foster care, TAFY experience extraordinarily high rates of suicide, homelessness, unemployment and poverty. More importantly, every one of these youth has had a court judgment of abuse or neglect by parents formally adjudicated as "unfit." They are the most vulnerable and at-risk population of TAY in the state, quite apart from our unique obligation to them, noted above. One of the stated purposes of the MHSA is "prevention." Counties cannot avoid providing preventative and other MHSA-funded mental health services and treatment to the most vulnerable population in the state because they do not want to "stigmatize" TAFY through outreach or otherwise. Such rationalizations are directly at odds with the explicit purposes of the citizen enacted initiative — to prevent mental illness and to serve the mental health needs of transition age youth.

Finally, in its own response, L.A. County reinforces one of many reasons for the necessity of programs created solely and specifically for TAFY when it discusses the hesitance and resistance of TAFY to interface with any entity viewed as "the system."¹⁰ More than other populations of "at risk TAY," these youth need a program that does not feel like, or represent "the system."¹¹ This means that programs must be uniquely tailored with the needs of TAFY in mind.

4) **L.A. County Allegation: The CAI report references data available at a very early point in the implementation of the MHSA programs for TAY in L.A. County.**¹²

Response: This is true. CAI clearly notes in its report that the data used is from counties' initial three-year plans.¹³ However, CAI contacted L.A. County several times prior to the report's release to ensure the accuracy of information contained in the report.¹⁴ L.A. County was invited to use any of these instances to update CAI on changes or additions to its programs, and to review and comment on the narrative CAI included in its report. For reasons unknown, the County failed to do so.

Even considering the new information that L.A. County has now chosen to provide, the fact remains that it is not using MHSA funding to assist TAFY in a meaningful way.

5) **Review of CAI Rating Criteria: In light of the new information L.A. County has provided, CAI has reassessed the County's grade as follows:**

a. **L.A. County Allegation: TAFY Focus: The County asserts that it has created a program specifically for TAFY.**

Response: CAI awarded up to 10 points if counties included in their plans a program specifically created for TAFY. In its initial plan, L.A. County did not have any programs created specifically for TAFY, so it did not receive any points.¹⁵

L.A. County is correct in stating that after its initial plan was submitted, it created a program solely and specifically for TAFY. In light of the information the County provided in its response to CAI's January 2010 report, it should receive credit creating a program specifically for TAFY. CAI is awarding L.A. County 6 points rather than the full 10 points because the County's Tier II TAY FSP Wraparound program serves only TAFY from the ages of 16–21 with an open Department of Children and Family Services (DCFS) case, rather than serving all TAFY up to the age of 25. It is important for counties to make TAFY programs available to TAFY who no longer have an open DCFS case because many TAFY are in danger of slipping through the cracks once they do not have access to the resources that DCFS can provide.

Points: 6 / 10

b. **L.A. County Allegation: Priority Population: Here, the County asserts that CAI demonstrates an incomplete understanding of how TAFY are targeted within its programs; its outreach and engagements efforts, especially the role of TAY Navigation teams and the impact of the co-location with DCFS-Independent living Program offices.**

Response: In its report, CAI commended L.A. County for its TAY system navigators¹⁶ and properly credited L.A. County with 13 points for its outreach efforts to TAFY.¹⁷ However, the larger the priority population, the more spread out a county's outreach and engagement resources tend to be. Given the acknowledged hesitance of TAFY to become involved with any entity viewed as "the system," L.A. County should utilize creative resources that are not traditionally associated with the system to engage this population. The life coaches CAI suggests in its report¹⁸ are an example of a creative resource L.A. County could use to more successfully engage TAFY.

Points: 13 / 20

c. **L.A. County Allegation: Capacity: The County asserts that it has increased its capacity and enhanced the core CSS funded treatment programs for TAY.**

Response: CAI's report estimated that L.A. County's MHSA-funded Full Service Partnerships and Housing Services programs serve approximately 557 TAFY, or 18% of the County's total

3,091 eligible TAFY. Applying this 18% figure to the total points available of 35 earned an initial score of 6.3 points for this criterion.

However, as noted above, for any county having a Drop-In Center type of program (one that provides linkages to other available programs and resources), CAI estimated that 25% of the TAFY served by the Drop-In Centers are youth not also being served by other CSS programs. CAI estimated that a total of 233 TAFY were being served by L.A. County's Drop-In Centers, and thus that 25% of that figure, or 58 individuals, were TAFY not already being served by the FSPs or Housing Services programs. Thus, CAI estimated that L.A. County's Drop-In Centers serve an additional 1.9% of eligible TAFY. Applying this 1.9% to the total points available of 35 earned L.A. County an additional 0.7 points.

Thus, CAI estimated that L.A. County was reaching a total of 615 TAFY through its MHSA CSS programs, or 19.9% of the eligible TAFY population. Applying 19.9% to the total points available of 35 earned L.A. County its score of 7.0 points for this criterion.

As noted above, using the updated information L.A. County has now provided, it served an estimated 546 TAFY during 2008–09, the most recent full year for which data is available (18% of eligible TAFY). Generously assuming that the new Wraparound Tier II FSP-TAY program will operate at full capacity during current 2009–10, its first year of operation, adds another 223 TAFY served. Adding that figure to the number of TAFY actually served during 2008–09 results in 769 TAFY being served by MHSA CSS programs — still just 25% of the estimated TAFY need. Applying 25% to the total points available of 35 earns L.A. County an updated score of 8.8 for this criterion.

Points: 8.8 / 35

- d. L.A. County Allegation: The County does not dispute the points CAI gave it for Sufficiency of Services Provided, which were based on how many optimal elements are included in the County's program.**

Response: L.A. received 30 / 30 points here.¹⁹ The County does not dispute it and the points for this criterion remain unchanged.

Points: 30 / 30

- e. L.A. County Allegation: TAFY Tracking: This element grades how extensively the program tracks participation and outcomes. L.A. County asserts that participation in its programs is tracked for TAFY receiving services. The county further asserts that CAI did not ensure that its statements were informed before publishing.**

Response: CAI's report looked at two factors when it graded tracking: (1) does the county track participation in the programs; and (2) the extent to which the county tracks outcomes longitudinally.²⁰ CAI examined each county's longitudinal tracking because while it is

important to understand how many TAFY are participating in the program, it may be more important to understand if and how well the programs work over the long term, to help counties determine whether or not a program is effective. If the program is serving 100% of the need, but does not ultimately help most of its participants to avoid the negative outcomes it seeks to reduce over the long term, then it is a waste of the TAFY's time and MHSA money.

CAI stands by the 1 out of 5 points it awarded L.A. County for tracking.²¹ CAI gave the one point to L.A. County because it tracked participation of TAFY in its program, but the County did not indicate that it tracked outcomes for TAFY longitudinally for any amount of time. L.A. County did not indicate any differently in its response.

Further, as noted previously, CAI contacted L.A. County on several different occasions to confirm the facts it published.

Points: 1 / 5

Total Points: 58.8 / 100

Conclusion

In updating L.A. County's grade based on information recently provided by L.A. County, CAI gave the County the benefit of the doubt that it is performing as claimed. As a result, the County's score climbs slightly from 51 points to 58.8 points out of a possible 100; however, the County continues to receive an "F." L.A. County's response confirms CAI's conclusion that the County is not using MHSA CSS funds to meaningfully address the needs of Transition Age Foster Youth.

Responsible parents do not turn their back on their children at age 18. Responsible parents provide first for their own children, and then set priorities with remaining assets for themselves and others. Regrettably, foster youth do not have the "stakeholder" status so important to funding attention. Like so many other counties, L.A. County provides a priority-setting and decision-making forum that responds to current groups being funded, those with sophisticated lobbying skills, and those who have successfully networked relations with local officials.

CAI concedes that L.A. County faces a significant challenge in reaching out to and meaningfully meeting the needs of its large transition age foster youth population. For it to pretend it is doing so given its current available assets and potential investment is not a responsible posture.

Endnotes

¹ L.A. County has a population of over 10 million people, including approximately 13,400 TAFY (foster youth and former foster youth between the ages of 16 and 25). Conservatively assuming that 23% of TAFY in L.A. County have qualifying mental health issues, 3,091 TAFY are eligible for MHSA-funded CSS services. The new program L.A. County has created, according to the County, is serving 46 youth — or approximately 1.5% of eligible TAFY ($46 / 3,091 = 0.015 * 100 = 1.5\%$). The estimated need herein referenced, 23% of the TAFY population figure, was taken from a study done by Casey Family Programs in 2006; see Casey Family Programs, *Young Adult Survey 2006*; available online at: http://www.casey.org/Resources/Publications/pdf/CaseyYoungAdultSurvey2006_FR.pdf.

² As stated in note 1, *supra*, we estimate that there are approximately 3,091 TAFY in L.A. County who qualify for MHSA Community Services and Supports programs. The 223 TAFY who could potentially be served by L.A. County's new program represents 7% of the 3,091 eligible TAFY.

³ For purposes of grading all counties, drop-in centers (which provide temporary safety and basic supports for Seriously Emotionally Disturbed and Severe and Persistently Mentally Ill transition age youth who are living on the streets or in unstable living situations) are scored at 25% of the total for other, more comprehensive programs, such as Full Service Partnership programs (FSPs). This was done to avoid double-counting because there is a substantial probability that individuals using the drop-in center will also use other MHSA-funded programs (such as FSPs). However, some capacity credit is given to drop-in centers because they provide important services such as outreach and engagement and because not everyone who accesses the drop-in centers is referred to an FSP.

⁴ Melanie Delgado, PROPOSITION 63: IS THE MENTAL HEALTH SERVICES ACT REACHING CALIFORNIA'S TRANSITION AGE FOSTER YOUTH? Children's Advocacy Institute, University of San Diego School of Law (Jan. 2010) at pg. 1. (available online at http://www.caichildlaw.org/Misc/Proposition_63_Report_FINAL_Master.pdf).

⁵ Using the generous estimate that MHSA CSS programs will serve 779 TAFY during 2009–10, L.A. County will still be failing to serve 75% of eligible TAFY.

⁶ L.A. County "Response to the January 2010 Special Report of the Children's Advocacy Institute (CAI) University of San Diego School of Law Proposition 63: Is the MHSA Reaching California's Transition Age Foster Youth?" February 23, 2010, p. 3 (hereinafter "L.A. County").

⁷ System Navigators help TAY navigate the various human services systems and achieve effective connections to mental health, housing, and other essential services. See L.A. County Website at:

http://dmh.lacounty.gov/DMHServices/TAY/staff_co-located_trc.html

⁸ DELGADO, *supra* note 4, at 55–56.

⁹ See *supra* note 5.

¹⁰ L.A. COUNTY, *supra* note 6, at 3. The County states: "The DMH TAY Navigation teams' front-line experiences often encounter foster youth aging out of the child welfare system who are often hesitant and sometimes resistant to interfacing with traditional mental health providers or any entity viewed as 'the system.'"

¹¹ L.A. COUNTY, *supra* note 6, at 3.

¹² *Id.*

¹³ DELGADO, *supra* note 4, at 19.

¹⁴ CAI first contacted L.A. County in April of 2007 when we sent a Public Records Act request to Marvin J. Southard, Director of Mental Health for L.A. County, requesting information about L.A. County's MHSA-funded TAY programs, and specifically requesting information on any programs that specifically address the needs of TAFY.¹⁴ CAI received a response to its public records act request outlining L.A. County's TAY programs without making note of any one program created specifically for TAFY. The County's response did note that TAFY are a focal population for Prevention and Early Intervention (PEI) funding and that the County supports the use of PEI funding for emancipated TAY, but cited no programs specifically created for the population. The response was signed by Marvin Southard and copied to Sandra Thomas, Deputy Director of the L.A. County Department of Mental Health Specialized Children and Youth Services Bureau; Dennis Murata, Deputy Director, Program Support Bureau, L.A. County Department of Mental Health and Terri Boykins, Mental Health Clinical District Chief, Transition Age Youth Division, L.A. County Department of Mental Health Specialized Children and Youth Services Bureau.

CAI again contacted L.A. County on July 3, 2008. CAI emailed a copy of its narrative describing L.A. County's MHSA funded TAY CSS programs to Sandra Thomas and Dennis Murata, and copied Gladys Lee, District Chief, L.A. County Department of Mental Health, Planning Division. CAI requested in the email that L.A. County review

the narrative for accuracy and contact CAI with any corrections. Gladys Lee and Terri Boykins responded to the email with some corrections, but did not make any mention of either the data L.A. County cites in its response or any programs created specifically for TAFY.

CAI contacted L.A. County Department of Mental Health a third time in early January 2009 to follow up with the county and determine if L.A. County tracks outcomes for its TAY programs longitudinally. CAI has no record of a response to this inquiry.

See CAI's website at www.caichildlaw.org for examples of CAI's communications with the counties.

¹⁵ DELGADO, *supra* note 4, at 57.

¹⁶ L.A. COUNTY, *supra* note 6, at 3.

¹⁷ DELGADO, *supra* note 4, at 55–57.

¹⁸ *Id.* at 16–17.

¹⁹ DELGADO, *supra* note 4, at 57.

²⁰ *Id.*

²¹ *Id.*