

SB 654 (Leno)

FOSTER YOUTH: INDEPENDENT LIVING PROGRAMS

Topic

SB 654 will ensure that foster youth placed with non-related legal guardians have the same access to critical independent living skills education as other foster youth. The ability to maintain these stable placements without court involvement in order to obtain these ILP services will result in a cost savings to our state.

Issue

Currently, foster youth placed with non-related legal guardians are the only group of foster youth precluded from participating in the ILP (Independent Living Program). A system of courses which teaches teens in foster care critical and practical skills such as how to fill out applications for employment or postsecondary education, how to manage a checking account, and even how to do laundry, completing ILP means that the youth is then eligible for further services including financial aid for college, even after court jurisdiction has terminated.

Unfortunately, due to a recent reinterpretation of state guidelines, the Department of Social Services (DSS) has determined that youth placed with non related legal guardians are excluded from this program. As a result, foster youth who would otherwise exit the court dependency system to guardianship are being kept in dependency by the courts so that they can access ILP services. In some cases, guardians are asking for dependency to be reinstated so these services can be obtained. These actions are costly and put the state at risk of federal penalties for failing to meet required performance outcomes related to youth permanency.

Analysis

Current foster parents and nonrelated extended family members are among the most frequent and appropriate family for youth in long-term foster care. Many of these caregivers step up to the plate and commit to provide stable and permanent homes as the youth's legal guardian. However, while federal and state laws, as well as California's AB 636 outcomes, require counties to actively pursue permanent homes for foster youth who cannot be safely returned to their parents, the federal government does not fund guardianship in the same manner it funds foster care, even though it recognizes and otherwise supports states using guardianship to achieve permanency. As a result, California created state-funded programs for guardians.

While related guardians are eligible for funding under Kin-GAP and their related former foster youths remain eligible for ILP services even without court, this is not the case for youth residing with non related guardians. These non-related guardians (foster parents and non-related extended family members) are eligible for state AFDC-FC benefits and receive ongoing permanent placement case management until the youth turns 18. Their cases remain in the child welfare system as voluntary permanent placement cases, which require less monitoring on the part of county social workers – and therefore are less costly - and are no longer active in the court system. However, despite the fact these families remain in state-funded foster care placements and are linked to the child welfare system through a permanent placement case, the youth in these placements are excluded from participation in ILP due to DSS' re-interpretation regarding eligibility for federal ILP services.

Both the youth and child welfare system are negatively impacted by the decision not to provide access to ILP for these youth. These former foster youth experience the same stresses, hardships, risks as any other emancipating foster youth. They are in acute need of the same range of ILP services to find housing, develop job skills, qualify for scholarships, and so on. To deny these critically needed services to one group of former foster youth who have been made wards of nonrelated legal guardians creates and inequity issue.

Finally, the inability to access ILP services also means these youth cannot receive funding for post-secondary education through the Chafee Grants that other former foster youth receive.

From the perspective of the child welfare system, denial of ILP services to the NRLG youth will result in fewer guardianship cases, negative state and federal permanency outcomes, and increased court costs.

Fiscal Effects

The inability of youth placed with nonrelated guardians to access ILP services costs the state money. Some youth and their guardians that would otherwise be inactive for purposes of court involvement are now requesting that their cases be kept open for the sole purpose of accessing ILP. In addition, some youth and their guardians, upon learning of their ineligibility to access ILP, request that their previously closed cases be re-opened to access these services. This exclusion also creates a serious disincentive for any foster parent or nonrelated extended family member considering guardianship. It is much more to the youth's benefit to remain in long-term foster care as a court dependent than to give up ILP services, aftercare services, and extended Medi-Cal.

SB 654 should lead to cost savings to the juvenile court system by keeping more cases closed. Fewer cases re-opening for the purpose of obtaining ILP services will keep the associated court and caseload costs down.

Support

County Welfare Directors Association of California (Co-Sponsor)

Children's Law Center of Los Angeles (Co-Sponsor)

County of Humboldt Health and Human Services Department

Merced County Human Services Agency

County of Butte Department of Employment and Social Services

San Luis Obispo County Department of Social Services

California State Association of Counties

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