

## ENDNOTES

- <sup>1</sup> Foster Care Independence Act of 1999, Pub. L. No. 106-169, 113 Stat. 1822 (1999) (codified as amended in sections throughout 42 U.S.C., primarily 42 U.S.C §677).
- <sup>2</sup> See *In re Tamika C.*, 131 Cal App 4th 1153 (2005). However, the court did not state that the agency had to ensure the youth obtained a high school diploma.
- <sup>3</sup> Ladew, P. and Benedetto, M. *Happy Birthday, You're Homeless*, Youth Law News, XXIV Vol. 2 (April–June 2003). Available online at: [www.youthlaw.org/publications/yln/00/april\\_june\\_2003/happy\\_birthday\\_youre\\_homeless/](http://www.youthlaw.org/publications/yln/00/april_june_2003/happy_birthday_youre_homeless/).
- <sup>4</sup> Ammerman, S.D.; Ensign, J.; Meininger, E.T.; Tornabene, M.; Warf, C.W.; Zenger, S.; Post, P. (2004) *Homeless Young Adults Ages 18-24: Examining Service Delivery Adaptions*. Nashville: National Health Care for the Homeless Council. Bahney, A. (April 20, 2006) The Bank of Mom and Dad. *The New York Times*, G2 p.1. Bennett, C.M. and Baird, A.A. Anatomical Changes in the Emerging Adult Brain: A Voxel-Based Morphometry Study. Available online at [www.theteenbrain.com/about/publications/pdfs/2005-Bennett-VBM.pdf](http://www.theteenbrain.com/about/publications/pdfs/2005-Bennett-VBM.pdf). Bower, B. (May 4, 2004). Teen Brains on Trial. *Science News*, 165, p. 299. Shirk, M. and Stangler, G. (2004). *On Their Own: What Happens to Kids When They Age Out of The Foster Care System*. Jim Casey Youth Opportunities Initiative.
- <sup>5</sup> The State Bar of California, *When You Become 18: A Survival Guide for Teenagers* (San Francisco, CA; 2005) at 2.
- <sup>6</sup> Brannen, D., *Debunking the Year 18 Myth: Righting the Way for America's Foster Youth*, Advocacy Strategy Paper of Dan Brannen and Kids@Home (October 2002) at 6. Boca Raton: Kids@Home. Available at [ww.kidsathome.org/pdf/Year18Myth.pdf](http://www.kidsathome.org/pdf/Year18Myth.pdf).
- <sup>7</sup> See *supra* note 4.
- <sup>8</sup> Schoeni, Robert F. and Ross, Karen E. Chapter 12: Material Assistance Received From Families During Transition to Adulthood. On the Frontier to Adulthood: Theory, Research and Public Policy. Edited by Richard A. Settersten, Jr., Frank F. Furstenberg, Jr., and Rubén G. Rumbaut. Available online at [www.transad.pop.upenn.edu/projects/frontier.htm](http://www.transad.pop.upenn.edu/projects/frontier.htm) The average amount parents pay to assist their children post-18 is \$38,340 (2001 dollars, the figure is \$42,271 in 2005 dollars and \$44,553 in 2007 dollars). The yearly average tends to be larger during the earlier years when the young person is in school and decreases over time. Dr. Schoeni reported parents pay \$2,323 a year to support children 25 and 26 years old with this amount decreasing to \$1,556 annually at 33 and 34. Note: Sums are in 2001 dollars. Bahney, A. (April 20, 2006). The Bank of Mom and Dad. *The New York Times*. G2 p.1.
- <sup>9</sup> Pew Research Center, *Baby Boomers Approach Age 60: From the Age of Aquarius to the Age of Responsibility* (December 8, 2005) at 10. Available online at <http://pewresearch.org/assets/social/pdf/socialtrends-boomers120805.pdf>.
- <sup>10</sup> U.S. Census Bureau. Retrieved May 3, 2005 from the [www.census.gov/prod/2005pubs/p70-99.pdf](http://www.census.gov/prod/2005pubs/p70-99.pdf).
- <sup>11</sup> See *supra* note 8.
- <sup>12</sup> U.S. Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families Children's Bureau, *Report To Congress, Developing A System Of Program Accountability Under The John H. Chafee Foster Care Independence Program, The Department of Health and Human Services' Plan for Developing and Implementing the National Youth in Transition Information System* (September 2001). Available online at <http://www.acf.dhhs.gov/programs/cb/programs/chafeereport.htm>. National Foster Care Awareness Project, *Frequently Asked Questions About the Foster Care Independence Act of 1999 and the John H. Chafee Foster Care Independence Program* (February 2000). Available online at [http://www.connectforkids.org/usr\\_doc/FAQsbooklet.pdf](http://www.connectforkids.org/usr_doc/FAQsbooklet.pdf) at 12.
- <sup>13</sup> U.S. Department of Health and Human Services. *Foster Care: Effectiveness Of Independent Living Services Unknown* (GAO/hehs-00-12) (U.S. General Accounting Office, November 1999); Cook, R. *A National Evaluation Of Title Iv-E Foster Care Independent Living Programs For Youth: Phase 2* (Westat, Inc., Contract No. OHDA 105-87-1608, U.S. Department of Health and Human Services, 1991).
- <sup>14</sup> Statement by Robin Nixon, Director for Youth Services Child Welfare League of America, "Testimony Before the House Committee on Ways and Means Subcommittee on Human Resources: Hearing on Challenges Confronting Children Again Out of Foster Care," March 9, 1999.
- <sup>15</sup> John H. Chafee Foster Care Independence Act, Pub. L. No. 106-169, (codified as amended at 42 U.S.C §677 (1999 & Supp. 2005)
- <sup>16</sup> See *supra* note 4.
- <sup>17</sup> 42 USC §677(i)(3). See also: Hamm, D. *Foster Youth Receive Federal Funding for College and Vocational Training*. Youth Law News. January–March 2004. Available online at [http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/yln/2004/issue\\_1/04\\_yln\\_1\\_hamm\\_vocational.pdf](http://www.youthlaw.org/fileadmin/ncyl/youthlaw/publications/yln/2004/issue_1/04_yln_1_hamm_vocational.pdf).
- <sup>18</sup> 42 U.S.C. §677(b). California Dept. of Social Services, DSS Manual CWS, Manual Letter No. CWS-93-01 at 265. (July 1, 1993).
- <sup>19</sup> United States Government Accountability Office. (November 2004). *Foster Youth: HHS Actions Could Improve Coordination of Services and Monitoring of States' Independent Living Programs*. GAO-05-25 Foster Youth. Washington, D.C. p. 3-4, 43. The survey included independent living coordinators in all 50 states, the District of Columbia and Puerto Rico. Hereafter referred to as "GAO." The survey included independent living coordinators in all 50 states, the District of Columbia and Puerto Rico.
- <sup>20</sup> GAO, p.18 Figure 2.
- <sup>21</sup> GAO, p. 8, 19. As FCIA allows but does not require states to use funds for Medicaid for former foster youth, states may develop their own eligibility guidelines. For example, in Florida, only former foster youth participating in the Road to Independence program are eligible to receive FCIA funded Medicaid.
- <sup>22</sup> GAO, p.20.
- <sup>23</sup> 42 U.S.C. §677(e).

- <sup>24</sup> GAO, p. 31–37.
- <sup>25</sup> *Id.* at 36.
- <sup>26</sup> A visit to the “State by State Fact Pages,” allows the user to click on a state and access individual state information on state coordinators, administration of Chafee dollars and services for youth over 18. Developed by the National Child Welfare Resource Center for Youth Development and the National Foster Care Coalition. Available online at [www.nrcys.ou.edu/nrcyd/state\\_pages.shtml](http://www.nrcys.ou.edu/nrcyd/state_pages.shtml).
- <sup>27</sup> GAO, p. .20
- <sup>28</sup> Junn, S. and Rodriguez, J.. COMMENT: Out of Their Own: California’s Foster Youth and the Inequalities of the Independent Living Program. 6 UC Davis J. Juv. L. & Pol’y 189, 295 (Summer 2002).
- <sup>29</sup> 2003–04 State ILP Report.
- <sup>30</sup> 2003–04 State ILP Report.
- <sup>31</sup> GAO, p. 19.
- <sup>32</sup> Anderson, G.G., “Aging Out of the Foster Care System: Challenges and Opportunities for the State of Michigan,” Michigan Applied Public Policy Research Program, at 18 (September 4, 2003).
- <sup>33</sup> 537 U.S. 371, 123 S. Ct. 1017, 154 L. Ed. 2d 972 (2003).
- <sup>34</sup> Cal Wel & Inst Code § 11155.5
- <sup>35</sup> Mosqueda, J. and Rodriguez, J. (2005). Voices Carry: Recommendations of Young People in the Foster Care System. *California Youth Connection 2005 Policy Conference Report*. p. 4. Sacramento: Author.
- <sup>36</sup> Needell, B., Cuccaro-Alamin, S. et. al. (May 2002). *Youth Emancipating From Foster Care in California: Findings Using Linked Administrative Data*. Center for Social Services Research University of California at Berkeley. p. 4.
- <sup>37</sup> California Department of Social Services. *Report on the Survey of the Housing Needs of Emancipated Foster/Probation Youth*. 2002. Independent Living Program Policy Unit, Child and Youth Permanency Branch: Author.
- <sup>38</sup> A review of *section 391* documents prepared by Legislative Intent Services repeatedly report jurisdiction is commonly terminated at age 18 because federal funding for foster youth ends at 18. See e.g. *Assem. Com. on Judiciary, Hearing Subject: Juvenile Court Jurisdiction Beyond Age 18*, April 20, 1999, available at [http://leginfo.ca.gov/pub/99-00/asm/ab\\_0651\\_0700/ab\\_686\\_cfa\\_19990422\\_0802](http://leginfo.ca.gov/pub/99-00/asm/ab_0651_0700/ab_686_cfa_19990422_0802).
- <sup>39</sup> 45 C.F.R. §1357.10(c).
- <sup>40</sup> CA Welf. & Inst. Code §391 (2006). CA Family Code §3901 (2006).
- <sup>41</sup> Sen. Rules Com., Off. Of Sen. Floor Analyses, 3d reading analysis of Assem. Bill No. 686 (1999-2000 Reg. Sess.) as amended Aug. 29, 2000.
- <sup>42</sup> All further statutory references are to the California Welfare & Institutions Code unless otherwise indicated.
- <sup>43</sup> CA Welf. & Inst. Code §303 (2006).
- <sup>44</sup> See Cal. Rules of Ct. R. 1466, Cal. Juv. Ct and Proc. §2.31, Cal. Juv. Ct. and Proc. §2.180[5], which provide termination of jurisdiction may be initiated when the youth reaches the age of majority.
- <sup>45</sup> CA Welf. & Inst. Code §391(c) (2006).
- <sup>46</sup> According to analysis of CWS/ CMS data, an additional 940 foster youth ages 16 years and older exited foster care for “other” reasons. According to the report methodology, an “other” CWS/ CMS exit type code includes termination reason types such as “child ran away from placement,” “other non-CWS agency has jurisdiction,” and “incarcerated.” Needell, B., Webster, D., Armijo, M., Lee, S., Cuccaro-Alamin, S., Shaw, T., Dawson, W., Piccus, W., Magruder, J., Exel, M., Conley, A., Smith, J., Dunn, A., Frerer, K., & Putnam Hornstein, E., (2006). *Child Welfare Services Reports for California*. Retrieved [April 26, 2006], from University of California at Berkeley Center for Social Services Research website. URL: <http://cssr.berkeley.edu/CWSCMSreports/>
- <sup>47</sup> *Assem. Com. on Judiciary, Analysis of Assem. Bill No. 686* (1999-2000 Reg Sess.) as amended Apr. 20, 1999, p. 3-4; LIS Binder, Tab 16 LIS Binder Tab numbers are indicated for the convenience of the reader for follow up research.
- <sup>48</sup> See *Assem. Com. on Judiciary, Analysis of Assem. Bill No. 686* (1999-2000 Reg Sess.) as amended Apr. 20, 1999, p. 3-4. (LIS Binder, Tab 3, p. 1.); *AB 686 Enrolled Bill Report*, HHSA, p.4 (Aug. 12, 2000) (LIS Binder, Tab 16); *AB 686 Enrolled Bill Report*, Dept of Finance (Aug. 6, 2000) (LIS Binder, Tab 16).
- <sup>49</sup> CA Welf. & Inst. Code §11403 (2006).
- <sup>50</sup> *But see In re Tamika C.* 131 Cal App 4th 1153 (2005). *In re Tamika C.* is the most recent California case addressing section 391. Tamika C. had been in foster care since she was 18 months old. In second grade, she was held back due to low grades and immaturity. Throughout her education, Tamika was enrolled in remedial courses. When Tamika was 18, she on schedule to graduate with her class but due to repeating second grade, she was only junior in high school. Her social worker gave her the option of graduating one semester early so she would graduate by age 19 and thus qualify to remain in foster care, or if Tamika choose to graduate with her class, termination would be sought immediately. Tamika C. wanted to graduate with her class. The court terminated jurisdiction.

The appellate court found the county welfare department failed to provide educational assistance as required pursuant to §391 prior to termination where the assistance amounted to forcing the dependent to finish high school in an abbreviated timeframe, knowing that she was a slow student and that she needed to improve her grades in order to achieve her goal of being accepted into beauty school. *The court noted that while §391 did not require that the department assure the dependent obtained her high school*

- diploma*, the educational component of this section “surely did not envision that the department would throw roadblocks in the dependent’s educational goals” (emphasis added).
- <sup>51</sup> *In re Holly H.*, 104 Cal. App. 4<sup>th</sup> 1324, 1336 (2002).
- <sup>52</sup> *In re Tamika C.* 131 Cal App 4th 1153 (2005).
- <sup>53</sup> *Id.*
- <sup>54</sup> *Id.* at 1167.
- <sup>55</sup> *Id.* at 1161.
- <sup>56</sup> *Supra* note 51.
- <sup>57</sup> *Id.* at 1338.
- <sup>58</sup> *In re Robert L.* 68 Cal. App. 4<sup>th</sup> 789 (1998)
- <sup>59</sup> *Id.* at 797.
- <sup>60</sup> *Id.*
- <sup>61</sup> Report by the National Low Income Housing Coalition – Out of Reach 2005. Retrieved in October 2006 from: <http://www.nlihc.org/oor2005/>
- <sup>62</sup> *Id.*
- <sup>63</sup> *Id.*
- <sup>64</sup> Department of Housing and Community Development: California’s Deepening Housing Crisis, February 15, 2006. Retrieved October 2006 from: <<http://www.hcd.ca.gov/hpd/hc100704.pdf>>.
- <sup>65</sup> *Id.*
- <sup>66</sup> *Id.*
- <sup>67</sup> Mullen, Lynette. Promoting Educational Opportunities for Children and Youth in Care, The Connection (Summer 2004). Available on-line at: <http://www.casenet.org/library/advocacy/promoting-edu-opp-%5Bconnection-04%5D.htm> .
- <sup>68</sup> Report On The Survey Of The Housing Needs Of Emancipated Foster / Probation Youth: Report prepared at the request of the California Department of Social Services Intra-Department Housing Committee by Independent Living Program Policy Unit Child and Youth Permanency Branch (2002) at 1. <<http://www.childsworld.ca.gov/res/PDF/RptontheHousingNeeds.pdf>>.
- <sup>69</sup> Report on Housing Needs of Emancipated Youth at 2.
- <sup>70</sup> California Welfare and Institutions Code §§11403.2(a)(1); 11403.3(a)(1)
- <sup>71</sup> California Welfare and Institutions Code §11403.1(a)(3); 11403.1(e)(1)
- <sup>72</sup> Information provided by Amy Lemley, one of the founders of First Place Fund for Youth and currently policy director at the John Burton Foundation.
- <sup>73</sup> *Id.*
- <sup>74</sup> *Id.*
- <sup>75</sup> *Id.*
- <sup>76</sup> *Id.*
- <sup>77</sup> *Id.*
- <sup>78</sup> *Id.*
- <sup>79</sup> Department of Social Services, *Independent Living Program (ILP) Annual Statistical Report: Federal Fiscal Year October 1 through September 30* (available online at <http://www.dss.cahwnet.gov/research/res/pdf/Soc405a/2005/SOC405AOct04-Sep05.pdf>).
- <sup>80</sup> *Id.*
- <sup>81</sup> *Supra* note 72.
- <sup>82</sup> First Place Fund for Youth. Retrieved July 2006 from: <<http://www.firstplacefund.org/programs/shp-main.html>>.
- <sup>83</sup> *Id.*
- <sup>84</sup> First Place Fund for Youth. Retrieved July 2006 from: <<http://www.firstplacefund.org/about/index.html>>.
- <sup>85</sup> Higher Education Opportunities for Foster Youth, at v, Found online at: <http://www.ihep.org/Pubs/PDF/fosteryouth.pdf>
- <sup>86</sup> *Id.* at v.
- <sup>87</sup> Guardian Scholars, *Making Dreams Come True* (online at: <http://www.orangewoodfoundation.org/doc/GS-ProgramDescr.pdf>). See also *Written Testimony of William C. Bell, President and CEO. Casey Family Programs Before the California Assembly Select Committee on Foster Care* (San Francisco, May 12, 2006) (online at <http://www.casey.org/MediaCenter/MediaInterviewsAndSpeeches/BelltoCASelectCommittee.htm>
- <sup>88</sup> *Bush Fiscal Year 2007: Breaks Promises, Underfunds Preschool and K-12 Education and Puts College Farther Out of Reach for Millions of Americans* (online at: <http://edworkforce.house.gov/democrats/pdf/fy07budgetsummary.pdf>).

- <sup>89</sup> Rising Costs put UC education out of reach for many students by Juliana Barbassa San Francisco Chronicle, November 10, 2005 found online at: <http://www.sfgate.com/cgi-bin/article.cgi?file=/news/archive/2005/11/09/state/n160054S33.DTL>
- <sup>90</sup> Retrieved August 2006 from: <http://www.bls.gov/opub/ted/2003/oct/wk3/art04.htm>
- <sup>91</sup> Written Testimony of William C. Bell, President and CEO, Casey Family Programs Before the California Assembly Select Committee on Foster Care. San Francisco, May 12, 2006. Found online at <http://www.casey.org/MediaCenter/MediaInterviewsAndSpeeches/BelltoCAsSelectCommittee.htm>
- <sup>92</sup> *Id.* at 4. See also: Guardian Scholars: “Making Dreams Come True” Found online at: <http://www.orangewoodfoundation.org/doc/GS-ProgramDescr.pdf>
- <sup>93</sup> *Issue Brief: Ensuring Access to Healthy Young Adults Program for Transitioning Foster Youth* (online at [http://www.ahwg.net/projects/Foster%20Youth%20Brief\(larger%20font\).pdf](http://www.ahwg.net/projects/Foster%20Youth%20Brief(larger%20font).pdf)); see also Simms, M.D. et al., *Health Care Needs of Children in the Foster Care System*, PEDIATRICS 106 (4), 909-918.
- <sup>94</sup> Casey Family Foundation, The Foster Care Alumni Studies: Stories from the Past to Shape the Future, *Assessing the Effects of Foster Care: Mental Health Outcomes from the Casey National Alumni Study*. Available online at <[http://www.casey.org/NR/rdonlyres/CEFBB1B6-7ED1-440D-925A-E5BAF602294D/303/casey\\_natl\\_alumni\\_study\\_mental\\_health.pdf](http://www.casey.org/NR/rdonlyres/CEFBB1B6-7ED1-440D-925A-E5BAF602294D/303/casey_natl_alumni_study_mental_health.pdf)>
- <sup>95</sup> Wolanin, Thomas. Higher Educational Opportunities for Foster Youth: A Primer for Policy Makers. The Institute for Higher Education Policy (December 2005) at 13.
- <sup>96</sup> Julee Newberger, *From Foster Care to College Life* (online at: <http://www.connectforkids.org>); see also Shirk, Martha and Gary Stabler, *Out on their Own*, Westview Press (2004).
- <sup>97</sup> Information provided to CAI during conference call with the California Student Aid Commission.
- <sup>98</sup> Retrieved July 2006 from: <http://www.orangewoodfoundation.org/doc/GS-ProgramDescr.pdf>.
- <sup>99</sup> *Id.*
- <sup>100</sup> *Id.*
- <sup>101</sup> Newberger, Julie, *From Foster Care to College Life*, Connect for Kids (<<http://www.connectforkids.org/node/261>>).
- <sup>102</sup> *Ibid* Guardian Scholars, *Making Dreams Come True*.
- <sup>103</sup> See *supra* note 93.
- <sup>104</sup> Griffin, R. Morgan, *Lowering the Cost of Asthma Treatment* (visited July 27, 2006) <<http://www.webmd.com/content/article/112/110343.htm>>.
- <sup>105</sup> See *supra* note 47. See also Institute for Research on Woman and Families, *Health Services for Children in Foster Care*, (December 1998) (2nd printing).
- <sup>106</sup> CA Welf. & Inst. Code §14005.28.
- <sup>107</sup> AB 2284 (visited July 31, 2006) <<http://www.leginfo.ca.gov/cgi-bin/postquery>>.
- <sup>108</sup> See *supra* note 94.
- <sup>109</sup> *Id.*
- <sup>110</sup> Rashid, Sonja et al, *Aging Out of Foster Care: What Do We Know about Helping Emancipating Youth and the Independent Living Programs in the Bay Area?* (June 2001) at 18.
- <sup>111</sup> 42 U.S.C. §677.
- <sup>112</sup> *Id.*
- <sup>113</sup> *Id.* See also California Department of Social Services, *Independent Living Program, All-County Information Notice No. I-40-98* (July 22, 1998) at 1, available at <http://www.dss.cahwnet.gov/getinfo/acin98/I-40-98.pdf>.
- <sup>114</sup> See *supra* note 28.
- <sup>115</sup> Fla. Stat. § 409.1451(5)(b)2.
- <sup>116</sup> Under Code of Federal Regulations and §.409.1451(5)(e), an individual may appeal the agency’s decision when federal Independent Living funds are used.
- <sup>117</sup> Fla. Stat. §1009.25(2)(c)
- <sup>118</sup> See *Cost-Benefit Analysis of the Transition Guardian Plan*, contained in Appendix 1.
- <sup>119</sup> *California’s Title IV-E Child Welfare Waiver Demonstration Project, Final Report* (online at <http://cssr.berkeley.edu/childwelfare/pdfs/waiver/1%20Intro%20and%20Background.pdf>).
- <sup>120</sup> Fellmeth, R., et al. Children’s Advocacy Institute *California Children’s Budget 2004–05* (San Diego, CA; June 2004) at I-9. See also Center on Budget and Policy Priorities, *Overview Assessment of President Bush’s Tax Proposal* (Washington, D.C.; February 7, 2001) at 1-2. (available online at [www.bpp.org](http://www.bpp.org)).