JOHN BURTON Advocates for Youth

MEMORANDUM

TO: California Department of Social Services
FROM: John Burton Advocates for Youth (JBAY)
DATE: March 27, 2024
RE: Feedback on Permanent Foster Care Rate Structure TBL

SUMMARY

Thank you for the opportunity to provide feedback on the permanent foster care rate structure. Below are recommendations and high-level feedback on the new rate structure, as well as a crosswalk of the requested amendments to the Department's proposed Trailer Bill Language (TBL). JBAY's proposed TBL amendments will be attached in Word to the e-mail sent to the Department.

FEEDBACK & RECOMMENDATIONS

1. **Apply the Supervised Independent Living Placement (SILP) Housing Supplement to the Tier 1 Care and Supervision Rate youth in SILPs would receive under the proposed TBL, once the new rates take effect.**

The proposed TBL phases out the Supervised Independent Living Placement (SILP) Housing Supplement, despite a significant disparity between the cost of housing in many California counties, and the amount of the Tier 1 Care and Supervision Rate. Welfare and Institutions Code states that the Care and Supervision rate is inclusive of shelter.[i] With a Tier 1 Care and Supervision Rate of $1,788, providing shelter is not achieved—in 2026-27, approximately 2,539 (80%) youth in SILPs across 24 counties would receive a rate that is less than what they would receive under current law which applies the SILP Housing Supplement to the Basic Rate.[ii]

The SILP Housing Supplement was adopted by the State of California in 2023 in recognition that youth in SILPs require adequate funding to afford housing in order to prevent homelessness while in our state's foster care system. It also recognized that providing a uniform rate to youth across California's 58 counties is not an equitable approach, given the vast range of housing costs across counties and the unique position of youth in SILPs as head of their own household, relying on private market housing. While the proposed TBL increases the foster care rate youth in SILPs would receive, it is still not nearly enough for the majority of youth in SILPs to achieve stable housing.

2. **Ensure pregnant and parenting foster youth qualify for the Tier 2 Immediate Needs Program, at a minimum.**

Currently, the needs of foster youth who are pregnant and who are custodial parents are not explicitly addressed within the proposed rate structure. This is deeply concerning given the significant body of literature documenting the vulnerability of expectant and parenting youth.

A seminal study by Professor Emily Putnam Hornstein found that by age 5, the children of foster youth are three times more likely to have a substantiated report of maltreatment than the children of same age non foster youth.[iii] More recently, a report issued by CDSS found that expectant and parenting youth were less likely to receive prenatal care and post-natal care than the Medi-Cal population of the same age. Additionally, they were more likely to have low birth weight infants than the same-age Medi-

Cal population. Each of these outcomes has significant long-term social, emotional, and financial impacts for the parent and the child.[iv]

This extreme vulnerability is one reason why being a custodial parent is a "static criterion" for eligibility for Intensive Services Foster Care, the highest level of care available in California. Given this, it is critical that this same consideration is given to expectant and parenting youth in the new, permanent rate structure. While pregnant and parenting foster youth have access to additional monthly funding through the Expectant Parent Payment and Infant Supplement to purchase the necessary material items associated with caring for their child, there is no mechanism to ensure that their unique service needs are met.

JBAY recommends that all pregnant and parenting youth qualify, at a minimum, for the Tier 2 Immediate Needs allocation. Doing so is particularly essential for pregnant and parenting non-minor dependents placed in SILPs, who are limited within the proposed trailer bill language to Tier 1, regardless of their level of need. And to clarify, if a pregnant or parenting youth not in a SILP places into a Tier higher than 2, they should be supported by the Immediate Needs allocation based on their Tier.

3. **Broaden the purpose and identified eligible uses of the Strengths Building funds to include education-related activities and activities related to supporting the transition to adulthood for nonminor dependents.**

The current trailer bill language is silent on the role of rates reform in improving educational outcomes. It also makes no specific reference to assisting nonminor dependents with preparing for exit from foster care into independent adulthood. The Strengths Building funds are an opportunity to support educational activities as well as activities related to successful transition planning.

The linkage between educational attainment and long-term economic stability and quality of life has been well-established. Foster youth educational outcomes, however, remain stubbornly low, depriving youth with experience in foster care with access to the breadth of opportunities available to other young people. In 2022/2023 just 19.4% of foster youth enrolled in California's K-12 school system met or exceeded the standard for English Language Arts and 10.5% met the standard for math. This is compared to 46.7% and 34.6% for all students. While the statewide graduation rate for all students is 88.7%, the rate for foster youth is just 67%.[v] Despite these dire statistics, over 90% of foster youth report a desire to attend college.[vi]

While the focus of the foster care system on health and safety as well as permanency is both appropriate and understandable, this should not be at the exclusion of education. JBAY recommends adding language that explicitly allows for the use of strengths-building funds for educational purposes, including goods and services related to participation in post-secondary education. While the current language contains an "includes but not limited to" clause, which could allow for this use, affirming the availability of funds for educational purposes both removes any potential ambiguity and raises the visibility of this essential issue.

Similarly, the Trailer Bill Language depicts the Strengths Building funds as providing foster youth access to extracurricular activities and other goods and services that contribute to their overall well-being. The language explicitly focuses on those activities that are "culturally responsive, family-centered, and permanency-focused." For many nonminor dependents, activities beyond those focused on family or permanency that are related to making a successful transition to independent adulthood may be their

top priority and it is critical that the Strengths Building funds reflect this reality. As stated in reference to education above, affirming the allowability of activities related to supporting the transition to adulthood will ensure that nonminor dependents are able to utilize these funds for age-appropriate activities.

4. **Require the use of the Adult Needs and Strengths Assessment - Transition Age Youth (TAY) Version (ANSA-T) as the assessment tool for nonminor dependents.**

Current trailer bill language utilizes the Integrated Practice-Child and Adolescent Needs and Strengths (IP-CANS) assessment to determine a child or nonminor dependent's tier as part of the Tiered Rate Structure. Additionally, the IP-CANS is used to guide the Child and Family Team in selecting appropriate goods, services, activities, and supports when developing a Strengths Building Spending Plan and Immediate Needs Plan. Given the significance of the IP-CANS in determining tiers and driving service planning, it is critical that the assessment tool appropriately identifies the unique needs of non-minor dependents.

JBAY recommends instead requiring the use of the Adult Needs and Strengths Assessment - Transition Age Youth (TAY) Version (ANSA-T), as the assessment tool for nonminor dependents. The ANSA-T is a communimetrics tool comparable to the CANS that was developed by Dr. John Lyons for young adults between the ages of 18 and 24. Furthermore, JBAY recommends ensuring consistency by adopting a standardized version of the ANSA-T to be used statewide that includes relevant extension modules, such those that encompass school, vocational and career domains.

5. **Clarify background check requirements for Strengths Building providers.**

Current trailer bill language specifies that the duties of the Spending Plan Manager include "Ensuring any provider of Strengths Building goods, services, activities, and supports secured through the Strengths Building Child and Family-Determination Program who has direct contact with the child has completed a criminal background check if required by state and federal law."

JBAY is concerned that if background checks are required, this requirement could delay or deny a child or youth the opportunity to participate in the activities that they and/or their family designate, particularly for nonminor dependents who commonly engage in activities with other adults where background checks would not be feasible. More clarification is needed to define under what circumstances a background check would be required. (No TBL amendments requested, pending further clarification).

CROSSWALK OF PROPOSED TRAILER BILL LANGUAGE AMENDMENTS

Item	Code Section & Page Number	Amendments
Item 1: Apply the Supervised Independent Living Placement (SILP) Housing Supplement to the Tier 1 Care and Supervision Rate youth in SILPs would receive under the proposed TBL, once the new rates take effect.	11461(g)(5) TBL p. 15-16	(5) (A) (i) Subject to an appropriation in the annual Budget Act, the rate paid for a nonminor dependent placed in a supervised independent living placement in California, as defined in subdivision (w) of Section 11400, shall be supplemented with a housing supplement, which shall be calculated by the department as the difference between one-half of the federal fiscal year 2023 fair market rent for a two-bedroom apartment in the county in which the nonminor resides and 30 percent of the rate established pursuant to paragraphs (1) to (4), inclusive, of this subdivision, **or, on and after the date required by paragraph (11) of subdivision (h) of Section 11461, 30 percent of the rate equivalent to Tier 1 of the Care and Supervision rate in paragraph (3) of subdivision (h).** (ii) A nonminor dependent shall not receive a monthly rate less than the rate established pursuant to paragraphs (1) to (4), inclusive, of this subdivision**, or, on and after the date required by paragraph (11) of subdivision (h), the rate equivalent to Tier 1 of the Care and Supervision rate in paragraph (3) of subdivision (h).** (B) The supplement pursuant to subparagraph (A) shall commence on July 1, 2025, or when the department notifies the Legislature that the Statewide Automated Welfare System (CalSAWS) can perform the necessary automation to implement it, whichever is later.
Item 2: Ensure pregnant and parenting foster youth qualify for the Tier 2 Immediate Needs Program, at a minimum.	16562(b) - 16562(c)(1) TBL p. 49	(b) The Immediate Needs Program is hereby established. Beginning on and after the date required by paragraph (11) of subdivision (h) of Section 11461, the Immediate Needs Program shall be available to every child in foster care who, upon completion of the IP-CANS is determined to be in Tiers 2 or 3 as part of the Tiered Rate Structure established in subdivision (h) of Section 11461 **and every child in foster care who is pregnant or a custodial parent, regardless of their Tier as determined by completion of the IP-CANS.** The Immediate Needs Program shall not apply to nonminor dependents placed in a setting described in subdivision (e) of Section 11402 **unless they are pregnant or a custodial parent.** (c) For purposes of this chapter, the following definitions shall apply: (1) “Immediate Needs Program” means a program intended to provide an array of integrated services and supports based on the Immediate Needs of eligible children who fall into Tiers 2 or 3 of

		the Tiered Rate Structure established in subdivision (h) of Section 11461 and identified through the use of the IP-CANS assessment tool **and children who are pregnant or custodial parents**. For an Indian child, the array of integrated services and supports provided shall be informed by prevailing social and cultural conditions and way of life of the Indian child's tribe and shall be provided consistent with active efforts as described in subdivision (f) of Section 224.1
	16562(d)(1)(C) - 16562(2)(B)(i) TBL p. 51	(C) **(i)** Beginning on and after the date required by paragraph (11) of subdivision (h) of Section 11461, for new entries into foster care and all other children in foster care placements on July 1, 2026, including children placed in a setting described in subdivision (d) of Section 11402, the Immediate Needs Allocation as set forth in subparagraph (B) shall be available for each eligible child described in subdivision (b) consistent with the child's tier as determined by the child's IP-CANS assessment, pursuant to a schedule to be determined by the department. **(ii) For a child who is pregnant or a custodial parent and is determined to be in Tier 1 either by completion of the IP-CANS or because the child is a nonminor dependent placed in a setting described in subdivision (e) of Section 11402, the Immediate Needs Allocation equivalent to Tier 2 as set forth in subparagraph (B) shall be available.** (2) Placing agencies receiving an allocation described in subparagraph (A) shall cooperate with the department and shall do all of the following: (A) Provide for the Immediate Needs of children in Tiers 2 and 3 as identified by the IP-CANS **and children who are pregnant or custodial parents** using the Immediate Needs Allocation set forth in subparagraph (B) of paragraph (1) of subdivision (d). (B) In consultation with the local interagency leadership team established pursuant to Section 16521.6, which shall include the engagement and coordination of federally recognized tribes, the placing agency shall submit to the department a Placing Agency Allocation Plan for approval that includes: (i) How the placing agency will use the Immediate Needs Allocation in a manner that provides, arranges for, or ensures the provision of an array of Immediate Needs services and supports for children who are determined to be in Tiers 2 or 3 of the Tiered Rate Structure, **children who are pregnant or custodial parents,** and, for an Indian child, how the services and supports will be conducted in a manner consistent with the prevailing social and cultural

		conditions and way of life of the Indian child's tribe and provided consistent with active efforts as described in subdivision (f) of Section 224.1.
	16562(d)(2)(B)(iv) TBL p. 53	(iv) Agree to provide data requested by the department related to children in foster care in Tiers 2 and 3 as determined by the IP-CANS assessments **and children who are pregnant or custodial parents.**
	16562(e)(2) TBL p. 53	(2) Development of a standards of care framework for the Immediate Needs Program that Immediate Needs Providers shall be subject to regarding the services and supports to be provided to meet a child's Immediate Needs as identified in the child's IP-CANS assessment **or to meet the needs of a child who is pregnant or a custodial parent.**
	16562(e)(7) TBL p. 54	(7) Development of guidelines, developed in consultation with persons and entities described in subdivision (f), for ensuring each child who falls into Tiers 2 or 3 **and who is pregnant or a custodial parent** are provided services and supports consistent with the standards of care framework.
Item 3: Broaden the purpose and identified eligible uses of the Strengths Building funds to include education-related activities and activities related to supporting the transition to adulthood for nonminor dependents.	16565(d)(3)(B) TBL p. 54-55	Choose the goods, services, activities, and supports consistent with the program standards and guidelines developed by the department pursuant to subdivision (e). These goods and services may include, but are not limited to, extracurricular activities, peer support, **educational support and enrichment including goods and services related to participation in post-secondary education**, and goods, services, activities, and supports that are culturally significant to the child or that help the child feel connected to their family and community of origin, or, in the case of an Indian child, the child's tribe, **or in the case of a nonminor dependent, goods, services, activities and supports that promote successful transition into independent adulthood.**
Item 4: Redefine "care and supervision" to include an expectation that a child or youth's	11460(b) TBL p. 10	"Care and supervision" includes food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, **ensuring that the child's educational needs are met,** reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement. Reimbursement for the costs of educational travel, as provided for

educational needs are met.		in this subdivision, shall be made pursuant to procedures determined by the department, in consultation with representatives of county welfare and probation directors, and additional stakeholders, as appropriate.
Item 5: Require the use of the Adult Needs and Strengths Assessment - Transition Age Youth (TAY) Version (ANSA-T) as the assessment tool for nonminor dependents.	11461(h)(1) TBL p. 17	(A) "IP-CANS" stands for Integrated Practice-Child and Adolescent Needs and Strengths. The IP-CANS is a validated functional assessment tool that supports decision-making and allows for the monitoring of outcomes and services, assesses the well-being of children through the identification of their strengths and needs, and determines their tier as part of the Tiered Rate Structure established herein. **(B) "ANSA-T" stands for the Adult Needs and Strength Assessment – Transition Age Youth (TAY) Version. The ANSA-T is a validated functional assessment tool for young adults between the ages of 18 and 24. Similarly to the IP-CANS, the ANSA-T supports decision-making and allows for monitoring of outcomes and services, assesses the well-being of nonminor dependents through the identification of strengths and needs, and determines their tier as part of the Tiered Rate Structure established herein.** **(C) All references to "IP-CANS" hereafter shall be inclusive of the "IP-CANS" for children and youth and the "ANSA-T" for nonminor dependents.**

[i] WIC 11460(b) states: "Care and supervision" includes food, clothing, shelter, daily supervision, school supplies, a child's personal incidentals, liability insurance with respect to a child, reasonable travel to the child's home for visitation, and reasonable travel for the child to remain in the school in which the child is enrolled at the time of placement.

[ii] WIC 11461(g)(5)

[iii] Putnam-Hornstein, et al. *California's Most Vulnerable Parents: Adolescent Mothers and Intergenerational Child Protective Service Involvement.* Children's Data Network, University of Southern California (2013). https://s3.amazonaws.com/dvis-data/cdn/research/Vulnerable+Parents+Brief+3.pdf

[iv] California Department of Social Services. Performance and Outcome Data on the Implementation of Sexual and Reproductive Health Training and Education: Report to the Legislature (2023). https://youthlaw.org/sites/default/files/attachments/2023-09/Performance%20and%20Outcome%20Data%20on%20the%20Implementation%20of%20Sexual%20and%20Reproductive%20Health%20Training%20and%20Education%20FINAL.pdf

[v] Data pulled from DataQuest on March 25, 2024. https://dq.cde.ca.gov/dataquest/

[vi] Courtney, M. E., Okpych, N. J., Charles, P., Mikell, D., Stevenson, B., Park, K., Kindle, B., Harty, J., & Feng. H. (2016). *Findings from the California Youth Transitions to Adulthood Study (CalYOUTH): Conditions of Youth at Age 19*. Chicago, IL: Chapin Hall at the University of Chicago.