



John Burton Foundation
for Children Without Homes

RECOMMENDATIONS ON CHILDREN IN FOSTER CARE

CALIFORNIA WORKING FAMILIES POLICY SUMMIT

JANUARY 13, 2009

INTRODUCTION

On October 7, 2008, President George W. Bush signed House Resolution 6893, the *Fostering Connections to Success and Increasing Adoptions Act* (Public Law 110-351). Arguably the most significant federal child-welfare legislation since the 1997 passage of the *Adoption and Safe Families Act*, it includes a range of reforms, such as the creation of a federally subsidized guardianship program for kinship providers, new requirements regarding health and education coordination, expanded and increased adoption incentives, federal support for tribal foster care and new funding to promote permanency.

For those addressing the needs of transition-age youth in foster care, the most significant provision in the new federal legislation is a state option to extend federal funding for youth in foster care to age 21, a policy currently implemented in several states using state-only funding. While many states, including California, have statutes that authorize the court to retain jurisdiction beyond age 18, most states rarely elect to do so, and then only for a minimum amount of time. The reason for this is that a primary source of federal foster care funding (Title IV-E of the *Social Security Act*) is terminated when a youth reaches the age of majority, defined as age 18 in most states. This federal share of funding is tied to the Federal Medical Assistance Percentage (FMAP) rate, which ranges from a low 50% in California to 74% in West Virginia and is based on the relative wealth of the state.¹ Without the federal Title IV-E federal contribution, most states consider foster care for older youth cost prohibitive and discharge them when federal eligibility ends at age 18.

There is a growing body of evidence at the national level that former foster youth are not faring well as young adults, relative to their peers. Professor Mark Courtney of the University of Washington, and formerly of the University of Chicago's Chapin Hall Center for Children, has conducted a five-year longitudinal study of 732 youth who exited foster care from Iowa, Illinois and Wisconsin, interviewing them at ages 18, 19, 21 and 23. His Midwest Study of Adult Functioning of Former Foster Youth compares the functioning of former foster youth from these states with one another and with the general population, using data from the National Longitudinal Study of Adolescent Health, hereafter referred to as the "Add Health Survey." The study finds that some of the most notable challenges faced by former foster youth include educational achievement, economic well-being and involvement with the criminal justice system, which are summarized below.

Educational Outcomes: Former foster youth at age 21 were less educated than a matched sample from the Add Health Survey. Specifically, former foster youth were considerably less likely to have attained a high-school diploma or GED, or to have completed a year of college.

Economic Well-Being: Former foster youth are facing more serious challenges than their peers. Among 21-year-olds surveyed, the median annual earnings among those who had been employed were just \$5,450.² This lack of income resulted in a disproportionate rate of economic hardships, relative to the general population, as measured on critical factors such as resources to pay rent, utilities bills and phone service.

Criminal Justice System Involvement: Some of the most serious issues facing former foster youth are evident in their disproportionate involvement with the criminal justice system. The Midwest Study found that former foster youth were much more likely than their peers to experience involvement with the criminal justice system. Interestingly, the study also found that despite disproportionate rates of criminal justice system involvement, former foster youth do not report higher rates of criminal activity than their peers in the National Longitudinal Study of Adolescent Health. This suggests that former foster youth are more likely to become involved in the criminal justice system, despite comparable rates of criminal activity.

POLICY OBJECTIVE #1

Improve adult functioning of former foster youth in California.

Background

The evidence regarding the poor outcomes of former foster youth relative to the general population raises important questions about how to better assist them in their transition to young adulthood. A number of states, including Illinois and New York, have elected to offer youth the option of voluntarily extending foster care to age 21 in an effort to improve outcomes. To evaluate the impact of this policy, the Midwest Study compared the results for youth who elected to remain in foster care past age 18 and found they fare better in a range of outcomes:

Educational Outcomes: Youth from Illinois who elected to remain in foster care were two-to-three times more likely to participate in post-secondary education.

Economic Well-Being: The Midwest Study found that each year of additional foster care was associated with a \$924 increase in income, a sizable amount given their low average annual income of just \$5,450.³

Criminal Justice System Involvement: The Midwest Study found that youth who remain in foster care longer experience lower rates of criminal justice system involvement, as summarized below:

Recommended Action

Based on this evidence and the opportunity provided by Public Law 110-351 for continued federal support, **the California State Legislature should extend AFDC-FC benefits to youth up to age 21 in California.** The adopted policy should include the following provisions:

- 1. Right of Re-Entry:** It is important that young adults making the decision whether or not to continue to receive foster-care system support after age 18 do so with full information about available resources and with the support of a caring adult. If a youth elects to exit the system and later experiences a hardship, California's policy should allow the youth to re-enter foster care up until age 21. This provides youth exiting California's foster-care system with the same flexibility and individual accommodation provided to youth who transition from intact families. This can be achieved by adopting the trial discharge policy currently in place in New York. Under trial discharge, a youth who elects to exit foster care is not formally discharged from the foster-care system; instead, his/her case is placed into suspense for six months. If at any time the youth experiences a hardship and elects to return to foster care, the case is taken out of suspense and the youth may receive the full complement of resources available from the foster-care system. The six-month extension may be extended repeatedly.
- 2. Continuum of Age-Appropriate Placements for Youth 18 to 21:** The *Fostering Connections Act* provides for the creation of a new placement type: Supervised Independent Living Placement (SILP). California's policy should take full advantage of the opportunity this new placement type provides and create a rich continuum of placement options that reflects the diverse needs of older youth in foster care in this state. Maximum effort should be made to limit the utilization of congregate

residential settings due to their cost and lack of opportunities to develop independent living skills. This has been achieved in Illinois, with just five percent of the foster youth population age 18 to 21 living in group homes. To promote the development and operation of age-appropriate placements, distinct licensing standards should be adopted that reflect the rights and responsibilities that accompany adulthood.

3. **Specialized Outreach to Runaway and Homeless Youth:** Extending foster care to age 21 poses an important opportunity to better meet the needs of runaway and homeless youth in California. A recent study conducted by the California Research Bureau reports that there are 1.8 to 2.6 million homeless youth nationally, age 14 to 24. Based on California's population, this suggests that 230,000 to 270,000 homeless youth live in California. Studies have shown that the rate of abuse and neglect among homeless and runaway youth is very high. Given this, many homeless youth in California may benefit from the child-welfare system. California's policy to expand transitional support for youth in foster care should address the needs of this growing population, and articulate a strategy to bring unaccompanied youth, age 21 and under, into the care and supervision of the child-welfare system as appropriate.
4. **Sustained Investment in THP-Plus:** California has made important strides in its assistance for transition-age youth. Most notably, the Transitional Housing Placement Program (THP-Plus) has grown to assist 1,300 youth age 18 to 24 in 44 counties. California's policy to extend foster care to age 21 should sustain this investment in THP-Plus in that a portion of youth will not elect to remain in foster care after age 18 and will need housing resources. Other youth, including parenting youth, will also continue to need supportive housing after age 21.
5. **Strong Emphasis on Permanency:** Supporting youth until age 21 is an important opportunity to continue efforts to achieve permanency. California's approach to extending support for older youth in foster care should include specific provisions that ensure an ongoing commitment to and investment in permanency, recognizing the primacy of a lifelong connection for every child and youth.
6. **Opportunities for Meaningful Court Participation:** As young adults, older youth in foster care have rights and responsibilities distinct from minors in foster care. As such, California's support for older youth in foster care must reflect these rights and responsibilities by offering them greater involvement in the juvenile court process. In Cook County in Illinois, a process called the "benchmark hearing" has been adopted for older youth to allow for their greater input and participation.
7. **Strong Emphasis on Post-Secondary Education:** California's approach to extending support for older youth in foster care should focus on their educational needs, towards the goal of full high-school completion and rates of college participation consistent with the general population. As noted in the finding from the Midwest Study, the strongest evidence about the effect of allowing youth to receive the support of the foster care system up to age 21 was in the area of education. California's policy should include a range of strategies to promote similar successful outcomes, including allowing youth in foster care to live in college dorms, as is a practice in Illinois.

For more information on these recommendations, contact:

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ADDITIONAL INFORMATION ABOUT PLACEMENTS IN NEW YORK AND ILLINOIS

Table 1: Educational Outcomes⁴ (in percents)

Midwest Study of Adult Functioning of Former Foster Youth

At age 21:	Midwest Study	Add Health Comparison Group
No high-school diploma or GED	23.0	10.8
High-school diploma only	37.6	29.7
GED only	9.7	6.6
One or more years of college but no degree	29.7	43.0

Table 2: Economic Well-Being⁵ (in percents)

Midwest Study of Adult Functioning of Former Foster Youth

At age 21, in the past 12 months:	Midwest Study	Add Health Comparison Group
Not enough \$ to pay rent	26.5	8.6
Not enough \$ to pay utility bill	26.5	10.9
Phone service disconnected	32.8	19.1
Evicted	8.3	1.4
Mean number of hardships	1.02	.46

Table 3: Criminal Justice System Involvement⁶

Midwest Study of Adult Functioning of Former Foster Youth (in percents)

At age 21:	Males		Females	
	Midwest Study	Add Health Comparison Group	Midwest Study	Add Health Comparison Group
Ever arrested	77.0	20.1	54.9	4.3
Arrested since age 18	55.3	7.5	29.6	.5
Ever incarcerated	69.3	--	40.7	--
Incarcerated since age 18	54.0	--	24.5	--

Table 4: Educational Outcomes⁷

Midwest Study of Adult Functioning of Former Foster Youth (in percents)

At age 19:	Still in Care	No Longer in Care
Enrolled in high school or GED program	20.9	10.1
Enrolled in 2-year college	26.6	7.9
Enrolled in 4-year college	10.6	3.8

Table 5: Criminal Justice System Involvement⁸

Midwest Study of Adult Functioning of Former Foster Youth

At age 19, in last 12 months:	Still in Care	No Longer in Care
Arrested	21.9	33.8
Convicted of a crime	7.6	16.7
Spent at least one night in a jail, prison, juvenile hall or other correctional facility	14.4	23.7

¹ United States Department of Health and Human Services, Office of the Assistant Secretary for Planning and Evaluation, <http://aspe.hhs.gov/health/fmap08.htm> (accessed December 15, 2008)

² Ibid, page 35.

³ Mark Courtney, When Should the State Cease Parenting? Evidence from the Midwest Study (Chapin Hall Center for Children at the University of Chicago), page 5, http://www.chapinhall.org/article_abstract.aspx?ar=1355 (accessed December 15, 2008)

⁴ Mark Courtney, Midwest Evaluation of Adult Functioning of Former Foster Youth: Outcomes at Age 21 (Chapin Hall Center for Children at the University of Chicago), page 27, http://www.chapinhall.org/article_abstract.aspx?ar=1355 (accessed December 15, 2008)

⁵ Ibid, page 37.

⁶ Ibid, page 66.

⁷ Mark Courtney, Midwest Evaluation of Adult Functioning of Former Foster Youth: Outcomes at Age 19 (Chapin Hall Center for Children at the University of Chicago), page 21, http://www.chapinhall.org/article_abstract.aspx?ar=1355 (accessed December 15, 2008)

⁸ Mark Courtney, Midwest Evaluation of Adult Functioning of Former Foster Youth: Outcomes at Age 19 (Chapin Hall Center for Children at the University of Chicago), page 61, http://www.chapinhall.org/article_abstract.aspx?ar=1355 (accessed December 15, 2008)