



UNITED STATES

# My So-Called Emancipation

From Foster Care to Homelessness for California Youth

HUMAN  
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WATCH



# **My So-Called Emancipation**

**From Foster Care to Homelessness for California Youth**

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# My So-Called Emancipation

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## Summary

*On the day of my so-called emancipation, I didn't have a high school diploma, a place to live, a job, nothing...The day I emancipated—it was a happy day for me. But I didn't know what was in store. Now that I'm on the streets, I honestly feel I would have been better off in an abusive home with a father who beat me; at least he would have taught me how to get a job and pay the bills.*

—Roberta E., Los Angeles

*The day I graduated from high school my foster mom told me, "You've been emancipated. You can't live here anymore." My social worker showed up—I was still in my little graduation dress and heels, my flowers, my cap on. My social worker had never talked with me. [She just] told me, "I've called around and found a shelter for you. You have a bed for four months."*

—Karen D., San Francisco

When children in foster care turn 18, they are, for the most part, on their own. "Emancipated," they are legally adults and free from the foster care system. Most entered foster care because abuse or neglect at home triggered the duty of the state to step in and protect them. The state becomes parent; in that role, it must provide special measures of protection. The state must ensure that children in foster care have adequate food, clothing, shelter, health care, and education. But no less important is the responsibility to provide the guidance and support necessary for children to grow into independent adults. When the state fails in its responsibility to protect children wholly dependent on it by not providing for their developmental needs, there are grim consequences. While exact estimates vary, research suggests that somewhere around 20 percent of the approximately 20,000 youth leaving foster care nationally each year will become homeless. For youth who leave foster care with no job or income, few educational prospects, and little emotional support or community connections, emancipation can mean nowhere to turn and no place to go.

Human Rights Watch interviewed young people who were removed as children from their family homes for abuse, neglect, or abandonment and placed in the custody and care of the state of California. After leaving foster care, they became homeless. The 63 young people interviewed had clear conclusions about the causes of their homelessness. No one pointed to a single event, nor did any interviewee wholly blame the child welfare system or another

### ***From foster care to homelessness:***

- **A young man is stunned when on his 18<sup>th</sup> birthday he is told to move out of the group home where he lives. He lives in a friend's garage.**
- **Evicted because a roommate broke their rental agreement, a 19 year old now sleeps under bushes at a park.**
- **A young mother cannot find a transitional housing program that will take her because she has a baby, so they live in her car.**
- **A youth with nowhere to live tries returning to his birth father who had abused him for being gay. His father is still abusive to him.**
- **A young woman who has just turned 19 has learning disabilities too severe to be able to find work or housing on her own. Consequently, she sleeps at an emergency shelter.**

person. Instead, they pieced together a mosaic of events that spanned their teen years and early adulthood. They described missed opportunities to learn skills, the lack of the ability to support themselves, a shortage of second chances when things did not go right, and the fact that no one cared what happened to them.

### **From Foster Care to Homelessness**

For some youth leaving foster care, homelessness comes the day they emancipate from the foster care system; others move from a foster home into a bad housing situation only to find themselves without shelter shortly thereafter. They may feel lucky to crash on a friend's couch, or they find themselves sleeping in a car, at an emergency shelter, or in the park. Some are without a steady roof over their heads for days that turn into weeks or even years. Those leaving foster care with special needs often face a particularly rough road: mental health problems or cognitive limitations can bar entry to a transitional living program. So can being a parent. Youth who are lesbian, gay, bisexual, or transgender often have even fewer community resources and support to avoid homelessness.

Too many foster children face poverty, early pregnancy, educational failure, criminal victimization, or incarceration in early adulthood. Homelessness, with its attendant dangers—including exposure to predatory crime, drugs, HIV/AIDS, and violence—is probably the worst outcome for a young



person. Yet homelessness is a predictable future for many foster youth. Social workers know it. Many policymakers know it. Research confirms it. California's own Department of Social Services concluded that 65 percent of emancipating youth lack safe and affordable housing at the time of emancipation. Although conclusions as to the rate vary, homelessness is a certainty for too many youth leaving foster care.

## California's Failure

The route from foster care to homelessness is not only well-known to the state, but is, in effect, built into the system. Social workers transport some youth directly from foster homes to emergency shelters, fully aware that these shelters will house them for limited periods before turning them out onto the streets. Others are sent to transitional living situations with no back-up plan in place if things do not work out. Child welfare agencies release some youth from care when they have nowhere to live. Instead of providing extra protections for especially vulnerable youth, including mentally ill or impaired individuals and pregnant girls, state regulations often exclude them from transitional programs.

***“The only plan was for me to emancipate. They didn’t talk about where I was going to stay after I left foster care or anything like that.”***

In California, 65,000 children and youth are in the foster care system, far more than any other single state. Each year, more than 4,000 emancipate. Between 2003 and 2008, over 26,500 youth emancipated from California's foster care system. If an estimated 20 percent ended up homeless, 5,300 young people went from state care to homelessness in that period of time.

California is failing in an essential duty to children in its care: to prepare them for adulthood and to survive independently. There is no magic switch that at age 18 delivers the skills, knowledge, and support necessary for survival and success. Just as the state has a duty to provide appropriate shelter, food, and health care to children in care, it has a duty to address the crucial developmental needs of childhood and adolescence. The consequences are severe for young people who enter adulthood without this guidance and support.



**Those interviewed were youth who became homeless after leaving state care. Of them:**

**90% had no source of income at the time they left foster care**

**65% had not graduated from high school**

**62% did not have medical coverage**

**90% had no adult to turn to, or were not sure if they had an adult to turn to, even for minor help such as a ride to the doctor**

## **Findings**

### **No Realistic Plan for Emancipation**

California state law requires child welfare agencies to develop, in conjunction with foster youth, a plan for what they will do when leaving foster care. Most of the youth Human Rights Watch spoke with had no plan when they left the system, or if one existed, they did not know about it.

In some cases, state officials fail to develop these plans at all, and in others, they create plans that are unrealistic and unlikely to prevent a youth from becoming homeless. For example, Natalie R. had three weeks left in foster care when we interviewed her. She had not yet finished high school and tests during the previous year placed her performance at an eighth-grade level. When asked if her social worker was putting together a plan with her for emancipation, she said, “Well, we’re talking about college.” There was no plan for where she would live or how she would support herself. Arlena C. told us, “My social worker never sat down with me to talk about emancipation. The only plan was for me to emancipate. They didn’t talk about where I was going to stay after I left foster care or anything like that.” She was 20 years old at the time of her interview, and had been homeless off and on since leaving care.

### **No Plan for Housing or the Income to Afford It**

The vast majority of the young people interviewed by Human Rights Watch had no way to pay for housing at the time of emancipation: 57 of 63 young people we interviewed, or 90 percent, had no source of income when they left foster care and were expected to be on their own. They were also ill-prepared to find and hold a job: 65 percent of those interviewed had

not graduated from high school at the time of emancipation. In addition, 62 percent had no medical coverage when they left the state's care, despite a legal mandate that every former foster youth should have state medical coverage until age 21.

In the last ten years there has been an increase of funding and an infusion of effort to improve transitional living programs in California. However, the number of places is still far too small to assist all those who need them and the funding is under constant threat. Most post-emancipation transitional living programs offer reduced rent and can provide a supportive environment in which to learn life skills. Services can include case management, assistance with education, job training and support, and mentoring. California's Transitional Housing Program-Plus (THP-Plus) was established by state law in 2001. The number of THP-Plus placements has dramatically increased: in 2003 there were places for 50 youth, by 2007 there were 502, and in 2008, 1,234 places. Yet in 2008, 4,653 youth emancipated from care.

### **Basic Living Skills Lacking**

Tony D. told us: "If you're going to put kids in group homes, in foster care—at least give them what they need to survive and take care of themselves." We interviewed him at a homeless shelter where he was staying. "[When I aged out of care] I was expected to know how to get a job, buy a car, all that stuff, but ... I didn't have any idea how to go about doing things. So, I ended up on the street." Raul H. summed it up, "Kids need to be taught how to cook, how to shop. Simple, everyday life skills." He was 21 years old when we spoke with him, and had been homeless but now was in an apartment.

For youth in care, several things impede what otherwise would be normal opportunities for hands-on learning experiences. Foster parenting tends to be geared to the needs of younger children. Foster parents are not trained or expected to teach adult life skills to teens. Michele Phannix, an experienced foster parent and a mentor to other foster parents, told us, "There needs to be more training on teenage issues for foster parents and how to guide them into becoming functioning adults. Foster parents are not receiving that kind of training." Dr. Marty Beyer, a psychologist specializing in adolescent development and an expert on child welfare, believes those charged with caring for foster children take on a crucial role. "[T]he role that foster parents play ought to include what most parents think

***"I was expected to know how to get a job, buy a car, all that stuff, but ... I didn't have any idea how to go about doing things. So, I ended up on the street."***

should be done for their children before they go off on their own.” For many of the young people interviewed, however, the state failed to ensure that foster parents provided teens in their care the kind of basic living skills that would be passed on in any typical home.

Nor do group homes teach what adolescents need to learn. Interviewees pointed out that the regimented, institutionalized setting provides even fewer opportunities to learn and practice adult skills than a foster family home. Anya F. was homeless for more than two years after leaving care. She spent a good part of her teenage years in group homes, and described her experience:

While in a group home there were so many things I couldn't do. I couldn't even learn how to ride the bus on my own—but I had to go to a class that supposedly taught me how to do normal things. It's a double standard that doesn't make sense. It's like they're saying to us “You must be independent by age 18,” but then they don't give us the room to learn to be independent. Don't over-shelter us and then tell us to be independent.

While some youth in foster care participate in county-sponsored independent living skills classes, experts question the effectiveness of teaching life skills in a classroom. In any case, many of the youth interviewed for this report attended few or none of the classes, or said that they were not useful. Roberta attended just one life skills class. She described it as a last-minute cram session: “It was one week before emancipation. They gave us pots and pans, silverware. Taught us how to write a check. ... They gave us a certificate for taking the class and we had pizza and that was it.” Others who found the classes useful tended to describe hands-on teaching techniques.

***“I feel like the people who were supposed to help me weren't there for me—and I think what's going to happen to me? Am I going to live on the streets for the rest of my life?”***

#### **No One to Turn to**

One of the statements we heard most from interviewees was that no one really cared what happened to them, before or after emancipation. They expressed despair and fear about having no one to turn to after they left foster care; this lack of social support and guidance leaves young people particularly vulnerable to homelessness. While the state is obligated to aid foster youth in establishing and maintaining connections with relatives or other

important figures, that did not happen for these young people. 48 of 63 youth interviewed told us they did not have an adult they could turn to in a crisis, for example, for a ride to the doctor if they were very sick. Nine said “maybe,” there might have been someone they could call, but were unsure. Just six youth of the 63 young people interviewed told us they had an adult on whom they could rely. “I feel like the people who were supposed to help me weren’t there for me—and I think what’s going to happen to me?” one young woman said. “Am I going to live on the streets for the rest of my life?”

## Support Before and After Age 18 Is Needed

An abrupt end to childhood does not comport with what is now known about adolescent development or the norms in the US. In a healthy family, preparation for adulthood begins early in life and, in most US families, youth are not cut off from support at age 18. Instead, intact families continue to provide a wide

***“Nobody puts  
their real kid  
out at 18.”***

spectrum of emotional and financial support as youth move through early adulthood. As Ashley, a former foster youth, said, “[N]obody puts their real kid out at 18. It’s being realistic.” In contrast, youth who age out of the foster care system must survive on their own without the support available to other young adults. While some are able to make a smooth transition to adulthood, many face serious challenges. Research shows that youth emancipating from foster care are more likely than young people in the general population to have educational deficits and experience mental health problems, economic instability, criminal victimization, and early child bearing. They need support throughout early adulthood even more than the general population of young adults.

The young people interviewed for this report were currently or recently homeless former foster children. They hailed from all over California, from communities urban and rural, north and south. While there were many causes of their homelessness, their lives bear witness to the need for dramatic change in how foster youth are treated. This report is not a comprehensive review of what California’s 58 counties are doing to protect and provide for children and youth in care, nor is it a survey of programs, systems, or laws. Instead, it is a lens narrowly focused on one of the system’s most striking failings: the likelihood that youth in foster care will become homeless because foster care has not prepared them for adulthood.

## **Key Recommendations**

### **1. Extend support for youth in foster care beyond age 18.**

Transition to adulthood should be more gradual than it currently is for youth in foster care. Financial support, adult connection, shelter, and other safety nets should be provided in a graduated way into the early 20s for youth who need it. Youth who choose to leave state care at age 18 should have opportunities to return on the basis of need.

### **2. Guarantee that youth have useful emancipation plans.**

Legally-mandated “transitional independent living plans,” which child welfare agencies are required to develop for each youth’s emancipation, should incorporate concrete arrangements for housing, income, connection to others, and medical coverage.

### **3. Create real opportunities for youth to develop skills for independence.**

Everyday life skills should be taught in foster care at an earlier age and not just in a classroom setting. Youth should be provided opportunities throughout adolescence to practice tasks and skills for adulthood.

### **4. Help youth establish relationships that extend beyond emancipation.**

To prepare youth in foster care for adulthood, the state should help them establish relationships with people who can offer guidance and support through early adulthood.

For detailed recommendations, please see page 62.

# The California Foster Care System

## An Overview

The foster care system in the United States serves as a safety net for children whose parents cannot care for them.<sup>1</sup> These children find themselves in foster care through no fault of their own: the state removes them from their own homes because their parents or guardians have abused, neglected, or abandoned them, or have died. According to the most recent count, the foster care population in the United States was approximately 496,000 in 2007.<sup>2</sup> California's foster care population of more than 65,000 children is far greater than any other single state.<sup>3</sup> Both nationally and in California, half of children in care are over the age of 10.<sup>4</sup>

Children often come to the child welfare system's attention through an emergency hotline. If the allegations are deemed serious, they are investigated. A child can be removed from his or her home on an emergency basis by a social worker or police officer and kept in protective custody for up to 48 hours, at which time a judge must review the case and the parents or guardian given an opportunity to be heard. The court makes the determination of whether to send the child home or keep him or her in protective custody based on the best interest of the child. If the court ultimately decides that the child should become a ward of the state, it

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<sup>1</sup> The Children's Rights Division of Human Rights Watch uses the word "children" to mean people under the age of 18. The words "teenager" and "teen" refer to individuals who are 13 to 19 years old. The word "youth" and term "young people" are used in this report to mean people in adolescence through early adulthood, or approximately ages 12 through 24.

<sup>2</sup> AFCARS Data, Children's Bureau, Administration for Children and Families, US Department of Health and Human Services, "Trends in Foster Care and Adoption –FY 2006–FY 2007," [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/trends.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/trends.htm) (accessed August 7, 2009). An individual child is included in the count for each year for which he or she is in foster care on the last day. Note that this number is an estimated count of all the children in foster care on the last day of the year, and that in fact, many more children pass through the foster care system in a year. The estimated count of all children who were in the public foster care system during the year was 783,000 for FY 2006-FY 2007. That number is the sum of two mutually exclusive groups of children: the children who are already in care on the first day of the fiscal year (October 1) and the children who enter foster care during the year. An individual child is counted only once for each year.

<sup>3</sup> Barbara Needell et al., University of California at Berkeley Center for Social Services Research, Child Welfare Services Reports for California, CWS/CMS 2009 Quarter 1 Extract, "Child Population (0-17), Number in Care, and Prevalence Rates," July 1, 2008, [http://cssr.berkeley.edu/ucb\\_childwelfare/InCareRates.aspx](http://cssr.berkeley.edu/ucb_childwelfare/InCareRates.aspx) (accessed October 7, 2009). California's system dwarfs all others in the nation. For example, Texas and New York's foster care populations, the second and third largest in the nation, are significantly smaller, each with around 30,000 children and youth in their state systems. United States Department of Health and Human Services, Administration for Children and Families, "Foster Care FY2002 - FY2006 Entries, Exits, and Numbers of Children In Care on the Last Day of Each Federal Fiscal Year," reflecting state data submitted to the Children's Bureau as of June 2008, [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/statistics/entryexit2006.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/statistics/entryexit2006.htm) (accessed March 4, 2009). New York had, at the time of the 2000 census, close to 4.7 million residents under the age of 18. In that year, some 5.9 million children and youth under the age of 18 resided in Texas. California's population of children and youth was about 9.2 million. United States Census, "Age: 2000," October 2001, <http://www.census.gov/prod/2001pubs/c2kbr01-12.pdf> (accessed August 4, 2009).

<sup>4</sup> Barbara Needell et al., University of California at Berkeley Center for Social Services Research, Child Welfare Services Reports for California, CWS/CMS 2009 Quarter 1 Extract, "Children in Foster Care, Agency Type=Child Welfare," April 2009, [http://cssr.berkeley.edu/ucb\\_childwelfare/PIT.aspx](http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx) (accessed October 7, 2009).

must review the case every six months. Initially at least, the goal is to reunify the family. Social workers develop a case plan and services are offered to parents. Parents may have to prove they have rectified the neglectful or abusive circumstances. For example, a parent may have to show improvement in parenting skills and proof of having completed a parenting class, or that he or she is addressing a drug problem through treatment.<sup>5</sup>

**California's foster care population of more than 65,000 children and youth dwarfs that of all other states. The next largest are Texas and New York, each with just 30,000 in foster care.**

Nearly half a million referrals for suspected abuse or neglect are made each year in California. In 2008, over 97,000 cases were substantiated after investigation and of those, 32,753 children were placed into foster care.<sup>6</sup>

The phrase "foster care," as commonly used, includes an array of living situations. The majority of children in state care reside in foster families, group homes, and institutions.<sup>7</sup> A foster family typically is a family or an individual who is not related to the child and is licensed to take foster children into their home. Nationally, 46 percent of children in state care are in foster family placements, compared with 38 percent in California.<sup>8</sup>

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<sup>5</sup> Diane Reed and Kate. Karpilow, California Center for Research on Women and Families, "Understanding the Child Welfare System in California: A Primer for Service Providers and Policymakers," 2nd Ed., June 2009, [http://www.ccrwf.org/wp-content/uploads/2009/03/final\\_web\\_pdf.pdf](http://www.ccrwf.org/wp-content/uploads/2009/03/final_web_pdf.pdf) (accessed September 14, 2009), pp. 11-14. In the last 10 years, child welfare systems have gone through significant changes. In 1997, the federal Adoption and Safe Families Act (ASFA) (PL 105-89) was enacted. In order to receive federal funding, states are required to collect data on outcome measures and go through a federal review process. California's first review was in 2002, and it was found to be out of substantial conformity in seven of seven outcome measures. The state created an improvement plan, and was in 2005 found to have met all but one of its improvement goals based on the second review. A second review was conducted in 2008, and at this writing the state was waiting for the finalization of its improvement plan from the federal Department of Health and Human Services. *Ibid.*, p. 5.

<sup>6</sup> Barbara Needell et al., University of California at Berkeley Center for Social Services Research, Child Welfare Services Reports for California, CWS/CMS 2009 Quarter 1 Extract, "California Child Population (0-17) and Children with Child Maltreatment Allegations, Substantiations, and Entries," January 1, 2008 to December 31, 2008, [http://cssr.berkeley.edu/ucb\\_childwelfare/RefRates.aspx](http://cssr.berkeley.edu/ucb_childwelfare/RefRates.aspx) (accessed October 7, 2009). In California in 2008, 486,866 children were referred one or more times. Of those referrals, 97,220 children's cases were substantiated. 37,753 children entered foster care that year. Some cases are substantiated as involving abuse or neglect but it is determined that the child can safely return home if the parents or guardians are provided services.

<sup>7</sup> The majority of those not residing with foster families, in group homes, or institutions have been placed by the court in the home of a relative (see discussion below). The remaining children and youth have been placed in guardianships, pre-adoption settings, "trial home visits," or have run away.

<sup>8</sup> National data is from US Department of Health and Human Services, Administration for Children and Families, Administration on Children, Youth and Families, Children's Bureau, "The AFCARS Report: Preliminary FY 2006 Estimates as of January 2008 (14)," [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/tar/report14.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report14.htm) (accessed February 26, 2009). Note that the national data is for the year 2006. State data is from Barbara Needell et al., University of California at Berkeley Center for Social Services Research, Child Welfare Services Reports for California, CWS/CMS 2009 Quarter 1 Extract, "Children in Foster Care, Agency Type=Child Welfare," April 2009, [http://cssr.berkeley.edu/ucb\\_childwelfare/PIT.aspx](http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx) (accessed October 7, 2009).



A group home is a facility with a number of children or youth living there. It might be in a single family residence, or it might be in a larger, more institutional-style building. Group homes are managed by paid staff and can provide more structure and supervision than a foster family or relative home. Nationally, 17 percent of children in state care live in group homes or other institutions, compared with just seven percent in California. However, the percentage of youth ages 11 through 17 residing in group homes is double that, at close to 14 percent.<sup>9</sup>

**In California, over 4,000 youth emancipate each year.**

A significant number of children in state care—34 percent in 2008—are placed in the home of a relative. In California this is called “kin care.” This is significantly higher than the national average of 24 percent; however, it represents a decline in California from 1998 when 44 percent of foster youth were placed in the homes of relatives.<sup>10</sup>

Foster care is intended to be temporary, to keep children safe and provide them with all necessities until a permanent living situation can be found. In practice, however, while many children spend just a few days in foster care, others remain for years, with some spending their entire childhoods in the foster care system. For these children, the role of the state is more that of a parent than a temporary guardian.<sup>11</sup>

## Emancipating from Foster Care

Children leave the foster care system for a variety of reasons. Some are reunified with their parents; others are adopted or gain a legal guardian who takes custody. But more than half of the children in state custody leave the system not because the problems that pushed them into state care are resolved: they leave simply because they become too old. In most states, the government assumes no responsibility for youth from age 18. Foster parents are not obligated to house, feed, or guide their foster children beyond this age, and group

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<sup>9</sup> Ibid. In California, 13.65 percent of 11-to 17-year-olds in state care reside in group homes.

<sup>10</sup> Barbara Needell et al., University of California at Berkeley Center for Social Services Research, *Child Welfare Services Reports for California, CWS/CMS 2009 Quarter 1 Extract*, “Children in Child Welfare Supervised Foster Care as of January 1, 2008 and January 1, 1998(Age 0-20), by Placement Type,” [http://cssr.berkeley.edu/ucb\\_childwelfare/PIT.aspx](http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx) (accessed October 7, 2009). The year 1998 was chosen because it was the earliest year for which data was readily available.

<sup>11</sup> For an overview of California’s child welfare system, see Diane Reed and Kate Karpilow, California Center for Research on Women and Families, “Understanding the Child Welfare System in California: A Primer for Service Providers and Policymakers,” 2nd Ed., June 2009, [http://www.ccrwf.org/wp-content/uploads/2009/03/final\\_web\\_pdf.pdf](http://www.ccrwf.org/wp-content/uploads/2009/03/final_web_pdf.pdf) (accessed September 14, 2009) and Lisa K. Foster, California Research Bureau, California State Library, “Foster Care Fundamentals: An Overview of California’s Foster Care System,” December 2001, <http://www.library.ca.gov/crb/01/08/01-008.pdf> (accessed August 11, 2009).

homes no longer provide a place to live. In the parlance of child welfare, youth who age out of the foster care system are “emancipated.”

Nationally, approximately 20,000 youth emancipate from foster care each year.<sup>12</sup> In California, 4,653 youth emancipated in 2008.<sup>13</sup>

**For these children,  
the role of the state  
is that of a parent.**

Under California law, the state may retain jurisdiction over children in foster care up to age 21 but is not required to do so.<sup>14</sup> California law prohibits an automatic emancipation based solely on age, but most youth who reach age 18 in the system will find their cases terminated.<sup>15</sup> Statewide, 72 percent of those emancipating are 18 years old, with just 13 percent older than 18 at the time of emancipation.<sup>16</sup> Although the law in theory permits young people to remain in care for other reasons, the only enunciated exception is for those who at age 18 have not graduated from high school or passed the General Educational Development (GED) exam but who are on track to complete an education or vocational program by their 19<sup>th</sup> birthdays. These youth may be able to stay in their foster care placements until they turn 19.<sup>17</sup> The sad irony of this exception is that those who have not been able to complete high school or other programs preparing them for economic self-sufficiency before turning 19 are likely even less prepared to go out on their own than those who are perceived to be able to complete a course of study prior to age 19. “Some people need more help than others,” Malachi told us. But the way the system is set up, those people may get less support. “If you’re not doing good, like in

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<sup>12</sup>US Government Accountability Office, “Child Welfare: HHS Actions Would Help States Prepare Youth in the Foster Care System for Independent Living,” Testimony: Statement of Cornelia M. Ashby, Director, Education, Workforce, and Income Security Issues, July 12, 2007, <http://www.gao.gov/new.items/do71097t.pdf> (accessed August 1, 2009), p. 2.

<sup>13</sup> Barbara Needell et al., University of California at Berkeley Center for Social Services Research, Child Welfare Services Reports for California, CWS/CMS 2009 Quarter 1 Extract, “Exits From Foster Care, Agency Type=Child Welfare, January 1, 2008 to December 31, 2008” [http://cssr.berkeley.edu/ucb\\_childwelfare/Exits.aspx](http://cssr.berkeley.edu/ucb_childwelfare/Exits.aspx) (accessed October 7, 2009). In 2007, 4,566 youth emancipated and in 2006, 4,417. Just five counties account for nearly 55 percent of all youth emancipating in the state: Los Angeles (29 percent of the state’s emancipating youth), Riverside (6.5 percent), Sacramento (6 percent), San Bernardino (6.5 percent), and San Diego (7 percent).

<sup>14</sup> California Welfare & Institutions Code §303. See also California Rules of Court, rule 1466; California Juvenile Court and Procedure §2.31; and California Juvenile Court and Procedure §2.180[5], which provide that termination of jurisdiction may occur when the youth in foster care reaches 18 years old.

<sup>15</sup> See *In re Tamika C.*, 131 Cal. App. 4th 1153, 1161 (2005); *In re Holly H.*, 104 Cal. App. 4th 1324 (2002); and *In re Robert L.*, 68 Cal. App. 4th 789 (1998).

<sup>16</sup> Barbara Needell et al., University of California at Berkeley Center for Social Services Research, “Youth Emancipating from Foster Care in California: Findings Using Linked Administrative Data,” May 2002, [http://cssr.berkeley.edu/pdfs/ffy\\_entire.pdf](http://cssr.berkeley.edu/pdfs/ffy_entire.pdf) (accessed August 1, 2009), p. 21. Data provided by the University of California at Berkeley Center for Social Services Research do not disaggregate emancipation rates for youth between the ages of 18 to 20; however, analysis conducted in 2002 of youth who entered the child welfare system between 1991 and 1997 determined that 72 percent of youth emancipated at age 18, 13 percent were older than 18 at emancipation, and 15 percent emancipated younger than age 18.

<sup>17</sup> California Welfare & Institutions Code §11403.

school, or if you're messing up a bit, they don't want to help you. They want to kick you out."<sup>18</sup>

In fact, California appellate courts have held that the decision to terminate a child welfare case and emancipate a youth is within the discretion of the court and that the best interest of the youth must be considered in making that determination. Nevertheless, federal funding for state foster care ends at age 18. As a result, the cost of extending foster care may play a role in determining whether to retain jurisdiction over a foster youth past that age. A state legislator observed, "Although the juvenile court has the authority to retain jurisdiction over a dependent child until the age of 21, the reality is that federal funding for foster youth ends at the age of 18, and common practice is for the juvenile court to terminate jurisdiction at that time."<sup>19</sup>

## **Selected Federal and State Laws Governing Emancipation**

In 2008, Congress unanimously passed the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Fostering Connections Act).<sup>20</sup> Some experts called this bill the "most significant foster care reform to come around in a decade."<sup>21</sup> The Act gives states the option to extend federal foster care benefits up to age 21 for youth who are in school, working, in a job training program, or unable to attend school or work due to a medical condition. It also provides reimbursement to states that amend their laws in accordance with provisions of the Act. For states that choose to extend foster care, reimbursement will begin in fiscal year 2011. In late 2008 California Assembly Bill 12 was introduced. If passed, it would, among other things, make California's foster care laws comply with the provisions of the Fostering Connections Act. At the end of 2009, the bill was pending in the state legislature.<sup>22</sup>

Both California state and federal laws include specific measures to promote preparation for adulthood for children and youth in state care. The John H. Chafee Foster Care Independence Act (FCIA) was passed by Congress in 1999 in large part due to the growing recognition that

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<sup>18</sup> Human Rights Watch interviews with Malachi M., age 20, Inglewood, March 10, 2010.

<sup>19</sup> Dion Aroner, California State Assembly Member, quoted in California State Assembly Committee on Judiciary, "Analysis of Assembly Bill No. 686," April 27, 1999, <http://www.sen.ca.gov/leginfo/BILL-6-DEC-1998/CURRENT/AB/FROMo600/ABo686/AAFLOOR.TXT> (accessed November 2, 2009), p. 3.

<sup>20</sup> Public Law No. 110-351

<sup>21</sup> Miriam Krinsky, statement to the Los Angeles County Bar Association Juvenile Courts Task Force, March 3, 2009. Krinsky is the former Executive Director of the Children's Law Center and now a lecturer at University of California at Los Angeles and Loyola law schools.

<sup>22</sup> California State Legislature, bill status, [http://www.legislature.ca.gov/cgi-bin/port-postquery?bill\\_number=ab\\_12&sess=CUR&house=B&author=beall](http://www.legislature.ca.gov/cgi-bin/port-postquery?bill_number=ab_12&sess=CUR&house=B&author=beall) (accessed August 4, 2009).

foster children were faring poorly as young adults.<sup>23</sup> FCIA doubled the funding designated to assist adolescents and young adults in foster care. Significantly, FCIA requires that states use a portion of the funds for foster and former foster youth up to age 21.<sup>24</sup>

California law mandates that child welfare agencies develop transition plans for youth called “Transitional Independent Living Plan” (TILP) to help them prepare for adulthood.<sup>25</sup> The purpose of the transition plan is to identify areas in which a young person needs to prepare for adulthood, and outline concrete steps and goals to learn those skills. The plan is initiated by the county welfare agency, and should be developed with the youth and other supportive adults and first implemented when a youth is 15 or 16 years old. It is meant to be regularly changed as goals are met. Ultimately, it should outline concrete plans and set goals for after emancipation.

For a youth to be emancipated, a hearing is necessary: jurisdiction can only be terminated by court order. State statutes require the county child welfare department to take certain steps intended to ensure a youth is prepared to be on his or her own before a court will sign an order of emancipation. The county welfare department must ensure that the youth is present in court, unless he or she does not want to appear.<sup>26</sup> A law enacted in 2008 requires a judge to ask whether a youth was given the opportunity to attend, and to postpone the hearing to a later date to allow the youth to attend.<sup>27</sup>

For emancipation, the department must also certify that it has provided certain things, including written information concerning the dependency case, family photos, the location of siblings, important documents, and information on how to access documents to which he or she is entitled.<sup>28</sup> The agency must also report to the court that it has assisted the youth in

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<sup>23</sup> John H. Chafee Foster Care Independence Act of 1999, 42 USC §677 (1999).

<sup>24</sup> US Government Accountability Office (agency name changed in July 2004), “HHS Actions Would Help States Prepare Youth in the Foster Care System for Independent Living,” July 2007, <http://www.gao.gov/new.items/do71097t.pdf> (accessed August 22, 2007), p. 2.

The amount is divided among the 50 states, the District of Columbia, and Puerto Rico and totaled \$140 million per year, with 1.5 percent reserved for evaluation, technical assistance, performance measurement, and data collection. To receive the funds, states must provide a matching contribution of 20 percent in cash or in-kind contributions.

<sup>25</sup> California Welfare & Institutions Code §391.

<sup>26</sup> The social worker is permitted to document efforts by the county welfare department to locate the youth when the youth is “not available” for the hearing. California Welfare & Institutions Code §391(a)(1).

<sup>27</sup> California Welfare & Institutions Code §349.

<sup>28</sup> The law specifies that the department must report to the court that it has provided certain documents such as a Social Security card, birth certificate, health and education information, driver's license or identification card, a letter prepared by the county welfare department stating the youth's name and date of birth, dates he or she was in foster care, and if applicable, the death certificate of the parent(s) and proof of the child's citizenship or legal residence.

obtaining health insurance; made a referral to transitional housing, if available, or provided assistance in securing other housing; aided in obtaining employment or other financial support; helped the youth apply to college or other educational institutions. Also required is assistance in maintaining relationships with relatives, friends, or other important individuals.

## Findings: From Foster Care to Homelessness

***“It didn’t hit me until I was homeless, with nowhere to turn, that I am totally on my own. Once you go through it, all you think about every day is, ‘I don’t want to be homeless again.’”***

When children in foster care turn 18, they are, for the most part, on their own, no longer eligible for foster care. They are called “emancipated”—they are adults, and free from the foster care system—but this freedom often comes without the most basic necessities required to survive. With no job, no income, few educational prospects, and little emotional support or community connections, for some youth emancipation means nowhere to turn and no place to go. For these youth, emancipation is a direct route to the street.

It is unclear just how many young people emancipate from state care into homelessness. A California-focused survey of approximately 4,355 youth who emancipated from foster care in fiscal year 2000- 2001 found that 65 percent were “in need of safe and affordable housing,” a definition of homelessness used under federal law.<sup>29</sup> Nationally, estimates vary widely, ranging from 13 to 25 percent of former foster youth becoming homeless.<sup>30</sup>

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<sup>29</sup> California Department of Social Services Independent Living Program Policy Unit, Child and Youth Permanency Branch, “Report on the Survey of the Housing Needs of Emancipated Foster/Probation Youth,” June 2002, <http://www.dss.cahwnet.gov/cfsweb/res/PDF/RptontheHousingNeeds.pdf> (accessed September 14, 2009), p. 6.

<sup>30</sup> For example, the following studies found the percentage of former foster youth who became homeless to be: Nearly 20 percent, Anne Havalchak, Catherine Roller, and Kirk O’Brien, Casey Family Programs, “Casey Young Adult Survey: Findings Over Three Years,” March 2008, <http://www.casey.org/Resources/Publications/pdf/CaseyYoungAdultSurveyThreeYears.pdf> (accessed August 10, 2009), p. 4; eighteen percent, Mark Courtney et al., “Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 21,” December 2007, [http://www.chapinhall.org/sites/default/files/ChapinHallDocument\\_2.pdf](http://www.chapinhall.org/sites/default/files/ChapinHallDocument_2.pdf) (accessed October 10, 2009), p. 15; over 22 percent, Peter J. Pecora et al., Casey Family Programs, “Improving Family Foster Care: Findings from the Northwest Foster Care Alumni Study,” April 2005, <http://www.casey.org/Resources/Publications/ImprovingFamilyFosterCare.htm> (accessed October 10, 2009), p. 37; twenty-two percent, Jung Min Park et al., “Public Shelter Admissions among Young Adults with Child Welfare Service Histories by Type of Service History and Type of Exit from Child Welfare,” *Social Service Review*, vol. 78 (June 2004), pp. 284-303; thirteen percent, Diana English et al., Children’s Administration Research, Washington Department of Social and Health Services, “Foster Youth Transition to Independence Study,” 2004, <http://www.dshs.wa.gov/pdf/ca/FYTFinal2004.pdf> (accessed October 10, 2009), p. 4; approximately 25 percent, County of Monterey, Department of Social Services, Applied Survey Research, “Homeless Census and Homeless Youth/Foster Teen Study: Monterey County,” 2002; Approximately 25 percent, Ronna Cook et al., Westat, Inc.: Administration for Children, Youth, and Families (DHHS), “A National Evaluation of Title IV-E Foster Care Independent Living Programs for Youth, Phase 2, Final Report,” vols. 1-2, 1991, pp. 4-11. See also Richard P. Barth, “On Their Own: the Experiences of Youth after Foster Care,” *Child and Adolescent Social Work*, vol. 7, no. 5 (October 1990), pp. 419-420.

It is estimated that at any point in time there are over 157,277 people in California who are homeless, and of those 110,312 are thought to be without shelter of any kind, that is, not even admission to a nightly emergency shelter.<sup>31</sup>

For youth who end up homeless, competition for shelter can be fierce. In Los Angeles, the county with the highest number of emancipating youth, an estimated 96,169 people experience homelessness during the course of a year. There are estimated to be around 42,694 homeless people on any given night in the greater Los Angeles area and two-thirds of that number are unsheltered.<sup>32</sup> The rest are on the street or sleeping under freeway overpasses, in vehicles, parks, storage sheds, and other places not meant for human habitation. In 2007, the Los Angeles Homeless Services Authority estimated that close to 10,875 people ages 18 to 24 were homeless on Los Angeles County's streets each year.<sup>33</sup>

Among the over 60 youth Human Rights Watch interviewed who became homeless after leaving California's foster care system, the reasons for homelessness varied—some went straight from state care to living in a shelter or a car. “My social worker was one of those, ‘OK, you’re 18, that’s it, you’re out,’” Alicia M. said. She remembered getting no help from her social worker in planning for emancipation: “I had no clue what I was going to do after I turned 18.”<sup>34</sup> Others drifted into homelessness after six months or a year in a temporary living situation or a place they could not afford. Some youth tried returning to their birth families, but found the same abuse, neglect, and chaos that precipitated their removal in the first place and then became homeless. One told of getting into college, but having no place to live during breaks and summer.

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<sup>31</sup> US Department of Housing and Urban Development Office of Community Planning and Development, “The Fourth Annual Homeless Assessment Report to Congress,” July, 2009, <http://www.hudhre.info/documents/4thHomelessAssessmentReport.pdf> (accessed March 12, 2010), Appendix C2: Point-In-Time Estimates from January 2008 of Homeless Population by State, p. c-4. According to that same document, California's total population was 36,756,666 and the rate of homelessness for the state .43 percent. See also, Department of Housing and Community Development, Division of Housing Policy Development, “California's Deepening Housing Crisis,” September 25, 2008, <http://www.hcd.ca.gov/hpd/hc092508.pdf> (accessed March 4, 2009), p. 4.

<sup>32</sup> Los Angeles Homeless Services Authority, “2009 Greater Los Angeles Homeless Count”, <http://www.lahsa.org/docs/HCo9/Homeless-Count-2009-Report.pdf> (accessed March 12, 2010), p. 1. Note that the 2009 homeless count concluded that there was a more than 35 percent drop in the number of homeless persons in the greater Los Angeles area between 2007 and 2009.

<sup>33</sup> Los Angeles Homeless Services Authority, “2007 Greater Los Angeles Homeless Count, Los Angeles Continuum of Care Subpopulations Census Results: Point-in-Time and Annual Projections,” conducted by Applied Survey Research, 2007, <http://www.lahsa.org/docs/homelesscount/2007/Los%20Angeles%20Continuum%20of%20Care.pdf> (accessed March 14, 2010), pp. 119, 120. In fact, the annual number of homeless youth may be significantly higher than this estimate, according to the authors of the Homeless Count report who note that counting homeless youth is very difficult. See also Los Angeles Homeless Services Authority flier “Homeless Youth in the Los Angeles Continuum of Care,” unpublished document.

<sup>34</sup> Human Rights Watch interview with Alicia M., age 21, Whittier, California, April 23, 2006.



The route from foster care to homelessness is not only well-known to the state, but is, in effect, built into the system. Social workers transport some youth directly from foster homes to emergency shelters, fully aware that these shelters will house them for limited periods before turning them out onto the streets. Others are sent to transitional living situations with no back-up plan or safety net in place if things do not work out. Child welfare agencies release some youth from care when they have nowhere to live. Instead of providing extra protections for especially vulnerable youth, including mentally ill or impaired individuals and pregnant girls, state regulations often exclude them from transitional programs.

“Now that I’m on the streets, I honestly feel I would have been better off in an abusive home with a father who beat me—at least he would have taught me how to get a job and pay the bills,” Roberta told us. Her conclusion is staggering when put in the context of her extremely violent childhood. “My very first memory ... is [of] my father hitting me,” Roberta told us. “He kept sticks—you know the molding that goes around doors? That’s what he would hit us with.” She described her father’s regular beatings and the emotional thrashings that were everyday life before foster care. First placed in state care at age seven, she was in and out of the system until 18. Then her social worker told her to pack up and move out. The only help out the door was bus fare. “On the day of my so-called emancipation I didn’t have a high school diploma, a place to live, a job, nothing.” Roberta told us she had slept on the streets, in shelters, on a friend’s couch, and, for a couple of weeks, in a motel room.<sup>35</sup>

## Nowhere to Turn

### *Temporary Shelter*

Human Rights Watch interviewed youth who immediately became homeless when they emancipated, going directly from state care to the streets or a temporary shelter. Some youth described state officials driving them from a foster or group home to an emergency shelter upon their emancipation. Karen’s experience began on what is supposed to be a carefree day marking a rite of passage:

The day I graduated from high school my foster mom told me, “You’ve been emancipated. You can’t live here anymore.” My social worker showed up—I was still in my little graduation dress and heels, my flowers, my cap on. My social worker had never talked with me. [She just] told me, “I’ve called around and found a shelter for you. You have a bed for four months.”<sup>36</sup>

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<sup>35</sup> Human Rights Watch interview with Roberta E., age 24, Hollywood, May 24, 2006.

<sup>36</sup> Human Rights Watch interview with Karen D., age 22, San Francisco, July 11, 2006.

We interviewed 18-year-old Lestat at an emergency shelter. His experience was similar to Karen's: "The same day that I graduated from high school, my group home social worker told me, 'I'm taking you to a shelter.' After I got home from graduation, I had to pack my stuff and I was packing my graduation cap and my tassel and I thought to myself, 'God, is this really happening to me?' And then my group home social worker drove me here to this shelter."<sup>37</sup>

When Michael Y. turned 18, a probation officer drove him to an adult homeless shelter and dropped him off. We interviewed him at a shelter. As he described his life, he would not make eye contact and spoke so quietly that, even though he sat inches away, it was hard to hear his words. He had no money, he told us. "She gave me five bucks out of her own purse," he recalled of the person who left him at the shelter.<sup>38</sup>

Tiffany T. was taken from her foster home directly to a shelter when she graduated from high school. The shelter only allows people to stay for two months though; when we interviewed her she had been evicted from that shelter and was now at an emergency shelter and was number 25 on a wait list for a transitional living program. She thought it would be more than six months before she could get into the transitional program.<sup>39</sup>

The varied ages of those interviewed, including young people who had emancipated only months prior to meeting with Human Rights Watch, and their experiences across California suggest that the practice of state officials transporting youth to shelters on their emancipation day is longstanding and not limited to specific geographic areas. James M., the director of a youth homeless shelter, told us he regularly has emancipated youth dropped off at his shelter, even though the shelter is intended for children under age 18.<sup>40</sup> The social workers who drop off emancipated foster youth there probably do so because there is no other place to take them in that area, he

***"I thought to myself,  
'God, is this really  
happening to me?'  
And then my group  
home social worker  
drove me here to this  
shelter."***

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<sup>37</sup> Human Rights Watch interview with Lestat S., age 18, Sacramento, November 17, 2006.

<sup>38</sup> Human Rights Watch interview with Michael Y., age 22, Berkeley, April 4, 2006.

<sup>39</sup> Human Rights Watch interview with Tiffany T., age 18, Sacramento, August 15, 2008.

<sup>40</sup> Human Rights Watch interview with James M., the director of a small emergency shelter for youth under the age of 18, 2006. The shelter is located in California, and the interview was in person. Neither the shelter name nor the name of the director is used here to protect the identity of the shelter. The fact that the shelter takes in youth over the age of 18 may jeopardize its funding and licensing.

said. “They leave them down the street, a block away, literally leave them by the gate and point them in the direction of our shelter,” he explained.<sup>41</sup> At the time of Human Rights Watch’s visit to this shelter, there were at least five former foster youth staying there.

As Tiffany’s experience illustrates, shelters do not keep young people off the street for long, as there are often limits on how long someone can stay. Dee H., a former foster youth, was at an emergency shelter at the time of our interview. Eighteen years old and pregnant, she was sad and subdued during her interview. She told us, “I’ll be kicked out of here tomorrow. A lot of places won’t take me because I’m pregnant. I found [this shelter] in the phone book.”<sup>42</sup> She said she had no idea where she would go after her time at the shelter ran out.

### *Abandoned Buildings, Cars, Couch-Surfing, Parks, and the Streets*<sup>43</sup>

Some young people interviewed were kicked out of their foster or group home without being taken to a shelter. “I was told on Wednesday that I had until Saturday to move out of the [group] home where I was staying,” Warren H. explained. “It caught me by surprise. I tried to tell [the guy running the group home] that I had no place to go, but he told me I couldn’t stay there.” Warren offered to pay rent. “I asked, ‘Couldn’t I stay in the garage?’ The guy told me, ‘No, you can’t stay here. You don’t make enough money to pay rent—it wouldn’t be worth it to me.’”<sup>44</sup> For the next two years he slept where he could, in his car, shelters, or the occasional friend’s couch. Aaron T. also said he slept in his car after turning 18 in a group home. “Sometimes you think it’s better to be in jail or dead. But I tried to think positive about it. My Pontiac was comfortable.”<sup>45</sup>

***“Sometimes you think it’s better to be in jail or dead.”***

Staying in a homeless shelter can be more dangerous than finding a place to sleep on the streets, some interviewees told us. This is particularly true for shelters designed for adults. “I feel safer on the streets than in shelters. Shelters are violent, they’re dirty. The security is violent; there are a lot of drug addicts,” Roberta told us. “On the streets you can find quieter, safer places.”<sup>46</sup>

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<sup>41</sup> James speculated that the social workers may fear being turned away from the shelter with an overage youth.

<sup>42</sup> Human Rights Watch interview with Dee H., age 18, San Francisco, July 11, 2006.

<sup>43</sup> Generally couch surfing means staying at one friend’s house for a very limited time (perhaps a few, or even just one night) and then moving on to someone else’s living room so as to not wear out one’s welcome or to hide the fact of homelessness.

<sup>44</sup> Human Rights Watch interview with Warren H., age 24, Whittier, December 27, 2006.

<sup>45</sup> Human Rights Watch interview with Aaron T., age 20, Victorville, November 7, 2008.

<sup>46</sup> Human Rights Watch interview with Roberta E., age 24, Hollywood, May 24, 2006.



A young man near a homeless shelter. Some youth leave foster care on their 18<sup>th</sup> birthday and are driven to a homeless shelter by a social worker. © 2007 Patricia Williams

Young people told us of setting up tents in the woods and putting sleeping bags under freeway overpasses. Enrique A. took a Human Rights Watch researcher to his favorite tent site along a wooded riverbank. Stopping at a flat area a few feet from the river's edge he said, "Right here was my campfire pit."<sup>47</sup> He described raking the dirt and leaves at his campsite to make sure there were no needles left there from heroin users; he worried about stepping on them or having them poke through the floor of his tent. He remembered one particularly dangerous evening: "I never knew how many people were in these woods until one night there was a fire and everyone came running out."<sup>48</sup>

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<sup>47</sup> Human Rights Watch interview with Enrique A., age 18, Sacramento, November 17, 2006.

<sup>48</sup> Ibid.

Matt H. remembers what it was like with nowhere to go one cold and raining night. “Night comes. It’s cold. I’m hungry. Where am I going to go?”<sup>49</sup> He was arrested for breaking into and sleeping in an empty house.

Others described staying at friends’ homes, moving from couch to couch. Dion W. stayed at a number of friends’ houses, and tried to hide the fact that he had nowhere to live. “The whole time I was homeless I didn’t tell people what was going on. I couldn’t believe myself that this was happening.”<sup>50</sup>

### *Returning to Birth Families*

A common but often unsustainable option is returning to the birth family. Tayla G. said she felt her only option was to return to her birth mother: “I was in foster care because my mother was abusive, due to addiction ... [and] drinking. When I got out of foster care, my only place to go was back to my mom.” The return was equally as rough: “I only stayed a couple months there. I wasn’t sure when I’d wake up and find her yelling at me to get out ... It was too hard ... her drinking, hitting on me, talking down to me, calling me names.”<sup>51</sup>

Marvin M. also tried returning to the birth family he had been removed from when placed in foster care. At 18 when he was told he had to leave his group home, Marvin moved in with his biological mother. Her long-standing drug addiction had been the cause of his placement in foster care in the first place. But at the time he emancipated, she was not using drugs, so he tried moving back in with her. “It was hard trusting her,” he said, explaining that she still “didn’t have herself together.” Living with her did not last long; she returned to drug use. Later, Marvin found himself homeless.<sup>52</sup>

When Sandy S. left foster care, she had nowhere to go. She turned to the only adult she knew: a family member who had sexually abused her. “At that time I didn’t want to be anything, I just wanted to die. I didn’t care what happened to me.” She lived with him for over two years as the abuse escalated, enduring rape, beatings, and emotional torment. When she gathered the courage to leave at age 20, she slept in her car for several months.

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<sup>49</sup> Human Rights Watch interview with Matt H., age 21, Victorville, November 6, 2008.

<sup>50</sup> Human Rights Watch interview with Dion W., age 19, Los Angeles, February 24, 2010.

<sup>51</sup> Human Rights Watch telephone interview with Tayla G., age 21, Hayward, January 4, 2007.

<sup>52</sup> Human Rights Watch telephone interview with Marvin M., age 23, San Diego, February 12, 2009.

She later moved in with a boyfriend she did not want to live with, she said, only to have a place to stay.<sup>53</sup>

Whitney Rhodes is a former foster youth, who, when we interviewed her, was an emancipation specialist with AmeriCorps, working with high school students in foster care. Rhodes told Human Rights Watch, “I see a lot of young people who have no place to go when they get out. The family you get taken away from is still there—that’s why you go back to them no matter how dysfunctional they are.”<sup>54</sup>

### *Unsafe and Undesirable Alternatives to Living on the Street*

The pressure of not having a place to live can push youth into choosing prostitution or abusive relationships in order to get off the street. “When I had no place to go at night, I would go home with someone,” Jaime N. said of his choosing prostitution over sleeping in a park or building doorway.<sup>55</sup> Jose C., in a transitional living program when we spoke with him, described a similar situation: “A lot of times I’d go home with somebody so I didn’t have to be on the streets.”<sup>56</sup>

Several of the interviewees lamented the fact that they entered into romantic relationships in order to have a place to live. “I got into a relationship just so I could stay [at the person’s home],” said Roberta, reflecting on how her desperation left her feeling trapped in an abusive relationship.<sup>57</sup> “I see females saying, ‘I’m going to live with my boyfriend because I don’t have no place to go.’ I know for a fact some of these are abusive relationships, but they have no other place to go,” observed Dee Melendez, a liaison to former foster youth and financial aid specialist at a community college.<sup>58</sup>

**The only adult Sandy could turn to was a relative who had sexually abused her. “I just wanted to die.”**

Heather Carmichael is the associate executive director of My Friend’s Place, a drop-in center for homeless youth in Hollywood. Many of the youth My Friend’s Place serves are former

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<sup>53</sup> Human Rights Watch interview with Sandy N., age 22, 2008. The city and exact date are not given to further protect her identity.

<sup>54</sup> Human Rights Watch telephone interview with Whitney Rhodes, age 20, Sacramento, January 5, 2007.

<sup>55</sup> Human Rights Watch interview with Jaime N., age 19, San Francisco, July 26, 2006.

<sup>56</sup> Human Rights Watch interview with Jose C., age 18, San Francisco, July 26, 2006.

<sup>57</sup> Human Rights Watch interview with Roberta E., age 24, Hollywood, May 24, 2006.

<sup>58</sup> Human Rights Watch interview with Dee Melendez, Financial Aid Specialist for Victor Valley College, November 6, 2008.

foster children. She notes that young people who are homeless are extremely vulnerable to victimization:

We all just want to be loved, and these young people are starving for that. To get that love they are willing to compromise little pieces of themselves—and it can end up being big pieces. So many have histories where they've been taught that their bodies are not their own; they have histories of sexual abuse. Some youth learn to use their bodies for survival and provide sex for the things they need—it could be food, a place to stay, a job.<sup>59</sup>

A foster parent for many years said that in her experience, youth with cognitive limitations or learning disabilities are especially vulnerable in this regard: “They go along with someone who might be bad for them, but they go along because they’ll be loved.”<sup>60</sup>

### *College*

Going off to college does not necessarily address housing issues. When Melendez, the Financial Aid Specialist for Victor Valley College, was first appointed by the college chancellor to be a liaison for former foster youth, she started tracking the population. “I noticed that their grades are pretty bad,” she said. But when Melendez looked deeper into the issue she found, “It’s not that they’re not smart enough, or don’t apply themselves ... it’s that some of them don’t have a place to live. They’re worried about where [they are] going to sleep tonight.” Some have to quit school. Students tell Melendez, “I’ve just started this semester, but I have to stop. I don’t have a place to live.”<sup>61</sup>

Eighteen-year-old Derek P. was attending college while living in his truck when we spoke with him. He said he was booted from his group home when he turned 18. “I’m living inside my car,” he told us, his red Chevy Blazer sitting in the parking lot next to where we met. “It’s a four-door, and I can drop the back seat, so that’s my bed. I got blankets, whatnot.” When he wakes in the morning, he said, he parks his car in a safe place and, because he cannot afford the cost of gas, he takes the bus to the community college. There he is studying auto repair, French, and music interpretation. “I go buy Top Ramen [instant noodles] ... they got microwaves at the college so ... you know. But it’s alright. It’s alright.”<sup>62</sup> “A lot of students

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<sup>59</sup> Human Rights Watch interview with Heather Carmichael, associate executive director of My Friends Place, Hollywood, November 6, 2006.

<sup>60</sup> Human Rights Watch interview with Pat Ambers, Oakland, November 16, 2006.

<sup>61</sup> Human Rights Watch interview with Dee Melendez, Financial Aid Specialist for Victor Valley College, November 6, 2008.

<sup>62</sup> Human Rights Watch interview with Derek P., age 18, November 15, 2008.



are brushing their teeth and washing their hair in the bathroom (at community college),” said Melendez.<sup>63</sup>

Even youth who leave foster care for college and live in a dorm may end up scrambling for a place to live when the dorms close for summer and breaks. Melissa B. headed to college after leaving foster care but found that each round of breaks brought another housing challenge. “Our [college] had a long winter break—six weeks—and I had nowhere to go,” she said.<sup>64</sup> Gerry Hauser, a foster parent for 35 years, recalled the experience of one of her foster sons who went to college after foster care. “At summer time, he came back to us, but we couldn’t help him because we had other children living with us.” She explained that state licensing regulations prohibited another person in the house. “He slept in his car in the driveway or in the loft in our garage. It was hard for him.”<sup>65</sup>

**Derek described the truck where he lives: “It’s a four-door, and I can drop the back seat, so that’s my bed. I got blankets, whatnot.”**

## **California Failed to Prepare these Youth for Adulthood**

When the state removes a child from home for parental neglect or abuse, the child becomes wholly dependent on the state for food, shelter, and access to education. But no less important is the guidance and support that a child requires to grow into an independent adult. Young people need to learn skills for adulthood and they need solid plans for income, housing, and support before they are on their own. Existing state law recognizes these tasks as essential, yet for the youth interviewed for this report, the state has failed.

In relating the stories of their lives in foster care and tracing the reasons for their homelessness, young people pointed to missed opportunities to learn skills, the lack of the ability to support themselves, a shortage of second chances when things did not go right, and to the lack of anyone in their lives who really cared about what happened to them.

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<sup>63</sup> Human Rights Watch interview with Dee Melendez, Financial Aid Specialist for Victor Valley College, November 6, 2008.

<sup>64</sup> Human Rights Watch telephone interview with Melissa B., age 20, Sacramento, January 5, 2007.

<sup>65</sup> Human Rights Watch interview with Gerry Hauser, Oakland, November 16, 2006.

## *No Realistic Plan for Emancipation*

State law requires child welfare agencies to develop in conjunction with a youth a Transitional Independent Living Plan (TILP).<sup>66</sup> In some cases, state officials fail to develop these plans at all, and in others they develop plans that are unrealistic and unlikely to prevent a youth from becoming homeless.



A young man on the streets of Los Angeles. California is failing in an essential duty to children in its care: to prepare them for adulthood and to survive independently. © 2007 Patricia Williams

Most of the youth Human Rights Watch spoke with had no plan in place when they left the system, or if they did, they did not know about it. For example, Arlena C. told us, “My social worker never sat down with me to talk about emancipation. The only plan was for me to emancipate. They didn’t talk about where I was going to stay after I left foster care or anything like that.”<sup>67</sup> Phillip O., who also said he did not have a plan when he left foster care, told us, “I didn’t really see my social workers much—really, I’d be lucky to see a social worker once a year.”<sup>68</sup> Sandy S. got no support in planning for leaving foster care and being

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<sup>66</sup> Described more fully on page 14 of this report.

<sup>67</sup> Human Rights Watch interview with Arlena C., age 20, Sacramento, November 17, 2006.

<sup>68</sup> Human Rights Watch interview with Phillip O., Whittier, age 22, April 24, 2006.

on her own. “The social worker said, ‘Figure out what you are going to do with your life.’ No help, just a statement. When I turned 18, I had nowhere to go.”<sup>69</sup> Dion also left state care without a plan in place. He got in to transitional housing a month later, but in the interim was homeless.<sup>70</sup>

Title IV-B Child and Family Services Plan for fiscal years 2005-2009 describes the Transitional Independent Living Plan. It states that the plan should focus on “educational and experiential learning needed for youth to function as healthy, productive and responsible self-sufficient adults.”<sup>71</sup> Recognizing that the TILP process was failing to involve youth, the State Health and Human Services Agency, Department of Social Services issued a new form and new instructions for use starting in October 2008. “The purpose of the TILP is to describe the youth’s current level of functioning, identify emancipation goals, services, activities and individuals assisting the youth in the process of obtaining self-sufficiency,” the letter to all counties specifies.<sup>72</sup> The new form has space for four goals. In one set of training materials examples of goals include learning to do laundry, improving an algebra grade, seeking information from a school counselor on how to work in a veterinarian’s office, and beginning dating by asking another youth to go to a movie.<sup>73</sup>

In cases in which youth did have a plan put in place prior to leaving care, they reported that the plans were not realistic or appropriate for their needs. At the time Natalie R. was interviewed, she had three weeks until she would be emancipated from the system. She had not yet finished high school and the previous year had tested at an eighth-grade level. When asked if her social worker was putting together a plan with her for when she left, she answered, “Well, we’re talking about college.”<sup>74</sup>

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<sup>69</sup> Human Rights Watch interview with Sandy N., age 22, 2008. The city and exact date are not given to further protect her identity.

<sup>70</sup> Human Rights Watch interview with Dion W., age 19, Los Angeles, February 24, 2010.

<sup>71</sup> California Department of Social Services, “California’s Title IV-B Child and Family Services Plan Federal Fiscal Year 2005-2009,” June 30, 2004, revised September 1, 2004, <http://www.dss.cahwnet.gov/cfsweb/res/pdf/IV-BPlan.pdf> (accessed February 18, 2009), p. 139.

<sup>72</sup> Memorandum from Gregory Rose, Acting Deputy Director, Children and Family Services Division, to All County Welfare Directors, All County Chief Probation Officers, All Child Welfare Services Program Managers, All Independent Living Program Managers, All Independent Living Program Coordinators, All County Transitional Housing Coordinators, “New Transitional Independent Living Plan (TILP) Agreement for Foster Youth,” July 18, 2008, [http://calswec.berkeley.edu/calswec/02\\_TILP\\_CWW\\_ACL\\_08\\_31.pdf](http://calswec.berkeley.edu/calswec/02_TILP_CWW_ACL_08_31.pdf) (accessed August 1, 2009)

<sup>73</sup> California Social Work Education Center, “Training Resource on Transitional Independent Living Plan,” Supplemental Handout 5. [http://calswec.berkeley.edu/calswec/OtherTraining\\_i.html](http://calswec.berkeley.edu/calswec/OtherTraining_i.html) (accessed August 1, 2009).

<sup>74</sup> Human Rights Watch interview with Natalie R., age 19, Oakland, November 16, 2006.

**Homelessness is a predictable outcome: The vast majority of the youth we interviewed who became homeless had no source of income at the time of emancipation.**

At least in some cases, even judicial review at a youth's final dependency hearing does not keep young people from moving on without a plan in place. Tina Hughes said she was astonished at her foster daughter's hearing. The attorney representing her daughter had never even met the young woman. Hughes wondered if he had reviewed the file. "We went to court. There was an attorney there, he didn't talk to [my foster daughter,] he didn't even have her right name. He'd gotten the case Thursday afternoon and Friday morning was court."<sup>75</sup> Another young woman, Tayana I., recalled her own hearing: "I didn't speak to the judge; I didn't even go into [the courtroom]." She speculated on what the judge said about her case: "Basically I think the court said, 'Just let her go.'"<sup>76</sup>

Malachi had been allowed by court to stay with his foster mother after age 18 because he was working towards a high school diploma. When he got a job, he needed help figuring out how to get to his workplace from his foster home. His social worker did not help, and Malachi decided to leave and go live with a friend. There was no hearing, or, to Malachi's knowledge, any judicial review of his emancipation. A few months later he was out of work and had no place to live.<sup>77</sup>

At 18, Marvin had to leave a group home in Fresno, a different county than his home county. That meant moving back across that state before he graduated from high school. Back in San Diego, he remembers the judge's assessment at his emancipation hearing: "You're doing good, even though you didn't get to graduate." But in fact, in addition to no diploma, he had no source of income. He told us that the judge did not ask how he would support himself. He lived with his unstable biological mother for a while, but later found himself homeless.<sup>78</sup>

### *No Income to Afford Housing*

In California, the lack of affordable housing is a problem of crisis proportions in many locations. Housing costs are one reason that homelessness is an epidemic in California.

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<sup>75</sup> Human Rights Watch interview with Tina Hughes, Oakland, November 16, 2006.

<sup>76</sup> Human Rights Watch interview with Tayana I., age 19, Sacramento, November 17, 2006.

<sup>77</sup> Human Rights Watch interviews with Malachi M., age 20, Inglewood, March 10, 2010.

<sup>78</sup> Human Rights Watch interview with Marvin M., age 23, San Diego, February 12, 2009.

Compared to their peers, former foster youth have a tough time meeting basic housing-related expenses. According to a 2007 large scale, longitudinal study of young adults emancipated from foster care, 21-year-old former foster youth were more than three times as likely to have been unable to pay the rent in the last year as their peers who had not been in foster care. They were also more likely to have had utilities shut off, phone service disconnected, and to have faced eviction.<sup>79</sup>

The vast majority of those we interviewed who became homeless had no source of income at the time of emancipation. Ninety percent of the interviewees had no source of income at the time of emancipation, and thus, no way to pay for housing.<sup>80</sup>

The social workers who managed these cases, the judges who signed the emancipation orders, the attorneys and others involved should have known that without income, homelessness was the likely outcome.

Most were poorly equipped to find a job, as well: 65 percent of those interviewed had not graduated from high school at the time they left foster care. In addition, only 62 percent of the interviewees were enrolled in Medi-Cal, the state health care plan that by law provides medical coverage to all former foster children up to age 21.<sup>81</sup> Tony D.'s situation was typical: "I was expected to know how to get a job, buy a car, all that stuff, but ... I didn't have any idea how to go about doing things. So, I ended up on the street."<sup>82</sup>

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<sup>79</sup>Mark Courtney et al., "Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 21," December 2007, [http://www.chapinhall.org/sites/default/files/ChapinHallDocument\\_2.pdf](http://www.chapinhall.org/sites/default/files/ChapinHallDocument_2.pdf) (accessed October 7, 2009), p. 37. The report describes survey data collected from young people in Wisconsin, Iowa, and Illinois, first at age 17 or 18 and then again at age 19. This third report is based on interviews conducted with the young people when they were 21 years old. This important data may in fact understate the problems faced by former foster youth. For example, former foster youth in California face a significantly higher cost of living than in Midwest states. In addition, youth with developmental disabilities or severe mental illness that made it impossible for them to participate in the initial interviews and youth who were incarcerated or in a psychiatric hospital were excluded from participation in the survey. Data on economic hardships were not collected from 6 percent of the participants who had been incarcerated for at least three months at the time of their interview.

<sup>80</sup>Of the nine who had a source of income, two had Supplemental Security Income, a federal government benefit conferred upon the death of a parent. The monthly payments extend to age 21. One interviewee's income derived from General Assistance, a state benefit for individuals who are disabled; and one described her income as "part-time."

<sup>81</sup>42 USC, §§ 677, 1396a(a); California Welfare & Institutions Code §14005.28; California Department of Health Services, "All County Welfare Director's Letters," 00-41, August 14, 2000, and 00-61, November 22, 2000, <http://www.dhcs.ca.gov/services/medi-cal/eligibility/Pages/2000ACWDLs.aspx> (accessed August 4, 2009). It is unclear why this would be true unless there was enrollment paperwork that was not completed. Thirty-five interviewees did not have Medi-Cal when they left the state's care, and two of the interviewees stated that they did not know if they had it or not.

<sup>82</sup>Human Rights Watch interview with Tony D., Berkeley, age 20, April 03, 2006.

## Transitional Housing

California's Transitional Housing Program-Plus (THP-Plus) was established by state law in 2001.<sup>83</sup> It is the state's primary program for housing former foster children who have emancipated from the system, providing housing and services for up to 24 months for young adults ages 18 to 24.<sup>84</sup> Its services directly affect the lives of former foster youth who are homeless: a report published in 2009 found that 39 percent of participants in the THP-Plus program had been homeless at some point before entering the program.<sup>85</sup>

*“[T]he answer is, ‘sorry, we’re full, we don’t have the resources, or he’s not in our county.’ I hear that a lot.”*

In recent years there has been a tremendous infusion of funding and effort to improve transitional living programs in California. In 2006, California increased the amount of funding for THP-Plus, and made it easier for counties to provide the program for former foster youth. The annual budget for THP-Plus in the 2008-09 fiscal year was \$40.8 million, although in the fall of 2009, those funds were reduced in response to the state's budget crisis.

At their best, post-emancipation transitional living programs can not only subsidize the rental cost of housing, but also provide a supportive environment in which to learn life skills. Services can include case management, assistance in pursuing post-secondary education, job readiness training and support, mentoring, and support for building permanent relationships with caring adults.<sup>86</sup> Unfortunately, some existing programs only prolong state custody without assisting youth in preparing for their independence.

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<sup>83</sup> California Welfare & Institutions Code §16522.

<sup>84</sup> Another program that exists in law but is rarely used is the Supportive Transitional Emancipation Program, (STEP), which allows counties to provide support to eligible youth up to age 21 who are pursuing educational or other activities consistent with their transitional independent living plan. California Welfare & Institutions Code §11403.1. Amy Lemley, the policy director for the John Burton Foundation, told us, “At this point, STEP is not used at all. The main reason is that STEP is an entitlement and if a county faced financial difficulty, it does not have the legal option of discontinuing the program.” Email communication from Amy Lemley to Human Rights Watch, September 21, 2007.

<sup>85</sup> Sara Kimberlin, Amy Lemley, and Michele Byrnes, John Burton Foundation for Children without Homes, “Needs and Demographics of Former Foster Youth Entering California's THP-Plus Program: Findings from the Statewide Participant-Tracking System,” July 2009, [http://thplus.org/pdfs/JBF\\_Policy\\_Brief.pdf](http://thplus.org/pdfs/JBF_Policy_Brief.pdf) (accessed August 4, 2009), p. 7.

<sup>86</sup> Sara Kimberlin, Amy Lemley, and Michele Byrnes, John Burton Foundation for Children without Homes, “Needs and Demographics of Former Foster Youth Entering California's THP-Plus Program: Findings from the Statewide Participant-Tracking System,” July 2009, [http://thplus.org/pdfs/JBF\\_Policy\\_Brief.pdf](http://thplus.org/pdfs/JBF_Policy_Brief.pdf) (accessed August 4, 2009), p. 2.

The THP-Plus Statewide Implementation Project was created in 2006 as a partnership between state agencies and private organizations.<sup>87</sup> The project provides technical assistance and training to service providers, and has also begun analyzing the effectiveness of programs, using, among other things, input from young adult participants. If it accomplishes its goals, the amount of transitional housing for former foster youth will increase and the quality of supportive services will improve.

The number of placements has dramatically increased since the program's inception: in 2003 THP-Plus had a moment-in-time capacity of 50 youth, by 2007 the figure was over 500, and during 2009 it rose to 1,300.<sup>88</sup> According to the most recent THP-Plus annual report, 1,548 former foster and probation youth in 39 counties received affordable housing and services through THP-Plus in the 2007-2008 fiscal year.<sup>89</sup>

These efforts are perhaps the most promising steps the state has taken toward supporting emancipated youth. Nevertheless, the placements available to youth fall short of the need. In 2008 alone, over 4,600 youth emancipated. Each year another group of youth emancipate and join the ranks of young adults competing for housing and services: The group of 18 to 24 year olds who would be eligible for THP-Plus on the basis of age in 2008 would be those who had emancipated in the years 2003 through 2008, a total of over 26,500 young people.<sup>90</sup> While all youth may not need or want to participate in the THP-Plus, the high rate of homelessness among former foster youth compared to the 1,548 persons served in 2008 suggests that there are not enough placements for youth leaving care.<sup>91</sup>

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<sup>87</sup> The THP-Plus Statewide Implementation Project is a collaboration of the John Burton Foundation for Children Without Homes, the California Department of Social Services, and the Corporation for Supportive Housing. The organization's website is <http://thplus.org>.

<sup>88</sup> Sara Kimberlin, Amy Lemley, and Michele Byrnes, John Burton Foundation for Children without Homes, "Needs and Demographics of Former Foster Youth Entering California's THP-Plus Program: Findings from the Statewide Participant-Tracking System," July 2009, [http://thplus.org/pdfs/JBF\\_Policy\\_Brief.pdf](http://thplus.org/pdfs/JBF_Policy_Brief.pdf) (accessed August 4, 2009), p. 2.

<sup>89</sup> John Burton Foundation, "THP-Plus Annual Report Fiscal Year 2007-2008," October 2008, <http://thplus.org/pdfs/THP-Plus%20Annual%20Report%20FY%202007-08.pdf> (accessed August 4, 2009), p. 2.

<sup>90</sup> Barbara Needell et al., University of California at Berkeley Center for Social Services Research, Child Welfare Services Reports for California, CWS/CMS 2009 Quarter 1 Extract, "Exits From Foster Care, Agency Type=Child Welfare, January 1, 2008 to December 31, 2008" [http://cssr.berkeley.edu/ucb\\_childwelfare/Exits.aspx](http://cssr.berkeley.edu/ucb_childwelfare/Exits.aspx) (accessed October 7, 2009). It is the entire population of 18- to 24-year-old former foster youth that is eligible for THP-Plus, not just those who have emancipate in the current year. In 2008, 4,653 youth emancipated, and the majority was 18 years old. However, also eligible for THP-Plus would be other emancipated foster youth who were under the age of 24 in 2008. That would include 4,566 youth who had emancipated in 2007; the 4,417 who left in 2006; the 4,327 in 2005; 4,430 in 2004; and 4,216 in 2003. In 2008 there were 26,609 emancipated youth who met the age requirements for THP-Plus.

<sup>91</sup> The THP-Plus Statewide Implementation Project estimates that statewide THP-Plus is serving between 22 to 37 percent of demand for the program. This estimate relies on two possible homelessness rates, 13 to 22 percent, and compares these rates to actual placements available in each county. Email from Amy Lemley, policy director for the John Burton Foundation, to Human Rights Watch, October 8, 2009. Since not all youth entering THP-Plus placement have been homeless, the need is larger than youth who have experienced homelessness.

The availability of placements varies dramatically from county to county. For example, the THP-Plus Statewide Implementation Project estimates that Alameda County has the potential to meet between 64 and over 100 percent of the need for THP-Plus placements. Los Angeles, however, is thought to only meet between four and seven percent of the county's need.<sup>92</sup> Dee Melendez, Financial Aid Specialist for Victor Valley College, said she tries to get former foster youth into transitional living programs, but too often "the answer is, 'sorry, we're full, we don't have the resources, or he's not in our county.' I hear that a lot."<sup>93</sup>

It is not simply numbers; geography is also challenging. San Bernardino County, for example, is some 215 miles wide and 150 miles from north to south. It is the largest county in the US, with a geographic area greater than the nine smallest US states combined. In late 2008, 19-year-old Tanya C., a San Bernardino resident, told Human Rights Watch she would like to be in the THP-Plus. However, the only program in her county was far from where Tanya lived. Moving across this county is akin to moving out of state, and she understandably feared it would jeopardize the fragile community of friends and supporters she had built in recent years. It would also mean that to continue with her community college classes she would have to drive 45 minutes to two hours each way, depending on traffic. Between work and classes, that type of commute would be daunting, and she doubted her old car would survive so much wear and tear.<sup>94</sup>

Finally, as the THP-Plus Statewide Implementation Project recognizes, to be effective, transitional living programs need to provide more than just shelter. Most young adults need ongoing support as they navigate through the ups and downs of early adulthood. It is a time to learn important life skills, something that is especially true for former foster youth. "Between 18 and 23 years old is a five-year window of opportunity to help these kids develop the skills needed to be independent," says Polly Williams, president of United Friends of the Children, a program serving over 2,000 current and former foster youth. Its programs include several transitional living programs with concentrated supportive services for the residents.<sup>95</sup>

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<sup>92</sup> The impact is disparate as well. Based on the number of emancipating foster youth for years 2001 through 2008, Los Angeles' population of emancipating youth who would be eligible for a placement was 11,065. No other county comes close in terms of sheer numbers. The county with the next highest population is Sacramento, with 2,150 eligible youth. THP-Plus Statewide Implementation Project, "Capacity by County 8-09", received by email attachment, from Amy Lemley to Human Rights Watch, October 8, 2009.

<sup>93</sup> Human Rights Watch interview with Dee Melendez, November 6, 2008.

<sup>94</sup> Human Rights Watch interview with Tanya C., age 21, Victorville, November 7, 2008.

<sup>95</sup> Human Rights Watch interview with Polly Williams, Los Angeles, November 13, 2006.



If transitional programs do not provide those important services and opportunities, they offer little more than a sort of holding pattern for the young people in the program. For many, it will mean scant progress toward self-sufficiency. Tony was in foster care from age three until the time he aged out at 18 years old. He was taken to what he describes as a halfway house with little supervision or guidance. “No one cared where I went or what I did,” he told us. Tony was there nine months, and when the program ended, he had no new adult skills or connections with people who could help him. He was essentially in the same place he had been nine months earlier, only now he was on the streets, homeless.<sup>96</sup> Those interviewed who found themselves homeless after a transitional living program expressed gratitude for food vouchers and a roof over their head, but felt that much more guidance was needed for the programs to be meaningful. James, a homeless shelter director, said, “We sometimes see these programs as a set up for failure. They’re dumped into an apartment without support. Then when things don’t work out, it’s their failure and by that time they are not eligible for additional programs and they’re back with us [at the homeless emergency shelter.]”<sup>97</sup>

### *Basic Living Skills Lacking*

Being an adult involves a combination of mature cognitive ability and concrete living skills. Both need practice. Psychologist Marty Beyer specializes in adolescent development and is a national expert on child welfare and juvenile justice. She explained that while adult-like thinking comes with brain maturation, it also improves with practice:

Teenagers are limited in their ability to anticipate consequences of their actions, they are limited in their ability to plan and make choices—these are skills to be learned, these are adult thought processes. We can’t really speed up their ability to plan ahead, anticipate the consequences of their actions or make choices, but we can walk them through the process and help them learn and thereby expose them to the adult thought process, the process of, say, being a good budgeter, a good cook.<sup>98</sup>

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<sup>96</sup> Human Rights Watch interview with Tony D., age 20, Berkeley, April 4, 2006.

<sup>97</sup> Human Rights Watch interview with James M., the director of a small emergency shelter for youth under the age of 18, 2006.

<sup>98</sup> Human Rights Watch telephone interview with Marty Beyer, Ph.D., Eugene, Oregon, November 21, 2006. Among other things, Dr. Beyer is a member of the *Katie A.* case panel examining child welfare reform in Los Angeles County. She has been an expert, consultant, and evaluator in numerous cases and efforts across the country including in Alaska, Alabama, Arizona, California, Connecticut, Delaware, the District of Columbia, Florida, Hawaii, Maryland, Massachusetts, New Hampshire, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Tennessee, Washington, and West Virginia.

Tony put it another way: “If you’re going to put kids in group homes, in foster care, at least give them what they need to survive and take care of themselves.”<sup>99</sup>



A young person outside of a homeless youth shelter. Youth interviewed for this report left the state’s care without the support or skills needed for adulthood. © 2007 Patricia Williams

Nearly every youth interviewed for this report felt that he or she left foster care without knowledge of basic skills for everyday living. Raul H. explained, “Kids need to be taught how to cook, how to shop. Simple, everyday life skills.”<sup>100</sup> When asked about the causes of their homelessness, interviewees tended to spontaneously list skills they wish they had been taught, specifically mentioning how to prepare basic food, apply for a job, shop, budget, understand credit, and know polite behavior for even simple things, such as how to courteously answer the phone. “I need to know how to budget, where to look for work, how to apply for school financial aid,” one young woman listed. “[How to] wash clothes, cook, clean, know what chemicals you can mix and what you can’t when you’re cleaning—like ammonia and bleach—I learned that the hard way when I was cleaning a bathroom.”<sup>101</sup>

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<sup>99</sup> Human Rights Watch interview with Tony D., Berkeley, age 20, April 03, 2006.

<sup>100</sup> Human Rights Watch interview with Raul H., age 20, Berkeley, April 3, 2006.

<sup>101</sup> Human Rights Watch interview with Oceania V., age 18, Sacramento, November 17, 2006.

A connection between passing on simple skills and being cared for was linked by several interviewees, including Nikki B. who told us: “I wish I could have had ... someone to care about me ... like show me how to separate the whites from the darks [for laundry.] I would have hated it at the time, but I wish I’d had that. They never even asked me, ‘Is something wrong? Talk to me.’”<sup>102</sup> Sandy’s foster mother made clear that she was a foster parent for the money, not the experience, Sandy told us. “I’m not into getting to know you...” her foster mother informed her from the start. “I’m getting a check. Do what you want, but don’t screw up my check.” This certainly had emotional effects: “As I got deeper into the foster care system, I realized I had no love, no family connection in my life.” But there were other effects, too, when her foster mother refused to take the time to teach Sandy the same life skills she was teaching her own daughter. Sandy remembered with sadness scenes from her foster home. “I watched my foster mom teaching her daughter how to cook, but she never bothered with me. They looked like they were having fun ... I don’t know how to cook. [Now] I mostly eat out of a can.”<sup>103</sup>

***“I wish I could have had ... someone to care about me ... like show me how to separate the whites from the darks [for laundry.] I would have hated it at the time, but I wish I’d had that. They never even asked me, ‘Is something wrong? Talk to me.’”***

For youth in care, several things impede what otherwise would be normal opportunities for hands-on learning experiences. First, foster homes and parenting tend to be geared to the needs of younger children. Michele Phannix, a foster parent with 18 years of experience, a mentor, and parent-partner, told us that specific standards should be set for parents who are fostering teens. “These are rules that make sense for younger kids. We’re trying to keep them safe,” she explained, but the rules do not reflect older youth’s abilities and needs.<sup>104</sup>

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<sup>102</sup> Human Rights Watch interview with Nikki B., age 18, Sacramento, August 15, 2008.

<sup>103</sup> Human Rights Watch interview with Sandy N., age 22, 2008. The city and exact date are not given to further protect her identity.

<sup>104</sup> Foster parents described regulations that keep them from teaching independence. For example, foster homes are required to lock up cleaning supplies. But locked up cleaning supplies means that an older child or youth cannot use the washing machine or clean the kitchen without supervision. A waiver of the rule is permitted, but it has to be entered in to a child’s specific case plan and many foster families may not know about that option. “When CCL comes out [and inspects your house], if you [don’t] have a waiver and the cleaning supplies [are] not locked up, you get cited. The thing is, most foster parents don’t know about the waiver.” Human Rights Watch telephone interview with Michele Phannix, Riverside, October 6, 2006. Foster parents have concerns about similar regulations that forbid their leaving foster children home alone, even if they are teenagers. Tina Hughes, a foster parent for many years and the President of the Alameda Foster Parents’ Association, said, “[When my biological children were teenagers,] if I had to go the store, they could either come with me or stay here, [they didn’t] have to be with me 24/7. But foster kids, if you leave them just 15 minutes, you get written up.” Pat Ambers, a foster parent for over 30 years asked, “How can you teach someone independence if you can’t leave them alone in the house even if they are 16 years old?” Foster parents also complained about not being able to require children in care to do chores the way

***“If you’re going to put kids in group homes, in foster care, at least give them what they need to survive and take care of themselves.”***

For example, regulations about locking up cleaning supplies and leaving a foster youth alone at home should be modified. Phannix also stated, “There needs to be more training on teenage issues for foster parents and how to guide them into becoming functioning adults. Foster parents are not receiving that kind of training.”<sup>105</sup> The adults charged with caring for youth in state custody have an important role to play in passing on basic skills. Their duties should include things that,

says Dr. Beyer, “most parents think should be done for their children before they go off on their own. It’s similar to what we require foster parents to do in ... parenting [young children]—feeding, adequate clothing, haircuts—it is just that there are different tasks for adolescents.”<sup>106</sup> Dion, who entered foster care at five years old, believes the system must also more carefully choose and monitor foster parents. In one of his placements, the foster parent never reported him missing even though he had run away and was gone for two weeks, and he certainly was not being taught adult-living skills while there. In a rather understated conclusion about his experience, he said, “[t]he foster care system doesn’t pick people who are qualified.”<sup>107</sup>

For many of the young people interviewed, the state failed to ensure that foster parents provided teens in their care the kind of basic living skills that would be passed on in any typical home. Dr. Beyer noted, “In most homes, parents know it is their responsibility to provide some amount of training in preparation for adulthood—cooking, cleaning, and in some homes, driving a car—these are normal expectations in parental activities. Do foster parents think that because there are ILSP classes, they are off the hook from having to teach basic skills to teenagers? That’s a crazy idea. All of these skills require daily input.”<sup>108</sup> Second, state-run group homes, where a majority of the youth interviewed had spent time, fail to provide the types of learning that adolescents need.<sup>109</sup> Interviewees pointed out that

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their biological children are required to. Human Rights Watch interviews with Pat Ambers, Gerry Hauser, and Tina Hughes, Oakland, November 16, 2006.

<sup>105</sup> Human Rights Watch telephone interview with Michele Phannix, Riverside, October 6, 2006.

<sup>106</sup> Human Rights Watch telephone interview with Marty Beyer, Ph.D., Eugene, Oregon, November 21, 2006.

<sup>107</sup> Human Rights Watch interview with Dion W., age 19, Los Angeles, February 24, 2010.

<sup>108</sup> Human Rights Watch telephone interview with Marty Beyer, Ph.D., Eugene, Oregon, November 21, 2006.

<sup>109</sup> Of the 63 youth interviewed for this report, 48 had spent time in group homes, and 15 had only been in foster home settings. Generally in California, only 6.8 percent of all foster children and youth reside in group homes. See Barbara Needell et al., University of California at Berkeley Center for Social Services Research, Child Welfare Services Reports for California, CWS/CMS 2009 Quarter 1 Extract, “Children in Foster Care, Agency Type=Child Welfare,” April 2009, [http://cssr.berkeley.edu/ucb\\_childwelfare/PIT.aspx](http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx) (accessed October 7, 2009).

the regimented, institutionalized setting gives even fewer opportunities to learn and practice adult skills than a foster family home. Tony was in foster care from age three until 18, and lived in several group homes during his adolescence: “People in group homes are paid to watch us. You can’t do anything. It felt like being in daycare. You have to ask to do things. They treat you like a baby.”<sup>110</sup> Anya spent a good part of her teenage years in group homes. She was extremely frustrated by her experience:

While in a group home there were so many things I couldn’t do. I couldn’t even learn how to ride the bus on my own—but I had to go to a class that supposedly taught me how to do normal things. It’s a double standard that doesn’t make sense. It’s like they’re saying to us, “You must be independent by age 18,” but then they don’t give us the room to learn to be independent. Don’t over-shelter us and then tell us to be independent.<sup>111</sup>

The state attempts to instill proficiency in adult tasks through county-based “Independent Living Skills” classes, intended to teach subjects such as budgeting, cooking, and applying for jobs. The length, availability, and type of classes vary greatly from county to county.

Some of those interviewed said they never attended the classes nor knew they existed. Others knew of the classes but said they were unable attend because they lacked transportation or because the classes were full.<sup>112</sup> The experiences of the others we spoke to who did attend varied widely. For example, Darlene H., who attended 18 classes, told us, “they had taught me some of these things before I left foster care. I knew some stuff before I left enough so that I didn’t panic. I would have panicked otherwise.”<sup>113</sup> Another, Roberta, attended just one life skills class, which she described as a last-minute cram session of limited utility: “it was one week before emancipation. They gave us pots and pans, silverware. Taught us how to write a check ... They gave us a certificate for taking the class and we had pizza and that was it.”<sup>114</sup> Describing a positive experience in a non-classroom setting, another interviewee, Melissa, said she got a lot out of a highly experiential program

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<sup>110</sup> Human Rights Watch interview with Tony D., age 20, Berkeley, April 3, 2006.

<sup>111</sup> Human Rights Watch interviews with Anya F., age 21, Whittier, April 23, 2006, and December 27, 2007.

<sup>112</sup> This is despite the fact that social workers are required to ensure that youth have transportation to independent living program services. See California Department of Social Services Manual of Policies and Procedures, Child Welfare Services §31-236(g)(5). One youth never attended classes because, she said, “[t]he group home staff would complain and say that they’re not getting enough money to take me to the classes.” Human Rights Watch interview with Oceania V., age 18, Sacramento, November 17, 2006. Grace-Kaho, the state Ombudsman, reported that some county classes are over-enrolled and there are waiting lists to get in the courses.

<sup>113</sup> Human Rights Watch telephone interview with Darlene H., age 21, Sacramento, January 2, 2007.

<sup>114</sup> Human Rights Watch interview with Roberta E., age 24, Hollywood, May 24, 2006.

called “Independent City.” “You spend the day at a place where they have the phone company, utilities, a bank, a property management company, and you get assigned a roommate, a job, a house and then fill out rental applications, deal with your paycheck coming on a certain date and bills due ... I learned a lot there.”<sup>115</sup> Malachi echoed the importance of experiential learning. Looking back, he thinks the classes he took were not very useful. “They say ‘You should do this. You should do that.’ ... but it’s like they don’t have the youth involved. It means you’re not really learning how to do something.”<sup>116</sup>

### *No One to Turn to*

One of the most consistent statements from youth interviewed was that they felt no one really cared what happened to them, before or after emancipation. Interviewees expressed despair and fear about having no one to turn to after they were ejected from foster care. Forty-eight of the 63 youth we interviewed told us they did not have an adult they could turn

***“I feel like a lot of the good choices I’m making are because [my mentor] is there for me.”***

to in a crisis, for example, for a ride to the doctor when they were very sick.<sup>117</sup> Nine said “maybe;” leaving just six of those interviewed answering “yes.” A young man who asked to be called “Reclusive” told us, “For the longest time I’ve had no one I can go to—it’s just easier to be on the streets.”<sup>118</sup> “I feel like the people who were supposed to help me weren’t there for me—and I think what’s going to happen to me?” one young woman said. “Am I going to live on the streets for the rest of my life?”<sup>119</sup>

There is a growing recognition that becoming a healthy adult requires connection to and dependence on others. State law requires the county welfare agency to assist foster children and youth in maintaining relationships with individuals who are important to the youth.

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<sup>115</sup> She added, “Also what was cool is that they recognized that I was in a serious relationship with my boyfriend and would probably move in with him at some point, so they let him come to the Independent City, too. They met me where I was.” Human Rights Watch telephone interview with Melissa B., age 20, Sacramento, January 5, 2007.

<sup>116</sup> Human Rights Watch interviews with Malachi M., age 20, Inglewood, March 10, 2010.

<sup>117</sup> In order to explain what we meant by “crisis,” the researcher added: “For example, if you had become very sick and needed to get to the doctor but had no way to get there, would you have had an adult you could call to give you a ride?”

<sup>118</sup> Human Rights Watch interview with Reclusive S., age 23, Berkeley, April 3, 2006. In some cases, youth interviewed by Human Rights Watch chose their own pseudonyms. In other cases, the Human Rights Watch researcher selected the pseudonyms.

<sup>119</sup> Human Rights Watch interview with Roberta E., Hollywood, age 24, May 24, 2006. California law requires every youth who emancipates to be assigned a caseworker who assists them. The youth interviewed for this report stated that did not have a worker, did not know how to reach the worker, or found the services of the worker to be minimal. When asked if she had a caseworker, Nikki B., who was 18 years old at the time of her interview and living in a tent, said, “I think I do but I have no idea who it is.” Human Rights Watch interview with Nikki B., Sacramento, August 15, 2008.

Efforts to locate family members before emancipation are occurring in some counties. For example, recognizing that where parents are found to be unfit to care for a child, there may be other family members who would be willing to be involved in a child or young person's life, the California Permanency for Youth Project seeks out extended family members. As of April 2008, the program was being used in 20 California counties or regions.<sup>120</sup> Using the internet and other methods employed to connect separated families following World War II, social workers search for family members who are not present in a child's life. The program focuses on foster youth ages 11 and older. "[T]ypically we find between 30 and 80 family members," explained Bob Malmberg of Orange County's Social Services Agency. "We engage extended family members from across the country—we give the youth phone cards so they can call new-found family." The agency arranges visits, sets up dinner meetings, and even provides plane tickets for young people to meet extended family. The family may have had no idea where the child was, and the child may not have known he had family. "We are seeing amazing results," Malmberg concluded, citing several cases in which children's behavioral problems changed dramatically after being connected with family. One example was of a boy who had been told he had no family but apparently did not believe it:

[He] ran [away] from a group home to his former group home; it'd been closed down. He broke into the building and when he was caught he was in the office rifling through the file with his records, looking for the names of family members. We put him in [our family-finding] pilot project, and we found 25 extended family members. This boy was having a lot of behavioral problems, with ... 40 incidents a month that involved things like suicide attempts, assaults on staff, or running away. When we did the family-finding process with him, the incidents went down to one a month. We brought in family from out of state and they met with him and told him, "We heard about you [when you were a baby but then] we were told that you'd been adopted and we couldn't contact you. But we never forgot you." Then we found that his great-grandparents live in the adjoining county, in Hemet. [We set a time to meet them but] were a little late getting to the house and when we arrived, he was confronted with these octogenarians waiting for him on the driveway. When he went inside they showed him a wall that had birthday cards they had written to him over the years but not sent because they didn't

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<sup>120</sup> The website of the California Permanency for Youth Project is <http://www.cpyy.org>. In January 2010, the organization's funding ended and it merged with Seneca Center for Family Finding and Youth Connectedness.

know where he was. They'd been holding the cards for him and there they were, on the wall collecting dust, waiting for him to show up.<sup>121</sup>

There is a particular vulnerability that comes with being young and making decisions for the first time. "When a young person is homeless, those decisions are left unguided or guided by people in similar circumstances," Carmichael explained. "So, instead of coming home and at the dinner table bringing up something, 'Hey, I am having a fight with so-and-so' and getting adult input, they are talking with others who are in crisis, on the streets, perhaps using drugs. We know how powerful peer input can be."<sup>122</sup>

A positive connection with an adult can come in many forms. Enrique was living in a homeless encampment along the Sacramento River until an adult took an interest in him and helped him make the decision to go to a shelter. His experience is an example of how important emotional support can be for a young adult.

I'm a ladies' man. I mean, I like taking girls out. See that ice cream shop there? One week I brought in a different girl three days in a row. Later, the guy working there said to me, "You're slick, aren't you? I seen you in here with a different girl every day..." and we started talking. He said, "I didn't know you were homeless." He was surprised.

We'd talk together. He'd ask me questions; he helped me think about what I want to do in my life. I think I might try to be an EMT [emergency medical technician]. He encouraged me, helped me think through what it'd take, look at what classes I would need to take to do it ... He helped me think about things. He encouraged me to get off the streets and go to this shelter.<sup>123</sup>

Enrique's story illustrates how important guidance can be in early adulthood. Cheryl Alexander, a supervisor in Orange County's Emancipation Service Program, noted the importance of relationships and emotional support even in the absence of more concrete

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<sup>121</sup> Human Rights Watch interview with Bob Malmberg, program manager, Orange County Social Services Agency, Santa Ana, November 15, 2006.

<sup>122</sup> Human Rights Watch interview with Heather Carmichael, associate executive director, My Friend's Place, Hollywood, November 6, 2006.

<sup>123</sup> Human Rights Watch interview with Enrique A., age 18, Sacramento, November 17, 2006.



help regarding homelessness. “Even if you are couch-hopping, if you just have someone you can call it is so significant to have someone to be there when you need them.”<sup>124</sup>



A young person sits at a bus stop bench. Many youth emancipating from foster care have no adult they can turn to for guidance or help. © 2007 Patricia Williams

Mia S. was 10 years old when her mother died, and 14 when her father died. By the time she left the foster care system, she had been in 12 foster home placements and two group homes. Not one provided an adult who cared about her. She began running away when she was 10. “I’d go to a park and sit on a bench. It wasn’t so much running away as it was leaving and seeing if anyone cared enough to come find me. I just wanted someone to care.” While Mia’s placements never produced such a relationship, as a teen she had the good fortune of entering a creative arts program in Los Angeles. There she grew close to a staff member who became her de facto mentor. Ilia Jauregui promised to stay in her life, and over the years she proved a valuable source of support for Mia, even letting her stay in her home when she was homeless. Now 20, Mia still turns to Ilia for advice and guidance. Ilia helped her find a transitional living program, and Mia recently started classes in business administration and

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<sup>124</sup> Human Rights Watch interview with Cheryl Alexander, MSW, supervisor, Emancipation Services Program Orange County Social Services Agency, Santa Ana, November 15, 2006.

is working on her high school diploma. “I feel like a lot of the good choices I’m making are because Ilia is there for me.”<sup>125</sup>

## Foster Youth Need Special Assistance

The difficulty of helping any teenager plan for adulthood should not be understated. Developmentally, many youth may not be ready to think about the future, even at age 16 or 17. Miryam Choca, Director of California Strategies for Casey Family Programs reflected, “I have a 23-year-old daughter. Thinking about talking to a 15-year-old about how ‘you’re going to be on your own in a few years,’ it’s just not the right time. They’re not ready.”<sup>126</sup> Lestat, an 18-year-old who was sleeping in a homeless shelter at the time he was interviewed, echoed her observation. “My social worker did talk with me [over time] and ask me what I was planning to do when I emancipated. I didn’t want to think about it. I thought, ‘Jeez, you know, why are we having these damn conversations? I’m only 16 and it’s so long before I turn 18.’ And then, oh ... how did time fly so fast?”<sup>127</sup>

Some youth in foster care may be less ready to absorb life skills than their peers due to special needs. While some are able to make the transition to adulthood smoothly, many face serious challenges. Research shows that youth emancipating from foster care are more likely to have educational deficits, mental health problems, economic instability, criminal victimization, and early child-bearing.<sup>128</sup>

Planning for emancipation and support should account for these special needs. Instead, some transitional programs exclude the youth who need them the most: youth with mental health problems, juvenile delinquency records, pregnant youth, or youth with children. “The truth of the matter is that the kids who qualify for [many transitional programs] are the ones more likely to succeed anyway,” explains Laura Streimer, the Legal Director for the Alliance

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<sup>125</sup> Human Rights Watch interview with Mia S., age 20, Los Angeles, February 25, 2010. Ilia Jauregui is the executive director of Fostering Imagination, a Los Angeles-based program serving foster youth through creative arts and social development programs. She told us, “[Mia] has become like a daughter to me.” Human Rights Watch telephone conversation with Ilia Jauregui, March 1, 2010.

<sup>126</sup> Human Rights Watch telephone interview with Miryam Choca, San Diego, December 8, 2006.

<sup>127</sup> Human Rights Watch interview with Lestat S., age 18, Sacramento, November 17, 2006.

<sup>128</sup> Mark Courtney et al., “Midwest Evaluation of the Adult Functioning of Former Foster Youth: Outcomes at Age 21,” December 2007, [http://www.chapinhall.org/sites/default/files/ChapinHallDocument\\_2.pdf](http://www.chapinhall.org/sites/default/files/ChapinHallDocument_2.pdf) (accessed October 7, 2009), p. 37; Peter J. Pecora et al., Casey Family Programs, “Improving Family Foster Care: Findings From the Northwest Foster Care Alumni Study,” April 2005, <http://www.casey.org/Resources/Publications/ImprovingFamilyFosterCare.htm> (accessed October 7, 2009).

for Children’s Rights.<sup>129</sup> Additionally, pre-emancipation programs are not geared toward special needs, either.

### *The Effects of Childhood Trauma*

Children and youth in foster care may not be ready to learn independent living skills and plan for the future at the same time as their peers who have not experienced trauma and extreme disruption. The events that land a child in foster care can later impede planning and acquisition of skills: childhood trauma can negatively affect both neurological and psychosocial development.<sup>130</sup> “The history of trauma often impacts development,” explained Heather Carmichael, who, as the associate director of a drop-in center for youth who are homeless, works daily with youth who have experienced childhood trauma. A history of trauma “can compromise a youth’s readiness or ability to plan for the future.”<sup>131</sup>

***“Things happened, traumatic things, and then before I could deal with it, something else would happen.”***

Many of the young people interviewed for this report had by age 10 lived through things most adults cannot fathom. At least two watched a parent kill or cause serious bodily injury to another parent. They experienced rape, beatings by family members, and emotional abuse that left them blaming themselves for their families’ disintegration. For some these ordeals did not stop when they entered state care. Instead, the experience of sexual abuse, physical harm, and emotional distress continued. Kati R. described being molested in her placement: “Things happened, traumatic things, and then before I could deal with it, something else would happen.”<sup>132</sup>

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<sup>129</sup> Human Rights Watch interview with Laura Streimer, legal director, The Alliance for Children’s Rights, Los Angeles, January 22, 2007.

<sup>130</sup> Alicia F. Lieberman and Patricia Van Horn, “Assessment and treatment of young children exposed to traumatic events,” in Joy D. Osofsky, ed., *Young Children and Trauma: Intervention and Treatment* (New York: Guilford Press, 2004) pp. 111-138; Frank W. Putnam, “The Impact of Trauma on Child Development,” *Juvenile and Family Court Journal*, vol. 57, no. 1 (January 2006), pp. 1-11. Abuse, especially of young children over a prolonged period, has been shown to affect brain development—including regions important in planning and exercising judgment—and is also associated with poor academic performance, low self-esteem, and behavioral problems.

<sup>131</sup> Written communication from Heather Carmichael, associate executive director of My Friends Place, Hollywood, to Human Rights Watch, November 15, 2007.

<sup>132</sup> Human Rights Watch interview with Kati R., age 19, Victorville, November 7, 2008.

### *Lack of Community Connection for Lesbian, Gay, Bisexual, and Transgender Youth*

“My family rejected me because I am gay,” Blake T. told Human Rights Watch. “My Dad was abusive—physically [and] emotionally. I had to go back into this drama [after leaving foster care]. [It was] a dangerous situation, but I had no place to go.”<sup>133</sup> Blake’s experience is probably not uncommon.<sup>134</sup> Youth who are lesbian, gay, bisexual, or transgender (LGBT) are at special risk for homelessness, and may have special needs at emancipation.

The proportion of homeless youth who are LGBT is staggering. The National Gay and Lesbian Task Force Policy Institute and the National Coalition for the Homeless have concluded that between 20 and 40 percent of all homeless youth identify as LGBT.<sup>135</sup> For LGBT youth in the foster care system, the chances of homelessness may be even greater than for non-LGBT foster youth. “An LGBT youth emancipating from the child welfare system is apt to have fewer family and community resources to rely on and so is more likely to end up homeless,” said Jody Marksamer, staff attorney and Youth Project Director at the National Center for Lesbian Rights. “Some LGBT youth enter into foster care in the first place because their parents have rejected them for being gay. They face physical and emotional abuse at home, and sometimes are kicked out of the house because of their sexual orientation or gender identity.”<sup>136</sup> Returning to that setting after emancipation is dangerous for some, like Blake.

The National Lesbian and Gay Task Force and the National Coalition for the Homeless (NLGTF/NCH) recommend a number of steps to address the LGBT-specific needs of youth who are homeless. The NLGTF/NCH note that drop-in centers, which can be connected to homeless outreach programs, are crucial to helping LGBT youth who are homeless. They provide peer-bonding, recreation, safety, public health, and youth development. The NLGTF/NCH also recommend that all agencies receiving government funding to serve homeless youth have nondiscrimination policies and be “culturally competent” in LGBT youth issues. Individual health and social service providers, too, should be trained to

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<sup>133</sup> Human Rights Watch interview with Blake T., age 21, San Francisco, July 26, 2006.

<sup>134</sup> See Lambda Legal Defense and Education Fund, “Youth in the Margins, A Report on the Unmet Needs of Lesbian, Gay, Bisexual, and Transgender Adolescents in Foster Care,” 2001, <http://www.lambdalegal.org/our-work/publications/youth-in-the-margins.html> (accessed September 16, 2009).

<sup>135</sup> Nicholas Ray, National Gay and Lesbian Task Force, *Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness*, (New York: National Gay and Lesbian Task Force Policy Institute and the National Coalition for the Homeless, 2006), <http://www.thetaskforce.org/downloads/HomelessYouth.pdf> (accessed November 17, 2009), pp. 11-16. The report relies on US Department of Health and Human Services estimates that there are between 575,000 to 1.6 million homeless and runaway youth each year. *Ibid.*, p. 1, citing Marjorie J. Robertson and Paul A. Toro, *Homeless Youth: Research, Intervention, and Policy*, (Washington, D.C.: United States Department of Health and Human Services, 1998). <http://aspe.hhs.gov/pic/reports/aspe/6817.pdf#page=75> (accessed August 3, 2009).

<sup>136</sup> Human Rights Watch interview with Jody Marksamer, staff attorney and youth project director at the National Center for Lesbian Rights, Los Angeles, September 21, 2007.

address the special issues facing youth, including coming out as LGBT, health and sex education, and community integration.<sup>137</sup> The effect of a program geared to address his needs is evident to Marvin, who is 21 and living in transitional living program sponsored in part by the San Diego LGBT Community Center. The housing program is for youth who have been homeless, but has a special focus on LGBT youth. “I feel like people care about me here,” he said.<sup>138</sup> Without a safe place to turn, though, LGBT youth who have emancipated from foster care are at high risk for homelessness. “These kids are often the ones who become homeless because they have no place they are comfortable,” said Shaun Zigler, Foster Youth Services Program manager for San Bernardino County Superintendent of Schools Office.<sup>139</sup>

### *Multiple Moves*

“I can’t even count how many [foster] homes or placements I was in,” said Phillip, who had been in foster care since he was seven years old. “I think it was between 20 and 25. Age seven to 13 was really rough,” he told us.<sup>140</sup> Problems in children’s lives can be compounded when children are moved from one foster care setting to another. Moving from one foster placement to another can mean the loss not only of connections with the foster family but also neighborhood friends, school mates, and teachers. For a child or youth whose life has already included separation from parents, losing contact with others is particularly harmful. Research has found that multiple placements are harmful to children. According to the American Academy of Pediatrics, “the emotional consequences of multiple placements or disruptions are likely to be harmful at any age.... [M]ultiple moves while in foster care (with the attendant disruption and uncertainty) can be deleterious to the young child’s brain growth, mental development, and psychological adjustment.”<sup>141</sup> Repeatedly the young

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<sup>137</sup> Nicholas Ray, National Gay and Lesbian Task Force, *Lesbian, Gay, Bisexual and Transgender Youth: An Epidemic of Homelessness*, (New York: National Gay and Lesbian Task Force Policy Institute and the National Coalition for the Homeless, 2006), <http://www.thetaskforce.org/downloads/HomelessYouth.pdf> (accessed November 17, 2009), pp. 154-161.

<sup>138</sup> Human Rights Watch interview with Marvin M., age 23, San Diego, February 12, 2009.

<sup>139</sup> Human Rights Watch interview with Shaun Zigler, foster youth services program manager for San Bernardino County Superintendent of Schools Office, Hesperia, September 14, 2007.

<sup>140</sup> Human Rights Watch interview with Phillip O., Whittier, age 22, April 24, 2006. At 14 years old, things changed: “Then ... I got into a home where they really cared about me. I stayed there until I was 18.” But when foster care ended, he was on his own. “When I was eighteen...there was no place for me to go. I left foster care with nothing—maybe I had a week’s set of clothes.” On top of that, the foster family that he felt close to moved out of state, leaving him with no emotional support. He was homeless for about six months, “I slept on friends’ couches and in garages.”

<sup>141</sup> American Academy of Pediatrics, Committee on Early Childhood, Adoption and Dependent Care, “Developmental Issues for Young Children in Foster Care,” *Pediatrics*, vol. 106, no. 5 (November 2000), <http://aappolicy.aappublications.org/cgi/reprint/pediatrics;106/5/1145.pdf> (accessed October 7, 2009), pp. 1146, 1148. See also Children and Family Research Center, School of Social Work, University of Illinois at Urbana-Champaign, “Multiple Placements in Foster Care: Literature Review of Correlates and Predictors,” February 2004, <http://www.cfrc.illinois.edu/LRpdfs/PlacementStability.LR.pdf> (accessed August 4, 2009).

people interviewed for this report described shutting down emotionally because of the trauma of moving from place to place<sup>142</sup> “I was little when I realized, these aren’t my people ... they say they love you, but it’s all talk,” Matt H. said, describing his life in 10 group homes and multiple foster family placements before that. “It’s all for the money. As soon as I did something bad, I was out of there.” The experience has colored his ability to form relationships: “To this day I don’t trust people,” he said.<sup>143</sup> Lestat S. was in three foster homes and seven group homes. He told us, “I’ve had more than my fair share of broken hearts ... getting close ... and then being ripped away. You cry your eyes out at night because you miss them so much.”<sup>144</sup> By age 18, it had taken an emotional toll.

***“[You’re] in survival mode. You never know what’s going to happen, what’s going to be pulled out from under you next.”***

Rhodes, the former foster youth who later worked as an emancipation worker, noted that youth in care are emotionally occupied both with the trauma they have suffered and fear over the future. “[You’re] in survival mode. You never know what’s going to happen, what’s going to be pulled out from under you next. You’re thinking about where you are going to sleep, whether you’re going to be moved again,” she said.<sup>145</sup> As a result, by the time former foster youth reach early adulthood, they may be behind other teens in their readiness to live independently.

### *Mental Health Problems, Disabilities, and Parenting*

Youth in care are more likely to perform poorly in school and have physical and mental health problems. They are at greater risk for behavioral problems, drug and alcohol use, and delinquency.<sup>146</sup> By age 19, nearly half of young women in foster care have been pregnant,

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<sup>142</sup> The literature review conducted by the Children and Family Research Center (ibid.) lists research finding a variety of negative affects of placement instability, including the following: for children who initially did not exhibit behavior problems but then had placement instability, later behavioral problems were associated with the number of placements; infants who experienced multiple placements experienced problems with attachment and bonding; and multiple placements before age 14 were associated with higher rates of delinquency filings after age 14.

<sup>143</sup> Human Rights Watch interview with Matt H., age 21, Victorville, November 7, 2008.

<sup>144</sup> Human Rights Watch interview with Lestat S., age 18, Sacramento, November 17, 2006.

<sup>145</sup> Human Rights Watch telephone interview with Whitney Rhodes, age 20, Sacramento, January 5, 2007.

<sup>146</sup> Katherine Kortenkamp and Jennifer Ehrle Macomber, Urban Institute, “The Well-Being of Children Involved with the Child Welfare System: A National Overview,” Number B-43 in Series, *New Federalism: National Survey of America's Families*, January 15, 2002, <http://www.urban.org/publications/310413.html> (accessed March 4, 2009).

compared to a fifth of their peers not in foster care.<sup>147</sup> Foster youth with these additional challenges may be especially likely to need extra help in navigating life on their own.

Significant numbers of children in foster care have mental health problems: researchers estimate that this is the case for between 40 and 80 percent of children who enter foster care.<sup>148</sup> Preparation of foster youth for adulthood must take into account a wide range of mental health needs. Many of the youth interviewed for this report referenced mental health problems, learning disabilities, and addictions. They spoke of depression and described suicide attempts. One admitted he was high on meth at the time of the interview; another described kicking a meth habit. Kathy Cramer of Berkeley Mental Health and the Mental Health Program Supervisor for the city of Berkeley noted that the 16- to 25-year-old age group needs special consideration in terms of how mental health needs are met:

The lack of attention for this age group, it's been kind of hidden, in a way. It's easy to miss if people are not making themselves known and adolescents and young adults don't really make their needs known. In the past we've assumed to some degree that this age group can be served by the adult system. In fact, they need more of an out-reach approach. They're just not going to make appointments.<sup>149</sup>

For youth with disabling mental health problems, preparation for adulthood must include learning how to navigate the systems that serve people with disabilities and how to live on a limited income. Some young adults with serious mental health problems need step-by-step assistance with the most basic of tasks. Karen Grace-Kaho, the California State Foster Care Ombudsman, told us of a former foster youth who desperately needed assistance but was not able to get it until she intervened. The young man was sleeping under a freeway overpass in Los Angeles.

He'd had some contact with [an independent living program (ILP)]—in fact he had a laptop computer given to him as a part of that program—and he was sleeping with it there under the freeway. I called up the ILP coordinator and explained the situation, gave them his name and all, and the response was,

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<sup>147</sup> Lucy Bilaver and Mark Courtney, National Campaign to Prevent Teen Pregnancy, "Science Says: Foster Care Youth," no. 27, August 2006, <http://www.chapinhall.org/research/report/science-says> (accessed March 3, 2009).

<sup>148</sup> Mark Simms, Howard Dubowitz, and Moira Szilagyi, "Health care needs of children in the foster care system," *Pediatrics*, 106(4 suppl.) (2000), pp. 909-918. For a summary of review of numerous studies, see Peter Pecora et al., "Mental Health Services for Children Placed in Foster Care: An Overview of Current Challenges," *Child Welfare Journal*, vol. 88, no. 1 (2009).

<sup>149</sup> Human Rights Watch interview with Kathy Cramer of Berkeley Mental Health, Berkeley, April 3, 2006.

“Oh yeah, we know him. He’s got mental health problems.” The ILP worker told me, “If he can come into the office with a signed rental agreement, we may be able to give him first and last month’s rent.” I said, “Maybe you didn’t hear me. He’s homeless. He’s sleeping under a freeway overpass. He’s dirty. He smells. No one is going to let him sign a rental agreement.”

Eventually Grace-Kaho was able to secure the help of a caseworker who took the young man to a motel to clean up, went with him to buy a simple set of clothes, and explored transitional living program options.<sup>150</sup>

Learning and other disabilities must be taken in to account if skill building and planning for life as a young adult are to be effective. A long-time foster parent told us that in her observation, living skills classes did not meet the needs of the most vulnerable youth: “It’s really for kids who are going to college, [and they’re] going to make it anyway ... what’s needed is some vocational training for the others.”<sup>151</sup> Another foster parent said, “[The programs don’t] help those who ... can’t learn to read, to write. [The programs] may look just fine, but [these kids] are the ones who end up under the bridge. They fall right through the cracks.”<sup>152</sup> Additionally, for youth with disabilities, “[m]eeting those goals is only part of the picture ... additional social, academic, health, and environmental barriers must also be addressed.”<sup>153</sup>

Mental health problems or disabilities are not the only special circumstances that need to be taken into account: pregnancy can disqualify a young person from a program. When Patrice M. was 20, she found out she was pregnant and received a two-day notice to leave the transitional home where she lived. The home did not allow pregnant residents. Sitting in a caseworker’s office, Patrice overheard her worker talking about her on the phone, saying, “She’s not going to find anyplace.” Patrice ended up couch-surfing and staying in a motel.<sup>154</sup>

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<sup>150</sup> Human Rights Watch telephone interviews with Karen Grace-Kaho, California state ombudsman for foster care, Sacramento, November 11, 2006, and January 4, 2007.

<sup>151</sup> Human Rights Watch interview with Tina Hughes, Oakland, November 16, 2006.

<sup>152</sup> Human Rights Watch interview with Pat Ambers, Oakland, November 16, 2006

<sup>153</sup> Katharine Hill and Pam Stenhjem, “Youth with Disabilities Aging Out of Foster Care: Issues and Support Strategies,” *Impact*, Published by the Institute on Community Integration, vol. 18, no. 1 (Fall/Winter 2005/2006), <http://ici.umn.edu/products/impact/191/over16.html> (accessed September 16, 2009), p. 18.

<sup>154</sup> Human Rights Watch interview with Patrice M., age 20, Los Angeles, October 11, 2006.



## Support Beyond Age 18 is Needed

The current system of state care for foster youth, ending as it does at age 18, results far too often and predictably in homelessness. In order to prevent these outcomes, the extension of care into the early adult years is critically necessary. As described above, the population of youth in state care, far more than children growing up in intact families, requires special assistance on the path to adulthood. Even typically developing youth raised in families commonly continue to receive family support into their 20s; this fully corresponds to what is now known about adolescent development. Moreover, abrupt termination at 18 of what is often inadequate care can necessitate costly interventions later. States that have established routine extension of care beyond 18 have realized not only gains in well-being, but in their balance sheets as well. Finally, California must extend care to foster youth beyond the age of 18 because to avoid doing so would perpetuate a status quo that violates these youths' civil and economic rights under international law. Only by creating a varied set of options for assistance before and after eventual emancipation can the state rectify these violations.

**Most young adults in the US get emotional and often financial support from their families well past their 18<sup>th</sup> birthdays.**

### *Young Adults Need Support and Guidance*

An abrupt end to childhood does not comport with what is now known about adolescent development or the norms in the US. In a healthy family, preparation for adulthood begins early in life and, in most US families, youth are not cut off entirely at age 18. Instead families continue to provide emotional and financial support as young people move through early adulthood.



Two young people outside of youth shelter. © 2007 Natalie Leimkuhler

The number of 20- and 30-year-olds in the US who are completely financially independent has decreased significantly over the last century and especially since 1960.<sup>155</sup> A shift has taken place: it takes more to become financially independent than it did a generation ago.

The University of Michigan Institute for Social Research found that just 41 percent of 26-year-olds are financially autonomous, with all their financial resources supplied by either themselves or by a spouse.<sup>156</sup> In the average US family, financial assistance often continues into the early 30s. Although there are substantial differences in the amount of material support that young adults receive from families, on average parents provide roughly \$2,200 each year to children from ages 18 to 34 (on average more in the late teens and 20's and less

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<sup>155</sup> Elizabeth Fussell and Frank Furstenberg, "The Transition to Adulthood in the Twentieth Century: Race, Nativity, and Gender," in Richard Settersten, Jr., Frank Furstenburg, Jr., and Ruben Rumbaut eds., *On the Frontier of Adulthood* (Chicago: University of Chicago Press, 2005) p. 29; Marilyn Gardner, "Adult children back in the nest," *The Christian Science Monitor*, February 24, 2009.

<sup>156</sup> ISR Update, University of Michigan Institute for Social Research, "From Adolescence to Adulthood, Many Flourish but a Few Flourish," Fall 2002, p. 2.

in the early 30's), for an average total amount of more than \$35,000.<sup>157</sup> The assistance may come in the form of housing, food, educational expenses, or direct cash assistance.<sup>158</sup> In California, 45 percent of males and 43 percent of females ages 18 to 24 live with their parents.<sup>159</sup> Ashley, a former foster youth spoke on a panel sponsored by UCLA's School of Public Affairs about aging out. In response to a question asking for her thoughts on a bill to extend foster care past age 18 she said, "I think it's really great because nobody puts their real kid out at 18. It's being realistic."<sup>160</sup>

### *"Out at 18" is a Costly State Policy*

State policies and practices that eject young people from state care without the tools they need to survive are not only devastating to the individual, they are also costly to society. Some US states already recognize this and extend support to foster youth beyond age 18. A University of Chicago study examining the effect of extending foster care to age 21 found that in Illinois, where the median age of exit from foster care is 21, the benefits of more time and more help are tremendous. Compared to outcomes for youth in states that do not extend care past age 18, the researchers concluded that youth remaining in care until age 21 were three times more likely to enroll in college, 65 percent less likely to be arrested, and 38 percent less likely to get pregnant as teenagers.<sup>161</sup> The long-term affect for the state is significant. A report released in early 2009 found that in California, supporting former foster youth up to age 21 was likely to increase their lifetime earning potential by at least \$92,000.<sup>162</sup>

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<sup>157</sup> Robert Schoeni and Karen Ross, "Material Assistance from Families During the Transition to Adulthood," in Richard Settersten, Jr., Frank Furstenburg, Jr., and Ruben Rumbaut eds., *On the Frontier of Adulthood* (Chicago: University of Chicago Press, 2005) pp. 396-411. The authors note that children in the top quarter in terms of family income received three times more material assistance than children in the bottom quarter. *Ibid.*, p. 115.

<sup>158</sup> According to Schoeni and Ross, the actual annual assistance diminishes with age. *Ibid.*

<sup>159</sup> Annie E. Casey Foundation, Child Trends, Kids Count and Population Reference Bureau, "The Transition to Adulthood: Characteristics of Young Adults Ages 18 to 24 in America," May 2005, p. 32. Source of data is the Population Reference Bureau analysis of Census 2000 5-Percent Public Use Microdata Sample (PUMS).

<sup>160</sup> "We Need Support: Selected comments of Los Angeles youth who spoke on a panel about transitioning to adulthood," *LA Youth*, March-April 2009, <http://layouth.com/modules.php?op=modload&name=Issue&action=IssueArticle&aid=2429&nid=84> (accessed August 5, 2009).

<sup>161</sup> Mark Courtney, Amy Dworsky, and Harold Pollack, Chapin Hall Center for Children at the University of Chicago, "When Should the State Cease Parenting? Evidence from the Midwest Study," December 2007, <http://www.chapinhall.org/research/brief/when-should-state-cease-parenting> (accessed October 7, 2009).

<sup>162</sup> Mark Courtney, Amy Dworsky, and Clark Peters, Partners for Our Children, University of Washington, "California's Fostering Connections to Success Act and the Costs and Benefits of Extending Foster Care to 21," March 2, 2009, [http://www.cafosteringconnections.org/pdfs/Courtney,%20Dworsky,%20&%20Peters%20\(2009\)%20FC%20to%2021.pdf](http://www.cafosteringconnections.org/pdfs/Courtney,%20Dworsky,%20&%20Peters%20(2009)%20FC%20to%2021.pdf) (accessed March 26, 2009), p. 12. See also Clark Peters et al, Chapin Hall Center for Children at the University of Chicago, "Extending Foster Care to Age 21: Weighing the Costs to Government Against Benefits to Youth," June 2009, [http://www.chapinhall.org/sites/default/files/publications/Issue\\_Brief%2006\\_23\\_09.pdf](http://www.chapinhall.org/sites/default/files/publications/Issue_Brief%2006_23_09.pdf) (accessed September 16, 2009).

Other, perhaps less obvious, costs can fall to the state when young people who are not ready to care for themselves end up on the street. In particular, the cost of not addressing the special needs of former foster youth may be high. For example, Ombudsman Grace-Keho's description of a young man living beneath the freeway underpass included: "This kid was asthmatic, and during this time he had a bad asthma attack and ended up hospitalized. Now how healthy is it for someone with asthma sleeping under a freeway pass in Los Angeles [and exposed to intense pollution]? And how long could have the state paid for his room and board with the money it spent on an emergency room visit and a week-long stay in the hospital?"<sup>163</sup>

### *The Rights of Current and Former Foster Children under International Law*

#### **Foster Children Have a Right to Special Measures of State Protection**

Every child in California is guaranteed special measures of protection and care by international law. Protections are heightened for children who have been removed from their homes and placed in state care. The state has special duties toward these children, among which is to help them prepare for adulthood.<sup>164</sup> It is no exaggeration to say that all of childhood and youth is dedicated to learning to be independent. The role of the parent in this process is essential. When the state becomes the parent, it must take measures to prepare children for adulthood or it is breaching its duty to protect.

International law recognizes that children need greater protection than adults.<sup>165</sup> The International Covenant on Civil and Political Rights (ICCPR) states that "[e]very child shall have ... the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State."<sup>166</sup> To understand the scope of this provision, the ICCPR should be read in conjunction with the Convention on the Rights of the Child, a treaty that the United States has signed but not ratified.<sup>167</sup> Reflecting an almost universal consensus on children's human rights, the convention requires states to protect children

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<sup>163</sup> Human Rights Watch telephone interviews with Karen Grace-Kaho, California state ombudsman for foster care, Sacramento, November 11, 2006, and January 4, 2007.

<sup>164</sup> Note that when used in the context of international law "state" refers to nations.

<sup>165</sup> UN Human Rights Committee, General Comment No. 17, Rights of the Child, (Thirty-fifth session, 1989), UN Doc. HRI/GEN/1/Rev. 7 (2004), p. 144, para. 2.

<sup>166</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by the United States on June 8, 1992, art. 24.

<sup>167</sup> Because the United States has not ratified the Convention on the Rights of the Child, it is not generally bound by the terms of the treaty. Nevertheless, it has the obligation to refrain from actions that would defeat the convention's object and purpose. See Vienna Convention on the Law of Treaties, concluded May 23, 1969, 1155 U.N.T.S. 331, entered into force January 27, 1980. Although the United States has not ratified the Vienna Convention on the Law of Treaties, it regards this convention as "the authoritative guide to current treaty law and practice." S. Exec. Doc. L., 92<sup>nd</sup> Cong., 1<sup>st</sup> sess. (1971).

from “all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”<sup>168</sup> The best interests of the child must be a primary consideration in all actions concerning children.<sup>169</sup>

The specific measures of protection are left somewhat to each state’s discretion. The UN Human Rights Committee, which interprets the ICCPR, and to which each signatory country must regularly make reports on adherence to its provisions, articulates that each state must “determine [its measures of protection] in light of the protection needs of children ... within its jurisdiction.”<sup>170</sup> Despite this wide latitude, it is clear that protection of children means more than just safety, more than adequate food. The preamble of the Convention on the Rights of the Child speaks directly to the importance of preparation for adulthood, stating that “the child should be fully prepared to live an individual life in society.”<sup>171</sup> The UN Committee on the Rights of the Child also notes “with concern” that states “have not given sufficient attention to the specific concerns of adolescents as rights holders and to promoting their health and development.”<sup>172</sup> The Committee describes states’ obligations to include ensuring that adolescents have “access to information that is essential for their health and development” and “creat[ing] a safe and supportive environment for adolescents including within their family, in schools, in all types of institutions in which they may live, within their workplace and/or in the society at large.”<sup>173</sup>

Children outside of their family environment are among those singled out as entitled to special care and protection from the state. The Convention on the Rights of the Child provides that:

A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that

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<sup>168</sup> CRC, art. 19. Somalia and the United States are the only countries in the world to not have ratified the CRC.

<sup>169</sup> CRC, art. 3.

<sup>170</sup> UN Human Rights Committee, General Comment 17, Rights of the Child, (Thirty-fifth session, 1989), Compilation of General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev. 7 (2004), p. 144, para. 3.

<sup>171</sup> Convention on the Rights of the Child, adopted November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/RES/44/25, annex, 44 U.N. GAOR Supp. (No. 49) at 167, U.N. Doc. A/44/49 (1989), entered into force September 2, 1990, signed by the United States on February 16, 1995, preamble.

<sup>172</sup> UN Committee on the Rights of the Child, General Comment 4, Adolescent health and development in the context of the Convention on the Rights of the Child, (Thirty-third session, 2003), para 3.

<sup>173</sup> UN Committee on the Rights of the Child, General Comment 4, Adolescent health and development in the context of the Convention on the Rights of the Child, (Thirty-third session, 2003), paras. 39(b), (a).

environment, shall be entitled to special protection and assistance provided by the State.<sup>174</sup>

The Human Rights Committee lays out the expectation that states' reports "should provide information on the special measures of protection adopted to protect children who are abandoned or deprived of their family environment *in order to enable them to develop in conditions that most closely resemble those characterizing the family environment.*"<sup>175</sup>

### All People Have a Right to Adequate Housing

Many international treaties and documents enunciate a right to adequate housing for all people.<sup>176</sup> The first was the Universal Declaration of Human Rights (UDHR):

[E]veryone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.<sup>177</sup>

The International Covenant on Economic, Social and Cultural Rights (ICESCR), which the US has signed but not ratified, codifies the right and requires ratifying states to strive to ensure that all their residents have adequate housing, recognizing "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing

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<sup>174</sup> CRC, art. 20.

<sup>175</sup> UN Human Rights Committee, General Comment No. 17, Rights of the Child, (Thirty-fifth session, 1989), U.N. Doc. HRI/GEN/1/Rev. 7 (2004), p. 144, para. 6 (emphasis added).

<sup>176</sup> Among others, see, article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), 660 U.N.T.S. 195, U.N. Doc. A/32/18 (entered into force January 4, 1969); article 14(2) of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1249 U.N.T.S. 13, U.N. Doc. A/34/46 (entered into force September 3, 1981); article 27 (3) of the Convention on the Rights of the Child (CRC), G.A. Res. 44/25, U.N. Doc. A/44/49, (entered into force September 2, 1990). See, also Declaration on Social Progress and Development, G.A.R. 2542 (XXIV), U.N. Doc. A/RES/41/146 (December 11, 1969), Part II, Art. 10(f); Resolutions on the realization of the right to adequate housing, G.A. Res. 41/146, U.N. Doc. A/RES/41/146 (December 4, 1986); G.A. Res. 42/146, U.N. Doc. A/RES/42/146 (December 7, 1987); Economic and Social Council Res. 1987/62 (May 29, 1987); Commission on Human Rights Res. 1986/36 (March 12, 1986); Commission on Human Rights Res. 1987/22 (March 10, 1987); Commission on Human Rights Res. 1988/24 (March 7, 1988); Resolutions on Forced Evictions: Commission on Human Rights Res. 1993/77 (March 10, 1993); Sub-Commission on Prevention of Discrimination and Protection of Minorities Res. 1991/12 (August 26, 1991); Resolution on the human right to adequate housing: Commission on Human Settlements Res. 14/6 (May 5, 1993); Resolution on promoting the realization of the right to adequate housing: Sub-Commission on Prevention of Discrimination and Protection of Minorities Res. 1991/26 (August 29, 1991).

<sup>177</sup> Universal Declaration of Human Rights (UDHR), adopted December 10, 1948, G.A. Res.217A(III), U.N. Doc. A/810 at 71 (1948).

and housing, and to the continuous improvement of living conditions."<sup>178</sup> The ICESCR also requires states parties to take "appropriate steps to ensure the realization of this right."<sup>179</sup>

If the right to housing means anything, it means that one should not have to be homeless. It also means, at a minimum, that governments should avoid policies and practices that predictably increase homelessness.<sup>180</sup> Rajindar Sachar, the U.N. special rapporteur on the right to adequate housing, has noted that governments infringe that right if they adopt policies that "result in homelessness, greater levels of inadequate housing, [or] the inability of persons to pay for housing[.]"<sup>181</sup> The government's failure to prepare children in care for adulthood directly increases the incidence of homelessness among emancipated youth.

### *A Variety of Post-Emancipation Options is Needed*

Foster youth, just like their peers in typical homes, need a variety of options as they transition into adults. Some need more time at home before moving out on their own: Tayana said she was not ready to leave her foster home when she turned 18 and probably would have chosen to stay with her foster mother.<sup>182</sup> Others need periodic stays: Melissa said she needed a place she could go on breaks from college. Warren had a job when he was kicked out of his group home, and said he could have paid a small amount of rent. Ayana had a daughter and needed a place that was child-friendly. Oceania said she needed a safe place to stay while she applied for SSI disability coverage, and someone to

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<sup>178</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), 993 U.N.T.S. 3, art. 11(1), U.N. Doc. A/6316 (entered into force January 3, 1976).

<sup>179</sup> *Ibid.* Although the United States has not ratified the ICESCR and is therefore not a state party, as a signatory to the ICESCR, it is bound to not undertake policies or practices that would defeat the covenant's object and purpose.

<sup>180</sup> The Committee on Economic, Social and Cultural Rights, the UN body that is the authoritative interpreter of the Covenant, has elaborated the article 2 requirement that states parties take steps "to the maximum of its available resources" with a view towards "achieving "progressively" the Covenant's rights. In explaining what "progressive realization" entails, the Committee has said, "a minimum core obligation to ensure the satisfaction of, at the very least, minimum essential levels of each of the rights is incumbent upon every State party. Thus, for example, a State party in which any significant number of individuals is deprived of essential foodstuffs, of essential primary health care, of basic shelter and *housing*, or of the most basic forms of education is, *prima facie*, failing to discharge its obligations under the Covenant." Committee on Economic, Social and Cultural Rights, General Comment No. 3, para. 10 (emphasis added). "Progressive realization" also means, at minimum that "any deliberately retrogressive measures in that regard would require the most careful consideration and would need to be fully justified by reference to the totality of the rights provided for in the Covenant and in the context of the full use of the maximum available resources." Committee on Economic, Social and Cultural Rights, General Comment No. 4, para. 9.

<sup>181</sup> Rajindar Sachar, 1993 Special Rapporteur's Report, UN Doc. E/CN.4/Sub.2/1993/15, para. 144 .

<sup>182</sup> Tayana is probably not in the minority. In an examination of the foster care population of Illinois, a state in which youth are permitted to stay in care up to age 21, researchers found that, "[c]ontrary to some anecdotal reports that only a minority of foster youth would choose to remain in care past age 18 if given the opportunity, more than two-thirds of the Midwest Study's Illinois sample were still in care after their twentieth birthday, and more than half did not leave care until age 21." Mark Courtney, Amy Dworsky, and Harold Pollack, Chapin Hall Center for Children at the University of Chicago, "When Should the State Cease Parenting? Evidence from the Midwest Study," December 2007, [http://www.chapinhall.org/sites/default/files/publications/ChapinHallDocument\\_1.pdf](http://www.chapinhall.org/sites/default/files/publications/ChapinHallDocument_1.pdf) (accessed October 7, 2009), p. 3.

help her learn to balance navigating that disability benefits system, dealing with her mental health issues, and starting community college. Michael needed a program that included drug treatment. The many youth who return to their birth families when they age out need help finding family members and determining who they might turn to.



Homeless youth sleep on cots at the Youth Emergency Assistance Hostel, a shelter open during the winter months in Berkeley. © 2007 Natalie Leimkuhler

The question is not just what happens when young people turn 18. Some want nothing more than to leave the foster care system behind on their 18<sup>th</sup> birthday, but need the option of returning to some type of supportive setting in a crisis. Young people need back up plans as they navigate through early adulthood and face the inevitable mistakes that are a part of learning. Murray L. said he passed up a chance to enter into a transitional living program when he left care: “I regret [that decision, but] I wanted to be with my family. I thought they wanted me with them but I got kicked out.”<sup>183</sup> Anya entered a transitional living home, but was kicked out for breaking the rules and had nowhere to go. Junior J. had a part-time job at a Safeway grocery store when he emancipated, but four months later he had lost it and had

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<sup>183</sup> Human Rights Watch interview with Murray L., age 24, Hollywood, May 22, 2006.



no income.<sup>184</sup> Each of them needed a safety net to catch them and keep them from becoming homeless when things did not go as planned.

***“Our kids want to go to school, they want to do right in our communities. But when you’re worried about where you’re going to lay your head every night ... you can’t do everything.”***

Transitional living programs are the best option for some. However, requirements for programs need to be adapted to special needs. For example, a program requirement that an applicant hold a job may unfairly exclude those who are unable to do so. While maintaining a job is an obvious objective for most adults, some of those interviewed appeared to have significant learning disabilities or to be experiencing mental health problems to such a degree that immediate entry into the work world and steady employment seemed improbable. One young woman

interviewed appeared, at minimum, to be quite socially immature and depressed. She had never held a job before emancipating. She told the researcher that she did not even apply to a local transitional living program because she thought she would not be able to get a job.<sup>185</sup> Another young woman was obviously and significantly cognitively impaired: in describing her graduation day for the researcher, she could not count the number of hours between her high school graduation and the time that same afternoon that her social worker came to drive her to a temporary shelter.<sup>186</sup> At the time of the interview, she was living in a homeless shelter, hoping to get into a transitional living program. She did not have the requisite job for admittance, however, and could not articulate a plan to get a job. Cheryl Alexander, supervisor of the Emancipation Services Program of Orange County Social Services Agency said: “Our kids want to go to school, they want to do right in our communities. But when you’re worried about where you’re going to lay your head every night ... you can’t do everything.”<sup>187</sup>

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<sup>184</sup> Human Rights Watch interview with Junior J., age 19, Sacramento, August 15, 2008. Junior had a part-time job, but perhaps more to the point, he did not have a place to live when he emancipated. He slept behind the store and used a hose to wash off in the morning.

<sup>185</sup> Human Rights Watch interview with Natalie R., age 19, Oakland, November 16, 2006.

<sup>186</sup> Human Rights Watch interview with Tiffany T., age 18, Sacramento August 15, 2008. Tiffany graduated from high school with a special education certificate.

<sup>187</sup> Human Rights Watch interview with Cheryl Alexander, MSW, supervisor, Emancipation Services Program Orange County Social Services Agency, Santa Ana, November 15, 2006.

## Leaving Homelessness Behind



Warren. © 2007 Patricia Williams

### *Warren's Success*

When he turned 18, adulthood came as an abrupt announcement for Warren.<sup>188</sup> “The guy at [my] group home told me on a Wednesday that I needed to get out by Saturday.” With that, 18-year-old Warren was tossed out of foster care. “I tried to tell him that I had no place to go, but he told me that I couldn’t stay there ... I asked, ‘Couldn’t I [just] stay in the garage?’” The answer was no. Warren packed his possessions into his car and left.

He was homeless for two years. “I’d park [my car] different places and sleep. Sometimes I would stay at friends’ houses,” he said. Remarkably, he continued to work toward his high school diploma and regularly attended classes. “I didn’t want to give up. My motivation was to be better. I was trying to show people that I could do things that they didn’t think I could do.” He worked in a restaurant and used the money to pay for his car. It’s a

time that he doesn’t like to think about: “I got to a point where I was so depressed, so frustrated, I felt like killing myself.”

The chance for a place to live and the emotional support to make it as a young adult came when he was twenty. “I was so desperate. I don’t know how I heard about [a transitional living program] ... but I did, and somehow I got an application and brought it over to their office. I thought I would never hear back from them.” He did, and after a rigorous acceptance process, he was off the streets and into an apartment with a roommate.

The program was not an easy ride—at one point he lost his job and did not have enough money to pay both rent and his car payment. He chose the car. “I thought to myself, I gotta keep this car. If everything goes wrong, I can sleep in my car.” Not being able to pay rent jeopardized his placement in the program, but instead of booting him, a counselor worked with him to re-focus priorities and find another job.

Those kind of second chances are part of what helped him become the successful independent adult he is today. Warren also points to the relationships built in the program. “The [staff at the

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<sup>188</sup>All of Warren’s quotes are based on a Human Rights Watch interview with Warren H., age 24, Whittier, December 27, 2006.

transitional living program] let me know they were here for me, they let me know that they knew I was trying to do something in my life and they supported me in it. It seems like they really care about what happens to you. And, when bad things happened—like when I lost that job, they would make sure that I was out there looking for another job. They always have some ideas about work.” He spent 18 months at the program.

Living on his own in Long Beach, Warren said he was working and going to school. For the two years before up until we spoke with him, he had worked with a company that maintained a number of apartment buildings across the county. With shy pride he clicked off the skills he is mastering, “I’ve learned carpentry, plumbing, and electrical work.” Walking through an apartment unit, he showed the interviewer perfectly mitered crown molding, expert drywall work and professional painting he’d done himself. “See that air conditioning unit? I installed it.”

Warren’s boss, Tony Suarez, said he thought highly of him: “In the beginning I was kind of surprised about what he’s been through, the problems he’s had ... But he’s been great. He likes to be there for people.” The relationship has been a meaningful one for both. Mr. Suarez described a call he got from Warren last Christmas. “[He said] thank you for everything I’d done for him. He told me that I was like a big brother to him—he really meant it. No one had ever told me something like that—It made me feel so great. I’m on my own too, but I have parents—it’s just different when you don’t have anyone.”<sup>189</sup>

In addition to working full-time, Warren was attending community college. “Right now I am taking care of my general education requirements. I hope that by the middle of this year I’ll be able to go full-time. I’d like to work with kids. I’m thinking about becoming a teacher or a child psychologist. I’m focusing on finding something that I know I’ll be good at.”

On the weekends he played volleyball and was also a member of a car club. “It’s a Mustang owners’ club. We meet for barbeques and stuff. I do some mechanical work on cars, I help people out with their cars and fix things.”

Friends would tell him it is time to start a family. He disagreed. “I have things I want to do before I have kids. I’d like to travel, go to different places in the world. But when I do have kids, I think I’ll adopt. I think about how there are so many kids out there without a mom or a dad.”

It was hard to imagine this young man living in a car. His journey from homelessness to a stable life of work, school, and weekends playing volleyball happened because simple needs were met: A place to live, emotional support, second chances, and relationships with people who care. Those factors gave him what he needed. Warren said he was not stopping. He dreamed about traveling, plans for future careers, and family options. He summed up his life, “I want to see how far I can go.”

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<sup>189</sup> Human Rights Watch telephone interview with Tony Suarez, Los Angeles, December 30, 2006.



Anya. © 2007 Patricia Williams

### *Anya's Success*

Plowing through eight placements in less than five years, Anya thought leaving foster care was like the end of a bad dream.<sup>190</sup> Instead, what came next was a real nightmare. “I was homeless for two and a half years, living in motels and in my car ... At one point I was living in my car ... in the winter. I was freezing with my baby there with me ... She’d sleep sitting up in her car seat. “

Anya recalls one desperate night trying to get to a homeless shelter in Orange County. Driving along I-5, she tensely watched the gas gauge move to empty. “I didn’t think we would make it to the shelter.” In the back seat her three-year-old daughter squealed with joy as they passed Disneyland’s fireworks lighting the sky next to the freeway. They made it to the shelter, but it was overcrowded, with sleeping mats jammed together on the floor inside, and even the yard filled with

people sleeping outside. Anya felt safer parking the car in the alley and staying there with her child. Sitting behind the steering wheel, she said, she cried all night. She thought, “I can’t do this anymore.”

She had tried a number of programs but with no luck. Even reaching them was difficult. “Most places you call don’t answer the phone—it’s just a message or no one picks up.” The next day she had some luck. “When an actual person picked up the phone, I couldn’t talk, I just cried into the phone.” Ultimately she was accepted into a transitional living program. “I remember [the call saying that] I got in [to the program] ... my heart raced. I said, ‘Are you kidding? Are you kidding?!’”

“December 9<sup>th</sup> [was] my move-in day. They asked if I needed help moving my stuff, and [laughing] well, no, I didn’t; it all fit in my car ... I got there, and they took me to my apartment and I went in and I just sat on the bed. I was so happy to have a room ... I was so happy I couldn’t move for an hour. I just sat there. Finally, after everything, I had a place I could stay.”

Anya threw herself in to working and going to school. She got a job with a mortgage company and worked from 7 a.m. to 4 p.m., then drove over an hour to a community college and took night

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<sup>190</sup> All of Anya F.’s quotes are based on Human Rights Watch interviews with her at age 21, in Whittier, California, April 23, 2006, and December 27, 2006.

classes until 10. “I was never at home, I never saw [my daughter], because I was so scared about being homeless again. I missed out on the program here [at the transitional living program.]” Her counselor called her in for a heart-to-heart. “She said, ‘You’re disappointing me,’ and let me know I needed to participate in the program. I didn’t realize she didn’t want me to just work; she wanted me to leave [the program] with connections, with a family, because that is what I was missing.” The counselor also helped Anya focus on her priorities. “She told me, ‘You know you are taking time away from your daughter.’ I told her, ‘No, I am doing all of this for her!’ She told me that I am missing special time with her and I won’t be able to make it up later—and I realized she was right, I couldn’t keep working and going to school the way I was.” Anya quit work but with the help of program staff was able to secure a paying internship. “I work in the Motion Picture Development Finance Department at Paramount.” There she gained a mentor who introduced her to accounting.

When we spoke with her, Anya attended school full-time and worked two days a week. There were dance classes for her daughter on Saturdays. “It’s the best situation ever,” she says. “My hope is to go to a four-year college this year or the following year. I’m thinking about USC, UCLA, or Cal State Northridge. But wherever I go, I’m going to go—I’m going to a four-year college to get my degree. I’m really focused [on getting] through school.” Others have recognized her efforts and how far she has come: she was awarded a scholarship.

You do not have to spend much time with Anya to get a sense of her determination. She is energetic, exudes confidence and laughs easily. She is the picture of optimistic young adulthood. What separates her from the young person who was homeless for two-and-a-half years? Anya’s answer is the guidance and supportive relationships she has at her transitional living program. She gives a clear example: “I used to always run out of gas. Here, at this program they don’t yell at you, and they don’t just give you money for gas. The counselor helps me figure out how to budget, so next time I’ll have the money for gas and not run out. It makes me feel like here there are people who really care about me.”

When she thinks about the future, she’s clear. “My dream for where I will be in 10 years? I’ll be an accountant. I’ll have my own office; my name will be on the door. I’ll have an intern and I’ll be helping that person. Most importantly I will be helping others. People tell me now, ‘You’re going to be successful, you’re going to be doing something big.’ I hear that and I think, ‘Yes, I am.’”

## Detailed Recommendations

### 1. Extend support for youth in foster care beyond age 18.

Transition to adulthood should be more gradual than it currently is for youth in foster care. Few 18-year-olds are ready to be completely independent. Financial support, adult connection, shelter, and other safety nets should be provided in a graduated way into the early 20s for youth who need it. Youth who choose to leave state care at age 18 should have opportunities to return on the basis of need. We recommend:

#### *To the Governor and Members of the State Legislature*

- Support state legislation that creates multiple options of support past age 18 for youth, including:
  - allowing all former foster youth to stay in a current foster care placement for a period of time past age 18, regardless of their high school graduation or other status;
  - creating a diverse spectrum of other options for housing, support, and guidance; and
  - developing transitional housing and other programs that meet the needs of a wider spectrum of young adults, including those with mental health needs, learning disabilities, and pregnant and parenting youth.
- Increase the availability across the state of transitional living programs so that every youth leaving state care who needs housing will have it.
- Provide the right to return to state care for youth who chose to leave at age 18 but who later find that they need support and help in early adulthood.

#### *To Judges, Attorneys, and Child Advocates*

- Use existing laws to extend jurisdiction after age 18 in appropriate cases.
- Create and offer youth alternatives to traditional foster care in extended jurisdiction.

### *To County Child Welfare Agencies and Social Workers*

- Prioritize resources for proven transitional living programs that provide meaningful life skills acquisition, guidance to youth traversing early adulthood, and strong bonds with competent, caring adults.
- Set standards for and regulate adherence by transitional living programs and foster placements in the provision of on-going guidance, emotional support, and the opportunity to learn living skills.

### *To the Federal Government*

- The US Department of Health and Human Services should promulgate regulations for the Fostering Connections to Success and Increasing Adoptions Act of 2008 that permit for the widest possible spectrum of independent living programs.
- The US Department of Health and Human Services should revise the eligibility requirements under the Fostering Connections to Success and Increasing Adoptions Act of 2008 to broadly interpret the eligibility of youth who have mental or emotional problems for medical waivers that would permit them to enter transitional living programs when they cannot meet program requirements for employment or school.

## **2. Guarantee that youth have useful emancipation plans.**

Legally-mandated “transitional independent living plans,” which child welfare agencies are required to develop for each youth’s emancipation, should incorporate concrete arrangements for housing, income, connection to others, and medical coverage. We recommend:

### *To the Governor and State Legislature*

- Ensure that existing laws requiring transitional living plans are being implemented and are effective.

### *To Judges, Attorneys, and Child Advocates*

- Inquire and follow up at regular intervals on the status of plans for a youth’s emancipation.
- Identify children and youth in foster care who have special needs, ensure that their post-emancipation plans address those needs, and take steps to ensure their needs are met.

### *To County Child Welfare Agencies and Social Workers*

- Ensure that every youth emancipating has a place to live, a source of income, and health coverage prior to emancipation.
- Guarantee that every youth leaving care has an independent living coordinator and knows how to reach that person.
- Evaluate systems and procedures to ensure that the perspectives of children and youth are incorporated in planning and assist them in identifying their goals.
- Work closely with youth to complete the Independent Living Plan, beginning in early adolescence and continuing until the youth leaves care; involve people who care about the youth and can assist him or her in developing the plan; and allow sufficient time to discuss and take action on the youth's goals.
- Provide more information about services, programs, and support that exist post-emancipation.

### **3. Create real opportunities to develop skills for independence.**

Everyday life skills should be taught in foster care at an earlier age and not just in a classroom setting. Youth should be provided opportunities throughout adolescence to practice tasks and skills for adulthood.

### *To the Governor and State Legislature*

- Review state laws and regulations, and support regulatory changes, or if necessary, legislation so that youth in foster care are not living in overly restrictive and institutionalized settings that limit opportunities for experiential learning.
- Support regulatory or legislative changes so that foster parents, group home workers, and others caring for adolescents must create opportunities to learn adult living skills in the home.

### *To Judges, Attorneys, and Child Advocates*

- In preparation for and during court hearings, ask specifically about the types of opportunities individual youth in state care will receive for learning adult living skills, and follow up with court investigations or orders to ensure youth are getting the opportunities needed.



### *To County Child Welfare Agencies and Social Workers*

- Assess current skill-building programs and preparation for transition to adulthood policies and outcomes for youth. Assessments should rely on, among other things, information from the National Youth in Transition Database and input from former foster youth and other experts.
- Train foster parents, group home workers, and others caring for adolescents on adolescent development and the basic skills needed for youth to prepare for adulthood; set standards for foster parents, group home workers, and others caring for adolescents holding caretakers responsible in part for passing on adult living skills and providing in-home skills acquisition.
- Prioritize in training and standards experiential learning of adult skills and opportunities to learn.

### *To Foster Parents, Group Home Workers, Guardians, and Others Caring for Children in Foster Care*

- Ensure that young people have ongoing opportunities to participate in activities that promote adult skills.
- Prepare adolescents for adulthood and ask for support from the county welfare agency.
- Seek training in adolescent development and creative ways to impart living skills.

## **4. Help establish relationships that extend beyond emancipation.**

To prepare youth in foster care for adulthood, the state should help them establish relationships with people who can offer guidance and support through early adulthood. We recommend:

### *To the Governor and State Legislature*

- Ensure that existing laws supporting long-term relationships for children and youth in foster care, such as family-finding, long-term mentoring, and adoption of older youth, are being implemented.

### *To Judges, Attorneys, and Child Advocates*

- Ensure through court orders and follow-up that every child and youth has connections with adults who are likely to be in his or her life after leaving foster care.

### *To County Child Welfare Agencies and Social Workers*

- Prioritize resources to ensure that every child in state care establishes connections with adults who will be available to him or her after emancipation from care.
- Create systems to contact and maintain connection with extended family and non-family members who may not be able to house a child but could commit to be in a child's life in ways that build emotional support and ties to the community.

### *To Foster Parents, Group Home Workers, Guardians, and Others Caring for Children in Foster Care*

- Prioritize the creation of opportunities for children and youth to establish long-term, caring relationships.
- Change group home policies and procedures so that children and youth have more access to people in the community and opportunities to pursue typical adolescent activities that build connections to adults and other youth outside of the system.

## Research Methods

This research is based primarily on 63 interviews of young people between the ages of 17 and 24 who were former foster children. Interviews took place in 2006 through 2010. Most of the interviewees were homeless at the time of the interview; others had been recently homeless. The definition of “homeless” used here is the one given in the McKinney-Vento Homeless Assistance Act:

The term “homeless children and youth”

(A) means individuals who lack a fixed, regular, and adequate nighttime residence (within the meaning of section 103(a)(1)); and

(B) includes—

(i) children and youth who are sharing the housing of other persons due to loss of housing, economic hardship, or a similar reason; are living in motels, hotels, trailer parks, or camping grounds due to the lack of alternative adequate accommodations; are living in emergency or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement;

(ii) children and youth who have a primary nighttime residence that is a public or private place not designed for or ordinarily used as a regular sleeping accommodation for human beings (within the meaning of section 103(a)(2)(C));

(iii) children and youth who are living in cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and

(iv) migratory children.<sup>191</sup>

Youth interviewed for this report said they slept in cars, on the streets, in parks, under bridges, in abandoned buildings, temporarily in motels, in homeless shelters, in the homes of friends (“couch surfing”), living temporarily with people they did not trust, with people paying them for sex, and in tents.

The interviewees came from geographically diverse locations across California. While not specifically asked to list where they had grown up, interviewees sometimes referred to towns

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<sup>191</sup> The McKinney-Vento Homeless Assistance Act, 42 U.S.C. §11431 et seq., reauthorized January 2002.

and cities where they lived in foster care. These included Anaheim, Apple Valley, Bakersfield, Berkeley, Cabrillo, Carson, Citrus Grove, Compton, Covelo-Round Valley, Eureka, Fresno, Fort Bragg, Hayworth, Hollywood, Lancaster, Long Beach, Los Angeles, Oakland, Ontario, Orland, Palm Desert, Palm Springs, Palo Verdes, Paris, Pasadena, Pomona, Rancho Cucamonga, Rosemead, Sacramento, San Bernardino, San Diego, San Francisco, the San Fernando Valley, Santa Rosa, Tujunga, Ukiah, Upland, Victorville, Whittier, and Yucaipa. This is not a full list. Some interviewees did not say where they had lived; others gave the names of group homes instead of towns. It was not uncommon for an interviewee to state that he or she could not remember all the places he or she had lived in foster care. All youth interviewees had been in foster care; some had also been in the juvenile justice systems and under the jurisdiction of the probation department.

Interviewees were found through several methods. In some cases, the researcher made an announcement at a location where homeless youth were gathered, such as in a dayroom of a drop-in center or at a meeting for residents at a shelter. Individuals would come forward and sign up to be interviewed. In other cases staff at a shelter suggested specific individuals to be interviewed because they were known to have been in foster care and were currently homeless. In one case a person who was allowing a homeless youth to sleep on her floor at home called Human Rights Watch. A few contacted our offices after seeing a request posted on the California Youth Connection listserv.

Nearly all interviews of youth were face-to-face. Interviews were held in a private location such as an office, or a place where others could not hear the conversation. Interviews took place in homeless shelters, drop-in centers, transitional living houses, on the streets of Hollywood, and in a homeless encampment along a river about a mile from the State capitol building.

Interviews lasted from around 30 minutes to three hours and were conducted in a narrative style. The researcher described the focus of the research and explained the measures that would be used to maintain confidentiality. General, open-ended questions were asked. The researcher took careful notes. In some cases the researcher read back quotes to the interviewee to ensure exact wording.

Interviewees were given the option to have their interviews used directly or indirectly, with the latter meaning that their exact quotes would not be used so that their identity would be completely shielded. All interviewees chose to have their information used directly. Pseudonyms were used because of the personal nature of youths' experiences, their young age at the time of the interview, and the fact that many were in crisis at the time and may not

have been in a position to adequately analyze the consequences of revealing private information to a wide audience. Some interviewees chose their own pseudonyms; for others, the researcher chose a pseudonym. In some cases, in addition to the use of pseudonyms, other identifying factors such as gender, geography, age, the existence of children, siblings or the specific facts of an incident are left out in order to further conceal the individual's identity. This was done when the facts of a situation were particularly personal or potentially endangering. For example, particular care has been taken to shield the identity of an interviewee who described having been raped as a child.

#### **Four Indicators of Minimal Readiness for Independence**

While the interviews were generally narrative in nature, the researcher asked four specific questions of each individual. These questions were chosen as indicators of the most minimal preparation for adulthood and readiness for independence. The four questions were:

- When you left foster care did you have a source of income?
- When you left foster care did you have medical coverage?
- When you left foster care did you have a high school diploma?
- When you left foster care did you have an adult you could turn to if you were in some kind of crisis, for example, needing a ride to the doctor if you were very sick?

All interviews were deeply personal. Interviewees were asked to talk about experiences of trauma, betrayal, and abandonment by family and the system. The fact of their homelessness was an obvious source of shame for many, and some even blamed themselves for being in foster care, such as, "I was a stubborn child, that's why no one wanted me."

Many interviewees expressed that even though the topics were difficult to discuss, they wanted to talk about their experiences because they wanted to help change things for children who come up in the system after them. Mason B. put it this way: "I'm down for any cause to help improve things. Even if I'm not going to see help for me, maybe it will help others coming along."<sup>192</sup>

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<sup>192</sup> Human Rights Watch interview with Mason B., age 24, Hollywood, May 22, 2006.

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## My So-Called Emancipation

### From Foster Care to Homelessness for California Youth

When children in foster care turn 18, they are, for the most part, on their own. They are called “emancipated”—they are legally adults and free from the foster care system. But many young people leave California’s foster care with no job or income, few educational prospects, and little emotional support or community connections. As a result, for these young people, emancipation can mean nowhere to turn and no place to go but the streets. In California, 65,000 children and youth are in the foster care system. Each year, more than 4,000 emancipate. Estimates are that somewhere around 20 percent end up homeless.

*My So-Called Emancipation: From Foster Care to Homelessness for California Youth* examines how the state fails to prevent homelessness from being a predictable outcome for too many youth leaving California’s foster care system. Human Rights Watch interviewed youth who had been removed as children from their family homes for abuse, neglect, or abandonment and placed in the care of the state of California. After they left the system, they became homeless. They describe missed opportunities to learn skills, the lack of the ability to support themselves, shortage of second chances when things did not go right, and the fact that no one cared what happened to them.

California is failing in an essential duty to children in its care: to prepare them for adulthood and to survive independently. Just as children in state care have a right to be properly housed and fed, their crucial developmental needs should be addressed. Human Rights Watch calls on California to guarantee that youth who leave foster care have useful emancipation plans, create real opportunities for youth to develop skills for independence, help youth establish relationships that continue beyond emancipation, and extend support for youth in foster care after age 18.

*A youth who is homeless sleeps on concrete outside a homeless shelter.*

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