

UPDATED INFORMATIVE DIGEST

The Community Care Facilities Act provides for the licensure and regulation of children's residential community care facilities which include Foster Family Agencies, Foster Family Homes, Group Homes, Small Family Homes, and Transitional Housing Placement Programs. Unless otherwise provided in statute, these facilities are authorized to provide care and supervision to a child in foster care who is under age 18.

Recent research evidence cites that a foster youth who emancipates at age 18 can face problems in a variety of areas that include health, substance abuse, incarceration, housing, and future family formation.¹ The Midwest Evaluation of the Adult Functioning of Former Foster Youth found that a youth remaining in care for an additional year was more likely to continue education, have stable housing, stay out of the juvenile justice system, receive independent living services, and have access to health and mental health services.²

Current regulations, with the exception of Foster Family Homes, define a "child" as being under 18 and vary in their clarity with regard to provisions for a child to remain in foster care past that age. As a result, some licensed Children's Residential facilities have sought exceptions to and waivers from licensing requirements to provide care and supervision to older youth who are permitted to remain in foster care as specified in statute. Provisions of the Health and Safety Code and Welfare and Institutions Code permit a child to remain in foster care past age 18 under certain conditions. These are:

- A youth who, prior to turning 18, is in foster care and attending high school or the equivalent level of vocational or technical training on a full-time basis or pursuing a high school equivalency certificate may continue to remain in foster care and receive Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits until age 19 if he or she is expected to complete full-time education or training or receive a high school equivalency certificate by that age (Welf. & Inst. Code, section 11403).
- A youth with special health care needs or a developmental disability may remain in foster care after he or she turns 18 if he or she resides in a licensed foster family home, small family home, group home, or certified family home, is completing a publicly funded education program, and expected to complete the program by age 22, and there is agreement by all parties involved that foster care continue (Health & Saf. Code, section 1507.2; Welf. & Inst. Code, sections 17710 and 17732.1).

At the discretion of the California Department of Social Services, proposed changes would be made to the regulations to clarify the definition for "child" consistent with the authority, clarity, consistency, necessity, nonduplication, and reference standards of the Administrative Procedure Act, section 11349 of the Government Code.

¹Courtney, M.E., *The Difficult Transition to Adulthood for Foster Youth in the US: Implications for the State as Corporate Parent*, in Social Policy Report, Society for Research in Child Development, Vol. XXIII, No. 1, 2009.

²Courtney, M.E., et al., *Midwest Evaluation of the Adult Functioning of Former Foster Youth*, Chapin Hall at the University of Chicago, 2007.

These regulations were considered at the public hearing held on September 14, 2011, in Sacramento, California. No oral testimony was received; however, written testimony was received. As a result, technical, nonsubstantive changes were made to the proposed regulations and accompanying handbook language was updated to reflect a change to statute in Welfare and Institutions Code section 11403. Those amendments include:

- Section 80075(i) through (o)

Section 80075(i) through (o) is being renumbered to 80075(f) through (l), which corrects the numbering sequence of this section.

- Sections 83001(c)(1), 84001(c)(2), 86001(c)(3), 88001(c)(5) Handbook Only

"...(b) ...Effective January 1, 2012, a nonminor former dependent child of the juvenile court who is receiving AFDC-FC benefits pursuant to Section 11405 shall be eligible to continue to receive aid up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, as long as the nonminor is otherwise eligible for AFDC-FC benefits under this subdivision. This subdivision shall apply when one or more of the following conditions exist:

- (1) The nonminor is completing secondary education or a program leading to an equivalent credential.
- (2) The nonminor is enrolled in an institution which provides postsecondary or vocational education.
- (3) The nonminor is participating in a program or activity designed to promote, or remove barriers to employment.
- (4) The nonminor is employed for at least 80 hours per month.
- (5) The nonminor is incapable of doing any of the activities described in subparagraphs (1) to (4), inclusive, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor."

- Section 84061(b)(3)

Section 84061(b)(3) is amended to correct a cross-reference.

Pursuant to Government Code Section 11346.8(c), a 15-day renote is not required due to the changes are nonsubstantial.