California enacts landmark foster care legislation extending the system to age 21
10/03/2010 © San Jose Mercury News

Aiming to improve the dismal outcomes for thousands of 18-year-olds who leave the foster care system each year alone and impoverished, California will soon provide support through age 21 via a bill described as the most significant piece of foster care legislation in two decades.

The bill "legislates responsible parenting by the state," said Chantel Johnson, legislative coordinator for the California Youth Connection. Johnson, a former foster youth, said the new law will make her frightening experience "aging out" of foster care no longer so common: "I emancipated from a group home, and basically they handed us a trash bag on our 18th birthday after the cake and said: 'I hope you do well, come back and see us sometime.'"

Assembly Bill 12, written by Assemblyman Jim Beall, D-San Jose, and recently signed by Gov. Arnold Schwarzenegger, will offer far more support. The new law takes effect in January 2012, making California one of a handful of states extending full foster care benefits through age 21.

Given the state's woeful economic condition, the bill has a surprisingly cost-neutral impact: California may draw on federal funds to replace $52.3 million of state money now being used to place foster children with relatives. Instead of going back into the general fund, $37.2 million of the savings will be applied to the expanded foster care population.

Beall said the bill makes sense fiscally and morally.

"I would much rather 18, 19, 20 and 21," Beall said, "rather than the current situation, where they're cared for in homeless shelters, state prisons and county jails -- or in emergency departments, where they come when they are abused on the streets."

Research by the Urban Institute and the University of Chicago has documented these outcomes. Within two years of leaving foster care, one in four teens lands in jail. And with high school graduation rates of less than 50 percent, more than half are unemployed. Close to one in four ends up homeless within 18 months.

But a study released last year by child welfare researchers at the University of Washington and the University of Chicago estimated that extending foster care can change those outcomes -- and result in cost savings for California. The multiyear report tracking young people exiting the foster care system compared Illinois -- a rare state allowing foster care through age 21 -- with states lacking such support. Illinois youths were three times more likely to enroll in college and 65 percent less likely to be arrested; the young women were 38 percent less likely to get pregnant.

Twenty-two-year-old Joseph Isidro of San Jose was among the members of the California Youth Connection advocacy group who fought for the bill's passage. The advocates successfully pushed to make the foster care extension optional and reversible, to allow participation for youth on probation and to provide greater freedom from the restrictions of growing up in state custody.

"For foster youth, it's good to say it's an option but it's not mandatory, because a lot of foster youth feel cornered," Isidro said. After nine years bouncing among 17 foster homes and institutions, he understands the desperation to have some say in life.
"A lot of foster youth will think, 'Oh, I'm 18, I want to get out.' But I hope they'll think about what this bill actually means -- it's giving them an opportunity to be better prepared for the future because they'll have more time with stability."

About 4,700 teens initially will be eligible under the new law, and an additional 270 are on probation. In order to participate, foster youth who are not medically or mentally disabled must be in school, training, or working at least 80 hours a month.

They will still have contact with social workers and the juvenile court, but limitations on housing and contacting parents will be far less stringent than for younger children in the system. Social workers will be able to approve settings such as college dorms, shared apartments or relatives' homes. And the young adults will be able to manage their own time, and in some cases their state checks.

In Los Angeles, about 1,900 young adults ages 18 to 20 are now on a county-funded extension of foster care, but the program will be vastly improved under the new law, said Leslie Heimov, executive director of the Children's Law Center, a co-sponsor of AB 12.

"Any sort of typical, independent or shared living situation -- they can't do that now, they still have to abide by the artificial rules of the foster care system," Heimov said. "The knives and the laundry soap have to be locked up."

It's vital that the expanded foster care system be flexible, said Amy Lemley, policy director for the San Francisco-based John Burton Foundation, which was a central force behind the bill. The young adults can be free of the system for a while -- and then come back -- "the same way the average 18-year-old can change his or her mind and their families don't desert them," Lemley said.

Yet the change is not universally celebrated.

"What it does is just keep kids trapped in the government programs for several more years," said Camille Giglio, director of the conservative group California Right to Life. "Rather than the government or the foster system doing a good job teaching the kids and getting them prepared, it's just another excuse to give more money to agencies."

Another critic is Richard Wexler, who heads the Virginia-based National Coalition for Child Protection Reform, which advocates decreasing the number of children pulled from poor families into foster care.

Wexler said he's concerned that the jubilation in child welfare circles about the bill's passage will dilute a more important battle: keeping kids out of foster care in the first place. Most children, he argues, are removed from their homes because of allegations of neglect often linked with poverty, not child maltreatment. And separating kids from their families often leads to far more suffering.

"Of course they shouldn't ignore the problem of aging out," Wexler said. "But by passing this bill, they are more likely to ignore the problem of aging in."

Lemley disagreed. "We can help more young people have a loving family," she said, "and we can also help the young people we have not achieved that goal for." Contact Karen de Sá at 408-920-5781.