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Summary of Emancipation from Foster Care

Issue

How can the foster care system in San Mateo County improve the ability of teens to become fully functioning, independent members of society upon their release from the foster care system?

Summary

In order to explore this topic, the San Mateo County Civil Grand Jury (Grand Jury) interviewed social workers and administrators in the Health and Human Services Agency, a therapist, a lawyer, and several representative foster youth. It also reviewed current reports of the California Youth Connection, the 2005 Emancipation Report, as well as training curricula for foster parents and for youth anticipating emancipation.

The foster care system unintentionally inhibits the development of a sense of individual responsibility in its clients. While they may be physically cared for until emancipation, all too many are not intellectually or emotionally ready to assume responsibility for their own life success and many revert to public assistance after emancipation.

The Grand Jury found that there were two main causes of this shortcoming. One is an unintended consequence of the system that actually inhibits the development of a sense of personal power. The other is a shortfall in the number of available foster parents and in their training to develop personal responsibility in their wards.

The Grand Jury sought to assess what issues inhibit the development of a sense of individual responsibility and how this characteristic can be promoted. It found that a side effect of many aspects of the system is to deprive the clients of the ability to develop a sense of control over their own lives. For most children, childhood is marked by increasing self-reliance and growing personal power. Many aspects of foster care, however, seem to cause a sense of powerlessness in the youth's ability to influence his or her own condition. The Grand Jury believes that the focus should be placed on developing a sense of responsibility and control throughout a youth's involvement with the system. This can be facilitated by a more thorough and frequent communication of individual rights and the opportunity to exercise those rights. Also critical is additional training of foster parents and developing an expanded Independent Living Skills Program

for younger boys and girls. Both of these can help youth develop an attitude of striving for success.

Given the critically important role of foster parents, it is tragic that the number of available parents has been declining relative to the number of youths in need. The confidentiality laws of the State of California serve, inadvertently, to hinder the recruitment of foster parents by prohibiting publicity about the specific circumstances of each child or youth in need of foster parents. The Grand Jury believes that a small, temporary, loss of privacy is more than offset by the benefit of having a foster parent available to protect and nurture that child.

Emancipation from Foster Care

Issue

How can the foster care system in San Mateo County (SMC) improve the ability of teens to become fully functioning, independent members of society upon their release from the foster care system?

Background

The San Mateo County Civil Grand Jury (Grand Jury) interviewed social workers, administrative staff in the Human Services Agency, foster parents, and clients. Also interviewed were representatives of the judicial system (a judge and a lawyer), a therapist and three clients who were selected by the Human Services Agency as representative of youth in the system. Documents read were last year's civil grand jury report and responses from the Human Services Agency, curricula for training foster parents, newspaper articles, web site statistics, the Foster Parent Bill of Rights, the 2005 Emancipation Report, and the California Youth Connection 2005 Policy Conference Report.

At age 18, foster youth are legally emancipated from foster care. At emancipation, foster parents surrender control to the individual young person. It is critical that youth have the skills and self-reliance necessary to succeed on their own then. Unfortunately, as reported in the California Youth Connection 2005 Policy Conference Report, society is failing our youth. In California an emancipating youth faces:

A 25% chance of becoming homeless
A 40% chance of being on public assistance or incarcerated
A 51% chance of being unemployed
A 1% chance of graduating from college

By contrast, as of June 2005, the youth in SMC who have been involved in the Independent Living Skills Program (ILSP) had an 89% high school graduation rate and 71% of those attending ILSP enrolled in college.

It is critical that post-emancipation services continue to be developed and strengthened. However, the focus of this report is what can be done prior to emancipation to minimize the need for these services.

A child whose life circumstances require that he or she be placed in the care of the state is immediately surrounded by a daunting array of people, laws, and organizations. It is a system comprised of well-intentioned individuals whose focus is managing the life of the child "in the best interests of the child." Its primary focus is to provide for the child and his or her physical care. With a heavy case load and an even heavier load of paperwork, the overburdened social worker has extremely limited time to devote to encouraging individual initiative.

Findings

Interviews and review of documents yielded the following information, which is divided into the two categories of personal responsibility and foster parents.

Personal Responsibility

- All of the three representative teens complained that mental health counseling regarding sexual abuse is required for far too long. They expressed a strong desire to terminate the therapy or make a transition to group and family therapy but were required to continue individual therapy.
- The same three teens felt their input on decisions affecting their lives was not sought and, if given, often ignored. They felt the response time for simple requests was measured in months.
- These same teens reported they did not have an opportunity to meet with their lawyers after their initial interview. The lawyer, to the contrary, stated that while yearly meetings are offered, the clients often don't wish to take advantage of the opportunity.
- Not a single client interviewed was aware that he or she could directly contact the Juvenile Court judge and bypass what they perceive as a cumbersome, slow, and unresponsive communications process.
- The form CS 230 (3.02) "Child's Personal Rights" (see the Appendix) is given to every foster child on a yearly basis or at change of placement. This document is given to children of all ages without regard to the age appropriateness of the document.
- Section 16501.1 of the State of California code requires that social workers inform foster youth of their rights every six months.
- The ILSP begins at age 15.5 and almost 90% of the clients participate. At that time they have only 2.5 years until emancipation. With this short time frame the program is, of necessity, a very important and practical "how to" guide for establishing oneself in society. It also provides a comprehensive survey of the resources available after emancipation.

- In June a plan to start an earlier ILSP program for youths from 14 to 15.5 years of age will be presented to the Board of Supervisors.
- Some guardians are reluctant to encourage individual responsibility in their charges. They would prefer to put as much of the burden on the state as possible. One example is the case of a young teenager who is failing in high school because he refuses to do his homework. The response of the caretakers is not to hold the student responsible but to demand that the state provide a tutor five days a week.

Foster Parents

- Approximately 40% of San Mateo County foster youths are placed in foster homes outside this county. The lack of local foster parents requires placement in homes in counties all over California.
- Recruiting foster parents in San Mateo County has become increasingly difficult over the last 10 or 15 years. One of the issues inhibiting recruitment of new parents is the inability to release information on individual children and their life circumstances. The personal confidentiality laws of the State prohibit the use of this information as a means of marketing to new, prospective foster parents.
- There is little or no training of foster parents on how to teach youth to accept their own condition and take responsibility for improving their circumstances, regardless of how life has treated them.

Conclusions

The caring and well-intentioned foster care program, with its focus on physical care and adoptive placement, can have an unintended and undesirable side effect. While the system is largely successful in physically caring for the individuals through age 18, it often corrodes individual responsibility in the process. This occurs either through engendering in its clients a sense of entitlement and an expectation of being provided for or through inculcating a sense of helplessness and an inability to affect one's own condition. In either case, it becomes more difficult for foster youth to develop into successful, contributing members of society.

In order to begin to take personal responsibility one must be aware of one's own rights and be given an opportunity to exercise them. Currently youth have an inadequate grasp of this critical component of self-reliance. The document Child's Personal Rights (CS 230 of 3/02) is a lengthy and legal document apparently designed for the caregiver, a copy of which is provided the foster child. It does not appear age appropriate for anyone under 14 or 15. It also does not inform the child that he or she can directly contact the judge or have input in the termination or modification of court mandated therapy. Lastly, it does not inform clients of their right to speak with their lawyers prior to each semi-annual hearing of each of their cases.

The programs in place do not focus on developing the attitude and mindset for personal power and responsibility. Currently this begins at 15.5 with a focus on the required physical necessities of independence. By this stage an opportunity to strengthen the attitude of self-reliance has been missed.

Just as good parents teach their children about taking responsibility for actions and making the most of the opportunities provided, so too can caring, well meaning, and trained foster parents communicate this essential life trait. Their training in this critical skill is, however, limited or nonexistent. Additionally, there are more clients than there are foster parents. This imbalance could be at least partially ameliorated through the publicizing of the life circumstances of the youths involved. Unfortunately, the state law protecting an individual's privacy prohibits this.

Recommendations

The grand jury recommends that the Board of Supervisors direct the Director of Human Services to:

1. Take steps to improve clients' understanding of their rights as dependents of the court. Prepare the CS 230 (3/02) "Child's Personal Rights" document in several versions that are appropriate for the varying ages of the clients involved. In addition, amend these documents to include a listing of the following rights:

    a. The right to communicate directly with the judge to request intervention in their circumstances, should other avenues not be working.
    b. The right to request a change in therapy (drop or move to peer or family group).
    c. The right to be in contact with their lawyers prior to each hearing of their cases.

2. Develop the proposed earlier ILSP responsibility training program for youths between 14 and 15.5 to reach youth as young as 10 or 12. This will allow more time to introduce the concepts and to help develop an attitude of self-reliance and individual responsibility.

3. Expand both the initial and annual training of foster parents to include methods of teaching individual responsibility to their charges.

Additionally, the grand jury recommends that:

4. The County Board of Supervisors seek legislation from the State of California that would allow an exception from the state confidentiality laws to enable the promoting of individual children in foster care, their personal life circumstances, and their need for foster or adoptive parents.

APPENDIX

Child's Personal Rights

Every child placed with a caregiver by Child Protective Services is entitled to certain personal rights which include but are not limited to the following:

1) To be accorded dignity in his/her personal relationships with other persons in the home.

2) To be accorded safe, healthful and comfortable accommodations, furnishings and equipment that are appropriate to his/her needs.

3) To be free from corporal or unusual punishment, infliction of pain, humiliation, intimidation, ridicule, coercion, threat, mental abuse, or other actions of a punitive nature including but not limited to interference with the daily living functions of eating, sleeping, or toileting, or withholding of shelter, clothing, or aids to physical functioning.

4) To be informed, and to have his/her authorized representative informed, by the caregiver of the provisions of law regarding complaints, including but not limited to the address and telephone number of the complaint, receiving unit of the approval agency and of information regarding the confidential registration of complaints.

5) To be free to attend religious services or activities of his/her choice and to have visits from the spiritual advisor of his/her choice.

6) Not to be locked in any room, building or family home premises by day or night.

   A. The caregiver shall not be prohibited by this provision from locking exterior doors and windows or from establishing house rules for the protection of the children so long as the children can exit from the home.

   B. The caregiver shall be permitted to utilize means other than those specified in (A.) above for securing exterior doors and windows only with prior approval of the licensing/approval agency.

7) Not to be placed in any restraining device. Postural supports may be used if they are approved in advance by the licensing agency as specified in (a) through (f) below.

   A. Postural supports must be limited to appliances or devices including braces, spring release trays, or soft ties, used to achieve proper body position and balance, to improve a child's mobility and independent functioning, or to position rather than restrict movement including, but not limited to, preventing a child from falling out of bed, a chair, etc.

1. Physician-prescribed orthopedic devices such as braces or casts used for support of a weakened body part or correction of body parts are considered postural supports.

B. All requests to use postural supports must be in writing and include a written order of a physician indicating the need for such supports. The licensing/approval agency will be authorized to require other additional documentation in order to evaluate the request.

C. Approved postural supports must be fastened or tied in a manner which permits quick release by the child.

D. The licensing/approval agency will approve the use of postural supports only after the appropriate fire clearance has been secured.

E. The approval agency has the authority to grant conditional and/or limited approvals to use postural supports.

F. Under no circumstances will postural supports include tying, depriving, or limiting the use of a child's hands or feet.

1. A bed rail that extends from the head half the length of the bed and used only for assistance with mobility will be allowed with prior licensing approval. Bed rails that extend the entire length of the bed are prohibited.

G. Protective devices including, but not limited to, helmets, elbow guards, and mittens which do not prohibit a child's mobility but rather protect the child from self-injurious behavior are not to be considered restraining devices for the purpose of this regulation. Protective devices may be used if they are approved in advance by the licensing1 approval agency as specified below.

1. All requests to use protective devices must be in writing and include a written order of a physician indicating the need for such devices. The approval agency will be authorized to require additional documentation including, but not limited to, the Individual Program Plan (IPP) as specified in Welfare and Institutions Code Section 4646, and the written consent of the authorized representative, in order to evaluate the request.

2. The approval agency has the authority to grant conditional and/or limited approvals to use protective devices.

8) To be free of the administration of medication or chemical substances not authorized by a physician.

9) To be informed of the foster family home's policy concerning family visits and other communication with the child as specified in Health and Safety Code Section 1512.

10) To have visitors as specified below by mutual agreement between the foster parent and the visitors, provided the rights of others are not infringed upon:

A. Relatives, during waking hours, unless prohibited by court order or by the child's authorized representative.

B. Authorized representative.

C. Other visitors unless prohibited by court order or by the child's authorized representative.

11) To wear his/her own clothes.

12) To possess and control his/her own cash resources, unless otherwise agreed to in the child's needs and services plan and by the child's authorized representative.

13) To possess and use his/her own personal possessions, including toilet articles.

14) To have access to individual storage space for his/her private use.

15) To have access to telephones, both to make and receive confidential calls, provided that such calls are not prohibited by court order or by the child's authorized representative, or are not prohibited as a form of discipline. However, such use shall not infringe upon the rights of others, nor tie up the telephone during emergencies.

A. The caregiver shall be permitted to require reimbursement for long distance calls from the child or his/her authorized representative.

B. The caregiver shall be permitted to prohibit the making of long distance calls upon documentation that requested reimbursement for previous long distance calls has not been received.

C. Calls permitted to be prohibited, as a form of discipline shall not include calls to the child's authorized representative, placement agency, or parent(s).

16) To have access to letter writing material and to send and receive unopened correspondence unless prohibited by court order or by the child's authorized representative.

A. The caregiver shall ensure that each child is accorded the personal rights specified in this section.

B. Each child, and his/her authorized representative, shall be personally advised and given at admission a copy or the rights specified in (a)(l) through (16) above.

I received a copy of the child's personal rights and agree to ensure the child (children) is provided these rights.

_____	_____	_____
Caregiver	**Caregiver**	**Date**

Copy in **Case Record**
Copy to Caregiver

COUNTY OF SAN MATEO
Inter-Departmental Correspondence

County Manager's Office

DATE: July 31, 2006
BOARD MEETING DATE: August 15, 2006
SPECIAL NOTICE/HEARING: None
VOTE REQUIRED: None

TO: Honorable Board of Supervisors

FROM: John L. Maltbie, County Manager

SUBJECT: 2005-06 Grand Jury Responses

Recommendation
Accept this report containing the County's responses to the following 2005-06 Grand Jury reports: "Emancipation from Foster Care" and "Nursing Shortage in San Mateo County."

VISION ALIGNMENT:
Commitment: Responsive, effective and collaborative government.
Goal 20: Government decisions are based on careful consideration of future impact, rather than temporary relief or immediate gain.

This activity contributes to the goal by ensuring that all Grand Jury findings and recommendations are thoroughly reviewed by the appropriate County departments and that, when appropriate, process improvements are made to improve the quality and efficiency of services provided to the public and other agencies.

Discussion:
The County is mandated to respond to the Grand Jury within 90 days from the date that reports are filed with the County Clerk, and Elected Officials are mandated to respond within 60 days. It is also the County's policy to provide periodic updates to the Board and the Grand Jury on the progress of past Grand Jury recommendations requiring ongoing or further action. To that end, attached are the County's responses to the Grand Jury's reports on "Emancipation from Foster Care" issued May 25, 2006 and "Nursing Shortage in San Mateo County" issued June 7, 2006.

Emancipation from Foster Care

Findings:

The report findings indicate that the Grand Jury interviewed three emancipated youth reporting retrospectively on their experience in the system. These teens indicated that their input often was not sought or listened to, especially with regard to decisions about counseling and therapy. The teens also indicated that they were not aware of their legal rights, had minimal contact with their attorneys, and were not told of their right to meet directly with the Judge. The attorney interviewed stated that teens often "didn't wish to take advantage of the opportunity." Several of the findings in the report mention issues between the teens and their attorneys, and the department cannot directly address that part of the report.

Adolescence is often a difficult time even under the best of circumstances. It is not unusual for teens that live in their own homes with their own families to be resistant to counseling and therapy. As the Grand Jury noted, these teens come from difficult life circumstances. It would be difficult to generalize too much from the comments about counseling and therapy. The Human Services Agency (HSA) has noted the need to involve teens more in making life decisions and has been making every effort to include teens more in this process. Team Decision Making (TDM) has been implemented in San Mateo County. TDM brings together friends, family, relatives and others with the teen and Social Worker to make placement and case plan decisions.

The findings also note that the Independent Living Skills Program (ILSP) has a 90% participation rate and begins at age 15.5. ILSP is the cornerstone of helping youth prepare for emancipation, and the successes of ILSP graduates support our efforts. ILSP teaches youth of their legal rights and San Mateo County has an active California Youth Connection Chapter, which involves dependents in shaping legislation affecting their rights and opportunities. Youth are encouraged to develop permanent bonds with responsible, caring adults. Permanent role models are the best way to cement the lessons learned in ILSP and move into adulthood.

At a recent Adolescent conference, internationally known lecturer Michael Nerney, who had been studying adolescent brain development, noted the significant difference in the brains of latency age youth (9-13) and adolescents (14-19). Mr. Nerney also noted that the brain does not generally mature until age 23 or 24. This research was based on improved technology in brain scans and looking at various parts of the brain. The point of this workshop was to note that there is a significant difference between latency age youth and adolescents and that turning 18 does not dictate a youth's readiness for independence. This was an opinion agreed upon by many in the audience who had 20+ year old children still living in their homes. HSA applies the same standards to foster youth as for all other adolescents; that is, the period between ages 18-24 remains one of evolving maturity requiring adult guidance and support.

Finally the report notes the difficulty in recruiting foster parents in San Mateo County. HSA agrees that this is a problem and has worked diligently over the last

several years to improve in this area. Youth currently assist in new Foster Parent Orientations to tell their point of view. This has increased the willingness of new foster parents to consider teen placements by 30%. Recruiting foster parents for adolescents is often even more difficult. Providing additional training for foster parents who have older youth in their homes is a good idea. At the most recent Foster Parent Executive Board meeting attended by the Director of Children and Family Services (CFS), the Foster Parent Association President acknowledged the improved relationship and stated, "everything on our list has been taken care of."

The commitment of the Board of Supervisors and the County overall to recruit and retain foster homes has been outstanding. The Board recently sponsored legislation to provide regional rates for foster parents in SMC. The Grand Jury indicates that about 40% of SMC youth are placed out of the County due to a lack of foster homes. This is only partially true. Many youth are placed out of the County with a relative which is a high priority. Approximately 35% of San Mateo County youth are placed with relatives.

Overall, HSA is moving in the right direction in supporting emancipating foster youth. The Agency has a ways to go, and there is always room for improvement. HSA questions the idea that the "programs do not focus on developing the attitude and mindset for personal power and responsibility." The Board of Supervisors has made Youth Asset building a part of its agenda. The Agency incorporates Asset building into its programs. The Grand Jury notes the difficult circumstances that our youth have had to deal with in their lives. As stated earlier, adolescence is a difficult time under the best of circumstances. It is particularly difficult for many foster youth who have experienced challenging family situations. Staff individually tailors support for these youth and it would be inappropriate to prematurely withdraw needed help or over-emphasize responsibility. Each youth must be accorded the respect and independence they deserve and can handle. All of the participants need to work together as a team to help foster youth develop personal power/responsibility appropriately and emancipate. It is not easy to be a parent, and the system struggles with that role.

Recommendations:

1. **Take steps to improve clients' understanding of their rights as dependents of the court. Prepare the CS 230 (3/02) "Child's Personal Rights" document in several versions that are appropriate for the varying ages of the clients involved. In addition, amend these documents to include a listing of the following rights:**

    a. **The right to communicate directly with the judge to request intervention in their circumstances, should other avenues not be working.**
    b. **The right to request a change in therapy (drop or move to peer or family group).**
    c. **The right to be in contact with their lawyers prior to each hearing of their cases.**

Response: Partially agree. HSA agrees that the youth have the right to directly communicate with the Judge. However, the Agency believes it is the attorney's responsibility to communicate with the client to facilitate talking with the Judge. Foster youth should have a right to change therapy regarding placement issues after discussions with social workers and TDMs. HSA is in the process of updating its Children and Family Services handbook. Included in the revision will be a modified personal rights document that is written in easily understood and youth-friendly language. The document will explain that foster youth have the right to attend court hearings and reference how to access their attorneys, and how to work with these attorneys prior to hearings. The document will also explain how to participate in decisions regarding therapy, placement, visitation and other court orders. This revision will be completed by the end of this calendar year.

2. **Develop the proposed earlier ILSP responsibility training program for youth between 14 and 15.5 to reach youth as young as 10 or 12. This will allow more time to introduce the concepts and to help develop an attitude of self-reliance and individual responsibility.**

Response: Disagree. Ages 10 and 12 are too young to start ILSP. Concepts of adult self-sufficiency are too abstract for this age group. Other asset development strategies are more effective. Currently a partnership with the Fostering the Future/Peninsula Community Foundation program provides three asset coaches to current and former foster youth. One coach is assigned specifically to middle school age children in foster care. The role of the Asset Coach is to develop personal responsibility and resiliency through involvement with community, healthy use of time, and productive child/adult relationships. These youth are some of the most vulnerable in the community and have come through very difficult experiences. Through Asset Development Strategies, youth ages 10-14 can develop resiliency, self-confidence, and a connection to a caring community. This will prepare them for Pre ILSP at age 14. Adolescent Services is currently developing curriculum and interviewing trainers for the Early ILSP Program for 14-15 year olds. Classes are anticipated to begin by October 2006.

3. **Expand both the initial and annual training of foster parents to include methods of teaching individual responsibility to their charges.**

Response: Agree. This is a good idea. HSA is open to discussions with foster parents regarding further training. This will be discussed at the Foster Parent Association meetings and made part of the Strengthening Partnership workshops. HSA has already started to incorporate Asset Development in the foster parent training and is looking at a more strength-based approach for working with these youth. This training will be reworked and improved during FY 2006-07.

4. **The County Board of Supervisors seek legislation from the State of California that would allow an exception from the State confidentiality laws to enable the promoting of individual children in foster care, their personal life circumstances, and their need for foster or adoptive parents.**

Response: Disagree. The County Board of Supervisors is currently involved in multiple legislative efforts related to foster children. The Agency has some concerns about making foster children's lives too public. HSA currently shares confidential information with foster parents that is relevant to the youth's care and supervision. The Judge can also authorize disclosure of confidential information relating to foster children. Foster parents are currently allowed to participate in court proceedings unless the parent requests they not be there. Foster children have indicated numerous times that they do not want others in their school or personal lives to know about their status. Foster children should have the same rights as other children to keep their personal and family background private. HSA does not support releasing confidential information of individual children in foster care except in specific and limited circumstances; e.g., approval by the court.