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## Thickening the Safety Net: Key Elements to Successful Independent Living Programs for Young Adults Aging out of Foster Care

Erik S. Pitchal  
Assistant Clinical Professor of Law, Suffolk University Law School



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## THICKENING THE SAFETY NET: KEY ELEMENTS TO SUCCESSFUL INDEPENDENT LIVING PROGRAMS FOR YOUNG ADULTS AGING OUT OF FOSTER CARE

ERIK S. PITCHAL\*

As the other articles in this volume demonstrate, and as the presentations at the Symposium forcefully noted, life for young adults who “age out” of the foster care system is a struggle, to say the least. Few 18-year-olds, even those who have significant emotional and financial support from their families, are able to make their way in the world completely on their own. Most 21-year-olds also need ongoing help from their parents and extended networks of relatives and experienced adults; about two-thirds of people in their early 20’s are financially supported, at least in part, by their families.<sup>1</sup> Yet we expect that the most vulnerable young people in the nation—those who have been abused or neglected, been removed from their homes for their own safety, and grown up as state wards—to move successfully from adolescence to adulthood with no help whatsoever.

\* Assistant Clinical Professor of Law and Director, Child Advocacy Clinic, Suffolk University Law School. Thanks to my research assistant, Atara Rich-Shea.

<sup>1</sup> It is estimated that parents provide an average of \$38,000 in assistance to their adult children through to the age of 34. Robert Schoeni & Karen Ross, *Family Support During the Transition to Adulthood*, NATIONAL POVERTY CENTER POLICY BRIEF (2004), available at [http://www.npc.umich.edu/publications/policy\\_briefs/brief3/brief3.pdf](http://www.npc.umich.edu/publications/policy_briefs/brief3/brief3.pdf). Additionally, nearly four million adults between 25 and 34 live with their parents. ROXANA TORRICO, CHILD WELFARE LEAGUE OF AMERICA INDEPENDENT LIVING COORDINATOR QUESTIONNAIRE RESULTS 1 (Child Welfare League of America 2004), available at <http://www.cwla.org/programs/housing/housingreport.pdf>.

In some ways, the almost 25,000<sup>2</sup> foster youth who reach the age of majority each year without having returned home, been adopted, or otherwise moved into a permanent family represent the system's failure. Foster care is meant to be temporary, and its stated goal is to move children to safe, permanent homes where they are well cared for, as quickly as possible.<sup>3</sup> The preferred option is to reunite children with their families of origin, and for over 50 percent, that is exactly what happens.<sup>4</sup> For about 50,000 others a year, adoption is the next best alternative, and another 13,000 are placed in permanent guardianship, usually with a relative.<sup>5</sup> But the rest just stay in state custody until, by operation of state law, they are deemed to be all grown up—ready or not.<sup>6</sup>

In recent years, researchers have begun to collect and analyze outcomes data regarding this population. Key research questions include: Where do youth who age out of foster care live? Are they enrolled in college, GED programs, or vocational training courses? What amount and sources of income do they have? What access to health care do they have? What is their experience with drug use and crime? How well connected are they to social institutions and their communities? It is not easy to track

<sup>2</sup> U.S. 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 2005 ESTIMATES AS OF SEPTEMBER 2006 (2006) [hereinafter AFCARS], available at [http://www.acf.hhs.gov/programs/cb/stats\\_research/afcars/tar/report13.htm](http://www.acf.hhs.gov/programs/cb/stats_research/afcars/tar/report13.htm).

<sup>3</sup> See, e.g., N.Y. SOC. SERV. LAW § 384-b(1) (2007). New York's legislative findings and intent concerning foster care and adoption are stated as follows:

The legislature recognizes that the health and safety of children is of paramount importance. To the extent it is consistent with the health and safety of the child, the legislature further hereby finds that: it is desirable for children to grow up with a normal family life in a permanent home and that such circumstances offers the best opportunity for children to develop and thrive; it is generally desirable for the child to remain with or be returned to the birth parent because the child's need for a normal family life will usually best be met in the home of the birth parent, and that parents are entitled to bring up their own children unless the best interests of the child would be thereby endangered; [and] the state's first obligation is to help the family with services to prevent its break-up or to reunite it if the child has already left the home.

See also 110 C.M.R. § 1.02(4) (2008). This regulation establishes the principle in Massachusetts "that substitute care is a temporary solution" and requires the "Department [of Social Services] and the parent(s) to direct their efforts toward reunification of child(ren) and parent(s)."

<sup>4</sup> See AFCARS, *supra* note 1.

<sup>5</sup> *Id.*

<sup>6</sup> Over 4,000 children disappear from foster care every year and are counted in statistical reports as "runaways." *Id.*

this population as once they leave foster care, they tend not to have a stable address or to keep in touch with the agency, so researchers have a hard time collecting data.<sup>7</sup>

Nevertheless, there are a few fresh studies available, and their data are becoming notorious for the rather dispiriting news they tell us. For example, research shows that “graduates” of foster care lag behind their age-related peers who did not experience state custody in education: they are more than twice as likely not to have a high school diploma or GED, and only 30% had attended any college by the age of 21, compared to 53% of national 21-year-olds.<sup>8</sup> Nearly half of young women who age out of foster care (according to one study) have become pregnant by age 19, compared to about one-third of young women in the general population who become pregnant by age 20.<sup>9</sup> Another study found that of recently aged out 18-year-olds, 14 percent had already experienced homelessness and another 40 percent were unstably housed.<sup>10</sup> The more unstable a youth’s housing, the more precarious her access to health care—this same study found that 53 percent of stably housed youth had health insurance; 47 percent of unstably housed youth had health insurance; and only 23 percent of homeless youth had health insurance.<sup>11</sup> Foster care graduates’ mental health status is also worse than their peers: one study found that over half of aged out youth have a current mental

<sup>7</sup> Beginning in October 2010, the federal government will require states to collect and report on standardized data elements regarding the aging out population. The National Youth in Transition Database will include measures such as whether youth received an individualized independent living needs assessment; whether youth received academic services designed to help them complete high school or obtain a GED, or enroll in college; the services the states provide to develop a youth’s ability to find, apply for, and retain employment; and whether the state is providing housing assistance. See 45 C.F.R. § 1356.83(g) (2008). States must collect baseline data from 17-year-olds still in foster care, with follow-up data from the same cohort at age 19 and 21. 45 C.F.R. § 1356.82 (2008).

<sup>8</sup> MARK E. COURTNEY, AMY DWORSKY & HAROLD POLLACK, WHEN SHOULD THE STATE CEASE PARENTING? EVIDENCE FROM THE MIDWEST STUDY 4, (Chapin Hall Center for Children at the University of Chicago 2007), available at [http://www.chapinhall.org/article\\_abstract.aspx?ar=1355](http://www.chapinhall.org/article_abstract.aspx?ar=1355).

<sup>9</sup> *Id.* at 6.

<sup>10</sup> Margot B. Kushel, Irene H. Yen, Lauren Gee & Mark E. Courtney, *Homelessness and Health Care Access After Emancipation*, 161 ARCHIVES PEDIATRICS & ADOLESCENT MED. 986, 987 (2007). “Homeless” was defined in this study as having, for one night or longer, slept in a place not meant for sleeping; slept in a homeless shelter; or did not have a regular place to sleep. “Unstably housed” was defined as moving three or more times since discharge from foster care or spending more than 50 percent of income on rent.

<sup>11</sup> *Id.* at 989.

health problem, compared to 22 percent of the general population.<sup>12</sup> Two to four years after aging out, less than half of former foster youth have full-time employment.<sup>13</sup>

Why do young people who age out of foster care struggle so deeply to get their feet on the ground as adults? A complex set of factors that create a feedback loop of cause and effect makes this population different than young adults who have not experienced foster care. Primary among these is their trauma history.<sup>14</sup> All foster youth have been neglected or abused by their caretakers. All have been removed from those caretakers. Even if removal was the right decision, it was still traumatic to them. All have experienced the underperforming, under-resourced, and in some places woefully unprofessional child welfare system.<sup>15</sup> And as noted above, in the face of the system's explicit goal of moving these children into permanent homes, their "graduation" from foster care in fact represents the system's failure—they cannot help but internalize this.

Foster youth, as compared to their peers, have a demographic profile of struggle right from the start. They are more likely to be poor, to be disabled, to need special education services, and to

<sup>12</sup> PETER J. PECORA ET AL., IMPROVING FAMILY FOSTER CARE: FINDINGS FROM THE NORTHWEST FOSTER CARE ALUMNI STUDY 32 (Casey Family Programs 2005), available at <http://www.casey.org/NR/rdonlyres/4E1E7C77-7624-4260-A253892C5A6CB9E1/923/CaseyAlumniStudyupdated082006.pdf>. It should be noted that this study was not limited to youth who had aged out of foster care, but covered a broader population of people who had experienced foster care.

<sup>13</sup> Richard Wertheimer, *Youth who "Age Out" of Foster Care: Troubled Lives, Troubling Prospects*, CHILD TRENDS RESEARCH BRIEF 2002-59 5 (Dec. 2002), available at [http://www.childtrends.org/Files/Child\\_Trends-2002\\_12\\_01\\_RB\\_FosterCare.pdf](http://www.childtrends.org/Files/Child_Trends-2002_12_01_RB_FosterCare.pdf).

<sup>14</sup> See Alexandra Cook et al., *Complex Trauma in Children and Adolescents* 21 FOCAL POINT 4, 5 (2007), available at <http://www.rtc.pdx.edu/PDF/fpW0702.pdf>; see also TERRY M. LEVY & MICHAEL ORLANS, ATTACHMENT, TRAUMA, AND HEALING: UNDERSTANDING AND TREATING ATTACHMENT DISORDER IN CHILDREN AND FAMILIES (Child Welfare League of America 1998).

<sup>15</sup> In the last 20 years, a number of class action lawsuits have been filed against government-run foster care systems, alleging systematic failings that lead to harmful, dangerous conditions for the most vulnerable children. The details that emerge from this litigation are frequently horrifying, shedding tragic light on a usually-secretive world. See, e.g., *Olivia Y. v. Barbour*, 351 F.Supp. 2d 543 (S.D. Miss. 2004); *Kenny A. v. Perdue*, 454 F.Supp.2d 1260 (N.D. Ga. 2003); *LaShawn A. v. Dixon*, 762 F.Supp. 959 (D.D.C. 1991). According to one study, twenty-one percent of foster children report maltreatment tantamount to abuse or neglect while in state custody. Peter J. Pecora et al., *Assessing the Effects of Foster Care: Early Results from the Casey National Alumni Study* 18 (2007), available at <http://www.casey.org/NR/rdonlyres/4E1E7C77-7624-4260-A253892C5A6CB9E1/923/CaseyAlumniStudyupdated082006.pdf>.

have significant emotional or mental health problems.<sup>16</sup> And in a society where issues of race and poverty and contested norms of entitlement continue to dominate social policy discourse, the fact that foster children are disproportionately black (and, in some states, Hispanic) also makes things much, much harder for them.<sup>17</sup>

Mapped onto the distinct struggles of youth who age out of foster care are the developmental realities of being 18 to 25 in today's America—a period of life in a particular culture that is qualitatively different from adolescence and adulthood. This developmental period is now being referred to as “emerging adulthood,” a time when young people explore their identities and experience certain responsibilities of adult life without being “fully” adult.<sup>18</sup> Noting the changes in sexual behavior and greater pursuit of higher education that have taken place among young people in recent generations—trends that have resulted in delayed marriage and parenthood—Jeffrey Jensen Arnett posits that there is a more fundamental reason that there is a new phase of life between adolescence and adulthood:

There has been a profound change in how young people view the meaning and value of becoming an adult and entering the adult roles of spouse and parent . . . In their late teens and early twenties, marriage, home, and children are seen by most [emerging adults] not as achievements to be pursued but as perils to be avoided . . . Adulthood and its obligations offer security and stability, but they also represent a closing of doors—the end of independence, the end of spontaneity, the end of a sense of wide-open possibilities.<sup>19</sup>

<sup>16</sup> Children who are abused are twice as likely as children in the general population to have a disability. NATIONAL COUNCIL ON DISABILITY, *YOUTH WITH DISABILITIES IN THE FOSTER CARE SYSTEM: BARRIERS TO SUCCESS AND PROPOSED POLICY SOLUTIONS* (National Council on Disability 2008), available at [http://www.ncd.gov/newsroom/publications/2008/FosterCareSystem\\_Report.html](http://www.ncd.gov/newsroom/publications/2008/FosterCareSystem_Report.html).

<sup>17</sup> *Id.*

<sup>18</sup> See JEFFREY JENSEN ARNETT, *EMERGING ADULTHOOD: THE WINDING ROAD FROM THE LATE TEENS THROUGH THE TWENTIES 4* (2004) available at [http://www.jeffreyarnett.com/EmerAdul\\_Chap1.pdf](http://www.jeffreyarnett.com/EmerAdul_Chap1.pdf); see also Frank J. Furstenberg, Jr., et al., *Growing Up is Harder To Do*, 3 *CONTEXTS* 33 (2004), available at [http://www2.asanet.org/media/furstenberg\\_adulthood.pdf](http://www2.asanet.org/media/furstenberg_adulthood.pdf).

<sup>19</sup> ARNETT, *supra* note 18, at 6.

Arnett describes five salient features of emerging adulthood: 1) identity exploration; 2) instability; 3) self-focus; 4) a feeling of being in-between or in transition; and 5) a sense of unparalleled opportunity and possibility.<sup>20</sup>

Foster youth who turn 18 face a stark future while potentially hobbled by their past. At this vulnerable time in their lives, many have one last opportunity to find some stability and take steps towards reaching their personal goals. They are developmentally and culturally cued to be emerging adults—to take beginning steps towards identity formation and independence, but not to take on the full spectrum of self-sufficiency and adult life. Unfortunately, our national social welfare policy does not offer the robust assistance that these youth need to have some reasonable assurance of successfully making it to a secure and healthy adulthood. They are not treated as emerging adults—they are treated as full adults when they are not ready for it. This article explores the reasons for this and what some states and private social service agencies are doing to provide help despite the unfavorable policy environment.

#### I. THE MISMATCH BETWEEN POLICY AND NEED FOR ADOLESCENTS AGING OUT OF FOSTER CARE

States are able to claim federal reimbursement for a portion of their costs caring for foster children, but only through the age of 18.<sup>21</sup> This open-ended, uncapped entitlement program (known as IV-E, for the title of the Social Security Act that authorizes it) provides about five billion a year to the states.<sup>22</sup> The federal matching rate varies state-to-state, depending on each state's percentage of residents living in poverty. While not every foster child's costs are reimbursable, states do rely heavily on the federal funds to support their networks of foster homes, group homes, and specialized residential centers. But as IV-E money is not available to support youth past their 18<sup>th</sup> birthdays, those

<sup>20</sup> *Id.* at 8.

<sup>21</sup> Pending legislation would give states the option of claiming partial federal reimbursement for youth who remain in foster care up to the age of 21. See H.R. 6307, 110th Cong. § 5 (2008).

<sup>22</sup> THE PEW COMMISSION ON CHILDREN IN FOSTER CARE, FOSTERING THE FUTURE: SAFETY, PERMANENCE, AND WELL-BEING FOR CHILDREN IN FOSTER CARE 19 (2004), available at <http://pewfostercare.org/research/docs/FinalReport.pdf>.

states that do offer some continued services (including placements) to this population must find other money to fund them.

For about the last ten years, the federal government has paid increased attention to child welfare policy directed at adolescents in the foster care system. In 1999, Congress created the Chafee Foster Care Independent Living Program (commonly referred to as “Chafee”), which authorizes up to \$140 million a year in support of the states’ services for youth aged 14 to 21 in the foster care system—doubling the amount previously available.<sup>23</sup> In 2001, Congress amended the Chafee program to create a dedicated source of revenue specifically to support higher education for youth aging out of foster care; this new Educational and Training Voucher (“ETV”) program provides over \$60 million a year in additional funds for this population.<sup>24</sup> The Chafee Act also directed the federal Department of Health and Human Services to issue regulations requiring the states, for the first time, to collect and report data concerning outcomes for youth who age out of foster care—to demonstrate, essentially, the effectiveness of what they are doing with the Chafee and ETV money.<sup>25</sup> Final regulations establishing the National Youth in Transition Database (“NYTD”) were issued on February 26, 2008.<sup>26</sup> The combination of increased funds and new data reporting mandates are re-

<sup>23</sup> 42 U.S.C. § 677(h) (2002). States must match the federal contribution with 20% from state-authorized funds. 42 U.S.C. § 674(a)(4) (2002) relates specifically to Chafee program funds. 42 U.S.C. § 674(e)(1) (2002) deals with ETV vouchers. The Chafee program restricts states from spending more than 30% of the federal contribution towards the direct costs of housing. 42 U.S.C. § 677(b)(3)(B) (2002). Most states go up to this 30% maximum in housing costs. TORRICO, *supra* note 1, at 11. In Torricco’s survey of state independent living coordinators, she found that most respondents would not use more than 30% of Chafee funds for housing even if they were permitted to do so, because every dollar spent on housing in one less that can be used for other supportive services. They would rather see an increase to their overall Chafee allotment. Incredibly, some states returned millions of dollars in unused Chafee funds, at least in the initial years of the program. GOVERNMENT ACCOUNTABILITY OFFICE, FOSTER YOUTH: HHS ACTIONS COULD IMPROVE COORDINATION OF SERVICES AND MONITORING OF STATES’ INDEPENDENT LIVING PROGRAMS 14 (2004), available at <http://www.gao.gov/new.items/d0525.pdf>. The reason for this is that not all states had an infrastructure in place to spend the money—they did not have the services that the funds could support, nor the service delivery system.

<sup>24</sup> 42 U.S.C. § 677(h)(2) (2002).

<sup>25</sup> 42 U.S.C. § 677(f) (2002).

<sup>26</sup> Chafee National Youth in Transition Database, 73 Fed. Reg. 10338-01 (Feb. 26, 2008) (to be codified at 45 C.F.R. pt. 1356).

sulting in an increased focus by the states on serving this population.

However, in tight budget cycles, few states are in a position to supplement the capped federal dollars with their own funds, and they limit their spending on older adolescents to the federal Chafee money. By way of example, Massachusetts receives an allocation of \$3.2 million in Chafee funds per year.<sup>27</sup> With this stream (supplemented by its required 20% state match), the state provides services to about 1,400 youth<sup>28</sup>, at varying levels.<sup>29</sup> The largest program Massachusetts offers is case management through its Adolescent Outreach Program.<sup>30</sup> Specialized adolescent workers may do intensive assessments for older youth, connect them with community services, and sometimes arrange for independent housing arrangements. Workers' caseloads are limited to 15 adolescents at a time, and with only 20 staff statewide, the bulk of their work is in support of a regularly assigned worker as opposed to primary case responsibility. Chafee funds

<sup>27</sup> U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES, CHILDREN'S BUREAU, CHAFEE FOSTER CARE INDEPENDENCE PROGRAM STATE FY 2007 ESTIMATES (2007), available at [http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/pi0603b1.htm](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi0603b1.htm).

<sup>28</sup> COMMONWEALTH OF MASSACHUSETTS DEPARTMENT OF SOCIAL SERVICES, FFY 2007 ANNUAL PROGRESS AND SERVICES REPORT 115 (2007) [hereinafter, COMMONWEALTH].

<sup>29</sup> Approximately \$4.84 million is available to support Massachusetts's adolescents in foster care and youth aging out: \$3.2 million in federal Chafee funds; the state's 20% match, \$680,000; and approximately \$1 million in federal Education and Training Vouchers. U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, ADMINISTRATION FOR CHILDREN AND FAMILIES, ADMINISTRATION ON CHILDREN, YOUTH AND FAMILIES, CHILDREN'S BUREAU, CHAFEE EDUCATION & TRAINING VOUCHERS (ETV STATE GRANTS) STATES FY 2007 ESTIMATES (2007) [hereinafter VOUCHERS], available at [http://www.acf.hhs.gov/programs/cb/laws\\_policies/policy/pl/pi0603b2.htm](http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pl/pi0603b2.htm). Dividing these funds by the 1,400 eligible youth yields a per-youth amount of about \$3,500. It should be noted that Chafee funds are not limited solely to youth 18-20; Massachusetts also uses this money to support adolescents as young as 14, so the average amount of funding available for youth 18-20 is even less than \$3,500. But using the \$3,500 figure, a foster youth who ages out at 18 and continues to receive services for three years would, on average, receive \$10,500 in services. This is about 28 percent of the amount that the typical young adult receives from her family. Schoeni & Ross, *supra* note 1.

A study of foster youth in California revealed that this population typically receives less than five percent of what non-system-involved youth receive from their families. CHILDREN'S ADVOCACY INSTITUTE, EXPANDING TRANSITIONAL SERVICES FOR EMANCIPATED FOSTER YOUTH: AN INVESTMENT IN CALIFORNIA'S TOMORROW 23 (Center for Public Interest Law at the University of San Diego School of Law 2007), available at [http://www.caichildlaw.org/TransServices/Transitional\\_Services\\_for\\_Emanicipated\\_Foster\\_Youth.FinalReport.pdf](http://www.caichildlaw.org/TransServices/Transitional_Services_for_Emanicipated_Foster_Youth.FinalReport.pdf).

<sup>30</sup> COMMONWEALTH, *supra* note 28, at 102-03.

are also put to use in the form of discharge support grants of up to \$2000 per youth, which are used to pay start-up costs for a young adult who has moved into her own apartment.<sup>31</sup> Massachusetts uses its ETV funding (just over \$1 million)<sup>32</sup> to support higher education for over 400 youth per year;<sup>33</sup> separately, Massachusetts waives tuition at all state colleges and universities (including community colleges), a benefit that helped over 2000 youth in 2006-07.<sup>34</sup>

Nationally, states are struggling to serve this population with the limited funds available. One-third of states report that they are only able to serve less than half of the eligible population, and over 60 percent of states are dissatisfied with the resources they have in housing, mental health, substance abuse, and dental services.<sup>35</sup>

At 18, of course, many young people are quite happy to walk out of the foster care system and be done with it. These clients do not lose their natural desire to be independent adults and free of the constraints of life in “the system” just because they may, objectively, have greater needs than most of their peers. As they have grown up in foster care and chafed against the rules, demands, and stigma of life in state custody, many have been told by agency staff and foster parents, “When you’re 18, you can do whatever you want.” And now that day has come, and the siren song of independence is impossible to resist. States that do not have enough funding to offer services to all 18 year olds may push the more troublesome ones out, or at the very least present mixed messages to the youth about whether they are truly welcome to stay. The normal adolescent desire for independence, coupled with foster youths’ general lack of trust in adults (developed through many experiences of emotional betrayal) and the system’s ambivalence or hostility to continuing to work with them all adds up to youth “signing out” of care at age 18.

<sup>31</sup> *Id.* at 112.

<sup>32</sup> VOUCHERS, *supra* note 29.

<sup>33</sup> COMMONWEALTH, *supra* note 28, at 120.

<sup>34</sup> *Id.* at 123. In July 2008, Massachusetts expanded this program to include a waiver of college fees as well as tuition. In many instances, the “fees” at public colleges and universities are equal to or greater than “tuition.” 2008 Mass. Acts Chapter 176, § 21.

<sup>35</sup> CORNELIA ASHBY, TESTIMONY: HHS ACTIONS WOULD HELP STATES PREPARE YOUTH IN THE FOSTER CARE SYSTEM FOR INDEPENDENT LIVING 4 (United States Government Accountability Office 2007), available at <http://www.gao.gov/new.items/d071097t.pdf>.

Moreover, it would be hard to argue that continued total dependence on the state is good for older adolescents. As emerging adults, they need to take steps away from dependence, yet by the time the foster care system discharges them, most have had little opportunity to spread their own wings. They are thrust into a life of complete independence and full adulthood, when they are developmentally still emerging. Without the opportunity to learn how to live successfully, in a supported way, outside of state institutions, they will be invariably drawn to state institutions one way or another forever.

Into this policy and psycho-social environment step dozens, if not hundreds, of independent living programs for young adults aging out of the foster care system. These programs are designed to be something in between traditional foster care for younger children and adolescents and total independence from the state. In their ideal form, they balance the developmental and normative *needs* for 18-to-21 year olds to live independently with developmental and normative *reality* that they are not completely ready to do so, without some degree of help. They exist to serve emerging adults who have experienced state wardship and who have few if any other supports to help them survive the period between the late teens and late 20's.

In approaching the question of what an ideal independent living program should look like, a useful frame would be that of a non-system involved family with an 18-year-old. By looking through the lens of a normative family and young adult, we can identify those things that the youth needs to make a healthy and successful transition to complete independence, and we can make some reasonable allocation of responsibility—what must the young person do on her own, and what can she fairly rely on her family to provide? Researchers in developmental psychology have documented 40 discernible “developmental assets” for adolescents, experiences and qualities that are essential to healthy growth and transformation from child to adult.<sup>36</sup> These include support from family, school, and community; constructive use of time, including structured activities as well as unstructured free time; engagement in learning, not only in formal school settings; ability to plan for the future; and development of a positive self-

<sup>36</sup> See SEARCH INSTITUTE, WHAT ARE DEVELOPMENTAL ASSETS? (Search Institute 1997), available at [www.search-institute.org/assets](http://www.search-institute.org/assets).

concept.<sup>37</sup> Youth development experts have boiled these 40 assets down to five key domains that must be addressed for any person to achieve competency as an independent adult:

- Nurturing relationships with caring adults and healthy relationships with peers;
- Safe places to learn, live, work, and play;
- Good physical and mental health;
- Education and training to be economically self-sufficient; and
- Community service and engagement with the world.<sup>38</sup>

The ideal independent living program will address each of these domains, and will work appropriately and fairly with its clients to share the responsibilities for making progress in each. One might aptly characterize the overall developmental goal for all young people to be interdependence: the creation of a lifelong connection to a social network of caring adults and the achievement of competence in those areas necessary to an active and successful participant in their community.<sup>39</sup>

This may be easier said than done. Some of the core resources are far more difficult to put in place than others. By far, the most basic concern for a transition to adulthood—if not survival itself—is also the most challenging: housing. Obtaining safe, affordable housing in an appropriate location is the most fundamental priority for a young person aging out of the foster care system. As characterized by one innovative program, Lighthouse Youth Services in Cincinnati, “[i]ndependent living without hous-

<sup>37</sup> *Id.*

<sup>38</sup> See AMERICA’S PROMISE ALLIANCE, THE FIVE PROMISES (America’s Promise Alliance 2008), available at <http://www.americaspromise.org/APAPage.aspx?id=5928>; see also Younger Americans Act, S. 3085, 106th Cong. § 102 (2001).

<sup>39</sup> PAMELA DAY, GERALD MALLON & MARIA GARIN JONES, CWLA’S STANDARDS OF EXCELLENCE FOR TRANSITION, INDEPENDENT LIVING, AND SELF SUFFICIENCY (TILSS) SERVICES (Child Welfare League of America 2004), available at [www.cwla.org/programs/standards/tilss.ppt](http://www.cwla.org/programs/standards/tilss.ppt); see also GINA MIRANDA SAMUELS, A REASON, A SEASON, OR A LIFELINE: RELATIONAL PERMANENCE AMONG YOUNG ADULTS WITH FOSTER CARE BACKGROUNDS (2008), available at [http://www.chapinhall.org/article\\_abstract.aspx?ar=1466](http://www.chapinhall.org/article_abstract.aspx?ar=1466). Young people need to have permanent relationships with peers and older people that are supportive and healthy. See, e.g., Margaret R. Beam, Chuansheng Chen & Ellen Greenberger, *The Nature of Adolescents’ Relationships With “Very Important” Nonparental Adults*, 30 AM. J. COMMUNITY PSYCHOL. 305 (2002). Developing these relationships takes socio-emotional skills and should be a priority in any child welfare program.

ing is like driver's training without a car."<sup>40</sup> Without it, no other needs can be properly addressed, at least not over the long term. In major cities like New York, San Francisco, and Boston, finding a decent apartment close to public transportation is nearly impossible for this client population, considering their unstable income and general lack of earning power.

## II. OVERCOMING THE OBSTACLES: WHAT STATES AND AGENCIES ARE DOING TO SERVE AGING OUT YOUTH

State child welfare systems are significantly hamstrung in their ability to create and fund independent living programs because, at base, they cannot afford housing for youth past the age of 18. Without open-ended federal IV-E matching funds, states lack a dedicated revenue stream to fund placements and are severely constrained in what they can offer. They may be able to offer some supports for the other core resources, and these benefits are very important for thousands of youth, but without the basic need of housing being met, clients frequently find it difficult to take advantage of education, counseling, and training programs—and even health care. States are making do with a combination of Chafee funds and other federal funding streams,<sup>41</sup> such as Section 8 housing vouchers<sup>42</sup> and grants under the Transitional Living Program for Homeless Youth,<sup>43</sup> along with state-appropriated mental health, social service, and housing dollars.

<sup>40</sup> Mark J. Kroner, *The Role of Housing in the Transition Process of Youth and Young Adults: A Twenty-Year Perspective*, 113 *NEW DIRECTIONS FOR YOUTH DEVELOPMENT* 51, 52 (2007).

<sup>41</sup> There are over 60 different federal funding streams that states can use to support the aging out population. NGA CENTER FOR BEST PRACTICES, *ISSUE BRIEF: STATE POLICIES TO HELP YOUTH TRANSITION OUT OF FOSTER CARE 3* (2007), available at <http://www.nga.org/files/pdf/0701YOUTH.pdf> [hereinafter NGA CENTER].

<sup>42</sup> 42 U.S.C. § 1437 (1999); 24 C.F.R. § 982.1 (2008) The federal Family Unification Program (commonly known as "FUP") permits local housing authorities to provide priority in the allocation of Section 8 vouchers to families who are reuniting after separation due to foster care. States, at their option, may include youth who are aging out of foster care to an independent life as part of the FUP priority. See United States Department of Housing and Urban Development, Homes and Communities, *Family Unification Program*, available at <http://www.hud.gov/progdsc/famuni8.cfm>. For example, Colorado has a partnership to serve the aging out population that includes the public child welfare agency, the public housing agency, and a private social services provider; FUP vouchers are the primary funding mechanism for obtaining housing for the clients. See, e.g., COLORADO DEPARTMENT OF HUMAN SERVICES, *FAMILY UNIFICATION PROGRAM*, available at <http://www.cdhs.state.co.us/Shhp/Section8-FUP.htm>.

<sup>43</sup> See, e.g., 42 U.S.C. § 11432 (2008).

Some states are pursuing special financing programs to encourage the development of new, affordable housing.<sup>44</sup> Other than the Chafee program, which of course is designed to support adolescents in the child welfare system, there is keen competition among many potential consumers for each of these funding streams, and even the Chafee money is not limited only to those who are 18 and older.<sup>45</sup> States frequently contract with private social service agencies to provide independent living programs, and these agencies may supplement their government contracts with private charitable dollars to enhance their services.<sup>46</sup>

A number of innovative and creative independent living programs are blossoming around the country, supported in a variety of ways and providing different approaches to working with the aging out population.<sup>47</sup> From these programs, it is possible to make a few observations about what the key components to a successful program appear to be and the common challenges that any good program will face.

An example of a comprehensive and well-planned state-administered program is Connecticut's Community Housing Assistance Program (CHAP), a subsidized housing program that places youth in supervised, site-based apartments or in semi-supervised apartments<sup>48</sup> scattered throughout the community.<sup>49</sup>

<sup>44</sup> For example, New Jersey has a partnership between its Department of Human Services and its Housing and Mortgage Finance Agency to make low-interest financing available to both non-profit agencies and private developers to create affordable housing for aging out youth. See NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY, SPECIAL NEEDS PROGRAMS, available at <http://www.nj.gov/dca/hmfabiz/devel/specneed/programs.html>. One condition of the program is that the housing must be accompanied by relevant supportive services.

<sup>45</sup> A few states limit the use of their Chafee funds to clients 18 or older, but most spread the money around to younger adolescents who also need independent living services. TORRICO, *supra* note 1, at 13.

<sup>46</sup> For a discussion of the privatization of child welfare services, see MADELYN FREUNDLICH & SARAH GERSTENZANG, AN ASSESSMENT OF THE PRIVATIZATION OF CHILD WELFARE SERVICES: CHALLENGES AND SUCCESSES (Child Welfare League of America 2003).

<sup>47</sup> For an excellent compilation of some noteworthy programs, see NGA Center, *supra* note 41.

<sup>48</sup> There is a somewhat confusing lexicon to describe the various models of housing used for the aging out population. For a good glossary of the most commonly-used terms, see Kroner, *supra* note 40, at 53-54. In brief, a supervised apartment typically refers to a unit that is part of a cluster or complex of apartments; the agency either owns the apartments or rents them as a block from a private landlord with the understanding that its youth clients will live there. The agency usually uses one of the apartments as an office, or occa-

Youth are eligible if they are in foster care on their 18<sup>th</sup> birthday, have completed high school or an equivalency exam and the state's Life Skills program, and sign a voluntary contract. In order to stay in the program, youth must spend at least forty hours a week in school, work, or some other productive program. The program provides a mutually agreed upon monthly subsidy (up to \$1,800, depending on the area of the state) to cover regular expenses such as rent, food, transportation, or other necessities. Youth may also participate in the continuing education component of the program that provides financial assistance to those youth who wish to pursue education beyond high school.

In Massachusetts, the public child welfare agency has created the Safe Passage program in partnership with the public assistance agency, the public housing agency, and a private social services provider.<sup>50</sup> The program provides housing vouchers and extensive social service support for three young adults. A similar partnership makes 20 housing vouchers, with services, available to a broader population.

In San Francisco, the private non-profit agency First Place For Youth provides a transitional housing program called My First Place for youth leaving foster care that includes all relevant social support services.<sup>51</sup> Youth live in one-and-two bedroom apartments and receive assistance with move-in costs, rent, and self-reliance planning for two years. Youth also are assigned a youth advocate and an education and employment specialist to help with education, employment, and health needs. Youth in the My First Place program also receive intensive case management services as well as advocacy services from the program staff, titled Youth Advisors or YAs.<sup>52</sup> YAs are responsible for finding the apartment, establishing the relationship with the land-

sionally as housing for staff—meaning that there is 24-hour supervision on-site. In contrast, a semi-supervised or scattered-site apartment is an apartment owned by a private landlord in the community that the youth rents directly (with agency assistance) or that the agency rents and sublets to the youth. Agency staff drop by on a regular basis to provide assistance and monitoring.

<sup>49</sup> CONNECTICUT DEPARTMENT OF CHILDREN AND FAMILIES, POLICY MANUAL § 42-5-3, available at <http://www.dir.ct.gov/dcf/Policy/Adoles42/42-5-3.htm>.

<sup>50</sup> COMMONWEALTH, *supra* note 28, at 112.

<sup>51</sup> See First Place for Youth, *Our Programs*, available at [http://firstplaceforyouth.org/programs/first\\_place](http://firstplaceforyouth.org/programs/first_place).

<sup>52</sup> Interview by Atara Rich-Shea with Sam Cobbs, Executive Director, First Place for Youth (Mar. 11, 2008) [hereinafter Cobbs Interview].

lord, and acting as an advocate for the youth to the landlord. The youth themselves do not have immediate, direct contact with the landlord; everything goes through the YA. This tends to provide youths the opportunity to fail safely—if they make a mistake, they have someone on their side, who can teach them how to resolve the issue. The landlords support this—for example, if a youth is not paying rent on time, rather than contacting the youth, the landlord would contact the YA and the YA would work with the youth to help him or her understand the issue and remedy it.

Along with loaning enough money for a cleaning deposit and paying 90% of the first months rent, My First Place also requires the youth to pay more and more of the rent every few months;<sup>53</sup> subsidies zero out after two years.<sup>54</sup> In 2007, My First Place served 140 youth.<sup>55</sup> A little more than two-thirds of First Place For Youth's budget comes from government contracts; clearly, to adequately fund its work for this population, it has to rely on private philanthropy.<sup>56</sup>

First Place For Youth pays for its housing programs primarily from state funds that are dedicated specifically to supporting youth aging out of the foster care system.<sup>57</sup> California has a dedicated budget line item, known as THP+, which is tapped for allocations to the counties, who in turn contract with private providers. The program ends up spending close to \$20,000 per youth, per year. To avoid the need to purchase liability insurance covering all the apartments where its youth currently resided (close to 200), the program subsidizes the youths' purchase of individual renter's insurance policies.

In Orange County, California, the Orangewood Children's Foundation runs a transitional housing program called Rising Tide Communities, which served 46 former foster youth in fiscal year 2007.<sup>58</sup> Rising Tide provides up to 18 months of housing for

<sup>53</sup> First Place for Youth, *Our Programs*, available at [http://firstplaceforyouth.org/programs/first\\_place](http://firstplaceforyouth.org/programs/first_place).

<sup>54</sup> Cobbs interview.

<sup>55</sup> See First Place for Youth, *Annual Report 5* (2007), available at <http://01f17bc.netsolhost.com/images/uploads/AnnualReport2007.pdf>.

<sup>56</sup> *Id.* at 4.

<sup>57</sup> Cobbs interview.

<sup>58</sup> See Orangewood Children's Foundation, *Rising Tide Communities*, available at [http://www.orangewoodfoundation.org/programs\\_risingtide.asp](http://www.orangewoodfoundation.org/programs_risingtide.asp).

emancipated foster care youth between the ages of 18-21. Youth are housed in one of two residential apartment complexes with an onsite coordinator who provides guidance, advice, counseling, and crisis intervention as needed. The youth live in a number of apartments in the complex while the other apartments are available for use by the general public. Two residents share a furnished one-bedroom apartment and pay reduced rent starting at 200 dollars a month and increasing to 350 dollars by the end of the program. Youth attend weekly meetings with staff to monitor progress in managing money and are encouraged to attend college or a trade school. Staff members also assist youth in gaining employment.

### III. AN IN-DEPTH LOOK AT TWO INNOVATIVE PROGRAMS

#### A. *Lighthouse Youth Services*

In Cincinnati, Lighthouse Youth Services has run an independent living program for 20 years that offers housing and a full range of support services.<sup>59</sup> The primary housing model is scattered-site apartments, with the program renting private apartments on youths' behalf in areas near their school or work. Lighthouse also has two "shared" homes, with four beds each, one for men and one for women; each has live-in staff.<sup>60</sup> Additionally, the program operates two supervised apartments, with staff living in one apartment and the youth living next door in the other. Critically, Lighthouse, as a full service foster care and social service agency, has other options to catch the older youth if they do not succeed in the apartments or shared homes: it may place the youth in its crisis shelter or pay to place a youth temporarily in a boarding house in the community.<sup>61</sup> This continuum of housing options affords the agency great flexibility as it works with its clients to help them slowly develop more independence and provide a safety net if the level of independence provided at any given moment turns out to be too much.

<sup>59</sup> See Kroner, *supra* note 40, at 52-56.

<sup>60</sup> Kroner describes a "shared home" as a "minimally supervised house shared by several young adults who take full responsibility for the house and personal affairs." *Id.* at 53.

<sup>61</sup> *Id.* at 57.

Interestingly, Lighthouse's independent living program enrolls youths aged 16 to 19, so that they can work to develop their skills before they hit the age of majority. Most are actually discharged, successfully, before the age of 19, and the program deliberately pushes most youth into the apartment setting early, believing that "this is the best way to help them develop survival skills in a short period of time."<sup>62</sup> The program pays the security deposit and provides furniture, a phone, and other move-in sundries. The program also pays the monthly rent and utilities until just before discharge, when youth are expected to start paying their own bills. The agency gives the youth 55 dollars a week, ten of which is placed in a mandatory savings account and the rest of which is available to the youth for food and other necessities. Youth are expected to work part-time to save additional money and pay for other items. If the youth have a steady income at discharge, they are allowed to take over the lease, keep all the furniture, and remain in the same apartment.<sup>63</sup>

Youth in the Lighthouse program also receive staff support and service referrals as necessary to keep them on track towards independence. All youths are assigned a clinician with a maximum caseload of 12. Clinical and non-clinical staff together ensure that the youth are in regular contact, whether daily or weekly. Staff provide case management, referring youth to needed resources in the community. The program has a sophisticated staffing system so that clients are able to call the agency and reach someone within five to 15 minutes at any hour. There is no cap to the number of youth who can be in the program, since the program does not rely on fixed "beds."<sup>64</sup>

Most notable about Lighthouse is its overall focus on healthy youth development:

The ILP is community based (often keeping the youth in her or his original neighborhood) and strength based, rec-

<sup>62</sup> *Id.* at 52. "The transition to self-reliant living will be smoother if the living arrangement resembles the future situation of the youth. The jump from a program with an abundance of resources, staff, and other people to life alone can be unsettling and confusing." *Id.*

<sup>63</sup> *Id.* at 54.

<sup>64</sup> See Lighthouse Youth Services, *Facts About the Lighthouse Youth Services Independent Living Program*, available at [http://www.lys.org/Programs/Independent\\_Living--Facts.html](http://www.lys.org/Programs/Independent_Living--Facts.html).

ognizing the resiliency of the youth and his or her previous history of overcoming obstacles. The program believes that teens, like most other people, learn only when they have to and learn best by doing. The program also believes that teens coming from extremely dysfunctional families need intensive attention and support to counteract years of abuse, neglect, and distorted thought processes. . . The ability of the youth to function without ongoing dependence on the adult system is the ultimate measure of the program's success. . . The program rarely terminates a client, knowing that mistakes are powerful learning opportunities.<sup>65</sup>

Lighthouse understands that young people will make mistakes and "fail," but that they need to be supported when this happens—they need an opportunity to "fail safely."<sup>66</sup> These are some of Lighthouse's observations about the challenge for youth who are learning to live independently:

Some learn money management by going without food for a few days after spending their money on nonessential purchases.

Some learn time management after they are evicted from their apartment due to nonpayment of rent caused by lack of income due to being fired for being late at work too many times. . .

Some stop drinking after losing their driver's license and having to take the bus to work. . .

Some learn to control their friends at their apartment after losing their third deposit due to being evicted because of too much partying.<sup>67</sup>

Getting the rest of the players in the child welfare system to see the work of serving aging-out youth the same way was one of Lighthouse's greatest challenges, and the same is no doubt true in any jurisdiction where a good provider seeks to develop a similar program. The whole system has to be on board; the focus has to move from child protection to "a process of supportive letting

<sup>65</sup> Kroner, *supra* note 40, at 56-57.

<sup>66</sup> *Id.* at 58.

<sup>67</sup> *Id.* at 71.

go.”<sup>68</sup> Licensing, liability, and budget accounting issues all had to be addressed in order for the program to truly thrive.<sup>69</sup>

### *B. Rediscovery House*

Rediscovery House (“RH”) is a non-profit social service agency located in Waltham, Massachusetts, just outside Boston; founded in 2001, it operates three programs that serve youth aged 16 to 20 as they move from the foster care system to independence.<sup>70</sup> It has a 12-bed, “pre-independent living community based group home,” a scattered site apartment program, and a new program called Stepping Out that brings youth even one step closer to full independence. All of RH’s programs are based on a “natural consequences model”; the agency eschews the more traditional models used by congregate care agencies, such as behavioral modification or physical restraint.

RH’s group home is licensed by the state and serves youth (males only) beginning at age 16. The staff to resident ratio is 1:4 during the day and 1:6 at night; staff are awake during the night hours. The home is privately owned and is located in Waltham, and RH holds a three year lease, paying \$5,500 a month in rent. The agency helps clients enroll in an appropriate school or education program and helps them find work—residents are expected to be productive in the community and to do so unsupervised by staff. All youth are required to attend

<sup>68</sup> *Id.* at 59. Lighthouse is especially challenged because it places youth in its apartment programs as early as age 16, when the court and the public child welfare agency are still deeply involved. But even programs that serve only youth 18 and above must confront public agencies that maintain their orientation of child protection and culture of dependence and punishment, an orientation that is better suited to minors than to legal adults. A critique of the American social service delivery system and its unhealthy culture is beyond the scope of this article. Suffice it to say that public agencies in jurisdictions that serve aged out youth tend to take a punitive approach with 18-21 year olds—an approach that rarely respects them and that insists that help must be accompanied by rigid rules. Youth who were removed from their families for protection and were once deemed “sad” are, upon aging out of state custody at 18 and unable to live successfully on their own, now deemed “bad.” It is the old distinction in this country of the deserving and the undeserving poor.

<sup>69</sup> *Id.* at 63-67.

<sup>70</sup> The following description of RH’s programs comes from the author’s interview with RH’s executive director. Interview with Danielle Ferrier, RH’s executive director (March 3, 2008) [hereinafter Ferrier Interview].

therapy, and RH partners with a local agency specializing in therapeutic treatment of adolescents who have experienced trauma.

Life in the RH group home is relatively informal. The kitchen is open during certain hours of the day, and residents tend to their own breakfast, lunch, and snacks; staff are available to help if necessary. Residents are required to attend dinner, which is prepared by staff, though if a client has night class or is working, they are excused. Dinner used to be optional, but the agency found that youth would not show up, and instead would get themselves in trouble in the community during the early evening hours.

Residents' schedules are quite varied, as some are in high school, some are in college, and some are attending RH's GED program, and their work hours are all different. There is thus a great deal of independence, but staff are present to supervise life in the home, to nudge youth up and out in the mornings, and to provide daily living skills training as needed. Curfews are based on age, trust, and residents' responsibilities outside the home. Residents tend to not have late curfews unless they actually have a specific need to be outside the home in the evening. Life in the home is a constant struggle to balance the need for structure—these are youth who have had very little structure and guidance in their lives—with the need for lack of structure—so that they can learn.

The relationship between RH's group home staff and the residents is guided by attachment theory. This model holds that structure can be achieved based on the very relationship itself—as opposed to behavioral modification schemes, physical restraints, or elaborate rules. Those residents who suffer from attachment disorder as a result of their trauma history sometimes do not do well in this environment; if they do not care about the relationship with staff, they have little to ground them in the group home's life.<sup>71</sup> While staff are trained in appropriate physi-

<sup>71</sup> Cf. SAMUELS, *supra* note 39. Samuels's research documents the importance of relationships with non-parental adults in the healthy development of adolescents. Interviewing young people who had aged out of foster care about the number and quality of these relationships in their lives, Samuels found that most respondents listed at least one child welfare system professional in their "network maps" of important relationships. *Id.* at 38-42.

cal restraints, there has never been a physical restraint incident in the years the group home has been open.

Finding and retaining quality staff for this unique approach to youth work is, naturally, a top priority for Rediscovery House, but the small size of the agency (there are 25 staff in total, including clinical staff and management) and the niche program it offers are attractive, and the agency pays a great deal of attention to caring for its staff who are engaged in difficult, emotionally draining work. The salary is comparable to other congregate care agencies in the area, but the benefits package is a bit lower. Due to the small size of RH, it partners with another, mid-sized agency to buy pooled fringe benefits, or the package might have ended up even smaller. There are weekly staff meetings and individual supervision is provided as well. The clinical coordinator is around the group home regularly to offer additional support to the staff, who receive ongoing training on attachment and relationships. (Many staff have worked in other residential programs and find the move from a behavior modification approach to an attachment approach to be difficult.) Entry-level staff tend to be recent college graduates, who frequently struggle with boundary issues. The average group home staffer stays with RH for 18 to 24 months.

Three-quarters of RH's overall budget (for all three of its programs combined) comes from contracts with the Department of Children and Families, Massachusetts' public child welfare agency.<sup>72</sup> The group home per diem RH receives is \$234 per resident.<sup>73</sup> Its business model is predicated on a 90% utilization rate,

<sup>72</sup> In July 2008, the name of the Department of Social Services was changed to the Department of Children and Families. 2008 Mass. Acts Chapter 176.

<sup>73</sup> Youth in the RH group home under the age of 18 are in DCF custody. In Massachusetts, DCF is under no statutory obligation to continue providing services or placement to youth when they turn 18. When DCF does endeavor to do so, it requires youth to sign a Voluntary Placement Agreement. See MASSACHUSETTS DEPARTMENT OF SOCIAL SERVICES, POLICY: CONTINUATION OF PLACEMENT FOR CERTAIN YOUTH OVER AGE 18 (on file with author). DCF reports that some 1400 youth age 18 to 20 have VPA's in effect, which would represent about two-thirds of those eligible. (Over 700 youth in DCF custody turn 18 every year.) A persuasive case has been made that the contract model of extended foster care, of which Rediscovery House (and similar Massachusetts programs) is an example, is far inferior to a new idea known as the "Transition Guardian Model." Under the contract model, the youth and the state agency enter into an agreement for continued placement and other services, and the state agency pays a contractor to provide the services. Under the Transition Guardian Model, a substantial sum of money is set aside into a trust ac-

but it is currently using only eight beds. However, the program is breaking even, because it did not refill two open staff positions—based on the utilization, it was still able to maintain its staff to resident ratio with less staff.

Private money supplements the basic services that are covered by the DCF contract. For example, RH's education program, substance abuse program, alumni services, and "extras" are all supported by community philanthropy. RH throws a New Year's Eve party for all its staff and clients—so that youth have someplace fun but safe to go—and sends them on special field trips to Six Flags or similar destinations. Its goal is to provide wrap-around support to its youth. The core work could be done without private money, but RH believes that the additional services are critical. More importantly, perhaps, RH is committed to the philosophy that the responsibility for aging-out youth must not fall on DCF alone but on the entire community and corporate America.

The landlord who owns the RH group home is very supportive of the program, having a good understanding of the clients and what they have been through. The residents tend to be high functioning and those who are suicidal or aggressive, or are sex offenders who have not completed treatment, are screened out. The group home is licensed by the state, because it has youth under the age of 18. (Massachusetts does not require a license for adult group homes.) There are no zoning restrictions in Waltham that interfere with the operation.

RH's scattered site apartment program, like Lighthouse's, has unlimited capacity, because youth are living in the community in privately owned apartments. (The program was previously operated as a supervised apartment model, with all the clients living in the same apartment building, but this was changed because residents were too out of control.) RH is currently working with ten clients, and in the past has had as many as 15. Staff help clients locate a suitable, affordable apartment in Waltham or

count for the youth's benefit starting when she is 16 and the permanency plan is "independent living." The sum of money is equal to what typical families provide to their adult children through to the age of 26. The trust is supervised by the court and a court-appointed trustee, who is an adult volunteer who already has a positive relationship with the youth. The money is spent on housing, tuition, and the expenses commonly incurred by young people making the transition to adulthood. *See* CHILDREN'S ADVOCACY INSTITUTE, *supra* note 29, at 23-25.

nearby towns, though a couple youth are farther away. Apartments are selected that are near the clients' school or work. Clients must be 18, though "they are barely ready even at that age." In some instances, however, DCF will no longer pay the higher per diem of congregate care, so youth have no choice but to tackle the independent living program.

All participants in the independent living program are required to have a job, attend some educational program, and attend therapy. They spend four to six hours a week with RH staff, and they are required to attend a monthly group meeting at the agency where they learn financial literacy skills and are provided dinner. Most live alone, though a few live with roommates.

DCF pays RH a per diem of \$130 per client. From this revenue, RH pays the residents' rent and some or all of the utilities, which in the area west of Boston tends to be about \$900 per month. (The agency sets a maximum of \$1000.) Fifty dollars a week is set aside into a mandatory savings account for each client. The balance of the revenue is used to purchase transportation (such as a subway or bus pass), furniture and other move-in costs, and kitchen staples. And, of course, staff salaries, benefits, and mileage reimbursement are major cost centers to running the program. The goal of the program is for the clients to begin earning enough money so that they can, over time, cover an ever-increasing portion of their own monthly rent and costs.

RH's third program is a modification of its independent living service called Stepping Out. Recognizing that few clients will actually be able to earn their own rent unless they are forced to—and that at age 21, that is exactly what they will have to do, like it or not—RH created Stepping Out as an intermediate step between supported independent living and total independence. Youth who participate in Stepping Out receive a per diem directly from DCF in the amount of \$18 (the same per diem that would be paid to a foster parent if the youth were living in a traditional foster home); from this, the youth must pay their own rent. Since they will have typically been living in a \$900/month apartment, the DCF monthly subsidy comes up short—forcing the youth to make up the difference through work. For the Stepping Out program, DCF pays RH a per diem of \$55, which pays for staff and support services. RH also cuts its weekly manda-

tory savings contribution from \$50 in the independent living program to \$25 in Stepping Out.

Participants in all of RH's programs who are college ready tend to only take two classes at a time. In its experience, the agency has found that its clients are rarely able to handle more—for emotional reasons, not intellectual. Due to their trauma histories, they tend to have the emotional levels of 14-year-olds, and they cannot process the barrage of stimuli that come with a full-time college experience. They typically do better when they can take two college classes and work the rest of the time. In the words of the RH director: "They have a thinner net," meaning that they have far fewer connections to people in the world than most youth their age. Without interconnectedness, they flounder under stress.<sup>74</sup>

It is very rare that a youth who is not doing well in the independent living program will be stepped back down to the group home; this would require DCF approval, and DCF typically does not want to pay the higher per diem. Instead, RH tries to stabilize the youth in their apartment setting, with different tolerance levels assessed case by case. The agency recognizes that it must allow the youth to be in control, though this is hard for society to understand or value, especially when the youths' behavior might be defined as "unsafe." For the most part, it is rare that the agency would evict a client from the independent living program for a first offense of some kind. Gun possession, extreme drug running, and intense partying in the apartment are the three areas when youth can find themselves in trouble with the program. It is hard for the program to make the call to kick them out, though, because the result inevitably is that the young person becomes homeless. Usually there are multiple emergency meetings, always involving DCF, before that extreme step is taken.

Setting aside these scary situations, when youth are struggling in their apartments to support themselves, the agency works with them to overcome their obstacles and get back on track. There is an emergency food box at the agency's office, containing

<sup>74</sup> The statement of one of Samuels's respondents is instructive:

Being in the system they'll . . . teach you how to go to work, they'll try to teach you how to go to school, how to do hygiene. But they don't never teach you how to really grow up and deal with what you've been through so you don't just crack up somewhere.

SAMUELS, *supra* note 39, at 53.

limited supplies such as pasta that youth can use if they have run out of money and need to eat. (Staff also refers youth to local food pantries.) Members of the staff also help youth access and budget their emergency savings supply, from the \$50 (or \$25, in Stepping Out) per week that the agency sets aside for them. RH will not bail a client out if they are behind on rent, but will keep the case open should the youth get evicted—the agency will continue to provide support services even as the client ends up in a homeless shelter.

RH's ideal program would offer a continuum of services, including various levels of housing and extra-housing support. Sometimes youth move from the group home to the scattered site apartment program, but not always—it is often the case that a resident who has been in the group home as a minor is not offered a voluntary services agreement by DCF,<sup>75</sup> meaning not only that they cannot move on to the independent living program, but that they have to leave the group home as well.

Now that RH has developed a step between independent living and full independence, it is thinking about how to develop a step on the continuum between the group home and the scattered site apartments. “What our clients need, truthfully, is families. We are not a substitute and should not be. Kids are not designed to live in systems.”<sup>76</sup>

At the highest end, it should be theoretically possible for DCF to support the Stepping Out program even for youth who do not have signed Voluntary Placement Agreements, who do not receive the \$18 per diem, and who have managed to find some other housing arrangement. In other words, it should be the case that DCF could pay for the support services that RH offers, at a rate of \$55 per day, to help those youth who are doing very well and no longer need the rent support. However, DCF has not yet signaled a willingness to move in this direction. Among other

<sup>75</sup> See Ferrier Interview, *supra* note 70.

<sup>76</sup> Cf. SAMUELS, *supra* note 39, at 75 (concluding that youth who age out of foster care consistently believe that connections to biological parents or surrogate parent figures are the relationships most missing in their lives and most desirable). “Whether for the wisdom an adult’s advice can bring, or a deeper relationship with one’s biological parent to experience mothering or fathering, these young adults have not outgrown their need for a sense of family.” *Id.* at 78.

things, it would have to agree, conceptually, to offer support without demanding control.

RH has already passed on the opportunity to apply for federal grants for non-Chafee funds, because they are too technically complicated and do not readily map onto the agency's program model. It has considered seeking state education dollars for the GED program, but state grants require a teacher to student ratio of up to one to 15, whereas RH finds that its clients need a learning environment with a maximum ratio of one to two.

One of the most expensive components to the RH model is its use of clinicians throughout its programs. RH does not want to promote state dependence, which can, ironically, sometimes be the unintended consequence of many independent living programs. For youth to truly grow so that they are at a point, emotionally, when they can handle adult responsibilities, they need intensive remedial therapy to confront and overcome their past. This takes dedicated, committed staff—and money.

Support and communication are key to RH's success. Staff must feel supported and there must be constant communication among staff and between staff and clients. As an agency grows and the programs are brought to scale, this intimacy is lost and with it its benefits. RH's director estimates that the model can be sustained up to a size of roughly \$10 million in revenue a year. It currently works on a budget of under \$2 million. It would also be hard for the agency to scale up its current model because it is so staff-dependent, and the treatment model is so unusual in the field. With rare exceptions, youth need to be living within 20 minutes' drive of the agency in order to be adequately supported.

## VI. KEY CONCEPTS THAT SUCCESSFUL INDEPENDENT LIVING PROGRAMS ADOPT

**Housing is more than a roof. It must be stable and long term.** As Lighthouse suggests, teaching independent living without providing housing is like teaching someone how to drive without using a car. But the housing has to be more than just a place to sleep at night; it has to provide youth with sufficient security, safety, and sense of home to anchor them. Only when they are truly anchored can they take advantage of the other support services that the ideal program will provide or make

available. Lighthouse is the lessee to apartments it rents on behalf of youth, but if they demonstrate the ability to pay their own way, the leases will be transferred to them when the youth is discharged from the program. Rediscovery House only works with youth 18 and older in its independent living program, and youth sign their own leases; they too are able to stay in the same apartment as they move to Stepping Out and eventually out on their own.

**Youth make mistakes.** Everyone makes mistakes, but youth do so at a higher rate and the mistakes they make can sometimes be dramatic. But this is how people learn. A social work agency taking a youth development approach will see mistakes as part of clients' learning and will support them through these difficult moments—they will allow youth to fail safely. Emergency team meetings may be called, and consequences may result, but fundamentally, the program will stick by the youth as long as possible.

**Youth must be connected to the community.** Adolescents aging out of the foster care system belong to all of us. One reason so many child welfare systems are in crisis is that society segregates youth at risk into under-funded, traumatized agencies that are out of public view (except when there is a child fatality); the agencies themselves take on a mentality and culture as though they are under siege. In an effort to "protect" foster children from the stigma of their status, agencies counterproductively keep these children out of normal interactions with the community to an unthinkable degree. If older youth are to be expected to be normal, functioning members of adult society, they must be reintegrated as part of the independent living program experience. Youth must become stable in a familiar neighborhood or community that they know, allowing them to grow roots down as they reach up to their goals. As one researcher has suggested, "Building the capacity of existing relationships to offer more empathic and insightful emotional support could provide important resources for youth as they leave foster care and continue to deal with the emotions and questions raised by their experiences prior to, and during, foster care."<sup>77</sup>

<sup>77</sup> SAMUELS, *supra* note 39, at 82.

**Services must be strengths-based.** The human services industry has moved recently towards the strengths-based approach. It can be hard for front-line youth workers who lack graduate training in social work to adopt a strengths-based orientation, but it is essential for independent living programs to insist on it.

**Staffing must be intense.** Low staff to client ratios are essential, because of the intensity of the best kind of work. Staff model for youth healthy and appropriate relationships, relationships built on trust. If they have 20 clients, they cannot spend enough time with each in order to do this.

**A continuum of housing options must be available.** As youth do better over time, they need options that allow them to take further steps towards total independence without being completely cutoff from support. Even after they are finally discharged and their cases are closed, offering alumni services seems crucial—these young adults need to be able to come back “home,” see old friends and the agency family, and get an extra boost when the going out in the real world is rough. This is how “regular” families tend to function. When 18-year-olds go off to college, they live in a dormitory for the eight or nine months per year they are studying, but they come home on school breaks. When they graduate, they may move into an apartment, often near enough to their families to come home on weekends or just to do laundry. They may get married, move away, and have children of their own—but they come home for visits and for longer spells if their lives fall apart.

In the opposite direction, when kids are not doing well, there need to be more structured environments available—if not, the obvious result will be discharge. The cold water of total independence can be gruesome if splashed on the wrong youth at the wrong time.

## CONCLUSION

Given the critical role that stable housing plays in ensuring a successful transition to adult life for youth who have aged out of foster care, and given the lack of a reliable or sufficient funding stream to pay for this service, it is doubtful that significant progress can be made in this area without an increased financial

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commitment from the federal and state governments. But housing itself is not enough. What our young adults need is a thicker safety net, starting with more meaningful and robust interest from the entire community in the welfare of this population. Only when these youth are truly connected to civil society and engaged with people around them will they be able to fully integrate into a healthy and happy adult life.