

The Price of a Sentence

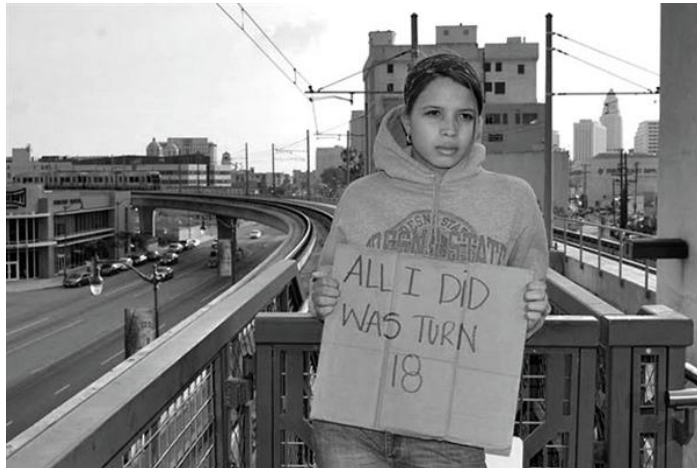
Thousands of foster children may be removed from their homes because of a well-intentioned federal law.

By Daniel Heimpel | Newsweek Web Exclusive
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George White, 17, knows what happens to many California kids like him when they age out of the foster-care system. One of White's eight biological siblings recently turned 18. When the payments stopped, his foster parents packed his belongings into plastic trash bags, leaving the teenager homeless while juggling work and classes at an L.A. trade school.

Of the roughly 4,500 18-year-olds who will "emancipate" from care in California every year, one quarter will experience homelessness like White's brother. To drive this statistic home, White has organized a 4K run through Compton and will ride his bike 1,149 miles: each mile representing one California foster youth who will spend time on the street, in a shelter, or couch surfing. "It's not enough having people on Capitol Hill saying they will or want to help you, you have to help yourself," he says in the Compton offices of Peace 4 Kids, an organization that works to provide opportunity for foster kids in a community where services are notoriously lacking.

Last year, Congress authorized giving states matching federal funds to extend foster care until age 21. But the way that law is interpreted could mean that in 27 states, including California and the District of Columbia, 18-year-olds would still be left out in the cold.



At issue: one sentence in the Health and Human Services' Administration for Children and Families (AFC) guidance on how to access the federal fund. The same federal legislation that provides states with money to extend care to age 21 also offers matching funds for states that pay foster-care rates to family members who take in their relatives, commonly referred to as subsidized, or kinship, guardianship. But, as the ACF guidelines make clear, that money can only be accessed by states for subsidized guardianship agreements arranged after the passage of the law in 2008. In states with pre-existing subsidized guardianship programs, this means that the young people already in kin care will be ineligible for federal reimbursement.

California's Department of Social Services (DSS) estimates this will cost the state as much as \$60 million in matching federal funds. Without it, California's bid to implement the extension of care through age 21 that would have saved White's brother from homelessness is all but dead. With so much money at stake, Sacramento is threatening Washington with a deft maneuver: moving thousands of kids back into foster care to make them eligible for the federal IVE funds and then moving them back into subsidized guardianship. "Since 2000, California's kinship guardianship program has been doing exactly what the federal Fostering Connections Act now incentivizes states to do: expand options for placing children and youth with appropriate relatives as guardians," says California Department of Social Services director John Wagner. "We should certainly not be financially penalized for doing this well before the national emphasis."

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California has just battled through a \$20 billion budget deficit with measures such as slashing \$100 million from the child-welfare system. With an additional \$12 billion deficit looming to balance this and next year's budgets, many advocates and administrators see a flush of federal funds as the only real chance for Assembly Bill 12, which would use the newly freed matching federal to extend foster care to 21 for all California foster kids, to get passed and signed by Gov. Arnold Schwarzenegger. "Unfortunately in its current form, the bill still carries a significant fiscal impact, but we remain committed to working with the legislature toward a solution that will ensure children receive the services they need without negatively impacting the state's already depleted General Fund," says Schwarzenegger's spokesperson, Rachel Arrezola.

Leslie Heimov of the Children's Law Center of Los Angeles says that moving foster kids from subsidized care with a relative, back into foster care—at least on paper—and then back out, despite the enormous administrative headache, is in the best interest of the state, and more importantly, foster kids. "I don't know why they [ACF] think we are kidding," she says.

Arcane federal income requirements throw into question the number of current subsidized guardianship cases that could be converted. But Amy Lemley of the San-Francisco-based John Burton Foundation, which advocates on behalf of vulnerable children estimates, based on an internal study of L.A. and San Bernadino Counties and eligibility rates across the rest of California that as many as 10,000 children will be eligible statewide. "We'd much rather be focusing our limited resources on helping children and not this time consuming and expensive administrative process," Lemley says.

ACF declined to comment for this story. Neither the guidance, nor the CBO scoring are binding law, meaning that ACF Assistant Secretary Carmen Nazario and HHS Secretary Kathleen Sebelius could change the interpretation. Lemley suggests that money set aside for new subsidized guardianship programs could be used to fund existing ones while states new to kinship guardianship programs develop their own. "Most of Fostering Connections isn't being implemented as it stands," she says.

White, on the cusp of emancipation himself, has a different idea for driving the message home. "I'm pretty sure if a group of foster youth got out and stood in front of DCFS [L.A. County's Department of Children and Family Services] and said we are gonna be homeless tomorrow something would definitely have to happen."