



CDSS

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**DEPARTMENT OF SOCIAL SERVICES**

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August 10, 2009

All County Information Notice No. I-40-09

TO: ALL COUNTY WELFARE DIRECTORS  
ALL COUNTY WELFARE FISCAL OFFICERS  
ALL COUNTY CHIEF PROBATION OFFICERS  
ALL INDEPENDENT LIVING PROGRAM MANAGERS  
ALL INDEPENDENT LIVING PROGRAM COORDINATORS  
ALL COUNTY WELFARE TRANSITIONAL HOUSING PROGRAM  
COORDINATORS

SUBJECT: Transitional Housing Placement Program (THPP) and Transitional Housing  
Placement Program Plus (THP-Plus) Questions and Answers

REFERENCE: Assembly Bill (AB) 427 (Chapter 125, Statutes of 2001); AB 1119 (Chapter  
639, Statutes of 2002); AB 824 (Chapter 636, Statutes of 2005); AB 1808  
(Chapter 75, Statutes of 2006);  
Welfare and Institutions (W&I) Codes 16522 et al, and 11403.2; Health and  
Safety Code 1559.110; Manual of Policies and Procedures (MPP)  
30-900 to 30-920

The purpose of this letter is to provide counties with answers to frequently asked questions concerning the THPP and THP-Plus. Because of the complexity and variety of issues involved with both programs, the California Department of Social Services (CDSS) is providing the broadest possible answers to questions that may cover a variety of complex circumstances.

Background

The THPP is a transitional housing placement opportunity for foster and probation youth who are at least 16 and under age 19 who are currently in the child welfare system. The goal of the program is to provide a safe living environment so that youth can practice skills necessary to live on their own upon leaving the foster care support system.

REASON FOR THIS TRANSMITTAL

- State Law Change
- Federal Law or Regulation Change
- Court Order
- Clarification Requested by One or More Counties
- Initiated by CDSS

The THP-Plus is a transitional housing placement opportunity for former foster youth, who are at least 18 and under age 24, who emancipated from the child welfare system. The goal of the Program is to provide a safe living environment while helping youth achieve self-sufficiency so that they can learn life skills.

If you have questions regarding this ACIN, please contact your Transitional Housing Coordinator at (916) 651-7465.

Sincerely,

***Original Document Signed By Sonya St. Mary For:***

KAREN B. GUNDERSON, Chief  
Child and Youth Permanency Branch

Attachment

## Transitional Housing Questions and Answers

### ELIGIBILITY

#### Transitional Housing Placement Program (THPP)

**1) Who is eligible to participate in THPP?**

According to the Welfare and Institutions (W & I Code Section 11403.2 and Manual of Policies Procedures (MPP) 30-903.1), an eligible youth must be between the ages of 16 and 18 or 19 (if applicable under W & I Code 11403), in out-of-home care, have dependency or wardship established, and meet the requirements of W & I Code 16522.2, which states “Persons may participate in the supervised transitional housing placement programs only with the permission of both the independent living program of the county in which the program is located and the county department of social services or the county probation department that has custody of the person.” In addition the youth must be participating in or have successfully completed the Independent Living Program (ILP) per W & I Code 16522(a)(3).

For additional criteria, please refer to the following questions in the Q and A document:

- Youth with guardianship established or youth in the process of adoption: see question 3.
- Probation youth: see question 4.
- Youth with children: see questions 10 and 11.
- Participant selection criteria: see question 12.

**2) May youth participate in THPP if they are placed in out-of-home care as the result of an Individualized Education Plan (IEP)?**

Youth who are placed in out-of-home care solely as the result of an IEP are not eligible for THPP unless they are in foster care, either as a dependent or as a ward of the court. The fact that a foster care dependent or ward may be designated in the IEP as Seriously Emotionally Disturbed and/or taking psychotropic medications shall not automatically exclude the youth from THPP pursuant to W & I Code 16522.1(a)(1).

**3) Are youth in the process of adoption or have a guardianship established outside of a Social Services Agency eligible for THPP?**

Youth who are in the care, custody, and control of the county social services or probation agencies are eligible for THPP if they meet eligibility requirements, regardless of being in the process of being adopted. As outlined in W & I Code 16522.2 and MPP 30-908.1, the county department of social services or the county probation department that has custody of the child and the ILP coordinator in the county in which the child is located must approve the child’s placement into THPP. Youth who have independent guardianships established outside the responsibility of a Social Services agency or whose adoption is finalized are not eligible to participate in THPP.

**4) Are probation youth eligible to participate in THPP?**

Probation youth who are in a foster care placement while under the supervision of the probation department are eligible to participate in THPP. However, youth who are in a court-ordered placement in a detention facility is not considered to be in a foster care placement, and therefore are not eligible to participate in THPP. The Federal Child Welfare Policy Manual, Part 8.3A.1, lists locked facilities such as a detention facility, forestry camp, training school or any other facility operated primarily for the detention of children who are determined to be delinquent as non-foster care eligible placements. In addition, these are not appropriate placement options for THPP participants, as they do not fulfill the modes of program delivery listed in W & I Code 16522(d) and MPP 30-907.

**Transitional Housing Program-Plus (THP-Plus)**

**5) Who is eligible to participate in THP-Plus?**

W & I Code 11403.2 and MPP 30-913.1 provide that THP-Plus tenants are young adults who are former foster/probation youth who have emancipated from a county that has elected to participate in THP-Plus.

THP-Plus participants must be at least 18 years of age and shall be pursuing county-approved goals utilizing the Department developed STEP/THP-Plus Transitional Independent Living Plan. A county may also elect to include former foster/probation youth who reside in the county, but who have emancipated from a different county that has a THP-Plus plan.

The term Emancipated Foster Youth is defined in MPP 31-002(e)(2) as, “Young adults who are former foster/probation children who have left foster care because they have reached at least 18 years of age and up to the day prior to their 21st birthday”. For THP-Plus purposes, the upper age limit has been extended to their 24<sup>th</sup> birthday pursuant to W & I Code 11403.2(a)(2).

Note: THP-Plus and the Independent Living Program (ILP) have different eligibility requirements. Eligibility regulations for ILP may be found in MPP 31-525.3.

Youth who age out of foster care while in a detention facility are not eligible for THP-Plus as they are not considered to have emancipated from foster care. However, if a youth is in a detention facility at age 18, but court orders indicate that there is intent to move the youth to a foster care placement prior to the youth’s 18<sup>th</sup> birthday, the youth is eligible to participate in THP-Plus.

Youth who emancipated from another state are not considered eligible for THP-Plus.

**6) May youth who move from one county to another participate in THP-Plus?**

As stated in Question Number 5, a youth may participate in a THP-Plus program in any county with an approved THP-Plus plan and any county with an approved plan may elect to accept a youth from another county into their program.

If a participant moves from county to county, the 24 month cumulative program eligibility still applies.

**7) If a youth emancipates from a non-participating county, and moves to a county participating in THP-Plus, is the youth eligible to receive services?**

As mentioned in question Number 5, eligibility for emancipated youth is dependent on the county's election to participate in THP-Plus. Counties that are unable to financially participate in the THP-Plus shall submit a County Plan to fulfill the program participation requirement (MPP 30-915). A county plan template is available through the THP-Plus Statewide Implementation Project that can be accessed at: [www.thpplus.org](http://www.thpplus.org), listed under resources.

**8) Who makes the payment for a youth who has aged-out of foster care in one county but is participating in the THP-Plus in another county?**

A county participating in THP-Plus is responsible for making payment to its contracted provider whether it is situated inside or out of the county. However, if a youth moves to another county and requests THP-Plus housing services, and is accepted into THP-Plus, the county of residence is responsible for making payment to the contracted provider.

Communication between county ILP/Transitional Housing Coordinators is very important in this program. Although these are young adults, counties who had care, custody, and control prior to the youth aging-out of foster care may provide valuable information to other counties that are considering accepting a youth into their THP-Plus program.

**9) Are THP-Plus youth required to participate in services as a condition of participating in the THP-Plus?**

W & I Code 11403.2(a)(2), and MPP 30-917.1 require youth to actively participate in the goals of a transitional independent living plan as a condition of participation in THP-Plus. The Supportive Transitional Emancipation Program Transitional Independent Living Plan (STEP-TILP) form was originally developed as part of the STEP program and is used today as a goal-setting tool for THP-Plus youth. This form helps counties ensure that a youth receives the necessary services to fulfill those goals. The STEP-TILP form is available via All County Letter (ACL) 02-53, dated July 16, 2002. Failure to participate can ultimately result in program termination, subject to all applicable Fair Housing Laws and the Transitional Housing Misconduct Act.

**THPP/THP-PLUS Participants with Children**

**10) Are dependent foster care youth and former foster youth who have children eligible for THPP/THP-Plus?**

Yes, if they meet eligibility requirements.

**11) Are parenting teens participating in THPP eligible for an infant supplement?**

Yes. Parenting teens participating in the THPP are eligible for the infant supplemental rate as listed in MPP 11-415, that is the FFA/FFH infant supplemental rate. The Group Home infant supplemental rate is not available to THPP participants because the group home setting is not a transitional housing model. The infant supplement is not available to parenting THP-Plus participants.

**Participant Selection Criteria**

**12) May counties and/or service providers develop their own participant selection criteria or is participant selection first come, first serve?**

W & I Code 16522.1 provides the admission criteria for both the THPP and THP-Plus as outlined in Health and Safety Code, Section 1559.110. County providers may target specific populations, e.g., youth who may need mental health services, parenting teens, etc. Both county ILP coordinators and providers must work together to develop program plans based on the needs of the participant and available community services. For counties who establish waiting lists, because demand exceeds the number of available beds, priority should be given to participants based on the needs of the individual and the provider's service plan. When a provider has an opening that best fits the needs of a participant, that person may move ahead of others on the waiting list to fill the placement.

**Licensing vs. Certification Standards**

**13) What is the difference between licensing and certification standards as it relates to THPP and THP-Plus?**

**THPP**

Health and Safety Code 1559.110(a) and MPP 30-905.1 state that the CDSS shall license community care facilities that are participating in the THPP. However, no THPP provider shall be issued a license pursuant to Health and Safety Code Section 1559.115 unless the county department of social services or the county probation department, in the county where the license will be issued, has also certified the program meets THPP provider requirements as set forth in W & I Code 16522.1 and Title 22 of the California Code of Regulations, Section 86018.

**THP-Plus**

CDSS does not license THP-Plus providers or facilities, and Community Care Licensing is not involved with THP-Plus programs.

Health and Safety Code, Section 1559.110(e) states that a facility must be certified by the county social services or probation departments to provide transitional housing services to eligible foster youth over 18 years of age who have emancipated from the foster care system. The facility must also receive a local fire clearance if required by local codes. The certification standards shall include, but not be limited to, a criminal background check of transitional housing providers and staff.

MPP 30-916.1 lists the acceptable residential units that may be certified by counties for THP-Plus.

MPP 30-920.1 A-V outlines the certification requirements for THP-Plus providers.

**Reminder:** Counties are required to submit a county plan for THPP/THP-Plus due on February 1<sup>st</sup> of each year. Counties have the ability to contract with providers and to approve provider plans. Once approved, counties are requested to send a copy of the provider plan and Budget Worksheet to the CDSS.

**14) May a former foster parent or any foster family home be certified as a THP-Plus provider?**

MPP 30-916.1 states that group homes “and other licensed residential facilities” may not be used as THP-Plus placements. Under this definition it was unclear whether licensed or certified foster family homes were eligible placement options for THP-Plus participants as “other licensed residential facilities”. CDSS is of the opinion that this regulation should not be construed to bar a youth’s former foster family or any other foster family home from becoming certified as a THP-Plus provider, particularly in light of the department’s mission to give emancipating youth a life-long connection. This goal was put into statute after the THP-Plus regulations were adopted and so was not addressed by the regulations. In order to implement the legislative intent, CDSS is construing the regulation to allow a youth’s former foster parent or any other licensed foster family home or foster family home certified by an FFA to serve as a THP-Plus provider provided they meet all requirements for certification.

**15) May a home be both licensed as a foster family home (or certified by a Foster Family Agency) and at the same time be certified as a THPP provider?**

Yes, providers may be both licensed as a foster family home (or certified as a foster family home by an FFA) as well as certified by a county as a THPP provider as long as they meet the requirements of both programs.

**PROGRAM MISCONDUCT**

**16) What are the housing and program rules for both THPP/THP-Plus? If a participant is not fulfilling his/her program commitment, what is the county/provider responsibility?**

**THPP**

To be certified, a provider plan must include program rules about a youth’s responsibilities in many areas including, but not limited to: housekeeping, work expectations, and care of furnishings. In addition, the plan must contain policies concerning the grounds for terminating a youth’s participation in the program (See W & I Code 16522.1 and

MPP 30-911). Thus providers are responsible for not only monitoring a youth's progress in the program but also terminating those youth who fail to abide by program rules or responsibilities.

### **THP-PLUS**

Similar to the requirements listed in W & I Code 16522.1, program expectations are set forth in MPP 30-917. Specifically, "tenants shall actively pursue the goals of their TILPs as a condition of participation." In addition, the Transitional Housing Misconduct Act, (Health and Safety Code sections 50580-50582), which provides rules concerning adults who participate in Transitional Housing Programs and the California Landlord-Tenant Law, (Civil Code Section 1940, et seq.) both apply to THP-Plus providers and participants. For more information, go to:  
[www.dca.ca.gov/publications/landlordbook/before-rent.shtml](http://www.dca.ca.gov/publications/landlordbook/before-rent.shtml).

Counties must approve provider plans for THPP/THP-Plus to ensure they meet program requirements.

### **17) Are youth who are Absent Without Leave (AWOL) when they emancipate from the foster care system eligible for THP-Plus?**

Eligibility for THP-Plus requires that a youth emancipate from foster care from a county that has elected to participate in a THP-Plus program. MPP 45-101(5) defines foster care as: "the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them and who are in need of temporary or long-term substitute parenting". Thus, even if a youth is not eligible for an AFDC-FC maintenance payment at the time he/she turns 18 as he/she is not in an eligible placement, the youth is still in the care, custody, and control of a social services agency at the time of emancipation and therefore eligible for THP-Plus.

### **18) Who pays the utilities if a participant fails to make the payment?**

W & I Code 16522(g) and MPP's 30-911 and 30-920(t) require each program plan to include processes that address the payment of utilities, rent and telephone costs by or for the participant. Providers may pay the vendors directly and be reimbursed by the program participant or provide the participant with a monthly stipend (not an allowance) specifically established so the youth can directly pay for telephone, rent and utilities, food, clothing, transportation costs and miscellaneous expenses (for training purposes). It is recommended that a signed agreement be established between the youth and the provider concerning payment responsibilities including the penalties incurred when the payment is not made.

### **19) Is a THP-Plus participant subject to the eviction process for non-participation in the program?**

W & I Code 16522(g) requires program providers to establish policies for disciplinary measures, which may ultimately include termination from the program. However, policies and procedures must be consistent with the Transitional Housing Misconduct Act and all applicable Fair Housing laws. MPP 30-920 (l) further provides: "Tenants have the right to



be free from arbitrary or capricious rules; the right to understand all rules in writing and in appropriate languages and formats, the right to appeal any loss of benefits or services before they are suspended (unless imminent physical harm to someone would result); and the right to a grievance procedure”.

Providers are required to submit plans to counties that include a grievance procedure and the process by which a youth would be terminated from the program.

### **HOST FAMILY MODEL**

#### **20) May a THP-Plus participant living in a host family home share a bedroom with a dependent youth?**

Title 22, California Code of Regulations Section 89387(a)(8) provides that an adult cannot share a bedroom with a dependent child in the absence of an approved documented alternative plan. Thus a THP-Plus participant living in a host family home, where there are dependent children present, may not share a bedroom with a dependent child unless there is an approved documented alternative plan in place. However, Title 22, California Code of Regulations, Section 86087 provides that a THP-Plus participant may share a bedroom with a THPP youth.

#### **21) Does a THP-Plus participant have to be fingerprinted when living with a former foster parent?**

If the participant aged-out of foster care and remained in the home of the foster parent while participating in THP-Plus, the youth would not need to be fingerprinted because the foster parent would be cognizant of whether there was any criminal conviction pertaining to that emancipated youth. However if the youth, who is now an adult, returns to live with a former foster parent after living in some other arrangement, the youth would have to be fingerprinted in order to fulfill federal requirements if there are foster children still residing in the home.

NOTE: All THP-Plus youth, whether or not they had left the home, would be required to be fingerprinted if the foster home was also licensed as a family day-care home, as those regulations and statutes would control.

In addition to the rules and regulations listed throughout this document, and as another THP-Plus resource, go to <http://thppplus.org/publications.html>. There you will find the following publications provided by the Statewide Implementation Project, collaboration between the Department of Social Services, the John Burton Foundation and the Corporation for Supportive Housing. The publications include:

- A Guide To Implementing THP-Plus
- Effective Practices in THP-Plus
- A Guide to Implementing the Host Family Model in THP-Plus