A Comparative Analysis of Aging out Programs in the United States, Australia and the United Kingdom

Kevin Khurana

Follow this and additional works at: https://scholarship.law.stjohns.edu/jcred

Recommended Citation
Available at: https://scholarship.law.stjohns.edu/jcred/vol23/iss2/5

This Note is brought to you for free and open access by the Journals at St. John's Law Scholarship Repository. It has been accepted for inclusion in Journal of Civil Rights and Economic Development by an authorized editor of St. John's Law Scholarship Repository. For more information, please contact lasalar@stjohns.edu.
NOTES

A COMPARATIVE ANALYSIS OF AGING OUT PROGRAMS IN THE UNITED STATES, AUSTRALIA AND THE UNITED KINGDOM

KEVIN KHURANA*

Becoming an adult is not easy. However, with a stable support system, usually in the form of caring parents, most teens are able to successfully make the transition from childhood to adulthood with few issues. The same cannot be said for teens who age out of foster care. Studies have shown that those who age out of the

* JD, June 2009, St. John's University School of Law; B.A. Economics Honors, New York University May 2004.


2 See Philip Mendes & Badal Moslehuddin, From Dependence to Interdependence: Towards Better Outcomes for Young People Leaving State Care, 15 CHILD ABUSE REV. 110, 112-13 (2006) [hereinafter Mendes & Molsehuddin, Dependence to Interdependence] (discussing U.S. study that found most Americans do not expect children to complete transition to independence until age of 26) (citing MARTHA SHIRK & GARY STANGLER, ON THEIR OWN: WHAT HAPPENS TO KIDS WHEN THEY AGE OUT OF THE FOSTER CARE SYSTEM? 15 (Westview Press 2004)).

3 See Katherine M. Swift, A Child's Right: What Should the State Be Required to Provide to Teenagers Aging Out of Foster Care, 15 WM. & MARY BILL RTS. J. 1205, 1207 (2007) (noting that at seventeen years old, average foster teen reads at seventh grade
foster care system have an increased likelihood of "[h]omelessness, poverty, incarceration, early pregnancy and unstable employment." In order to bring attention to one of the most serious problems facing this vulnerable group, the House of Representatives and the Senate declared November 2007 National Homeless Youth Awareness Month. Despite the recent attention, homelessness among teens and young adults remains a pandemic.

At any given point there are roughly half a million children in the American foster care system. According to the most recent data, approximately 281,000 children exit care annually. Of those children, around 9%, or 23,000, exit care because they reach the age of emancipation, aging out of the foster care system. As such, many young people in foster care experience an "abrupt" end to the security they had while in care.

Certainly, there are some young adults who relish the freedom and welcome it after having been under the state's control, but level) (citation omitted); see also Mendes & Moslehuddin, Dependence to Interdependence, supra note 2, at 113 (arguing that young people leaving care do not have safety net that those with families do).

4 See Sarah Hudson-Plush, Improving Educational Outcomes for Children in Foster Care: Reading the McKinney-Vento Act's "Awaiting Foster Care Placement" Provision to Include Children in Interim Foster Care Placements, 13 CARDOZO J.L. & GENDER 83, n.128 (2006) (referring to "aging out" as "emancipation" in the U.S.); see also Kelly Schwab, The Sexual Exploitation of Children: Suppressing the Global Demand and Domestic Options for Regulating Prostitution, 13 TUL. J. INT'L & COMP. L. 333, n.157 (2005) (referring to "aging out" as "leaving care" in Britain).

5 E.g., Thom Reilly, Transition from Care: Status and Outcomes of Youth Who Age Out of Foster Care, 82(6) CHILD WELFARE J. 727, 728 (2003); Swift, supra note 3, at 1207 (citing study that reported one-fourth of foster teens experienced homelessness, two-thirds had not been able to maintain stable employment, four in ten were parents, and one-fourth of males and one in ten of females spent time in jail).


8 Id.

9 Id. at 6. Other outcomes for children leaving care include 55% reunified with family, 18% adopted and 15% living with a relative or guardian. Id. at 5-6. Some researchers estimate that the number of American young people aging out is between 18,000 and 20,000. Mendes & Moslehuddin, supra note 2, at 114.

10 See Mendes & Moslehuddin, Dependence to Interdependence, supra note 2, at 112.

11 Michele Benedetto, An Ounce of Prevention: A Foster Youth's Substantive Due Process Right to Proper Preparation for Emancipation, 9 U.C. DAVIS J. JUV. L. & POL'Y
often the idea of emancipation can be painfully misleading. In the words of one young adult who aged out, "[w]hen I thought of life after care, I imagined a beautiful two-bedroom apartment, a cat, a wonderful day job, school in the evenings, parties and dates galore. . . . In other words, I had no clue what was in store for me." After being dependent for months and sometimes years, it can be difficult for a young adult to manage a home, maintain steady employment, and provide for his well-being immediately upon leaving care. Early findings from an Australian report indicate that young people leaving care are unable to adequately budget, shop, or cook. And sadly, because the state's obligation ceases when a child ages out of care, "[t]here is no option to return in times of difficulty." It is because of this lack of preparedness that the issue of transitional programs for youth aging out of care is at the forefront of many government initiatives.

Youth homelessness plagues both developing and industrialized nations. Despite America's status as an economic

381, 388 (2005) (arguing that "emancipated youth are not eager to stay involved with the system").

12 Christine McKenna, Phoenix Rising I Made It, But I Needed All the Help I Could Get, 10 U.C. DAVIS. J. JUV. L. & POLY 520, 520 (2006) (sharing her experience after aging out of foster care).

13 Id.

14 Jim Wade & Jo Dixon, Making a Home, Finding a Job: Investigating Early Housing and Employment Outcomes for Young People Leaving Care, 11 CHILD & FAM. SOC. WORK 199, 200 (2006) (arguing that children who leave care, who are already at a disadvantage, are expected to bear a greater burden earlier than their peers).


17 This is evinced through the U.S. Congress recognizing November as National Homeless Youth Awareness Month. See supra note 6 and accompanying text.

power, it has the world’s largest percentage of children in foster care. In an increasingly interdependent and linked world, “[c]ross-national studies have become a larger component of social policy analysis.” These studies promote the exchange of ideas and theories, allowing for the potential replication or implementation of promising ones, while preventing the replication of mistakes. It has been posited that the adoption of a global perspective is an essential means to develop the strategies of engagement and resistance needed to address the social exclusion of young people leaving state care. Thus, the policies of other nations—such as Britain and Australia—which address the homelessness encountered by young adults aging out of care are relevant when examining United States’ policy and practice.

This note seeks to provide information to policy makers and service providers about the successes and failures of legislation and programs in other countries. Part I of this note will introduce the policies currently in place in the United States and will provide examples of programs that have been successful in providing transitional services, particularly housing, to youth who age out of foster care. Part II details the current Australian system with a particular emphasis on the state of Victoria. Part III examines the current British system. Finally, this note concludes by noting the positive aspects of each country’s programs, and suggests that integrating the successful parts together can decrease the likelihood of a young adult becoming homeless upon aging out of foster care.

electronically with the ProQuest Information and Learning Company) (discussing the homeless youth endemic in Ghana).


20 Mendes & Moslehuddin, Dependence to Interdependence, supra note 2, at 111.

21 Id.

22 See Stein, Research Review, supra note 16, at 273 (explaining that “[j]n European social policy discourse, social exclusion has come to mean both material disadvantage and marginalization.”).

23 See generally, John Pinkerton, Developing a Global Approach to the Theory and Practice of Young People Leaving State Care, 11 CHILD & FAM. SOC. WORK 191, 191(2006) (arguing that different strategies that address social issues can be compared on a global, national, and local level).
I. United States

In 1999, it was estimated that 41% of all homeless young people in the United States had spent time in foster care. From that time, the number of young adults exiting foster care in America has steadily increased. More specifically, in 1998, the number of young adults who aged out of care was 17,310, while in 2000, the number increased to 20,172. According to the most recent study, completed in 2005, 24,407 young adults aged out of foster care. However, other reports suggest that the number of young adults actually aging out of the foster care system may actually be as high as 30,000. In order to combat the likelihood that these young adults would become homeless, the federal government passed legislation specifically targeting emancipated youth.

President Clinton proclaimed that the Foster Care Independence Act of 1999 (hereinafter “FCIA”) would address the problems facing teens whose federal financial support terminated “just as they [were] making the critical transition to independence.” The broad purpose of the FCIA is to provide

24 Mendes & Moslehuddin, Dependence to Interdependence, supra note 2, at 114; National Center for Homeless Education, Jan Moore, Unaccompanied and Homeless Youth Review of Literature (1995-2005), available at http://www.serve.org/nche/downloads/uy_lit_review.pdf (stating that an “increasing number of homeless youths have spent time in foster care or treatment facilities.”).


26 Id.


28 A News Hour with Jim Lehrer: Aging Out of Foster Care (PBS television broadcast May 19, 2005), (transcript available at http://www.pbs.org/newshour/bb/youth/jan-june05/foster_care_5-19.html#).

29 See CASEY FAMILY PROGRAMS, ASSESSING THE EFFECTS OF FOSTER CARE: EARLY RESULTS FROM THE CASEY NATIONAL ALUMNI STUDY 24 (2003) [hereinafter Casey 2003], available at http://www.inpathways.net/casey_alumni_studies_report.pdf (reporting that almost 22% of a sample of foster care alumni who aged out were homeless for one or more nights at any time within a year after officially being discharged from foster care and that almost 20% were homeless for a week or more).

30 Statement by President on Foster Care Independence Act 11/20/99, 1999 WL 1052102 (Nov. 22, 1999) (stressing that “[w]e cannot let these young people walk their tough road alone.”).
"[f]inancial, housing, counseling, employment, education and other appropriate support and services to former foster care recipients between 18 and 21 years of age." 31 More specifically, the FCIA provides that "[s]tate and local governments, with financial support from the federal government should offer an extensive program of education, training, employment, and financial support for young adults leaving foster care until the young adults emancipated from foster care establish independence or reach 21 years of age." 32

The FCIA amended the previous independent living program legislation under the Social Security Act. 33 Under the amended program, called the Chafee Act, 34 the federal government provides flexible funding for programs that assist teens aging out of care to become self-sufficient. 35 It accomplishes this "by providing services such as assistance in obtaining a high school diploma, career exploration, vocational training... training in daily living skills, [and] training in budgeting and financial management skills..." 36

In total, the federal government has allocated $140 million in funding to the states for independent living programs, 37 30 percent of which may be specifically used to provide children who have aged out with room and board. 38 Congress also expanded foster care funding to include $60 million in education and training vouchers in 2001, increasing total funding for services available to youth aging out of foster care to $200 million. 39 However, in order to receive federal funding under the FCIA, a


33 John H. Chafee Foster Care Independence Program § 477.

34 See Statement by President on Foster Care Independence Act 11/20/99, supra note 30 (pointing out that "[l]egislation is a fitting tribute to the late Senator John Chafee. A fierce champion of children, Senator Chafee paid particular attention to our nation's most vulnerable young people.").

35 John H. Chafee Foster Care Independence Program § 477(a).

36 Id. § 477(a)(1).

37 Id. § 477(b). Funding prior to this provision was half of its current number, or $70 million. Keely A. Magyar, Betwixt and Between but Being Booted Nonetheless: A Developmental Perspective on Aging Out of Foster Care, 79 TEMP. L. REV. 557, 561 (2006).

38 John H. Chafee Foster Care Independence Program § 477(b)(3)(B).

state must satisfy certain requirements. The state must specifically describe how it will design and deliver programs that will accomplish the legislation's objectives. The act also requires that both the public and private sectors be involved in helping adolescents. While the act specifically states that all political subdivisions within a state must be served by the programs, it also states that the service need not be uniform. Another requirement is that each state has to provide outcome measures in order to assess performance.

Several studies have followed the implementation of FCIA. One of the most intriguing is a 2006 survey conducted by Casey Family Programs. The study found that 15.5% of young adults reported that they had been homeless since leaving care. However, a study conducted in Oregon found that 36% of youth did not have a place to live after leaving care. Housing stability was also found to be a serious issue: 35% of those surveyed had moved more than five times since leaving foster care. In a 2002 study focusing in Alameda County in the Bay Area, California, the Foster Youth Alliance (hereinafter “FYA”) found that as many as 60% of foster care alumni would end up homeless within six months of leaving care. Although the results have fluctuated, it is clear that affordable and accessible housing remains unattainable for a large number of young adults aging out of care.

40 John H. Chafee Foster Care Independence Program § 477(b)(2)(A).
41 Id. §477 (b)(2)(D).
42 Id. §477 (b)(2)(B).
43 Id. §477 (f)(1)(A).
45 Id. at 22.
46 Reilly, supra note 5, at 736. The researcher in the study conducted interviews with 100 youth between September 2000 and January 2001. Id. at 729. Youth interviewed were between 18 and 25 years old. Id. at 733.
47 Id. at 736.
48 Miryam J. Choca et al., Can't Do It Alone: Housing Collaborations to Improve Foster Youth Outcomes, 83 CHILD WELFARE 469, 475 (2004). The FYA is “[a] coalition of youth, service providers, and community organizations, Foster Youth Alliance is dedicated to empowering foster youth as they transition to adulthood. FYA promotes a seamless system of services in Alameda County, California, through maximum coordination, strong advocacy and strategic resource development.” Alameda County Foster Youth Alliance, Who We Are, http://www.fosteryouthalliance.org/whoweare.htm (last visited July 9, 2008).
Exacerbating the troubles of youth aging out of care encounter is the national lack of affordable housing. The 2006 Casey Study asked the youth who had experienced homelessness what they attributed their situation to and some reported that they were unable to afford housing. It has been urged that making affordable housing must become a national priority. The increasing cost of housing serves as a hindrance that prevents young adults, especially those who are earning close to minimum wage, from having a stable living situation. The blame for the lack of affordable housing tends to fall on state and local governments. The states that have been most successful in addressing the issue have been those that are strict in holding local municipalities accountable when they fail to provide adequate housing for its residents, while allowing flexibility and innovation to achieve affordable housing.

Effectively collaborating with other organizations can significantly improve the futures of youth leaving foster care, even in markets like the California’s Bay Area, where there are over 10,000 foster youth and housing is very expensive. In


50 See Casey 2006, supra note 44, at 23 (listing other reasons respondents gave for not having a place to stay which include: running away from their current living situation, not having expectations of living with friends or family work out, being involved in destructive behavior like drugs or alcohol, and not getting along with their roommates).

51 According to the U.S. Department of Housing and Urban Development, affordable housing is housing for which a household has to spend no more than 30% of its annual income. THE MORIAH FUND, supra note 49, at 3-4.

52 Id. at 3.

53 Id. at 4 (noting that in 2003, the annual income needed to rent a one bedroom unit costing $1,039 per month in Washington DC was $41,560, amounting to an hourly wage of $19.98); see id. (discussing how the sale price of homes rose four times faster than incomes from 1999 to 2003).

54 See Cummins, supra note 49, at 205 (blaming Minneapolis and Saint Paul for failing to abide by state law by not planning and creating affordable housing).

55 Christopher Baker, Housing in Crisis—A Call to Reform Massachusetts’s Affordable Housing Law, 32 B.C. ENVTL. AFF. L. REV. 165, 179-80 (2005) (citing examples from Oregon, California and Maryland).

56 See Choca, supra note 48, at 475 (noting that the median price of a home in the area is more than $400,000).
Alameda County, it was found that youth aging out of foster care were particularly vulnerable and more than likely to end up homeless upon emancipation. The FYA of Alameda County joined with Casey Family Programs, First Place Fund for Youth, Covenant House of California, the Oakland Unified School District among other organizations to secure valuable services for foster youth. First Place Fund for Youth (hereinafter “FPF”) was able to obtain rental housing for youth leaving care, effectively solving one of the biggest hurdles in independent living services. FPF was able to serve as a liaison between youth and landlords, facilitating the housing search. FPF also makes it a point to teach those transitioning out of care about practical tenancy skills. Through the FPF, 90% of youth were able to transition successfully into permanent housing. In addition to the previously mentioned groups, Alameda County was able to bring together service providers, county and city housing authorities, nonprofit builders and developers in order to provide additional housing units for foster youth. Through this interdisciplinary effort, 195 youths were able to be housed in permanent or transitional housing, and it is estimated that as a result of this work an additional 145 youths will be able to attain housing.

Urban Peak, a shelter in Denver, Colorado serves homeless young adults. Urban Peak estimated that it costs Colorado around $54,000 to maintain one young adult in the criminal justice system annually, and that it only costs the agency around $6,000 to permanently move a young person off the streets. The agency is able to bear this cost through funding from numerous

57 Alameda County is the third largest county in California and has a total of 6,500 foster youth, 500 of which age out each year. Choca, supra note 48, at 475.
58 Id.
59 Id. at 476.
60 Id.
61 First Place for Youth, Building a Foundation for Life After Foster Care, About Us, http://firstplaceforyouth.org/about/what/ (last visited July 9, 2008).
63 Choca, supra note 48, at 477 (stating that capacity would increase by 145 because of the alliances undertaking).
64 Id.
66 Id. at 459-60.
national and local agencies. For example, in a special program for those with disabilities that limit a young person's ability to live independently, the agency is able to obtain subsidies from the U.S. Department of Housing and Urban Development for youth accommodations.\textsuperscript{67} Urban Peak then matches these funds with services, including substance abuse treatment, mental health programs and medical care.\textsuperscript{68} In general, Urban Peak has been successful because of its collaborations with other private and governmental organizations. It has teamed with the Business Improvement District of a downtown Denver partnership to provide a drop-in center.\textsuperscript{69} “The success of this partnership had demonstrated how the missions of the city, business owners, and Urban Peak are the same.”\textsuperscript{70} Through similar partnerships, a troubled child who has health issues, legal issues, and unstable housing will be able to have his problems addressed by various specialized organizations instead of one sole entity.\textsuperscript{71}

Similarly, the city of Los Angeles, in which about 1,200 foster youth age out annually, has also been relatively successful in the battle against youth homelessness.\textsuperscript{72} The city’s Department of Children and Family Services (hereinafter “DCFS”) has developed a “Housing First” philosophy because the Chafee Act allowed for the distribution of funds specifically towards room and board expenditures for emancipated youth.\textsuperscript{73} The DCFS was able to use Chafee funds to assist youth with “first and last months’ rent, move-in costs, and three to six months of additional rent.”\textsuperscript{74} Chafee funds were also used to create more service-enriched housing options, creating an environment where a

\textsuperscript{67} Id. at 461-62 (referring to Urban Peak’s first housing program, Rowan Gardens).
\textsuperscript{68} Id.
\textsuperscript{69} Id. at 464.
\textsuperscript{70} Id.
\textsuperscript{71} Id. at 465. The author describes the process: the downtown drop-in center contacts the young adult after being notified by a local business owner. Then the Urban Peak staff meets with the client and will probably send him to the University of Colorado Health Sciences group for substance abuse assistance. Urban Peak will provide housing through the substance abuse program through subsidies provided by the Department of Housing and Urban Development, all while coordinating other services as needed by the youth. After one year, Urban Peak will have obtained a Section 8 voucher (further housing subsidization) for the youth. Employment assistance and job training are provided. Through this process the youth is being prepared to live independently. Id. at 465-66.
\textsuperscript{72} Id. at 478.
\textsuperscript{73} Id.
\textsuperscript{74} Id. at 479-80.
young adult's special needs could be addressed.75 "Collaboration between public and private sector partners to develop housing resources has played an essential part in the substantial growth of independent-living opportunities. . . ." for youth aging out of foster care.76 Another important element of LA's success has come from its ability to disseminate information about housing and other resources efficiently to emancipated youth.77 The city's website for the Youth Development Services Division and Independent Living Program clearly describes all transition resources the county and its collaborators have to offer.78

Although the Chafee Act has been able to assist with certain aspects of the homelessness crisis youth aging out face, one criticism of the Act and its implementation results from its inherent flexibility. Under the Chafee Act, a state is free to distribute federal funds as it pleases so long as all state subdivisions are served.79 Thus, it is entirely possible for young adults aging out of the foster care system of one state to be afforded completely different independent living programs than those offered by a neighboring state.80 It is also possible for young adults in neighboring counties in the same state to have different independent living programs available.81 It is arguable that this flexibility is necessary because each locale has unique issues, and allowing for different programs results in innovative solutions to complex transitional issues.82 Federal American

75 Id. at 480.
76 Id. at 482.
77 Id. at 481.
78 Los Angeles County Youth Development Services Division and Independent Living Program, http://www.ILPonline.org (last visited July 8, 2008); see Alameda County Foster Youth Alliance, Housing Resources, http://www.fosteryouthalliance.org/Housingresources.htm (last visited July 8, 2008) (listing more than 40 possible housing options ranging from hot meal sources to transitional housing programs).
79 Benedetto, supra note 11, at 412 (describing how in California all 58 counties receive federal funds, but only 50 percent of eligible youth receive independent living services).
80 See Choca, supra note 48, at 480 (positing that the most pressing concern in Los Angeles County was the inequitable nature of distributing of the room and board assistance).
81 Benedetto, supra note 11, at 412-13 (describing how foster youth who successfully complete an independent living course in Los Angeles County receive laptops while foster youth who graduate high school in neighboring Riverside County receive a small monetary award).
82 Id. at 413 (arguing that the Chaffee bill was "[s]pecifically designed to provide such flexibility to states. . . . [and] freedom to experiment encourages states and counties to offer creative services to youth.").
legislation fails to reach the mandates imposed by the British government, but surpasses the actions taken by the Australian Government.

II. AUSTRALIA

In Australia,\(^8\) roughly 1,700 young adults between the ages of 15-17 exit the out-of-home care system\(^4\) annually.\(^5\) Youth homelessness has reached astounding levels. Nationally, young people represent more than 38% of all those who receive assistance from homelessness services each year.\(^6\) In Victoria, young people between 12 and 25 are the single largest group assisted by the homelessness service system.\(^7\) Between 2001 and 2002 in the same state, it was found that 1 in 104 males and 1 in 62 females between the ages of 12 and 24 used homelessness services, regardless of background.\(^8\) While it is not entirely clear why youth homelessness numbers are so high in Australia, it has become increasingly clear that the problem needs an aggressive solution.\(^9\)

Unlike the United States, which provides federal funding for state initiatives to support youth transitioning from foster care through specific legislation,\(^0\) the Australian government has yet to pass specific legislation addressing the issue. The Commonwealth’s inaction has resulted in child protection being carried out through each state or territory’s Community Services

---

\(^8\) Australia will be referred to as Australia or the Commonwealth throughout the paper.

\(^4\) Out-of-home care system includes what Americans refer to as foster care.

\(^5\) Mendes & Moslehuddin, Dependence to Interdependence, supra note 2, at 114.

\(^6\) YHAP(1), supra note 15, at 7.

\(^7\) Id. at 3. Victoria, where the city of Melbourne is located, is a small state on the south-east corner of Australia, but is the second most populous state in the Commonwealth. AUSTRALIAN BUREAU OF STATISTICS, AUSTRALIAN DEMOGRAPHIC AND STATISTICS (2007), http://www.abs.gov.au/ausstats/abs@.nsf/mf/3101.0/ (last visited July 8, 2008) (noting that New South Wales had a population of around 6.9 million people and Victoria had a population of around 5.2 million).

\(^8\) YHAP(1), supra note 15, at 7.


\(^0\) See supra Part 1.
Oddly enough, both the United States and Australia achieve a similar result despite the different methods employed; that result is a lack of uniformity among local services. Each Community Services Department has its own policies and practices. However, one aspect where having national legislation in place is advantageous relates to the political process itself. Because Australia lacks a national policy, it is harder for youth advocates to lobby for broad sweeping change. Thus, political activists must petition each state or territory individually, targeting specific policies and practices they disagree with.

Although the Commonwealth has not passed specific legislation, it has recognized that it has certain responsibilities with respect to youth homelessness. Acknowledgement first arrived in the form of the Transition to Independent Living Allowance (hereinafter “TILA”), which provides $1,000 for particularly disadvantaged teens leaving care. The Commonwealth, through its Advisory Committee on Homelessness has also recognized the problem by implementing the National Homelessness Strategy (hereinafter “NHS”). In a report released in 2001, the Committee recognized that young people exiting care are at a higher risk of ending up homeless.

The report listed goals of reducing homelessness by “improving integration between Commonwealth and State programs for young people . . . reducing the number of young people leaving the care and protection system and becoming homeless . . . [and]

92 Id.
93 Id.
94 Id. (“Australian campaigners . . . have a much harder task due to the absence of national legislation or intervention. Consequently, separate campaigns have to take place in each state and territory to address legislative and program responses.”).
95 Id.
96 All values in Part II are in Australian Dollars unless otherwise noted.
97 TILA - Transition to Independent Living Allowance, How the Program Works, http://www.tila.org.au/program.html (last visited July 8, 2008) (noting that the program is limited to 2,500 youth per year and that the allowance can be used to cover costs of utilities, moving expenses, appliances, furnishings, education and transport, among other purposes); see Mendes, supra note 91, at 160 (positing that TILA “[h]as been justified on the grounds that that early intervention and support programs will help to prevent later demands by care leavers . . .”).
increasing the availability of safe affordable, appropriate and sustainable housing . . . for young people . . . ."99 The Commonwealth intended to get many national and local agencies involved in the initiative and to create an interdisciplinary and cooperative effort. Agencies targeted included the Commonwealth Department of Education, Training and Youth Affairs, Commonwealth Department of Employment, Workplace Relations and Small Business, Commonwealth Department of Family and Community Services, state departments responsible for education and child protections, along with schools and homelessness service providers.100 The NHS focused on young adults leaving care and emphasized that Commonwealth-State action should result in employment opportunities, stable accommodation, and independent living skills training.101 Based on these findings and recommendations, the Commonwealth provided $10 million over four years in 2005-2006 in order to fund new and innovative trial projects aimed at reducing homelessness.102 Despite this proactive effort by the Australian government, homelessness remains a chronic problem in Australia. Recognizing that recent efforts have been unable to yield promising results, on January 27, 2008, Prime Minister Rudd announced that the Commonwealth would be developing a new long-term plan to combat homelessness in Australia.103 The government has commissioned a Green Paper on Homelessness, calling for submissions from all stakeholders which will be used to address homelessness over the next ten years.104

States and territories are forced to implement their own standards and policies notwithstanding the national

99 Id.
100 Id.
101 Id. at 56.
103 AUSTRALIAN GOVERNMENT, HOMELESSNESS: A NEW APPROACH 6-7, http://www.facsia.gov.au/internet/facsinternet.nsf/v1A/new_approach/$File/homelessness_a_new_approach.pdf (last visited July 8, 2008) (acknowledging some of the success that plans in the United Kingdom and the United States have had in decreasing homelessness by providing more than a simple bed). The Commonwealth states that it has plans to address the long term affordability of housing by creating 50,000 new rental properties by providing tax credits to build affordable homes. Id. at 6.
104 Id. at 7 (noting that the Green Paper will be considered by the Commonwealth in May 2008).
government's efforts. Few states have actually passed legislation addressing the issue. New South Wales (hereinafter “NSW”) is one of the few that has actually passed legislation and developed a program addressing the problems encountered by youth leaving care.\(^{105}\) NSW funds the “Aftercare Resource Centre,” which supports young people by finding them a place to live in addition to other services offered.\(^{106}\) All care leavers aged 15-25 can access services.\(^{107}\) But, it is necessary to note that, despite NSW having passed legislation addressing the issue, organizations that operate in NSW carrying out independent living services still encounter funding difficulties. One transitional home was forced to shut down around Christmas time and the young adults who were living there had to be relocated.\(^{108}\)

While the programs implemented by NSW have been promising, the state of Victoria has also taken great strides in trying to eradicate youth homelessness.\(^{109}\) More than 7,000 youth in Victoria were homeless on census night in 2001.\(^{110}\) Of those who were homeless, 66% were between the ages of 12-18, while 34% were between the ages of 19-24.\(^{111}\) Between 2004 and 2005, 10,800 young people between the ages of 15-24 accessed Victorian housing assistance.\(^{112}\) Recognizing this grave issue, and because of the lobbying by service providers and youth activists, the Victorian government passed the Children, Youth and Families Act 2005.\(^{113}\) The Act specifically provides for the support of youth

---

\(^{105}\) Mendes, supra note 91, at 159; Mendes & Moslehuddin, UK and Australian Debates, supra note 18, at 335.

\(^{106}\) Relationships Australia, What We Do, http://www.relationships.com.au/what-we-do/services/aftercare/aftercare-nsw (last visited July 8, 2008) (listing other services provided such as legal support, health services referrals, counseling and planning); see Mendes, supra note 91, at 159 (adding that specialist services are offered through the Aftercare Resource Centre for those who have had bad experiences while in care).

\(^{107}\) Mendes & Moslehuddin, Dependence to Interdependence, supra note 2, at 120.

\(^{108}\) Door Shut on Teens: Redundant Worker Fears for Fate of Teens, N. SHORE TIMES (Australia), Jan. 16, 2008, at § 1 page 1, 4 (describing how in New South Wales, even in care, youths are at risk because inadequate funding can result in a home being shut down, leaving them on the street).

\(^{109}\) See supra note 87 for information about Victoria.

\(^{110}\) YHAP(2), supra note 89, at 25.

\(^{111}\) Id.

\(^{112}\) Id. (describing how the number is actually higher because the Melbourne Youth Support Service reported 10,620 youth between 2003-2004 but this data is not included in the 10,800 provided by the Australian Institute of Health and Welfare).

\(^{113}\) Id. at 22.
leaving state care.\textsuperscript{114} It is said that "[t]he Act places vulnerable children and young people’s best interests at the centre of all decision making and service delivery . . . ."\textsuperscript{115}

The Victorian government also commissioned the Victorian Homelessness Strategy (hereinafter "VHS") in order to provide a blueprint to tackle these issues.\textsuperscript{116} Prior to this initiative, the Victorian system was fragmented,\textsuperscript{117} which meant that homeless youth were only provided with housing. In order to access other services, people with special needs had to go to different locations to receive them.\textsuperscript{118} One of VHS’s main objectives is to increase the access and supply of cheap, affordable housing.\textsuperscript{119} The Strategy acknowledges that the single most important preventative activity is reducing the number of young people who become homeless.\textsuperscript{120} Specifically, people leaving care must be retained in education or other activities that provide a meaningful transition into adulthood.\textsuperscript{121} In order to provide education and other activities, it is recognized that all areas and levels of government need to be involved.\textsuperscript{122} The Victorian government also realized that young people were a unique group, requiring a more specific, aggressive and holistic housing assistance plan.\textsuperscript{123}

\begin{flushright}
\textsuperscript{114} Children, Youth and Families Act 2005 ch. 2, § 16(1)(g), Vict. Stat. R. Regs. & B. 96 of 2005, available at http://www.legislation.vic.gov.au ("[T]he purpose is to provide or arrange for the provision of services to assist in supporting a person under the age of 21 years to gain the capacity to make the transition to independent living where the person— (i) has been in the custody or under the guardianship of the Secretary; and (ii) on leaving the custody or guardianship of the Secretary is of an age to or intends to, live independently . . . .") Id.

\textsuperscript{115} YHAP(2), supra note 89, at 22 (illustrating the support that will be received spanning early intervention through Children’s Court proceedings).


\textsuperscript{118} Id.

\textsuperscript{119} Newman, supra note 116, at 2.

\textsuperscript{120} Id. at 3.

\textsuperscript{121} Id.

\textsuperscript{122} Id. at 4.

\textsuperscript{123} YHAP(1), supra note 15, at 1; YHAP(2), supra note 89, at 13 (agencies that now work with the program include Drugs Policy and Services, Mental Health Branch of the DHS, Office for Children, Disability Services, and the Department of Education and Training).
\end{flushright}
Through the Youth Homelessness Action Plan (hereinafter "YHAP"), the Victorian government committed $8.8 million over four years to youth homelessness initiatives.124 It earmarked $4.8 million specifically for developing independent living skills programs, especially for young people leaving care.125 From this, $775,000 per year goes towards projects across Victoria for helping youths transition to independence by providing them with housing, employment education, and training.126 The plan strives to further integrate education and employment goals in homelessness programs and to provide them at an earlier age.127 Furthermore, the YHAP provides stable living arrangements in the community through its accommodation services.128

Reflecting an innovative overseas approach,129 the premise of which is that by "[t]ackling the problems associated with family life and social exclusion, the risk of youth homelessness can also be reduced,"130 the Victorian government has created a youth transition hub to facilitate the housing process for youths.131 Clear entry points to the service system are a primary goal.132 The focus of the hub is to tailor accommodations and services to each individual, creating a personal and specific plan.133 Accordingly, its purpose is to have all services, like life skills, access to employment, education and training opportunities and social services, readily available for the young adults who require them.134 The result is continuity and a well coordinated support system.135 Additionally, the hub provides a link to the rest of community and a stable sense of place.136 The hub is a result of several partners, which include both the government and several

124 YHAP(1), supra note 15, at iii.
125 Id. at 2.
126 Id. at 15.
127 Id. at 12.
128 YHAP(2), supra note 89, at 3.
130 Dickens & Woodfield, supra note 129, at 47.
131 YHAP(2), supra note 89, at 4.
132 Id. at 16.
133 Id.
134 Id. at 6-7.
135 Id.
136 Id. at 7. An example of community integration is how the University of Melbourne students provide homework support and mentoring to program youths. Id. at 8.
private organizations. Basic financial assistance and advocacy are also provided.

One of the major accomplishments of the YHAP youth transition hubs is the link to the private rental market. This link is the result of real estate agents assisting the hub’s cause and has given rise to a method of diversifying housing options for the youth and a way to help sustain affordable housing for youth. The service extends from short term, medium term, and long term accommodations to private rentals. Rooms usually consist of two bedroom properties or self-contained units with a communal living area. The goal, again, is to provide a long-term suite of services, including individualized programs in living and life skills, employment access, and education and training opportunities. While the target is young people between the ages of fifteen and twenty-five, there is a particular emphasis placed on those twenty-one and under. In order to have access to the program, young adults are assessed based on their life skills, developmental maturity and support needs. The ultimate goal, of course, is to achieve improved results for those who have the potential to live independently, and eventually assist capable youth in finding a private rental.

Through this model, homeless youth are given as much help as they require throughout the process. Thus, “[s]upport levels will relate to the young person’s capacity as they gain confidence, skills and income to be more self-sufficient.” Victoria hopes to

---

137 YHAP(2), supra note 89, at 8 (includes Department of Human Services, Melbourne Affordable Housing, HomeGround Transitional Housing Services, Gospel Hall Trust and Melbourne Citymission).
138 Id.
139 Id. at 4.
140 Id. at 8.
141 Id. at 9.
142 Id. at 17 (noting that local public housing offices are relevant participants in the development of coordination models within serviced regions).
143 YHAP(2), supra note 89, at 7.
144 Id. at 8.
145 Id. at 6, 8.
146 Id. They attempt to check for inefficiencies so that youths cannot benefit from this service and assistance via leaving care packages provided by the “Office for Children.” Id. at 7.
147 Id. at 7.
148 YHAP(2), supra note 89, at 7.
149 Id. at 8.
150 Id.
achieve stable housing through flexible financial brokerage packages and collaborative working relationships with service providers and real estate agents. Furthermore, is a particular youth has complex needs the program will equip providers to place the youth in an environment where the youth can be properly assessed and stabilized. The program stresses a youth-focused housing placement initiative that will cater to the particular needs of each individual through experienced social workers. The program's success has been manifested through testimonials of young adults who have gone on to live independently after leaving care.

III. BRITAIN

In Britain, a total of approximately 7,000 people leave care annually, 4,000 alone between the ages of 16 and 17. Centrepoint, a London charity, found that of the 758 young adults admitted to their housing projects in a span of one year between 2000 and 2001, almost one-third had spent time in care. Studies have shown that between twenty-five and thirty-three percent of Britain's homeless have been looked after by local authorities at some point in their lives.

In order to address the youth homelessness situation, Parliament enacted the Children Leaving Care Act 2000 (hereinafter "CLCA"). The purpose of the Act is "to improve the

151 Id.
152 Id. at 9.
153 Id. at 10. It is also recommended that minimum qualifications for specialist homelessness workers be implemented with formal training requirements in order to be effective as possible. Id. at 17.
154 YHAP(2), supra note 89, at 8. See id. at 15 (telling the story of 'Di': After living on the streets and accumulating debt, at age 23 "Di moved into one of the Youth Transitions Model units. . . . Di completed various life skills sessions as part of the Youth Transitions Model community, including workshops on budgeting and finance. During this time Di also went to Salvation Army financial counselors. . . . With the support of the Youth Transitions Model worker, Di went to Centrelink to link in with a local job network and started a course in security and reception work. Di worked on job search and interview skills and was offered part time work in hospitality. She started to address her debt problem with a financial counselor and organized a payment plan. Di moved from part time work into a full time position as a concierge nine months after entering the program. With the support of Youth Transitions Model staff, Di moved out from the units into long term community housing and after ten months she moved into shared private accommodation.").
155 Mendes & Moslehuddin, Dependence to Interdependence, supra note 2, at 113.
156 Id. at 114.
157 CLCA Regulations and Guidance, supra note 15, at 22.
life chances of young people living in and leaving local authority care. Its main aims are: to delay young people's discharge from care until they are prepared and ready to leave; to improve the assessment, preparation and planning for leaving care; to provide better personal support for young people after leaving care; and to improve the financial arrangements for care leavers."

Through the legislation, local authorities have specifically enumerated aims and objectives, which include providing stable placements, ensuring that young people leaving care have access to accommodation and are able to maintain themselves in the accommodation, and looking after young people until they are prepared to leave care. When a voluntary organization accommodates a youth, the organization has the duty to promote his interests, but does not have a statutory duty to provide accommodation after he or she leaves care. The Department of Health recommends that the voluntary organization create an adequate aftercare service arrangement, and it has the duty to notify the local authority when the youth will no longer be accommodated. The legislation reaffirms that care leavers, given their age and circumstance, have an immediate and more urgent need for housing. The CLCA requires that the preparations for leaving care begin well before a youth actually leaves care, and recommends that preparation be an integral part of the care process that begins as soon as they enter care.

One unique aspect of the CLCA is that the responsible authority is required to create a youth specific Pathway Plan. Specifically, the responsible authority is required to prepare a written statement describing the manner in which the needs of each eligible child will be assessed. Where possible, the input of the child is necessary for the Pathway Plan's creation. The young person should be central in setting up his own plan.

---

158 Id. at 5.
159 Id. at 6.
160 Id. at 19.
161 Id.
162 Id. at 22.
163 Id. at 30.
165 Id. at 35.
166 Id. at 35, 36.
167 Id. at 40.
In regards to accommodations, each local authority should set up a package of support, which would probably include life skills training and special support for some young people. The local authority is required to provide any young person who leaves care with a suitable accommodation. Because housing has been recognized as imperative by the British government, the local authority also has to ensure that any care leaver in higher education has suitable accommodation during a vacation if they need it. The local authority is responsible for any young adult up to age twenty-four who is engaged in education or training.

Despite the British government's law, local authorities still have considerable autonomy in administering programs. Of course, this results in considerable variations between local authorities. In adjacent boroughs there can be a great discrepancy in outcomes. One local authority that is well-resourced and continues to attract funding may have outcomes that are favorable, but in an adjacent borough the opposite can be true. There is evidence that divisions between better and poorer funded services have remained after implementation of the CLCA.

This discrepancy was exemplified in a 2004 survey in which fifty-two leaving care local authorities, working with 6,953 young people, responded to inquiries about accommodations and other transitioning concerns. Before the CLCA, seventy-three percent reported that they were average or good in terms of accommodations, but reported that after the new laws there was either significant or a little improvement. Before the CLCA, the remaining twenty-seven percent reported that they were below average or inadequate in terms of accommodations, but

168 Id. at 42.
169 Id. at 55.
170 CLCA Regulations and Guidance, supra note 15, at 52.
171 Id. at 53.
172 Mendes & Moslehuddin, UK and Australian Debates, supra note 18, at 336.
173 Id. at 333.
177 Broad, supra note 175, at 372-73.
178 Id. at 381.
reported that after the new laws there was either slight improvement or that services remained the same.\textsuperscript{179} It is argued that these findings show that gains for higher performing leaving care teams often had more to do with the preexistent high level of service and efficiency than with the CLCA's actual guidance.\textsuperscript{180} The same researcher also argues that the gap between the lower rated services and the higher rated services will remain because if all local authorities, regardless of their rating, continue to receive the same funding, it is likely that all authorities will improve only slightly.\textsuperscript{181} Based on this fact, any change that results from the CLCA will occur at a very slow rate if at all. However, one can argue that this view does not take into account that it is possible to improve slightly in one year, but significantly the following year after addressing inefficiencies.

A recent study by Wade & Dixon proved the importance of a stable housing situation. The study's participants consisted of seven local authorities that each had well established leaving care services.\textsuperscript{182} The sample consisted of 106 young people generally between the ages of sixteen to eighteen who left care.\textsuperscript{183} The study focused on the early stages of transition.\textsuperscript{184} Housing was the factor most closely associated with well-being, even more so than education and training.\textsuperscript{185} One year after leaving care, thirty-one percent were living in independent housing, thirty-eight percent were living in supported accommodations, twenty percent were living with family or foster care givers after formal discharge, and twelve percent were living in unstable and temporary situations.\textsuperscript{186} The results also showed that thirty-five percent had experienced homelessness after leaving care at some point.\textsuperscript{187} Stability was also an issue in that around twenty percent had moved four or more times after leaving care.\textsuperscript{188}

\textsuperscript{179} Id.  
\textsuperscript{180} Id.  
\textsuperscript{181} Id. at 382.  
\textsuperscript{182} Wade & Dixon, supra note 14, at 201.  
\textsuperscript{183} Id. (noting that one was actually 20).  
\textsuperscript{184} Id.  
\textsuperscript{185} Id. at 203.  
\textsuperscript{186} Id. at 201-02  
\textsuperscript{187} Wade & Dixon, supra note 14, at 202.  
\textsuperscript{188} Id.
The study showed that those young adults who were most likely to experience housing instability were those with mental-health, emotional or behavioral difficulties.\textsuperscript{189} The majority of young people responding said that they were able to manage their accommodations and that they were suitable.\textsuperscript{190} Refreshingly ninety-three percent acknowledged receiving support since leaving care and sixty-four percent stated that they had been assisted in securing post-care accommodations.\textsuperscript{191} In sum, the data established a correlation between young people having the skills to live independently and the likelihood of being successful and having a positive mental well-being.\textsuperscript{192} Another interesting argument the study made was that a young adult’s housing outcome was not related to the experience while in care, but rather was “much more closely linked to other facets of young people’s lives at that time.”\textsuperscript{193} Therefore, one could conclude that a major crisis at that time could threaten a young adult’s ability to cope with the pressures of independence, serving to destabilize his living situation.\textsuperscript{194} In order to avoid this, simply providing housing is insufficient because it must be coupled with leaving care support services.\textsuperscript{195}

The Wade & Dixon study also concluded that the CLCA’s impacts were not significant because local authorities who were well-positioned prior to its implementation remained that way, while those local authorities that were not as well-positioned improved marginally.\textsuperscript{196} Subsequent studies and surveys report that the CLCA has not served its purpose. In 2005, A National Voice—a youth and care leaver advocacy group that is run by young people and care leavers—surveyed 581 care leavers and care professionals. It reported that fifty-five percent of young people felt they had no real choice in the accommodations offered to them.\textsuperscript{197} This finding defeats the spirit of the CLCA, which

\textsuperscript{189} Id. at 203.
\textsuperscript{190} Id.
\textsuperscript{191} Id.
\textsuperscript{192} Id.
\textsuperscript{193} Wade & Dixon, supra note 14, at 203.
\textsuperscript{194} Id.
\textsuperscript{195} Id.
\textsuperscript{196} Id. at 206; Broad, supra note 175.
\textsuperscript{197} A NATIONAL VOICE, THERE’S NO PLACE LIKE HOME iv (2005), available at http://www.anationalvoice.org/docs/NPLH_Summary.pdf.
specifically states that, "[l]ocal authorities should develop a strategy... to provide a range of accommodation to meet the assessed needs of relevant children and other care leavers."198 Also, seventy-seven percent of leaving care professionals and personal advisors felt that youth are too young when they leave care, and that they do so without adequate preparation.199 Another study by Rainer, a national British charity for under-supported young people, found that often care leavers were living in unsafe and unhealthy situations.200 Sixteen percent of around 1,250 people who left care reported that they are not living in suitable supported accommodations.201 Care leavers could find themselves living next door to adult offenders, heavy drug users or prostitutes.202 This supports A National Voice’s finding that twenty-nine percent did not feel safe in their accommodations.203

CONCLUSION

Australia, England and United States can learn from each other’s positive results and failures in combating the housing crisis that youth aging out of care encounter. In the United States, housing, while admittedly important, has not been the primary focal point. While it is true that a lack of housing is not the only cause of homelessness,204 and more than housing is needed for young adults to successfully make the transition to adulthood, housing is a prerequisite for stability. Indeed, studies have shown that having a stable living situation contributes more to a young person’s well-being than education or training does.205

Australia, particularly the state of Victoria, and the United States seem to have the most promising results when services

---

198 CLCA Regulations and Guidance, supra note 15, at 23.
199 A National Voice, supra note 197, at iv (noting that 71% of leaving care professionals and personal advisors also felt that there was insufficient attention paid to the emotional support for young care leavers).
201 Id. at 8.
202 Id. at 3 (stressing that this is not the experience of the majority, but a “sizable minority”).
203 A National Voice, supra note 197, at iv.
204 Newman, supra note 89, at 4.
205 Wade & Dixon, supra note 14, at 207.
have been coupled with housing through the cooperation of numerous private and public entities. Collaboration seems to enhance the outcomes of youth leaving care. However, Australia has failed to pass national legislation mandating that each state and territory be required to provide adequate housing for young adults aging out. While the United States has passed legislation on point which provides funding for room and board, it fails to mandate that housing be provided to all emancipated youth.

The British government appears to have the right idea in requiring that its local authorities ensure that young people aging out of the system have access to adequate accommodations. Accordingly, it seems that once there is stable housing, the concerns of education, employment and health become easier to address. Maintaining a job or pursuing a degree becomes exponentially more difficult when one has to wonder about where to spend the night, or worry about eviction. However, such a mandate is only as good as its enforcement. Several studies have shown that while youth are receiving accommodations, they can hardly be called suitable, especially considering the characteristics of this vulnerable class of youth. Again, a lack of stable housing contributes to homelessness and the problems associated with it, including unemployment, substance abuse and health problems.

However, a federal statute requiring each state to mandate local authorities to house youth aging out of foster care would probably be received negatively by states, although it would certainly send the message that housing is crucial in combating youth homelessness and perhaps future incarceration. A mandate would have to be strictly enforced, but would also have to leave local authorities the freedom to devise new strategies to combat homelessness. Unlike the results from the United Kingdom, housing would have to be adequate, allowing emancipated teens to live in an environment that is safe and nurturing. It is possible to positively impact the lives of young adults leaving foster care by providing this type of housing along with a suite of readily accessible services that address employment, health, and educational issues provided through the

206 Choca, supra note 49, at 474 ("Youth tell us that housing is a critical concern.").
close collaboration of service providers and other private organizations.