

ChapinHall at the University of Chicago
Policy research that benefits children, families, and their communities

**Partnership and the
Politics of Care: Advocates'
Role in Passing and
Implementing California's
Law to Extend Foster Care**

**Jennifer E. Mosley
Mark E. Courtney**

2012

Child
welfare
fare

**Partnership and the Politics
of Care: Advocates' Role in
Passing and Implementing
California's Law to Extend
Foster Care**

Jennifer E. Mosley,
Mark E. Courtney

Recommended Citation

Mosley, J. E., & Courtney, M.
E. (2012) *Partnership
and the Politics of Care:
Advocates' Role in Passing
and Implementing California's
Law to Extend Foster Care*.
Chicago: Chapin Hall at the
University of Chicago

ISSN: 1097-3125

© 2012 Chapin Hall
at the University of Chicago

Chapin Hall
at the University of Chicago
1313 East 60th Street
Chicago, IL 60637

773-753-5900 (phone)
773-753-5940 (fax)

www.chapinhall.org

Acknowledgments

We would like to acknowledge support from the William T. Grant Foundation, the Annie E. Casey Foundation, the Stuart Foundation, the Walter S. Johnson Foundation, and the Zellerbach Family Foundation. The authors would also like to thank Amy Dworsky, Genevieve Benedetti, Laura Napolitano, and LaShaun Brooks for their contributions to this project.

Table of Contents

Executive Summary.....	3
Summary of Findings.....	4
Introduction.....	6
Methodology.....	8
Federal Extension: Setting the Stage.....	9
California’s Legislative Effort: The Fostering Connections to Success Act.....	11
Issues of Cost.....	13
Strategies and Evidence Important in Passing the Bill.....	14
Implementation Planning: Policy Coproduction and the Stakeholder Input Process.....	17
Challenges During Implementation Planning.....	19
Use of Evidence During Implementation Planning.....	20
Conclusion.....	22
Additional Resources.....	25
References.....	27

Executive Summary

California's Fostering Connections to Success Act (commonly known as AB12) was signed into law by Governor Arnold Schwarzenegger on September 30, 2010. As a result of this legislation, as of January 1, 2012, foster youth in California who turn 18 had the right to stay in care until their 20th birthday. Policy overhaul of this type is never easy. In this case it was more remarkable because child welfare advocates and policymakers in California succeeded in passing this legislation despite a recession, a \$40 billion dollar state deficit¹, and an uncertain governor.

This report traces the history of the AB12 legislation from when it was first introduced in the California State Assembly, through its passage and signing, and ultimately to its innovative and extensive implementation planning process. Thus, it covers the period of time from December 2008 through December 2011. The aim of this report is to document the California experience, highlighting its successes and challenges, so that other states may benefit, potentially smoothing the legislative and implementation processes there.

Beyond telling the story of AB12, this report also focuses on two other issues. The first is detailing the strong role played by a group of stakeholders (e.g., advocates, foundations, county administrators, etc.) in passing this bill and in seeing it through implementation planning. Understanding more about the role of these stakeholders is important for assessing the degree to which their contributions improved upon or detracted from policymaking processes. The other major focus is the degree to which research evidence was used in both the legislative and implementation planning phase. Knowing more about what kind of evidence is most effective in different policymaking scenarios is important if we are to improve policy outcomes.

¹ This figure is from the nonpartisan California Legislative Analyst's Office: http://www.lao.ca.gov/2009/budget_overview/09-10_budget_ov.aspx

Summary of Findings

The case of AB12 shows that even in a time of fiscal cutbacks and reduced state capacity, when some might expect greater tension between governmental and nongovernmental parties, cooperation and collaboration between government and nonprofit stakeholders has the potential to lead to major policy change. We believe that our findings about the passage of and implementation planning around AB12 may be applicable in other situations where (1) the policy under consideration concerns a sympathetic population, or where there is wide support for the policy on its face; (2) state budget constraints dominate the discussion; and/or (3) government capacity for implementing complex policy is limited.

First, we find that advocates and other stakeholders from county government and the judicial branch that were involved in passing the legislation also played a central role in planning its implementation. Their central involvement was a result of their own desire to see the policy through to implementation, the limited capacity of state government agencies to implement such complex legislation, and the willingness of foundations to help fund implementation planning. Our findings suggest that in this case the involvement of these stakeholders led to a highly collaborative and inclusive implementation planning process, but they also point to potential tensions. On one hand, such as in this case, a variety of advocates and state administrators working together may produce better policy, with greater buy in from multiple parties. On the other hand, without sufficient state capacity for oversight, it could lead to reduced accountability on the part of government, or the privileging of some voices over others.

Second, our findings about use of evidence indicate that for research to be effective in shaping legislative decisions, it needs to be more timely and geared to policymakers' concerns than what academic researchers generally produce. In particular, research on specific state-level contexts is greatly valued. For legislation that concerns sympathetic populations, testimonial or discursive evidence can be just as effective with legislators as research evidence. Moreover, in times of budgetary constraint, research evidence about cost effectiveness may be as important as research evidence about program or policy effectiveness. Two other findings stand out in regards to use of research evidence in implementation planning. First, short implementation timelines may reduce use of research evidence overall. Second, both state administrators and advocates have preexisting priorities that may or may not be based in research evidence; to increase its use, research should be targeted to each group specifically.

Overall, we find that AB12 is a remarkably generous and flexible policy, with many protections for young people and multiple ways that they can stay in the system and access support. This was largely due to advocates, foundations, and other stakeholders who were committed to making sure that the program they had envisioned and worked so hard to pass was the one that was implemented. Of course, as the policy rolls out in 2012, many of those involved remain concerned about lingering implementation issues including: training about AB12 for those responsible for its implementation and for the youth it is intended to benefit; whether youth will choose to take advantage of the opportunities it provides; whether AB12 is flexible enough to ensure that both high-functioning youth and those with more challenges will

be able to access desirable placements with more support; and how well AB12 will meet the needs of eligible youth involved with the juvenile justice system.

Introduction

California's Fostering Connections to Success Act (commonly known as AB12) was signed into law by Governor Arnold Schwarzenegger on September 30, 2010. As a result of this legislation, as of January 1, 2012, foster youth in California who turn 18 had the right to stay in care until their 20th birthday.² This legislation has enormous implications, provides opportunities for youth, families, and providers, and was long in coming. Advocates had been pushing this type of reform for years based on studies that showed poor outcomes for foster youth who age out of care as well as better outcomes for youth who stay in care.³ Policy overhaul of this type is never easy, however, and getting the bill passed and implemented appropriately took almost five years. It was a major task for child welfare advocates, policymakers, and the courts in California. Remarkably, they succeeded in passing this legislation despite a recession, a \$40 billion dollar state deficit⁴, and an uncertain governor.

This report tells this unlikely success story, tracing the history of the AB12 legislation from when it was first introduced in the California State Assembly, to its passage and signing. It also covers the innovative and extensively collaborative implementation planning process that was carried out by the California Department of Social Services (CDSS) along with a group of advocates and other governmental and nongovernmental stakeholders that had been shepherding the bill since its initial introduction. Thus, it focuses on the period of time from December 2008 through December 2011.⁵ This information is relevant for understanding why the policy developed as it did, as well as for stakeholders in other state contexts

² The law has since been expanded to include youth up to age 21.

³ Links to much of this research can be found at <http://www.cafosteringconnections.org/research.html>

⁴ This figure is from the nonpartisan California Legislative Analyst's Office:
http://www.lao.ca.gov/2009/budget_overview/09-10_budget_ov.aspx

⁵ Thus, it does not cover events that happened after the bill went into effect on January 1, 2012, including a significant amount of work that went into training, as well as the development of further legislation intended to address limitations of the original law. These events will be discussed in a future report.

where such a policy change is being considered. Learning from the California experience may help smooth the legislative and implementation processes in those states.

The role of the nongovernmental stakeholders such as advocates, providers' associations, and foundations, is a major focus on this report. How private stakeholders interact with legislators and government administrators is an area of increasing interest in both the policymaking and practice communities, especially given cutbacks and reduced administrative capacity at the state level (Milward & Provan, 2000; Terry, 2005). It is important to know how and when advocates are intervening in policymaking at both the legislative and regulatory stages in order to monitor influence and assess the degree to which the interests of diverse constituents are being met (Emerson, Nabatchi, & Balogh, 2012).

The other major focus of this report is the degree to which evidence was used in both the legislative and implementation planning phase.⁶ Advocates use many types of evidence: quantitative summaries of effectiveness, testimonial evidence, and evidence about potential costs are just a few (Asen, Gurke, Solomon, Connors, & Gumm, 2011). Knowing more about what kind of evidence is most effective in different policymaking scenarios is important if we are to improve policy outcomes (Nutley, Walter, & Davies, 2007). Understanding how evidence is used (or not used) can also bring clarity as to why policies come to take a certain shape and help assess the degree to which policy is based on up-to-date knowledge (Henig, 2008).

⁶ This report focuses on the California state context. Although a federal law was passed that facilitated the California law, the degree to which research evidence was used at the federal level is outside the scope of this report.

Methodology

Data collection for this project took place from June through December of 2011. In order to reconstruct the policy history and understand the role and perspective of multiple stakeholders, we carried out 38 in-depth interviews with key stakeholders. These interviews were held in person and over the phone, and lasted approximately an hour. Those interviewed included state legislators and legislative staff ($N = 6$), state and county administrators ($N = 11$), judges and judicial staff ($N = 5$), and advocates and funders ($N = 16$). Interviewees were selected based on their closeness to the process and the role they played (e.g., cosponsor of legislation, head of state or county agency, etc.). For example, we interviewed legislative staff from both the Democratic and Republican parties, all cosponsors of the legislation, and all key figures from the implementation planning group. Interviews were carried out until data saturation was reached, and all interviews were recorded and transcribed for later analysis.

Other sources of data include in person participant observation at stakeholder meetings, notes from open conference calls hosted by both cosponsors and CDSS, and document review of the legislative history, rules of the court, press releases, meeting agendas, and other communications from advocates. These materials served to corroborate the information received from individuals directly.

Interview transcripts and notes from participant observation, conference calls and document review were then analyzed to assess where informants expressed consensus views and where areas of dissent emerged. Regarding matters of concern in this report (e.g., legislative history, strengths and weaknesses of the implementation planning process, the role of multiple stakeholders, and use of research evidence), we primarily found consensus. Thus, in this report, quotes were chosen that represent the consensus view, unless otherwise noted. For areas in which interviewees expressed different views, we prioritized the viewpoints of those most closely involved in the process but also note where those differences lie.

Federal Extension: Setting the Stage

Traditionally, foster care has ended at age 18 for several reasons. Clearly, 18 is the age of majority, when children have been historically thought of as “independent.” However, it is also the age at which, until recently, federal matching funds for foster care (through Title IV-E of the Social Security Act) ceased. Because states depend on those matching funds for their foster care programs, 18 has generally been the age when state funding stops as well. Child welfare advocates have generally believed, then, that in order for states like California to extend their foster care programs, federal matching funds would have to be available. In this way the federal law can be seen as an all-but-necessary precondition to action at the state level. Thus, the story of AB12 really begins in Washington, DC.

Advocates in California, particularly the John Burton Foundation, were actively involved in promoting federal support for extended foster care. Armed with new research showing negative outcomes for youth aging out of care, advocates, including John Burton himself, had several conversations with Senator Barbara Boxer (D-CA) in early 2007.⁷ In May of that year, Senator Boxer introduced Senate Bill 1512, the first of several bills calling for Title IV-E reform. These bills ultimately came together to form the federal Fostering Connections to Success and Increasing Adoptions Act (House Resolution 6893, 2008).

Originally passed in the House of Representatives in June of 2008, the federal Fostering Connections Act was signed by President George W. Bush on October 7th, 2008, becoming Public Law 110-351. The bill contains several provisions intended to improve outcomes for youth in foster care, but two of the biggest changes were offering federal support for subsidized guardianship programs (kinship care) and allowing federal reimbursement to states through Title IV-E for foster care provided to youth between the ages of 18 and 21.

⁷ John Burton has a storied career in California state politics, and is a powerful political figure in the state, as well as nationally, in the Democratic Party. He has served as Senate President, as a member of the U.S. House of Representatives and is currently the Chair of the California Democratic Party.

Interestingly, although extending foster care to age 21 is arguably the largest policy change contained in the bill, it is downplayed in many of the documents released at the time by both Congress and advocates. Less controversial issues—such as increased incentives for adoption and support for grandparent caregivers—were given center stage in order to get the support of as many lawmakers as possible. It should also be noted that the bill passed as the global financial crisis began. Lehman Brothers filed for bankruptcy the same day the relevant House and Senate committees announced agreement on a reconciled House Resolution 6893. If the committees had waited a few more weeks, passage of a bill like this would have been unthinkable.

California's Legislative Effort: The Fostering Connections to Success Act

Having followed the federal effort closely, advocates and state lawmakers in California were ready to craft their own legislation. California was fortunate to have two longtime supporters of foster youth in positions of power in the state assembly: Speaker of the Assembly Karen Bass and Human Services Committee Chair Jim Beall. They introduced AB12 on the first day of the legislative session in December of 2008, and saw AB12 through to the day it was signed two years later, on the last day it was eligible for the governor's signature.

Because advocates and other child welfare stakeholders in California had already been monitoring the federal legislation, many were quick to jump on as cosponsors of the state legislation.⁸ Bills proposing extended care had previously been introduced in California, but because of the change in federal legislation, this time it seemed as though the bill might have a chance of being passed. By all accounts, the cosponsors came together somewhat organically, with some advocates being contacted by the Human Service Committee staff and others expressing their interest independently. Ultimately, nine organizations came together as cosponsors of AB12 and began writing the text of the bill. This strong and somewhat unusual group was comprised of people with content expertise, groups with political clout, and groups with broad memberships. These were:

- Administrative Office of the Courts (AOC)
- The Alliance for Children's Rights

⁸ In California it is common for organizational sponsors to partner with the legislative author of the bill. The sponsors assist in writing the bill (sometimes taking a lead role, as they did in AB12). Then, the legislators, legislative staff, and sponsors collaboratively work together to move the bill forward.

- California Alliance of Child and Family Services
- California Youth Connection (CYC)
- Children’s Law Center of California
- County Welfare Directors Association of California (CWDA)
- John Burton Foundation for Children Without Homes
- Service Employees International Union (SEIU)
- Youth Law Center

Several of the cosponsors were longstanding child welfare advocacy groups with considerable legal and political expertise (e.g., The Alliance for Children’s Rights, Children’s Law Center, Youth Law Center, and the John Burton Foundation). The AOC, however, rarely cosponsors bills. Their participation underscored the bill’s significance. The AOC also provided critical legal guidance and manpower. The California Alliance of Child and Family Services represents most of the foster care providers in the state, and SEIU represents the state agency social workers. Having both organizations on board was a crucial signal that these important constituencies approved of the bill. CWDA is an important power broker in California state politics and their participation signaled that counties would support the plan (California has a county-administered child welfare system). As one advocate told us, “If CWDA didn’t want this to happen, it wouldn’t have happened. Their commitment to it and the amount of political capital they expended to make this policy move forward can’t be overstated.” Finally, CYC is an organization comprised of and representing current and former foster youth. They were able to provide important substantive feedback about how different provisions in the bill might affect youth. Additionally, their personal stories proved essential in convincing legislators of the importance of the bill.

It should be noted that not all the cosponsors are typical “advocates.” The AOC represents the judicial system, while the CWDA represents county government. Their cooperation with more traditional nongovernmental advocates, including legal advocates, the providers association, and the labor union, is partly what led to such a strong coalition. Each group was able to play a unique role and rally their own constituents. Ultimately, as one respondent noted, “it was a really committed group of people who were all saying, ‘We are going to make this bill happen one way or another.’ There were a lot of workhorses on that team of people.”

The California Department of Social Services (CDSS) does not sponsor bills, thus their name is not on that list. Stakeholders who were interviewed had mixed opinions as to the degree to which the agency was supportive of the bill in the beginning. People close to the agency reported that the director at the time was very supportive and worked hard behind the scenes. Others, however, reported a certain recalcitrance and wondered if the state agency felt able to take on a policy change of this magnitude. Many perceived a

split at CDSS, and believed that the more policy-oriented staff supported the bill, but that people in the financial division were reluctant, believing the policy was going to be more expensive than the cosponsors thought it would be.

Issues of Cost

Because of California's budget crisis, it was clear that the bill would have to be cost neutral, or even a savings, if it was to be passed. The state was already cutting programs it had long been committed to; passing a new, cost-intensive bill was not a possibility. The similar bills that had been floated in the California legislature before did not make it primarily because of the fiscal implications. Luckily, the way the federal legislation was written gave the cosponsors a way to present the bill as cost neutral.

California had been paying the full cost of a statewide subsidized guardianship program (Kin-GAP) since 1998. Because the federal Fostering Connections Act included matching funds for state-subsidized guardianship programs, the cosponsors planned to use the funds no longer being spent on Kin-GAP to pay for extended care. Unfortunately, soon after AB12 was introduced, the cosponsors learned that the federal guidance on Fostering Connections would allow for prospective cases only, meaning California could not collect for the approximately 15,000 children they already had enrolled in Kin-GAP. This was devastating to their hopes for cost-neutrality.

The cosponsors carried on, though, assuming that when President Obama took office early in 2009, his administration would change the guidance and allow for established cases. They even held a large press conference in March of 2009 with researchers, philanthropy, and key figures from all three branches of government (leaders of both the Assembly and the Senate, as well as the director of CDSS and key figures in the judicial branch) that got a lot of attention and raised hopes for a quick passage.

Unfortunately, although they were eventually able to get the federal guidance changed, the change did not happen as quickly as they hoped and the bill ended up stuck in the Assembly Committee on Appropriations from June 2009 to January of 2010. This was enormously disappointing given that the bill had easily made it out of the Assembly Committee on Human Services.

During the period while the bill was in the Appropriations Committee, work on the bill slowed significantly. A small group of cosponsors then came up with the idea of a "phase-in" that would significantly reduce the upfront costs of the bill. The phase-in eventually got AB12 out of the Appropriations Committee and back in play in January 2010. With the phase-in, instead of immediately covering all foster youth through age 20, the policy would only apply to youth prospectively. Thus, in its first year, AB12 would only apply to youth under 19 years of age, in its 2nd year, youth under 20, and so on. The phase-in is one aspect of the bill most lamented by child welfare advocates, as they had hoped for more comprehensive coverage from the outset, but the general consensus is that the bill could not have passed without it.

Three other major compromises also had to be made in the legislative process. These were reportedly largely due to the need for additional cost cutting as a result of a threatened “no” recommendation from the state finance director’s office (which would have likely resulted in a veto from the governor). The first, and for many, the most disappointing, was changing the maximum age of eligibility from 21 to 20. The cosponsors had originally hoped to include youth up to age 21 but agreed to only cover youth up to age 20 in AB12. They intended to go back to the legislature in 2013 to extend coverage for youth up to age 21. Ultimately, the issue got resolved when the extension was included in the state budget passed in the summer of 2012.

The second compromise was the elimination of group homes as a potential placement for most AB12 youth. Compared to family or kinship foster care, group homes are very expensive placements. Excluding them was thought to reduce the likely cost of extending care. Since group care settings also tend to be relatively restrictive environments, some hoped that severely limiting the use of group homes under AB12 would increase the likelihood that youth would be placed in more developmentally appropriate placements.

The third compromise was what is known as the “70/30 split” on a state-funded program called THP-Plus. THP-Plus, a transitional housing program for youth ages 18–24 in California, is strongly supported by the John Burton Foundation and others. It had been implemented by CDSS in 2001 with a requirement for county matching of state funding for the program. Due to the requirement of county funding, THP-Plus experienced limited implementation in its early years, but expanded rapidly after 2006 when 100 percent state funding was provided for the program. The 70/30 split meant that 70% of the beds previously available through THP-Plus would now have to be converted into THP-Plus-Foster Care (THP-Plus-FC), essentially earmarking them for youth covered under AB12 (and ensuring they would be eligible for federal matching funds, reducing state costs). This raises the concern that youth who do not qualify for AB12, or do not want to participate for some other reason, may find it much more difficult than in recent years to gain access to quality transitional housing in California under AB12.

Strategies and Evidence Important in Passing the Bill

One of the keys to moving AB12 forward was the growth in research evidence regarding the negative outcomes experienced by youth who age out of foster care.⁹ This research was synthesized and promoted by the cosponsors, through the use of press releases and press conferences, one-page summaries, and other communications. Statistics on poor outcomes were found in almost all their materials. Cosponsors talked about this work as important primarily for “laying the groundwork” and “maintaining credibility.”

⁹ As noted above, links to much of this research can be found at <http://www.cafosteringconnections.org/research.html>

In addition to research evidence about outcomes, CYC had been educating the legislature for years with a consistent presence and previous bills proposing extended care. As a result, foster youth are widely considered a sympathetic population in California. These two things (research evidence and perceptions of foster youth as deserving) led to wide consensus among lawmakers that the policy made sense “on its face.” This allowed advocates to take advantage of a lobbying strategy that focused more on providing information and helping allies achieve their goals than on trying to change legislators’ minds (Hall & Deardorff, 2006).

However, as the bill moved forward and the budget crisis worsened, interviewees reported that evidence about potential policy *effectiveness* became less central in discussions than evidence about its *costs*. Having policymakers become not just supporters but champions of the policy was essential to overcome the cost argument. This is important because there was no legal reason why the state could not have taken the federal matching funds for Kin-GAP and then used the \$35 million savings to the state to “plug some other hole,” as one advocate put it. In order to keep that from happening, the cosponsors had to make the argument that this population deserved and needed support *more* than other groups.

To do this, cosponsors and legislative staff invested heavily in “testimonial evidence”—in particular, the sharing of personal stories by former foster youth. Respondents universally reported that this type of evidence was among the most influential with policymakers. Every member of the state Assembly and Senate had multiple visits from youth, including a day in which the foster youth “shadowed” the member. The moving stories of these youth, as well as stories told by several celebrities that championed the cause, created widespread support in the legislature, including from many Republicans. These Republican members were recruited to give floor speeches and endorse the bill in other ways, with the hope that it would be passed with strong bipartisan support, which it was. Ensuring bipartisan support, not just passage, was thought to be critical to the governor’s decision to sign the legislation (Dear & Patti, 1981).

Thus, legislators, convinced by the stories of the youth as well as the research evidence showing poor outcomes, were willing to vote for the policy on principle, but only if it could be shown to be budget neutral or potentially cost saving. Unfortunately, there was a lot of disagreement between the cosponsors’ numbers and the Department of Finance about how much AB12 was going to cost. In this case, established relationships between advocates, foundations, and researchers—with foundations playing a convening role—were critical to producing the required evidence in the right time frame for it to be useful. Specifically, the advocates let their connections in the philanthropic and research communities know that data on the cost-effectiveness of extended foster care was necessary, and the foundations responded by providing emergency funding to pre-identified researchers. A benefit-cost analysis commissioned by California foundations showed that the benefits of extending care outweighed the costs by more than two to one, a statistic cited by the governor in his signing statement explaining his support

for AB12.¹⁰ This cost-effectiveness evidence was cited by several interviewees as crucial to the eventual passage of the bill.

¹⁰ Courtney, M. E., Dworsky, A., & Peters, C. M. (2009). California's Fostering Connections to Success Act and the costs and benefits of extending foster care to 21. Seattle, WA: Partners for Our Children.

Implementation Planning: Policy Coproduction and the Stakeholder Input Process

Although the bill was quite thorough, many of the program details were left to be hammered out in the implementation planning process, which reflects California's tradition of emphasizing regulation over statute. Thus, to understand how the policy developed as it did, it is important to investigate who was involved in that process, how the process evolved over time, and how influence was distributed.

By all accounts, the implementation planning process for AB12 involved a rare and time-intensive year-long collaborative process. The cosponsors were involved in helping to shape the regulations in a way that was essentially unparalleled for CDSS. As one respondent noted,

This broad-based implementation group process [was] a real departure for CDSS. I just want to emphasize that. In previous efforts, they only worked with the counties, really. [It is unusual] if you even get more than a week to look at something. They have really stretched themselves...it really has been so much better than they've ever done before.

So, how did the cosponsors and other private stakeholders get such access and influence? They had several strategies that helped ensure their continued role in shaping the policy. First, the text of the bill itself was largely written by the cosponsors, and they were careful to include language that indicated details would be worked out by CDSS with the consultation of stakeholders. The cosponsors knew they wanted to continue their involvement with the policy were afraid that when the bill was turned over to CDSS that they would be shut out of the process. As mentioned above, the usual process for child welfare implementation planning at CDSS is for CDSS to take the lead, while working closely with CWDA, because of California's county-administered child welfare system. Other stakeholders are generally less involved. However, many respondents noted they believed CDSS had not always used a sufficiently substantive public comment process in the past. As one cosponsor said, "After working on it so intimately

for so long, there was a collection of organizations that couldn't imagine handing it off. Partially, because it's so long and so complex. We felt it was necessary for our organizations to play a role to help the state understand it.”

Second, in response to an early meeting CDSS had with the cosponsors to explain the process they intended to use, the cosponsors asked that one person from their group cochair every subcommittee along with a CDSS representative. CDSS was reluctant as they were afraid that having so many people involved would slow the process down, but the cosponsors were able to convince CDSS that because they had written the bill and knew it so intimately, having their expertise on board would be valuable.

Third, a key reason why the cosponsors were able to maintain such an integral role in implementation planning was the limited capacity of CDSS. Because of state budget cutbacks, many state agencies lack capacity; CDSS is no exception (they had about a 30% vacancy rate at the time). Furthermore, there was no funding specifically set aside for the implementation process, which was sure to be extraordinarily complicated because of the amount of revision of existing law and creation of new regulation that AB12 would require. One respondent described the situation like this:

They have the expertise. They don't have the capacity. This is where it's no fault of their own. The California State Government has just cut, cut, cut. The Department of Social Services is cut, cut, cut. ... Their unit used to have 50 analysts, and now they have 2. We keep passing bills. They keep getting fewer people, not more people.

Limited state capacity heightened the ability of the cosponsors to be involved in several ways. For example, with such a high profile bill, all parties wanted to get feedback from those affected by the legislation, such as relative caregivers and youth themselves, but CDSS was not staffed sufficiently to carry this out. To accomplish the task, then, the cosponsors announced that they were planning on hosting a series of large meetings reporting on AB12 development and requesting stakeholder input. Working together to use those meetings effectively made sense for CDSS.

Ultimately, the cosponsors, CDSS, and other relevant stakeholders—such as additional county administrators and legislative staff—came together to form the AB12 Steering Committee. To facilitate the development of the various policies and procedures related to AB12, five Focus Area Teams (FATs) were also developed: Rules of the Court, Fiscal, Outreach and Training, Placement and Program, and Eligibility and Rates. Each FAT developed policy recommendations that were then passed on to the Steering Committee to review and discuss. Other stakeholders were also given opportunities to provide comments when possible, notably at a series of large meetings that were held throughout the summer of 2011. CDSS then used the FAT recommendations, as well as comments and input from stakeholders and the Steering Committee, to draft the required series of All-County Letters (ACLs), which give formal guidance to the counties until state regulations are developed.

Another type of outside stakeholder—philanthropic foundations—also played an important role in moving implementation planning forward and helping the various groups work together. Foundations such as the Stuart Foundation and the Walter S. Johnson Foundation were integral in supporting this process by paying for meetings and providing a consultant to lead the meetings, help keep the FATs organized, and generally keep the group on track. Many of the cosponsors also received philanthropic funds to support their participation in the implementation of AB12. This enabled them to not only ensure that they had staff members at every meeting, but also assisted them in conducting outreach with community stakeholders and holding the large meetings that helped provide leverage with CDSS. As one respondent said about the involvement of the foundations,

That has been enormously—I can’t underscore that enough—helpful in terms of the glue to help communication, to coordinate across efforts, to coordinate across external groups, and working to keep people on the same page...it was very unique and it’s made the difference between what could have been really ugly and what has actually worked.

Challenges During Implementation Planning

Unfortunately, the implementation planning process had a very slow start. As of February of 2011 none of the FATs had met yet, except for Rules of the Court, which was being headed up by the AOC (cochaired by the Children’s Law Center) and benefitted from their greater capacity and formalized oversight process. Things really didn’t start coming together until April 2011, which, given that AB12 was to go into effect on January 1, 2012, gave the group a very short timeline to turn around an enormous amount of state code and regulation. As a result, it took a very long time for All-County Letters to come out. All the ACLs were supposed to be available by October 1st, but only one was ready on time. Without the final instructions included in these letters, counties were left with limited guidance regarding how to implement one of the most fundamental changes to child welfare policy in a generation.

The stakeholder group also found along the way that the original legislation would require “clean-up” legislation to be in compliance with federal guidelines and to resolve problems in the bill, particularly in the areas of delinquency (many probation youth were also eligible for AB12) and reentry (allowing youth to opt in and out of state care under AB12 as their situation changed). Much of this work was accomplished through the passage of AB212, chaptered in October of 2011. This additional legislation added to the workload of the cosponsors and further slowed down the implementation planning process.

Another challenge many interviewees noted was soliciting adequate feedback from affected parties—for example, youth, relative caregivers, and workers. Participants in the implementation planning process saw having a comprehensive stakeholder input process as important for several reasons. First, the cosponsors wanted to continue to harness the energy of the many people they had mobilized during the legislative effort. Second, because the legislation would not take effect for a year, they felt it was important to keep

the members of the field (e.g., providers and county employees) engaged in the process and ready to act quickly on the policies that were being developed. Finally, recognizing the complexity of what they were trying to accomplish, they believed it was important to receive feedback on the draft policies from the youth, providers, caregivers, court staff, attorneys, and county employees who would ultimately be utilizing the policies, to ensure they would work in practice.

Many strategies were successfully deployed to solicit this feedback—for example, focus groups, large stakeholder meetings, and surveys of different youth populations. This was one of the biggest outreach efforts most respondents had ever been involved in. However, even when their opinions were being solicited, many of those queried came with questions rather than concrete input. Additionally, some groups, such as foster families, tribal leaders, and youth probation officers, proved difficult to reach. The amount of time and energy required to do this outreach may have slowed down the process further.

Finally, several respondents noted that the implementation process was harder than the legislative process in regards to the working relationship between the cosponsors. During the legislative phase, the different groups were all working together for one goal. Once implementation planning started, however, they reverted back to their usual camps (legal advocates, county administrators, providers) and had to work through conflicting interests. That said, almost all respondents reported that overall, the working relationship was very positive and productive, and all sides were motivated to find the best solution for youth.

Use of Evidence During Implementation Planning

Although research evidence was used somewhat sparingly at the legislative stage, it got much heavier use there than at the implementation stage. This is important to note since the implementation stage is where the final details of the policy got worked out. This lack of emphasis on research findings during the implementation stage was due to a number of things.

First, and perhaps most importantly, because California was the first state to comprehensively adopt the Federal Fostering Connections provisions they did not have models to look at. Not much evidence existed about the best way to provide care to youth who were no longer children, but young adults. That said, many of the individuals involved in implementation were familiar with the academic research around the functioning for former foster youth and utilized that research to the extent they could in the development of AB 12 policies. For example, based on research demonstrating the unique needs of pregnant and parenting youth and youth involved in the juvenile justice system, they developed special policies to accommodate those groups (Courtney, Dworsky, Lee, & Raap, 2010).

Second, as mentioned, the planning group faced serious time constraints. Because of when the bill passed and when it was to go into effect, they had just a year to do an enormous amount of work. Under those conditions it was often faster to rely on individuals with established expertise than to seek out what little evidence may have been available from other states. None of the parties really had the time or resources

to produce or uncover new research evidence. As a result, three or four key individuals that were widely considered trustworthy and knowledgeable had an outsized role in what this policy would eventually look like. Those individuals likely relied on a combination of their own policy preferences, the input received from the stakeholder outreach processes mentioned above, and what research was readily available to them.

Also, some respondents reported that “the lawyers took over.” The ongoing work of several of the most influential advocacy groups involved in implementing AB12 (the Alliance for Children’s Rights, the Children’s Law Center, and the Youth Law Center) is largely grounded in legal representation of children and youth involved with the child welfare system and legal action aimed at reforming public child welfare agencies. As noted above, the cosponsors’ ability to influence implementation was related to a lack of government capacity due to state budget cutbacks. The state agency literally didn’t have enough capacity, in terms of dedicated staff members, to do it on its own. Thus, they benefited from both the time and the specific expertise of the cosponsors as well as the work the cosponsors did in soliciting outside input. However, due to the influence they had over the process, the cosponsors didn’t have to find evidence to convince government administrators to take a certain path; they could just pursue their priorities (although CDSS always had final say in any policy that was approved).

Finally, some state administrators believed that the advocates were not always thinking about how to operationalize concepts in practice, and that the advocates spent more time talking about what the service should ideally look like than considering what was really possible. This should not be surprising given that many of the advocates had little experience actually implementing child welfare services. Bringing more available evidence into the implementation process about how to deliver foster care services to young adults may have helped rectify this problem. Overall, however, we found that throughout the implementation phase a combination of reduced government capacity and little available research evidence on what works in practice led to decision making that was not based in research evidence as much as it was based in what had the most support among a small group of expert stakeholders and what input they could solicit from the field.

Conclusion

As this report has demonstrated, the case of AB12 shows that even in a time of fiscal cutbacks and reduced state capacity—a time when some might expect greater tension between governmental and nongovernmental parties—cooperation and collaboration between government and nonprofit stakeholders has the potential to lead to major policy change. We think that these findings about the passage of and implementation planning around AB12 may also be applicable to other situations in which 1) the policy under consideration concerns a sympathetic population, or where there is wide support for the policy on its face, 2) state budget constraints dominate the discussion, and/or 3) government capacity has been reduced, leaving advocates and interest groups to lead the policymaking effort at both the legislative and implementation phase.

Overall, we find that AB12 is a remarkably generous and flexible policy, with many protections for young people and multiple ways that they can stay in the system and access support. As one advocate said, “The ultimate compliment is at one point someone said, ‘This looks like it was written by a bunch of dependency attorneys.’ I was like, ‘Because it was.’” This was also due to the cosponsors who were committed to making sure that the program they had envisioned and worked so hard to pass was the one that was implemented. For example, the reform of the phase-in, the extension of foster care to age 21, and the success of the clean-up legislation can be seen as evidence of how important it is for there to be a long-term implementation effort and for those involved in passing legislation to be committed to the process, not just in the first round of legislation, but during implementation as well.

Additionally, according to a CDSS representative, “I would say that the advocates have done a tremendous amount of work. Reviewing documents and short turnarounds; they get a lot of credit for rolling up their sleeves and putting forth a lot of effort. So it’s not just getting opinions. It’s definitely been a collaborative effort.” By all accounts this unusually collaborative implementation planning process improved the policy. But it also led to a lot of discussion that may have slowed the process down. For implementation planning processes of this type, more time may be needed.

Outside of this case, however, the implications of this larger role for nongovernmental advocates are mixed. On the one hand, a variety of advocates and state administrators working together may produce

better policy, with greater buy in from multiple parties (Vigoda, 2002). On the other hand, nonprofit advocates tend not to be disinterested parties. They represent specific constituencies with unique policy preferences. Because those organizations that are the best resourced and have the strongest existing connections are the ones likely to be invited to the table, there is a danger that the viewpoints of marginalized communities will be minimized (Montanaro, 2010). In this case, the advocates, for the most part, *were* representing the most marginalized—and working hard to solicit outside input—but the danger is there. Future research should explore the degree to which different viewpoints are brought into the policy process, depending on the involvement of nonprofit advocates, and assess whether their involvement improves policy outcomes. In this case it seemed to bring in more viewpoints, but it is not clear if that would hold in all cases.

As suggested by previous research, our findings about use of evidence indicate that for research to be effective in shaping legislative decisions it needs to be more timely and geared more to the concerns of specific users than what generally produced by academic researchers (Tseng, 2012). In particular, research on specific state-level contexts was greatly valued, but difficult to find. Three other findings stand out, though. First, previous research has highlighted that different types of evidence are often used in the policymaking process (Asen et al., 2011). We find that for legislation that concerns sympathetic populations, testimonial or discursive evidence can be just as (or more) effective with legislators than research evidence about effectiveness (Laws, 1997). This is partly because it may push legislators “over the hump” when cost is a concern. Second, research evidence about *cost effectiveness* may be just as important as research evidence about *program effectiveness* during times of fiscal constraint. Third, existing networks can play an important role in facilitating access to research evidence.

At the implementation planning stage, three additional findings stand out. First, short implementation timelines may reduce use of research evidence. When time is tight it is easier to turn to established experts and trust their judgment. Second, advocates, like policymakers, have preexisting priorities that may or may not be based in research evidence. Giving advocates more power in implementation planning is unlikely to change the use of evidence, unless the research is targeted to them specifically. This case shows that researchers should recognize the increased power advocates and other stakeholders have in the policy process and make sure that research is targeting them as well as legislators, legislative staff, and government administrators (Huston, 2008). Efforts to forge ongoing connections between researchers, advocates, and public administrators may help improve the use of evidence (Jackson-Elmoore, 2005). Finally, once policies are actually in play, evidence about whether the policies are working may be particularly valuable. In order to keep the policy and build on it, informants were very clear that specific state-level evidence about effectiveness and costs will be necessary.

Of course, as the policy rolls out in 2012, many of those involved have concerns and will be watching a few issues carefully. One is the issue of training. Because the ACLs came out so late, training was delayed—after all, you can’t train on a policy until it is in place. This has led to concerns about how

comprehensive training and education will be, and if youth are reliably getting the right information. Two, many people will be watching to see how many youth decide to stay in care, and monitoring numbers closely to see if it is clear that this is an opt out policy, not an opt in. Whether or not reentry will go smoothly for young adults who choose to leave and then reenter the system is also a concern. A further question is whether the highest-functioning youth will be able to more easily access desirable placements with more support, like THP-Plus-FC. There is concern that many youth with the greatest challenges will be left with little support, especially since group homes were largely excluded as possible placements. Similarly, because the policy is particularly complicated when it comes to former probation youth, many people will be watching to see how they are included.

Finally, as the policy moves forward, what will be the indicators of success for AB12? As a first step, most of our respondents said they will be looking to see if outcomes for youth have actually improved. Are they going to college? What are their employment rates? However, beyond those important goals, both CDSS and the advocates had an even larger goal for AB12. As a high-level administrator at CDSS said, “There was an interest in not just supporting youth for three more years, but really to try to use the extension to kind of change the culture and the way we work with older youth and young adults.” Thus, as one respondent put it, the overall question will be, “Have we designed a system that youth will take advantage of, that benefits them, and that they feel benefits them?”

Additional Resources

Information on the Federal Fostering Connections to Success and Increasing Adoptions Act

- <http://www.fosteringconnections.org/>

Text of bill and other legislative documents related to AB12

- http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_12&sess=PREV&house=A&author=beall

CDSS All County Letters related to AB12

- <http://www.cafosteringconnections.org/acls.html>

California Fostering Connections to Success Act AB12 Primer

- Developed by the Alliance for Children’s Rights, John Burton Foundation and Children’s Law Center
- http://www.cafosteringconnections.org/pdfs/AB12%20Primer_Updated%206-20-12.pdf

Implementation planning and training documents

- <http://www.cafosteringconnections.org/past.html>

THP-Plus Statewide Implementation Project

- <http://www.thpplus.org/>

Additional AB12 Training Resources

- <http://calswec.berkeley.edu/fostering-connections-after-18-ab-12-training-resources>

Cosponsor information

Administrative Office of the Courts (AOC)	http://www.courts.ca.gov/policyadmin-aoc.htm
The Alliance for Children’s Rights	http://kids-alliance.org/
California Alliance of Child & Family	http://www.cacfs.org/

Services	
California Youth Connection (CYC)	http://www.calyouthconn.org/
Children's Law Center of California	http://www.clcla.org/
County Welfare Directors Association of California (CWDA)	http://www.cwda.org/
John Burton Foundation for Children Without Homes	http://www.johnburtonfoundation.org/
Service Employees International Union (SEIU)	http://www.seiuca.org/
Youth Law Center	http://www.ylc.org/

References

- Asen, R., Gurke, D., Solomon, R., Conners, P., & Gumm, E. (2011). “The research says”: Definitions and uses of a key policy term in federal law and local school board deliberations. *Argumentation and Advocacy*, 47, 195–213.
- Courtney, M., Dworsky, A., Lee, J., & Raap, M. (2010). *Midwest evaluation of the adult functioning of former foster youth: Outcomes at ages 23 and 24*. Chicago: Chapin Hall at the University of Chicago
- Dear, R. B., & Patti, R. J. (1981). Legislative advocacy: Seven effective tactics. *Social Work*, 26(4), 289–296.
- Emerson, K., Nabatchi, T., & Balogh, S. (2012). An integrative framework for collaborative governance. *Journal of Public Administration Research and Theory*, 22(1), 1–29.
- Hall, R. L., & Deardorff, A. V. (2006). Lobbying as legislative subsidy. *American Political Science Review*, 100(1), 69–84.
- Henig, J. R. (2008). *Spin cycle: How research is used in policy debates: The case of charter schools*. New York: Russell Sage Foundation.
- Huston, A. C. (2008). From research to policy and back. *Child Development*, 79(1), 1–12.
- Jackson-Elmoore, C. (2005). Informing state policymakers: Opportunities for social workers. *Social Work*, 50(3), 251–261.
- Laws, G. (1997). Voluntary organizations and advocacy: The case of housing for older Americans. *Nonprofit and Voluntary Sector Quarterly*, 26, 307–335.
- Milward, H. B., & Provan, K. G. (2000). Governing the hollow state. *Journal of Public Administration Research and Theory*, 10(2), 359–380.
- Montanaro, L. (2010). *The democratic legitimacy of “self-appointed” representatives*. (Doctoral thesis, University of British Columbia, Vancouver, BC.) Retrieved from <https://circle.ubc.ca/handle/2429/28877>
- Nutley, S., Walter, I., & Davies, H. T. O. (2007). *Using evidence: How research can inform public services*. Bristol: Policy Press.

- Terry, L. D. (2005). The thinning of administrative institutions in the hollow state. *Administration & Society*, 37, 426–444.
- Tseng, V. (2012). The uses of research in policy and practice. *Social Policy Report*, 26(2), 3–16.
- Vigoda, E. (2002). From responsiveness to collaboration: Governance, citizens, and the next generation of public administration. *Public Administration Review*, 62(5), 527–540.

About Chapin Hall

Established in 1985, Chapin Hall is an independent policy research center whose mission is to build knowledge that improves policies and programs for children and youth, families, and their communities.

Chapin Hall's areas of research include child maltreatment prevention, child welfare systems and foster care, youth justice, schools and their connections with social services and community organizations, early childhood initiatives, community change initiatives, workforce development, out-of-school time initiatives, economic supports for families, and child well-being indicators.

