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EDITORIALS

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The incompleteness rule

JOSHUA LEONARD, executive director of an East Bay nonprofit agency that serves foster children, has filed a lawsuit alleging that California discriminates against foster children with disabilities. The current "completion rule" states that foster children who have not completed high school by the age of 18, but have a strong possibility of doing so by the age of 19, may continue receiving foster-care benefits until they are 19. But children who school administrators do not believe have a strong possibility of graduating by the age of 19 — and this includes many, if not most, children who suffer from mental disabilities and are receiving special education — do not benefit from the completion rule. They lose their benefits, including their housing, at age 18.

Leonard's agency works with foster children ages 15-19 who live in group homes. All of the children his agency serves have mental disabilities. His agency was spending lots of time trying to help these children prepare for life on their own — and noticing how difficult it was for them. It's difficult for all foster children who emancipate at the age of 18 to find housing and a means of supporting themselves, but it's even more

difficult for those who have mental disabilities — and no clear way to finish their education, even their education from high school.

It seems clear to us that the state should honor federal disability laws and allow these young people to receive foster-care benefits until the age of 19. There is a strong possibility that the lawsuit will succeed — in a previous case, *Fry vs. Saenz*, a California appeals court held that the school

completion rule in another state social service program violated federal law. But it's a crying shame that child advocates have to go to court over this at all. What's really needed is a change that would allow foster children to receive

services — housing assistance, at the very least — until they are at least 21.

California already has such a law, sort of. According to law, the court may retain jurisdiction over a foster child until she reaches the age of 21 — the problem is, there's no funding for these special circumstances. Children remain wards of the court with no support.

Our Legislature needs to respond to this ridiculous discrepancy with funding. Our courts need to ensure that the state isn't discriminating against mentally disabled children in the meantime.

