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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION (LOS ANGELES)**

16 OCEAN S., et al.,

17 Plaintiffs,

18 vs.

19 LOS ANGELES COUNTY, et al.,

20 Defendants.

Case No.: 2:23-cv-06921-JAK-E
BRIEF OF AMICI CURIAE
FAMILY VIOLENCE APPELLATE
PROJECT, ET AL.

Before: Hon. John A. Kronstadt
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Action Filed: August 22, 2023

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1 **I. INTRODUCTION.**

2 Family Violence Appellate Project (“FVAP”) is a non-profit organization
3 dedicated to ensuring the safety of survivors of domestic violence and other forms
4 of abuse by providing them legal assistance. FVAP has represented numerous
5 clients experiencing homelessness and housing insecurity, including young persons
6 between the ages of 18 to 21. Thus, FVAP has firsthand knowledge of the ways
7 that homelessness and housing insecurity impact a person’s safety and contribute
8 to generational cycles of violence, as do the other amici curiae joining this brief.

9 FVAP and other amici curiae (collectively, the “Amici Curiae”) submit this
10 brief (the “Amicus Brief”) to address contentions in the motions to dismiss filed by
11 Defendants Los Angeles County (Dkt. No 52-1) and California Department of
12 Social Services and Kim Johnson (Dkt. No. 50) (together with other Defendants,
13 “Defendants”) and to present information that is otherwise relevant to these
14 proceedings. In their motions to dismiss, Defendants wrongly claim that, at most,
15 they only have a duty to provide Plaintiffs and other putative class members
16 (collectively, “Plaintiffs”) “reasonable safety and minimally adequate care.” (*See,*
17 *e.g.*, Dkt. No. 52-1, at 8:19-10:9; Dkt. No. 50, at 11:11-12:22.) Defendants further
18 incorrectly claim that Plaintiffs’ First Amended Complaint (Dkt. No. 21) (“FAC”)
19 does not adequately allege that Defendants violate these standards. (*Id.*)

20 Defendants are wrong. The FAC explains in detail how Defendants’ policies
21 and practices cause Plaintiffs to experience homelessness, housing insecurity, and
22 family separations. Moreover, the data described herein establish that, as a result of
23 Defendants’ failures, Plaintiffs are many times more likely to experience violence,
24 remain in abusive relationships, witness violence, and/or subject to their children to
25 the same cycles of abuse that they have endured.

1 Thus, the FAC’s allegations, especially when considered with this data,
2 plainly show that Plaintiffs are not “reasonably safe” in Defendants’ systems.

3 **II. ARGUMENT.**

4 **A. The Court Has Broad Discretion To Consider the Argument and**
5 **Data Presented in This Amicus Brief.**

6 Courts have “broad discretion” to accept submissions from amici curiae.
7 *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982) *abrogated on other grounds*
8 *by Sandin v. Conner*, 515 U.S. 472 (1995). Furthermore, District Courts in the
9 Ninth Circuit “find it ‘preferable to err on the side of’ permitting [amicus] briefs.”
10 *Duronslet v. County of Los Angeles*, 2017 WL 5643144, at *1 (C.D. Cal. Jan. 23,
11 2017) (accepting non-profit’s submission in connection with a defendant’s
12 pending motion to dismiss) *citing Neonatology Assocs., P.A. v. C.I.R.*, 293 F.3d
13 128, 133 (3d Cir. 2002). This is especially true where, as here, the matter
14 addresses issues that have “potential ramifications beyond the parties directly
15 involved.” *California v. United States Dep’t of Labor*, 2014 WL 12691095, at *1-
16 2 (E.D. Cal. Jan. 14, 2014).

17 Moreover, “[t]here are no strict prerequisites that must be established prior
18 to qualifying for amicus status.” *In re Roxford Foods Litig.*, 790 F. Supp. 987, 997
19 (E.D. Cal. 1991) *citing United States v. Louisiana*, 751 F. Supp. 608, 620 (E.D. La.
20 1990). For example, third parties need only demonstrate that “[their] participation
21 is useful to or otherwise desirable to the court,” or that they have “interests [that]
22 may be affected by a decision.” *WildEarth Guardians v. Haaland*, 561 F. Supp. 3d
23 890, 905-906 (C.D. Cal. 2021) *citing Roxford, supra.*, 790 F. Supp. at 997. Here,
24 FVAP and the other Amici Curiae qualify on either ground.

1 **B. The Argument and Data Presented in the Amicus Brief Is**
2 **Relevant To the Pending Motions To Dismiss and Other Issues**
3 **in This Action.**

4 As explained above, FVAP has provided legal services to numerous clients
5 facing homelessness and housing insecurity, including youth between the ages of
6 18 to 21. Thus, FVAP understands how homelessness and housing insecurity
7 undermine people’s safety and contribute to generational cycles of abuse. Second,
8 in 2023, FVAP assisted Youth Law Center provide comments to California’s
9 statewide regulations implementing the Transitional Housing Placement Program
10 for Non-Minor Dependents. As such, FVAP is familiar with many of the issues
11 presented by this matter for this additional reason. Third, FVAP has submitted
12 thirty-six (36) amicus briefs in California’s and Washington’s Appellate and
13 Supreme Courts, each of which bore some relationship to the issues presented here.
14 Consequently, FVAP is qualified to serve as an amicus curiae in this action, as are
15 the other Amici Curiae joining this brief, listed in the attached appendix.¹

16 Moreover, the Amici Curiae respectfully submit that their brief might assist
17 the Court in the following ways, among others:

18 First, the Amicus Brief contains legal argument explaining why contentions
19 in Defendants’ pending Motions to Dismiss are wrong. For example, Defendants
20 incorrectly claim that Plaintiffs do not adequately allege that Defendants do not
21 provide them “reasonable safety and minimally adequate care.” (See, e.g., Dkt. No.
22 52-1, at 8:19-10:9; Dkt. No. 50, at 11:11-12:22.) The Amicus Brief provides a
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24 ¹ FVAP further notes that its brief was solely drafted by FVAP and its pro bono
25 counsel, and that no other persons provided money intended to fund preparing or
26 submitting this brief.

1 summary of the FAC’s allegations and explains why the out-of-state legal authority
2 that Defendants cite is misplaced.

3 Second, even if Defendants were correct that the FAC requires more detail
4 (which the Amici Curiae dispute) the data identified in the Amicus Brief provide
5 Plaintiffs a good faith basis to amend their pleading and present more detail
6 concerning the harms that Plaintiffs and putative class members are experiencing,
7 and/or likely to experience, as well as how Defendants’ policies and practices
8 cause these harms.

9 Third, the data in the Amicus Brief vividly illustrate the significance of
10 Plaintiffs’ claims. As explained herein, the homelessness and housing insecurity
11 that Plaintiffs and the putative classes face in Defendants’ systems significantly
12 increase their exposure to violence and other harm. Thus, it is no exaggeration to
13 state that people’s lives are at stake. As such, even if Defendants presented a
14 potentially viable argument for the FAC’s dismissal (which the Amici Curiae
15 dispute), the information presented in the Amicus Brief establishes that any doubts
16 should be resolved in favor of permitting this action to proceed without delay.

17 Fourth, the Court has “broad discretion” to accept amicus submissions, and
18 the Court can appoint amici curiae to conduct factual investigations at the pleading
19 stage. *Hoptowit*, 682 F.2d at 1260 (appointing an amicus curiae “shortly after the
20 complaint was filed” to conduct a factual investigation was within the discretion of
21 the District Court).

22 Consequently, even if the Court does not believe that the Amicus Brief is
23 helpful to its resolution of Defendants’ pending motions to dismiss, the Court can
24 and should consider the Amicus Brief as a potential reference for the future.
25
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1 **C. Defendants’ Failure To Provide Plaintiffs Housing Security**
 2 **Exposes Them To Violence And Other Harms.**

3 The FAC explains in detail how Defendants’ policies and practices cause a
 4 staggering *twenty percent (20%)* of transitional age youth to experience
 5 homelessness in California’s extended foster care system (FAC, ¶ 134), while the
 6 remainder suffer from housing insecurity.²

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 8 ² Some of Defendants’ policies and practices that cause homelessness and housing
 9 insecurity include: (a) Defendants’ failure to maintain emergency placements (*id.*,
 10 ¶¶ 140, 157-162); (b) Defendants’ failure to reasonably and timely approve
 11 payments for hotels when other emergency options are unavailable (*id.*, ¶ 162); (c)
 12 Defendants’ failure to timely approve Supervised Independent Living Placement
 13 (“SILP”) payments (*id.*, ¶¶ 153, 194-195); (d) Defendants’ failure to account for
 14 security deposits required in most leases, further reducing placement options (*id.*, ¶
 15 153); (e) Defendants’ refusal to make SILP payments to unhoused youth, even
 16 when they are otherwise entitled to them (*id.*, ¶ 163); (f) Defendants’ failure to
 17 timely deliver authorized SILP payments (*id.*, ¶ 68); (g) Defendants’ failure to
 18 authorize SILP payments over \$1,129 per month, for *all* living expenses (*id.*, ¶
 19 143), when the average cost of a one-bedroom apartment in Los Angeles is \$1,780,
 20 more than fifty percent (50%) higher (*see* Andrew Khouri *et al.*, *Tracking Home*
 21 *and Rent Prices in Southern California*, L.A. Times (Sept. 21, 2023, rev. Jan. 18,
 22 2024), <https://www.latimes.com/california/story/2023-09-21/tracking-home-and-rent-prices-in-southern-california>); (h) Defendants’ failure to provide reasons for
 23 denials of placements or benefits and/or a meaningful opportunity to challenge
 24 such denials (*id.*, ¶¶ 187-189, 191, 193-194); (i) Defendants’ failure to provide a
 25 coherent waitlist or notification system concerning the status of applications with
 26 the Transitional Housing Placement Program for Nonminor Dependents (“THPP-
 NMD”) program, resulting in further lost placements (*id.*, ¶ 190); (j) Defendants’
 failure to provide adequate notice and/or a meaningful opportunity to challenge the
 termination of placements (*id.*, ¶¶ 197-204); (k) Defendants’ practice of
 discriminating against persons with mental health disabilities (*id.*, ¶ 192); and (l)
 Defendants’ practice of improperly “pushing youth out of extended foster care”
 and into the already overburdened adult homelessness services system,” where
 they forego significant benefits (*id.*, ¶ 156), among others.

1 Remarkably, Defendants nevertheless contend that the Court should ignore
2 these allegations, citing two out-of-state cases that do not address youth who
3 experienced and/or were at imminent risk of homelessness while in the foster care
4 system. In *Wyatt B. v. Brown*, 2021 WL 4434011 (D. Or. Sept. 27, 2021), the
5 Court held that youth were not entitled to “optimum” or an “array of placement
6 options,” but nevertheless acknowledged that “[t]he state *must* provide ...shelter.”
7 *Id.*, *8-9 (emphasis added). Similarly, in *M.D. v. Abbott*, 907 F.3d 237 (5th Cir.
8 2018), plaintiffs challenged the “*ambulatory* nature of children’s placements” and
9 sub-“optimal” placements. *Id.*, at 251 (emphasis added). Here, however, the FAC
10 alleges that Plaintiffs face far more extreme circumstances, because often they do
11 not have any placements at all. “Transition age foster youth [are] forced into couch
12 surfing, tents on city streets, dangerous adult temporary shelters, and vehicular
13 homelessness,” “for weeks—[and] in some cases *months*—at a time.” (See FAC, ¶
14 4, 152 (emphasis added).)

15 As the following data show, in addition to other harms, homelessness and
16 housing insecurity cause people to experience abuse at significantly higher rates
17 than securely housed persons. Moreover, children who experience homelessness,
18 housing insecurity, or abuse are more likely to be removed from their parents and
19 have an increased risk of negative health outcomes as adults. As a result, even if
20 Defendants’ sole responsibility to Plaintiffs is to provide them “reasonable safety”
21 and “adequate care,” they are unquestionably failing to meet this standard.

22 **1. Homelessness and Housing Insecurity Greatly Increase a**
23 **Person’s Exposure to Violence.**

24 All people, and especially youths, who are homeless or housing insecure are
25 vulnerable to experiencing violence at rates much higher than housing secure
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1 persons. For example, a meta-analysis of 26 studies involving participants ranging
2 from 13 to 26 years of age concluded that youth experiencing homelessness are
3 **three times** more likely to experience physical violence victimization than housed
4 young people.³ Moreover, a study of Los Angeles homeless youths (12-23 year
5 olds) found that, after becoming homeless, 51% of youth experienced physical
6 abuse (being “punched, hit, burned, or beaten up”), 50% were threatened with
7 “serious physical harm,” and 23% were “seriously hurt” (including from being
8 stabbed, shot, or sexually assaulted).⁴ Thus, Defendants cannot plausibly claim that
9 youth experiencing or at risk of experiencing homelessness are “reasonably safe.”

10 Indeed, even if transitional age foster youth are not homeless, the housing
11 insecurity they face in Defendants’ systems leaves them much more susceptible to
12 abuse than their securely housed peers. For example, a study by the National
13 Center for Injury Prevention and Control concluded that, over a 12-month period,
14 individuals experiencing housing insecurity had a significantly higher prevalence
15 of rape, physical violence, or stalking by an intimate partner (more than **four times**
16 higher for women, and more than **two times** higher for men), compared to those
17 who did not experience housing insecurity.⁵

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19 ³ Jessica A. Heerde & Sheryl A. Hemphill, *Associations Between Individual-Level*
20 *Characteristics and Exposure to Physically Violent Behavior Among Young People*
21 *Experiencing Homelessness: A Meta-Analysis*, 47 *AGGRESSION & VIOLENT*
22 *BEHAVIOR* 46, 50 (2019).

23 ⁴ Kipke, Michelle, et al., *Homeless Youth and Their Exposure to and Involvement*
24 *in Violence*, 20 *J. OF ADOLESCENT HEALTH* 360, 363 (1997).

25 ⁵ The Center categorized people as housing insecure if they worry about having
26 enough money to pay their rent or mortgage. Breiding, M.J., Chen J., & Black,
27 M.C., *Intimate Partner Violence in the United States — 2010*, National Center for
28 Injury Prevention and Control, Centers for Disease Control and Prevention.,
https://www.cdc.gov/violenceprevention/pdf/cdc_nisvs_ipv_report_2013_v17_sin

1 **2. Housing Insecurity Results in Transition Age Youth Remaining**
2 **in Abusive Relationships, Where They Sustain Further Harm.**

3 Furthermore, data show that Defendants' failure to provide transitional age
4 foster youth housing security also undermines their safety by increasing the risk
5 that they will not leave abusive relationships. Intimate partner violence (IPV) is
6 abuse that occurs within an intimate relationship, and it can include physical,
7 sexual, emotional, reproductive, and economic abuse.⁶ Transitional age foster
8 youth are at a heightened risk of experiencing IPV than the general population. *Id.*
9 at 10611. One study of California foster youth found that 20.4% of foster youth
10 were involved with some form of IPV by age 23. *Id.* at 10611-10612, 10627.

11 Moreover, many survivors of IPV struggle to leave abusive relationships,
12 and stable housing may be one of the most important resources needed for people
13 to escape IPV.⁷ Indeed, IPV survivors often return to abusive partners because they
14 cannot find long-term housing.⁸ For example, a 2018 study found 53% of homeless
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16 gle_a.pdf. Given the lack of placements in the THPP-NMD, and because the
17 maximum SILP payment is \$1,129 per month for *all* living expenses (FAC, ¶ 143),
18 when the median cost of a one-bedroom apartment in Los Angeles is \$1,780, the
19 FAC's allegations plainly establish that Plaintiffs experience housing insecurity, as
20 defined by this study. *See* Andrew Khouri *et al.*, *Tracking Home and Rent Prices*
21 *in Southern California*, L.A. Times (Sept. 21, 2023, rev. Jan. 18, 2024),
<https://www.latimes.com/california/story/2023-09-21/tracking-home-and-rent-prices-in-southern-california>.

22 ⁶ Colleen C. Katz *et al.*, *Prevalence and Predictors of Intimate Partner Violence*
23 *Among Youth with Foster Care Histories*, 28 J. INTERPERSONAL VIOLENCE 10611,
10612 (2023).

24 ⁷ Charlene K. Baker *et al.*, *Domestic Violence, Housing Instability, and*
25 *Homelessness: A Review of Housing Policies and Program Practices for Meeting*
the Needs of Survivors, 15 AGGRESSION & VIOLENT BEHAVIOR 430, 431 (2010).

26 ⁸ 34 U.S.C. § 12471(7).

1 women reported that they had stayed in abusive relationships because they did not
2 have other housing options.⁹ Another study found 28.5% of women stayed in or
3 returned to abusive relationships because they had no place else to go, and 18.2%
4 stayed in or returned to abusive relationships because they became homeless.¹⁰

5 Foster youth's disproportionately high chance of experiencing IPV indicates
6 that many members of the proposed classes are experiencing IPV. Because stable
7 housing is often required for people to leave abusive relationships, Defendants'
8 failure to provide housing security increases the likelihood that transitional age
9 foster youth will remain in abusive relationships and suffer additional harm.

10 **D. Defendants' Failure to Provide Housing Security For Parenting**
11 **Plaintiffs Furthers Generational Abuse Cycles.**

12 Other data establish that Defendants' failure to provide housing security to
13 parenting transitional age foster youth also increases the likelihood that foster
14 youth's children will be unhoused or removed from their parents. When parenting
15 foster youth are separated from their children, there is an increased risk that their
16 children will enter the foster care system, experience IPV or witness other forms of
17 abuse, and experience other negative health outcomes. This constitutes another
18 harm that Plaintiffs and their families sustain, and undermines family stability and
19 wellbeing, as alleged by the FAC. (*See, e.g.*, FAC, ¶¶ 207, 212-214.)

23 ⁹ Brian Pittman et al., *Homelessness in Minnesota: Detailed Findings from the*
24 *2018 Minnesota Homeless Study*, Wilder Research, 27 (2020).

25 ¹⁰ Michael A. Anderson et al., "Why Doesn't She Just Leave?": *A Descriptive*
26 *Study of Victim Reported Impediments to Her Safety*, 18 J. FAM. VIOLENCE 151,
154 (2003).

1 **1. Exposure to Housing Insecurity Increases a Child’s Risk of**
2 **Developmental Delays and Poor Health.**

3 Defendants’ failure to provide housing security to parenting transitional
4 age foster youth significantly increases the risks that their children will experience
5 negative outcomes. Children with adverse childhood experiences (“ACEs”), such
6 as experiencing housing instability, involvement with child protective services, and
7 witnessing IPV (which, as explained above, is frequent for persons experiencing
8 housing instability), are at a higher risk of having developmental delays and poor
9 health as an adult.¹¹ The effects of certain ACEs are cumulative; the more ACEs
10 that a child has, and the more prolonged an adverse experience is, the higher the
11 probability that the child will experience developmental delays and poor health
12 outcomes.¹² For example, compared to a child with no ACEs, a child with four or
13 more categories of ACEs has a “4- to 12-fold increased risk for alcoholism, drug
14 abuse, depression, and suicide attempt,” and an increased risk of adult diseases,
15 including “cancer, chronic lung disease, skeletal fractures, and liver disease.”¹³

16 Moreover, children exposed to IPV, a frequent consequence of housing
17 insecurity, as explained above, have a higher risk than those not exposed to IPV of
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22 ¹¹ Carmela J. DeCandia et al., *Evolving Our Understanding: Housing Instability as*
23 *an ACE for Young Children*, 3 *ADVERSITY & RESILIENCE SCI.* 356, 372-376 (2022);
24 *see also* Vincent J. Felitti, et al., *Relationship of Childhood Abuse and Household*
25 *Dysfunction to Many of the Leading Causes of Death in Adults*, 14 *AM. J.*
26 *PREVENTATIVE MED.* 245, 251 (1998).

27 ¹² DeCandia, *supra*, at 368; Felitti, *supra*, at 245.

28 ¹³ Felitti, *supra*, at 245.

1 becoming victims or perpetrators of IPV.¹⁴ Children with prolonged exposure to
2 IPV also typically have more difficulty regulating behaviors and emotions in social
3 settings and interpersonal relationships than those exposed to a single event.¹⁵
4 Additionally, children exposed to IPV have a higher risk of developing emotional,
5 behavioral, cognitive, health, and mental health problems. *Id.* at 8-13. As explained
6 in Section II(C), by failing to provide transitional age foster youths housing
7 security, Defendants place foster youth at increased risks of IPV, where they will
8 have a corresponding increased risk of developmental delays and poor health.

9 **2. Failure to Adequately Address the Housing Needs of IPV**
10 **Survivors Also Increases the Risk That Survivors' Children**
11 **Will Be Placed in Foster Care.**

12 Defendants' failure to provide the putative classes housing security also
13 greatly increases the risks that IPV survivors' children will be separated from them
14 and placed in foster care. This is because unhoused women are more frequently
15 investigated by child protective services, and their children are placed in foster care
16 more often, than other low-income women.¹⁶ Similarly, women are frequently
17 investigated by child protective services and have their children removed from
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20 ¹⁴ Charles L. Witfield et al., *Violent Childhood Experiences and the Risk of*
21 *Intimate Partner Violence in Adults*, 18 J. INTERPERSONAL VIOLENCE 166, 176-181
(2003).

22 ¹⁵ Juliana Carlson et al., *Viewing Children's Exposure to Intimate Partner Violence*
23 *Through a Developmental, Social-Ecological, and Survivor Lens: The Current*
24 *State of the Field, Challenges, and Future Directions*, 25 VIOLENCE AGAINST
25 WOMEN 6, 11 (2019).

26 ¹⁶ Jennifer F. Culhane, et al., *Prevalence of Child Welfare Services Involvement*
27 *Among Homeless and Low Income Mothers*, 30 J. SOC. & SOC. WELFARE 79, 89-93
28 (2003).

1 their care because they experience IPV, which, as explained above, is more likely
2 to occur when a person lacks housing security. (*See* Section II(C), *supra*.)

3 Parents that experience IPV regularly have their children taken away due to
4 a belief that the parent failed protect their child from the IPV.¹⁷ A recent report by
5 the UCLA Pritzker Center indicates that more than half of Los Angeles County's
6 38,618 foster care cases in 2020 involved domestic violence.¹⁸ When children are
7 taken away from mothers experiencing IPV, it is often because the survivor is
8 being faulted for minimizing abuse and failing to seek help. The link between IPV
9 victimization and child removal are so well know that parents experiencing IPV
10 often do not seek help because they fear losing custody of their children.¹⁹ Thus,
11 parenting foster youth who are unhoused, housing insecure, or experience IPV are
12 more likely than other parenting foster youth to have their children removed from
13 their care, undermining familial stability and wellbeing for both parent and child.

14 Although witnessing IPV increases a child's risk of poor health and of
15 experiencing and perpetrating IPV, strong supportive relationships with their non-
16 offending parent can mitigate such risks.²⁰ Indeed, children exposed to IPV are less
17 likely to experience negative consequences associated with witnessing IPV if they
18 have supportive relationships with the non-offending parent. *Id.* Alternatively,
19 children removed from the supportive unoffending parent lose the protective

21 ¹⁷ *See, e.g., In re J.M.*, 50 Cal.App.5th 833, 846 (2020); *In re Ma.V.*, 64
22 Cal.App.5th 11, 22-23 (2021); *In re I.B.*, 53 Cal.App.5th 133, 154 (2020).

23 ¹⁸ Chrisanna Mink, *California Can Take Kids From Abused Moms. Why*
24 *Separation Can Harm Both*, CalMatters (Dec. 7, 2023),
<https://calmatters.org/justice/2023/12/failure-to-protect/>.

25 ¹⁹ Jasmine Wali, "I'd Rather Take A Beating Than Catch A CPS Case": Survivors
26 *Face Impossible Choice*, The Nation, (April 5, 2023).

27 ²⁰ Carlson, *supra*, at 14-15.

1 factors associated with that parental relationship and, thus, are more likely to suffer
2 from the adverse effects of witnessing IPV. The latter result is much more likely to
3 occur where, as here, an absence of housing options undermines non-offending
4 parents' ability to find safe housing where their families can remain together.

5 **3. Children in the Foster Care System Have an Increased Risk of** 6 **Experiencing Harm.**

7 Children in the foster care system have higher chances of facing a wide
8 range of harms detrimental to their long-term health and wellbeing than children
9 outside the foster care system.²¹ For example, named Plaintiffs Erykah B. and
10 Onyx G. both experienced abuse from people within the foster care system itself.
11 (FAC, ¶¶ 36, 38, 48, 51, 52.) Moreover, women currently or previously involved in
12 the foster care system disproportionately experience IPV associated with
13 reproduction, including the destruction of contraceptives, violence or threats to
14 decrease a woman's resistance to pregnancy, and condom manipulation (e.g., the
15 breaking or removing condoms on purpose).²² Former foster care children are also
16 disproportionately represented in California's prison centers.²³ Moreover, as
17 previously explained, foster youth experience disproportionately higher rates of
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20 ²¹ Matthew D. Bramlett & Laura F. Radel, *Adverse Family Experiences Among*
21 *Children in Nonparental Care, 2011–2012*, 74 NAT'L HEALTH STAT. REP., 1
22 (2014).

23 ²² Morgan E. PettyJohn et al., *Reproductive Coercion, Intimate Partner Violence,*
24 *And Pregnancy Risk Among Adolescent Women with A History of Foster Care*
25 *Involvement*, 120 CHILD. & YOUTH SERVICES REV. 1, 5 (2020).

26 ²³ California Senate Office of Research, *What Percentage of the State's Polled*
27 *Prison Inmates Were Once Foster Care Children?* POL'Y MATTERS, 1-3 (Dec.
28 2011).

1 homelessness, at rates ranging from 11% to 38%.²⁴ Comparatively, during the
2 2018-2019, 2019-2020, and 2020- 2021 school years, respectively 4.3%, 4.0%, and
3 3.8% of public school children in California experienced homelessness.²⁵
4 Furthermore, foster youth also experience disproportionate rates of mental health
5 issues (as high as 80%, compared to only approximately 18-22% of the general
6 population).²⁶ Although Defendants will likely argue that youth in the foster care
7 system had adverse experiences prior to entering the system, evidence suggests
8 that when stakeholders disagree about children’s placement in foster care, children
9 tend to have better outcomes when they remain at home.²⁷

10 Thus, Defendants’ failure to provide housing security has harmed and
11 continues to harm Plaintiffs and their children. Because parenting transitional age
12 foster youth frequently lack housing security, they are more likely to experience
13 IPV and homelessness. As such, their children have an increased risk of being
14 placed in foster care, which increases the likelihood those children will experience
15 IPV, have developmental delays, have mental health disabilities, and experience
16 homelessness and incarceration.

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20 ²⁴ Huiling Feng et al., *Memo from CalYOUTH: Predictors of Homelessness at Age*
21 *21*, Chapin Hall at the University of Chicago (2018),
22 https://www.chapinhall.org/wp-content/uploads/CY_PH_IB0520.pdf.

23 ²⁵ *Student Homelessness in America: School Years 2018-19 to 2020-21*, National
24 Center for Homeless Education, 4 (2022), [https://nche.ed.gov/wp-](https://nche.ed.gov/wp-content/uploads/2022/11/Student-Homelessness-in-America-2022.pdf)
25 [content/uploads/2022/11/Student-Homelessness-in-America-2022.pdf](https://nche.ed.gov/wp-content/uploads/2022/11/Student-Homelessness-in-America-2022.pdf).

26 ²⁶ National Conference of State Legislatures, *Mental Health and Foster Care* (Nov.
27 2019), <https://www.ncsl.org/human-services/mental-health-and-foster-care>.

28 ²⁷ Joseph J. Doyle, *Child Protection and Child Outcomes: Measuring the Effects of*
Foster Care, 97 AM. ECON. REV. 1583, 1583 (2007).

1 The results of Defendants’ failures are exemplified by Ocean S.’s
2 experience. Ocean S. experienced IPV, and then became homeless and lost custody
3 of her daughter. (FAC, ¶¶ 95-100.) Because Defendants did not provide Ocean S.
4 safe and stable housing, she was unable to regain custody for months, which placed
5 her daughter at increased risk of abuse and other harms. *Id.* This illustrates the way
6 that Defendants’ failure to provide parenting transitional age foster youth housing
7 security can contribute to intergenerational cycles of violence and other harm.

8 **III. CONCLUSION.**

9 The foregoing data establish that Defendants’ ongoing failure to provide
10 Plaintiffs housing security increases the likelihood that Plaintiffs and their children
11 will experience violence and other harms. Thus, Defendants cannot credibly claim
12 that Plaintiffs remain “reasonably safe” in their systems and/or that Defendants are
13 otherwise complying with their duties to Plaintiffs.

14
15 February 8, 2024

16 /s/ Taylor Champion

17

Taylor Champion (SBN 297664)
18 Counsel for Amici Curiae Family
19 Violence Appellate Project, et al.
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1 **APPENDIX**

2 **Additional Amici Curiae Joining This Brief**

3 **Asian Americans Advancing Justice Southern California** (AJSOCAL) is
4 the nation’s largest legal and civil rights organization that empowers Asian
5 American and Pacific Islander (AAPI) communities. Through community
6 outreach, advocacy, and litigation, AJSOCAL works to advance civil and human
7 rights for AAPI communities, and to promote a fair and equitable society for all.
8 The Advancing Justice organizations AJSOCAL routinely files briefs as amici
9 curiae on behalf of the communities they represent.

10 The mission of **Community Legal Aid SoCal** is to provide civil legal services
11 to low-income individuals and to promote equal access to the justice system
12 through advocacy, legal counseling, innovative self-help services, in-depth legal
13 representation, economic development and community education.

14 **Disability Rights California** (DRC) is a California non-profit corporation and
15 the largest disability rights firm in the nation. For nearly 50 years, DRC has
16 worked to protect the legal and human rights of Californians with disabilities. DRC
17 engages in individual and broad-based advocacy, representing clients in
18 administrative hearings, impact and class litigation, and policy matters to enforce
19 the right of people with disabilities to access appropriate and affordable housing
20 and to receive necessary resources. Recent successful impact litigation includes the
21 provision of trauma-informed mental health services and supports for young adults
22 and children (including those involved in the state’s foster care system) and the
23 preservation of subsidized housing opportunities for low-income people with
24 disabilities.

1 **Disability Rights Education and Defense Fund** (DREDF), based in
2 California, is a national nonprofit disability civil rights law and policy organization
3 dedicated to protecting and advancing the civil and human rights of people with
4 disabilities. DREDF was founded in 1979 by a unique alliance of adults with
5 disabilities, and parents of children with disabilities. We are board- and staff-led by
6 members of the disability and parent communities for whom we advocate. DREDF
7 pursues its mission through education, advocacy, and law reform efforts, and is
8 recognized for its expertise in the interpretation of state and federal disability civil
9 rights laws. A significant portion of DREDF's work is directed at securing and
10 advancing the educational entitlements of children with disabilities under laws
11 including the Americans with Disabilities Act (ADA), the Individuals with
12 Disabilities Education Act (IDEA), and Section 504 of the Rehabilitation Act.
13 DREDF leads a Parent Training and Information Center funded by the U.S.
14 Department of Education that helps parents and guardians advocate for appropriate
15 education and services for their disabled children, including families who are
16 unhoused or covered by the McKinney-Vento Act. DREDF is a member of the
17 California Foster Youth Education Task Force and supports transition-age youth
18 through age 26 with training, technical assistance, and collaborations with other
19 organizations. DREDF frequently represents the interests of foster and transition-
20 age youth.

21 **Homeless Action Center** (HAC) is a nonprofit law office that provides Social
22 Security representation at no cost to residents of Alameda County, California,
23 many of whom are homeless. While representing clients in the process to obtain
24 Social Security, HAC also assists clients in obtaining and retaining food stamps,
25 Medicaid, and housing. HAC has been serving mentally ill clients experiencing

1 homelessness since 1990 and has a robust knowledge of the resources available to
2 our clients. We currently represent over one thousand clients. Every person in
3 California should have the right to participate fully and equally in society free from
4 discrimination, but this right is denied to many residents simply because they are
5 unhoused. Instead of ensuring that Californians without housing have universal
6 access to a safe, permanent, and affordable place to live, many state and local
7 governments continue to harass, displace, and segregate unhoused people. This
8 disproportionately harms people of color – particularly Black communities who,
9 because of historical and contemporary discrimination in all aspects of life, are
10 unhoused at higher rates.

11 The **Legal Aid Association of California** is the membership association for
12 over 100 legal aid nonprofits in our state. We train, coordinate, and advocate on
13 behalf of legal aid. Our interest in this case stems from our mission, which
14 revolves around supporting legal aid and the access-to-justice infrastructure in
15 California. Many of our members provide domestic violence-related services and
16 this case implicates those services and those who receive them. This case involves
17 the failure of Los Angeles County to provide safe and stable housing placements
18 for transition-age foster youth, which puts those youth at risk of domestic abuse.
19 Our interest stems from the fact that our members provide domestic violence
20 services to vulnerable Californians daily, and this case affects the interests of our
21 members providing domestic violence and other legal and ancillary services as
22 well as our particular interest in advocating on their behalf.

23 **Legal Services for Prisoners with Children** in Oakland offers specialized
24 assistance focusing on maintaining family bonds and addressing family law issues
25 for those affected by the carceral system. They help with child custody and
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1 visitation rights, provide advice on divorce and child support, and advocate for the
2 parental rights of incarcerated individuals. Additionally, they address civil rights
3 violations in prisons, assist with parole and probation issues, and offer legal
4 education. They also help ex-prisoners reintegrate into society, work on family law
5 issues, and advocate for policy reforms to improve the justice system. This work is
6 carried out by lawyers, legal aid groups, and volunteers, aiming to ensure fair
7 justice and systemic changes.

8 **Los Angeles County Bar Association Counsel for Justice Domestic**
9 **Violence Project (DVP)** provides legal information, forms preparation assistance,
10 and referrals to litigants in domestic violence cases. With locations in the
11 downtown Los Angeles courthouse and the LAPD Central Bureau Family Justice
12 Center, DVP assists over 3,000 domestic violence litigants each year.

13 The mission of **Los Angeles Center for Law and Justice (LACLJ)** is to
14 secure justice for survivors of domestic violence, sexual assault and human
15 trafficking and empower them to create their own future. Located in East Los
16 Angeles, LACLJ is a 33-person non-profit law firm serving survivors throughout
17 Los Angeles County. LACLJ's primary practice areas are family law and
18 immigration. However, LACLJ strives to provide clients with holistic legal
19 services and has both a robust criminal justice advocacy and appellate practice.
20 Through our integrated legal/social worker service model, LACLJ Community
21 Care Advocates provide supportive services such as education, safety planning,
22 accompaniment, and linkages to other service providers as part of the legal team.
23 LACLJ is committed to a trauma-informed and culturally-responsive workplace
24 and service provision.

1 The **National Housing Law Project** (NHLP), is a private, nonprofit, national
2 housing and legal advocacy center established in 1968 and located in San
3 Francisco, California, with NHLP attorneys based out of California, Illinois,
4 Virginia, and Florida. NHLP's mission is to advance housing justice for poor
5 people by increasing and preserving the supply of decent, affordable housing;
6 improve existing housing conditions, including physical conditions and
7 management practices; expand and enforce low-income tenants' and homeowners'
8 rights; and increase housing opportunities for racial and ethnic minorities. NHLP is
9 the lead legal organization that spearheaded efforts to pass the proposed housing
10 title provisions of the 2022 Reauthorization of VAWA. NHLP also played a key
11 role in drafting and passing the housing title sections of the 2013 Reauthorization
12 of VAWA. NHLP frequently works with the U.S. Department of Housing and
13 Urban Development and the U.S. Department of Agriculture's Rural Development
14 on the agencies' implementation of VAWA and other policies to support survivors
15 of gender-based violence. NHLP's Domestic Violence Project provides technical
16 assistance and support on the housing rights of domestic violence, sexual assault,
17 dating violence, and stalking survivors to hundreds of housing providers, domestic
18 and sexual violence advocates, and legal aid attorneys across the country. Through
19 litigation, policy advocacy, and training, NHLP supports local legal advocates in
20 their efforts to enforce the housing protections of survivors under VAWA, the Fair
21 Housing Act, as well as state and local laws. NHLP publications on domestic and
22 sexual violence, including its nationally recognized Housing Rights of Domestic
23 Violence Survivors: A State and Local Law Compendium, are widely used by
24 housing providers and survivor advocates alike, and are cited by federal housing
25 agencies.

1 **Neighborhood Legal Services of Los Angeles County** (NLSLA) is non-profit
2 legal aid program providing free legal assistance to low-income families and
3 individuals throughout Los Angeles County. NLSLA not only provides direct
4 attorney representation to domestic violence survivors but operates several clinics
5 at county courthouses that help domestic violence survivors seek restraining orders
6 in pro per.

7 **Nancy K. D. Lemon**, has worked in the field of domestic violence law since
8 1981, representing survivors of abuse in many types of cases and testifying as an
9 expert witness. Ms. Lemon wrote the first Domestic Violence Law textbook in
10 1996, and has updated it 6 times, using it in the first Domestic Violence Law class
11 ever taught continuously starting in 1988 at Berkeley School of Law. Ms. Lemon
12 co-founded FVAP in 2012 and served as Legal Director until 2022. Ms. Lemon
13 worked on numerous successful pieces of California legislation affecting domestic
14 violence survivors.

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