

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 3223 (Wilson) – As Introduced February 16, 2024

SUBJECT: Foster Youth Services Coordinating Program

SUMMARY: Expands eligibility for the Foster Youth Services Coordinating Program (FYSCP) to include a child who is the subject of a petition filed in juvenile court, and has been identified as being at imminent risk of removal and placement into foster care.

EXISTING LAW:

State Law:

- 1) Specifies that any minor who is between 12 and 17 years of age, inclusive, when they violate any law of this state or of the United States or any ordinance of any city or county of this state defining crime other than an ordinance establishing a curfew based solely on age, is within the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court. (Welfare and Institutions Code [WIC] § 602(a))
- 2) Provides that any minor who is under 12 years of age when they are alleged to have committed any of the following offenses is within the jurisdiction of the juvenile court, which may adjudge the minor to be a ward of the court:
 - a) Murder;
 - b) Rape by force, violence, duress, menace, or fear of immediate and unlawful bodily injury;
 - c) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury;
 - d) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury; and,
 - e) Sexual penetration by force, violence, duress, menace, or fear of immediate and unlawful bodily injury. (WIC § 602(b))
- 3) Establishes the FYSCP and authorizes a county office of education (COE), or a consortium of COEs, to elect to apply to the Superintendent of Public Instruction for grant funding, to the extent funds are available, to operate an education-based FYSCP program. (Education Code [EDC] § 42921(a))
- 4) Requires each FYSCP to have at least one person identified as the foster youth educational services coordinator to facilitate the provision of educational support to any pupil in foster care residing or attending school in the county or consortium of counties. (EDC § 42921(b))

- 5) Defines a student in foster care, for purposes of the FYSCP, to be a foster youth as defined for purposes of the Local Control Funding Formula (LCFF), or a foster youth who is detained in a county-operated juvenile detention facility. (EDC § 42921(c))
- 6) Requires each FYSCP to develop and implement a foster youth services coordinating plan for purposes of establishing guiding principles and protocols to provide supports for foster care pupils. (EDC § 42921(e))
- 7) Defines “foster youth” for purposes of the LCFF to mean any of the following:
 - a) A child who is the subject of a petition filed as a result of evidence of neglect or abuse, whether the child has been removed from the child’s home;
 - b) A child who is the subject of a petition filed as a result of a violation of law, has been removed from the child’s home by the juvenile court pursuant to a permanency planning hearing, and is in foster care as a probation-supervised youth;
 - c) A nonminor under the transition jurisdiction of the juvenile court, who satisfies all of the following criteria:
 - i) The nonminor has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 21 years of age, on or after January 1, 2014; and,
 - ii) The nonminor is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement, as specified.
 - d) The nonminor is participating in a transitional independent living case plan. A dependent child of the court of an Indian tribe, consortium of tribes, or tribal organization who is the subject of a petition filed in the tribal court pursuant to the tribal court’s jurisdiction in accordance with the tribe’s law; and,
 - e) A child who is the subject of a voluntary placement agreement, as defined. (EDC § 42238.01(b))

Federal Law:

- 8) Title IV-E of the Social Security Act establishes the foster care and adoption assistance programs. The Title IV-E Program authorizes the federal-state Foster Care, Prevention, and Permanency program. (42 United States Code [U.S.C.] §§ 670 – 679)
- 9) Specifies that among other requirements, to be a candidate for foster care, a child has to be potentially eligible for Title IV-E foster care benefits. Specifically, this means that the Title IV-E agency has made a decision that the out-of-home placement for the child will be a foster care setting. A child is not a candidate for foster care when the planned out-of-home placement for the child is an arrangement outside of foster care, such as a detention facility. (42 U.S.C. § 47(i)(2))

10) Mandates that the title IV-E agency must make reasonable efforts to prevent a child's removal from home. (Social Security Act § 471(a)(15)(B)(i))

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Foster Youth Services Coordinating Programs.* FYSCPs play a crucial role in coordinating between local education agencies and county child welfare agencies. Data show FYSCPs enhance the identification and enrollment of students who are placed in foster care, safeguard their educational rights, and improve high school graduation and college enrollment rates.

Since 1981, the California Department of Education has administered a statewide grant program, the Foster Youth Services Program, now referred to as the FYSCP, which provides funding to COEs to improve interagency support for students in foster care. In order to coordinate services across county agencies, county FYSCPs developed memorandums of understanding (MOUs) with county child welfare agencies for the purpose of drawing down Title IV-E federal dollars for eligible case management activities that support the coordination of services for foster youth. The FYSCPs also developed policies and procedures for information-sharing among county agencies concerning foster youth. This shared information is used by education, child welfare, and probation agencies to track the progress of foster youth in both care and education and, when needed, quickly transfer students between districts. The county-administered FYSCPs have also developed agreements to address transportation to a child's school of origin to promote school stability.

Some of the types of educational case management activities that can be included in these MOUs enumerate what the COEs agree to provide, such as working with the child welfare department to minimize changes in school placement; assisting with the prompt transfer of educational records, including the health and education passport, between educational institutions when placement changes are necessary; and, facilitating communication between the education rights holder, the foster care provider, teacher, and any other school staff or education service providers for the child. In 2003, through the enactment of AB 490, (Steinberg), Chapter 862, Statutes of 2003, LEAs that operate a FYSCP are required to appoint a staff person to act as an educational liaison for foster youth. The liaison helps to ensure proper placement, school enrollment, and to assist them in transferring from one school to another by seeing that necessary records, credits, and grades are transferred.

Existing law related to FYSCPs includes foster youth in the child welfare system who are in placement, as well as youth who remain in the home and are receiving family maintenance services. Also included as eligible youth for the FYSCP, are youth with a WIC 602 petition (see the Existing Law section 1) and 2) above) who are wards of the court and have been ordered into foster care.

However, probation-supervised youth who have been identified as at risk of placement as Title IV-E candidates, which is similar to youth with child welfare involvement receiving family maintenance services, are not expressly included in statute as being eligible for the FYSCP program.

This bill would add probation youth with a WIC 602 petition and who have been identified as Title IV-E candidates who are at imminent risk of being removed from the home for foster care placement, to the list of youth eligible to receive services through the FYSCPs.

The Federal Child Welfare Policy Manual is published by the Federal Administration of Children and Families (ACF) under the United States Department of Health and Human Services. Once a bill is enacted, the federal government is responsible for developing guidance and procedures for the administration of new programs. The primary source of information is the legislation on which the program is based; the next source is in regulations. The Children's Bureau, which falls under ACF, issues guidance to the states on the administration of state grant programs, in the various formats, which includes the Child Welfare Policy Manual. The manual conveys mandatory policies that have their basis in federal law and/or program regulations. It also provides interpretations of federal statutes and program regulations initiated by inquiries from state child welfare agencies or ACF Regional Offices. This bill specifies that youth who are the subject of a petition filed in juvenile court, and who have been identified as being at imminent risk of removal and placement into foster care according to the Child Welfare Policy Manual, are eligible for the FYSCP.

Author's Statement: According to the Author, "By expressly clarifying that youth subject to a WIC 602 petition and at risk of placement as identified as Title IV-E candidates are eligible for FYSCP services, it supports parity for this population of youth and allows for them to receive educational supports, mentoring, tutoring and other services through the county offices of education with the goal of supporting their educational needs in an effort to help provide stability in the home and mitigate risk of placement."

Equity Implications: The services provided via the FYSCP would be beneficial to these youth in their educational development. By expressly clarifying that these youth are eligible for FYSCP services, it supports parity for this population of youth and allows for them to receive educational supports, mentoring, tutoring, and other services through the COEs with the goal of supporting their educational needs in an effort to help provide stability in the home and mitigate risk of placement.

Double referral: This bill was previously heard in the Assembly Education Committee on April 3, 2024, and was approved on consent with a 7-0 vote.

RELATED AND PRIOR LEGISLATION:

AB 2137 (Quirk-Silva) of the current legislative session, revises requirements related to FYSCP coordinating plans, and the adoption and annual updates of local control and accountability plans as it relates to homeless and foster youth. *AB 2137 is pending before the Assembly Human Services Committee and is set for a hearing on April 23, 2024.*

AB 1055 (Ramos), Chapter 287, Statutes of 2021, revised the definition of students in foster care for purposes of the LCFF and for purposes of specified educational rights of students in foster care, to include those students subject to a voluntary placement agreement and by eliminating the requirement that a dependent child of the court of an Indian tribe also meet the definition of a dependent child of a county court.

REGISTERED SUPPORT / OPPOSITION:

Support

Chief Probation Officers' of California (CPOC) (Sponsor)
Alameda County Office of Education

Opposition

None on file.

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