

Date of Hearing: April 8, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 890 (Lee) – As Amended March 28, 2025

SUBJECT: Nonminor dependents: county of residence

SUMMARY: Revises residency requirements placed upon foster youth who are participating in the extended foster care program. Specifically, **this bill**:

- 1) Reduces the amount of time the county in which a nonminor dependent's (NMD) residence shall be deemed the county of residence from, requiring a physical presence in the county for one year, to six months.
- 2) Requires the court, at the last review hearing before a foster youth attains 18 years of age, and at every subsequent review hearing for the NMD, to inquire whether the NMD requests the transfer of jurisdiction to a new county.
- 3) Requires the court, for an NMD whose case plan is continued court-ordered family reunification services, to consider whether the NMD requests the transfer of jurisdiction to a new county.
- 4) Requires the reviewing body at the review hearing held every six months for an NMD who is no longer receiving court-ordered family reunifications services and is in a permanent plan of another planned permanent living arrangement, to inquire about whether the NMD requests the transfer of jurisdiction to a new county.
- 5) Permits, whenever a minor under the dependency jurisdiction, or transition jurisdiction of the juvenile court, attains 18 years of age and remains under the court's jurisdiction as an NMD, the residence of the NMD to be changed to another county if the court finds that the NMD meets either of the following conditions:
 - a) The NMD had a continuous physical presence in the county for six months, is in a planned permanent living arrangement, and has expressed their intent to remain in that county; or,
 - b) The NMD requests the transfer of jurisdiction to a new county and demonstrates an intent to remain in the new county by establishing a significant connection to the new county, which may include, but is not limited to, any of the following:
 - i) Employment in the new county;
 - ii) Enrollment in an educational or vocational program in the new county;
 - iii) Housing in the new county, as evidenced by a rental or lease agreement, housing assistance approval, Supervised Independent Living Placement Approval and Placement Agreement form, a documented agreement for housing with a private party or transitional housing program in the new county, verification of housing through a

- transitional housing program, or supervised independent living placement approval by a social worker; or,
- iv) Family or other supportive connections in the new county. For purposes of this section, “supportive connections” means relationships that provide emotional or social support to the NMD, including, but not limited to, family members, mentors, close friends, or community ties.
- 6) Permits, pursuant to 5) above, the entire case to be ordered to be transferred to the juvenile court of the county where the NMD then resides, at a regularly scheduled review hearing.
 - 7) Requires a court issuing an order to transfer the case to issue the order within 60 calendar days of the NMD’s request and for the new county to be deemed to have jurisdiction over the NMD within 20 calendar days of the issuance of the order.

EXISTING LAW:

- 1) Defines a “nonminor dependent” to mean, a foster child, who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, and who satisfies all of the following criteria:
 - a) The NMD 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;
 - b) The NMD 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; and,
 - c) The NMD has a transitional independent living case plan. (Welfare and Institutions Code [WIC] § 11400(v))
- 2) Established the extended foster care program through the California Fostering Connections to Success Act and sets forth eligibility criteria. (WIC § 11403)
- 3) Establishes eligibility criteria for receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC), which is provided to youth who meet specified conditions including when parental rights have been terminated, have been removed from their home due to safety concerns, or are an NMD under the care of child welfare services or re-entering foster care. (WIC § 11401)
- 4) Provides that the residence of an NMD, shall be determined by the following rules:
 - a) Authorizes, if an NMD under the dependency jurisdiction or transition jurisdiction is placed in a planned permanent living arrangement, the county in which the NMD is living to be deemed the county of residence, if and when the NMD has had a continuous physical presence in the county for one year as an NMD and has expressed their intent to remain in that county; and,

- b) Permits, if an NMD's dependency jurisdiction has been resumed, or transition jurisdiction assumed or resumed by the juvenile court that retained general jurisdiction, following the granting of the petition, the county in which the NMD is living at the time the petition was filed to be deemed the county of residence, if and when the NMD establishes that they have had a continuous physical presence in the county for one year and has expressed their intent to remain in that county. Requires the period of continuous physical presence in the county to include any period of continuous residence in the county immediately prior to the filing of the petition. (WIC § 17.1(e)(f))
- 5) Permits, at the permanency review for a child in foster care, the court to order that an NMD who otherwise is eligible to remain in a planned, permanent living arrangement. Permits, at the request of the NMD who has an established relationship with an adult determined to be their permanent connection, the court to order adoption of the NMD. (WIC § 366.3(i))
- 6) Requires the review hearings conducted for an NMD to be conducted in a manner that respects the NMD's status as a legal adult, focused on the goals and services described in the youth's transitional independent living case plan, including efforts made to maintain connections with caring and permanently committed adults, and attended, as appropriate, by additional participants invited by the NMD. (WIC § 366.31(c))
- 7) Requires, for an NMD whose case plan is continued court-ordered family reunification services, the court to consider whether the NMD may safely reside in the home of the parent or guardian. Requires the court, if the nonminor cannot reside safely in the home of the parent or guardian or if it is not in the NMD's best interest to reside in the home of the parent or guardian, to consider whether to continue or terminate reunification services for the parent or legal guardian. (WIC § 366.31(d))
- 8) Permits, whenever an NMD submits a petition in the juvenile court of a county other than the county that retained general jurisdiction, the residence of the NMD to be changed to another county if the NMD has had a continuous physical presence in the county for one year. Authorizes the entire case to be transferred to the juvenile court of the county where the NMD then resides at any time after the county that retained general jurisdiction has granted the petition and resumed dependency jurisdiction, or has assumed or resumed transition jurisdiction. Requires the juvenile court of the county where the nonminor then resides to take jurisdiction of the case upon the receipt and filing of the finding of the facts upon which the court exercised its jurisdiction over the nonminor and an order transferring the case. (WIC § 375)
- 9) Establishes eligibility requirements for NMDs to remain eligible for AFDC-FC benefits until the youth attains 21 years of age, provided that the youth enters into a mutual agreement with the agency responsible for their guardianship, and the youth is meeting the conditions of eligibility, as described. (WIC 11405(e))

FISCAL EFFECT: This bill was keyed non-fiscal by the Legislative Counsel.

COMMENTS:

Background: *Extended Foster Care.* AB 12 (Beall), Chapter 559, Statutes of 2010, established the extended foster care program which allows foster youth to stay in foster care after they reach 18 years of age, until their 21st birthday. Extended foster care is a benefit available to eligible

youth to assist them to achieve self-sufficiency and includes educational opportunities, employment trainings, and supervised independent living environments. For a foster youth to be eligible for extended foster care, they must continue to be under the responsibility of the county welfare department, county probation department, or Indian tribe, participate in a Transitional Independent Living Plan (TILP), be enrolled in either postsecondary or vocational educational program, or in an activity designed to promote, or remove barriers to employment, or be employed for at least 80 hours a month, unless they are unable due to a medical condition. When an NMD ages out of extended foster care at 21 years of age, state law provides for various exit requirements to ensure the youth are provided with all the necessary information to thrive in their transition to adulthood.

Participants in extended foster care retain their rights as adults but remain under the jurisdiction of the court, and the care and responsibility of the county. As young adults, NMDs must be included in any placement decisions. Despite challenges that may arise when working with an NMD to meet their individual needs, the county must offer the NMD a safe and suitable placement that is immediately available to the NMD and remains responsible for ensuring that NMDs have access to a safe and suitable placement at all times.

While in extended foster care, NMDs are required to attend review hearings at least every six months in order for the court to assess the status and progress of the youth. At the review hearings, the court reviews various reports, including the TILP which outlines the youth's goals and progress toward independence. At these review hearings, the court also evaluates the NMD's living situation, educational or employment status, and any barriers to achieving self-sufficiency.

If a youth happens to move into a different county while participating in the extended foster care program, they are required to travel back to their county of origin to attend these review hearings, which can create additional barriers to a youth who has moved a long distance. For any NMD residing out of county, their efforts to access resources could be affected by the county of jurisdiction's lack of knowledge or strong connections with the resources available in the county where the youth resides. Caseworkers from the jurisdictional county could also find it difficult to provide consistent and thorough oversight when the NMD is living far away. This geographical distance can lead to delays in identifying needed services and addressing housing instability.

This bill would provide NMDs who move to a different county with additional avenues to petition the court to transfer their cases in addition to reducing the amount of time needed to establish residency.

Lack of Flexibility. Currently, if an NMD moves out of the county where they first entered into care, they either have to travel back to their county of origin to attend review hearings or they are required to petition the court to have their case transferred to the new county after living there continuously for one year.

According to a 2024 report entitled *Documenting Out-of-County Residences for Young Adults in Foster Care* (School of Social Welfare, University of California, Berkeley) approximately 37.1% of NMDs have experienced at least one out-of-county residence during their time in extended foster care—a rate that has increased in recent years. However, the study notes that the corresponding changes in supervising counties is rare: only 3.7% of all young people in any out-of-county residence had a documented change in their supervising county.

Counties having jurisdiction of the NMD are required to remain the county of payment regardless of the youth's physical residence. Counties are permitted to develop courtesy supervision agreements to provide case management and independent living services by the county of residence pursuant to the NMD's TILP, however, because Supervised Independent Living Placement (SILP) payments that some participants in extended foster care receive are dependent upon the cost of living in the county where their case was initiated, these foster youth could encounter considerable obstacles securing stable housing, particularly if the new county has a higher cost of living.

The current residency requirement mandates NMDs to reside continuously in a new county for 12 months before transferring jurisdiction. The maximum length of time an NMD can spend in extended foster care is 36 months. This policy causes significant delays in accessing vital services and housing. Attorneys, advocates, and former foster youth identify the following challenges:

- Supervising social workers and attorneys from the county of jurisdiction often lack knowledge of and connections to resources and services in the NMD's county of residence.
- Delays in SILP approvals exacerbate housing instability for NMDs seeking independence.
- Housing programs in many counties prioritize local residents, leaving NMDs from other counties at a disadvantage when seeking stable housing options.
- Youth unable to secure timely services and housing face increased risks of homelessness, employment disruption, educational disruption, and other detrimental outcomes.

Just in Time for Foster Youth, a nonprofit organization in San Diego that has served thousands of NMDs, confirms that many youth contact them after experiencing significant difficulty accessing resources and assistance—including housing—because they do not meet local residency requirements. Advocates also report that youth with local cases are prioritized over out-of-county youth.

The current one-size-fits-all residency requirement does not capture the many reasons why an NMD may choose to reside in a county apart from their supervising county. Like any other young adult, NMDs may find education and employment opportunities available in new locations. However, the residency requirement can make it difficult or even impossible to take advantage of these opportunities and obtain the services they need and are legally entitled to.

This bill would also allow the additional flexibility of having the court proactively inquire at the regularly scheduled review hearings every six months whether the NMD requests the transfer of jurisdiction to a new county, instead of requiring the youth to seek out the petition on their own after living in the new county for a year.

Author's Statement: According to the Author, "Foster youth enrolled in the extended foster care program are actively working on securing their independence as young adults. For many, that independence means moving to a new place for college, a job, or to maintain personal connections. Whatever the reason, it is vital we remove barriers to allow these youth who have experienced the trauma of being removed from their home due to abuse and neglect, maximum flexibility to live anywhere in the state they desire, and to be provided with the services and

supports to which they are entitled. By offering dependency judges discretion to act at the request of and in the best interests of NMDs who have moved counties, and reducing bureaucratic delays, this bill will dramatically improve the ability of judges and counties, and, by extension, all of us, to provide essential services to these youth who are just starting out in life and are relying on us not to make it any harder.”

Equity Implications: Nearly one-third of California’s foster youth reported being homeless at least once between 17 and 21 years of age. The state has a unique obligation to ensure these youth have access to secure, permanent housing. Through no fault of their own, these children were removed from their home and it is imperative that barriers to their safety, security and independence are removed. This bill’s provisions seek to streamline existing requirements that have made it more difficult for foster youth who are gaining independence to move to a different county and receive services, without having to wait an entire year.

PRIOR LEGISLATION:

AB 1712 (Beall), Chapter 846, Statutes of 2012, enacted numerous technical, clarifying, and federal conformity changes to the California Fostering Connections to Success Act of 2010.

AB 12 (Beall), Chapter 559, Statutes of 2010, see comments above.

REGISTERED SUPPORT / OPPOSITION:

Support

Children's Legal Services of San Diego
Childrens Advocacy Institute

Opposition

None on file.

Analysis Prepared by: Jessica Langtry/ HUM. S. / (916) 319-2089