

Date of Hearing: April 18, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 1675 (Alanis) – As Amended March 29, 2023

**SUBJECT:** Foster care: enrichment activities

**SUMMARY:** Requires a caseworker to discuss, and document in the case plan, enrichment and extracurricular activities with each foster youth; adds items related to enrichment and extracurricular activities to the list of what the court is required to determine at a foster youth status review; requires the Department of Health Care Services (DHCS) and the California Department of Social Services (CDSS) to convene a stakeholder workgroup; requires CDSS, DHCS, and the California Department of Education (CDE) to develop a plan to support participation in enrichment activities; and, requires CDSS to report information related to how allocated funds were used. Specifically, **this bill**:

- 1) Requires a caseworker to discuss enrichment and extracurricular activities with each youth at the monthly caseworker visits in order to identify potential activities and funding.
- 2) Adds to the elements of what is required to be included in an updated case plan to include a description of all of the following:
  - a) The enrichment and extracurricular activities that the youth is participating in or will be participating in, including any supports needed to ensure participation;
  - b) How the youth was involved in selecting the enrichment and extracurricular activities;
  - c) How the enrichment and extracurricular activities will be paid for, including how existing funding will be used; and,
  - d) Whether planning and funding for enrichment and extracurricular activities was discussed at the monthly caseworker visits with the youth.
- 3) Adds the following to the list of what the court is required to determine at the periodic status review of every youth in foster care:
  - a) The enrichment and extracurricular activities that the youth is participating in or will be participating in, including any supports needed to ensure participation;
  - b) How the youth was involved in selecting the enrichment and extracurricular activities;
  - c) How the enrichment and extracurricular activities will be paid for, including how existing funding will be used; and,
  - d) Whether planning and funding for enrichment and extracurricular activities was discussed at the monthly caseworker visits with the youth.
- 4) Requires CDSS, DHCS, and CDE to develop a plan to maximize and leverage the usage of any available funds to support participation in enrichment activities for children and youth in foster care.

- 5) Requires DHCS, in collaboration with CDSS, if the application for a federal Medicaid demonstration project, known as the California Behavioral Health Community-Based Continuum Demonstration (CalBH-CBC), is granted by the federal Centers for Medicare and Medicaid Services (CMS), to convene a stakeholder workgroup to assist in developing how the activity stipend benefit for current and former foster youth who have received or are receiving family maintenance services under the project will be implemented.
- 6) Requires the stakeholder workgroup to include, at a minimum, all of the following:
  - a) Young people with experience in foster care;
  - b) Caregivers;
  - c) Child welfare caseworkers;
  - d) Legal advocates and court-appointed special advocates (CASAs);
  - e) Probation officers;
  - f) Child welfare advocates;
  - g) Providers of behavioral health services; and,
  - h) Representatives of tribal entities.
- 7) Requires CDSS to additionally include in the summary report established in the Budget Act of 2022, information on how allocated funds were used to support participation in enrichment activities for children and youth in foster care, the impact of this funding on children and youth well-being, and best practices and challenges around the fund usage.
- 8) States legislative intent to leverage all existing funding opportunities for enrichment activities for children and youth in foster care, and to provide accountability to ensure foster children and youth participation in enrichment activities is consistent with existing federal and state law
- 9) Makes findings and declarations related to federal and state law requiring foster youth to have the opportunity to participate in enrichment activities, yet continuing to face challenges in accessing them due to a lack of funding.

**EXISTING LAW:**

- 1) Requires that the steps taken by the child welfare agency to ensure the foster family or institution for a child with another planned permanent living arrangement is following the reasonable and prudent standard and that the child has regular opportunities to engage in developmentally appropriate activities be included in the case plan and reviewed by the court. (42 United States Code 675(5)(B) & 675a(a)(3))
- 2) Requires that every youth in foster care, including those in group care and those supervised by probation, to be entitled to participate in age-appropriate extracurricular, enrichment, and social activities, including, but not limited to, access to computer technology and the internet.

Prohibits a state or local regulation or policy from preventing, or create barriers to, participation in those activities. (Welfare and Institutions Code [WIC] 362.05(a)(1); WIC 727(a)(4)(F))

- 3) Establishes the right for youth in foster care to participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities, including, but not limited to, access to computer technology and the internet, consistent with the child's age, maturity, developmental level, sexual orientation, and gender identity and expression. (WIC 16001.9(a)(16))
- 4) Requires the reasonable and prudent parent standard to be used by all foster parents and designated individuals in group home settings. This standard is characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. (WIC 362.05(c)(1))
- 5) Permits the juvenile court to adjudge a child a dependent of the court for specified reasons, including, if a child has suffered or is at substantial risk of suffering serious physical harm, emotional damage, or sexual abuse, as specified. (WIC 300)
- 6) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (WIC 300.2)
- 7) Requires every child adjudged a dependent of the juvenile court to be entitled to participate in age-appropriate extracurricular, enrichment, and social activities and further prohibits state or local regulation or policy from preventing or creating barriers to participation in those activities, as specified. (WIC 362.05)
- 8) Requires a minor adjudged a ward of the juvenile court to be entitled to participate in age-appropriate extracurricular, enrichment, and social activities. Prohibits a state or local regulation or policy from preventing, or creating barriers to, participation in those activities. Requires each state and local entity to ensure that private agencies that provide foster care services to wards have policies consistent with these provisions and that those agencies promote and protect the ability of wards to participate in age-appropriate extracurricular, enrichment, and social activities. Requires a short-term residential therapeutic program or a group home administrator, a facility manager, as described, to use a reasonable and prudent parent standard, in determining whether to give permission for a minor residing in foster care to participate in extracurricular, enrichment, and social activities and to take reasonable steps to determine the appropriateness of the activity taking into consideration the minor's age, maturity, and developmental level. Stipulates that for every minor placed in a setting as described, age-appropriate extracurricular, enrichment, and social activities must include access to a computer. (WIC 727)
- 9) Requires CDSS to develop a payment system for foster family agencies that provide treatment, intensive treatment, and therapeutic foster care programs, and to consider specified factors for providing core services, including educational, physical, and mental health supports, including extracurricular activities and social supports. Clarifies that these core

services are not intended to duplicate services already available to foster children in the community, but to support access to those services and supports to the extent already available, which includes school-based extracurricular activities. (WIC 11463)

- 10) Declares legislative intent to, whenever possible, preserve and strengthen a child's family ties and, when a child must be removed from the physical custody of their parents, to give preferential consideration to placement with relatives. States legislative intent to reaffirm its commitment to children who are in out-of-home placement to live in the least restrictive family setting and as close to the child's family as possible, as specified. Further states legislative intent that all children live with a committed, permanent, nurturing family and states that services and supports should be tailored to meet the specific needs of the individual child and family being served, as specified. (WIC 16000)
- 11) Enumerates 41 separate rights of minors and nonminors in foster care, including but not limited to the right to: live in a safe, healthy, and comfortable home where they are treated with respect; be free from physical, sexual, emotional, or other abuse, or corporal punishment; receive adequate and healthy food, adequate clothing, and, and age-appropriate allowance; receive medical, dental, vision, and mental health services; be involved in the development of their case plan and plan for permanent placement; and review their case plan and plan for permanent placement, and if they are 12 years of age or older, to consent to or decline health care services and mental health services, without the consent or knowledge of any adult. (WIC 16001.9)
- 12) Defines "nonminor dependent" as a current foster youth or ward of the juvenile court, or nonminor under the transition jurisdiction of the court, who is between 18 and 21 years old, in foster care under the responsibility of the county welfare department, county probation department, or Indian tribe, and has a transitional independent living plan, as specified. (WIC 11400 (v))

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

**COMMENTS:**

**Background:** *Child Welfare Services (CWS).* California's CWS system exists to protect children from abuse and neglect, and in doing so, provides for their health, safety, and overall well-being. When suspicions of abuse or neglect arise, often as a result of a report by a mandated reporter like a doctor or teacher, Child Protective Services is tasked with investigating the report. If the allegation of abuse or neglect is substantiated, it is then determined whether it is in the best interest of the child to remain in their parent's custody or be placed within the CWS system. If a child is suspected to be at risk of neglect, abuse, or abandonment, the juvenile court holds legal jurisdiction, and the CWS system appoints a social worker to ensure that the needs of a youth are met.

CDSS secures federal funding to support child welfare services programs, provides statewide best practices training for social workers, and conducts program regulatory oversight and administration, and is responsible for the development of policy while also providing direct services such as adoption placements. Foster parents receive a monthly payment to meet the needs of the youth placed in their care and is intended to cover food, clothing, transportation, and vary based on the child, their age and any special needs they may have.

As of January 1, 2023, there are 52,265 youth between birth and up to 21 years old in foster care.

*Benefits of extracurricular activities for foster youth.* Extracurricular and enrichment activities have been found to have positive impacts for foster youth. A January 2018 article in the journal *Children and Youth Services Review* entitled “*Extracurricular activity participation and educational outcomes among older youth transitioning from foster care,*” found that participation in extracurricular activities was correlated with better grades, greater educational aspirations, and graduation from high school with a diploma.

The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), signed by President Obama in September 2014, and SB 794 (Committee on Human Services), Chapter 425, Statutes of 2015, enacted a number of changes related to child welfare services. Among these changes was the adoption of measures seeking to assist in creating “normalcy” for youth in foster care. A component of “normalcy” is the recognition of the right of foster children to engage on a regular basis in extracurricular and social activities.

This bill contains provisions that would align with federal law by requiring the court to make findings in the regularly occurring review hearing about a foster youth’s participation in enrichment activities, including how they were involved in selecting the activities and what funding was considered to cover the costs of participation. The bill also creates accountability by requiring the case plan to include information about the youth’s participation in enrichment activities and that it is discussed at the child and family team meeting, including how the foster youth was involved in selecting the activities and what funding was considered to cover the costs of participation. To further create accountability and consistency among all of the entities who regularly engage with a youth in care, this bill also requires caseworkers to discuss enrichment activities with foster youth at their monthly caseworker visits in order to identify potential activities and funding.

*The California Behavioral Health Community-Based Continuum Demonstration.* DHCS is pursuing a waiver to expand access to and strengthen the continuum of mental health services for Medi-Cal beneficiaries and is aimed at improving care for people living with serious mental illness (SMI) and serious emotional disturbance (SED) and is part of broader effort to establish a full continuum of care for beneficiaries living with these conditions. As identified in DHCS’ comprehensive 2022 assessment of California’s behavioral health system, “*Assessing the Continuum of Care for Behavioral Health Services in California*”, a number of gaps remain, particularly for children and adolescents, which includes youth involved in child welfare, individuals living with SMI or SED who are experiencing or at risk of homelessness, and individuals who are justice-involved. Support for enrichment activities can help in addressing the children’s mental health crisis, as they are effective interventions to help youth heal, relieve stress, express their feelings, and connect with others.

If the CalBH-CBC application is granted by CMS, this bill would require DHCS to collaborate with CDSS in convening a stakeholder workgroup to assist in developing how the activity stipend benefit for current and former foster youth who have received, or are receiving, family maintenance services under the project will be implemented.

*Activity Stipends.* Because many of the youth who are part of the CWS system do not have access to the activities that support physical health, mental wellness, healthy attachment, and social connections, DHCS is developing an activity stipend for system-involved youth, who are three years of age and older to be used for activities to promote social and emotional well-being

and resilience, manage stress, build self-confidence, and counteract the harmful effects of trauma.

These payments would support activities not otherwise reimbursable in Medi-Cal, such as mindfulness-based stress reduction, movement activities, sports, leadership, nature activities, music and art programs, and other activities to support healthy relationships with peers and adults. DHCS intends to request federal expenditure authority to support the activity stipends in the CalBH-CBC Demonstration application, which will be administered by CDSS and county child welfare agencies

**Author’s Statement:** According to the Author, “Current federal and state law require that children and youth in foster care have a meaningful opportunity to participate in enrichment activities to support the experience of normalcy, healthy child and adolescent development and well-being, and healing from exposure to trauma, but children and youth in foster care continue to face challenges to access these enrichment activities, primarily due to a lack of allocation of funding for this purpose and accountability under current laws.”

**Need for this bill:** The provisions of this bill seek to address barriers to consistent access to extracurricular activities that many foster youth face due to a lack of funding. As a result of the trauma that many foster youth have experienced, they typically face higher risks in terms of poor adolescent and adult outcomes when compared to their non-foster peers. Extracurricular activities have been shown to have benefits on the healthy development of young people. In addition to helping youth improve their academic outcomes, develop new skills, and reduce risky behavior, extracurricular activities have been shown to improve mental health outcomes by helping young people build resiliency and counteract the harmful effects of trauma. This has become particularly vital given the mental health impacts on foster youth due to the COVID-19 pandemic. The bill also includes accountability provisions that would put California in alignment with federal law and help ensure that youth in California have meaningful opportunities to participate in the enrichment activities to which they are already entitled.

**Equity Implications:** Youth in foster care are inherently a vulnerable population. Many of these youth have experienced trauma prior to entering foster care and once they are in the child welfare system, they face many barriers to accessing services and having normal childhood experiences. Youth of color, youth with disabilities, and LGBTQI+ youth are overrepresented in the child welfare system, and this bill seeks to positively impact the well-being and health of these youth by ensuring participation in enrichment activities, and by ensuring access is provided equitably across the state. Research clearly shows that participation in enrichment activities improves academic outcomes, helps youth develop new skills, builds healthy mentor and peer relationships, and reduces risky behavior, which can in turn promote resilience and prevent mental illness and substance use.

## **RELATED AND PRIOR LEGISLATION:**

**AB 179 (Committee on Budget), Chapter 249, Statutes of 2022**, implemented the Budget Act of 2022, and specifically allocated \$50 million to CDSS to provide funding to increase the use of home-based family care and the provision of services and supports to children in foster care and their foster caregivers. AB 179 authorized these funds to be used to cover an array of costs to stabilize placements and include costs to facilitate a foster caregiver’s and child’s participation in child and youth enrichment activities that would stabilize the placement or enhance the child’s well-being.

***AB 2945 (Arambula) of 2022***, would have established, upon an appropriation, the “California Foster Youth Enrichment Grant Pilot Program” to be administered by CDSS. AB 2945 would have allowed foster youth to use the grant money to participate in activities designed to enhance their skills, abilities, self-esteem, or overall well-being. *AB 2945 was held on the Assembly Appropriations Committee suspense file.*

***SB 219 (Wilk) of 2019***, would have established until January 1, 2023, the “California Foster Youth Enrichment Grant Pilot Program” as a four-county pilot program designed to offer foster youth grants of up to \$500 to fund extracurricular or enrichment activities. *SB 219 was held on the Assembly Appropriations Committee suspense file.*

***AB 2905 (Acosta) of 2018***, would have established the “California Foster Youth Enrichment Grant Pilot Program” in four counties. *AB 2905 was held on the Assembly Appropriations Committee suspense file.*

***AB 754 (Acosta) of 2017***, was substantially similar to AB 1984. *AB 754 was held on the Assembly Appropriations Committee suspense file.*

***AB 1984 (Linder) of 2016***, would have established the “California Foster Youth Enrichment Grant Program.” *AB 1984 was held on the Assembly Appropriations Committee suspense file.*

***AB 1067 (Gipson), Chapter 851, Statutes of 2016***, required CDSS to convene a working group to develop standardized information about the rights of all minors and nonminors in foster care, and expanded requirements regarding the distribution of information regarding these rights.

***SB 794 (Senate Committee on Human Services), Chapter 425, Statutes of 2015***, adopted a number of changes to bring the state into compliance with the federal Preventing Sex Trafficking, and Strengthening Families Act (Public Law 113-183), and included, among other things, language to conform with federal law regarding reasonable and prudent parent standards.

***AB 81 (Strickland), Chapter 76, Statutes of 2009***, provided that a foster child who changes residences pursuant to a court order or decision of a child welfare worker is immediately deemed to have met all residency requirements for participation in interscholastic sports or other extracurricular activities.

***AB 408 (Steinberg), Chapter 813, Statutes of 2003***, made changes in dependency law to help achieve permanency for older foster youth, including providing that caregivers shall use a "prudent parent" standard in determining whether to give permission for a child residing in foster care to participate in age-appropriate extracurricular, enrichment, and social activities.

***AB 899 (Liu), Chapter 683, Statutes of 2001***, adopted California’s “Foster Youth Bill of Rights”.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

California Youth Connection (CYC) (Co-Sponsor)  
Youth Law Center (Co-Sponsor)  
Alliance for Children's Rights

California Alliance for Youth and Community Justice  
California Alliance of Caregivers  
Children Now  
East Bay Children's Law Offices  
Legal Services for Children  
National Association of Social Workers, California Chapter  
On the Move  
Partnership for Children & Youth  
Public Counsel  
Santa Cruz Barrios Unidos INC.  
Sigma Beta Xi, INC. (sbx Youth and Family Services)  
Young Women's Freedom Center

**Opposition**

None on file

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