

Date of Hearing: May 7, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 3238 (Smith) – As Amended May 4, 2020

**SUBJECT:** CalFresh: nonminor dependents exiting foster care

**SUMMARY:** Establishes a CalFresh eligibility liaison to assist nonminor dependents (NMDs) aging out of the foster care system with the CalFresh application process. Specifically, **this bill:**

- 1) Requires each county human services agency, on or before January 1, 2022, to designate at least one employee to serve as a CalFresh eligibility liaison to assist NMDs aging out of the foster care system with the application for CalFresh benefits.
- 2) Establishes the duties of the CalFresh eligibility liaison as all of the following:
  - a) Serve as an expert on CalFresh applications for NMDs exiting the foster system;
  - b) Assist an exiting NMD, upon request of that individual, in filling out CalFresh forms and completing the application process;
  - c) Ensure that the NMD's CalFresh application is properly submitted;
  - d) Maintain contact with the exiting NMD on a consistent basis to provide guidance through the CalFresh application and approval process via email, first-class mail, telephone, or text message; and,
  - e) Allow a notice of action regarding CalFresh benefits to be sent to the county human services agency on behalf of an exiting NMD until stable housing is obtained by the exiting NMD.
- 3) Requires the California Department of Social Services (CDSS) to assist county human services agencies in developing educational materials to help CalFresh eligibility liaisons effectively assist NMDs in completing their CalFresh applications. The materials must include, at a minimum, all of the following:
  - a) The location and mailing address of the local CalFresh office;
  - b) The telephone number of the local CalFresh office and the facsimile number where applications may be submitted;
  - c) A procedural guide and checklist of requirements to help exiting NMDs complete their CalFresh applications. The guide must include information on options if the NMD receives a notice of action regarding their CalFresh application or benefits; and,
  - d) The internet website for CalFresh.
- 4) Requires the NMD's child welfare worker to begin transitional meetings with the NMD 120 days prior to the termination of foster care. Permits the NMD's child welfare worker to

submit the NMD's CalFresh application on their behalf 90 days prior to the termination of foster care.

- 5) Provides that CalFresh eligibility liaisons, county social workers, probation officers, and nonprofit organizations are encouraged to collaborate to locate NMDs exiting foster care and to circulate information to them regarding CalFresh eligibility.
- 6) Provides that county social workers, probation officers, and nonprofit organizations are also encouraged to request educational materials from county human services agencies to assist NMDs exiting foster care in applying for CalFresh benefits.

**EXISTING LAW:**

- 1) Establishes the federal Supplemental Nutrition Assistance (SNAP) pursuant to the Food Stamps Act of 1964 to provide benefits to families and individuals meeting specified criteria. (7 U.S. Code Section 2011)
- 2) Establishes the CalFresh program for the administration of federal SNAP benefits to eligible individuals. Provides program requirements and eligibility, as specified. (Welfare and Institutions Code Section [WIC] 18900 *et seq.*)
- 3) Defines "nonminor dependent" as a foster child who is a dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, and satisfies all of the following criteria on or after January 1, 2012:
  - 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 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, or not more than 21 years of age on or after January 1, 2014, and as specified;
  - b) The NMD is in foster care under the placement and care responsibility of the county welfare department (CWD), county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement, as specified; and,
  - c) The NMD has a transitional independent living case plan, as specified. (WIC 11400 (v))
- 4) Defines a "case plan" as a written document that, at a minimum, specifies the type of home in which the child should be placed, the safety of that home, and the appropriateness of that home to meet the child's needs. The plan must include the agency's plan for ensuring that the child receives proper care and protection in a safe environment, and must set forth the appropriate services to be provided to the child, the child's family, and the foster parents, in order to meet the child's needs while in foster care and to reunify the child with the child's family. (WIC 11400 (b))
- 5) Provides that the court may retain jurisdiction over any person who is found to be a ward or a dependent child of the juvenile court until the ward or dependent child reaches 21 years of age. (WIC 303 (a))
- 6) Requires the court to maintain jurisdiction of any NMD, as specified. Allows the court to terminate its jurisdiction over a NMD between the time the NMD reaches the age of majority

and 21 years of age; however, the NMD will stay in the general jurisdiction of the court to allow for a petition, as specified. (WIC 303 (b))

- 7) Provides that a nonminor who has not yet reached age 21 and has exited foster care at or after the age of majority, may petition the court to resume dependency jurisdiction over themselves, or to assume transition jurisdiction, as specified. (WIC 303 (c))
- 8) Provides that nothing in statute gives legal custody of a person 18 years of age or older to the county welfare or probation department, or otherwise negates other rights that a person 18 years old or older has as an adult under other California law. Requires a NMD to maintain all of their legal decision-making authority as an adult. Additionally, requires a NMD to enter into a mutual agreement for placement, as specified, in which the nonminor consents to placement and care in a setting supervised by, and under the responsibility of, the county child welfare services department, the county probation department, or Indian tribe, tribal organization, or consortium of tribes. (WIC 303 (d)(1))
- 9) Provides that a NMD remaining under delinquency jurisdiction in order to complete rehabilitative goals and that is under foster care placement is not required to complete a mutual placement agreement. A NMD's adult decision-making authority may be limited by and subject to the care, supervision, custody, conduct, and maintenance orders, as specified. (WIC 303 (d)(2))
- 10) Requires that the rights of a dependent child and the responsibilities of the county welfare or probation department, tribe, or other entities, toward the child and family, also apply to NMD, unless otherwise specified. (WIC 303 (e))
- 11) Establishes that a minor or nonminor is within the transition jurisdiction of the juvenile court if they satisfy all of the following requirements:
  - a) The minor is a ward who is older than 17 years and 5 months of age and younger than 18 years of age and in foster care placement, or the nonminor is a ward in foster care placement who was a ward subject to an order for foster care placement on the day the nonminor attained 18 years of age and has not reached 21 years of age. A minor or nonminor that met or would meet the specified criteria but for the fact that the underlying adjudication was vacated, and the minor or nonminor has not attained 21 years of age is also within the transition jurisdiction of the court.
  - b) The ward meets any of the following conditions:
    - i) The ward was removed from the physical custody of the ward's parents or legal guardian, adjudged to be a ward of the juvenile court as specified, and ordered into foster care placement as a ward;
    - ii) The ward was removed from the custody of the ward's parents or legal guardian as a dependent of the court with an order for foster care placement as a dependent in effect at the time the court adjudged them to be a ward of the juvenile court, as specified; or,

- iii) The minor or nonminor met or would meet the conditions as described but for the fact that the underlying adjudication was vacated, and the minor or nonminor has not attained 21 years of age.
  - c) The rehabilitative goals of the minor or nonminor, as outlined in the case plan, have been met, and juvenile court jurisdiction over the minor or nonminor as a ward is no longer required, or the underlying adjudication was vacated; or,
  - d) If the ward is a minor, reunification services have been terminated; the matter has not been set for a hearing for termination of parental rights or the establishment of guardianship; the return of the child to the physical custody of the parents or legal guardian would create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being; and the minor has indicated an intent to sign a mutual agreement with the responsible agency for placement in a supervised setting as a NMD. If the ward is a nonminor, the ward has signed a mutual agreement with the responsible agency for placement in a supervised setting as a NMD or has signed a voluntary reentry agreement for placement in a supervised setting as a NMD they also fall under the transition jurisdiction of the court. A youth homelessness prevention center licensed by CDSS may not be a placement option under this section. (WIC 450 (a))
- 12) Requires a youth subject to the court's transition jurisdiction who is 18 years of age or older to be referred to as a NMD. (WIC 450 (c))
- 13) Requires each CWD to inform each applicant of the availability of expedited service and assistance in completing the CalFresh application and, upon request of the applicant, may assist in filling out forms and completing the application process for expedited service. (WIC 18912)
- 14) Requires the CWD, at the first review hearing for a dependent in the child welfare system after they have turned 16 years old, to provide various documents, information, and services. The CWD must submit a report verifying that the following materials have been provided:
- a) Social security card, if provided to the child;
  - b) Copy of the birth certificate;
  - c) Driver's license or identification card;
  - d) Assistance in obtaining employment, if applicable;
  - e) Assistance in applying for, or preparing to apply for, admission to a college or a vocational training program or other educational institution and in obtaining financial aid, if applicable;
  - f) Written information notifying the child that current or former dependent children are granted preference for student assistant or internship positions with state agencies, or with participating county agencies, until the child attains 26 years of age; and,
  - g) Written information notifying the child of any financial literacy programs or other available resources provided through the county or other community organizations to

help the youth obtain financial literacy skills, including, but not limited to, banking, credit card debt, student loan debt, credit scores, credit history, and personal savings. (WIC 391)

**FISCAL EFFECT:** Unknown

**COMMENTS:**

**CalFresh:** SNAP is the federal program that provides states funds to offer a nutritional benefit to low-income individuals and families. The benefit is meant to assist with access to healthy and nutritious foods and is distributed through various sources, depending on the state. Formerly known as food stamps, the program provides specific eligibility requirements and funding to states, with planning and implementation at the local level. SNAP eligibility standards are set by the United States Department of Agriculture (USDA) and include income tests, work requirements, and required documentation. The current maximum allowable gross income is 200% of the Federal Poverty Level (FPL); however, households with members who are elderly or have disabilities are instead subject to a net monthly income at or below 100% of the FPL.

In California, SNAP funds are administered through the CalFresh program. CalFresh is under the purview of CDSS and facilitated through the county human services agencies. Federal, state, and local governments share in the financial obligation of the administration of the program. Individuals can complete the CalFresh application online, over the phone, in-person at their county CalFresh office or through the mail, as specified. Eligible individuals in the state receive benefits through electronic cards, known as electronic benefits transfer (EBT) cards that are used to purchase food items, as well as seeds and plants that can be grown as food at home.

**Extended foster care:** Extended foster care is available to eligible youth that are aging out of the child welfare system in California. The benefit, created by the California Fostering Connections to Success Act of 2010, extends foster care assistance to youth after they reach 18 years old and age out of the child welfare system. The services provided to the eligible youth, referred to as NMDs, assist them into self-sufficiency and include educational opportunities, employment trainings and supervised independent living environments. Extended foster care is available to a NMD until they reach age 21 and includes various exit requirements to ensure the youth are provided with all the necessary information to thrive in their transition to adulthood.

**Food Insecurity:** The California Associations of Food Banks define “food insecurity” as the occasional or constant lack of access to the food one needs for a healthy, active life. Individuals who face food insecurity often are forced to make decisions between nurturing their physical health or maintaining other aspects of their life, leading to serious health effects. While California produces nearly half of the nation’s fruits and vegetables, our state continues to face high rates of food insecurity. Food security can be impacted by a variety of factors, including access to local healthy foods, the price of food, and the ability to store and prepare food.

**Need for this bill:** This bill would require each county to establish a CalFresh eligibility liaison to assist NMDs exiting the foster care system with the CalFresh application and process. Across our state, food insecurity is a daily obstacle for many, with 1 in 8 Californians struggling according to the California Associations of Food Banks. Individuals in the child welfare system are some of the most vulnerable in the state, despite the Legislature and stakeholders regularly collaborating to establish new supports and services to this population. Although assistance is available to those in the child welfare system, the utilization of particular benefits among current

and former foster youth is low. Currently, only 33% of foster youth have ever accessed the CalFresh benefit. Creating a county CalFresh eligibility liaison to assist NMD with the CalFresh application could increase the number of current and former foster youth that apply and participate in the program.

According to the author, "Food insecurity remains a problem in the United States. Across the nation, 11.1% of households were food insecure at least sometime during the year, including 4.3% that had very low food security. Former foster youth between the ages of 18-24 are among the most vulnerable populations in California. According to the County Welfare Directors Association, at the age of 19, only 33% of current and former foster youth had ever accessed CalFresh. As the Coronavirus pandemic of 2020 continues to devastate vulnerable communities, the Governor invested \$42 million to protect vulnerable younger Californians. This clearly demonstrates that California needs to address the issues within vulnerable populations."

***Recommended Committee Amendments:*** The committee staff recommends the following amendments:

***1) On page 2, strike out line 1 through line 14.***

***2) Delete pages 3 through 4.***

***3) On page 4, after line 18, insert the following:***

***(a)The department, on or before January 1, 2022, shall establish a pilot program in up to five counties in order to increase CalFresh enrollment and participation among nonminor dependents aging out of the child welfare system.***

***(b)Each county participating in the pilot program shall designate at least one employee to serve as a CalFresh eligibility liaison to assist nonminor dependents who are aging out of the child welfare system.***

***(c)Participating counties shall ensure CalFresh eligibility liaisons have knowledge of the CalFresh program, including eligibility requirements and the CalFresh application process, as well as knowledge of the child welfare system and best practices for working with nonminor dependents.***

***(d)The CalFresh eligibility liaison shall do all of the following:***

***1) Serve as an expert on the CalFresh program for those nonminor dependents aging out of the child welfare system.***

***2) Assist a nonminor dependent aging out of the child welfare system, at least 30 days before the nonminor dependent's 21st birthday, and upon the request of the nonminor dependent, in filling out CalFresh forms and completing the application process.***

***3) Ensure that the CalFresh application is properly submitted.***

*(e) County social workers and probation officers in participating counties are encouraged to inform nonminor dependents prior to the youth exiting the child welfare system about the availability of CalFresh and the services provided by the county's CalFresh liaison.*

*(f) A county that elects to participate in the pilot program pursuant to this section shall conduct an annual evaluation of the program's impact and effectiveness on increasing CalFresh applications and enrollment among nonminor dependents aging out of the child welfare system. The evaluation may also include a survey of nonminor dependents receiving services from the CalFresh eligibility liaison. Counties participating in the pilot shall submit their evaluation to the department and the Legislature no later than December 31st of each year. The evaluation shall be submitted to the Legislature in accordance with Section 9795 of the Government Code.*

*(g) This section shall remain in effect until January 1, 2028, and as of that date is repealed.*

#### **RELATED AND PRIOR LEGISLATION:**

*AB 718 (Eggman), Chapter 438, Statutes of 2019*, required CWDs to submit a report verifying to the juvenile dependency court that the county has provided specific information, documents, and services to foster youth in the child welfare system, as specified.

*AB 1229 (Wicks) of 2019* requires CDSS to issue guidance to county human services departments to increase CalFresh application and participation rates of exiting foster youth and requires the California Student Aid Commission to determine how much funding authority is necessary to establish a Transition Age Foster Youth Meal Plan Program. AB 1229 is pending in the Senate Appropriations Committee.

*AB 212 (Beall), Chapter 459, Statutes of 2011*, made various changes to the California Fostering Connections to Success Act in order to ensure proper implementation on January 1, 2012, and other changes to existing state law in order to comply with various provisions of federal law.

*AB 12 (Beall), Chapter 559, Statutes of 2009*, extended transitional foster care services to eligible youth between 18-21 years of age and required the state to seek federal financial participation in kinship guardianship assistance payments.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

Alliance for Children's Rights  
Child Abuse Prevention Center

##### **Opposition**

None on file

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