

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 546 (Maienschein) – As Amended March 18, 2021

SUBJECT: Dependent children: documents: housing

SUMMARY: Expands the list of information, documents, and services that a county welfare department, at the last review hearing prior to a youth's 18th birthday and at every regularly scheduled hearing thereafter, as well as prior to the termination of dependency jurisdiction, must report to the court its progress in providing to the youth to include the permanency of a youth's housing, if known, whether referrals to transitional housing or assistance in securing housing have been successful for the youth, and, if not, what different or additional services the county welfare department has provided to prevent the youth from becoming homeless if jurisdiction is terminated.

EXISTING LAW:

- 1) 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. (Welfare and Institutions Code Section [WIC] 300.2)
- 2) Provides for extended foster care funding for youth until age 21, as well as adopts other changes to conform to the federal Fostering Connections to Success Act. (WIC 241.1, 303, 366.3, 388, 391, 450, 11400, 11402, 11403)
- 3) Defines "nonminor dependent" as a current foster youth or a nonminor under the transition jurisdiction of the court who: is between 18 and 21 years old, turned 18 years old while under an order of foster care placement, is in foster care under the responsibility of the county welfare department, county probation department, or Indian Tribe, and is participating in a transitional independent living plan, as specified. (WIC 11400(v))
- 4) Requires the county welfare department, at the last regularly scheduled review hearing held before a dependent child attains 18 years of age, to submit a report verifying that certain information, documents, and services have been provided to the minor or nonminor, including, but not limited to: social security card; certified copy of the birth certificate; Medi-Cal Benefits Identification Card; and, if applicable, proof of the minor's or nonminor's citizenship or legal residence, among other information, as specified. (WIC 391(b))
- 5) Requires the county welfare department, at the last regularly scheduled review hearing held before a dependent child attains 18 years of age, and at every regularly scheduled review hearing thereafter, to submit a report describing efforts toward providing certain information, documents, and services to the minor or nonminor, including, but not limited to: assistance in obtaining employment, if applicable; assistance in applying for, or preparing to apply for, admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where applicable; and, written information notifying the child that youth exiting foster care at 18 years of age or older are eligible for Medi-Cal until they reach

26 years of age, regardless of income, and are not required to submit an application, among other information, as specified. (WIC 391(c))

- 6) Prohibits the court from terminating dependency jurisdiction over a nonminor dependent (NMD) who has attained 18 years of age until a hearing is conducted pursuant to current law, and, further, prohibits jurisdiction from being terminated until the county welfare department has submitted a report verifying that certain information has been provided to the nonminor, and in the case of a nonminor who, after reasonable efforts by the county welfare department, cannot be located, verifying the efforts made to make certain information and services available to the nonminor, including: written information concerning the NMD's dependency case; the health and education summary; and, assistance with referrals to transitional housing, if available, or assistance in securing other housing, among others, as specified. (WIC 391(h))

FISCAL EFFECT: Unknown

COMMENTS:

Child welfare services system: The goal of California's Child Welfare Services (CWS) system is ultimately to protect children from abuse and neglect, and provide for their health, safety, and overall well-being. When a child is identified as being at risk of abuse or neglect, county juvenile courts hold legal jurisdiction and the CWS system appoints a social worker in order to ensure the needs of the child are met. Through the CWS system, multiple opportunities arise for the judicial system to evaluate, review, and determine the custody of the child, or determine the best out-of-home placement for the youth. Together, the judicial system and the child's social worker ensure that the best possible services are provided to the child. The CWS system, when appropriate, also works to reunite children who have been removed from the custody of their parents or guardians with individuals they consider to be family in order to maintain familial bonds wherever possible. As of October 1, 2020, there were 60,045 youth placed in California's child welfare system.

Extended foster care: In 2010, AB 12 (Beall), Chapter 559, Statutes of 2010, extended foster care benefits for certain eligible youth until the age of 21. Prior to the expansion of foster care benefits, youth "aged out" of the CWS system at 18 years old and were required to navigate the challenges of young adulthood, including obtaining education, stable housing, and employment, without the support of the CWS system. In recognition of the difficulties faced by these youth, extended foster care provides eligible youth between the ages of 18 and 21, known as NMDs, with the services and supports they need to experience independent living in supervised living environments. Extended foster care also enables youth to obtain educational and employment training to better prepare them to transition to adulthood and self-sufficiency.

Youth homelessness: In March 2021, the U.S. Department of Housing and Urban Development released its Annual Homeless Assessment Report (AHAR) to Congress, which found that, nationwide, on a single night in January 2021, 34,210 people experienced homelessness on their own as an "unaccompanied youth." Unaccompanied youth are defined as people in households without children, who are not a part of a family with children, or accompanied by their parent or guardian during their episode of homelessness and are between the ages of 18 and 24. California reported the largest numbers of homeless unaccompanied youth (12,172), accounting for over a third of all unaccompanied youth nationally. Additionally, 56% (9,510 individuals) of the homeless youth in California were unsheltered, meaning they are in living situations that include

couch surfing, staying in shelters, and living under bridges, in abandoned buildings, and on the streets.

Homelessness among youth is often unique from homelessness among other populations, such as seniors, veterans, and families, as transition age youth often enter homelessness with little or no work experience, experience high levels of criminal victimization, such as sexual exploitation and labor trafficking, and often enter homelessness without the life skills necessary to secure employment and housing, such as money management, housekeeping, and job searching. Homelessness among transition age youth occurs for a variety of reasons, but overwhelmingly, family conflict and breakdown, including abuse or neglect, alcohol or drug addition of a family member, pregnancy, and rejection over sexual orientation, are cited as root causes. Additionally, many youth in the child welfare, juvenile justice, and/or mental health systems become homeless when they transition out without the housing and employment opportunities that often accompany these systems.

The CalYOUTH study, which is administered by Chapin Hall at the University of Chicago, and is conducted in collaboration with the California Department of Social Services and the County Welfare Directors Association of California, evaluates the impacts of extended foster care on foster youth transitioning to adulthood. The CalYOUTH study found that more than half of the youth surveyed (718 young people) stated that just under one-fifth of study participants reported experiencing homelessness between ages 17 and 19, whereas about one-quarter reported experiencing homelessness at some point between ages 19 and 21, and between ages 21 and 23.

Need for this bill: The provisions of this bill seek to address the high rates of homelessness among California's young people, particularly those who are involved in the child welfare system, by requiring county welfare departments to report to the court at certain review hearings whether foster youth are living in permanent housing, if known, whether housing referrals or assistance have been successful at securing housing for the youth, and, if not, what different or additional services the department has provided that are intended to prevent the youth from becoming homeless if the court terminates jurisdiction.

According to the author, "Homelessness is a significant problem among children who grew up in the foster care system. California is responsible for the well-being of these children and we owe them our best, yet too many are exiting the system into precarious or unstable housing conditions. Nationwide, 1 in 4 foster youth who age out of the system each year will end up experiencing homelessness within four years. We must do better. [This bill] will help dependency judges be informed whether a child under the court's care is exiting into homelessness and what steps are being taken within existing resources to prevent that looming tragedy. By requiring every dependency court judge to be informed about whether a child exiting their jurisdiction is exiting to homelessness we will better ensure that all available current resources are deployed to benefit these children and prevent them from entering the cycle of homelessness."

Double referral: This bill will be referred to the Assembly Judiciary Committee should it pass out of this committee.

PRIOR AND RELATED LEGISLATION:

AB 674 (Bennett) of 2021, would expand the list of information, documents, and services that a county welfare department, at the last review hearing prior to the youth's 18th birthday, must

report to the court its progress in providing to the youth to include written information notifying the minor or nonminor that they may be eligible to receive CalFresh benefits. AB 674 is scheduled to be heard in the Assembly Human Services Committee on April 7, 2021.

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 212 (Beall), Chapter 459, Statutes of 2011, made various clarifying and substantive changes to the California Fostering Connections to Success Act in order to ensure proper implementation by adopting, among other changes, an expansion of the documents required to be provided prior to a court terminating jurisdiction over a dependent to include an advance health care directive form, the judicial counsel form that a youth would use to resume dependency under extended foster care, and the federally required 90-day transition plan.

AB 12 (Beall), Chapter 559, Statutes of 2010, the California Fostering Connections to Success Act, allowed for dependent youth to participate in extended foster care by providing an option for continued jurisdiction of federally-eligible NMDs or former dependents of the juvenile court who are between the ages of 18 and 21.

AB 2310 (Maze and Bass), Chapter 131, Statutes of 2008, required the county welfare department to provide additional information and documents to a person in the foster care system who has reached the age of majority before the juvenile court terminates jurisdiction over that individual.

REGISTERED SUPPORT / OPPOSITION:

Support

Children's Advocacy Institute (Sponsor)
Alliance for Children's Rights
Children Now
Children's Law Center of California
East Bay Family Defenders
Los Angeles Dependency Lawyers, INC.
Public Counsel

Opposition

None on file

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