

Date of Hearing: March 26, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 718 (Eggman) – As Introduced February 19, 2019

SUBJECT: Dependent children: documents

SUMMARY: Makes changes to current law regarding information, documents, and services to be provided to foster youth at various points throughout their involvement with the child welfare services system. Specifically, **this bill:**

- 1) Includes written information notifying a youth about financial literacy resources among the list of information, documents, and services that current law requires a county welfare department to verify, in a report to the juvenile court, has been provided to a nonminor prior to dependency jurisdiction over that nonminor dependent being terminated, as specified.
- 2) Revises the list of information, documents, and services that a county welfare department, at the last review hearing prior to that youth's 18th birthday, and at every subsequent review hearing, must report to the court its progress in providing to the youth, as follows:
 - a) Removes the health and education summary, the 90-day transition plan, written verification of Medi-Cal eligibility, and the Medi-Cal Benefits Identification Card, as specified; and,
 - b) Adds assistance with obtaining employment, assistance with applying for admission to educational or training programs and financial aid, written information regarding foster youth and former foster youth being granted preference in certain public sector student assistance or internship positions, written information about financial literacy resources, referrals to transition housing or assistance in securing other housing, assistance in maintaining relationships with individuals who are important to a youth who has been in out-of-home placement for six or more months, and the whereabouts of any siblings, as specified.
- 3) Requires, at the first regularly scheduled review hearing after a dependent youth has turned 16 years old, a county welfare department to submit a report verifying that the following has been provided to the youth, as specified:
 - a) The youth's social security card, so long as it is only provided temporarily and for one of the following purposes: to obtain employment; to apply to a postsecondary education institution or vocational training program; to apply for financial aid; as otherwise determined by the youth's caseworker, including in response to a request from the youth;
 - b) A copy of the youth's birth certificate, and a certified copy of the youth's birth certificate upon request of the youth;
 - c) The youth's driver's license or identification card;
 - d) Assistance in obtaining employment, if applicable;

- e) Assistance in preparing to apply for or applying for admission to college, a vocational training program, or other educational institution, and in obtaining financial aid, where applicable;
 - f) Written notification regarding foster youth and former foster youth being granted preference in certain public sector student assistant or internship positions; and,
 - g) Written information about financial literacy resources.
- 4) Makes technical changes.

EXISTING LAW:

- 1) Permits the juvenile court to adjudge a child a dependent of the court for specified reasons, including, but not limited to, if a child has suffered or is at substantial risk of suffering serious physical harm, emotional damage, or sexual abuse, as specified. (Welfare and Institutions Code [WIC] Section 300)
- 2) 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)
- 3) Declares the intent of the Legislature to, whenever possible, preserve and strengthen a child's family ties and, when a child must be removed from the physical custody of his or her parents, to give preferential consideration to placement with relatives. States the intent of the Legislature 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 the intent of the Legislature 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)
- 4) Requires out-of-home placement of a child in foster care to be based upon selection of a safe setting that is the least restrictive family setting that promotes normal childhood experiences and the most appropriate setting that meets the child's individual needs, as specified. Further requires the selection of placement to consider, in order of priority, placement with: relatives, nonrelative extended family members, and tribal members; foster family homes, resource families, and approved or certified homes of foster family agencies; followed by intensive services for foster care homes or multidimensional treatment foster care homes or therapeutic foster care homes; group care placements in the order of short-term residential therapeutic programs, group homes, community treatment facilities, and out-of-state residential treatment, as specified. (WIC 16501.1(d)(1))
- 5) Enumerates 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 he or she is treated with respect; be free from physical, sexual, emotional, or other abuse, or corporal punishment; receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance; receive medical, dental, vision, and mental health services; be involved in the development of his or her own case plan and plan for permanent placement; and review his or her own case plan and plan for permanent placement, if he or she is 12 years of age or

older and in a permanent placement, and receive information about his or her out-of-home placement and case plan, including being told of changes to the plan. (WIC 16001.9)

- 6) 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 placement and care responsibility of the county welfare department, county probation department, or Indian tribe, or tribal organization; and has a transitional independent living plan, as specified. (WIC 11400 (v))
- 7) Requires the juvenile court to continue dependency jurisdiction over a nonminor who meets the definition of nonminor dependent unless the court finds that either the nonminor does not wish to remain subject to dependency jurisdiction, or that the nonminor is not participating in a reasonable and appropriate transitional independent living case plan. Additionally, in making the findings regarding continuing dependency jurisdiction of a nonminor, the court is also required to find that the nonminor has been informed of their options, including the benefits of remaining in foster care and the right to re-enter foster care, and has had an opportunity to confer with their counsel if counsel has been appointed, as specified. (WIC 391 (c))
- 8) Prohibits the dependency court from terminating jurisdiction over a nonminor, except in cases where the nonminor cannot be located after reasonable and documented efforts, unless a hearing has been conducted, and requires the county welfare department to do all of the following at such a hearing where the court is considering termination of jurisdiction of the juvenile court over the nonminor:
 - a) Ensure that the nonminor dependent is in court, unless specified exceptions exist;
 - b) Submit a report describing whether or not it is in the nonminor’s best interests to remain under the court’s dependency jurisdiction, to include a recommended transitional independent living case plan in instances where continued jurisdiction over the nonminor is described as being in the nonminor’s best interest;
 - c) Submit documentation, in instances where the county welfare department recommends termination of the court’s dependency jurisdiction, of the reasonable efforts made by the county welfare department to provide the nonminor with the assistance needed to meet or maintain eligibility as a nonminor dependent, as specified; and,
 - d) Ensure that the report addresses, when the nonminor has indicated that they do not want dependency jurisdiction to continue, the manner in which the nonminor was advised of their options, as specified. (WIC 391 (a), (b), and (d))
- 9) Prohibits the court from terminating dependency jurisdiction over a nonminor until a hearing is conducted and the county welfare department has submitted a report verifying that certain information, documents, and services have been provided to the nonminor or, in the case of a nonminor who can’t be located, verifying efforts made to provide these items and services to the nonminor, as specified. Stipulates that the information, documents, and services to be provided include, as specified:
 - a) Written information concerning the nonminor’s case;

- b) The following documents: social security card, certified copy of the nonminor's birth certificate, health and education summary, driver's license or identification card, a letter prepared by the county welfare department containing certain information related to the nonminor and their being within the jurisdiction of the juvenile court, the death certificate of the youth's parent(s) if applicable, proof of the nonminor's citizenship or legal residence if applicable, an advance health care directive form, the Judicial Council form a nonminor would use to file a petition to resume dependency jurisdiction, the written 90-day transition plan, and written verification that the eligible nominor is enrolled in Medi-Cal and the nonminor's Medi-Cal Benefits Identification Card;
 - c) Continued and uninterrupted enrollment in Medi-Cal for eligible nonminors;
 - d) Referrals to transitional housing, if available, or assistance in securing other housing;
 - e) Assistance in obtaining employment or other financial support;
 - f) Assistance in applying for admission to college or to a vocational training program or other educational institution, and assistance in obtaining financial aid, where appropriate;
 - g) Assistance, based on the nonminor's best interests, in maintaining relationships with individuals important to a nonminor who has been in out-of-home placement for six months or more;
 - h) Assistance in accessing the Independent Living Aftercare Program and, upon the nonminor's request, assistance in completing a voluntary re-entry agreement and filing a petition to resume dependency jurisdiction; and,
 - i) Written notification regarding foster youth and former foster youth being granted preference in certain public sector student assistance or internship positions. (WIC 391 (e))
- 10) Requires a county welfare department to, at the hearing closest to and before a dependent minor's 18th birthday and every review hearing thereafter for nonminors, submit a report describing efforts toward completing the following items: social security card, certified copy of the nonminor's birth certificate, health and education summary, driver's license or identification card, a letter prepared by the county welfare department containing certain information related to the nonminor and their being within the jurisdiction of the juvenile court, the death certificate of the youth's parent(s) if applicable, proof of the nonminor's citizenship or legal residence if applicable, an advance health care directive form, the Judicial Council form a nonminor would use to file a petition to resume dependency jurisdiction, the written 90-day transition plan, and written verification that the eligible nominor is enrolled in Medi-Cal and the nonminor's Medi-Cal Benefits Identification Card. (WIC 391 (f))
- 11) Requires, when a youth is placed in foster care, the case plan for each youth to include a summary of the health and education information and records, including mental health information and records, of the youth, to contain certain information, as specified. (WIC 16010 (a))
- 12) Authorizes a nonminor who is at least 18 years old while subject to an order for foster care placement but who is not yet 21 years old or older, and certain other entities on behalf of the

nonminor, to petition the court to resume dependency jurisdiction over a former dependent or to assume or resume transition jurisdiction over a former ward, and establishes related requirements and processes, as specified. (WIC 388 (e))

- 13) Defines “voluntary re-entry agreement” to mean a voluntary agreement between a former dependent youth, ward, or a former nonminor dependent whose county welfare or probation department or tribal placing entity documents the nonminor’s desire and willingness to re-enter foster care to be placed in a supervised setting under the placement and care responsibility of the placing agency, and stipulates related obligations on the part of the nonminor, as specified. (WIC 11400 (z))
- 14) Requires, during the 90-day period prior to a dependent youth attaining 18 years of age or older, a caseworker or other individual, as appropriate, to provide the youth or nonminor dependent with assistance and support in developing a 90-day transition plan that is personalized for the youth and includes options regarding such factors as housing, health insurance, education, support services, and the like, as specified. (WIC 16501.1 (g)(16)(B))
- 15) Requires, to the extent federal financial participation is available, the Department of Health Care Services to provide Medi-Cal benefits to an individual until their 26th birthday if they were in foster care on their 18th birthday, as specified. (WIC 14005.28)

FISCAL EFFECT: Unknown

COMMENTS:

Child Welfare Services: In California during calendar year 2017, almost 500,000 children had allegations of child abuse or neglect made regarding them. Of these children, approximately 71,000 (14%) had allegations that were substantiated, and 28,000 (40% of children with substantiations) were removed from their homes and entered foster care via the state’s Child Welfare Services (CWS) system. (However, children who have reports of abuse or neglect substantiated but are not removed from the home may also receive, along with their families, family maintenance services; these services may in some instances be ordered by the court and, in others, based upon a voluntary agreement with the parent where the courts are not involved. Family maintenance services typically involve a social worker working with a family in the home to prevent and remedy abuse and neglect, and can include a variety of services such as counseling, parent education, respite care, substance use disorder treatment, domestic violence intervention, and victim services.)

The CWS system serves to protect children from abuse and neglect, and to provide for their health and safety. When a county juvenile court finds that a youth is subject to or at substantial risk of maltreatment warranting their removal from the home, the court holds legal jurisdiction over the youth. A youth is served by the CWS system through the appointment of a social worker, and many opportunities exist during which the custody of the youth, or their placement outside of the home, must be evaluated, reviewed and determined by the judicial system, in consultation with the youth's social worker, to help provide the best possible services to the youth. When a youth has been removed from the home, the goal of the CWS system is, often, to reunify them with their parents or guardians, whenever appropriate. When a youth’s reunification with their family is not appropriate, the second highest placement priority of the CWS system is to place youth with other relatives or nonrelative extended family members. Youth may also be placed in foster homes – referred to as “resource family” homes – overseen

by either the county or a foster family agency. Specialized placement and service options also exist for youth with significant behavioral health and other needs; these placements and related services can include specially trained intensive services foster care resource families, and intensive, temporary placement in short-term residential therapeutic programs, which are replacing group homes under significant changes adopted in recent years per the state's Continuum of Care Reform. As of October 1, 2018, there were 59,487 children in California's child welfare system.

Extended foster care: The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), along with adopting other provisions related to improving outcomes for youth placed in foster care, authorized states to extend Social Security Act Title IV-E foster care assistance to eligible youth in the child welfare and probation systems until they turned 21. AB 12 (Beall and Bass), Chapter 559, Statutes of 2010 – the California Fostering Connections to Success Act, along with additional subsequent state legislation, implemented provisions of this federal Act, thereby allowing for participation of eligible youth in “extended foster care” until the age of 21. Extended foster care is optional; youth who are between the ages of 18 and 21 participating in extended foster care are referred to as “nonminor dependents.” Youth who are in a foster care placement (including those that are probation-supervised) on their 18th birthday may be eligible for extended foster care if they meet a number of requirements including, among others: participating (unless exempt) in certain educational or employment activities; living in an approved placement; and agreeing to work with their social worker or probation officer, as applicable, on meeting goals outlined in their Transitional Independent Living Case Plan. Approved placements can include remaining in an existing placement (such as with a relative or other resource family), and certain transitional housing and supervised independent living placements. Extended foster care offers many CWS system-involved youth financial support, educational and housing opportunities, and other services and supports as they transition to adulthood.

Importance of financial literacy for foster youth: A December 2014 issue brief from the Urban Institute's Center of Labor, Human Services, and Population pointed to the need among some foster youth for greater financial skills and literacy, stating that, “Many youth receive limited support as they transition out of foster care. Among the supports they lack, financial support and stability are some of the most important because these youth face financial independence almost immediately once they exit care and often at an earlier age than their peers. While those who are in college may receive assistance in a lump sum at the beginning of a semester or a monthly payment, most—like youth in the general population—are not equipped to manage all their money independently at age 18 or even at age 21. Compounding these challenges is the reality that many youth in foster care lack the financial skills required for independence and have reduced financial capability for several reasons,” that include lack of financial support from family, lack of savings, and less exposure to financial stability and healthy financial behaviors.

Need for this bill: Current law requires the provision of certain documents, information, and services to a nonminor dependent prior to termination of jurisdiction over that nonminor dependent. Current law also requires a county welfare department to, at the hearing before a dependent minor turns 18 years old, and at every review hearing thereafter, submit a report describing efforts toward providing certain documents and information to the youth. This bill seeks to increase the access that foster youth and nonminor dependents have to various documents, information, and services – and to broaden those items to include financial literacy resources – as they transition to adulthood and greater levels of independence, acknowledging

the need that some youth may have for such materials and supports before they turn 18 years old, and between turning 18 and exiting foster care. (It should be noted that the bill removes the requirement that the county provide, at the pre-18 and subsequent review hearings, updates on the health and education summary, the 90-day transition plan, written verification of Medi-Cal eligibility, and the Medi-Cal Benefits Identification Card; these documents and information are also required to be provided prior to termination of jurisdiction.)

According to the author, “While many positives have come from the extension of benefits for youth involved in the foster care system, one result of the implementation of AB 12 (2010) has been that many youth do not receive important documents, such as their social security card, driver’s license, and birth certificate, until well past the period when they need these documents to navigate employment, housing, higher education or financial aid applications. [This bill] would provide youth with important documentation and support when it is needed, which will give them a better opportunity to achieve their goals and be independent.”

Recommended amendments: In order to ensure that youth, at the hearing just prior to their 18th birthday, receive certain documents and information (including the Medi-Cal Benefits Identification Card, which the bill currently mandates the provision of only at the hearing regarding termination of jurisdiction, but which may benefit a youth earlier on) – while also ensuring that, at that hearing and each subsequent review hearing, county welfare departments report on the provision certain other information and services that could be useful at various points during their nonminor dependency – and in order to make technical clarifications, ***committee staff recommend the following amendments:***

1) Make the following amendments beginning on line 6 of page 7 of the bill:

- 4 (b) At the last regularly scheduled review hearing held pursuant
 5 to subdivision (d) of Section 366.3 before a dependent child attains
 6 18 years of age, ~~and at every regularly scheduled review hearing~~
 7 ~~thereafter~~, the county welfare department shall submit a report
 8 ~~describing efforts toward providing~~ verifying that the following information,
 9 documents, and services have been provided to the minor or nonminor:
- 10 (1) Social security card.
 11 (2) Certified copy of the birth certificate.
 12 (3) Driver’s license, as described in Section 12500 of the Vehicle
 13 Code, or identification card, as described in Section 13000 of the
 14 Vehicle Code.
- (4) Medi-Cal Benefits Identification Card.
- 15 ~~(4) Assistance in obtaining employment, if applicable.~~
 16 ~~(5) Assistance in applying for, or preparing to apply for,~~
 17 ~~admission to college or to a vocational training program or other~~
 18 ~~educational institution and in obtaining financial aid, where~~
 19 ~~applicable.~~
- 20 ~~(6) Written information notifying the child that a current or~~
 21 ~~former dependent child who is or has been in foster care is granted~~
 22 ~~a preference for student assistant or internship positions with state~~
 23 ~~agencies pursuant to Section 18220 of the Government Code, or~~
 24 ~~with participating county agencies pursuant to Section 31000.11~~
 25 ~~of the Government Code, until the child attains 26 years of age.~~

26 ~~(7) Written information notifying the child of any financial~~
27 ~~literacy programs or other available resources provided through~~
28 ~~the county or other community organizations to help the youth~~
29 ~~obtain financial literacy skills, including, but not limited to,~~
30 ~~banking, credit card debt, student loan debt, credit scores, credit~~
31 ~~history, and personal savings.~~

32 ~~(8) (5)~~ A letter prepared by the county welfare department that
33 includes the following information:

34 (A) The minor's or nonminor's name and date of birth.

35 (B) The dates during which the minor or nonminor was within
36 the jurisdiction of the juvenile court.

37 (C) A statement that the minor or nonminor was a foster youth
38 in compliance with state and federal financial aid documentation
39 requirements.

40 ~~(D) (6)~~ If applicable, the death certificate of the parent or parents.

P8 1 ~~(E) (7)~~ If applicable, proof of the minor's or nonminor's citizenship
2 or legal residence.

3 ~~(F) (8)~~ An advance health care directive form.

4 ~~(G) (9)~~ The Judicial Council form that the minor or nonminor would
5 use to file a petition pursuant to subdivision (e) of Section 388 to
6 resume dependency jurisdiction.

7 ~~(9) If applicable, referrals to transitional housing, if available,~~
8 ~~or assistance in securing other housing.~~

9 ~~(10) Assistance in maintaining relationships with individuals~~
10 ~~who are important to a nonminor who has been in out of home~~
11 ~~placement for six months or longer from the date the nonminor~~
12 ~~entered foster care, based on the nonminor's best interests.~~

13 ~~(11) The whereabouts of any siblings under the jurisdiction of~~
14 ~~the juvenile court, unless the court determines that sibling contact~~
15 ~~would jeopardize the safety or welfare of either sibling.~~

c) At the last regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 before a dependent child attains 18 years of age, and at every regularly scheduled review hearing thereafter, the county welfare department shall submit a report describing efforts toward providing the following information, documents, and services to the minor or nonminor:

(1) Assistance in obtaining employment, if applicable.

(2) 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.

(3) Written information notifying the child that a current or former dependent child who is or has been in foster care is granted a preference for student assistant or internship positions with state agencies pursuant to Section 18220 of the Government Code, or with participating county agencies pursuant to Section 31000.11 of the Government Code, until the child attains 26 years of age.

(4) 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.

(5) If applicable, referrals to transitional housing, if available, or assistance in securing other housing.

(6) Assistance in maintaining relationships with individuals who are important to a minor or nonminor who has been in out-of-home placement for six months or longer from the date the minor or nonminor entered foster care, based on the minor's or nonminor's best interests.

(7) The whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of either sibling.

16 ~~(e)~~ (d) The dependency court shall not terminate jurisdiction over
17 a nonminor unless a hearing is conducted pursuant to this section.
18 At any hearing at which the court is considering terminating
19 jurisdiction over a nonminor, the county welfare department shall
20 do all of the following:

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2) Make the following amendment on line 13 of page 10 of the bill:

P10 1 county welfare department, cannot be located, verifying the efforts
2 made to make the following available to the nonminor:

3 (1) Assistance in accessing the Independent Living Aftercare
4 Program in the nonminor's county of residence, and, upon the
5 nonminor's request, assistance in completing a voluntary reentry
6 agreement for care and placement pursuant to subdivision (z) of
7 Section 11400 and in filing a petition pursuant to subdivision (e)
8 of Section 388 to resume dependency jurisdiction.

9 (2) Written information concerning the nonminor's dependency
10 case, including, but not limited to, all of the following:

11 (A) Any known information regarding the nonminor's Indian
12 heritage or tribal connections.

13 (B) ~~If applicable, the~~ The nonminor's family history and placement
14 history.

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

PRIOR LEGISLATION:

SB 996 (Evans) of 2014 would have revised and recast existing law specifying the documents and information that are required to be provided to a dependent youth prior to terminating dependency. SB 996 would have required this information to be provided at the first regularly scheduled hearing after the youth has reached age 18, rather than at termination of dependency and, additionally, required the same information be provided to dependent youth at age 16. SB 996 was vetoed by the Governor.

SB 343 (Yee) of 2013 was similar to this bill. SB 343 was held on the Assembly Appropriations Committee suspense file.

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 nonminor dependents 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.

AB 686 (Aroner) Chapter 911, Statutes of 2000, among other things, required the county to verify to the juvenile dependency court that it has provided certain information and services to the dependent minor prior to termination of court jurisdiction, and to authorize the court to continue jurisdiction if it found that such information and services were not provided and that it would be harmful to the child's best interest to terminate jurisdiction.

REGISTERED SUPPORT / OPPOSITION:

Support

Children's Law Center of California (Sponsor)
Alliance for Children's Rights
California Alliance of Child and Family Services
California Lawyers Association – Family Law Section
Children Now
Children's Legal Services of San Diego
Court Appointed Special Advocates of Sacramento County
East Bay Children's Law Offices

First Place for Youth
Foster Care Counts
John Burton Advocates for Youth
Juvenile Defense Panel
Public Counsel

Opposition

None on file

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