

Date of Hearing: March 28, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES
Corey A. Jackson, Chair
AB 866 (Blanca Rubio) – As Introduced February 14, 2023

SUBJECT: Food assistance for nonminor dependents

SUMMARY: This bill would require the California Department of Social Services (CDSS) to establish a state-funded program to provide food assistance for nonminor dependents (NMDs) who are residing in a supervised independent living placement (SILP) or a transitional living setting. Specifically, **this bill:**

- 1) Requires CDSS to establish a state-funded program to provide food assistance for NMDs who are residing in a SILP or a transitional living setting.
- 2) Requires, to the extent permissible by federal law, the program to utilize the existing CalFresh and electronic benefits transfer system infrastructure to implement these provisions.
- 3) Except as specified in 4), requires, upon appropriation, an eligible NMD to receive aid in the following amounts:
 - a) NMDs residing in a SILP or transitional living setting are to receive an amount equal to the maximum benefit amount allotted for a household size of one under the CalFresh program, without regard to income or resources; and,
 - b) NMDs residing in a SILP or transitional living setting who are custodial parents are to receive an amount equal to the maximum benefit amount allotted under the CalFresh program for the NMD's household size, without regard to income or resources.
- 4) Authorizes the county to screen NMDs for eligibility for CalFresh benefits, based on their income and resources, and, if the NMD is eligible for CalFresh benefits, for the amount paid to be the difference between the NMD's CalFresh payment and the maximum benefit allotted for their household size.
- 5) Establishes the beginning date of aid to be the first day of the month in which the NMD is placed in the SILP.
- 6) Requires, if the NMD no longer resides in the SILP or transitional living setting, the county to immediately re-determine the NMD's eligibility for CalFresh and the program described in these provisions, based upon the NMD's income and resources.
- 7) States intent of the Legislature that the NMD not experience any interruption in aid due to a change in, or loss of, placement.
- 8) Notwithstanding the rulemaking provisions of the Administrative Procedure Act, authorizes CDSS to implement and administer these provisions through all-county letters or similar instructions without taking regulatory action until final regulations are adopted, but in no event longer than 18 months after the date upon which this chapter becomes operative.

EXISTING LAW:

- 1) Establishes under federal law the “Supplemental Nutrition Assistance Program” (SNAP) pursuant to the Food Stamp Act of 1964 and establishes, in California statute, the CalFresh program to administer the provision of federal SNAP benefits to families and individuals meeting certain criteria, as specified. (7 United States Code Section [USC] 2011 *et seq.*, WIC 18900 *et seq.*)
- 2) Establishes the Electronic Benefits Transfer (EBT) Act and defines the EBT system as the program designed to provide benefits to those eligible to receive public assistance benefits such as CalFresh. (Welfare and Institutions Code Section [WIC] 10065 *et seq.*)
- 3) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect, or have been abused or neglected, as specified. (WIC 202)
- 4) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, 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)
- 5) Provides for extended foster care funding for youth until 21 years of age, and adopts other changes to conform to the federal Fostering Connections to Success Act. (WIC 241.1, 303, 366.3, 388, 391, 11400, 11402, 11403)
- 6) Defines a “nonminor dependent” as a current or former foster youth who is between 18 and not more than 20 years of age, in foster care under the responsibility of the county welfare department, county probation department, or Indian tribe, and participating in a Transitional Independent Living Plan (TILP). (WIC 11400(v))
- 7) “Supervised independent living placement” means, on and after January 1, 2012, an independent supervised setting in which an NMD is living independently, pursuant to federal law. (WIC 11400(w))
- 8) Defines “supervised independent living setting” as including the following: a SILP; a residential housing unit certified by a transitional housing placement provider operating a Transitional Housing Program (THP) for NMDs; and, a transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements. (WIC 11400(x))
- 9) Requires aid in the form of Aid to Families with Dependent Children-Foster Care (AFDC-FC) to be provided on behalf of any child under 18 years of age, and to any NMD who meets specified conditions. (WIC 11401)
- 10) Requires counties to review the child’s or NMD’s payment amount annually, to include an examination of any circumstances of a foster child or NMD that are subject to change and could affect the potential eligibility or payment amount, including, but not limited to, authority for placement, eligible facility, and age. (WIC 11401.5)

- 11) Allows NMDs who meet general AFDC-FC requirements, as well as one or more of a set of specified requirements, to voluntarily continue placement in or to re-enter into foster care. (WIC 11403(b))
- 12) Establishes relevant definitions for purposes of AFDC-FC. (WIC 11400)
- 13) Enumerates specified eligibility requirements for AFDC-FC funding. (WIC 11402)
- 14) Allows a nonminor former foster youth under the age of 21 to petition the court for re-entry into foster care if their guardian or adoptive parent is no longer providing them with support and no longer collecting benefits on behalf of the youth. (WIC 388.1)

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

COMMENTS:

Background:

Child Welfare Services (CWS): California's CWS system was established with the goal of protecting youth from abuse and neglect and is designed to provide for the safety, health, and overall well-being of children. When a child is identified as being at risk of abuse or neglect, reports can be made to either law enforcement or a county child welfare agency. Often, these reports are submitted by mandated reporters who are legally required to report suspicion of child abuse or neglect due to their profession, such as a teacher or physician. When a mandated reporter submits a report to either law enforcement or the county child welfare agency, a social worker determines whether the allegation is of suspected abuse, neglect, or exploitation. The child's social worker and the court collaborate to evaluate and review the circumstances of each case, seeking either reunification or placement outside of the home as a way for the child to achieve permanency.

California's CWS programs are administered by the 58 individual counties with each county organizing and operating its own program of child protection based on local needs while adhering to state and federal regulations. When a child welfare case is open, counties are the primary governmental entity interacting with children and families when addressing issues of child abuse and neglect and are responsible, either directly or through providers, for obtaining or providing the interventions and relevant services to protect children and assist families with issues related to child abuse and neglect.

CDSS secures federal funding to support CWS 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.

As of October 1, 2022, there were 53,371 youth between the ages of 0 and 21 in foster care.

Extended foster care and Supervised Independent Living Placements: As a result of the passage of AB 12 (Beall), Chapter 559, Statutes of 2009, foster youth who turn 18 years old, also known as NMDs, are eligible to remain in foster care until they turn 21 years old. 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.

SILPs were created as a type of placement as part of extended foster care and are designed for youth between the ages of 18-21. Unlike other foster care placements, youth in SILPs are responsible for identifying and securing their own housing, which can include apartments rented alone or with roommates. As of July 1, 2022, the SILP was the single-most utilized placement in California, with a total of 3,361, or 41% NMDs.

As part of the eligibility process, youth are required to undergo a SILP readiness assessment to determine if they are prepared to live independently before they can be placed. If the assessment determines that the NMD can live independently, the youth can receive their foster care payment directly upon approval of a placement. For NMDs who are aren't ready for a SILP, the Transitional Housing Placement for Non-Minor Dependent (THP-NMD) program, formerly known as THP+FC, also created as part of extended foster care, provides housing placement options for NMDs in extended foster care. THP-NMD is a licensed placement that provides housing and supportive services in a semi-supervised setting and is an ideal placement option for youth who are not ready to live entirely on their own but are also not suited for a foster home.

Regardless of which county a youth resides in, each NMD who is living in a SILP receives a monthly rate of \$1,129, which is intended to cover living costs such as rent, food, and supplies. This payment could count toward the income requirements for CalFresh eligibility. An NMD receiving a foster care payment does not, in and of itself, make them ineligible for CalFresh since eligibility is determined by calculating the combined income and resources of the NMD. This could include the income and resources of other people living in the SILP who purchase and prepare meals with the NMD. If the NMD is employed, that income will factor into the eligibility decision. Additionally, if the NMD is attending college, eligibility requirements would be different. NMDs living in a SILP can still apply for CalFresh, as they may be eligible, however, this bill would provide an alternative to those youth who find themselves ineligible due to their income, but still struggling with food insecurity.

CalFresh: The federal SNAP, formerly referred to as “food stamps,” provides funds to states to provide a nutrition benefit to qualified low-income individuals and families. California’s SNAP program is known as CalFresh and is administered locally by county human services agencies, and the federal, state, and county governments share in the cost of administration of the program.

The United States Department of Agriculture (USDA) sets specific national eligibility requirements for SNAP programs, including a gross and net income test, work requirements, and other documentation requirements. Income requirements specify that the maximum allowable gross income is 200% of the Federal Poverty Level (FPL). Households with elderly or disabled members are not subject to gross income criteria but must have a net monthly income at or below 100% of the FPL. Other households must meet both gross and net monthly income tests. As of January 19, 2023, the FPL for a household of one is set at \$14,580.

Individuals can complete the CalFresh application online, over the phone, in-person at their county CalFresh office, or through the mail. CalFresh benefits are made available each month for food purchase through an ATM-like EBT card. Unlike other types of benefits that may be accessed through an EBT card, CalFresh benefits are prohibited from being withdrawn in cash at point-of-sale terminals or at ATM machines. Instead, CalFresh benefits can only be used to purchase food items to be prepared and consumed at home, as well as seeds and plants that can

be grown at home and produce food. As of October 1, 2022, the maximum allotment for one person is \$281 per month.

When computing income for purposes of determining CalFresh eligibility, certain income is exempt, such as in-kind benefits, meals, clothing, employer-provided housing, vendor payments, or money paid to a third party for a household expense by a person or organization outside of the household, among others.

Food Insecurity in California: According to the United States Census Bureau, one of every ten adults in California reports struggling with 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. Food security can be impacted by various factors, including access to local healthy foods, the price of food, and the ability to store and prepare food. Individuals who face food insecurity are often forced to decide between nurturing their physical health or maintaining other aspects of their lives, leading to serious health effects.

Author’s statement: According to the author, “In recognition of the desperate need to better outcomes for foster youth, California passed AB 12 in 2010 to extend foster care up to age 21. The intent of the law, which took effect in 2012, was to ensure youth are provided a critical safety net prior to exiting foster care. During their time in extended foster care, youth work toward increasing levels of independence. If they demonstrate readiness, they can reside in a Supervised Independent Living Placement (SILP). They also receive services and supports from the foster care system so that they may become more independent and take on more responsibility.

“Despite the changes in the law extending foster care up to 21, many of California’s foster youth are struggling to meet their basic needs. One area of great concern is food security and food access. To ensure non-minors in foster care have access to sufficient food, [this bill] would establish a food assistance program for nonminor dependents who receive their foster care benefits directly, and who therefore are at risk of not meeting the eligibility requirements for CalFresh. This ensures that as foster youth emerge from the states foster system, they are continuously assisted by the states immensely impactful food assistance program until they are confidently self-sufficient.”

Need for this bill: The provisions of this bill seek to ensure that foster youth receiving direct payments for room and board are not excluded from receiving nutrition benefits as a result of their SILP payment counting toward the CalFresh income requirement, rendering them ineligible. Under this bill, NMDs would receive the equivalent of the maximum amount of CalFresh aid for a household of one and parenting NMDs would receive the equivalent of the maximum amount of CalFresh for their household size.

The intent of creating extended foster care was to ensure that youth are provided a critical safety net as they transition to independence. As a result of the high costs of housing, groceries, utilities and transportations, many of California’s foster youth are struggling to meet their basic needs and this bill would utilize the existing

Equity Impact: Ensuring fiscal and nutritional stability is key for improved outcomes in disadvantaged populations, particularly foster youth, for whom the state has ultimate responsibility.

Findings from the 2018 California Youth Transitions to Adulthood Study (CalYOUTH) show

that one in four youth reported having to get food or borrow money for food from a friend or relative, and one in five reported skipping or cutting meals because they could not afford food. Nearly one in five reported having to forego paying off a bill to purchase food. One in ten reported not eating for an entire day because of a lack of money for food.

This bill attempts to directly address the inequities experienced by foster youth by meeting an unmet need these youth face and removing barriers to accessing food.

RELATED AND PRIOR LEGISLATION:

AB 1229 (Wicks) of 2019, would have required CDSS to establish an official approval process to ensure that foster youth who participate in an internship may apply those work hours toward meeting eligibility standards as a student in the CalFresh program, among other changes. *AB 1229 was held on the Senate Appropriations Committee suspense file.*

AB 12 (Beall), Chapter 559, Statutes of 2010, the “California Fostering Connections to Success Act,” conformed state law to federal requirements to revise and expand programs and funding for certain foster and adopted children, including extending transitional foster care services to eligible youth between 18 and 21 years of age.

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Children's Rights (Co-Sponsor)
Children's Law Center of California (Co-Sponsor)
Aspiranet
California Alliance of Caregivers
California Court Appointed Special Advocate Association
California Youth Connection (CYC)
Children Now
John Burton Advocates for Youth
Public Counsel

Opposition

None on file

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