

Date of Hearing: March 28, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 867 (Friedman) – As Introduced February 14, 2023

**SUBJECT:** Foster youth

**SUMMARY:** Authorizes foster youth to remain in extended foster care beyond the age of 21 for the limited purpose of compliance with specified verifications by the county welfare department of the foster youth prior to termination of dependency, including, being screened for eligibility for all public benefits for which the nonminor dependent (NMD) may be eligible, and for those who have not secured housing, verification that referrals to transitional housing, or assistance in securing other housing has been made. Specifically, **this bill:**

- 1) Unless the NMD objects, authorizes the court to retain jurisdiction over any ward or dependent child of the juvenile court after reaching 21 years of age for the limited purpose of compliance with specified verifications related to applying for all public benefits for which they may be eligible while in foster care and, if the NMD has not secured housing, until the county welfare department has submitted a report to the court verifying specified information related to referrals to transitional housing.
- 2) Authorizes the court to terminate its dependency, delinquency, or transition jurisdiction over an NMD after 21 years of age for the limited purpose of compliance with 1), above.
- 3) Requires, if the court terminates dependency, delinquency, or transition jurisdiction, the NMD to remain under the general jurisdiction of the court until the NMD reaches 21 years of age in order to allow for a petition to resume dependency.
- 4) Adds specified verification requirements to the information, documents, and services that are required to be included in the report submitted by the county welfare department at the first regularly scheduled review hearing after a dependent child has reached 16 years of age.
- 5) Adds the health and education summary to the list of information, documents, and services that are required to be included in the report submitted by the county welfare department at the last regularly scheduled review hearing before a dependent child reaches 18 years of age.
- 6) Adds specified verification requirements to the information, documents, and services to be included in the report submitted by the county welfare department at the last regularly scheduled review hearing held before a dependent child reaches 18 years of age, and at every regularly scheduled review hearing thereafter, including the following:
  - a) That the youth has been screened for eligibility for all public benefits and applied for all public benefits for which they may be eligible;
  - b) That the transitional independent living plan (TILP) is included in the case plan;
  - c) That the county has complied with the Foster Care Social Security and Supplemental Security Income (SSI) program, and whether the child has a pending application for SSI

or special immigrant juvenile status and the status of those applications, if applicable; and,

- d) That the case plan includes documentation showing a consumer credit report was requested annually, that the child has received a copy of their credit report and assistance to resolve any problems or errors found in the credit report; and, that the case plan identifies the person or persons who will be responsible for assisting the child or NMD

**EXISTING LAW:**

- 1) 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 or have been abused or neglected, as specified. (Welfare and Institutions Code Section [WIC] 202)
- 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) Provides for extended foster care funding for youth until age 21, and 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)
- 4) Permits a nonminor former foster youth under the age of 21 to petition the court for re-entry into foster care if the guardian or adoptive parent is no longer providing support, as specified. (WIC 388.1)
- 5) Defines “nonminor dependent” as a current or former foster youth 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 participating in a transitional independent living plan, as specified. (WIC 11400(v))
- 6) Prohibits the court from terminating dependency jurisdiction over an NMD who has reached 18 years of age until a hearing is conducted and the county welfare department has submitted a report verifying that specified information, documents, and services have been provided, including the health and education summary. (WIC 391 (h)(1)(3))
- 7) Requires, when a child is placed in foster care, the case plan for each child to include a summary of the health and education information or records, including mental health information or records, of the child which can be maintained in the form of a health and education passport, or a comparable format designed by the child protective agency. (WIC 16010(a)(1))
- 8) Requires the health and education summary to include the names and addresses of the child’s health, dental, and education providers; the child’s grade level performance; the child’s school record; the number of school transfers the child has already experienced; the child’s educational progress, a record of the child’s immunizations and allergies; the child’s known medical problems; the child’s current medications, past health problems, and hospitalizations; a record of the child’s relevant mental health history; the child’s known

mental health condition and medications; and any other relevant mental health, dental, health, and education information. (WIC 16010(a))

- 9) Requires the case plan to be developed considering the recommendations of the child and family team, and for a child who is 14 or 15 years of age, requires the case plan to include a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood. (WIC 16501.1 (g)(16)(A)(i)(ii))
- 10) Requires, when appropriate, for a child who is 16 years of age or older for a youth dependent, the case plan to include the TILP, a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood, and, in addition, whether the youth has an in-progress application pending for SSI benefits or for special immigrant juvenile status or other applicable application for legal residency. (WIC 16501.1 (g)(16)(A)(i)(ii))
- 11) Requires, when appropriate for an NMD, the TILP, as described, a written description of the programs and services that will help the youth dependent, consistent with their best interests, to prepare for transition from foster care and assist the youth in meeting the eligibility criteria. Requires, if applicable, the case plan to describe the individualized supervision provided in the supervised independent living placement (SILP). Requires the case plan to be developed with the NMD and individuals identified as important to the youth and to include steps the agency is taking to ensure that the youth dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults. (WIC 16501.1 (g)(16)(A)(i)(ii))

**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, to provide 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 the youth are met. As of October 2022, there were 53,371 youth between the ages of 0 and 21 placed in California's CWS system.

*Extended Foster Care.* California was one of the first states to opt in to the federal opportunity to create an extended foster care program which represented a historic expansion of services to foster youth and was intended to improve outcomes for youth, who often faced enormous challenges as they emancipated from the foster care system at age 18 often facing poverty, homelessness, and incarceration.

In 2010, Governor Schwarzenegger signed AB 12 (Beall), Chapter 559, Statutes of 2010, which extended foster care benefits for certain eligible youth until the age of 21. Prior to the enactment

of AB 12, known as the “Fostering Connections to Success Act”, 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 these difficulties, AB 12 provided 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.

At the six-month hearing prior to a youth attaining 18 years of age, the youth’s social worker or probation officer must have a plan to ensure that the youth will meet at least one of the following criteria for participation in extended foster care:

- 1) Be enrolled in a high school or equivalent program;
- 2) Be enrolled in a college, community college, or vocational program;
- 3) Be employed at least 80 hours a month;
- 4) Participate in a program or activity designed to remove barriers to employment; or,
- 5) Be unable to do one of the above requirements due to a medical condition.

NMDs must also sign an agreement to remain in foster care within six months of turning 18, reside in an eligible placement, and agree to work with their social worker to meet the goals of their transitional living plan.

Both federal and state law provide protections to ensure that young people leave foster care with a concrete plan for discharge that provides safety, stability, and an opportunity to thrive. For example, state law requires county welfare departments, at the last scheduled review hearing held before a dependent child turns 18 years old, and at every review hearing thereafter, to submit a report verifying that certain documents, information, and services have been provided to the minor or non-minor, including:

- Certain essential documents, such as a Social Security card, birth certificate, and a valid ID;
- Information on financial literacy programs and state internships; and,
- Services such as assistance with applying for public benefits, applying for college or vocational training, and securing housing.

However, the law is unclear if a court can maintain jurisdiction over a youth once they turn 21 when the county welfare department has not met the requirements of the extended foster care program. This program is intended to support youth in successfully transitioning to independence with critical documents which enable them to secure education, employment, and most importantly, housing.

When a county fails to provide assistance to secure housing, youth might be exiting the foster care system to homelessness. Appropriate enforcement mechanisms, including keeping a court case open past age 21, can help to ensure that the necessary discharge

planning begins in time to discharge the youth into a stable environment.

*Foster youth and homelessness.* The 2022 national Point in Time count conducted by the United States Department of Housing and Urban Development reported that California had the largest number of unaccompanied youth at a staggering 9,590 people, which accounts for more than a third of all unaccompanied youth nationally. California also accounted for 52% (6,752 people) of all unsheltered unaccompanied youth. For youth, homelessness can mean living in cars, shelters, or couch surfing with friends; due to an increased susceptibility to exploitation and violence, youth experiencing homelessness may develop substance use issues or engage in survival sex in exchange for shelter or food.

Youth who age out of the foster care system are at high risk of becoming homeless. A 2013 study published in the *Journal of Public Health* found that between 31% and 46% of former foster youth had been homeless at least once by age 26. According to the study, the odds of becoming homeless by age 19 were higher for youth who had been physically abused before entering foster care, had run away more than once while in foster care, had engaged in delinquent behaviors, were placed in a group care setting at baseline, and did not feel very close to a biological parent or grandparent.

A study conducted by the University of Chicago's Chapin Hall and released in 2020, addressed whether extending foster care past the age of 18 influenced outcomes during the transition to adulthood, what factors influence the types of support youth receive in extended foster care; and how living arrangements and other services that result from extending foster care influence the relationship between extending care and youth outcomes. The study reported that more than 1 in 4 reported experiencing at least one night of homelessness in the past two years, while nearly 30% said they had couch surfed, staying with friends because they lacked housing. From the research conducted when the youth were 21 years old, they concluded: "In particular, our findings raise questions about the wisdom of abruptly curtailing services for these young people when they reach their 21st birthday. Our findings suggest that when COVID-19 is behind us, it will still be the case that many young adults in care could potentially benefit from ongoing support past their 21st birthday."

***Housing options for foster youth:*** There are many housing models and programs available to foster youth as they make the transition from care to independence. Below is a list of programs designed for foster youth and are a part of the services and supports that counties can connect foster youth to upon their discharge from foster care:

*The Housing Navigation & Maintenance Program.* Formerly the Housing Navigators Program, this program was established in Budget Act of 2019, AB 74 (Ting), Chapter 23, Statutes of 2019, and allocated \$5 million to help young adults between 18 and 21 years old secure and maintain housing, with priority given to NMDs in the foster care system. The program is administered by the California Department of Housing and Community Development (HCD) to county child welfare agencies to provide housing navigators to help young adults secure and maintain housing. Funds allocated to counties may be used to provide housing navigation services directly or through a contract with other housing assistance programs in the county, and counties are encouraged to coordinate with the local Continuum of Care to facilitate communication and collaboration. Funds may be used to: assist young adults secure and maintain housing; provide housing case management, including essential services in emergency supports to foster youth; prevent young adults from becoming homeless; and, improve coordination of services and

linkages to key resources across the community. Effective July 1, 2022, as a result of the enactment of SB 187 (Committee on Budget and Fiscal Review), Chapter 50, Statutes of 2022, the program expanded the upper age limit to include youth up to until turning 25 years old, in order to align the program with federal Housing Choice Voucher Programs for former foster youth. The budget includes \$8.7 million in ongoing funding for this expansion, and was designed to equip counties with funding to provide the required supportive services.

*Transitional Housing Placement (THP).* In 2019, SB 80 (Committee on Budget and Fiscal Review), Chapter 27, Statutes of 2019, allocated \$8 million in grants to counties for child welfare services agencies to help young adults ages 18 to 25 years find and maintain housing. The THP program required that priority be given to youth who were formerly in the foster care or probation systems. SB 80 required HCD to consult with the California Department of Social Services, Department of Finance (DOF), and the County Welfare Directors Association of California to develop an allocation schedule for purposes of distributing funds, and subjected the program to suspend implementation on December 31, 2021, unless DOF made certain findings related to General Fund revenues and expenditures. Use of funds can include: identifying and assisting housing services; helping youth secure and maintain housing; improving coordination of services and linkages to community resources within the child welfare system and the homeless continuum of care; and, outreach and targeting to serve those with the most severe needs.

*Transitional Housing Placement Program for Non-Minor Dependents (THP-NMD).* When AB 12 enacted extended foster care, the legislation also created the “Transitional Housing Placement Program + Foster Care” placement, now known as THP-NMD. This placement provides 18 to 21-year-old NMDs with transitional housing and supportive housing based on the youth’s TILP. Youth participating in a THP-NMD placement receive case management, supervision, and supportive services from their THP-NMD provider. The goal of these services is to help the NMD transition to independent living by helping them meet education goals, obtain gainful employment, learn financial management and other daily living skills.

*Transitional Housing Program-Plus (THP-Plus).* The THP-Plus program provides housing for former foster youth between the ages of 18 and 24 who exited foster care on or after their 18th birthday. A qualifying youth can then receiving THP-Plus housing and services for 24 cumulative months, or until they turn 24 if that occurs before their 24 month clock has run. To participate, an eligible youth must be actively pursuing the goals of their TILP, which is reviewed and updated annually. Additionally, the youth must report any changes to their TILP to their Independent Living Program coordinator, including but not limited to, changes in their address, living circumstances, or education training. Residential units including apartments, single family dwellings, condominiums, college dormitories, and host family models may all qualify as an acceptable residential unit for the purposes of a THP-Plus placement. These placements are certified by the county social services agency who must ensure certain health and safety standards are met and must certify that the program is needed by the county and the provider is capable of effectively operating the program and meeting the needs of the identified population.

*Supervised Independent Living Placements.* NMDs in extended foster care also have the option of living in a SILP which allows the youth to live independently while still receiving the supports and services extended foster care provides. In an SILP, a youth lives in an apartment, house, condominium, room and board arrangement, or college dorm, either alone or with an approved

roommate, while still under the supervision of their social worker or probation officer. A SILP may also include a transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements, but prohibits this setting from including a youth homelessness prevention center or an adult homeless shelter. Youth must be approved to live in an SILP, and this occurs through them undergoing a SILP Readiness Assessment that reviews the youth's preparedness to live independently. If this assessment finds the youth is ready for a SILP, then the housing arrangement the youth has found must undergo and pass a health and safety inspection which is conducted by the county. If the residence passes this inspection, a placement agreement is completed by the NMD and their social worker or probation officer whereby they agree that the placement has met certain safety standards and is an appropriate placement for the youth.

**Author's statement:** According to the author, "California's Extended Foster Care (EFC) program has demonstrated numerous benefits for the young adults who participate, including improvements in education, employment, and social support. However, the research has also shown that over 35 percent of youth reported that they experienced homelessness while actively enrolled in the EFC program.

"The promise and potential of the EFC program falls short when we fail to connect enrollees to the services and supports that they are entitled to under the law. Both federal and state law include protections to ensure that enrollees leave foster care with a transition plan that provides the foster youth safety, stability, and an opportunity to thrive. When a county fails to meet their obligation under the law and provide assistance to secure housing, youth are exiting the system to homelessness.

"[This bill] ensures that foster youth experiencing housing instability have access to services and supports while in the system, and provides safeguards to ensure that they can transition to independence safely."

**Need for this bill:** The provisions of this bill seek to ensure that prior to youth leaving extended foster care, they have been provided all of the supports and services to which they are entitled by allowing courts to keep a case open past the age of 21 if requirements to terminate a case have not been met.

California is slowly emerging from the ongoing pandemic while simultaneously dealing with the rising costs for everyday items like gas and food, compounded by a housing crisis. The impacts of all of these challenges are particularly difficult on foster youth who often struggle to meet their basic needs upon exiting foster care and do not enjoy the same familial safety net that their non-foster youth peers do.

This bill would provide an opportunity for a foster youth to remain in care until the required appropriate documents and services have been provided to ensure a successful transition into independence.

**Equity Impact:** Foster youth represent one of the most vulnerable and academically at-risk student groups, according to the California Department of Education and suffer poorer educational outcomes with higher rates of suspension and lower rates of graduation. According to the Legislative Analyst's Office (LAO), in California, the populations reflected in foster care are predominantly youth of color as 21% are Black and 50% are Latino. Further highlighting the disproportionality comprising the foster youth population, the number of Black and Native

American youth in foster care are four times larger than the number of the general population of Black and Native American youth in California. The LAO also states that racial disproportionalities and disparities are present within initial allegations and persist at all levels of the system—becoming the most pronounced for youth in care. Additionally, LGBTQ youth are also overrepresented in foster care, according to the UCLA Williams Institute, with 13.6 % of foster youth identifying as lesbian, gay, bisexual, or questioning, and 5.6% identifying as transgender, compared to 10.3% of California’s students in public middle and high schools identifying as LGBTQ.

After over a decade of the enactment of extended foster care in California, the youth who participate have demonstrated that they receive needed education, employment, and social support, however, advocates have reported that some youth are exiting foster care without the appropriate referrals to housing and public benefits that they are entitled. This bill would ensure that foster youth in California experiencing housing instability have access to these services and support while in the system, and provides safeguards to ensure that they can transition after emancipation, and achieve independence in adulthood.

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

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

**AB 2189 (Friedman) of 2022**, was substantially similar to this bill and would have authorized foster youth to remain in extended foster care beyond the age of 21 for the limited purpose of compliance with specified verifications by the county prior to termination of dependency, including, AB 2189 would have also required a county, if a county opts to provide a clothing allowance, to provide the clothing allowance to minors and NMDs, including those who may be pregnant, who would have been eligible to have foster care payments paid on their behalf but for the minor or NMD not residing in an approved placement. *AB 2189 was vetoed by Governor Newsom.*

**AB 592 (Friedman), Chapter 702, Statutes of 2021**, expanded the scope of a host family within the foster care system to include supervised transitional housing services provided by a THP provider; permitted a host family to include certain approved placements and declared that those placements, when operating as a host family, do not require additional certification; and expanded the definition of a Supervised Independent Living Setting (SILS) to include a transitional housing unit in which a host family lives with an NMD. Further allowed a THP provider to offer supportive services to an NMD placed in a certified family home or resource family of a foster family agency, and allowed a county to elect to allow a THP provider to provide services to a youth in SILS.

**SB 912 (Beall) of 2021**, would have made an NMD who turned 21 years of age between March 4, 2020, and June 30, 2021, inclusive, eligible to continue receiving extended foster care support through June 30, 2021. Further, SB 912 would have, for a state of emergency declared by the Governor on or after January 1, 2021, required that extended foster care support continue for six months from the date of the declaration for an NMD who turns 21 years of age while the state of emergency is in effect. *SB 912 was vetoed by Governor Newsom.*

**AB 89 (Ting), Chapter 7, Statutes of 2020**, known as the Budget Act of 2020, appropriated funds to extend foster care eligibility for NMDs who turn 21 years of age while in extended foster care on or after April 17, 2020, through June 30, 2021.

**AB 1979 (Friedman), Chapter 141, Statutes of 2020**, addressed housing needs of NMDs in the CWS system by expanding the definition of a SILS, as provided, required counties to examine their ability to meet NMDs emergency housing needs, and preserved a NMD's transitional housing placement during an absence of up to 14 days, as provided.

**SB 80 (Committee on Budget and Fiscal Review), Chapter 27, Statutes of 2019**, allocated \$8 million in grants to counties for child welfare services agencies to help young adults ages 18 to 25 years find and maintain housing. The THP program required that priority be given to youth who were formerly in the foster care or probation systems. SB 80 required the HCD to consult with other stakeholders to develop an allocation schedule for purposes of distributing funds. Use of funds could include: identifying and assisting housing services; helping youth secure and maintain housing; improving coordination of services and linkages to community resources within the child welfare system and the homeless continuum of care; and, outreach and targeting to serve those with the most severe needs.

**AB 531 (Friedman) of 2019**, would have increased housing options available for youth in the extended foster care system. *AB 531 was held on the Senate Appropriations Committee suspense file.*

**AB 819 (Stone), Chapter 777, Statutes of 2019**, adopted changes to further implement Continuum of Care Reform (CCR) efforts.

**AB 748 (Gipson), Chapter 682, Statutes of 2019**, allowed youth who are subject to an order for foster care before they reached 18 years of age, but not yet adjudged wards of the juvenile court before their 18th birthday, to be eligible for extended foster care benefits by requiring the court to hold a dispositional proceeding for a youth who is 18 years of age in order to be eligible for extended foster care benefits, if certain criteria is met.

**AB 2337 (Gipson), Chapter 539, Statutes of 2018**, expanded the circumstances under which NMDs under the age of 21 who were previously a dependent or delinquent of the juvenile court may petition to assume dependency jurisdiction to include youth who would have otherwise been eligible but for receiving SSI benefits in lieu of foster care payments.

**AB 604 (Gipson), Chapter 707, Statutes of 2017**, required the court to assume transition jurisdiction over a youth who was arrested for, or convicted of, any nonviolent offense committed while they were a victim of human trafficking regardless of a court order vacating the underlying adjudication, as specified.

**AB 766 (Friedman), Chapter 710, Statutes of 2017**, included a dormitory or other designated housing of a postsecondary educational institution in which a minor dependent who is living independently among the placement options in which a child or NMD must live in order to be eligible for Aid to Families with Dependent Children-Foster Care (AFDC-FC); allowed a minor dependent who is otherwise eligible to receive AFDC-FC payments who meets certain requirements to receive their AFDC-FC payments directly, and prohibits AFDC-FC payments paid directly to the minor dependent from being considered by the California State University and the California Community Colleges when determining eligibility for financial aid.

*AB 1930 (Stone), Chapter 910, Statutes of 2018; AB 404 (Stone), Chapter 732, Statutes of 2017; and, AB 1997 (Stone), Chapter 612, Statutes of 2016,* furthered CCR.

efforts adopted by AB 403.

*AB 403 (Stone), Chapter 773, Statutes of 2015,* implemented CCR recommendations to better serve children and youth in California's child welfare services system, including eliminating group homes and emphasizing family-based care.

*AB 1712 (Beall), Chapter 846, Statutes of 2012,* enacted numerous technical, clarifying, and federal conformity changes to the California Fostering Connections to Success Act of 2010.

*AB 12 (Beall), Chapter 559, Statutes of 2010,* created the "California Fostering Connections to Success Act" and conformed state law to federal requirements to revise and expand programs and funding for certain foster and adopted children.

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

##### **Support**

Children's Law Center of California (Co-Sponsor)  
Public Counsel (Co-Sponsor)  
Youth Law Center (Co-Sponsor)  
Alliance for Children's Rights  
California Alliance of Caregivers  
California Court Appointed Special Advocate Association  
Children Now  
Dependency Legal Services (UNREG)  
John Burton Advocates for Youth  
Starting Over, INC.

##### **Opposition**

None on file

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