

Date of Hearing: July 2, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

SB 219 (Wilk) – As Amended May 17, 2019

**SENATE VOTE:** 38-0

**SUBJECT:** Foster youth: enrichment activities

**SUMMARY:** Establishes until January 1, 2023, the “California Foster Youth Enrichment Grant Pilot Program” as a four-county pilot program designed to offer foster youth grants of up to \$500 to fund extracurricular or enrichment activities. Specifically, **this bill:**

- 1) Makes Legislative findings and declarations related to challenges faced by foster youth and the positive impacts of participation in extracurricular and enrichment activities, as specified.
- 2) Requires, by January 1, 2020, and upon appropriation by the Legislature, the California Department of Social Services (CDSS) to establish the California Foster Youth Enrichment Grant Pilot Program to provide grants to foster youth to participate in extracurricular or enrichment activities, as specified.
- 3) Requires, by January 1, 2020, CDSS to allocate funds appropriated to it in the annual Budget Act for purposes of the provisions of this bill to two urban and two rural county child welfare agencies that submit a two-year plan via a request for proposal developed by CDSS.
- 4) Requires CDSS, in selecting the pilot counties, to promote diversity of size and geographic location among the participating counties and to prioritize counties with high rates of child poverty.
- 5) Requires CDSS to allocate \$500 for each child or youth in foster care on March 31, 2020, in a pilot county to that county for each year of the two-year pilot and, further, stipulates that if the total resulting allocation for the four pilot counties exceeds \$12.5 million, CDSS shall distribute \$12.5 million proportionately among the pilot counties based on the number of children and youth in care on March 31, 2020.
- 6) Requires a child welfare agency to indicate its interest in participating in the pilot program by submitting a two-year plan by May 1, 2020.
- 7) Requires the plan submitted by the child welfare agency to be developed in consultation with foster youth, resource parents, and other interested community parties and to include all of the following, as specified:
  - a) The county’s plan to conduct outreach to foster youth and resource parents about the availability of the grant;
  - b) The county’s plan to collaborate with tribes, consortia of tribes, or tribal organizations to ensure Indian children access funding through the pilot program;
  - c) The county’s plan to maximize the amount of funds disbursed;

- d) An accountability mechanism that ensures that grants are expended for extracurricular or enrichment activities but that does not include limiting grants to reimbursement for funds already expended; and,
  - e) A statement prohibiting funds from being used for administrative activities associated with the pilot program.
- 8) Requires pilot counties, until the funds allocated by CDSS are exhausted, to award grants of up to \$500 to a foster youth who both requests the grant to fund an extracurricular or enrichment activity and any directly related costs and submits an application containing a description of the proposed use of the grant, as specified.
  - 9) Authorizes an individual responsible for applying the reasonable and prudent parenting standard, as specified, to submit an application on behalf of a foster youth.
  - 10) Allows a foster youth to receive up to \$1,000 annually through the pilot program.
  - 11) Requires a pilot county to annually submit to CDSS data on the number of applications received and grants awarded and data on the activities and directly related costs the grants were used to fund, as specified.
  - 12) Requires CDSS, by October 1, 2022, to submit a report to the Legislature, as specified, containing the data submitted by participating counties pursuant to provisions of this bill.
  - 13) States Legislative intent to utilize the report required pursuant to provisions of this bill to evaluate options for continuing and expanding the pilot program after December 31, 2022.
  - 14) Repeals the provisions of this bill as of January 1, 2023.

**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 Section [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 their 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) Defines the “reasonable and prudent parent” or “reasonable and prudent parent standard” to mean the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities. (WIC 362.05)

**FISCAL EFFECT:** According to the Senate Appropriations Committee on May 16, 2019, this bill may result in the following costs:

- Up to \$12.5 million per year until the program sunsets on January 1, 2023, for funding the grants across the pilot counties. (General Fund)
- CDSS would incur workload and resource costs of \$129,000 in Fiscal Year 2019-20 and ongoing costs of \$116,000 per year to comply with the administrative requirements of operating the grant program, including reviewing applications, verifying eligibility of applicants, collecting and tracking information about programs, disseminating grant funds, reviewing documentation on the use of grants, and preparing the required report to the Legislature.

**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, be based upon a voluntary agreement with the parent where the court is 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, among other options, 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 (CCR). As of January 1, 2019, there were 59,152 children in California's child welfare system.

***The importance of extracurricular and enrichment activities for foster youth:*** The Preventing Sex Trafficking and Strengthening Families Act (P.L. 113-183), signed by President Obama in September of 2014, and SB 794 (Senate Committee on Human Services), Chapter 425, Statutes of 2015, enacted a number changes related to child welfare services. Among these many changes was the adoption of measures seeking to assist in creating “normalcy” for youth in foster care. A component of “normalcy” is the recognition of the right of foster children to engage on a regular basis in extracurricular and social activities.

“Normalcy” for foster youth is also furthered by application of a “reasonable and prudent parent standard”; this standard preserves the requirement that caregivers always strive to maintain the safety of a youth, while also expecting caregivers to allow foster youth to engage in a range of activities that other parents allow for their children. California has long recognized the importance of a prudent parent standard. Language adopted in AB 408 (Steinberg), Chapter 813, Statutes of 2003, stated that, “every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities,” and that, “caregivers shall use a prudent parent standard in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities.” SB 794 further defined California's reasonable and prudent parent standard to mean the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while simultaneously encouraging emotional and developmental growth. This clarification of the reasonable and prudent parent standard articulates the expectation placed on a caregiver to use this standard when determining whether to permit a child in foster care to participate in age- or developmentally appropriate extracurricular, enrichment, cultural, or social activities. The Foster Youth Bill of Rights also establishes the right of a foster youth to “attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level, with minimal disruptions to school attendance and educational stability.”

Extracurricular and enrichment activities have been found to have positive impacts for foster youth. For example, a January 2018 article in the journal *Children and Youth Services Review* entitled “Extracurricular activity participation and educational outcomes among older youth transitioning from foster care,” found that participation in extracurricular activities was

correlated with better grades, greater educational aspirations, and graduation from high school with a diploma.

***Need for this bill:*** This bill seeks to establish a pilot program in four counties aimed at supporting foster youth by offering grants of up to \$500 to fund extracurricular or enrichment activities. According to the author, “California has been a trailblazer in aligning policy with the needs of foster youth, especially in recognizing that normalcy is vital to the overall health and well-being of foster children and youth, and that participation in extracurricular and enrichment activities is key to normalcy. In recent years, the establishment in law of the reasonable and prudent parent standard (WIC 362.05) and the foster care bill of rights (WIC 16001.9) provided that all foster children and youth have the right to participate in age-appropriate extracurricular activities. The securing of these rights however falls short because financial barriers prevent foster youth from fully engaging in these activities. [This bill] seeks to rectify the lack of funding for extracurricular and enrichment activities, which are vital to normalcy and improve outcomes. The bill acts upon the growing body of evidence that demonstrates the positive impact that extracurricular enrichment activities such as participation in sports, art, music, SAT prep classes, and school-sponsored activities can play in a young person’s academic performance and well-being. Not only have enrichment programs been demonstrated to positively impact a young person’s attendance in school, academic achievement, self-esteem and behavior, they are also an essential ingredient for high school students to build a robust and well-rounded college application so they can advance to and succeed in higher education.”

***Recommended amendments:*** Some youth who are on probation and supervised by the delinquency (versus dependency) court – also referred to as “wards” (versus dependents) of the court – have orders for foster care placement. A point-in-time count on January 1, 2019, indicated that there were 2,508 probation-supervised foster youth in California (compared to 59,152 foster youth supervised by the dependency court). These youth would arguably benefit from the program proposed by the provisions of this bill.

Additionally, as noted in previous analyses by this Committee on similar bills, it is important to ensure that any grant program for youth not contain onerous application and reporting requirements. At the same time, it is also important to ensure that the funds are made available to and used solely by the youth to whom they have been awarded.

Therefore, in order to include probation-supervised foster youth in the provisions of this bill, to ensure a simple, uniform application process and use of awarded funds solely by recipient youth, and to make technical changes, ***committee staff recommends the following amendments:***

***Make the following change on line 3 of page 2 of the bill:***

P2 1 SECTION 1. The Legislature finds and declares both of the  
 2 following:  
 3 (a) California foster youth ***have many strengths, yet can also*** face many challenges.  
 Approximately  
 4 three-fourths of youth in foster care have spent two or more years  
 5 in the system between birth and grade 12. While in foster care,  
 6 about 70 percent of youth had three or more placements. Less than  
 7 one-half of all foster youth complete high school.

*Make the following change on line 20 of page 2 of the bill:*

16 16007. (a) On or before January 1, 2020, upon appropriation  
17 by the Legislature, the State Department of Social Services shall  
18 establish the California Foster Youth Enrichment Grant Pilot  
19 Program to provide grants to foster youth to participate in activities  
20 ~~that~~ *designed to* enhance their skills, abilities, self-esteem, or overall  
21 well-being, including, but not limited to, lessons in music, dance,  
P3 1 or drama, school trips, college campus visits, test preparation  
2 courses or materials, summer camp attendance, sports league  
3 participation, school-sponsored formal dance attendance, and  
4 participation in school graduation activities, as well as other  
5 age-appropriate activities chosen by the foster youth.

*Make the following changes beginning after line 35 of page 3 of the bill:*

33 (2) The county's plan to collaborate with tribes, consortia of  
34 tribes, or tribal organizations to ensure Indian children access  
35 funding through the pilot program.  
(3) The county's plan to collaborate with the county probation department to ensure  
probation-supervised foster youth access funding through the pilot program.  
36 (3 4) The county's plan for disbursement of funds that maximizes  
37 the amount of funds disbursed *to foster youth*.  
(5) The county's plan to ensure that grant funds are distributed to and used solely by the youth  
for whom an application for funds was submitted. Nothing in this paragraph shall be  
interpreted as requiring a youth to submit receipts or other form of proof of expenses.  
38 (4) ~~An accountability mechanism to ensure that grants are~~  
39 ~~expended for extracurricular or enrichment activities. The~~  
P4 1 ~~accountability mechanism shall not include limiting grants to~~  
2 ~~reimbursement for funds already expended.~~  
3 ~~(5) A statement that funds shall not be used to fund~~  
4 ~~administrative activities associated with the pilot program.~~  
(d) The department shall develop all of the following for participating child welfare agencies:  
(1) A simple, one-page application form to be submitted by each foster youth, or on behalf of  
each foster youth pursuant to subdivision (f), who applies for a grant pursuant to this section.  
This application shall contain a description of the proposed use of the grant and the  
anticipated cost of the activity and directly related costs.  
(2) Instructions for each participating child welfare agency regarding administration of the  
grant program that do all of the following:  
(A) Require approval of grant funds for a wide and varying array of age-appropriate activities  
and directly related costs in a way that honors the diversity of youth experiences and the  
importance of youth choice.  
(B) Require grants to be distributed within 10 business days of approval of a foster youth's  
application.

5 ~~(d g)~~ **Pilot** *Until funds allocated by the department are exhausted,*  
 6 *pilot counties shall award grants of five hundred dollars (\$500) or*  
 7 *less to a foster child or youth who does both of the following:*

8 (1) Requests the grant to fund an extracurricular or enrichment  
 9 activity and any directly related costs *as described in instructions put forth by the department*  
*pursuant to subparagraph (A) of paragraph (2) of subdivision (d).*

10 (2) Submits an application ~~containing a description of the~~  
 11 ~~proposed use of the grant and the anticipated cost of the activity~~  
 12 ~~and directly related costs.~~ *on a form developed by the department pursuant to paragraph (1)*  
*of subdivision (d).*

13 ~~(e-f)~~ ~~A resource parent.~~ *An individual responsible for applying*  
 14 *the reasonable and prudent parenting standard, as defined in*  
 15 *Section 362.05, may submit an application on behalf of a foster*  
 16 *child or youth.*

17 ~~(f-g)~~ *A foster youth may receive a maximum of one thousand*  
 18 *dollars (\$1,000) annually through the pilot program.*

*(h) No funds provided for purposes of the program established by this section shall be used to*  
*fund administrative activities associated with the pilot program.*

19 ~~(g i)~~ *A county participating in the pilot program shall annually*  
 20 *submit the following data to the State Department of Social*  
 21 *Services:*

22 (1) Data on the number of applications received and grants  
 23 awarded, aggregated by year.

24 (2) Data on the activities and directly related costs the grants  
 25 were used to fund, aggregated by year.

26 ~~(h j)~~ (1) On or before October 1, 2022, the department shall  
 27 submit a report to the Legislature that includes the data submitted  
 28 by participating counties *pursuant to subdivision (i).*

29 (2) The report required pursuant to paragraph (1) shall be  
 30 submitted in compliance with Section 9795 of the Government  
 31 Code.

32 (3) It is the intent of the Legislature to utilize the report required  
 33 pursuant to paragraph (1) to evaluate options for continuing and  
 34 expanding the program after December 31, 2022.

35 ~~(i k)~~ *This section shall remain in effect only until January 1, 2023,*  
 36 *and as of that date is repealed.*

#### **PRIOR LEGISLATION:**

*AB 2905 (Acosta) of 2018* would have established the California Foster Youth Enrichment Grant Pilot Program in four counties. AB 2905 was held on the Assembly Appropriations Committee suspense file.

*AB 754 (Acosta) of 2017* was substantially similar to AB 1984 (Linder) of 2016. AB 754 was held on the Assembly Appropriations Committee suspense file.

*AB 1984 (Linder) of 2016* would have established the California Foster Youth Enrichment Grant Program on a statewide basis. AB 1984 was held on the Assembly Appropriations Committee suspense file.

*SB 794 (Senate Committee on Human Services), Chapter 425, Statutes of 2015,* adopted a number of changes to bring the state into compliance with the federal Preventing Sex

Trafficking, and Strengthening Families Act (Public Law 113-183), and included, among other things, language to conform with federal law regarding reasonable and prudent parent standards.

*AB 81 (Strickland), Chapter 76, Statutes of 2009*, provided that a foster child who changes residences pursuant to a court order or decision of a child welfare worker is immediately deemed to have met all residency requirements for participation in interscholastic sports or other extracurricular activities.

*AB 408 (Steinberg), Chapter 813, Statutes of 2003*, made changes in dependency law to help achieve permanency for older foster youth, including providing that caregivers shall use a "prudent parent" standard in determining whether to give permission for a child residing in foster care to participate in age-appropriate extracurricular, enrichment, and social activities.

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

##### **Support**

Aspiranet  
California Council of Community Behavioral Health Agencies  
California Police Chiefs Association  
Children Now  
County of Los Angeles Board of Supervisors  
Los Angeles County Office of Education  
National Association of Social Workers, California Chapter

##### **Opposition**

None on file

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