

Date of Hearing: June 30, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

SB 546(Wilk) – As Amended June 24, 2021

**SENATE VOTE:** 39-0

**SUBJECT:** Communications: lifeline universal service

**SUMMARY:** Requires the California Public Utilities Commission (CPUC) to codify the iFoster Pilot Program within the existing Lifeline telecommunications program and provides that the commission may sunset the program upon meeting certain requirements. Specifically, **this bill:**

- 1) Requires the CPUC to continue the foster youth program, initiated as the iFoster Pilot Program, which provides eligible foster youth with a smartphone and monthly prepaid mobile telephony service, including unlimited voice, text, and data service as part of the California Lifeline Program, as specified.
- 2) Provides that current and former foster youth, 13 to 26 years of age, residing in California shall be eligible for the program. Further specifics that a former foster youth, 21 to 26 years of age, is eligible if that applicant was in foster care on or after their 13th birthday.
- 3) Permits the CPUC to adjust the lifeline support amounts, including for inflation, for increased data or hotspots needed for distance learning, and for other academic or employment needs, and expand eligibility for the program to foster youth younger than 13 years of age if the CPUC determines such an expansion is merited and within program funding levels.
- 4) Permits the CPUC to select one or more third-party administrators to do the following:
  - a) Administer the program;
  - b) Partner with local government agencies, including county child welfare directors;
  - c) Educate consumers about the program;
  - d) Assist consumers in completing the program application;
  - e) Determine consumer's eligibility for the program;
  - f) Serve as a distribution channel for smartphone devices and services;
  - g) Provide technical support for consumers in the program; and,
  - h) Assist in the evaluation and implementation of the program.
- 5) Provides that the CPUC may determine an appeals process for applicants who are denied eligibility for the program.

- 6) Provides that the CPUC may determine which mobile telephony service providers will provide service for the program.
- 7) Permits the CPUC to waive rules generally applicable to the Lifeline program for the foster youth program, as needed; further, allows the CPUC to adopt special rules and requirements applicable to the foster youth program, as specified.
- 8) Provides that the CPUC may establish a sunset date for the foster youth program upon meeting both of the following conditions:
  - a) The commission has ensured that each eligible foster youth enrolled in the program will have access to equivalent benefits upon the conclusion of the foster youth program, and,
  - b) The commission has expanded eligibility criteria for the lifeline telephone service program to include foster youth otherwise eligible for the foster youth program.
- 9) Contains an urgency clause.

**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 of abuse and neglect or to have been abused or neglected, as specified. (Welfare and Institutions Code Section [WIC] 202)
- 2) Clarifies the purpose of provisions regarding dependent children as to provide the 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) Delineates a foster youth's right to make, send, and receive confidential telephone calls and other electronic communications and to send and receive unopened mail, unless prohibited by court order. (WIC 16001.9 (a)(13))
- 4) 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)
- 5) Defines "nonminor dependent" (NMD) as a foster child who is a dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court, and satisfies specified criteria. (WIC 11400 (v))
- 6) Requires the court to maintain jurisdiction of any NMD, as specified. Allows the court to terminate its jurisdiction over a NMD between the time the NMD reaches the age of majority and 21 years of age; however, the NMD will stay in the court's general jurisdiction to allow for a petition specified. (WIC 303 (b))
- 7) Requires a NMD to maintain all of their legal decision-making authority as an adult. (WIC 303 (d)(1))

- 8) Establishes the “Moor Universal Telephone Act” and provides the provisions for a universal telephone services, as specified. (California Public Utilities Code Section [PUC] 871 *et seq.*)
- 9) Requires the CPUC to designate a class of lifeline service necessary to meet minimum communication needs and establish rates, charges, and eligibility criteria for this service, as specified; further, establishing the Lifeline program. (PUC 873)

**FISCAL EFFECT:** According to the Senate Appropriations Committee on May 20, 2021, ongoing costs of \$9.2 million (Universal Lifeline Telephone Services Trust) annually to continue the foster youth program by subsidizing service plans and handsets, provide program administration, and distribute phones to foster youth, among other things.

**COMMENTS:**

***Child Welfare Services (CWS):*** California's CWS system is established with the goal of protecting youth from abuse and neglect. The system works through collaboration 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, reports are submitted by mandated reporters who are legally required to report any suspicion of child abuse or neglect due to their profession. 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 throughout evaluating and reviewing the circumstances of each individual's case. As of January 1, 2021, there were 59,716 youth placed in the CWS system.

***Extended foster care:*** Extended foster care is available to eligible youth aging out of the child welfare system in California. The benefit, created by the California Fostering Connections to Success Act of 2010, extends foster care assistance to youth after they reach 18 years old and age out of the child welfare system. The services provided to the eligible youth, referred to as NMDs, assist them in self-sufficiency and include educational opportunities, employment training, and supervised independent living environments. Extended foster care is available to a NMD until they reach age 21 and includes various exit requirements to ensure the youth are provided with all the necessary information to thrive in their transition to adulthood.

***Lifeline Program:*** The Lifeline Program is a universal service program addressing the affordability of communications services available at the federal and state level. California Lifeline subscribers can participate in both the federal Lifeline program and a California Lifeline program simultaneously. The Federal Communications Commission (FCC) regulates the federal Lifeline program, and the state Lifeline program is regulated by the CPUC. Both programs are funded through surcharges on telephone bills. The federal Lifeline program helps lower a participant's communications bill by \$9.25 per month, and California's Lifeline program provides \$14.85 per month in assistance. These discounts are provided directly to the communications provider. A California Lifeline subscriber can lower their communications bill by approximately \$25 per month when enrolled in both programs.

***iFoster Pilot Program:*** In April 2019, the CPUC established a pilot project with iFoster—a nationwide foster youth nonprofit—and Boost Mobile within the California Lifeline program to address the unique needs of low-income foster youth. In February 2020, the CPUC proposed to make program changes to increase the Lifeline support for foster youth enrolled in the iFoster

pilot from \$25 to \$40 to address the increased need for data use during the pandemic as schools and businesses shifted to virtual resources.

In May 2021, the CPUC published an iFoster pilot program evaluation report. The report made several key findings that confirm the positive benefits of the program. Data showed that the iFoster program serves over 11,000 foster youth in 56 out of 58 counties. The pilot also found that the program stayed within its allocated budget and would have a balance of around \$14 million at the end of November 2021, when the authorized pilot would end. The evaluation report also recommended that the pilot be extended for at least an additional 14 months without increasing the authorized budget.

***Coronavirus Pandemic:*** In March of 2020, Governor Gavin Newsom declared a statewide state of emergency in response to the global COVID-19 pandemic. With over 500,000 deaths resulting from coronavirus across our country, the impact of this virus has touched almost every aspect of everyday life. We have watched as the effects of COVID-19 have added strain on California's public programs, healthcare system, and the financial security of many. The COVID-19 pandemic also highlighted the necessity of smartphones and other technology in today's society to connect with people and conduct business virtually, when meeting in-person was not feasible or safe.

***Need for this bill:*** This bill would extend and codify the iFoster Pilot Program within state law and ensure that the program is not given a sunset date until specific requirements are met. As the pandemic has highlighted the necessity for digital connection and increased the financial obstacles for many to meet that need, the iFoster pilot program has continued to benefit those enrolled. By codifying iFoster into current law and ensuring the pilot is not ended until those enrolled are integrated into the existing Lifeline program, the over 11,000 vulnerable foster youth who rely on the services of iFoster could continue receiving this vital communication service.

According to the author, "The California Public Utilities Commission administers the 'iFoster Pilot Program' which provides California's foster youth with smartphones and access to cellular data. This pilot program is set to expire this year, leaving thousands of foster youth without vital access to technology, which has become even more necessary during the pandemic. This pilot program supplies foster youth between ages 13 and 26 with smartphones and free voice, text, and data. Studies of California's tens of thousands of foster youth in this age range show that many go without regular access to technology. Smartphone ownership empowers foster youth to succeed in school, find stable employment, communicate with family and friends, make telehealth appointments, and connect to their support networks. These benefits are especially crucial during the COVID-19 pandemic, where students are asked to do more, with fewer resources, and less support. Having a smartphone also provides peace of mind in the event of an emergency. [This bill] will codify the benefits that foster youth between the ages of 13 and 26 are currently able to access as a part of the California Public Utilities Commission's "iFoster Pilot Program," ensuring that foster youth continue to be supported."

***Double referral:*** This bill passed out of the Assembly Communications and Conveyance Committee on June 23, 2021, with a 12-0 vote.

**RELATED AND PRIOR LEGISLATION:**

*SB 704 (Bradford) of 2019*, would have amended the definition of a household for the purposes of the California Lifetime Program and would have made various changes to the participant requirements. SB 704 was vetoed by Governor Newsom.

*AB 2652 (Quirk) of 2018*, would have made various changes to the enrollment and verification of participants enrolled in the California Lifeline program. AB 2652 was vetoed by Governor Brown.

*AB 2537 (Carrillo) of 2018*, would have established the “Lifeline Oversight Board” to oversee the California Lifeline program. AB 2537 was held on the Senate Appropriations suspense file.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Alliance for Children's Rights  
Aspiranet  
California Coalition for Youth  
Children Now  
County Welfare Directors Association of California (CWDA)  
iFoster  
National Association of Social Workers, California Chapter

**Opposition**

None on file

**Analysis Prepared by:** Emmalynn Mathis / HUM. S. / (916) 319-2089