

Date of Hearing: August 3, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES  
Eloise Gómez Reyes, Chair  
SB 912 (Beall) – As Amended July 27, 2020

**SENATE VOTE:** 40-0

**SUBJECT:** California Fostering Connections to Success Act

**SUMMARY:** Permits the juvenile court to retain jurisdiction over any ward or dependent child who is eligible to receive support as a nonminor dependent (NMD); requires certain youth who turn 18 years of age on or after March 4, 2020, to be treated as though the nonminor attained 18 years of age while under an order for foster care placement by the juvenile court if certain conditions are met; deems as eligible to continue receiving support as an NMD an NMD who turned 21 years of age from March 4, 2020, to June 30, 2021; and, requires, for any emergency declared by the Governor on or after January 1, 2021, an NMD who turns 21 years of age while the state of emergency is in effect to continue to receive support as an NMD for 12 months from the date of the declaration. Specifically, **this bill**:

- 1) Permits the juvenile court to retain jurisdiction over any ward or dependent child who is eligible to receive support as an NMD pursuant to certain provisions of this bill, as specified.
- 2) Requires, during the 2020-21 fiscal year, for purposes of the definition of “nonminor dependent,” a dependent of the court who turned 18 years of age on or after March 4, 2020, to be treated as though the nonminor attained 18 years of age while under an order for foster care placement by the juvenile court if all of the following conditions apply:
  - a) The youth was subject to a detention order, as defined in current law, on the youth’s 18th birthday;
  - b) The youth has been continuously detained and under the placement and care of the county child welfare department, as defined by current law; and,
  - c) A jurisdictional hearing, as defined in current law, was not held prior to the youth turning 18 years of age due to court closures or delays as a result of the COVID-19 pandemic, as specified.
- 3) Requires, during the 2020-21 fiscal year, for purposes of the definition of “nonminor dependent,” a ward of the court who turned 18 years of age on or after March 4, 2020, to be treated as though the nonminor attained 18 years of age while under an order of foster care placement by the juvenile court if all of the following conditions apply:
  - a) The youth was subject to a detention order, as defined by current law, on the youth’s 18th birthday;
  - b) The youth was continuously detained and under the placement and care of the county juvenile probation department, as defined by current law, until the court’s disposition which occurred after the youth’s 18th birthday;

- c) The disposition of the court resulted in the youth being placed under the supervision of the probation officer, as described in current law; and,
  - d) The disposition hearing, as defined in current law, was not held prior to the youth turning 18 years of age due to court closures or delays as a result of the COVID-19 pandemic, as specified.
- 4) Deems as eligible to continue receiving support as an NMD until June 30, 2021, an NMD who turned 21 years of age from March 4, 2020, to June 30, 2021, and, further, deems as eligible to reenter foster care pursuant to current law NMDs who meet the eligibility criteria enumerated in current law.
  - 5) Requires, for any statewide state of emergency declared by the Governor on or after January 1, 2021, an NMD who turns 21 years of age while the state of emergency is in effect to continue receiving support as an NMD for 12 months from the date of the declaration, as specified.
  - 6) Permits the Governor, if the statewide state of emergency poses continued risks to NMDs on a statewide basis after the initial 12 month extension, as required by the provisions of this bill, to extend the support provided pursuant to the provisions of this bill, as specified, for an additional amount of time that is necessary to safely transition the NMDs out of care.
  - 7) Requires, for any state of emergency declared by the Governor on a county-by-county basis on or after January 1, 2021, and if the Statewide Automated Welfare System (SAWS) can perform the necessary automation to implement this requirement, an NMD who turns 21 years of age while the state of emergency is in effect to continue receiving support as an NMD for 12 months from the date of the declaration, as specified.
  - 8) Permits the Governor, if the state of emergency poses continued risks to NMDs on a county-by-county basis after the initial 12 month extension, as required by the provisions of this bill, and if the SAWS can perform the necessary automation to implement this requirement, to extend the support provided by the provisions of this bill, as specified, to those counties continuing to experience the state of emergency for an additional amount of time that is necessary to safely transition the NMDs out of care.
  - 9) Requires, for any state of emergency declared by the Governor on or after January 1, 2021, an NMD who is unable to meet one of the conditions for extended foster care (EFC) participation, as enumerated in current law, while the declared state of emergency is in effect to continue receiving support for 12 months from the date of the declaration, as specified.
  - 10) Permits the Governor, if the state of emergency poses continued risks to NMDs after the initial 12 month extension, as required by the provisions of this bill, to require counties to provide support to NMDs who are unable to meet one of the conditions for EFC participation, as enumerated in current law, for an additional amount of time that is necessary to safely transition the NMDs out of care.
  - 11) Specifies that no appropriation pursuant to current law, as specified, is to be made for the purposes of implementing the provisions of this bill.

12) Declares the provisions of this bill an urgency statute and mandates that the provisions of this bill go into effect immediately in order to provide stability and financial support to NMDs who may be adversely affected by a state of emergency proclaimed by the Governor, including the state of emergency proclaimed by the Governor relating to the novel coronavirus (COVID-19) pandemic.

13) Makes technical changes.

#### **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, as well as 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) Requires a county to file a petition to the court requesting a detention hearing within 48 hours of placing a child under temporary custody to determine whether a child should remain in custody and whether any specific court permissions are necessary to provide for the health and safety of the child. (WIC 313 and 319)
- 5) Requires a "detention hearing" to be held within 24 hours of the next court day whenever a detention petition is filed with the court. (WIC 315)
- 6) Requires a juvenile court to hold a "jurisdictional hearing" within 15 judicial days of the petition filed to take the child into temporary custody to determine whether the court has jurisdiction to adjudicate the child. (WIC 334)
- 7) Requires a juvenile court to hold a "dispositional hearing" within 60 days of the detention hearing to determine the appropriate placement for the youth if he or she is adjudicated to be a dependent of the court. (WIC 352(b))
- 8) Permits the juvenile court to make an order that a youth be detained in the juvenile hall or other suitable place designated by the court for a period not to exceed 15 judicial days if it appears that the minor has violated an order of the juvenile court or has escaped from a commitment of the juvenile court, or that it is a matter of immediate and urgent necessity for the protection of the minor or reasonable necessary for the protection of the person or property of another that the youth be detained, or the minor is likely to flee to avoid the jurisdiction of the court. (WIC 636)
- 9) Permits the juvenile court, if a minor or nonminor is adjudged a ward of the court on the ground that the minor or nonminor meets certain criteria, as specified, to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of

the minor or nonminor, including medical treatment, subject to further order of the court.  
(WIC 727)

- 10) 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))

**FISCAL EFFECT:** According to the Senate Appropriations Committee on June 18, 2020, this bill may result in the following costs: \$56.8 million (\$49.8 million General Fund [GF]) to temporarily expand EFC eligibility for the 2020-21 fiscal year (FY), and potentially in costs for FY 2022-23 should current flexibilities be extended beyond June 30, 2020. Specifically:

- 1) \$31 million GF to extend EFC eligibility for those that no longer meet the age criteria (\$29 million GF to local assistance, \$2 million GF administrative costs); and,
- 2) \$25.3 million (\$18.3 million GF) to grant EFC eligibility to youth that reach the age of 18 while under an order for detention but prior to a jurisdictional hearing. This reflects \$20.9 million (\$15.1 million GF) in local assistance, and \$4.4 million (\$3.2 million GF) for administrative costs.

**COMMENTS:**

***Child Welfare Services:*** California’s Child Welfare Services (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.

***Dependency court procedures:*** Children removed from their parents’ custody are temporarily placed within the jurisdiction of the child welfare system pending a decision regarding their health and safety. A social worker is required, within 48 hours of taking the child into temporary custody, to file a petition with the court requesting that a detention hearing be conducted in order to decide whether further detention of the child is warranted. If the social worker petitions for the child to be declared a dependent of the court, current law requires the detention hearing be held within 48 hours of the petition being filed. Social workers are required to outline at the detention hearing the allegations of abuse or neglect made against the child’s parents, as well as the rationale for removing the child from their parents’ custody. If the court determines that the child’s best interests are served by removing them from their parents’ custody, the child is removed and permanent placement of the child is determined at a later date.

Within 15 days of a child’s removal from their parents’ custody, a jurisdictional hearing must occur in order to determine whether the allegations outlined in the social worker’s petitions are true. If the allegations are deemed to be true, then the child is determined to be within the jurisdiction of the juvenile court, thereby prompting a dispositional hearing within 60 days of the initial detention hearing. At the dispositional hearing, the court determines the parameters of the

family reunification plan and makes a determination as to where and with whom the child will reside. Whenever possible, and pursuant to current law, youth are placed with relatives or non-relative extended family members in order to preserve familial ties, though foster family homes and group care settings are also utilized when necessary. As of April 1, 2020, there were 59,585 youth between the ages of 0 and 21 placed in California's CWS system.

***Extended Foster Care:*** 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 adoption 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.

***Need for this bill:*** On March 4, 2020, Governor Newsom declared a statewide state of emergency in response to the global COVID-19 outbreak. The nationwide effects of COVID-19 on the public health, as well as the economy, have been drastic. In addition to the tragic loss of life, the United States has experienced record high unemployment, as well as the food and housing insecurity associated with reduced employment opportunities. Individuals from all walks of life have been affected by the impacts of COVID-19, including young people participating in extended foster care, who must meet certain age, work, and educational requirements in order to remain eligible for benefits.

In response to the unique needs of older foster youth amidst the ongoing COVID-19 pandemic, AB 89 (Ting), Chapter 7, Statutes of 2020, known as the Budget Act of 2020, allocated \$32 million to:

“...fund the assistance costs associated with continuing an extended foster care benefit assistance payment for any NMD who met eligibility requirements for the Extended

Foster Care program, has lost their employment or has experienced a disruption in their education program resulting from COVID-19, and cannot otherwise meet any of the participation requirements...and 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, beyond the maximum age limits [enumerated in current law] and accompanying rules or regulations.”

The provisions of this bill seek to build upon the work accomplished through the Budget Act by extending juvenile court jurisdiction over those youth over the age of 21 who have been deemed eligible for extended foster care benefits. This bill would also expand the population of NMDs who are eligible to continue receiving support as an NMD to include youth who turned 21 years of age after March 4, 2020, rather than after April 17, 2020. The provisions of this bill would also require youth who turned 18 years of age on or after March 4, 2020, while under an order of foster care placement by the juvenile court, to be treated as an NMD if certain conditions are met, including if certain court hearings are delayed due to court closures or delays resulting from the COVID-19 pandemic. Finally, this bill would require, for certain emergencies declared by the Governor on or after January 1, 2021, youth who turn 21 years of age during the emergency to continue to receive support as an NMD for 12 months from the date of the declaration, and would also require extended foster care benefits to be provided to NMDs who are unable to meet certain participation criteria during a declared state of emergency.

According to the author, “COVID-19 has created an unprecedented crisis around the world. California’s shelter in place order has disrupted daily life, halted the economy, and negatively impacted critical services provided by the state. As many industries struggle to cope with the new normal, foster youth are hit especially hard. Many foster youth are in need of emergency policy changes in order to maintain stable placements, safe housing, and their academic goals.”

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

***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 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 Supplemental Security Income 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 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 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**

Beyond Emancipation  
California Judges Association  
California Youth Connection (CYC)  
Center for Juvenile Law and Policy, Loyola Law School  
John Burton Advocates for Youth  
Legal Services for Children  
National Association of Social Workers, California Chapter  
Public Counsel  
Voices Youth Centers

##### **Opposition**

None on file

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