

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2021-2022 Regular Session

AB 546 (Maienschein)
Version: June 9, 2021
Hearing Date: June 29, 2021
Fiscal: Yes
Urgency: No
JT

SUBJECT

Dependent children: documents: housing

DIGEST

This bill, with respect to the housing assistance efforts a county welfare department must provide to a foster youth who is on the cusp of aging out of the system, expands the information about these efforts the department must report to the juvenile court.

EXECUTIVE SUMMARY

Among former foster youth, homelessness and housing insecurity, and their attendant harms, are rife. To help prepare foster youth who are aging out of the system to transition to self-sufficiency, California extends foster care benefits to former foster care youth between the ages of 18 and 21, also known as nonminor dependents. Before dependency jurisdiction is terminated, existing law requires the county welfare department to verify to the court that it has, at specified intervals, provided the youth with certain services, information, and documents, including their Social Security card, birth certificate, and driver's license. The department must also describe its efforts to provide assistance in obtaining employment, education, and, where appropriate, a referral to transitional housing, if available, or assistance in securing other housing.

This bill expands these reporting requirements with respect to housing-related information and services that are provided to the youth. The bill is co-sponsored by the Children's Advocacy Institute and Dependency Legal Services, and is supported by several children's advocacy organizations, who argue this enables dependency judges to make more informed decisions and thereby avoid prematurely terminating dependency jurisdiction over a youth who might end up homeless. There is no known opposition. The Senate Human Services Committee passed the bill by a vote of 5-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Provides that a child may become a dependent of the juvenile court and be removed from the control of their parent or guardian on the basis of abuse or neglect. (Welf. & Inst. Code § 300.)¹
- 2) Requires that the status of every dependent in foster care be reviewed by the court at least once every six months, as specified. (§§ 366 & 366.3.)
- 3) Authorizes the court to retain jurisdiction over a dependent who becomes a nonminor between the ages of 18 and 21 (§ 303(a)), or, if the court terminates jurisdiction over a nonminor, the nonminor may petition the court for reinstatement of jurisdiction (§ 388(e)). Establishes certain eligibility criteria for nonminor dependents. (§§ 11400(v), 11403(a), (b).)
- 4) Authorizes the court to terminate dependency jurisdiction over a nonminor if the court finds that the nonminor does not wish to remain subject to the dependency jurisdiction, or is not participating in a reasonable and appropriate transitional independent living case plan. (§ 391(e)(1).) Conditions this authority on, among other things, the youth being informed of their rights to continue being dependents as nonminors, and to the duties described in 5) being fulfilled.
- 5) Requires the county welfare department to submit reports to the court describing information, documents, and services the department provided to the youth. (§ 391.) The reports must be submitted at:
 - a) The first regularly scheduled review hearing after the child has attained age 16. (§ 391(a).)
 - b) The last regularly scheduled review hearing before the youth attains age 18. (§ 391(b), (c).)
 - c) Every regularly scheduled review hearing after the youth has attained age 18. (§ 391(c).)
- 6) With respect to the reports that must be submitted at the last regularly scheduled review hearing before the youth attains age 18, and at every subsequent hearing, requires a description of the county welfare department's efforts to provide, as applicable, referrals to transitional housing, if available, or assistance in securing other housing. (*Id.* at (c)(6), (h)(7)(A).)

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise specified.

This bill:

- 1) Provides that, at the first regularly scheduled review hearing after the child has attained age 16, the report submitted to the court must include verification that the child has been provided written information that has been submitted to the county welfare department by the entity tasked by the department with providing housing assistance and referrals to the dependent child, where applicable.
- 2) Provides that, at the last regularly scheduled review hearing before the youth attains age 18, and at every regularly scheduled review hearing thereafter, the report submitted to the court must include verification of:
 - a) Whether referrals to transitional housing or assistance in securing other housing have resulted in housing being secured for the minor or nonminor, and, if not, what, if any, different or additional referrals or assistance the department has provided that are intended to secure housing.
 - b) The duration of the housing, if known to the department.
 - c) If applicable, information, including summaries, describing additional referrals, assistance, or services provided by county departments or agencies other than the county welfare department that are intended to prevent the minor or nonminor from becoming homeless if dependency jurisdiction is terminated.

COMMENTS

1. Author's statement

The author writes:

Homelessness is a significant problem among children who grew up in the foster care system. California is responsible for the well-being of these children and we owe them our best, yet too many are exiting the system into precarious or unstable housing conditions. Nationwide, 1 in 4 foster youth who age out of the system each year will end up experiencing homelessness within four years. We must do better. [This bill] will help dependency judges be informed whether a child under the court's care is exiting into homelessness and what steps are being taken within existing resources to prevent that looming tragedy. By requiring every dependency court judge to be informed about whether a child exiting their jurisdiction is exiting to homelessness we will better ensure that all available current resources are deployed to benefit these children and prevent them from entering the cycle of homelessness.

2. Extended foster care

The transition to independent living can be challenging for any young adult. Foster youth—already coping with the trauma of abuse or neglect, separation from family and friends, and, often, the disruption of moving through a series of placements, homes, and schools—are especially likely to struggle during this phase. Of California’s roughly 60,000 foster youths, about 4,000 emancipate from the system each year, by far the largest number of any state in the U.S.² The immediate outcomes for these young adults are sobering. Studies have shown that former foster youth, when compared to other young adults, are far less likely to complete high school, attend college,³ or be employed.⁴ They are also at a much higher risk of experiencing mental health and substance abuse disorders,⁵ arrest and incarceration,⁶ and homelessness, with one in four reporting being unsheltered within the last two years.⁷

The Legislature has made it a priority in recent years to protect this vulnerable population, both by extending the availability of foster care to nonminors between the ages of 18 and 21 and by seeking to provide those aging out of foster care with better support to ease them into independence. Following the passage of the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Pub. L. 110-351), which enabled states to access federal funds to implement a number of policy changes, including extending foster care benefits until age 21, California enacted the California Fostering Connections to Success Act (AB 12 (Beall) Ch. 559, Stats. 2010). AB 12 gave dependents the right to continue receiving foster care support after reaching the age of 18. The nonminor must be in school, job training, or working, unless they are incapable. (§ 11403(b).) They must also sign an agreement to remain in foster care, reside in an

² See *Just the Facts: Foster Care in California* (March 2010) Public Policy Institute of California https://www.ppic.org/content/pubs/jtf/JTF_FosterCareJTF.pdf (as of June 6, 2021); *Program Strategy for Foster Youth*, Conrad N. Hilton Foundation, p. 2, available at https://www.hiltonfoundation.org/wp-content/uploads/2019/10/Foster_Youth_Strategy_Paper-3.pdf (as of June 6, 2021).

³ Frerer et al. *At Greater Risk: California Foster Youth and the Path from High School to College* (2013) Stuart Foundation, p. 1, available at <https://stuartfoundation.org/wp-content/uploads/2016/04/at-greater-risk-california-foster-youth-and-the-path-from-high-school-to-college.pdf> (as of June 6, 2021).

⁴ Nikolas Bagley, *The Economic Well-Being of Youth Transitioning From Foster Care* (Dec. 4, 2017) <https://youthtoday.org/2017/12/the-economic-well-being-of-youth-transitioning-from-foster-care/> (as of June 6, 2021).

⁵ Havlicek et al. *Mental Health and Substance Use Disorders among Foster Youth Transitioning to Adulthood: Past Research and Future Directions* (2013) 35 Child Youth Serv. Rev. 194.

⁶ Sara McCarthy and Mark Gladstone, *What percentage of the state’s polled prison inmates were once foster care children?* (Dec. 2011) CA Senate Office of Research, available at https://sor.senate.ca.gov/sites/sor.senate.ca.gov/files/Foster_Care_PDF_12-8-11.pdf (as of June 6, 2021); Ashley Marie Yamat, *The Foster-Care-to-Prison Pipeline* (2020) 17 Justice Policy Journal 2, at p. 1, available at http://www.cjcj.org/uploads/cjcj/documents/the_foster_care_to_prison_pipeline.pdf (as of June 6, 2021).

⁷ Courtney et al, *Findings from the California Youth Transition to Adulthood Study (CalYOUTH) Conditions of Youth at Age 23* (2020) Chaplin Hall, University of Chicago, p. 151, available at https://www.chapinhall.org/wp-content/uploads/CY_YT_RE1020.pdf (as of June 6, 2021).

eligible placement, and agree to work with the social worker on their transitional living independent case plan. (§§ 303(a), 11400, 11403(a), (b).) Additionally, if the youth exits foster care, the youth has the right to reenter until they reach the age of 21, subject to the same conditions. (§§ 388(e), 388.1.)

Extended foster care provides youth with the services and support to experience independent living in supervised living environments, and enables the youth to obtain educational and employment training to better prepare them for the transition to adulthood. Participation, which is voluntary, has been higher than stakeholders initially expected, with over 8,000 nonminor dependents currently receiving care.⁸

3. Augments reporting on information and services to secure housing for foster youth transitioning to independence

Existing law requires the dependency court to review the status of every youth in foster care at least once every six months. (§§ 366 & 366.3.) At the first regularly scheduled review hearing after the child reaches age 16,⁹ the social worker must submit a report to the court that provides recommendations and verify that the youth has been provided with certain vital records, including their Social Security card, driver's license, and birth certificate, as well as assistance in obtaining employment and a college education or vocational training. (§ 391(a).) Similar reports must be provided at the last regularly scheduled review hearing before a child attains age 18, and, if the youth continues to receive extended foster care benefits as a nonminor, at every regularly scheduled review hearing after the youth has attained age 18. (§ 391(b), (c).) These reports must also include, among other things, a description of the county welfare department's efforts to provide, as applicable, referrals to transitional housing, if available, or assistance in securing other housing. (Id. at (c)(6), (h)(7)(A).) The court may not terminate its jurisdiction over a nonminor until a hearing pursuant to section 391 is conducted and, among other things, the county has submitted these reports. (§ 391(d).)

This bill seeks to augment reporting on services related to securing housing. First, the bill provides that, at the first regularly scheduled review hearing after the child has attained age 16, the report submitted to the court must include verification that the child has been provided written information that has been submitted to the county welfare department by the entity tasked by the department with providing housing assistance and referrals to the dependent child, where applicable.

Second, the bill provides that, at the last regularly scheduled review hearing before the youth attains age 18, and at every regularly scheduled review hearing thereafter, the report submitted to the court must include verification of:

⁸ *California Juvenile Dependency Practice* (2021) Continuing Education of the Bar – California, § 1.6, p. 12.

⁹ If a foster youth is not placed with a legal guardian and dependency jurisdiction has not been dismissed, the juvenile court must review the youth's status every six months to determine whether they should remain in foster care or be considered for other options. (§ 366.3(d).)

- Whether referrals to transitional housing or assistance in securing other housing have resulted in housing being secured for the minor or nonminor, and, if not, what, if any, different or additional referrals or assistance the department has provided that are intended to secure housing.
- The duration of the housing, if known to the department.
- If applicable, information, including summaries, describing additional referrals, assistance, or services provided by county departments or agencies other than the county welfare department that are intended to prevent the minor or nonminor from becoming homeless if dependency jurisdiction is terminated.

4. Support

According to the sponsors, Children’s Advocacy Institute and Dependency Legal Services, foster youth who age out of the system are highly likely to experience housing instability or homelessness, and, as a result, to develop substance abuse issues, suffer abuse, and acquire health complications. The COVID-19 pandemic, they note, has increased these risks. The sponsors conclude:

Against this backdrop of tragedy, and measured by our matchless moral obligation to the children who we have by force of law removed from the care of their parents to be raised in our care, this bill is exceedingly modest. The bill only requires the dependency judge be told what is already known by the county when a child is about to age out; namely, whether in fact the child has arranged for a stable place to live. The bill then relatedly requires a conversation about what can be done to arrange for such housing before a child we are raising is knowingly made homeless.

SUPPORT

Children’s Advocacy Institute (co-sponsor)
Dependency Legal Services (co-sponsor)
Alliance for Children’s Rights
California CASA Association
Children Now
Children’s Law Center of California
Children’s Legal Services of San Diego
East Bay Family Defenders
John Burton Advocates for Youth
Los Angeles Dependency Lawyers, Inc.
National Association of Social Workers, California Chapter
Public Counsel

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation:

SB 234 (Wiener, 2021) creates the Transition Aged Youth Housing Program under the Homelessness Financing and Coordinating Council to provide grants for the development of housing for transition aged youth. The bill is in the Senate inactive file.

AB 592 (Friedman, 2021) seeks to increase the housing options available to youth in the extended foster care system. The bill is pending in the Senate Appropriations Committee.

AB 640 (Cooley, 2021) establishes a process by which a foster youth, upon entering extended foster care, may obtain a redetermination of their eligibility for federal foster care funding. The bill is pending in this Committee.

AB 674 (Bennet, 2021) adds information regarding CalFresh benefits to the information that must be included in the report provided at the last regularly scheduled review hearing before a foster youth's 18th birthday. That bill will be heard in this Committee on the same day as this bill.

Prior Legislation:

AB 531 (Friedman, 2019) would have increased the housing options available for youth in the extended foster care system. The bill was held in the Senate Appropriations Committee.

AB 718 (Eggman, Ch. 438, Stats. 2019) revised and recasted the framework under section 391, including by making it apply to a foster youth who turns 16.

AB 12 (Beall, Chapter 559, Statutes of 2010). *See* Comment 2.

AB 686 (Aroner, Ch. 911, Stats. 2000) required the county welfare department to verify to the court that it had provided specified information and documents – including the nonminor's Social Security card, certified birth certificate, identification card, death certificate of parent or parents, and proof of citizenship or residence – to the dependent before termination of the court's jurisdiction.

PRIOR VOTES:

Senate Human Services Committee (Ayes 5, Noes 0)

Assembly Floor (Ayes 77, Noes 0)

Assembly Appropriations Committee (Ayes 16, Noes 0)

Assembly Judiciary Committee (Ayes 11, Noes 0)

Assembly Human Services Committee (Ayes 8, Noes 0)
