
SENATE COMMITTEE ON HUMAN SERVICES

Senator Hurtado, Chair
2021 - 2022 Regular

Bill No:	AB 46		
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Version:	June 23, 2021	Hearing Date:	July 6, 2021
Urgency:	No	Fiscal:	Yes
Consultant:	Marisa Shea		

Subject: California Youth Empowerment Act

SUMMARY

This bill creates the California Youth Empowerment Act (Act) to address, among other issues, the growing need to engage youth directly with policymakers. In addition, the bill would establish the California Youth Empowerment Commission (Commission) in state government for the main purpose of providing meaningful opportunities for civic engagement to improve the quality of life for California's disconnected and disadvantaged youth.

ABSTRACT

Existing Law:

- 1) Establishes a system of juvenile dependency for children for specified reasons, including but not limited to children who are, or are at risk of, being physically, sexually, or emotionally abused, being neglected or being exploited, to ensure their safety, protection, and physical and emotional well-being, as specified and designates that a child who meets certain criteria is within the jurisdiction of the juvenile court, as specified. (*WIC 300 et seq.*)
- 2) Provides for extended foster care funding for youth until age 21, if certain participation requirements are met, as provided. (*WIC 241.1; 303; 366.3; 388; 391; 450; 11400; 11402; and 11403*)
- 3) Establishes the California Child Welfare Council to serve as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that service the children and youth in the child welfare and foster care systems. (*WIC 16540 et seq.*)
- 4) Requires the Secretary of California Health and Human Services Agency (CHHS), or their designee, and the Chief Justice of the California Supreme Court, or their designee, to serve as the co-chairs of the Child Welfare Council, and requires the membership of other state agencies and stakeholders, as provided. (*WIC 16541*)

- 5) Requires the Child Welfare Council to issue advisory reports at least annually to the Governor, the Legislature, the Judicial Council, and the public. (*WIC 16540*)
- 6) Requires the Child Welfare Council to hold public meetings no less frequently than each quarter of the state fiscal year. (*WIC 16541.5*)
- 7) Allows the co-chairs of the Child Welfare Council to appoint committees, as provided. (*WIC 16542*)
- 8) Establishes the “California Youth Leadership Project” for the purpose of promoting youth civic engagement through meaningful opportunities to improve the quality of life for California’s disconnected and disadvantaged youth by awarding scholarships to youth between 14 and 18 years of age. (*EDC 33425*)
- 9) Establishes various state boards, commissions, advisory committees, and other authorized state bodies. (*GOV 800 et seq.*)

This Bill:

- 1) States legislative findings and declarations regarding the needs and issues affecting youth, and the growing need to engage our youth directly with policy makers in a way that provides opportunities for youth to acquire civic knowledge and develop the skills necessary to participate fully in a democratic society.
- 2) Defines “Commission” as meaning the California Youth Empowerment Commission, as established by this bill.
- 3) Defines “commissioner” as meaning a voting member of the California Youth Empowerment Commission.
- 4) Creates the California Youth Empowerment Commission to consist of 25 voting commissioners that are appointed as follows:
 - a) 21 public members appointed by the governor, subject to the following requirements: staggered terms so that 10 members serve one year terms and 11 members serve two year terms, as designated by the governor; two of the commissioners must reside, work, or attend school in each region, as provided, except the at-large commissioner; 10 commissioners shall be between 14 to 18 years of age; 10 commissioners shall be between 18 to 25 years of age; at least 10 commissioners shall have experienced a physical disability, youth homelessness, foster care, or juvenile incarceration; one at large commissioner who may be between 14 to 25 years of age;
 - b) Two at-large public members appointed by the Senate Committee on Rules; and
 - c) Two at-large public members appointed by the Speaker of the Assembly.

- 5) Divides the state into nine geographical regions, as provided.
- 6) Requires one member of the Senate appointed by the Senate Committee on Rules, one member of the Assembly appointed by the Speaker of the Assembly, the Governor, the Superintendent of Public Instruction, and the Secretary of the CHHS all serve as nonvoting members of the Commission.
- 7) Requires all appointing powers take into consideration that the members of the Commission represent the geographical, racial, ethnic, socioeconomic, cultural, physical, and education diversity of California's youth. Provides for particular emphasis and funding to be used on reaching out to at-risk or disadvantaged youth to serve as members of the Commission, to provide insight into the many issues youth face in their day-to-day lives.
- 8) Requires, excluding the initial staggering of terms, commissioners serve two-year terms.
- 9) Requires commissioners: be between 14 and 25, but allows a commissioner who turns 26 during their term to complete the term; and, a resident of California.
- 10) Allows commissioners to seek reappointment.
- 11) Provides for attending a meeting of the Commission as a commissioner to be a lawful excuse for a student to be absent from school, as provided, and further provides a student excused from school under this section may not be recorded as absent.
- 12) Provides a commissioner, in the event of inappropriate conduct, unexcused absences, or inability to complete expected duties of a commissioner, to be entitled to a facilitated meeting using restorative practices. Defines "facilitated meeting" as meaning a facilitated process designed to acknowledge, address, and respond to underlying needs of all parties, and defines "restorative justice practices" as meaning a process to improve and repair relationships between people and communities, as provided.
- 13) Provides that a commissioner's position becomes vacant, under the approval of the executive director, in the event of any of the following: death of a commissioner; resignation of a commissioner; change in residence of a commissioner outside of California; and, failure to resolve challenges occurring from inappropriate conduct, unexcused absences, or inability to complete expected duties of a commissioner.
- 14) Provides for the appointing power that appointed the commissioner to appoint a replacement in the event of a vacancy, as provided.
- 15) Requires the executive director of the Commission, appointed as provided, to, no later than March 1 of each year, do the following: release to the public on its internet website the procedure for the general application process to assist public members in the appointment process and facilitate communications between public members and the appointing powers; and, have created and made the application publically available on its internet website.

- 16) Requires the executive director to notify the Superintendent of Public Instruction, the Association of Independent California Colleges and Universities, the Regents of the University of California, the California State University, and the California Community Colleges Chancellor's office that the application for an appoint is open, including requirements for an appointment, a copy of the application and a request to transmit the notice to all students.
- 17) Allows for the executive director to consider additional relevant selection criteria and conduct interviews in reviewing general applications and further allows the executive director to recommend public members to be appointed, but requires there be no right or obligation on the part of the appointing powers to appoint those public members.
- 18) Requires each public member of the Commission receive one hundred dollars per diem while on official business of the Commission and entitles each member of the Commission to receive their actual necessary traveling expenses while on official business of the Commission.
- 19) Requires the Commission to elect a chair, vice chair, and clerk from among its members at the first meeting of the year and places certain duties and responsibilities on those individuals, as provided.
- 20) Requires the Commission be an advisory Commission only. Specifies there is no right or obligation on the part of the state, or parties meeting and conferring, to implement the findings of the Commission without further legislation that specifically authorizes that the evaluations, determinations, and findings of the Commission be implemented.
- 21) Requires the Commission conduct full Commission meetings at least every other month, with the first meeting in August 2022.
- 22) Requires the Commission do the following:
 - a) Examine and discuss policy and fiscal issues affecting the interests, needs, and conditions of the youth of California;
 - b) Formally advise and make recommendations to the Legislature, Superintendent of Public Instruction, and Governor on specific legislative and fiscal issues affecting youth, such as the following: achievement gap, behavioral and physical health, bullying, career preparation, child welfare, child and sexual abuse, civic engagement, climate crisis, college affordability and student loans, depression and suicide, education, employment, financial literacy, foster care, gun violence, health care, homelessness, housing and transportation, reproductive justice; poverty; juvenile justice; among others;
 - c) Consult with any existing local-level youth advisory Commissions and community-based, grassroots youth-led organizations for input and potential solutions on issues related to youth;

- d) Publish an internet website to report details relevant to the Commission for the public view, as provided; and,
 - e) On or before January 1, 2024, and annually thereafter, publish an annual report to the Legislature, Superintendent of Public Instruction, Secretary of CHHS, and Governor detailing the activities, issues, demographics, budget, and outcomes of the Commission, as provided.
- 23) Allows the Commission to draft and approve resolutions that formally articulate the Commission's positions on various youth-related legislative and fiscal policies, draft model legislation that addresses issues relating to youth, provide testimony during any committee meeting in the Legislature, form committees and task forces to discuss specific issues and policy areas, conduct public hearings with community and youth organizations, appoint advisory committees, conduct public awareness campaigns, conduct period seminars for members, establish grant application criteria and procedures, and award prizes or direct grants to organizations, as provided.
- 24) Requires the Governor appoint an executive director of the Commission and requires the executive director to assist the Commission in carrying out its work, be responsible for the hiring of Commission staff, including, but not limited to, deputy directors, be responsible for the management and administration of Commission staff, and perform other duties as directed by the Commission.
- 25) Allows the Commission to accept gifts and grants from any source, public or private, to help perform its functions, as provided. Further allows the Commission to seek out funding and in-kind contributions from foundations, nonprofit organizations, public and private entities, and other individuals or groups to carry out the work of the Commission.
- 26) Requires the Commission develop a strategy to attract financial support from private donors in order to reduce the Commission's dependence on state funding.
- 27) Creates in the State Treasury the Youth Empowerment Commission Fund in support of the Commission, and allows moneys deposited into the account to be expended, upon appropriation by the Legislature, to carry out the duties of the Commission.
- 28) Creates a five year sunset date for the Commission, providing it shall remain in effect only until January 1, 2027.

FISCAL IMPACT

According to the Assembly Appropriations Committee's analysis of this bill, dated May 5, 2021, this bill has the following fiscal impact:

- Estimated total costs of \$1.4 million (General Fund (GF)) to establish the Commission and meet the requirements of the bill. These costs include one-time costs of \$152,000 (GF) for equipment and supplies and ongoing costs of \$1.3 million (GF) annually for the executive director and four additional full-time staff to staff the Commission and conduct

fund raising activities, commissioner per diem, operating expenses and conference and meeting expenses.

- The bill specifies the Commission is to be funded by both public and private funding sources and authorizes the Commission to seek out funding and in-kind contribution from foundations, nonprofit organizations, public and private entities, and other individuals or groups in order to carry out the work of the Commission.

(This proposal is also being considered in the Legislative budget process. The budget request additionally includes a \$2 million allocation for the Commission to award grants.)

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, “youth deserve to have their voices heard. AB 46 will establish a 25-member youth commission that will serve as a statewide advisory body to the state government. At least half of the commissioners must have experienced youth homelessness, foster care, juvenile incarceration, or have special needs to ensure representation from traditionally underserved groups. The Commission’s duties will include examining and discussing policy, holding meetings and roundtable discussions with youth advocates and the public, and investing in youth by providing grants, with strict oversight mechanisms, to programs that seek to address youth concerns. Our democracy is better served when everyone, especially youth, is given an opportunity to contribute their own unique and invaluable perspectives in policy decisions that have far-reaching ramifications for the future of our great state.”

California Child Welfare Council

In 2006, AB 2216 (*Bass, Chapter 384, Statutes 2006*), also known as the Child Welfare Leadership and Accountability Act of 2006, created the California Child Welfare Council to improve outcomes for foster youth by establishing an advisory body within HHS to improve the coordination and service deliver to the child welfare and foster care system. AB 2216 required the Child Welfare Council’s membership to be as follows:

- The Secretary of HHS, who shall serve as co-chair;
- The Chief Justice of the California Supreme Court, or their designee, who shall serve as co-chair;
- The Superintendent of Public Instruction, or their designee;
- The Chancellor of the California Community Colleges, or their designee;
- The executive director of the State Board of Education;
- The Director of CDSS;
- The Director of State Hospital;
- The Director of DDS;
- The Director of the Youth Authority;
- The Administrative Director of the Courts;
- The State Foster Care Ombudsperson;

- Four foster youth or former foster youth;
- The chairpersons of the Assembly Human Services Committee and the Assembly Judiciary Committee, or two other members of the Assembly as appointed by the Speaker of the Assembly;
- The chairpersons of the Senate Human Services Committee and the Senate Judiciary Committee, or two other members appointed by the President pro Tempore of the Senate; and
- Leaders and representatives of county child welfare, foster care, health, education, probation, and mental health agencies and departments; child advocacy organizations; labor organizations; tribal representatives; and other stakeholders, as recommended by representatives of these groups and as designated by the co-chairs.

AB 2216 made the Child Welfare Council responsible for improving the collaboration and processes of the multiple agencies and courts that serve the children and youth in the child welfare and foster care systems. Additionally, AB 2216 required the Child Welfare Council to monitor and report the extent to which child welfare and foster care programs and the courts are responsible to the needs of children in their joint care. The Child Welfare Council does this by issuing annual advisory report to the Governor, the Legislature, the Judicial Council, and the public, and has the ability to issue advisory reports more frequently if the Child Welfare Council deems such reporting appropriate. The Child Welfare Council is required to meet quarterly and these meetings are required to be open to the public. Furthermore, the co-chairs are able to appointment committees composed of council members, experts in specialized fields, foster youth and other stakeholders to further advise the council on any functions of the council and the services provided through the child welfare and foster care programs and the courts.

Although the Child Welfare Council has some youth members, it is primarily a council of professionals working in the child welfare system or individuals with lived experience from that system. This bill proposes the creation of a Commission that would have a youth driven focus, and although child welfare is a topic the Commission may consider it is not the sole focus of the Commission. As written, the Commission proposed by this bill encourages the representation and inclusion of system involved youth as Commissioners. This would allow foster youth to be directly involved in Commission activities. The youth engagement would be different from youth involvement with the Child Welfare Council, as the Commission would be primarily made up of other youth, not policy-makers, with a policy focus and purpose that are much broader than that of the Child Welfare Council.

Youth Civic Engagement

Data from the Center for Information & Research on Civic Learning and Engagement (CIRCLE) at Tufts University found about a 10 percent increase in voter participation for youth ages 18 to 29 in the 2020 United States presidential and general election compared to the 2016 presidential and general election. Casting a ballot, however, only represents one form of civic engagement. Civic engagement includes political activism, environmentalism, and community and national service. The CIRCLE data also found an increase in other forms of civic engagement including volunteering for political campaigns and trying to convince other young people to vote. Research has consistently shown that participating in communities and being a part of groups working together on an issue has numerous benefits for young people themselves. Participation in civic engagement activities can help youth feel connected to their communities and learn how

to influence change in policies that affect them. For example, youth-led organizations like the California Youth Connection (which is the sponsor of this bill) regularly engage in the legislative process and influence changes in the foster care system.

Related/Prior Legislation:

AB 1858 (Luz Rivas, 2020) would have, similar to this bill, created the Youth Empowerment Act to address, among other issues, the growing need to engage youth directly with policymakers. In addition, the bill would have established the Commission in state government for the main purpose of providing meaningful opportunities for civic engagement to improve the quality of life for California's disconnected and disadvantaged youth. AB 1858 was never heard in the Assembly Accountability and Administrative Review Committee due to COVID-19 constraints.

SB 421 (Pan, 2021) would have established, until January 1, 2025, the Children's Cabinet of California to serve as an advisory body responsible for improving the collaboration among agencies that provide services to the children and youth of the state. SB 421 was held in the Senate Appropriations Committee suspense file.

AB 823 (Dickinson, 2011) would have established the California Children's Coordinating Council to serve, until January 1, 2019, as an advisory body responsible for improving the collaboration among agencies that provide services to California's children and youth. This bill was vetoed by Governor Brown.

AB 2252 (DeSaulnier, 2008) would have established the California Youth Council to better ensure that the developmental needs of youth in California are met. AB 2252 was vetoed by Governor.

COMMENTS

There have been several efforts in the past establish Children's Coordinating Councils or Children's Cabinets, all in an effort to improve coordination among state agencies and departments that provide services to California's children and youth. AB 1858 (Luz Rivas, 2020) was substantially similar to this bill, but was not heard by any committee due to COVID-19's impact on the legislative calendar.

Several states have established youth advisory bodies within state government. Although these advisory bodies vary in name and structure, they all represent an effort by states to bring youth voices to the table on social and policy issues that impact youth. In many of these advisory bodies, the youth membership decides the focus of their work, allowing the current members to use their experience, talents, and creative energy to engage on issues that matter to them. Some local governments have also begun using this structure, allowing youth to more directly engage with city leaders and assist city leaders in public information campaigns, peer mentoring, or efforts to engage with and improve their community.

This bill proposes the creation of a California Youth Empowerment Commission with the mission of empowering under-represented youth with formal opportunities to engage in California's civic process. This not only provides participating youth with the opportunity to

develop valuable skills, but also ensures state government hears directly from the young people their policy decisions impact.

PRIOR VOTES

Senate Governmental Organization Committee:	11 - 2
Assembly Floor:	73 - 0
Assembly Appropriations Committee:	14 - 0
Assembly Accountability and Administrative Review Committee:	6 - 0

POSITIONS

Support:

California Coalition for Youth (Co-Sponsor)
California Association of Student Councils (Co-Sponsor)
Alliance for Children's Rights
California Association of Christian Colleges and Universities
California League of Conservation Voters
California Youth Connection (CYC)
Children Now
John Burton Advocates for Youth
League of Women Voters of California
National Association of Social Workers, California Chapter
National Institute for Criminal Justice Reform
Nextgen California
Prevention Institute

Oppose:

None received.

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