

Date of Hearing: April 13, 2021

ASSEMBLY COMMITTEE ON JUDICIARY  
Mark Stone, Chair  
AB 546 (Maienschein) – As Amended March 18, 2021

PROPOSED CONSENT

**SUBJECT:** DEPENDENT CHILDREN: DOCUMENTS: HOUSING

**KEY ISSUE:** IN ORDER TO BETTER PROTECT EMANCIPATING FOSTER YOUTH FROM HOMELESSNESS, SHOULD THE COUNTY WELFARE DEPARTMENT BE REQUIRED TO REPORT INFORMATION TO THE COURT REGARDING THE DEPARTMENT'S EFFORTS TO SECURE HOUSING FOR THE YOUTH?

**SYNOPSIS**

*Nationwide, one in four foster youth who age out of the foster care system each year will end up experiencing homelessness within four years. Annually in California, about 4,000 youth age out of care and 65 percent of the youth who leave foster care at age 18 leave the system with no place to call home. Under current law, a dependency court is prohibited from terminating jurisdiction over a foster youth until a hearing is conducted and the county welfare department submits a report verifying that specified information has been provided to the youth, including referrals to transitional housing.*

*This non-controversial bill would expand the list of information, documents, and services that a county welfare department must provide to the youth and verify in a report to the court, at the last review hearing prior to a youth's 18th birthday and at every regularly scheduled hearing thereafter, that includes information about whether the foster youth has secured housing, whether referrals to transitional housing or assistance in securing housing have been successful for the youth, and, if not, what different or additional services the county welfare department has provided to prevent the youth from becoming homeless if jurisdiction is terminated. The bill also prohibits the juvenile court from terminating jurisdiction over the youth until the county welfare department reports to the court on efforts to help the youth secure housing.*

*This bill is sponsored by Children's Advocacy Institute and Dependency Legal Services and supported by advocates for children and families. The bill has no opposition on file.*

**SUMMARY:** Requires the county welfare department to include in its report to the court at the last regularly scheduled review hearing before a dependent child attains 18 years of age, and at every regularly scheduled review hearing thereafter and before dependency court jurisdiction can be terminated, descriptions of efforts to secure housing for the youth. Specifically, **this bill:**

- 1) Requires the county welfare department, at the last regularly scheduled review hearing before a dependent child reaches age 18, and at every scheduled review hearing thereafter, to submit a report to the court describing efforts towards providing the following information, documents, and services to the minor or nonminor, if applicable:
  - a) Referrals to transitional housing, if available, or assistance in securing other housing;

- b) The permanency of the housing, if known; and
  - c) Whether the referrals or assistance have been successful at securing housing for the minor or nonminor, and, if not, what different or additional services the county welfare department has provided that are intended to prevent the minor or nonminor from becoming homeless if dependency court jurisdiction is terminated.
- 2) Prohibits the juvenile court from terminating dependency jurisdiction over a nonminor dependent who has attained 18 years of age until a hearing is conducted and the county welfare department has submitted a report verifying that the information, documents, and services required under 1), above, have been provided to the nonminor, or in the case of a nonminor who, after reasonable efforts by the county welfare department, cannot be located, verifying the efforts made to make the information available.

**EXISTING LAW:**

- 1) Establishes the juvenile court has jurisdiction over children who are subject to abuse or neglect. (Welfare and Institutions Code Section 300. All further statutory references are to the Welfare and Institutions Code, unless otherwise indicated.)
- 2) Provides the court may have within its jurisdiction any nonminor dependent, between the age of majority and 21 years, as defined. Provides that a nonminor dependent shall retain all of their legal decision-making authority as an adult, except as specified. (Section 303.)
- 3) Defines “nonminor dependent” as a current foster youth or a nonminor under the transition jurisdiction of the court who is between 18 and 21 years old, turned 18 years old while under an order of foster care placement, is in foster care under the responsibility of the county welfare department, county probation department, or Indian Tribe, and is participating in a transitional independent living plan, as specified. (Section 11400 (v).)
- 4) Requires the status of every minor or nonminor dependent in foster care to be reviewed by the court at least once every six months, as specified. Requires the court, in regular status reviews after the youth has attained specified ages, to review the status of providing the youth certain information and documents including the social security card, birth certificate, and driver’s license or identification card. (Sections 366, 366.3, and 391.)
- 5) Requires the county welfare department, at the last regularly scheduled review hearing before a dependent child reaches age 18, and at every scheduled review hearing thereafter, to submit a report to the court describing efforts towards providing the following information, documents, and services to the minor or nonminor: referrals to transitional housing, assistance in obtaining employment or other financial support, assistance in applying to college or to a vocational education program, assistance in maintaining relationships with individuals who are important to the child, assistance in accessing the Independent Living Aftercare Program and other information, as specified. (Section 391 (c).)
- 6) Prohibits the court from terminating dependency jurisdiction over a nonminor dependent who has attained 18 years of age until a hearing is conducted, and, further, prohibits jurisdiction from being terminated until the county welfare department has submitted a report verifying that certain information has been provided to the nonminor, and in the case of a nonminor who, after reasonable efforts by the county welfare department, cannot be located, verifying

the efforts made to make certain information and services available to the nonminor, including: written information concerning the nonminor dependent's dependency case; the health and education summary; and, assistance with referrals to transitional housing, if available, or assistance in securing other housing, among others, as specified. (Section 391 (h).)

**FISCAL EFFECT:** As currently in print this bill is keyed fiscal.

**COMMENTS:** The transition to adulthood and self-sufficiency can be challenging for any young person. For youth in foster care, the transition to life outside of the foster care system can be overwhelming. Generally, youth who have experienced foster care do not have the same safety nets and support networks as other youth their age, and the transition challenges can be even greater. When youth "age out" of the foster care system, it is often without being reunited with family or connected to other supportive adults. Every year in California, thousands of youth emancipate out of foster care, and suddenly are left to take care of and provide for themselves. Most youth are not adequately equipped for more than basic survival. Youth emancipating from the foster care system lack support networks, employment skills, and stable living arrangements. The odds are stacked against these youth, and they are at significant risk of homelessness and involvement in the criminal justice system. To help improve these odds, foster youth may continue to get additional assistance until they turn 21 years of age, as nonminor dependents, provided they meet certain requirements.

To help make the transition easier, the county welfare department is required to provide various information to youth emancipating from foster care. This bill expands the list of information, documents, and services that a county welfare department must provide to the youth and verify in a report to the court, at the last review hearing prior to a youth's 18th birthday and at every regularly scheduled hearing thereafter, as well as prior to the termination of dependency jurisdiction. That information must now include whether the foster youth has secured housing, whether referrals to transitional housing or assistance in securing housing have been successful for the youth, and, if not, what different or additional services the county welfare department has provided to prevent the youth from becoming homeless if dependency court jurisdiction is terminated. According to the author:

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.

***Extended foster care.*** In 2010, AB 12 (Beall), Chap. 559, Stats. 2010, extended foster care benefits for certain eligible youth until the age of 21. Prior to the expansion of foster care benefits, youth "aged out" of California's child welfare 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 child welfare system. In recognition of the

difficulties faced by these youth, extended foster care provides eligible youth between the ages of 18 and 21, known as nonminor dependents, 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.

***Youth homelessness.*** In March 2021, the U.S. Department of Housing and Urban Development released its Annual Homeless Assessment Report (AHAR) to Congress, which found that, nationwide, on a single night in January 2021, 34,210 people experienced homelessness on their own as an “unaccompanied youth.” Unaccompanied youth are defined as people between the ages of 18 and 24, in households without children, who are not a part of a family with children, or accompanied by their parent or guardian during their episode of homelessness. California reported the largest number of homeless unaccompanied youth in the nation (12,172), accounting for over a third of all unaccompanied youth nationally. Additionally, 56 percent (9,510 individuals) of the homeless youth in California were unsheltered, meaning they are in living situations that include couch surfing, staying in shelters, and living under bridges, in abandoned buildings, and on the streets.

Homelessness among youth is often unique from homelessness among other populations, such as seniors, veterans, and families, as transition age youth often experience high levels of criminal victimization, such as sexual exploitation and labor trafficking, and often enter homelessness without the life skills necessary to secure employment and housing, such as money management, housekeeping, and job search skills. Homelessness among transition-age youth occurs for a variety of reasons, but overwhelmingly, family conflict and breakdown, including abuse or neglect, alcohol or drug addition of a family member, pregnancy, and rejection over sexual orientation, are cited as root causes. Additionally, many youth in the child welfare, juvenile justice, and/or mental health systems become homeless when they transition out of those systems without the housing and employment opportunities that often accompany the systems. The CalYOUTH study, which is administered by Chapin Hall at the University of Chicago, and is conducted in collaboration with the California Department of Social Services and the County Welfare Directors Association of California, evaluates the impacts of extended foster care on foster youth transitioning to adulthood. The CalYOUTH study found that just under one-fifth of study participants reported experiencing homelessness between ages 17 and 19, and about one-quarter reported experiencing homelessness at some point between ages 19 and 21, and between ages 21 and 23.

***This bill seeks to reduce homelessness for foster youth who age out of the child welfare system.*** Under current law, in order to help a foster youth transition to adulthood, the county child welfare department is required to verify to the court that it has provided specified information and services, including assistance in securing housing, to the youth. This bill extends that provision by requiring the county welfare department to provide information to the court, at the last regularly scheduled review hearing before the foster youth attains 18 years of age, and at every regularly scheduled review hearing thereafter, if applicable, about whether the youth is living in permanent housing, if known; whether housing referrals or assistance have been successful at securing housing for the youth; and, if not, what different or additional services the department has provided to the youth that are intended to prevent the youth from becoming homeless when the court terminates jurisdiction. Additionally, the court is prohibited from terminating jurisdiction over a foster youth who has turned 18 if the county welfare department does not provide the additional information on the youth’s housing prospects to the court. It is

hoped that providing this additional information to the court will result in more emancipating foster youth getting help from their child welfare social workers to secure permanent housing and avoid homelessness.

**ARGUMENTS IN SUPPORT:** According to the sponsors, Children’s Advocacy Institute and Dependency Legal Services:

While California was an early adopter of extended foster care which allows foster children to remain under the jurisdiction of the court until age 21 as long as they meet certain requirements, California’s foster youth are still *en masse* struggling with housing insecurity. Every year about 4,000 youth age out of care in California. According to Walden Family Services, 65% leave foster care at age 18 with no place to call home. In a representative sample of foster youth in California, over one-third of aged-out 19-year-olds experience homelessness and over 40% couch-surf. About 1,400 age out in Los Angeles and of those, at least 400 become instantly homeless upon aging out.

Twenty percent of the youths who are in extended foster care -- still under the jurisdiction of the court -- experienced homelessness. In June 2020, 539 former foster youth were on the waiting list for the Transitional Housing Program (THP). “It is estimated ... that at least 16 percent of youth on waiting list are experiencing homelessness.” Nearly one in four youth experiences homelessness while in foster care prior to entering THP-NMD, and one in three youth experienced homelessness between leaving foster care and entering THP-Plus. . . .

In the COVID crisis, the risk posed by homelessness to a youth’s health has only increased. “Youth’s risk of infection is increased by their tendency to have to frequently change where they are sleeping, to be intermittently unsheltered and to change with whom they are sheltering.” Moreover, these youth tend to be medically vulnerable, which often puts them at increased risk for serious complications due to Covid-19. (Footnotes omitted.)

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.

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Children’s Advocacy Institute (co-sponsor)  
 Dependency Legal Services (co-sponsor)  
 Alliance for Children's Rights  
 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.  
 Public Counsel

**Opposition**

None on file

**Analysis Prepared by:** Victoria Anderson and Leora Gershenzon / JUD. / (916) 319-2334