

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

AB 674 (Bennett)
Version: March 25, 2021
Hearing Date: June 29, 2021
Fiscal: Yes
Urgency: No
JT

SUBJECT

Dependent children: documents

DIGEST

This bill, as part of a report a county welfare department must make to a juvenile court judge before a foster youth reaches age 18, requires the department to verify that it has provided the youth with written information relating to CalFresh benefits.

EXECUTIVE SUMMARY

To help prepare foster youths 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 housing.

This bill provides that the report submitted at the last regularly scheduled hearing before the youth reaches age 18 must include verification that the youth was provided with written information notifying the minor or nonminor that they may be eligible to receive CalFresh benefits, and where the minor or nonminor can apply for CalFresh benefits. The bill is author-sponsored and is supported by, among others, the Alliance for Children's Rights, California Catholic Conference, the Coalition of California Welfare Rights Organizations, Ventura County, the Welfare Directors Association of California, and SEIU California. Proponents argue that former foster youth disproportionately experience food insecurity and that the measure will ensure foster youth are provided with information to help avoid this problem. 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) Establishes the federal Supplemental Nutrition Assistance (SNAP) pursuant to the Food Stamps Act of 1964 to provide benefits to families and individuals meeting specified criteria. (7 U.S.C. § 2011) Establishes the CalFresh program for the administration of federal SNAP benefits to eligible individuals. Provides program requirements and eligibility, as specified. (§ 18900 *et seq.*)

This bill provides that the report submitted at the last regularly scheduled hearing before the youth reaches age 18 must include verification that the youth was provided

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

with written information notifying the minor or nonminor that they may be eligible to receive CalFresh benefits, and where the minor or nonminor can apply for CalFresh benefits.

COMMENTS

1. Author's statement

The author writes:

Young people exiting the foster care system are already at a significant disadvantage to their peers. Their housing, education, and job situations can be very unstable. In situations like this, food insecurity is often overlooked, but is of significant importance. We know that only 33% of foster youth have ever accessed CalFresh benefits. These young people have foregone bill payments, skipped meals, or rely on food banks to receive their daily meals simply because they are either unaware of CalFresh benefits or think their foster care payment and/or income will make them ineligible for CalFresh. We must address this inequity. AB 674 seeks to increase foster youth enrollment into CalFresh by providing vital information regarding benefits to transitional-aged youth as they exiting out of California's foster care system. No young person should go hungry simply due to a lack of information.

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

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).

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 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. Requires verification that foster youth approaching age 18 are provided with written information relating to CalFresh benefits

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

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).

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

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).) 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 provides that the county welfare department report submitted pursuant to section 391(b) at the last regularly scheduled hearing before the youth reaches age 18 must include verification that the youth was provided with written information notifying the minor or nonminor that they may be eligible to receive CalFresh benefits, and where the minor or nonminor can apply for CalFresh benefits.

CalFresh is California's implementation of the Supplemental Nutrition Assistance Program (or SNAP), which provides monthly food benefits to individuals and families with low-incomes. CalFresh is federally mandated, state-supervised, and county-operated. The program issues monthly benefits on an Electronic Benefit Transfer card, which may be used to purchase food. Eligibility criteria are determined at the federal level. The amount of benefits a household receives depends on household size, income, and monthly expenses. According to the Public Policy Institute of California:

Between January and March 2020, before the coronavirus pandemic prompted shelter-in-place orders, an average of 4.1 million Californians living in 2.2 million households received CalFresh benefits, with each individual receiving an average of \$123 monthly. By June 2020, 4.8 million Californians in 2.6 million households received CalFresh benefits, and each participant received an average of \$166 monthly.¹⁰

Studies suggest that food insecurity is more common for foster youth than other youth; for instance, one multi-state study found that 66 percent individuals who had been in foster care experienced an extreme level of food insecurity compared to 45 percent of those who were not in foster care.¹¹ A study of California transition-age foster youth

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).)

¹⁰ *The CalFresh Food Assistance Program*, Public Policy Institute of California, p. 66, available at <https://www.ppic.org/publication/the-cal-fresh-food-assistance-program/> (as of June 6, 2021).

¹¹ 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).

found that 28.2 percent of the respondents were currently food insecure¹² and 32.1 percent were currently receiving CalFresh, at an average of \$253 a month.¹³

4. Support

The County Welfare Directors Association of California writes:

CalFresh is an important resource for former foster youth who are food insecure or at risk of food insecurity. Food insecurity is not a problem unique to former foster youth, but it is a problem that they experience at disproportionate rates. Because youth aging out of foster care are particularly at risk of experiencing poverty, they are also disproportionately impacted by food insecurity. With food insecurity comes a host of other risks to former foster youths' wellbeing. Poor nutrition and food insecurity – compounded by lack of health care, limited social connections and insufficient housing – can contribute to a number of diet-related illness like obesity, diabetes and high blood pressure, each of which can exacerbate an existing health condition, like asthma. CalFresh benefits act as a buffer against the economic and health impacts of food insecurity.

AB 674 would codify an existing state-identified best practice – to provide written information about CalFresh eligibility and where to apply for benefits to foster youth before they turn age 18.

The Alliance for Children's Rights states:

Young adults in and exiting foster care are at significant risk of poverty, hunger, and homelessness. The COVID-19 pandemic and subsequent economic downturn have only highlighted these vulnerabilities. The transition from navigating child-focused systems (child welfare, K-12 education) to navigating adult-focused systems (public benefits, higher education, adult developmental services, etc.) can be difficult. The financial supports available through extended foster care are a critical safety net, but many youth in extended foster care still qualify as low-income and are therefore eligible for food assistance like CalFresh and WIC. It is important for the child welfare system to assist with this transition. Moreover, it is important for the court to be informed that these linkages have been made so that youth under court jurisdiction do not fall through the gaps.

¹² *Id.* at 66.

¹³ *Id.* at 70.

SUPPORT

Alliance for Children’s Rights
American Academy of Pediatrics, California
California Catholic Conference
Coalition of California Welfare Rights Organizations
County of Santa Clara
County of Ventura
County Welfare Directors Association of California
National Association of Social Workers, California Chapter
SEIU California

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation:

AB 546 (Maienschein, 2021), 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. That bill will be heard in this Committee on the same day as this bill.

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. That bill is pending in this Committee.

Prior Legislation:

AB 718 (Eggman, Ch. 438, Stats. 2019) revised and recast 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)
