
THIRD READING

Bill No: AB 674
Author: Bennett (D)
Amended: 8/26/21 in Senate
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 5-0, 6/8/21
AYES: Hurtado, Jones, Cortese, Kamlager, Pan

SENATE JUDICIARY COMMITTEE: 11-0, 6/29/21
AYES: Umberg, Borgeas, Caballero, Durazo, Gonzalez, Hertzberg, Jones, Laird,
Stern, Wieckowski, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

ASSEMBLY FLOOR: 77-0, 5/6/21 (Consent) - See last page for vote

SUBJECT: Dependent children: documents

SOURCE: Author

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

Senate Floor Amendments of 8/26/21 provide double-jointing language resolving the conflict arising from AB 674 and AB 546 (Maienschein, 2021) addressing the same code section.

ANALYSIS:

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. (WIC 300)
- 2) Requires that the status of every dependent in foster care be reviewed by the court at least once every six months, as specified. (WIC 366 & 366.3)
- 3) Authorizes the court to retain jurisdiction over a dependent who becomes a nonminor between the ages of 18 and 21 (WIC 303(a)), or, if the court terminates jurisdiction over a nonminor, the nonminor may petition the court for reinstatement of jurisdiction (WIC 388(e)). Establishes certain eligibility criteria for nonminor dependents. (WIC 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. (WIC 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. (WIC 391) The reports must be submitted at:
 - a) The first regularly scheduled review hearing after the child has attained age 16. (WIC 391(a))
 - b) The last regularly scheduled review hearing before the youth attains age 18. (WIC 391(b), (c))
 - c) Every regularly scheduled review hearing after the youth has attained age 18. (WIC391(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. (WIC 18900 *et seq.*)

This bill adds 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 to the list of information, documents, and services that a county welfare department, at last review hearing prior to that youth's 18th birthday, must provide to a dependent child and report verification of this provision to the court.

Comments

According to the author, “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 percent 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.”

Child Welfare Services (CWS). California's child welfare system is responsible for ensuring the protection and safety of children at risk of abuse, neglect, or abandonment. When it is necessary for the state to remove a child from his or her parents, the primary objective of the child welfare system is to safely reunify the child with his or her family. Abused and neglected children who have been removed from their homes fall under the jurisdiction of the county's juvenile dependency court while the child is served by a CWS system social worker. This system seeks to ensure the safety and protection of these children, and where possible, preserve and strengthen families through visitation and family reunification.

In 2019, the state's child welfare agencies received 477,614 reports of abuse or neglect. Of these, 69,652 reports contained allegations that were substantiated and 28,646 children were removed from their homes and placed into foster care via the CWS system. As of October 1, 2020, there were 60,045 children in California's CWS system.

Extended Foster Care. Every year approximately 2,000 foster children “age out” of foster care when they turn 21. These youth enter adulthood without traditional

safety nets and relationships enjoyed by their peers who were not involved in the foster care system. Extended Foster Care (EFC) was created in recognition of the unique needs of former foster youth transitioning between childhood and adulthood. It is intended to bridge the gap between the intensive supervision of foster care and unsupervised adulthood by maintaining a safety net of support while providing the youth aged 18 to 21 with independence as well as educational or work opportunities. It was prompted by the recognition that many youth were unable to successfully transition from foster care or group care to adulthood without additional guidance and assistance.

The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (*P.L. 110-351*) enabled states to expand the definition of a foster “child,” by creating extended care for youth up to age 21. The federal law allows foster youth to remain in care past age 18 if they meet participation criteria, as provided. In 2010, California enacted AB 12 (Beall, Chapter 559, Statutes of 2010) which permitted foster youth to remain in extended foster care until age 21, under the same criteria as the federal statute. Additionally, existing law allows qualifying nonminors who are former foster youth under the age of 21 to petition the court for re-entry into foster care to participate in extended foster care, as provided.

Youth participation in the program has exceeded initial expectations. Between July 2010 and July 2014, the number of youth age 18-20 in extended foster care in California increased by 211 percent, from 2,908 to 9,032, according to data compiled by UC Berkeley. As of January 1, 2020, there were an estimated 7,396 youth participating in extended foster care in California.

Preparing Youth to Exit Foster Care. In an effort to ensure former foster youth are better prepared to face the challenges of adulthood, and have needed documentation to apply to public benefits and other programs, the Legislature has passed a number of laws requiring the provision of specified information, documents, and services to foster youth prior to their emancipation from the dependency system. Existing law requires a county welfare department to verify to the court that it has provided specified information and services to foster youth prior to their last regularly scheduled review hearing held before the dependent child attains 18 years of age. The information, services, and documentation that must be provided include: the youth’s social security card; certified birth certificate; identification card; death certificate of parent or parents; proof of citizenship or residence; assistance in obtaining employment, if applicable; assistance with referral to transitional housing; assistance in applying for, or preparing to apply for, admission to college or to a vocation training program or other educational institution and in obtaining financial aid, where applicable; and

written information notifying the child that youth exiting foster care at 18 years of age or older are eligible for Medi-Cal until they reach 26 years of age, regardless of income. Additionally, existing law prohibits the court from terminating dependency jurisdiction over a NMD until the county welfare department has submitted a report verifying that this information, documentation, and assistance has been provided to the NMD.

Despite extended foster care enabling NMDs to remain in care until 21, the hand off of this information and documentation typically occurs at 18. This is in part due to some these requirements being codified prior to the passage of extended foster care, but also ensures a youth has this information should they choose not to participate in extended foster care or end up being deemed ineligible for extended foster care for not meeting participation requirements. Additionally, some of this documentation and information is essential to youth's ability to apply to higher education, seek financial aid, apply for housing, or seek other opportunities associated with the transition to adulthood.

This bill adds written information notifying the youth that they may be eligible to receive CalFresh benefits, and where the youth can apply for those benefits to the information, documents, and services that a county welfare department must provide to a dependent child before they attain 18 years of age.

CalFresh. CalFresh, California's version of federal SNAP, provides monthly food benefits to qualified low-income individuals and families to assist with the purchase of the food they need to maintain adequate nutrition levels. With 2.38 million households (and over 4.44 million people) receiving benefits, CalFresh is the largest nutrition assistance program in California. The program is administered by the California Department of Social Services (CDSS) at the state level and California's 58 counties are responsible for administering CalFresh at the local level. CalFresh benefits are 100 percent federally funded and national income eligibility standards and benefit levels are established by the federal government.

For most households, monthly gross income must be at or below 200 percent of federal poverty level (FPL), which amounts to \$2,128 for a household consisting of just one person... The benefit amount a household may receive is dependent on circumstances such as household size, countable income, and monthly household expenses. The Governor's proposed budget for 2021/22 estimates the average CalFresh household will receive about \$270 per month and the average CalFresh benefit per person will be about \$125 per month.

The CalYOUTH study, which is administered by Chapin Hall at the University of Chicago, and is conducted in collaboration with CDSS and the County Welfare Directors Association of California, found that more than half of the youth surveyed (718 young people) reported that they had ever received CalFresh benefits. Of these youth, nearly 58 percent reported currently receiving CalFresh and over two-fifths of youth who had ever received CalFresh reported receiving assistance for more than six months during the previous year. As reported by these youth, the average monthly grant received was about \$253.

Historically, California's CalFresh participation rate has been at or near the lowest in the nation, with only about 70 percent of eligible recipients enrolled in CalFresh. This means about 30 percent of those eligible are not receiving CalFresh.

In recent years, California has made a number of program changes intended to increase CalFresh enrollment, including removing asset tests and finger imaging requirements, increasing guidance to counties for implementing online and phone applications, integration with other social service programs, including Medi-Cal, California Work Opportunity and Responsibility to Kids (CalWORKs), and Women Infant Children (WIC). Most recently, California eliminated the "cashout" policy, which made CalFresh newly available to about 500,000 SSI/SSP recipients. Despite these efforts, an estimated 1.6 million eligible persons are not receiving CalFresh.

This bill will help ensure foster youth are aware of CalFresh and their potential eligibility by providing them with written information about the program, which could increase the state's participation rate for the program.

Related/Prior Legislation

AB 546 (Maienschein, 2021) adds information regarding referrals to and other assistance in securing housing, the permanency of that housing, success of the referrals, and what different or additional services the county welfare department has provided to prevent the youth from becoming homeless to the list of information, documents, and services that a county welfare department must report to the court at the law 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.

AB 3238 (Smith, 2020) would have required CDSS to establish a pilot program in up to five counties to appoint at least one CalFresh eligibility liaison to increase

CalFresh enrollment among older foster youth aging out of the child welfare system. AB 3238 was held in the Assembly Appropriations Committee.

AB 1229 (Wicks, 2019) would have required CDSS to issue guidance to county human services departments to increase CalFresh application and participation rates of exiting foster youth and would have required the California Student Aid Commission to determine how much funding authority is necessary to establish a Transition Age Foster Youth Meal Plan Program. AB 1229 was held in the Senate Appropriations Committee.

AB 718 (Eggman, Chapter 438, Statutes of 2019) required county welfare departments to submit a report verifying to the juvenile dependency court that the county has provided specific information, documents, and services to foster youth in the child welfare system, as specified.

AB 212 (Beall, Chapter 459, Statutes of 2011) made various clarifying and substantive changes to the California Fostering Connections to Success Act in order to ensure proper implementation by adopting, among other changes, an expansion of the documents required to be provided prior to a court terminating jurisdiction over a dependent to include an advance health care directive form, the judicial counsel form that a youth would use to resume dependency under extended foster care, and the federally required 90-day transition plan.

AB 12 (Beall, Chapter 559, Statutes of 2010), the California Fostering Connections to Success Act, allowed for dependent youth to participate in extended foster care by providing an option for continued jurisdiction of federally-eligible NMDs or former dependents of the juvenile court who are between the ages of 18 and 21.

AB 2310 (Maze and Bass, Chapter 131, Statutes of 2008) required the county welfare department to provide additional information and documents to a person in the foster care system who has reached the age of majority before the juvenile court terminates jurisdiction over that individual.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

SUPPORT: (Verified 8/26/21)

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: (Verified 8/26/21)

None received

ASSEMBLY FLOOR: 77-0, 5/6/21

AYES: Aguiar-Curry, Arambula, Bauer-Kahan, Bennett, Berman, Bigelow, Bloom, Boerner Horvath, Burke, Calderon, Carrillo, Cervantes, Chau, Chen, Chiu, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Davies, Flora, Fong, Frazier, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Lorena Gonzalez, Gray, Grayson, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Levine, Low, Maienschein, Mathis, Mayes, McCarty, Medina, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wood, Rendon

NO VOTE RECORDED: Mullin

Prepared by: Marisa Shea / HUMAN S. / (916) 651-1524
8/31/21 9:48:11

**** **END** ****