

ASSEMBLY THIRD READING

AB 829 (Levine)

As Amended April 5, 2021

Majority vote

SUMMARY

Requires a county to make best efforts to provide undocumented minors and non-minor dependents (NMDs) in foster care under the jurisdiction of the juvenile court with access to immigration legal services; additionally requires counties to submit reports to the California Department of Social Services (CDSS) regarding the process of identifying and meeting the needs of undocumented youth in their county, as specified.

Major Provisions

- 1) Makes Legislative findings and declarations related to undocumented minor and NMDs within the foster care system and legal services they may qualify for.
- 2) States Legislative intent to create accountability in ensuring that foster children emancipating from foster care have received all immigration relief to which they are entitled and, further, to identify a source of funding to enable counties to provide immigration counsel to all children in foster care.
- 3) Requires a county to make its best efforts to provide undocumented minors and NMDs in foster care under the juvenile court's jurisdiction with access to immigration legal services.
- 4) Requires a county, on or before June 1, 2022, to develop a process for tracking the number of undocumented minor and NMDs in foster care under the juvenile court's jurisdiction and whether these individuals have been provided with access to immigration legal services.
- 5) Requires a county, on or before January 1, 2023, and annually thereafter, to report to CDSS the de-identified data collected through the county process developed as required by these provisions. Requires CDSS, on or before July 1, 2023, and on or before July 1 annually thereafter, to publish a report to its internet website containing the information submitted by counties.
- 6) Requires a county, on or before June 1, 2022, to report to CDSS its internal process for providing undocumented minors and NMDs in foster care under the jurisdiction of the juvenile court access to immigration legal services. Provides a requirement for counties whose system is inadequate to ensure services are provided to this population to include what additional resources it requires to fulfill this need.
- 7) Requires a placing agency that becomes aware that a dependent or NMD is an undocumented immigrant to notify the youth's attorney of this status. Provides that notice, electronic or telephonic, must be provided to the attorney within 72 hours of learning the youth's immigration status.
- 8) Makes technical changes.

COMMENTS

Child Welfare Services (CWS): California's CWS system was established with the goal of protecting youth from abuse and neglect. The system works through collaboration to provide for the safety, health, and overall well-being of children. When a child is identified as being at risk of abuse or neglect, reports can be made to either law enforcement or a county child welfare agency. Often, reports are submitted by mandated reporters who are legally required to report any suspicion of child abuse or neglect due to their profession. When a mandated reporter submits a report to either law enforcement or the county child welfare agency, a social worker determines whether the allegation is of suspected abuse, neglect, or exploitation. The child's social worker and the court collaborate throughout evaluating and reviewing the circumstances of each individual's case. When appropriate, the CWS system also works to reunite children who have been removed from the custody of their parents or guardians with individuals they consider to be family to maintain familial bonds wherever possible. As of October 1, 2020, there were 60,045 youth placed in the state's child welfare system in total.

Special Immigrant Juvenile Status (SIJS): SIJS is a classification used by federal immigration to help undocumented youth remain in the country under specified protections. SIJS was established in 1990 at the federal level and has been expanded upon by several states to allow access to services for immigrant children, including allowing for lawful permanent resident status. Under the Trafficking Victims Protection Reauthorization Act, any unmarried undocumented individual under age 21 who has been abused, neglected, or abandoned by a parent and has been declared a dependent of the juvenile court or been committed to the custody of specified entities may seek SIJS classification. Through current requirements, a large portion of UUMs within California would qualify for SIJS; however, many are unaware of the application process regulations and do not receive their right to service.

CDSS Unaccompanied Undocumented Minors Legal Services Funding: Under current law, CDSS is authorized to provide funding to qualified nonprofit organizations for representation and services provided to UUMs. Financing is available to support nonprofits that provide legal assistance with benefit and service program applications and eligibility that may be available to immigrant youth. Within the populations that these nonprofits may provide services to are those who qualify as SIJS and those seeking asylum and specified visas. Despite the funding currently available to support these efforts, immigrant youth populations continue to grow along with the need for legal assistance.

Need for this bill: This bill would require counties to make their best effort to connect immigrant youth with appropriate legal services and establish a process for tracking and assisting this population. Navigating supportive services and eligibility requirements for benefit programs can be difficult for anyone in a vulnerable state. UUMs in the CWS are processing family separation trauma while searching for security in many areas of their life. These youth often struggle to determine eligibility for programs on their own, sometimes leading those in need to accidentally forfeit their right to services due to deadlines or requirement conflicts. Requiring counties to track data on available services and provide a more significant effort to engage these eligible populations, undocumented minors and NMDs could have greater access to benefits and opportunities for self-sufficiency.

According to the Author

"This bill requires counties to provide information to the California Department of Social Services regarding current procedures to identify how many undocumented foster youth or youth who are nonminor dependents they have in their care and provide these youth with immigration legal resources. Counties then must confirm whether the undocumented minors and nonminor dependents in foster care have been provided access to immigration legal services. The bill requires counties to report to the state whether gaps in resources exist to provide these resources to youth and for counties to make their best efforts to provide these youth with access to immigration legal services. This bill will ensure that undocumented youth in California's foster care system are provided with essential immigration legal services necessary to seek lawful residency in the United States and inform the State about current gaps in resources to achieve this."

Arguments in Support

Sponsors of this bill, Legal Services for Children, state that "While most undocumented children in foster care qualify for immigration relief, that relief is difficult to obtain without legal assistance... This bill will help ensure that undocumented dependents and nonminor dependents in foster care receive immigration assistance by requiring counties to make best efforts to connect undocumented dependent and nonminor dependents with immigration legal assistance."

Arguments in Opposition

None on file.

FISCAL COMMENTS

According to the Assembly Appropriations Committee:

- 1) The following state-mandated local costs are not reimbursable, but instead must be funded by the state pursuant to Proposition 30 (2012).
 - a) Ongoing annual costs, potentially in the hundreds of thousands of dollars (General Fund (GF)) statewide, for each county to make its "best efforts" to provide undocumented foster youth under the jurisdiction of the juvenile court with access to immigration legal services. These costs are difficult to quantify because the bill does not define "best efforts," but will depend on the number of undocumented youth involved, the services available in each county and amount of staff time each county devotes to these efforts.
 - b) One-time costs, unknown, but likely significant in larger counties, for each county to develop an information tracking process by June 1, 2022. Likely minor costs for each county to annually report the information obtained to CDSS.
 - c) One-time costs, likely in the high tens of thousands of dollars to the low hundreds of thousands of dollars (GF) statewide, for each county to report to CDSS, by June 1, 2022, on its internal process for providing access to immigration legal services to undocumented foster youth in foster care under the jurisdiction of the juvenile court and, if necessary, to specify additional resources needed.
 - d) Minor costs, likely in the low tens of thousands of dollars (GF) annually statewide, for county social workers to notify an undocumented child's attorney within 72 hours of learning of the child's immigration status.

Proposition 30 (November 2012), requires legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by realignment (including child welfare services and foster care) to apply only to local agencies to the extent the state provides annual funding for the cost increase.

- 2) Minor and absorbable costs to CDSS to receive county data and post the required report on its internet website.

VOTES**ASM HUMAN SERVICES: 7-0-1**

YES: Calderon, Davies, Arambula, Gipson, Stone, Villapudua, Ward

ABS, ABST OR NV: Choi

ASM JUDICIARY: 9-0-2

YES: Stone, Chau, Chiu, Davies, Lorena Gonzalez, Holden, Kalra, Maienschein, Reyes

ABS, ABST OR NV: Gallagher, Kiley

ASM APPROPRIATIONS: 14-0-2

YES: Lorena Gonzalez, Calderon, Carrillo, Chau, Davies, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Holden, Luz Rivas

ABS, ABST OR NV: Bigelow, Megan Dahle

UPDATED

VERSION: April 5, 2021

CONSULTANT: Emmalynn Mathis / HUM. S. / (916) 319-2089

FN: 0000431