

CONCURRENCE IN SENATE AMENDMENTS

AB 829 (Levine)

As Amended August 31, 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.

As passed by the Assembly, this bill:

- 1) Made Legislative findings and declarations related to undocumented minor and NMDs within the foster care system and legal services they may qualify for.
- 2) Stated 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) Required 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) Required 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) Required a county, on or before January 1, 2022, and annually thereafter, to report to CDSS the de-identified data collected through the county process developed as required by these provisions. Required 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) Required 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. Provided 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) Required a placing agency that becomes aware that a dependent or NMD is an undocumented immigrant to notify the youth's attorney of this status. Provided that notice, electronic or telephonic, must be provided to the attorney within 72 hours of learning the youth's immigration status.
- 8) Made technical changes.

The Senate Amendments

- 1) Delete language containing the deadline of 2022, and instead, add requirements that the provisions of the bill are completed by the identified entities by 2023, as specified.
- 2) Delete language requiring CDSS to report deidentified data on immigration legal services coordination on their website, and instead, add a requirement for CDSS to report data in a report to the Legislature, as specified.
- 3) Delete provisions required a placing agency that becomes aware that a dependent or NMD is an undocumented immigrant to notify the youth's attorney of this status within 72 hours, and instead, add language requiring this notification be made within five business days.
- 4) Add language clarifying that immigration legal services may be provided by the child welfare agency through outside legal service providers, as specified.
- 5) Make 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 unaccompanied undocumented minors (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

A supporter of the bill, the Alliance for Children's Rights, state that, "Under current law, there is no mechanism to identify undocumented children and nonminor dependents to ensure they receive legal assistance necessary to obtain immigration relief. 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 youth with immigration legal assistance. By ensuring counties track the number of undocumented youth in their jurisdiction and report their processes to do so, we can ensure youth have the best chance of being connected to immigration assistance and the process by which children are connected to immigration services."

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee on August 16, 2021:

CDSS reports the following costs of implementing this bill which would increase costs for counties to meet the new notification, data collection, and reporting requirements:

- 1) Local assistance fiscal impact of \$54,000 General Fund (GF) (\$76,000 total funds) in fiscal year (FY) 2021-22 and ongoing annual costs of \$37,000 GF (\$52,000 total funds)
- 2) Additional automation costs to allow for the recording of data on the provision of access to immigration legal services would be approximately \$2.1 million General Fund.

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

ASSEMBLY FLOOR: 68-0-10

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

ABS, ABST OR NV: Bigelow, Chen, Megan Dahle, Gallagher, Kiley, Maienschein, Nguyen, Seyarto, Smith, Voepel

SENATE FLOOR: 36-0-4

YES: Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Caballero, Cortese, Dodd, Durazo, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, Limón, McGuire, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

ABS, ABST OR NV: Dahle, Eggman, Melendez, Stern

UPDATED

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