

Date of Hearing: April 19, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 369 (Zbur) – As Introduced February 1, 2023

Policy Committee: Human Services

Vote: 7 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: No

SUMMARY:

This bill increases the eligible age limit of the Independent Living Program (ILP) for foster youth, from up to 21-years old to up to 23-years old. This bill also requires the California Department of Social Services (CDSS) to conduct a comprehensive evaluation of existing ILPs with the intent to update and expand the program, and requires county ILPs to update their programs to improve consistency across counties. Finally, this bill clarifies program eligibility to provide consistency with federal law and clear guidance to county program administrators.

Specifically, this bill:

- 1) Requires CDSS, with the approval of the federal government, to amend the foster care state plan and the child welfare services state plan to allow all eligible youth up to 23 years old to be served by the ILP.
- 2) Requires CDSS, by June 30, 2025, to complete a comprehensive evaluation of the existing ILPs with the intent of updating and upgrading curriculum, requiring services and supports to be trauma-informed, relevant, and timely to facilitate greater self-sufficiency and transition to independence.
- 3) Requires the evaluation to be completed in consultation with county ILP administrators, placement agencies, providers, advocacy groups, and community groups. Requires the consultation to result in an update and expansion of the standards and requirements for ILPs in order to increase consistency in ILPs across counties.
- 4) Requires, by June 30, 2026, each county ILP to update and expand the standards and requirements for the ILP, while retaining some flexibility in services and supports delivered by the ILP.
- 5) Clarifies, consistent with federal law, a youth's resources are not to be evaluated after the initial determination for the same foster care to determine continued eligibility for a foster care maintenance payment.
- 6) Strikes the state law reference, but retains the federal law reference, to the \$10,000 resource limit foster youth who are participating in a transitional independent living plan are permitted to retain and remain eligible to receive federal Aid to Families with Dependent Children (AFDC).

- 7) Establishes eligibility for a nonminor dependent (NMD) who reenters foster care to receive AFDC-Foster Care (AFDC-FC) if all other specified criteria are met.

FISCAL EFFECT:

- 1) Ongoing General Fund (GF) cost pressures of an unknown amount, but likely in the low millions of dollars annually, to expand ILP eligibility up to 23 years of age while maintaining at least the level of service currently provided by program. The state's ILP is funded through a federal grant allocation. In 2022-23, California received approximately \$16.3 million to provide ILP services to eligible youth. This bill allows the state to expand the number of eligible youth to include youth up to age 23, but does not impact the federal grant allocation for the program.
- 2) Estimated GF costs to CDSS of \$341,000 in the first year, and \$333,000 annually thereafter, for two staff positions to complete the comprehensive evaluation and manage the increased workload related to standardizing county services and tracking the increased caseload in CWS-CARES.
- 3) Estimated one-time GF state automation costs of an unknown amount, but likely in the low hundreds-of-thousands of dollars, for programming changes necessary to accommodate the expanded eligible population.
- 4) Estimated GF costs of an unknown amount, but likely significant, to counties for increased staff workload to provide ILP services and stipends to an expanded population. Although these county costs are mandated by the state, they are not reimbursable, but instead must be paid by the state pursuant to Proposition 30 of 2012. Proposition 30 provides that 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) applies to local agencies only to the extent the state provides annual funding for the cost increase.

COMMENTS:

- 1) **Purpose.** This bill seeks to improve outcomes for foster youth by extending the time foster youth can participate in an ILP and by updating the program to improve consistency across counties. According to the author:

[This bill] will support foster youth and reduce their vulnerability to homelessness by extending eligibility for ILP services, clarifying that youth can save money to help them transition into independent adulthood, and requiring the state to consider how the Program can better serve these young people.

- 2) **Background.** Authorized through federal law, the ILP provides training, services, and benefits to current and former foster youth to assist them in achieving self-sufficiency prior to, and after leaving, the foster care system, including financial management training, educational support, employment and housing assistance, mentoring, and preventative health information. In California, each county has the flexibility to design ILP services and supports to best meet the individual needs of youth in its county. A county may use up to 20% of its ILP funding allocation on administrative costs, and up to 30% to provide housing (room and

board) for youth ages 18 to 20, inclusive. Youth are eligible for ILP services (but not required to participate) from age 16 until their 21st birthday, provided certain criteria are met.

California's ILP is funded by the federal John H. Chafee Foster Care Program for Successful Transition to Adulthood (Chafee program). In 2022-23, California received approximately \$16.3 million in a federal grant for allocation to counties to provide ILP services and supports to eligible youth. Counties also receive local funding for ILP under 2011 realignment. Beginning in 2018, federal law allows states with extended foster care programs to provide Chafee program-funded services to young adults up to age 23, rather than up to age 21. As of February 15, 2022, 34 states and territories opted into increasing the ILP eligibility age up to age 23.

Consistent with federal law, this bill expands California's ILP eligibility to youth up to age 23. Data indicate nearly 3,000 California youth could be served by this expansion. In addition, this bill requires CDSS to complete a comprehensive evaluation of county ILPs with the intent to modernize the standards and requirements for ILPs to better support youth across the age spectrum.

- 3) **AFDC and AFDC-FC.** AFDC is aid provided on behalf of needy children in foster care who meet the eligibility requirements as specified in CDSS regulations and in applicable state and federal laws. Funding is provided by either the state or federal government. Because the criteria to receive federal AFDC funding is rarely met, due to outdated income eligibility standards, California created AFDC-FC, which blends state and county funds to provide for youth who are otherwise ineligible for AFDC. This bill clarifies several eligibility determination issues regarding AFDC-FC to provide consistency with federal law and clear guidance to county program administrators.
- 4) **Prior Legislation.** AB 2306 (Cooley), of the 2021-22 Legislative Session, would have expanded eligibility for the ILP to up to 22 years of age, with the intent to expand it further. AB 2306 was vetoed by Governor Newsom whose veto message expressed cost concerns and indicated this issue might best be considered in the annual budget process.

Analysis Prepared by: Jennifer Swenson / APPR. / (916) 319-2081