
SENATE COMMITTEE ON HUMAN SERVICES

Senator Alvarado-Gil, Chair

2023 - 2024 Regular

Bill No: AB 369

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Version: May 18, 2023

Urgency: No

Consultant: Heather Hopkins

Hearing Date: June 19, 2023

Fiscal: Yes

Subject: Foster care: independent living

SUMMARY

This bill expands eligibility for the Independent Living Program to age 23 if a county chooses to opt in.

ABSTRACT

Existing Law:

- 1) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect, or have been abused or neglected, as specified. (*WIC 202*)
- 2) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (*WIC 300.2*)
- 3) Requires the California Department of Social Services (CDSS) to, with the approval of the federal government, permit all eligible children to be served by the Independent Living Program (ILP) until age 21. (*WIC 10609.3(d)*)
- 4) Delineates responsibilities for CDSS in the development and administration of the ILP. (*WIC 10609.4*)
- 5) Provides for extended foster care funding for youth until 21 years of age, and adopts other changes to conform to the federal Fostering Connections to Success Act. (*WIC 241.1, 303, 366.3, 388, 391, 11400, 11402, 11403*)
- 6) Defines a “nonminor dependent” (NMD) as a current or former foster youth who is between 18 and not more than 20 years of age, in foster care under the responsibility of the county welfare department, county probation department, or Indian tribe, and is

participating in a TILP. (*WIC 11400(v)*)

- 7) Requires aid in the form of AFDC-FC to be provided on behalf of any child under 18 years of age, and to any NMD who meets specified conditions. (*WIC 11401*)
- 8) Requires counties to review the child's or NMD's payment amount annually, to include an examination of any circumstances of a foster child or NMD that are subject to change and could affect the potential eligibility or payment amount, including, but not limited to, authority for placement, eligible facility, and age. (*WIC 11401.5*)
- 9) Allows a nonminor former foster youth under the age of 21 to petition the court for re-entry into foster care if their guardian or adoptive parent is no longer providing them with support and no longer collecting benefits on behalf of the youth. (*WIC 388.1*)
- 10) Prohibits, in addition to the personal property permitted by other provisions, a dependent child, who is 16 years of age or older, or, an NMD who is participating in a TILP, to retain resources with a combined value of not more \$10,000, consistent with Section 472(a) of the federal Social Security Act (42 U.S.C. Sec. 672(a)) as contained in the federal Foster Care Independence Act of 1999 (Public Law 106-169) and the child's transitional independent living plan. (*WIC 11155.5*)

This Bill:

- 1) Makes Legislative findings and declarations regarding the ILP for foster youth ages 16-21, which helps them transition to adulthood, that a federal law allows states to now offer these services to youth up to 23 years of age, and California has not yet done so. States it is the intent of the Legislature to ensure that services and supports that assist transition age youth in attaining their education and employment goals are trauma informed, relevant, and timely to facilitate their transition to successful adulthood from foster care.
- 2) Requires by June 30, 2025, CDSS to develop a plan, in consultation with county ILP administrators, placement agencies, providers, advocacy groups, tribal representatives, and community groups, including young people with experience in foster care, to update and upgrade curriculum to facilitate successful transitions to adulthood, increase consistency across counties, and ensure the curriculum is trauma informed and culturally relevant for all eligible young people while retaining some flexibility in services and supports delivered by local ILP based on the needs of current and former foster youth and NMD served by ILPs.
- 3) Requires CDSS, with the approval of the federal government, to permit eligible children to be served by the ILP up to 23 years of age in counties that opt in to providing ILP services to youth up to age 23.
- 4) States that, consistent with federal law, resources shall not be evaluated after the initial determination for the same foster care episode to determine continued eligibility for a foster care maintenance payment.

- 5) Establishes eligibility for a NMD who reenters foster care to receive AFDC-FC if all other specified criteria are met.

FISCAL IMPACT

According to the Assembly Appropriations Committee analysis, 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.

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.

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.

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.

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, "AB 369 will support youth in foster care 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 [ILP] can better serve these young people."

Child Welfare Services (CWS)

The CWS system is an essential component of the state's safety net. Social workers in each county who receive reports of abuse or neglect, investigate and resolve those reports. When a case is substantiated, a family is either provided with services to ensure a child's well-being and avoid court involvement, or a child is removed and placed into foster care. In 2022, the state's

child welfare agencies received 440,212 reports of abuse or neglect. Of these, 51,806 reports contained allegations that were substantiated and 19,953 children were removed from their homes and placed into foster care via the CWS system.

Abused and neglected children who have been removed from their homes fall under the jurisdiction of the county's juvenile dependency court. The dependency court holds legal jurisdiction over the child, 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. It is the state's goal to reunify a foster child or youth with their biological family whenever possible. Reunification is accomplished through the child's biological parents completing all reunifications requirements ordered by a dependency court judge, which typically involves the provision of services, such as drug counseling or parenting classes, to that parent. In instances where reunification is not possible, due to the parent being unable or unwilling to meet the court's requirements, it is the state's goal to provide a permanent placement alternative, such as adoption or guardianship, with priority placed on uniting children with other relatives or nonrelative extended family members.

Recent Reforms

There have been system-wide efforts to institute a series of reforms to California's CWS system. They are designed out of an understanding that children who must live apart from their biological parents do best when they are cared for in committed nurturing family homes. For more than a decade, researchers have documented poor outcomes for foster children. These outcomes have been especially pronounced for those placed in group or congregate care settings. These reforms are designed to reduce the number of foster children placed in congregate care settings by improving the assessments of children and families and establishing a child and family team for each child in foster care. Assembly Bill 403 (*Stone, Chapter 773, Statutes of 2015*) was the first of six CDSS-sponsored continuum of care reform bills and provided the statutory and policy framework to ensure services and supports provided to the child or youth and their family are tailored toward the ultimate goal of maintaining a stable permanent family.

Independent Living Program (ILP)

The ILP provides training, services, and benefits to assist current and former foster youth in achieving self-sufficiency prior to, and after leaving, the foster care system. In California, each county is able to design services to meet a wide range of individual needs and circumstances, and to coordinate services with other federal and state agencies engaged in similar activities. To be eligible to receive ILP services, a youth must be at least 16 and can remain eligible until the day before the youth turns 21 years of age, provided one of the following criteria is met:

- The youth was/is in foster care at any time from their 16th to their 19th birthday.
- The youth was placed in out-of-home care by a tribe or tribal organization between their 16th and 19th birthdays.
- The youth is a former dependent who entered into a kinship guardianship at any age and is receiving or received Kinship Guardianship Assistance Payments between the

ages of 16 and 18.

- The youth is a former dependent who entered into a Non-Related Legal Guardianship after attaining age eight, and is receiving or received permanent placement services.

Services provided include: living skills, money management, decision making, building self-esteem, financial assistance with college or vocational school attendance, educational resources, housing (such as Transitional Housing), and employment services. Up to 30 percent of federal funds may be used to support housing needs such as room and board for eligible youth. Additionally, counties can provide stipends to support the independent living needs of the youth so they can participate fully in the offered ILP services.

A report published by Children Now¹ examined outcomes for transition age youth with foster care experience and interviewed 175 transition age youth. In these interviews, while many youths reported positive experiences with ILP, they also identified many services and skills they wish they would have receive. These include housing, career services, living skills, and financial assistance. This bill seeks to modernize and expand the ILP to better support current and former foster youth as they transition from foster care to young adulthood. In particular, this bill requires California to opt into the federal option to use the allotted ILP dollars to serve youth up to age 23. This bill then gives counties the option to use their dollars to serve youth up to age 23.

Previous Bills Have Been Vetoed

During the 2020-21 legislative session Assemblymember Cooley authored AB 2306 and 369. Both of these bills sought to expand ILP and both were vetoed with the Governor citing cost concerns and preference for the policy to be pursued through the budget.

This bill takes a different approach. Rather than requiring youth be provided ILP beyond age 21, this bill gives counties the option of opting in to providing ILP services to youth ages 22-23. These services would be funded through existing monies provided to counties by the federal government. The result is that counties would not incur more costs, but would have more flexibility in what population to serve with ILP.

Related/Prior Legislation:

AB 866 (Blanca Rubio, 2023), requires CDSS to establish a state-funded program to provide food assistance for NMDs who are residing in a SILP or a transitional living setting. AB 866 is set to be heard in this committee on June 19, 2023.

AB 2306 (Cooley, 2022) 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.

¹ <https://www.childrennow.org/portfolio-posts/supporting-successful-transitions-into-adulthood-for-youth-in-foster-care-reforming-californias-independent-living-program/>

AB 369 (Cooley, 2021) would have expanded eligibility for the ILP to include current and former foster youth up to 22 years of age. AB 2306 was vetoed by Governor Newsom.

AB 640 (Cooley, Chapter 622, Statutes of 2021) authorized counties to petition the juvenile court on behalf of certain NMDs to terminate dependency or transition jurisdiction over the youth and immediately re-establish jurisdiction in order to establish the NMD's eligibility for federal financial participation; expanded the definition of a voluntary re-entry agreement to include an agreement between an NMD who has not signed a voluntary re-entry agreement after attaining 18 years of age and for whom a petition to terminate jurisdiction will be filed.

AB 12 (Beall, Chapter 559, Statutes of 2010) established California's extended foster care program to allow foster youth to remain in foster care until reaching 21 years of age.

COMMENTS

The ILP provides critical training, services, and benefits to assist current and former foster youth to help set them up for self-sufficiency and success after leaving the foster care system. This bill will allow counties flexibility by giving them the option to opt in to use their existing ILP funds to serve youth up to age 23.

PRIOR VOTES

Assembly Floor:	76 - 0
Assembly Appropriations Committee:	11 - 0
Assembly Human Services Committee:	7 - 0

POSITIONS

Support:

Alliance for Children's Rights
 Alliance of Child and Family Services
 Aspiranet
 California Alliance of Caregivers
 California Coalition for Youth
 Children's Law Center of California
 County of Los Angeles Board of Supervisors
 County of Santa Clara
 National Association of Social Workers, California Chapter

Oppose:

None received

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