

Date of Hearing: March 17, 2026

ASSEMBLY COMMITTEE ON JUDICIARY
Ash Kalra, Chair
AB 1967 (Zbur) – As Introduced February 13, 2026

PROPOSED CONSENT

SUBJECT: JUVENILES

KEY ISSUES:

- 1) SHOULD A SOCIAL WORKER INVESTIGATE THE SAFETY OF A MINOR'S CUSTODIAL HOME WHEN THE MINOR, WHILE RESIDING IN A RESIDENTIAL FACILITY, COMMENCES PROCEEDINGS IN JUVENILE COURT TO ENTER FOSTER CARE?
- 2) SHOULD AN ELIGIBLE NONMINOR BE AUTHORIZED TO ESTABLISH ELIGIBILITY FOR EXTENDED FOSTER CARE BENEFITS, IF THE NONMINOR'S GUARDIANS OR ADOPTIVE PARENTS NO LONGER FINANCIALLY SUPPORT THE NONMINOR?

SYNOPSIS

California's foster care system provides temporary care for children who have been removed from their homes due to neglect or abuse. Through extended foster care, youths who would otherwise "age out" of the system when they turn 18 may voluntarily remain in the system from 18 to 21 and thus receive support, housing, and educational or employment assistance while transitioning to independent living. This bill seeks to make it easier for minors and eligible nonminors to access foster care services by (1) requiring a more timely and more appropriately focused child welfare investigation whenever a minor who, while living in a residential facility, seeks to enter foster care through self-petition and (2) ensuring that a nonminor is not precluded from the services of extended foster care because a guardian or adoptive parent continues to collect benefits for the foster child but does not actually provide financial support to the child.

Specifically, this bill addresses two problems in the existing system. First, when a minor resides in a residential facility for children and youth, and not with a parent or guardian, and petitions to enter foster care on their own behalf, this bill would require the social worker to conduct a safety assessment of the home of those who have legal custody of the minor, so that the minor is not denied entry because the residential facility is safe. Second, this bill would also make it easier for a nonminor to apply for the benefits of extended foster care when their guardians or adoptive parents have failed to provide the nonminor with financial support, even where the guardians or adoptive parents have received state or federal subsidies (including Kin-Gap or AFDC-FC) to support the nonminor. Consistent with federal and state policy guidelines, the bill would require the court to order suspension of any public funds paid to the guardians or adoptive parents before the nonminor could obtain foster care benefits.

This bill is co-sponsored by the Alliance for Children's Rights and the California Coalition for Youth. There is no registered or known opposition. Should the bill pass this Committee, it would be referred to the Committee on Human Services.

SUMMARY: Requires a social worker to make certain assessments, and a court to make certain orders, relating to applications commenced by a minor on their own behalf, and authorizes a nonminor to establish eligibility for foster care benefits, as specified. Specifically, **this bill:**

- 1) Requires a social worker to also assess the safety of the home and those who hold custodial rights of the minor when conducting a safety assessment, as specified, when an application is presented to a social worker to commence proceedings in juvenile court if submitted by a minor on their own behalf, where the minor is currently residing at a residential facility, as defined.
- 2) Requires a juvenile court to review the decision by a social worker to not file a petition within three weeks after a nonminor has applied on their own behalf to the social worker to commence proceedings in juvenile court and either affirm the decision or order the social worker to commence juvenile court proceedings within 14 days of the minor's application to the court for review.
- 3) Authorizes a qualifying nonminor to enter into a voluntary reentry agreement in order to establish eligibility for foster care benefits before or after filing a petition to assume dependency if either the nonminor's guardian or guardians, or adoptive parent or parents, as applicable have died, or the nonminor's guardian or guardians, or adoptive parent or parents, are no longer providing ongoing support and are no longer receiving payment on behalf of the nonminor.
- 4) Requires the juvenile court to order that any benefits being paid on behalf of the nonminor under Kin-GAP or under AFDC-FC, or under the adoption assistance program be suspended, in accordance with the procedures for terminating benefits, until the juvenile court determines that it should not assume dependency jurisdiction over the nonminor or until the juvenile court terminates the dependency jurisdiction over the nonminor subsequent to assuming dependency jurisdiction over the nonminor, as applicable. The suspension of payments pursuant to this provision does not authorize or require an accounting or investigation regarding the use of payments made prior to the suspension.
- 5) Authorizes the state Department of Social Services to implement the changes made to Section 388.1 by means of all-county letters or similar instructions from the department until January 1, 2028.

EXISTING LAW:

- 1) Requires, when a person applies to the social worker to commence proceedings in juvenile court, the application to be in the form of an affidavit alleging that there was or is within the county, or residing therein, a child within the provision of Section 300, and setting forth facts thereof. Requires the social worker to immediately investigate as necessary to determine whether proceedings in the juvenile court should be commenced. Requires the social worker to endorse upon the affidavit of the applicant the decision not to proceed any further, if the social worker does not take action and does not file a petition in the juvenile court within three weeks of the application, including any recommendation made to the applicant, if one is made, to consider commencing a probate guardianship proceeding for the child, and the reasons therefor and requires the social worker to immediately notify the applicant of the action taken or the decision rendered. (Welfare and Institutions Code Section 329 (a). All further statutory references are to the Welfare and Institutions Code unless otherwise noted.)

- 2) Authorizes a person who has applied to the social worker to commence juvenile court proceedings, and the social worker has not filed a petition within three weeks after the application to, within one month after making the application, apply to the juvenile court to review the decision of the social worker. Authorizes the court to either affirm the decision of the social worker or, if it finds that the child is, *prima facie*, described by Section 300, order the social worker to commence juvenile court proceedings. (Section 331 (a).)
- 3) Authorizes a nonminor who is younger than 21 to petition the court for a hearing to determine whether to assume dependency jurisdiction over the nonminor if the nonminor meets any of the specified descriptions. (Section 388.1 (a).)
- 4) Authorizes a nonminor to enter into a voluntary reentry agreement in order to establish eligibility for foster care benefits before or after filing a petition to assume dependency jurisdiction. Entitles the nonminor that enters a voluntary reentry agreement prior to filing the petition to placement and supervision pending the court's assumption of jurisdiction. (Section 388.1 (e).)
- 5) Establishes a state-funded Kinship Guardianship Assistance Payment Program to help some dependent children find stable and permanent placement with relatives. (Section 11360 *et seq.*)
- 6) Authorizes the state Department of Social Services to enter into kinship guardianship assistance agreements to provide federally funded kinship guardianship assistance payments on behalf of children to grandparents and other relatives who have assumed legal guardianship of the children for whom they have cared as approved relative caregivers and for whom they have committed to care on a permanent basis. (Section 11385.)
- 7) Requires Aid to Families with Dependent Children-Foster-Care (AFDC-FC) benefits to be paid to an otherwise eligible child living with a non-related legal guardian, as specified. (Section 11405.)
- 8) Establishes the Adoption Assistance Program (Section 16115.)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: According to the author:

Young people in foster care who reach out for help are often doing so at a moment of crisis. Without swift access to services, they face housing instability and homelessness, which significantly hinder their pursuit of higher education, meaningful employment, and self-sufficiency. This bill ensures that youth in foster care—who are disproportionately LGBTQ+, Black, Latino, and Native American—receive the timely support and crucial interventions required to care for them and keep them safe.

Specifically, AB 1967 will ensure that the child welfare system does not leave these youth behind by ensuring that requests for intervention from vulnerable, older youth receive timely and responsive attention; eliminating barriers so that youth formerly in foster care, who need transitional services, are able to enter extended foster care when their guardian or adoptive parent is no longer providing support; and updating relevant code sections by replacing binary language with gender-neutral language.

Background. California's foster care system provides temporary care for children who have been removed from their homes due to neglect or abuse. Through extended foster care, youths who would otherwise "age out" of the system when they turn 18 may voluntarily remain in the system from 18 to 21 and thus receive support, housing, and educational or employment assistance while transitioning to independent living. **This bill** seeks to make it easier for minors to access foster care services and for eligible nonminors to access extended foster care services.

First, the bill requires a more timely and more appropriately focused child welfare investigation whenever a minor who, while living in a residential facility, seeks to enter foster care through self-petition. Specifically, when a minor who resides in a residential facility for children and youth, and not with a parent or guardian, petitions to enter foster care on their own behalf, this bill would require the social worker to conduct a safety assessment of the home of those who have legal custody of the minor, so that the minor is not denied entry simply because the residential facility is safe. In short, while the residential facility may provide a setting that does not place the minor in sufficient danger to justify foster home placement, the home conditions that drove the minor to residential facility might pose such danger. If the social worker fails to file a petition within three weeks of the application, this bill will authorize the minor or other person to ask the juvenile court to review the social worker's decision and either affirm the social worker's decision or order the social worker to commence juvenile court proceedings.

Second, this bill would facilitate nonminor access to extended foster care services when the nonminor's guardians or adoptive parents have failed to provide the nonminor with financial support, even where the guardians or adoptive parents received state or federal subsidies (including Kin-Gap or AFDC-FC) to support the nonminor. Consistent with federal and state policy guidelines, the bill would require the court to order suspension of any public payments made to the guardians or adoptive parents *before* the nonminor could obtain foster care benefits.

Is there a way to permit unsupported nonminors to access extended foster care immediately, regardless of whether guardians or adoptive parents are receiving federal benefits to support the nonminor? According to author and co-sponsors, one problem faced by nonminors is that, at times, even though guardians or adoptive parents may be receiving state or federal funds through programs like Kin-Gap and AFDC-FC, the guardians or adoptive parents may continue to receive the funds even when the child has moved out and/or is no longer seeing the benefits of these payments. However, while this is the problem that animates the part of the bill addressing nonminor access to extended foster care, the specific language in the bill states that the minor is eligible to establish eligibility for extended foster care benefits if the "nonminor's guardian or guardians, or adoptive parent or parents, are no longer providing ongoing support *and are no longer receiving payment on behalf of the nonminor.*" [Italics added.] To the extent that one of the problems this bill seeks to address is the situation in which guardians or adoptive parents *are* receiving payment but *are not* financially supporting the nonminor, the italicized language is problematic – because the nonminor's access to extended foster care services requires that the guardians or adoptive parents are no longer receiving payments.

The co-sponsors of this bill are quite aware of this issue, but unfortunately it appears that a combination of federal rules and California Department of Social Services policy guidelines prohibit so-called "double dipping," that is, providing public funds to the nonminor while also providing public funds to guardians or adoptive parents for support of the same nonminor. This means that nonminors seeking extended foster care benefits, because they are not receiving the support meant for them from their guardians or adoptive parents, cannot obtain benefits until a

court has ordered the suspension of payments. As the bill moves forward, *the author may wish to consider* whether there are ways to first get the minor foster care benefits immediately – regardless of whether guardians or adoptive parents are receiving payments – and then address the wrongdoing of the guardians or adoptive parents. As it stands now, the nonminor must wait until the court orders suspension of payment. It is unclear how long this process takes, but presumably the guardians or adoptive parents would have some right to challenge the order. But however long this process takes, it seems unfair to ask nonminors to pay for the wrongdoing of guardians and adoptive parents.

ARGUMENTS IN SUPPORT: According to Alliance for Children’s Rights (ACR) and the California Coalition for Youth (CCY), the co-sponsors of this legislation, AB 1867 will, first, “require more timely and responsive investigation by county child welfare whenever a youth seeks to enter foster care through self-petition,” and second, “ensure that a nonminor (aged 18-21) is not precluded from entry into extended foster care because their guardian or adoptive parent continues to collect benefits on behalf of the youth when they are not providing ongoing financial support.”

The co-sponsors identify two significant problems. First, minors who seek to enter foster care through self-petition “face inconsistent responses for entry into foster care.” For example, minors “who seek services from youth homeless prevention centers (YHPC) can only stay at these programs for up to 90 days. YHPC staff . . . note that when youth disclose abuse or unsafe home environments, the resulting reports often do not trigger an immediate child welfare investigation because the youth is temporarily safe within the program.” Second, the co-sponsors note that nonminor youth (ages 18-21) “who independently request entry into child welfare frequently face inconsistent or delay responses from county agencies.” Timely reentry for nonminor youth is especially “critical for former foster youth who often require immediate assistance with housing, transportation, and food, and are at high risk for homelessness and aging out of eligibility for services.” One barrier to timely reentry “occurs when a youth, who was adopted or is in a guardianship, is prevented from accessing extended foster care services because the adoptive parent or legal guardian continues to receive Adoption Assistance Program (AAP) or Kinship Guardian Assistance Payment (Kin-Gap) program funding, but is no longer financially supporting the youth and often, that youth is experiencing homelessness.”

The co-sponsors believe that AB 1967 “will upon the existing referral pathway. . . and will support older youth access to the supports and services of extended foster care.”

REGISTERED SUPPORT / OPPOSITION:

Support

Alliance for Children's Rights (co-sponsor)
California Coalition for Youth (co-sponsor)
3rd Street Youth Center & Clinic
Bill Wilson Center
Bright Futures for Youth
California Alliance of Caregivers
Children's Legal Services of San Diego
John Burton Advocates for Youth
Legacy Bridge CDC
Public Counsel

Sacramento LGBT Community Center
San Diego Youth Services
San Jose Conservation Corps & Charter School
Sunita Jain Anti-trafficking Initiative

Opposition

None on file

Analysis Prepared by: Tom Clark / JUD. / (916) 319-2334