

Date of Hearing: April 23, 2026

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2764 (Ahrens) – As Introduced February 20, 2026

SUBJECT: Extended foster care

SUMMARY: Prohibits a nonminor dependent (NMD) from being denied eligibility for, or having eligibility terminated from, extended foster care benefits for failure to meet education or employment participation requirements that exceed those specified in existing law. Applies this prohibition to county welfare agencies, officers of the court, and licensed foster care providers.

EXISTING LAW:

State 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. (Welfare and Institutions Code [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) Extends juvenile court jurisdiction and Aid to Families and Dependent Children-Foster Care benefits to NMDs up to age 21, provided the youth meets at least one of five participation conditions: (1) completing secondary education or an equivalent credential program; (2) enrolled in postsecondary or vocational education; (3) participating in a program or activity designed to promote or remove barriers to employment; (4) employed at least 80 hours per month; or (5) incapable of any of the above due to a medical condition documented in the case plan. (WIC § 11403(b)).
- 4) Defines a “nonminor dependent” 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 participating in a transitional independent living plan. (WIC § 11400(v))
- 5) Requires county welfare and probation departments, Indian tribes, and tribal organizations to work with NMDs to satisfy one or more of the specified eligibility conditions, and to certify the applicable condition in the NMD’s six-month transitional independent living case plan update. Requires social workers and probation officers to verify continued eligibility at each six-month update. (WIC § 11403(c))
- 6) Requires NMDs to be informed of due process rights prior to any involuntary termination of aid, and requires notices of action to be sent simultaneously to the youth, their counsel, and the county social worker. (WIC § 11403(c))

Federal law:

- 7) Authorizes, under the Fostering Connections to Success and Increasing Adoptions Act of 2008, states to extend foster care benefits to youth up to 21 years of age and receive federal financial participation for those costs under Title IV-E of the Social Security Act. (Public Law 110-351)

FISCAL EFFECT: This bill has been keyed non-fiscal by the Legislative Counsel.

COMMENTS:

Background: *Extended Foster Care.* As a result of the passage of AB 12 (Beall), Chapter 559, Statutes of 2009, foster youth between the ages of 18 and 20 years of age, also known as NMDs, are eligible for extended foster care. Extended foster care is a benefit available to eligible youth to assist them in achieving self-sufficiency and includes educational opportunities, employment trainings, and supervised independent living environments.

Eligibility requires meeting at least one of the five specified participation conditions that are intentionally broad in order to accommodate the varied circumstances of young adults, including those with medical conditions that limit participation. The conditions do not require full-time enrollment or employment and allow a youth working 80 hours per month or enrolled in any qualifying program to satisfy the standard.

Despite the existing minimum requirements for participation, advocates and former foster youth have reported that some counties, courts, and providers have imposed additional participation requirements such as minimum GPA thresholds, specific program types, or hours of participation beyond the statutory minimums as conditions of continued eligibility. These practices are inconsistent with existing law but are not explicitly prohibited by statute, which *this bill* seeks to address.

Inconsistent Implementation of Extended Foster Care. In California, the foster care system operates under a decentralized state-supervised, county-administered model. This means the California Department of Social Services (CDSS) sets the broad rules, regulations, and funding guidelines, but each of the 58 counties is responsible for the day-to-day work of investigating abuse and neglect, recruiting foster families, and managing individual cases.

Research conducted in April of 2017 by Chapin Hall through the California Youth Transitions to Adulthood Study finds substantial variation across counties in participation in extended foster care, with the average amount of time youth remain in care after 18 years of age differing by more than two years between counties.¹ Data show that youth in higher-participation jurisdictions spend at least six months longer in care than those in lower-participation jurisdictions. These differences persist even after controlling for youth characteristics, including education, employment, placement history, gender, and race, indicating that variation is driven by local implementation practices rather than differences in youth themselves. The Author and sponsor contend that in practice, this variation is due to local policies and expectations that are not aligned with the participation conditions established in state law. For example, some counties require youth to graduate from high school to access transitional housing programs, demonstrate

¹ <https://www.chapinhall.org/research/more-youth-staying-in-care-past-age-18-but-length-of-time-in-care-varies/>

full-time participation defined as 40 hours per week of work or school, or meet additional expectations related to education or employment progress, which exceeds the participation conditions specified in statute.

Under current law, youth are eligible for extended foster care if they meet at least one of five participation conditions: completing secondary education, enrolling in postsecondary or vocational education, participating in a program or activity that promotes or removes barriers to employment, working at least 80 hours per month, or being unable to participate due to a medical condition. These criteria are designed to provide flexibility and ensure access for youth with diverse circumstances.

New Interim Licensing Standards. Updates to regulations that took effect on January 1, 2026, transitioned the Transitional Housing Placement Program for Non-Minor Dependents (THP-NMD) from "Interim Licensing Standards" into permanent regulations within the California Code of Regulations, Title 22. The THP-NMD Program is a type of foster care placement, licensed by CDSS, that provides stable living arrangements to NMDs. The 2026 updates to the regulations focus on standardized eligibility and youth autonomy. Under these updated standards, a housing provider or county agency is prohibited from terminating a young adult's placement for participation failures that do not align with the baseline requirements set by CDSS. These regulations clarify that the primary goal of these programs is to provide a stable housing foundation, to ensure that administrative or compliance-based exits are curtailed to prevent unnecessary homelessness.

These updated regulations were developed through a comprehensive, two-year stakeholder process that engaged nonprofit providers, county representatives, and young adults with lived experience to inform program design and implementation.

Youth Homelessness. In December of 2024, the United States Department of Housing and Urban Development released its Annual Homeless Assessment Report to Congress, which found that, 9,052 people in California experienced homelessness on their own as an "unaccompanied youth." Unaccompanied youth are defined as people in households without children, who are not a part of a family with children, or accompanied by their parent or guardian during their episode of homelessness, and are between 18 and 24 years of age. Additionally, 60% of the homeless youth in California were unsheltered, meaning they are in living situations that include couch surfing, staying in shelters, living under bridges, in abandoned buildings, and on the streets. Foster youth in California experience disproportionately higher rates of homelessness when compared to their non-foster youth peers, with 65% of emancipating youth reporting they lack safe and affordable housing at the time of emancipation.

Author's Statement: According to the Author, "[This bill] would ensure consistent and fair eligibility for Extended Foster Care (EFC) statewide, so all youth have equal access to housing and support, regardless of their county or caseworker. As a former foster youth, I understand the importance of maintaining social support systems for foster youth into adulthood. By ensuring that county eligibility requirements for Extended Foster Care programs remain consistent with statewide standards, this bill will reduce confusion and prevent vulnerable individuals from losing access to housing for dubious reasons."

Equity Implications: The provisions of *this bill* seek to increase consistency in the application of extended foster care requirements statewide. By establishing that eligibility for extended

foster care may not be denied or terminated based on education or employment participation requirements that exceed those specified in state law, foster youth will not be arbitrarily subjected to more stringent eligibility requirements. By aligning extended foster care eligibility with the new licensing standards, a youth's housing and financial support cannot be stripped away by local implementation practices that contradict the updated safety and permanency goals that were just established this year.

Arguments in Support: According to the sponsor, John Burton Advocates for Youth, “According to the UC Berkeley Child Welfare Indicators Project, as of October 1, 2025, 7,422 young adults ages 18 to 21 were participating in EFC statewide. One third of these youth are placed in the Transitional Housing Placement Program for Non-Minor Dependents (THPP-NMD) program, which offers housing and tailored supportive services. . . Some youth are required to meet participation conditions that exceed the federal legal standards, resulting in barriers to re-entering care or unlawful discharge, or inability to access specific supportive placements, such as the THPP-NMD program. . . These practices undermine the intent of EFC, leading to housing instability, homelessness, and wasted opportunities for youth to access federally funded support before aging out. . . [This bill] would ensure consistent and fair eligibility for EFC statewide, so all youth have equal access to housing and support, regardless of their county, court, or caseworker.”

Arguments in Opposition: None on file.

RELATED AND PRIOR LEGISLATION:

AB 1314 (Ahrens), Chapter 187, Statutes of 2025, Specified county contract requirements with a THP provider, including prohibiting the contract from containing terms that create unreasonable barriers for a foster youth's admission into the THP program. Required contracts to ensure that decisions about sharing bedrooms, bathroom, and units together, regardless of gender identity, are led by the program participant and agreed upon in collaboration with the provider.

AB 1892 (Chiu), Chapter 612, Statutes of 2018, Established extended foster care eligibility and reentry provisions; strengthened due process notice requirements for NMDs facing termination of aid.

AB 12 (Beall), Chapter 559, Statutes of 2010, Established the California Fostering Connections to Success Act, which established the extended foster care framework.

REGISTERED SUPPORT / OPPOSITION:

Support

John Burton Advocates for Youth (Sponsor)
 Alliance for Children's Rights
 Association of Community Human Service Agencies
 California Alliance of Caregivers
 California Alliance of Child and Family Services
 California Court Appointed Special Advocate Association
 California Lawyers Association, Family Law Section
 California Teachers Association
 California Youth Empowerment Network
 Children Now

Depaul USA
Everychild Foundation
Indivisible CA StateStrong
Los Angeles County Office of Education
Redwood Community Services
St Anne's Family Services
Stanford Youth Solutions
Sycamores
The Village Family Services
Walden Family Services

Opposition

None on file.

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