

ASSEMBLY THIRD READING
AB 2764 (Ahrens)
As Introduced February 20, 2026
Majority vote

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.

Major Provisions

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.

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.

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.

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.

According to the Author

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."

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.

FISCAL COMMENTS

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

VOTES

ASM HUMAN SERVICES: 5-0-2

YES: Lee, Calderon, Elhawary, Blanca Rubio, Ahrens

ABS, ABST OR NV: Castillo, Tangipa

UPDATED

VERSION: February 20, 2026

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