
SENATE COMMITTEE ON HUMAN SERVICES

Senator Becker, Chair

2025 - 2026 Regular

Bill No: AB 2769

Author: Ahrens

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Urgency: No

Consultant: Heather Hopkins

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Fiscal: Yes

Subject: Adoption Assistance Program: eligibility

SUMMARY

This bill allows youth in the Adoption Assistance Program (AAP) to continue to receive benefits past the age of 18 if they are attending high school or the equivalent level of vocational or technical training on a full-time basis or pursuing a high school equivalency certificate until they complete the program or until their 19th birthday, whichever comes first.

ABSTRACT

Existing Law:

- 1) Establishes eligibility for AAP benefits and specifies that a child is eligible for AAP benefits if all of the following conditions are met:
 - a. It has been determined that the child cannot or should not be returned to the home of the child's parents as evidenced by any of the following:
 - i. A petition for termination of parental rights.
 - ii. A court order terminating parental rights.
 - iii. A signed relinquishment.
 - iv. In the case of a tribal customary adoption, the court has given full faith and credit to a tribal customary adoption order, as specified.
 - v. In the case of a nonminor dependent, the court has dismissed dependency or transitional jurisdiction subsequent to the approval of the nonminor dependent adoption petition.
 - vi. In the case of an Indian child who was a dependent of the juvenile court immediately prior to the transfer of the Indian child's case, a final order of adoption issued by the tribal court of the child's tribe.

- b. The child has at least one of the following characteristics that are barriers to the child's adoption:
 - i. Adoptive placement without financial assistance is unlikely because of membership in a sibling group that should remain intact or by virtue of race, ethnicity, color, language, three years of age or older, or parental background of a medical or behavioral nature that can be determined to adversely affect the development of the child; or,
 - ii. Adoptive placement without financial assistance is unlikely because the child has a mental, physical, emotional, or medical disability that has been certified by a licensed professional.
 - c. The need for an adoption subsidy is evidenced by an unsuccessful search for an adoptive home to take the child without financial assistance, as documented in the case file of the prospective adoptive child;
 - d. The child satisfies any of the following criteria: the child is under 18 years of age; the child is under 21 years of age and has a mental or physical handicap that warrants the continuation of assistance; the child is under 21 years of age and an nonminor dependent (NMD), who was 16 years of age before the adoption assistance agreement became effective, and one or more of the specified conditions related to attending school or working applies:
 - i. The adoptive family is responsible for the child pursuant to the terms of an adoptive placement agreement or a final decree of adoption and has signed an adoption assistance agreement;
 - ii. The adoptive family is legally responsible for the support of the child and the child is receiving support from the adoptive parent;
 - iii. The California Department of Social Services (CDSS) or the county responsible for determining the child's AAP eligibility status and for providing financial aid, and the prospective adoptive parent, prior to or at the time the adoption decree is issued by the court, have signed an adoption assistance agreement that stipulates the need for, and the amount of, AAP benefits;
 - iv. The prospective adoptive parent or any adult living in the prospective adoptive home has completed the required criminal background check requirements; and,
 - v. The child is a citizen of the United States or a qualified immigrant. (*WIC 16120*)
- 2) Specifies that a youth is eligible for AAP benefits if they received AAP benefits with respect to a prior adoption and is again available for adoption because the prior adoption was dissolved and the parental rights of the adoptive parents were terminated or because

the youth's adoptive parents died and the youth meets the special needs criteria, as described. Specifies that when a nonminor is receiving AAP benefits after 18 years of age and the nonminor's adoptive parents die, the juvenile court may resume dependency jurisdiction over the nonminor. (*WIC 16120(m)*)

- 3) Requires the court, in all Indian child custody proceedings as defined by the Indian Child Welfare Act (ICWA), to strive to promote the stability and security of Indian tribes and families, comply with ICWA, and seek to protect the best interest of the child. Requires whenever an Indian child is removed from a foster care home or institution, guardianship, or adoptive placement for purposes of foster care, guardianship, or adoptive placement, the placement of the child to be in accordance with ICWA and other applicable state and federal law. (*WIC 224(d)*)

This Bill:

- 1) Adds to the criteria a child can satisfy in order to be eligible for the Adoption Assistance Program benefits to include:
 - a. Effective January 1, 2027, if a nonminor is 18 years of age, is under an adoption assistance agreement that became effective before the nonminor's 16th birthday, was, prior to attaining 18 years of age, attending high school or the equivalent level of vocational or technical training on a full-time basis or pursuing a high school equivalency certificate, continues in such attendance, continues to reside with the adoptive parent, and remains otherwise eligible. Such nonminor is eligible until the date of completion of the program they are attending or the nonminor's 19th birthday, whichever occurs first.
- 2) Requires CDSS, to the extent that federal financial participation is unavailable for adoption assistance payments in 1) above, to ensure that state-realigned funding is available for those payments.

FISCAL IMPACT

According to the Assembly Appropriations Committee:

- 1) Ongoing General Fund (GF) costs of an unknown amount, potentially in the low- to mid-hundreds of thousands of dollars annually to CDSS to provide AAP benefits to the expanded population. CDSS indicates exact costs are difficult to determine due to the lack of data on the AAP caseload by age.
- 2) Ongoing county administrative costs (GF) of an unknown amount for county child welfare agencies to implement this proposal. Counties currently administer the high school completion rule for a related program and may benefit from the existing framework. Although these county costs are state-mandated costs, they are not reimbursable but instead must be funded by the state pursuant to Proposition 30. Proposition 30 (2012) requires 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) to apply to local agencies only to the extent the state provides annual funding for the cost increase.

- 3) One-time automation costs of \$850,000 (GF) for changes to the Child Welfare Services-California Automated Response and Engagement System (CWS-CARES) to provide a new aid code to account for this population.

The Legislative Analyst's Office recently warned of General Fund structural deficits of around \$35 billion per year in the 2027-28 fiscal year and ongoing.

BACKGROUND AND DISCUSSION

Purpose of the Bill:

According to the author, "Assembly Bill 2769 seeks to improve educational outcomes for youth formerly in foster care by creating parity between the Adoption Assistance Program (AAP) and the Kinship Guardianship Assistance Payment (Kin-GAP) program. It permits youth adopted before age 16 and still enrolled in high school to receive AAP benefits past age 18 until they graduate or reach age 19.

"The data make the policy implications unmistakable. 83% of children in foster care are retained/held back by the third grade which likely means those youth would still be 19 in their fourth year of high school. School instability, which youth in foster care experience at double the rate of homeless youth, leads to poorer academic outcomes. These gaps are not inevitable—they are the result of systems that fail to provide consistent, equitable support. When outcomes diverge this sharply, it signals a structural problem that demands a structural solution. Strengthening educational stability and removing bureaucratic barriers is not simply an investment in individual students; it is a necessary policy response to a long-standing inequity. Ensuring that youth who have experienced foster care can complete their education is essential to building a more just and effective child welfare system.

"No young person should face an educational barrier simply because of the permanency path chosen when they leave foster care. AB 2769 provides stability during the critical transition to adulthood and ensures students and families do not lose financial support before completing their high school education."

Child Welfare System (CWS)

The CWS is the system of intervention of child abuse and neglect. This system provides services to children who have been abused or neglected and their families. The goal of this system is to keep children in their home when it is safe, and when the child is at risk, to develop an alternative plan as quickly as possible¹. Social workers in each county receive reports of abuse or neglect, and work to investigate and resolve those reports. When the investigation substantiates the allegations of abuse or neglect, a family is either provided with services to ensure a child's

¹ <https://www.cdss.ca.gov/inforesources/child-welfare-protection/policies>

wellbeing and avoid court involvement, or a child is removed from the family and placed into foster care. In 2025, the state's child welfare agencies received 398,861 reports of abuse or neglect. Of these, 45,856 reports contained substantiated allegations, and 17,886 children were removed from their homes and placed into foster care via the CWS system.

Kinship Guardianship Assistance Program (Kin-GAP)

Kin-GAP is a permanency option for children in long-term placement with relatives, which provides a monthly payment to the relative guardian. This program is intended to enhance family preservation and stability by providing relatives with an alternative route to permanency when reunification and adoption are not appropriate permanency options. To be eligible for Kin-GAP, all of the following criteria must be met:

- The child is a dependent or ward of the juvenile court.
- The child has been placed in the approved home of the prospective relative guardian for at least six consecutive months while under the jurisdiction of the juvenile court, probation department, Title IV-E agreement tribal agency or a voluntary placement agreement.
- The relative guardian has entered into a written binding agreement with the county welfare agency, probation department, or Title IV-E agreement tribal agency prior to the establishment of the guardianship.
- The juvenile court has ordered legal guardianship and appointed a legal guardian.
- Dependency or wardship is terminated.

Kin-GAP can continue past a youth's 18th birthday until age 19 if the Kin-GAP payments began before the youth's 16th birthday and the youth is attending high school, vocational or technical training school on a full-time basis or pursuing a high school equivalency certificate.

Adoption Assistance Program (AAP)

The AAP is an entitlement program to provide financial assistance and/or medical coverage to facilitate the adoption of children who otherwise would remain in long-term foster care. The Adoption Assistance and Child Welfare Act of 1980 created federal incentives to encourage the adoption of special needs children. California created California's AAP with the intent to provide the security and stability of a permanent home through adoption. AAP eligible children may receive federal funded or state/nonfederal funded AAP benefits. In limited circumstances, a child adopted through the independent adoption, private agency adoption, or Tribal adoption process may be eligible for AAP benefits. Typically, these benefits end once the child turns 18 unless the child has a mental or physical disability that warrants the continuation of assistance to age 21.

Unlike Kin-GAP, the AAP does not provide the option to continue past 18 if the youth is attending high school, vocational or technical training school on a full-time basis or pursuing a high school equivalency certificate. This bill seeks to create parity between the two programs for youths over 18 who are pursuing these specific education programs.

Educational Outcomes for Foster Youth

Educational outcomes for foster youth fall far below that of non-foster youth. In the 2024-25 school year foster youth had 37.3% chronic absenteeism, with non-foster youth at 19.3%. In that same school year foster youth had suspension rates at 13.4%, with non-foster youth at 2.5%. Four-year graduation rates for 2024-25 for foster youth was 66.6%, with 87.7% for non-foster youth. Dropout rates for foster youth in 2024-25 was 20.7%, compared to just 7.8% for non-foster youth.²

Related/Prior Legislation:

AB 2948 (Ramos, Chapter 175, Statutes of 2024) adds a final order of adoption issued by a tribal court as a qualifying circumstance to make children eligible for the Adoption Assistance Program.

AB 2255 (Joe Patterson, 2024) expands the eligibility for AAP benefits to include youth up to 26 years of age, among other changes. AB 2255 was held in Assembly Appropriations Committee.

COMMENTS

This bill permits youth in the AAP who were adopted before age 16 and still attending high school or the equivalent to continue to receive benefits until the date of completion of the program they are attending or the nonminor’s 19th birthday, whichever occurs first. This will create parity with Kin-GAP. The evidence is clear – foster youth have worse educational outcomes than non-foster youth – from suspension rates to graduation rates to reading level. This bill seeks to provide supports to help youth achieve better educational outcomes by continuing benefits after 18 in the same manner as Kin-GAP.

PRIOR VOTES

Assembly Floor:	78 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Human Services Committee:	6 - 0

Support:

- Alliance for Children's Rights (Sponsor)
- California Alliance of Caregivers
- California Alliance of Child and Family Services
- Children Now
- County of Santa Clara

² <https://www.cde.ca.gov/ds/sg/fosteryouth.asp>

Opposition:
None received

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