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## SENATE COMMITTEE ON HUMAN SERVICES

Senator Arreguín, Chair

2025 - 2026 Regular

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**Bill No:** AB 890

**Author:** Lee

**Version:** July 3, 2025

**Urgency:** No

**Consultant:** Heather Hopkins

**Hearing Date:** July 7, 2025

**Fiscal:** No

**Subject:** Nonminor dependents: county of residence

### SUMMARY

This bill revises the residency requirements placed upon foster youth who are participating in the extended foster care program by creating a clear set of guidelines for the court to determine when a change of jurisdiction would be in the best interest of the nonminor dependent.

### 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 who have been abused or neglected, as specified. (*Welfare and Institutions Code (WIC) 202*)
- 2) Establishes a system of juvenile dependency for children for specified reasons, and designates that a child who meets certain criteria is within the jurisdiction of the juvenile court and may be adjudged as a dependent child of the court, as specified. (*WIC 300 et seq.*)
- 3) Requires the status of every minor or nonminor dependent in foster care to be reviewed by the court at least once every six months, as specified. (*WIC 366*)
- 4) Defines “nonminor dependent” as a current or former foster youth who is a current dependent child or ward of the juvenile court, or who is a nonminor under transition jurisdiction of the juvenile court, who is between 18 and 21 years old, 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, as specified. (*WIC 11400(v)*)
- 5) Provides that the court may have within its jurisdiction any nonminor dependent, between the age of majority and 21 years, as defined. Further provides that a nonminor dependent shall retain all of their legal decision-making authority as an adult, except as specified. (*WIC 303(a) and (d)*)

- 6) Authorizes the juvenile court to resume jurisdiction over a nonminor who has attained 18 years of age, but not yet attained 21 years of age, and for whom the court has dismissed dependency, delinquency, or transition jurisdiction. (*WIC 303(c)*)
- 7) Requires the juvenile court, in making the findings regarding continuing dependency jurisdiction of a nonminor, to ensure the nonminor has been informed of their options, including the benefits of remaining in foster care and rights to re-enter foster care, and has had an opportunity to confer with their counsel if counsel has been appointed, as specified. (*WIC 391(c)*)
- 8) Requires a nonminor dependent to meet one or more of the following participation requirements to remain under a foster care order by the juvenile court:
  - a. Completing a secondary education or program leading to an equivalent credential;
  - b. Enrolled in an institution that provides postsecondary or vocational education;
  - c. Participating in a program or activity designed to promote or remove barriers to employment;
  - d. Employed for at least 80 hours per month; or
  - e. Incapable of doing any of the above due to a medical condition, as supported by regularly updated information in the nonminor's case plan. (*WIC 11403(b)*)
- 9) Provides that for youth exiting from care, at 18 or 21 years of age, a case worker, other appropriate agency staff, or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition exit plan, that is personalized at the direction of the child or nonminor dependent, as provided. When appropriate, this plan must follow the youth's transitional independent living plan that was developed to prepare the youth for the transition from foster care. (*WIC 16501.1(g)(16)*)
- 10) Provides that a petition to resume jurisdiction over a nonminor may be submitted to the court that retains general jurisdiction, as provided, or to the juvenile court in the county where the youth resides and that the court shall order a hearing be held within 15 judicial days of the date the petition was filed if there is a prima facie showing that the nonminor satisfies the following criteria:
  - a. The nonminor was previously under juvenile court jurisdiction and was subject to an order for foster care placement at any time after the nonminor attained 18 years of age, and has not attained 21 years of age;
  - b. The nonminor intends to satisfy at least one of the conditions required to participate in extended foster care, as provided; and
  - c. The nonminor wants assistance either in maintaining or securing appropriate supervised placement, or is in need of immediate placement and agrees to

supervised placement pursuant to the voluntary reentry agreement, as provided.  
(WIC 388(e)(2))

**This Bill:**

- 1) Requires the court, at the last review hearing before a foster youth turns 18, and at every subsequent review hearing, to inquire whether the nonminor dependent wants to transfer jurisdiction to a new county.
- 2) Allows the nonminor dependent's residency to be changed to another county if the court finds the nonminor dependent meets either of the following:
  - a. The nonminor dependent had a continuous physical presence in the county for one year, is in a planned permanent living arrangement, and has expressed their intent to remain in that county; or,
  - b. The nonminor dependent requests the transfer of jurisdiction to a new county and the court finds that the transfer is in the best interest of the nonminor dependent. In making its determination the court shall consider all relevant information, including, but not limited to, all of the following:
    - i. Whether the transfer would enhance the nonminor dependent's access to services.
    - ii. The position of the social worker and, if applicable, the probation officer.
    - iii. Whether the nonminor dependent would qualify as a resident of the new county, as specified.
    - iv. Whether the nonminor dependent has established significant connections to the new county through employment or independent contracting, through enrollment in an educational or vocational program, through obtaining housing, or through establishing family or other supportive connections in the new county, including relationships that provide emotional or social support to the nonminor dependent, such as relationships with family members, mentors, close friends, or community ties, such as being a member of a religious congregation or nonprofit organization.
    - v. Whether the nonminor dependent is involved in a separate dependency case as a parent in the new county.
- 3) Requires the court to issue the order for transfer within 30 calendar days of the nonminor dependent's request and provides that the new county shall be deemed to have jurisdiction over the nonminor dependent within 10 calendar days of the issuance of the order.

## FISCAL IMPACT

This bill is keyed non-fiscal.

## BACKGROUND AND DISCUSSION

### **Purpose of the Bill:**

According to the author, “Foster youth enrolled in the extended foster care program are actively working on securing their independence as young adults. For many, that independence means moving to a new place for college, a job, or to maintain personal connections. Whatever the reason, it is vital we remove barriers to allow these youth who have experienced the trauma of being removed from their home due to abuse and neglect, maximum flexibility to live anywhere in the state they desire, and to be provided with the services and supports to which they are entitled. By offering dependency judges discretion to act at the request of and in the best interests of nonminor dependents who have moved counties, and reducing bureaucratic delays, this bill will dramatically improve the ability of judges and counties, and, by extension, all of us, to provide essential services to these youth who are just starting out in life and are relying on us not to make it any harder.”

### *Extended Foster Care*

The intent of extended foster care is to bridge the gap between the intensive supervision of foster care and unsupervised adulthood by maintaining a safety net of support while providing the youth independence and additional educational or work opportunities. Extended foster care was created in recognition that many youth were unable to successfully transition from foster care or group care to adulthood without additional guidance and assistance. The federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110- 351) enabled states to expand the definition of a foster “child” by creating extended care for youth up to age 21. The federal law allows foster youth to remain in care past age 18 if they meet one of the following participation criteria: enrolled in high school or a high school equivalency credential; enrolled in college, community college, or vocational education; employed for at least 80 hours per month; participating in other qualifying activities or programs designed to remove barriers to employment; or medically exempt from meeting any of the other participation criteria.

In 2010, California enacted AB 12 (Beall, Chapter 559, Statutes of 2010), which permits foster youth to remain in extended foster care until age 21, under the same criteria as the federal statute. At the six month hearing prior to a youth turning 18 years old, the youth’s social worker or probation officer must submit a transitional living plan to ensure that the youth will meet at least one participation criteria, listed above, if the youth plans to participate in extended foster care. The youth must also sign an agreement to remain in foster care within six months of turning 18, reside in an eligible placement, and agree to work with their social worker to meet the goals of their transitional living plan. Additionally, existing law allows qualifying nonminors who are former foster youth under the age of 21 to petition the court for re-entry into foster care to participate in extended foster care, as provided.

The University of Chicago's Chapin Hall conducted the California Youth Transitions to Adulthood Study (CalYOUTH) in 2018. This study evaluated the impacts of extended foster care on outcomes for transition age foster youth. The following were among the findings of the CalYOUTH study for each additional year a youth spent in extended foster care:

- Increased the probability that they completed a high school credential by about eight percent;
- Increased their expected probability of enrolling in college by 10 to 11 percent;
- Decreased the odds that they became pregnant or impregnated an individual between the ages of 17 and 21 by 28 percent; and
- Decreased the odds of being homeless or couch-surfing between the ages of 17 and 21 by about 28 percent.

Youth participation in the extended foster care program has exceeded initial expectations. Between July 2010 and July 2014, the number of youth age 18-20 in extended foster care in California increased by 211 percent, from 2,908 to 9,032, according to data compiled by UC Berkeley. As of January 1, 2025, there were over 6,800 youth ages 18-21 in foster care in California.

Under existing law, if a nonminor dependent moves to another county, they must live in that new county for one year before their case can be transferred to the new county. The nonminor dependent must also intend to remain in that new county. There are status review hearings every six months for nonminor dependents, meaning if a nonminor dependent moved from San Francisco to San Diego, they would have to travel back and forth for a year before the court could transfer their case to the new county. This bill attempts to address this issue by providing clear guidelines as to when the court should transfer the jurisdiction of the case and timelines by which the case is to be transferred after such an order.

#### **Related/Prior Legislation:**

**AB 494 (Davies, 2025)** would authorize the residence of a nonminor dependent to be changed to another county where they are living if the nonminor dependent requests the transfer of jurisdiction to the new county and demonstrates an intent to remain in the new county by establishing a significant connection to the new county, as specified. The bill would require a court issuing an order to transfer the case pursuant to this new authority to issue the order within 30 calendar days of the nonminor dependent's request, and deems the new county to have jurisdiction over the nonminor dependent within 10 calendar days of an issuance of an order to transfer. AB 494 did not move and instead the author became a co-author to AB 890.

**AB 1712 (Beall, Chapter 846, Statutes of 2012)** enacted numerous technical, clarifying, and federal conformity changes to the California Fostering Connections to Success Act of 2010, including allowing the county of residence to assume the supervision of the nonminor dependent after twelve months of continuous residence.

**AB 12 (Beall and Bass, Chapter 559, Statutes of 2010)** established the California Fostering Connections to Success Act, which extended transitional foster care services to eligible youth between ages 18 and 21 and required California to seek federal financial participation for the Kinship Guardianship Assistance Program (Kin-GAP).

### COMMENTS

Extended foster care allows for nonminor dependents ages 18 to 21 to transition from foster care to adulthood. Under existing law, a nonminor dependent must wait one year before they can potentially have their case moved to another county. This makes it more difficult for them to obtain schooling, training, or employment outside their county. A recent study<sup>1</sup> found that 37.1% of nonminor dependents who stayed in California during their extended foster care had at least one out of county residence. Furthermore, the proportions of nonminor dependents living outside their supervising counties has increased in recent years. The study further noted that 95.4% of nonminor dependents with an out of county residence did not experience any change in their supervising county. While this bill does not change the one year requirement, it does provide clear guidelines to the court and the nonminor dependent as to what circumstances would and would not lead to a likely transfer of jurisdiction.

**Double Referral:** This bill has been double-referred. Should this bill pass out of this Committee, it will be referred to the Senate Committee on the Judiciary.

### PRIOR VOTES

Assembly Floor:	74 - 0
Assembly Human Services Committee:	6 - 0

### POSITIONS

#### Support:

Children's Legal Services of San Diego (Co-Sponsor)  
 Children's Advocacy Institute (Co-Sponsor)  
 Aspiranet  
 California Youth Connection (CYC)  
 Center for Public Interest Law/children's Advocacy Institute/university of San Diego  
 Dependency Legal Services  
 First Place for Youth  
 John Burton Advocates for Youth  
 Justice2jobs Coalition  
 San Diego Youth Services

#### Oppose:

None received

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<sup>11</sup> <http://ccwip.berkeley.edu/TAY/research-memos.html>