

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 890 (Lee)
Version: July 3, 2025
Hearing Date: July 15, 2025
Fiscal: No
Urgency: No
AWM

SUBJECT

Nonminor dependents: county of residence

DIGEST

This bill revises the residency requirements placed upon nonminor dependents (NMDs), who are youth aged 18 to 21 years of age 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 NMD.

EXECUTIVE SUMMARY

Current law permits a youth to remain in extended foster care from the age of 18 until they reach 21 years of age; these young adults are known as “NMDs.” As a legal adult, an NMD generally retains the legal authority to make their own decisions. Nevertheless, while an NMD may make the decision to move to another county, current law places a high bar on when an NMD can have their case transferred to the court in their new county of residence: the NMD must have lived in the new county for a full year. This delay can create significant barriers for the NMD, including restricting their access to supports and services that will help them gain independence.

This bill is intended to resolve the problem of the one-year residency requirement for NMDs who are fully situated in a new county prior to the pendency of one year. To accomplish this, the bill retains the option to transfer jurisdiction after one year, but also gives the NMD the right to request an earlier transfer of jurisdiction. The bill requires the court to grant the request if it determines that the transfer is in the best interest of the NMD; to make this determination, the bill requires the court to consider all relevant information, including information relating to the NMD’s connections and stability in the new county.

This bill is sponsored by the Children’s Advocacy Institute and is supported by California Youth Connection, Children’s Legal Services of San Diego, the County

Welfare Directors Association of California, Dependency Legal Services, First Place for Youth, John Burton Advocates for Youth, San Diego Youth Services, and two individuals. The Committee has not received timely opposition to this bill. The Senate Human Services Committee passed this bill with a vote of 5-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the juvenile court, which is intended to provide for the protection and safety of the public and minors falling under its jurisdiction. (Welf. & Inst. Code, §§ 202, 245.)
- 2) Establishes that the juvenile court has jurisdiction over:
 - a) A child who is subject to abuse or neglect. (Welf. & Inst. Code, § 300.)
 - b) A child, when that child has committed acts that trigger delinquency jurisdiction rendering the child a ward. (Welf. & Inst. Code, §§ 601, 602.)
 - c) Any NMD, between the age of majority and 21 years, under specified conditions. An NMD under the jurisdiction of the juvenile court retains their legal decision-making authority as an adult, except as specified. (Welf. & Inst. Code, §§ 303, 388(e).)
- 3) Defines “nonminor dependent” for purposes of 2)(c) as a current foster youth or a nonminor under the transition jurisdiction of the court who is between 18 and 21 years old, turned 18 years old while under an order of foster care placement, is in foster care under the responsibility of the county welfare department, county probation department, or Indian Tribe, and is participating in a transitional independent living plan, as specified. (Welf. & Inst. Code, § 11400(v).)
- 4) Provides that the residence of an NMD shall be determined by the following rules:
 - a) The NMD’s county of residence will initially be dictated by their county of residence when they were a minor subject to the jurisdiction of the juvenile court, as specified.
 - b) If an NMD under the dependency jurisdiction or transition jurisdiction of the juvenile court is placed in a planned permanent living arrangement, as defined, the county in which the NMD is living may be deemed the county of residence, if and when the NMD has had a continuous physical presence in the county for one year as an NMD and the NMD expresses their intent to remain in that county.
 - c) If the NMD’s dependency jurisdiction has been resumed, or transition jurisdiction assumed or resumed by the juvenile court that retained jurisdiction, as specified, pursuant to a petition to resume jurisdiction, the county in which the NMD is living at the time the petition was filed may be deemed the county of residence, if and when the NMD establishes that they

have had a continuous physical presence in the county for one year and has expressed their intent to remain in that county; the period of continuous physical residence shall include any period of continuous residence in the county immediately prior to the filing of the petition. (Welf. & Inst. Code, §§ 17.1, 375.)

- 5) Requires the juvenile court to review the status of every NMD at least every six months, as specified. (Welf. & Inst. Code, § 366.)
- 6) Requires the reviews conducted under 5) to be conducted in a manner that respects the NMD's status as a legal adult, focused on the goals and services described in their transitional independent living case plan, as specified. (Welf. & Inst. Code, § 366.31(c)-(e).)
- 7) Provides that, whenever a minor under the dependency jurisdiction or transition jurisdiction of the juvenile court attains 18 years of age and remains under the court's jurisdiction as an NMD, the residence of the NMD may be changed to another county if the court finds that the NMD meets the conditions of 4)(b), above; the entire case may be transferred to the juvenile court of the county where the NMD then resides, and the juvenile court of the county where the NMD then resides shall take jurisdiction of the case upon the receipt and filing of the court's finding and an order transferring the case. (Welf. & Inst. Code, § 375(b)(1).)
- 8) Provides that, whenever a petition to resume jurisdiction over an NMD is granted, the residence of the NMD may be changed to another county if the NMD meets the conditions of 4)(c); the entire case may be transferred to the juvenile court of the county where the NMD resides at any time after the court resumed dependency or transition jurisdiction, and the juvenile court of the county where the NMD then resides shall take jurisdiction of the case upon the receipt and filing of the findings of facts upon which the court exercised its jurisdiction over the NMD and the order transferring the case. (Welf. & Inst. Code, § 375(b)(2).)
- 9) Requires a juvenile court that receives an order of transfer from another county to place the transfer order on the calendar of the court; the order shall have precedence over all actions and civil proceedings not specifically given precedence by other provisions of law and shall be heard by the court at the earliest possible moment following the filing of the order. (Welf. & Inst. Code, § 378.)

This bill:

- 1) Requires a court to consider whether an NMD requests the transfer of jurisdiction to a new county in all of the following circumstances:
 - a) At an NMD's regular review hearings.

- b) For an NMD whose case plan is continued court-ordered family reunification services, as specified, when the court determines that the NMD cannot safely reside in the home of the parent or guardian.
 - c) For an NMD who is no longer receiving reunification services and is in a permanent plan of another planned permanent living arrangement, at the review hearing held every six months, as part of the inquiry relating to the progress being made to provide permanent connections with caring, committed adults.
- 2) Provides that, whenever a minor under the dependency jurisdiction or transition jurisdiction of the juvenile court attains 18 years of age and remains under the court's jurisdiction as an NMD, the residence of the NMD may be changed to another county if the court finds that the NMD meets either of the following conditions:
 - a) The NMD is placed in a planned living arrangement, as defined, and the NMD has had a continuous physical presence in the county for one year as an NMD and expressed their intent to remain in that county.
 - b) The NMD requests the transfer of jurisdiction to a new county and the court finds that the transfer is in the best interest of the NMD.
- 3) Requires a court, when determining whether a transfer of jurisdiction to a new county is in the best interest of the NMD pursuant to 2)(b), to consider all of the following:
 - a) Whether the transfer would enhance the NMD's access to services.
 - b) The position of the social worker and, if applicable, the probation officer.
 - c) Whether the NMD would qualify as a resident of the new county, as specified.
 - d) Whether the NMD 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 NMD, such as relationships with family members, mentors, close friends, or community ties, such as being a member of a religious congregation or a nonprofit organization.
 - e) Whether the nonminor dependent is involved in a separate dependency case as a parent in the new county.
- 4) Provides that the court may order an NMD's case transferred to the juvenile court of the county in which the NMD then resides, pursuant to 2), at any time after the court has made a finding of the facts upon which the court has exercised its jurisdiction over the NMD or at a regularly scheduled review hearing.
 - a) A court issuing an order to transfer the case pursuant to 2)(b) shall issue the order within 30 calendar days of the NMD's request.

- b) If the court issues an order to transfer the case, the new county shall be deemed to have jurisdiction over the NMD within 10 calendar days of the issuance of the order.

COMMENTS

1. Author's comment

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 NMDs 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.

2. Overview of the dependency system

The overarching goal of dependency proceedings is to safeguard the welfare of California's children.¹ Welfare and Institutions Code section 300 sets forth the circumstances that can bring a child within the jurisdiction of the juvenile dependency court. " 'Although the harm or risk of harm to the child [for jurisdictional purposes] must generally be the result of an act, omission or inability of one of the parents or guardians, the central focus of dependency jurisdiction is clearly on the child rather than the parent.' "²

When a child is found to be under the jurisdiction of the juvenile court, the child is deemed a dependent of that court and the court may begin proceedings to remove the child from the custody of their parent(s); if, after a series of hearings, a parent is found to be unfit, the court can terminate the parent's parental rights.³ The overarching inquiry is whether the child would suffer, or is likely to suffer, harm if they remain with their parent.

¹ *In re Josiah Z.* (2005) 36 Cal.4th 664, 673.

² *In re R.T.* (2017) 3 Cal.5th 622, 626.

³ *See id.*, §§ 360, 361.3, 366.26.

3. Overview of extended foster care and NMDs

In October 2008, the federal government enacted the Fostering Connections to Success and Increasing Adoptions Act,⁴ which, among other things, offered additional funding to states that opted to extend foster care services to youths between 18 and 21 years of age. Two years later, the Legislature enacted the California Fostering Connections to Success Act (the Act),⁵ which authorized the juvenile courts to exercise jurisdiction over, and extend foster care benefits to, persons between 18 to 21 years of age who are eligible for specified public assistance and for whom one or more of the following conditions exist:

- The nonminor is working toward their high school education or an equivalent credential;
- The nonminor is enrolled in a postsecondary institution or vocational education program;
- The nonminor is participating in a program or activity designed to promote or remove barriers to employment;
- The nonminor is employed for at least 80 hours per month; and/or,
- The nonminor is incapable of doing any of the activities described above, due to a medical condition, and that incapability is supported by regularly updated information in the case plan of the nonminor.⁶

In the years after the Act's passage, the Legislature passed several additional measures to refine, and close gaps in, the laws governing foster care for youths between 18 and 21 years of age.⁷ These dependents are known as "nonminor dependents," or NMDs,⁸ and the system of supports provided to them is known as "extended foster care." As of April 1, 2025, there were 38,894 minors and NMDs in foster care in California, 6,801 of whom were NMDs.⁹

4. The interplay between an NMD's residence and the county court with jurisdiction over the case

Current law does not require an NMD to get the juvenile court's permission before moving to a different county. Current law does, however, restrict when the juvenile court can transfer its jurisdiction over the NMD to the juvenile court in the county in

⁴ P.L. 110-351 (2008).

⁵ AB 12 (Beall, Ch. 559, Stats. 2010).

⁶ Welf. & Inst. Code § 11403.

⁷ See AB 212 (Beall, Ch. 459, Stats. 2011), AB 1712 (Beall, Ch. 846, Stats. 2012), AB 787 (Stone, Ch. 487, Stats. 2013), AB 2454 (Quirk-Silva, Ch. 769, Stats. 2014), AB 2337 (Gipson, Ch. 539, Stats. 2018), AB 748 (Gipson, Ch. 682, Stats. 2019).

⁸ See Welf. & Inst. Code, § 11400(v).

⁹ California Child Welfare Indicators Project, University of California at Berkeley, Report: Children in Foster Care, CWS/CMS 2025 Quarter 1 Extract (Jul. 10, 2025), *available at* <https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/1> (link current as of July 10, 2025).

which the NMD resides: the NMD must have lived in the county for a full year before jurisdiction can be transferred.¹⁰ This means that the NMD must return to their former county of residence for hearings (or appear remotely) while they wait out the one-year residency period. The bill's supporters also report that the residency period can prevent NMDs from obtaining supports and services in the new county of residence. For example, Dependency Legal Services states:

When a youth is living away from their supervising county, access to critical resources and supports – including housing, education, and mental health services – can be delayed or denied. The county of jurisdiction likely lacks knowledge of or strong connections with resources available in the county where the youth resides, hampering the NMD's ability to access vital services and ensure housing stability in a timely manner.

5. This bill permits a court to transfer jurisdiction of an NMD's case to their county of good residence if they determine it is the NMD's best interest, as specified

This bill is intended to resolve the problem of the one-year residency requirement for NMDs who are fully situated in a new county prior to the pendency of one year. To accomplish this, the bill retains the option to transfer jurisdiction after one year, but also gives the NMD the right to request an earlier transfer of jurisdiction. The court shall grant the request if it determines that the transfer is in the best interest of the NMD; to make this determination, the bill requires the court to consider all relevant information, including:

- Whether the transfer would enhance the NMD's access to services.
- The social worker's position on the transfer, and, if applicable, the probation officer's position.
- Whether the NMD would qualify as a resident of the new county under specified state laws.
- Whether the NMD has established significant connections to the new county through a variety of means, including employment, enrolling in vocational or educational courses, obtaining housing, or family or other supportive ties.
- Whether the NMD is involved in a separate dependency case as a parent in the new county.

The enumerated factors should provide guidance to the courts with respect to what sort of connections to a new county warrant transferring an NMD's case before the NMD has lived in the county for a full year. The bill also establishes timelines to ensure that the NMD is not unduly delayed in a case transfer under this new prong: the court must issue its order to transfer the case within 30 days of the request, and the county court to which the case is transferred is deemed to have jurisdiction over the case within 10 calendar days of the issuance of the order.

¹⁰ Welf. & Inst. Code, § 375(b).)

SUPPORT

Children's Advocacy Institute (sponsor)
Aspiranet
California Youth Connection
Children's Legal Services of San Diego
County Welfare Directors Association of California
Dependency Legal Services
First Place for Youth
John Burton Advocates for Youth
San Diego Youth Services
Two individuals

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation: AB 494 (Davies, 2025) permits the juvenile court to change an NMD's county of residence, upon request of the NMD, when the NMD demonstrates an intent to establish a significant connection to the new county, as specified. AB 494 is pending before the Assembly Human Services Committee.

Prior legislation: None known.

PRIOR VOTES:

Senate Human Services Committee (Ayes 5, Noes 0)
Assembly Floor (Ayes 74, Noes 0)
Assembly Human Services Committee (Ayes 6, Noes 0)
