

AMENDED IN ASSEMBLY APRIL 24, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1119**

---

---

**Introduced by Assembly Member Hertzberg**

February 23, 2001

---

---

An act to add Sections 11403.1 and 16011 to the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1119, as amended, Hertzberg. Foster care.

(1) Under existing law, a child who is in foster care and receiving Aid to Families with Dependent Children-Foster Care (AFDC-FC) payments *and* who is attending an educational program or vocational or technical training on a full-time basis prior to his or her 18th birthday, may continue to receive aid after his or her 18th birthday, so long as the child continues to reside in foster care placement, remains otherwise eligible for AFDC-FC payments, and continues to attend the educational program or vocational or technical training, and the child may reasonably be expected to complete the educational or training program before his or her 19th birthday. Existing law establishes the Kinship Guardianship Assistance Payment program to provide financial assistance for children who, after being adjudged dependent children of the juvenile court, are placed in legal guardianship with a relative.

This bill would authorize a child who is in foster care and receiving AFDC-FC payments or aid under the Kinship Guardianship Assistance Payment program ~~to the age of 18 years, who is emancipated, and who is not expected to complete his or her educational or training program~~

~~before his or her 19th birthday, to continue on his or her 18th birthday, and who thereafter, emancipates, be eligible to receive aid following his or her 18th birthday and emancipation, as long as the child resides in a foster care or Kin-GAP placement, remains otherwise eligible for AFDC-FC or Kin-GAP payments or is working at least 20 hours per week, and continues to attend an educational program or vocational or technical training. The bill would require aid to terminate on the first of the month following the completion of the educational program or vocational or technical training or the first month following the month the child attains the age of 23 years, whichever comes first while participating in an educational or training program or any activity consistent with their transitional independent living plan up to the age of 23 years.~~

*This bill would also require that aid be provided pursuant to a transitional independent living plan negotiated between the emancipated foster youth and his or her social worker or probation officer, and that the basic rate of aid provided be equivalent to the basic rate provided to a foster family home.*

The bill would require the State Department of Social Services to apply for any necessary federal waiver to implement, and seek any federal funds available for, these provisions, but would not require the receipt of federal funds in order to implement the bill.

Because this bill would create new duties for county agencies, it would impose a state-mandated local program.

~~The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.~~

~~This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

(2) Existing law continuously appropriates moneys from the General Fund to defray a portion of county costs under specified public assistance programs.



This bill would instead provide that the continuous appropriation would not be made for the purpose of funding certain provisions of the bill.

(3) Existing law requires that when a child is placed in foster care, the case plan for the child shall include a summary of the health and education information or records, including mental health information or records, of the child.

This bill would require the department to establish an Internet-based health and education passport system to collect and maintain health and education records for each child in a foster care placement, and would further require the department to develop appropriate guidelines to ensure the confidentiality of the information collected. *This bill would also require the system to be implemented as a pilot project in 2 counties, one of which is required to be the County of Los Angeles.*

(4) *The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. The Legislature finds and declares that, while  
2 Section 16010 of the Welfare and Institutions Code mandates,  
3 among other things, collection of health and education  
4 information relating to each child in a foster care placement, the  
5 statewide automated system currently contains health records for  
6 fewer than 25 percent of the children in placement, and fewer still  
7 regarding educational status. Because the lack of information  
8 compiled, and the resulting obstacles often prevent a healthy start  
9 in life, and thwart completion of a child's education, it is the intent  
10 of the Legislature in enacting Section 3 of this act to establish an



1 Internet-based mechanism to more effectively comply with the  
2 requirements of Section 16010 of the Welfare and Institutions  
3 Code.

4 SEC. 2. Section 11403.1 is added to the Welfare and  
5 Institutions Code, to read:

6 11403.1. (a) (1) The Legislature finds and declares that  
7 former foster youth are a vulnerable population at risk of  
8 homelessness, unemployment, welfare dependency,  
9 incarceration, and other adverse outcomes if they exit the foster  
10 care system unprepared to become self-sufficient. Unlike many  
11 young individuals turning the age of 18 years who can depend on  
12 family for ongoing support while they complete postsecondary  
13 education or develop career opportunities, emancipating foster  
14 youth have their primary source of support, AFDC-Foster Care  
15 payments, terminated at age 18 years and are then dependent on  
16 their own resources for self-support. Some foster youth are not  
17 able to complete high school or other education or training  
18 programs due to ongoing trauma from the parental abuse or neglect  
19 and gaps in their educational attainment stemming from the  
20 original removal and subsequent changes in placement.

21 (2) Completion of an educational or training program is an  
22 essential, minimum skill needed by foster youth in order to be  
23 competitive in today's economy.

24 (3) It is therefore the intent of the Legislature that emancipated  
25 foster youth ~~continue to receive support until they complete their~~  
26 *shall be eligible to receive support while participating in an*  
27 *educational or training program, work at least 20 hours per week,*  
28 ~~or attain or any activity consistent with their transitional~~  
29 *independent living plan up to the age of 23 years, whichever comes*  
30 *first.*

31 (b) A child who is in foster care and receiving aid pursuant to  
32 this chapter or aid paid under the Kinship Guardianship Assistance  
33 Payment Program pursuant to Section 11360, ~~to the age of 18~~  
34 ~~years, who then is emancipated, and who is not expected to~~  
35 ~~complete his or her educational or training program, as described~~  
36 ~~in Section 11403, before his or her 19th birthday, shall continue to~~  
37 ~~receive aid following his or her 18th birthday and emancipation,~~  
38 ~~as long as the child resides in a foster care or Kin-GAP placement,~~  
39 ~~remains otherwise eligible for AFDC-FC or Kin-GAP payments~~  
40 ~~but for emancipation, and continues to attend an educational~~



1 ~~program, or vocational or technical training, or is working at least~~  
2 ~~20 hours per week. Aid shall be terminated on the first of the month~~  
3 ~~following the completion of the educational program or vocational~~  
4 ~~or technical training, or the first of the month following the month~~  
5 ~~the child attains the age of 23 years, whichever comes first.~~

6 ~~(e) Aid under this section shall be provided to the child~~  
7 ~~notwithstanding emancipation at age 18 years. Aid shall be on his~~  
8 ~~or her 18th birthday, and who emancipates thereafter, shall be~~  
9 ~~eligible to receive aid following his or her 18th birthday and~~  
10 ~~emancipation while participating in an educational or training~~  
11 ~~program, or any activity consistent with his or her transitional~~  
12 ~~independent living plan up to the age of 23 years.~~

13 (c) Aid under this section shall be provided pursuant to a  
14 transitional independent living plan negotiated between the  
15 emancipated foster youth and ~~the~~ his or her social worker or  
16 probation officer, which shall be reviewed annually.

17 (d) (1) In determining the amount of aid under this section, the  
18 rate provided to the youth shall be equivalent to the basic rate  
19 provided to a foster family home provider pursuant to Section  
20 11461.

21 (2) If the emancipated youth remains in placement, payment  
22 shall be made to the care provider, at a rate equivalent to the basic  
23 rate provided to a foster family home provider pursuant to Section  
24 11461.

25 (e) Receipt of aid under this section shall not be considered  
26 income pursuant to Section 11008 for purposes of eligibility for  
27 other programs.

28 (f) Each county welfare department shall notify all foster youth  
29 in that county, ages 16 to 19 years, inclusive, of the existence of the  
30 program prescribed by this section.

31 (g) The department shall seek any federal funds available for  
32 implementation of this section, including, but not limited to, funds  
33 available under Title IV of the Social Security Act (42 U.S.C. Sec.  
34 601 and following). Implementation of this section shall not,  
35 however, be contingent upon receipt of any federal funding. The  
36 department shall seek any waiver from the Secretary of the United  
37 States Department of Health and Human Services that is necessary  
38 to implement this section.

39 SEC. 3. Section 16011 is added to the Welfare and Institutions  
40 Code, to read:



1 16011. (a) The department shall establish an Internet-based  
2 health and education passport system to collect and maintain  
3 health and education records for each child in a foster care  
4 placement, as required by Section 16010. *The system shall be*  
5 *created as a pilot project based in no more than two counties. One*  
6 *of the two counties shall be the County of Los Angeles.*

7 (b) Each health, mental health, and educational provider  
8 providing services to a foster child shall utilize and update the  
9 Internet-based system.

10 (c) The department shall develop appropriate guidelines to  
11 ensure that the confidentiality of the information collected  
12 pursuant to this section is maintained.

13 SEC. 4. No appropriation pursuant to Section 15200 of the  
14 Welfare and Institutions Code shall be made for the purpose of  
15 funding the provisions of Section 2 of this act.

16 SEC. 5. Notwithstanding Section 17610 of the Government  
17 Code, if the Commission on State Mandates determines that this  
18 act contains costs mandated by the state, reimbursement to local  
19 agencies and school districts for those costs shall be made pursuant  
20 to Part 7 (commencing with Section 17500) of Division 4 of Title  
21 2 of the Government Code. If the statewide cost of the claim for  
22 reimbursement does not exceed one million dollars (\$1,000,000),  
23 reimbursement shall be made from the State Mandates Claims  
24 Fund.

