

**Introduced by Senator Migden**  
(Principal coauthor: Assembly Member Jones)

February 20, 2007

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An act to add Section 405 to the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 348, as introduced, Migden. Foster care: transition guardian.

Existing law provides that a child who has been abused or neglected may be adjudged a dependent child of the juvenile court, and authorizes the juvenile court to place dependent children in foster care according to specified procedures. Existing law separately establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Under existing law, aid is provided to foster children until 18 years of age, but may be continued after a child's 18th birthday if the child is attending high school or an equivalent vocational or technical program, or is pursuing a high school equivalency certificate, and meets other specified requirements. Existing law provides for the Supportive Transitional Emancipation Program (STEP) under which emancipated foster youth up to 21 years of age are eligible to receive support while participating in an educational or training program, or any activity consistent with the youth's transitional independent living plan.

This bill would require the juvenile court to appoint a transition guardian to each minor in foster care who is between 16 and 18 years of age, inclusive, to assist the minor's transition to independence and to manage a state fund of vouchers and moneys on behalf of the minor, as individually appropriate. The vouchers and moneys would be

distributed on a monthly basis until the minor reaches 24 years of age. The bill would require the minor, prior to reaching 18 years of age, to agree with the court on an independence plan. The bill would provide that the juvenile court shall have jurisdiction over the transition guardianship and shall administer the distribution of vouchers and moneys to the minor.

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

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

1 SECTION 1. The Legislature finds and declares all of the  
 2 following:  
 3 (a) In California, 65 percent of foster youth emancipate without  
 4 a place to live, less than 3 percent of foster youth graduate from  
 5 college, 51 percent of foster youth are unemployed within a short  
 6 time after emancipating, and female foster youth are four times  
 7 more likely to receive public assistance than the general population.  
 8 In any given year, foster children comprise less than 0.3 percent  
 9 of the state’s population, yet it is estimated that 40 percent of  
 10 homeless persons are former foster youth. A disproportionate  
 11 number of foster youth alumni are represented in the prison  
 12 population. In addition to the harm caused to the youth, there are  
 13 substantial costs to the state associated with Temporary Assistance  
 14 for Needy Families (TANF), prison, and health care.  
 15 (b) While foster children are emancipated from the system at  
 16 18 years of age and provided virtually no safety net, average youth  
 17 in California do not reach self-sufficiency until 26 years of age,  
 18 with their parents contributing over forty-four thousand dollars  
 19 (\$44,000) during the transition period after 18 years of age.  
 20 (c) California has the legal responsibility for over 4,000 foster  
 21 youth each year that turn 18 years of age and age out of the foster  
 22 care system, and thus, the equivalent of a parental responsibility  
 23 to provide financial and other support services as these youth  
 24 transition to self-sufficiency.  
 25 (d) The Transition Guardian Program for foster youth will  
 26 replicate the assistance that average parents provide to their  
 27 children after turning 18 years of age.  
 28 SEC. 2. Section 405 is added to the Welfare and Institutions  
 29 Code, to read:

1 405. (a) The juvenile court shall appoint a transition guardian  
2 to each minor in foster care between 16 and 18 years of age,  
3 inclusive, to assist the minor's transition to independence and to  
4 manage a state fund of vouchers and moneys on behalf of the  
5 minor, as individually appropriate.

6 (b) Prior to reaching 18 years of age, the minor shall agree with  
7 the court on an independence plan.

8 (c) For each minor, the fund shall be set at the median amount  
9 average parents spend on their children after turning 18 years of  
10 age. The vouchers and moneys shall be distributed on a monthly  
11 basis until the minor reaches 24 years of age. The monthly  
12 disbursements shall be graduated payments, larger in the first year,  
13 and decreasing by a larger percentage each year.

14 (d) An eligible minor may opt out of the program, but shall be  
15 permitted to opt back in at least once.

16 (e) The juvenile court shall have jurisdiction over the transition  
17 guardianship and shall administer the distribution of vouchers and  
18 moneys to the minor.