

AMENDED IN SENATE MAY 24, 2007

AMENDED IN SENATE APRIL 12, 2007

SENATE BILL

No. 348

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

February 20, 2007

An act to add Section 11401.3 to the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 348, as amended, 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, and authorizes the court to retain jurisdiction over the child until he or she attains the age of 21 years. 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, ~~to the extent that federal funding is made available for this purpose~~, allow an otherwise eligible foster youth who is over 18 years of age to elect to continue to receive AFDC-FC payments until he or she reaches 21 years of age, provided that the individual consents to remain in foster care placement. *By increasing county duties, this bill would impose a state-mandated local program.*

The bill would state the intent of the Legislature to establish alternative programs to assist foster youth in making the transition to self-sufficiency.

The AFDC-FC program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

This bill would declare that no appropriation would be made for purposes of the bill. *This bill would provide that the extended AFDC-FC payments provided for by the bill would only be implemented if federal funding is obtained to cover 100% of its implementation costs, and would prohibit state funds from being used for this purpose.*

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.

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 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

1 number of foster youth alumni are represented in the prison
2 population. In addition to the harm caused to the youth, there are
3 substantial costs to the state associated with Temporary Assistance
4 for Needy Families (TANF), prison, and health care.

5 (b) While foster children are emancipated from the system at
6 18 years of age and provided virtually no safety net, average youth
7 in California do not reach self-sufficiency until 26 years of age,
8 with their parents contributing over forty-four thousand dollars
9 (\$44,000) during the transition period after 18 years of age.

10 (c) California has the legal responsibility for over 4,000 foster
11 youth each year that turn 18 years of age and age out of the foster
12 care system, and thus, the equivalent of a parental responsibility
13 to provide financial and other support services as these youth
14 transition to self-sufficiency.

15 SEC. 2. Section 11401.3 is added to the Welfare and
16 Institutions Code, to read:

17 11401.3. (a) Notwithstanding Section 11401 or any other law,
18 ~~and to the extent that federal funding is made available for this~~
19 ~~purpose;~~ *subject to subdivision (b)*, an otherwise eligible foster
20 youth over 18 years of age may elect to continue to receive
21 AFDC-FC payments until he or she reaches 21 years of age,
22 provided that the individual consents to remain in foster care
23 placement.

24 (b) *This section shall only be implemented if federal funding is*
25 *obtained to cover 100 percent of its implementation costs. No state*
26 *funds shall be used for the purpose of implementing this section.*

27 SEC. 3. It is the intent of the Legislature to establish alternative
28 programs to assist foster youth in making the transition to
29 self-sufficiency.

30 SEC. 4. If the Commission on State Mandates determines that
31 this act contains costs mandated by the state, reimbursement to
32 local agencies and school districts for those costs shall be made
33 pursuant to Part 7 (commencing with Section 17500) of Division
34 4 of Title 2 of the Government Code.

35 SEC. 5. No appropriation pursuant to Section 15200 of the
36 Welfare and Institutions Code shall be made for purposes of this
37 act.

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