

AB 494: Non-minor Dependent Access to Existing Services

Assemblymember Laurie Davies

IN BRIEF

Since the passage of AB 12, California has demonstrated a commitment to supporting foster youth through extended care and services until the youth reach 21 years of age. These services for Non-minor Dependents (NMD), are aimed at facilitating a successful transition to adulthood and preventing homelessness. However, the state's county-by-county administered approach to child welfare services too often creates bureaucratic barriers preventing NMDs who (i) move between counties to, for example, take a job or attend college, or (ii) are placed in counties outside the jurisdiction responsible for overseeing their cases, from accessing those services. The result: NMDs at a critical stage in their lives are too often unable to access services to which they are entitled, that taxpayers pay for; services urgently needed to prevent homelessness and destitution. AB 494 will address this inequity by offering judges needed discretion to transfer cases as needed to suit the best interests of NMDs.

THE ISSUE

“My dependency case was in San Bernardino, but I was placed in a group home in San Diego. When I became a non-minor dependent, San Bernardino refused to transfer my case, leaving me without access to essential resources. Because I was not considered a San Diego resident, I faced significant barriers to securing housing and enrolling in programs designed to support foster youth transitioning to independence. Additionally, I struggled to obtain my education records, making it difficult to enroll in college. Had I been able to transfer my case to the county where I was actually living, I could have accessed stable housing and critical support services. Instead, I fell through the cracks and became homeless.”
– Katrina W.

A recent study indicated that approximately 37.1% of NMDs have experienced at least one out-of-county residence during their time in extended foster care—a rate that has increased in recent years. However, changes in supervising county agencies are rare. Only 3.7% of all young people in any out-of-county residence had a documented change in their supervising county.

When the 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. This is particularly concerning as more than 40% of NMDs residing out of

county were diagnosed with a disability while in foster care, meaning that they are likely to have continuing physical, mental, or developmental service needs at least until the age of 21.

California is vast. For any NMD residing out of county, their efforts to access resources will be hampered by the county of jurisdiction's lack of knowledge or strong connections with the resources available in the county where the youth resides.

CURRENT LAW

The current residency requirement under Welfare and Institutions Code (WIC) §§ 375 and 17.1(f) mandates that NMDs must reside continuously in a new county for 12 months before transferring jurisdiction, with no exceptions or flexibility.

THE SOLUTION

The challenges faced by NMDs residing out of county can be eliminated by a simple amendment to WIC §§ 375 and 17.1(f) to allow judicial discretion in waiving the one-year residency requirement at the request of an NMD when an NMD demonstrates a significant connection to the new county, such as employment, enrollment, stable housing, or family or community ties.

SPONSORS

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