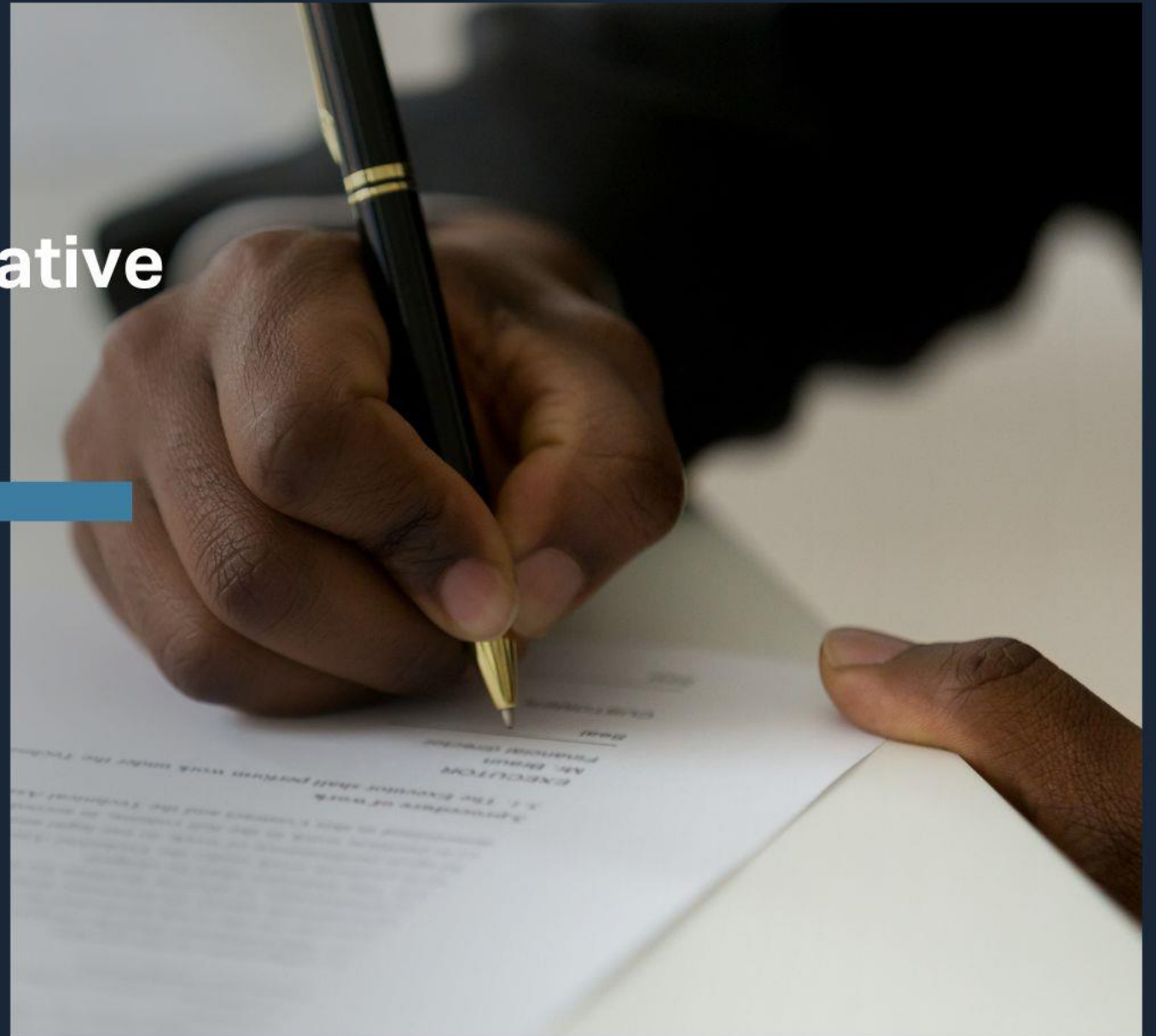


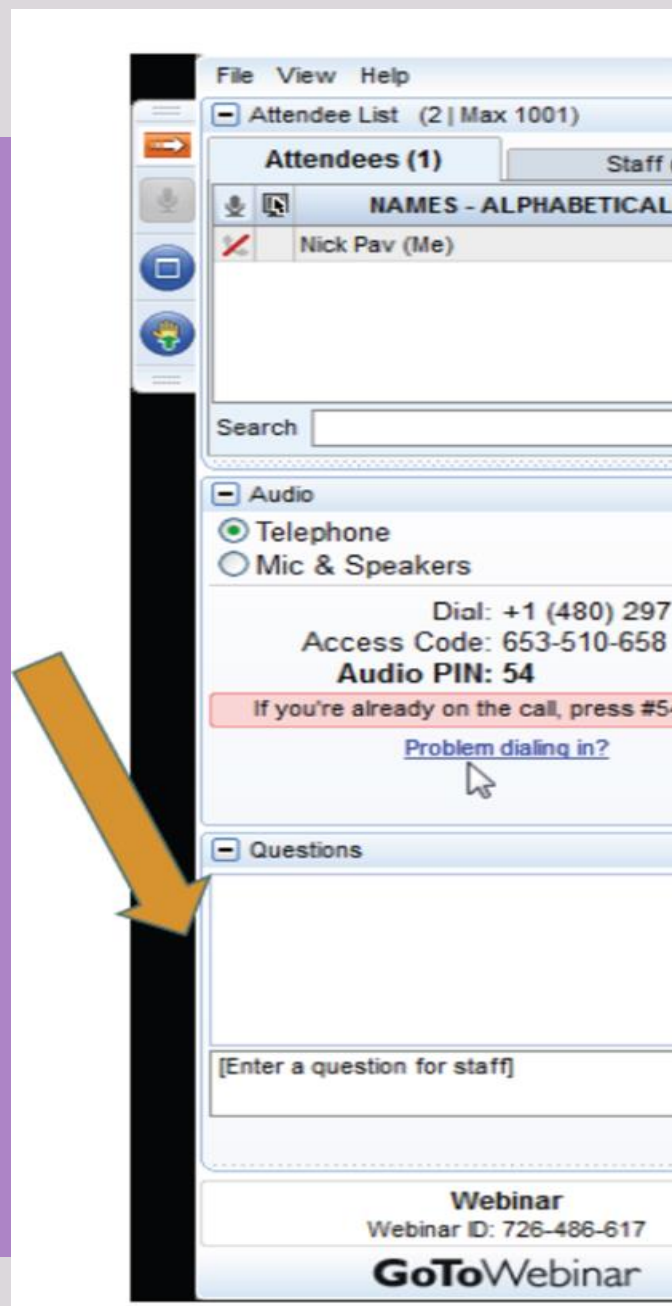
WEBINAR | NOVEMBER 2023

New Laws and Budget Allocations: 2023 Legislative Session Review



ALLIANCE
for **CHILDREN'S**
RIGHTS

Logistics



- Webinar resources, including recording and supplemental materials, will be posted at <https://allianceforchildrensrights.org/resources/>
- All attendees are muted during webinar
- Please submit questions using the "Questions" function on your GoToWebinar dashboard

New Laws and Budget Allocations: 2023 Session Review



California Alliance of Child & Family Services

Adrienne Shilton



AB 373 (Gipson) –
Chapter 327,
Statutes of 2023
*Summer or Other
Intersession
Program Priority
Access*

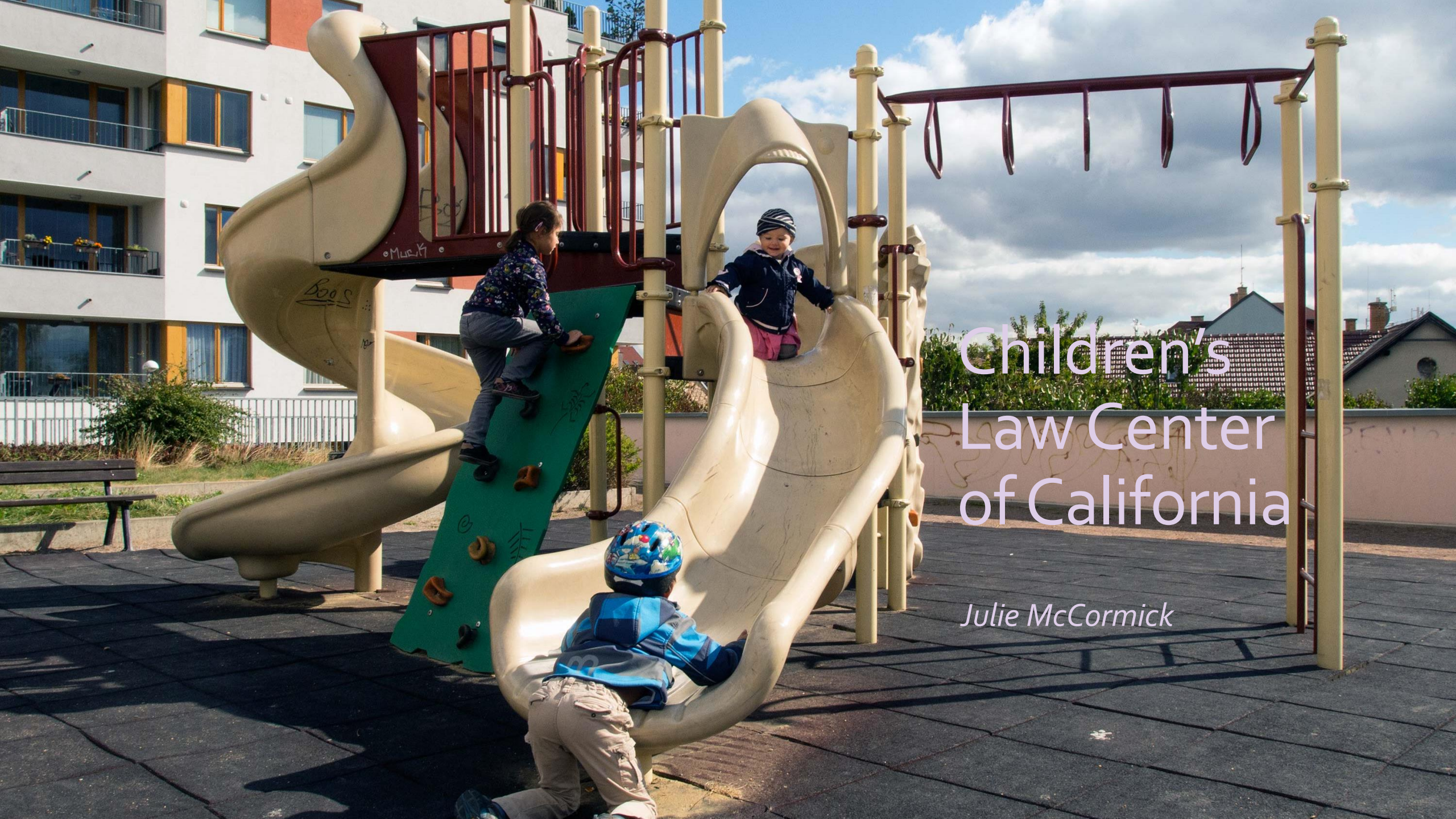
- Requires a school district, county office of education, or charter school, if the local educational agency operates an intersession program, including summer school, to grant priority access to children in foster care and youth experiencing homelessness

SB 407 (Wiener) -
Chapter 226,
Statutes of 2023
*Considering
Needs of
LGBTQ+ Children
& Youth in Foster
Care*

- **Requires resource families to demonstrate an ability and willingness to meet the needs of a child, regardless of the child's sexual orientation, gender identity, or gender expression** and adds specified responsibilities to the California Department of Social Services and counties related to ensuring that foster youth will be placed with lesbian, gay, bisexual, transgender, questioning, or another diverse identity (LGBTQ)-affirming resource families

AB 665 (W. Carrillo) - Chapter 338, Statutes of 2023 *Mental Health Services Consent*

- Aligns provisions of state law so that minors who are covered by Medi-Cal have the same right to consent to mental health services as minors who do not rely upon Medi-Cal



Children's
Law Center
of California

Julie McCormick

- Ensures that parents are given a fair opportunity to reunify with their children by providing the parent with an additional six months of reunification services

AB 937
(McKinnor) -
Chapter 458,
Statutes of 2023
*Family
Reunification*

John Burton Advocates for Youth

Simone Tureck Lee



Housing Affordability for Foster Youth in SILPs

- To reduce placement instability and homelessness for youth in extended foster care, **funding establishes a SILP Housing Supplement**, modeled after the Housing Supplement established in 2020 for the Transitional Housing Placement for Non-Minor Dependents.
- Housing supplement will:
 - increase the monthly payment youth in SILPs receive, based on Fair Market Rent;
 - vary based on the cost of housing in each county; and
 - take effect 7/1/25 or when CalSAWS automation is complete.
- Funded by \$18.8 million budget allocation.

Championed by
Assemblymember Phil Ting and
Senator María Elena Durazo

Fact sheet: <https://jbay.org/resources/2023-fact-sheet-silp/>

Investment in Addressing Youth Homelessness

- \$1 billion was included in state budget for round 5 of the **Homeless Housing, Assistance and Prevention (HHAP) program**. HHAP has a "**youth set-aside**" requiring local jurisdictions to invest a minimum of **10% (\$100 million total)** in youth homelessness.
- Policy changes were made to round 5 of HHAP:
 - HHAP administration is transferring from California Interagency Council on Homelessness to the Department of Housing and Community Development;
 - Homeless Continuums of Care, counties, and HHAP-eligible cities must apply and plan for HHAP together as part of a region;
 - Local accountability provisions have been added; and
 - HHAP now better-prioritizes permanent housing.*

*Funding for youth is exempt from restrictions on interim housing.

Fact sheet: <https://jbay.org/resources/2023-fact-sheet-hhap/>

Expanding Financial Aid for Foster Youth

- Expands Student Success Completion Grant to provide up to \$10,500 annually for foster youth enrolled in 12+ units at community college
- Expands Middle Class Scholarship program to provide additional financial aid to foster youth attending a CSU or UC

Fact sheet:

<https://jbay.org/resources/2023-fact-sheet-financial-aid/>



AB 789
(Berman) -
Chapter 544,
Statutes of
2023
*Expanding
Access to
Financial Aid*

Satisfactory Academic Progress Requirements*

- **SAP Rules:** Requires campuses to adhere to a common set of SAP standards aligned with the federal minimum requirements
- **Communication:** Establishes communication requirements regarding SAP standards
- **Appeals:** Creates consistent pathways for students to regain financial aid eligibility, including expanding the special circumstances that serve as the basis of an appeal

**33% of foster youth lost financial aid due to SAP*

Fact sheet:

<https://jbay.org/wp-content/uploads/2023/05/AB-789-Fact-Sheet.pdf>

Youth Law Center

Rachel Murphy



AB 505 (Ting) -
Chapter 528,
Statutes of
2023
*Office of Youth
and
Community
Restoration*

As part of California's effort to transform youth justice and protect the safety and dignity of all youth who are incarcerated, AB 505:

- Clarifies existing law and strengthens accountability to ensure youth are treated equally;
- Enables the OYCR Ombudsperson to help youth quickly by providing access to facilities and records immediately and without prior notice;
- Requires counties to develop, update, and evaluate county plans with local community participation, ensuring that state funds are used as intended by the Legislature;
- Requires judges to assess all county juvenile facilities where California's youth are held.

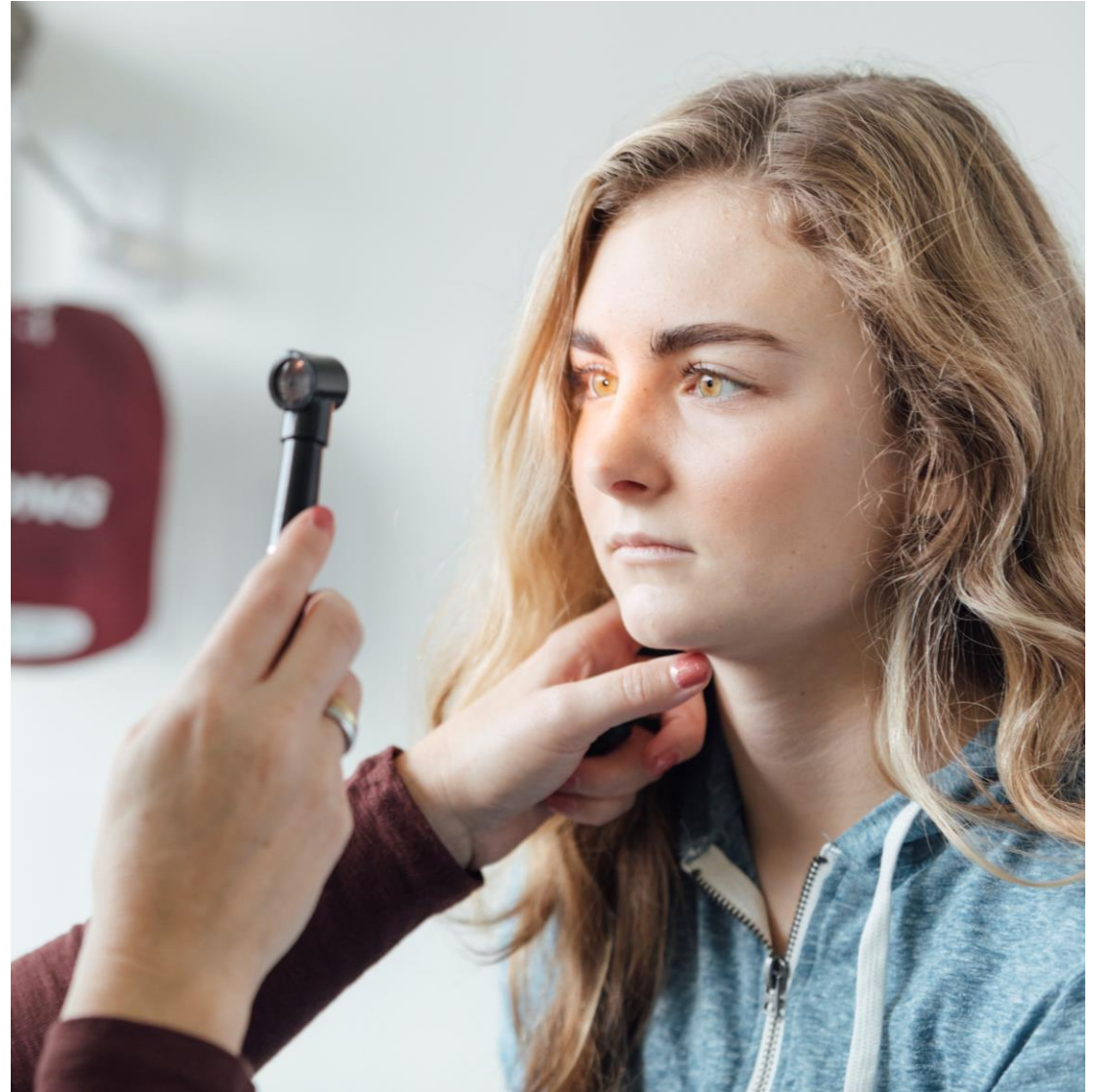
California Coalition for Youth

Kimberly Lewis



SB 457 (Menjivar) - Chapter 152, Statutes of 2023 *Vision Services*

- Provides a simple fix to ensure that unaccompanied homeless minors who are 15 years or older and managing their own financial affairs can access vision care services
- Current state law already allows minors to consent to medical and dental care but is silent on whether they can consent to their vision care



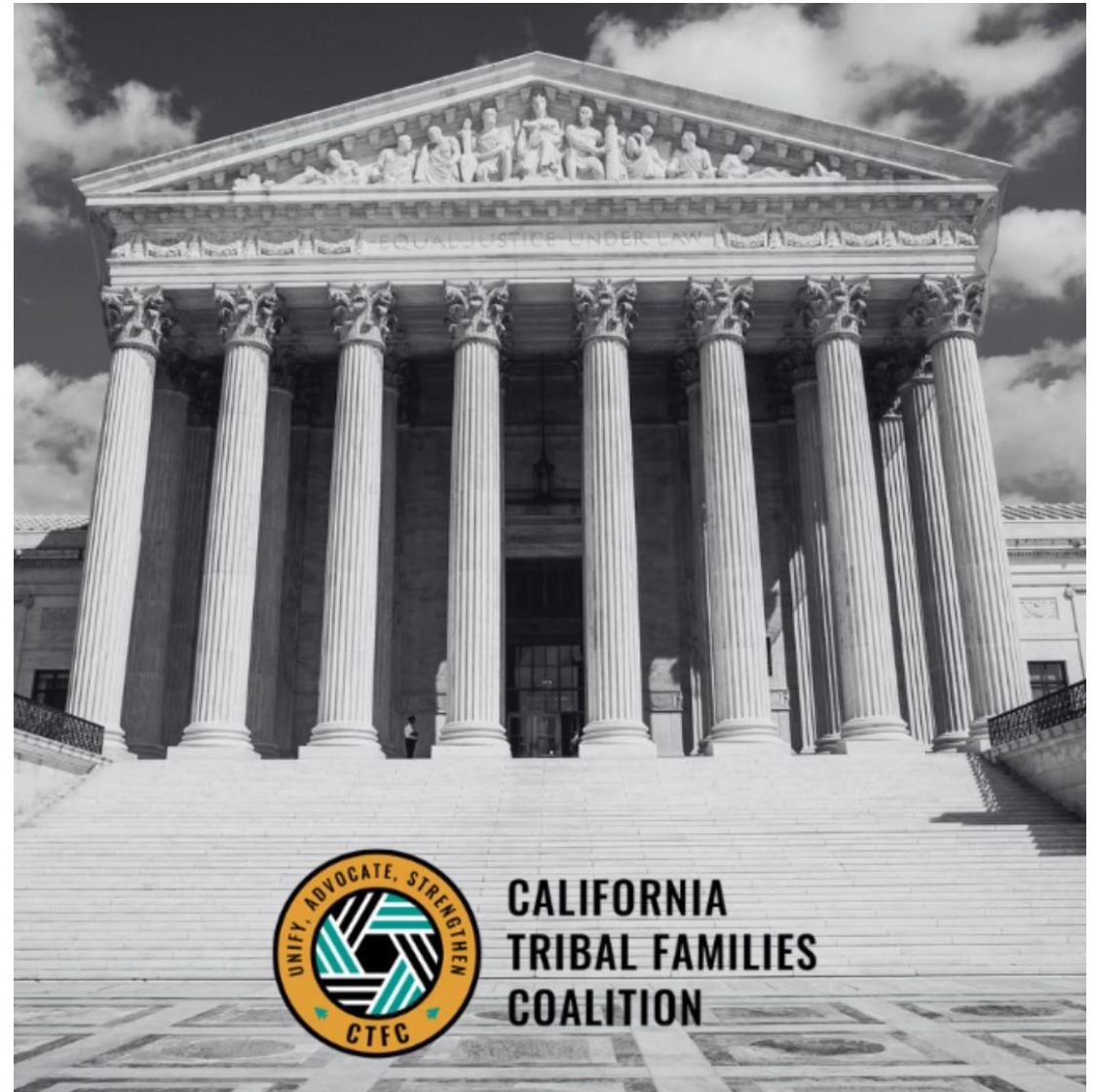
CALIFORNIA TRIBAL FAMILIES COALITION

Blair Kreuzer



Haaland v. Brackeen

- On Thursday June 15, the U.S. Supreme Court upheld the Indian Child Welfare Act (ICWA) in its long anticipated ruling in [Haaland v. Brackeen](#)
- Resounding U.S. Supreme Court ruling affirmed what tribes already knew – **ICWA is constitutional, Congress was right to pass it, and it is best practice**



AB 81 (Ramos) Indian Child Welfare Act

Two Year Bill

- Creates a definition of the body of law that brought the federal ICWA into California Law as the "California Indian Child Welfare Act"
- New definition will apply to Family, Health and Safety , Probate and Welfare and Institutions Codes
- **Clarifies inquiry provisions apply to temporary custody** of an Indian child pursuant to a warrant as described in WIC 340
- **Clarifies the requirement to conduct a diligent search for placements that meet the ICWA placement preferences**
- **Clarifies that active efforts requirements begin at initial contact** with an Indian child



Alliance for Children's Rights

Kristin Power

Level of Care Permanent Rates

- **As part of the January 10, 2024 Governor's proposed 2024-25 budget, the Department of Social Services shall include a schedule for stakeholder input and consultation on the Continuum of Care Reform Permanent Rates Proposal**
- This shall include a minimum of two meetings with the Legislative Analyst's Office, child welfare advocacy groups, foster youth, counties, provider groups, and legislative policy and fiscal staff that shall take place prior to April 1, 2024
- CDSS shall provide a summary of the stakeholder consultation meetings, highlighting any concerns and opportunities associated with the administration's proposal, with the 2024 May Revision, and no later than May 14, 2024

*Understanding
Caregiver
Perspectives:
Survey on
Foster Care
Rates*

Understanding Caregiver Perspectives: Survey on
Home-Based Family Care Monthly Rates in Home-
Based Foster Care (HBFC) Settings

Provides an overview of the ways in which the comprehensive rate structure can be more inclusive to address the challenges caregivers face

Recommendations focus on:

Improve Financial Transparency	Improve Communication	Increase Caregiver Awareness	Pursue Authentic Engagement	Enhance Rate Flexibility	Streamline Processes	Provide Comprehensive Resources	Provide Individualized Support	Update Information Resources and Training
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Other New Laws of Interest

SB 578 (Ashby) -
Chapter 618,
Statutes of 2023
*Juvenile Court
Consideration of
Potential Harms
of Removal*



Requires a social worker to report on, and a juvenile court to consider, the potential harms that may result from removing a child from their parent, guardian, or Indian custodian's custody; and, if the child is or there is reason to know the child is an Indian child, requires the social worker to report on what efforts have been made to contact the child's tribe

AB 954 (Bryan)
- Chapter 552,
Statutes of
2023
*Reunification
Services*



AB 391 (Jones-Sawyer) -
Chapter 434,
Statutes of
2023
*Anti-
Harassment in
Reporting*



Requires an agency receiving a child abuse or neglect report to ask the reporter to provide specified information in the report, including their name, telephone number, and information that gave rise to the suspicion of child abuse or neglect

AB 723 (Quirk-Silva) - Chapter 812, Statutes of 2023
Expanding Definition of School of Origin

- Expands the definition of “school of origin” to include a nonpublic, nonsectarian school (NPS) for a foster child who is an individual with exceptional needs

SB 274
(Skinner) -
Chapter 597,
Statutes of
2023
*Willful
Defiance*

- **Prohibits the suspension or expulsion of a student enrolled in 6th through 12th grade in a public school on the basis of willful defiance** until July 1, 2029,
- Authorizes employees to refer students to school administrators for in-school interventions or supports, and
- Requires that administrators document the actions taken in the student's record and inform the referring employee of those actions

SB 760
(Newman)
Chapter 227,
Statutes of
2023
*All-Gender
School
Restrooms*

- Requires local educational agencies, County Offices of Education, and charter schools, maintaining any combination of classes from kindergarten to grade 12 to provide at least one all-gender restroom for pupil use at each of its school sites

AB 223 (Ward) -
Chapter 221,
Statutes of
2023
*Minor Name
Changes*

- Enhances protections for minors seeking changes of name or gender by making the proceedings presumptively confidential

RESOURCES



Youth Law Center

Rachel Murphy



Access to SSI

*AB 1512 – vetoed

Prior legislation requires that county placing agencies:

- Screen youth who are at least 16 years old, and NMDs under certain circumstances, for eligibility for SSI benefits;
- Apply for SSI for youth that screen as likely to be eligible for SSI benefits (NMDs must consent to the applications);
- File requests for reconsideration and appeal application denials up to the Appeals Council, and adhere to the Social Security Administration guidelines as an authorized representative;
- Help youth choose an appropriate representative payee, which may include the youth;
- Adhere to the legal requirements of a representative payee (if the county is the payee) or help the representative payee (if not the county) to fulfill these obligations;
- Provide information and assistance to youth about their benefits;
- Help youth maintain eligibility so that SSI is in place when they transition from foster care, including assisting youth with establishing continuing disability as an adult and connection to legal representation and advocacy organizations (as appropriate).

See YLC's fact sheet [Overview of SB 187: Updates to Foster Youth Rights Regarding Supplemental Security Income](#)

See [ACL 23-38](#) for information on recent updates (SB 187)

Discharge Plan Protections

*AB 867 - vetoed

- **Age 14:** Case plan includes description of services that will support successful transition into adulthood
- **Age 16:** Transitional Independent Living Plan (TILP) submitted to the court; includes specific goals and the services, supports, and experiences necessary
- **Final review hearing before a youth turns 18:** Transitional Independent Living Case Plan (TILCP) submitted to the court; includes goals and objectives for independent living and a permanent plan that includes connections to caring and committed adults. CWD verifies that they have provided the youth with:
 - Several vital documents, including their Social Security card;
 - Written information about their dependency case, health and education summary, eligibility for public benefits, preference for certain employment, and enrollment in Medi-Cal;
 - Assistance in obtaining employment, preparing for further education, accessing transitional housing, independent living aftercare services, and other referrals to prevent the youth from becoming homeless upon termination of jurisdiction.
- **90 Days Before Exiting Care Due to Age:** 90-Day Transition Plan developed with the youth and must include options regarding housing, health insurance, education, mentorship and continuing support, employment services, and healthcare directives.
 - The court “shall not terminate dependency jurisdiction over a nonminor dependent who has attained 18 years of age” until a hearing is heard and a transition housing plan, which should include housing, has been submitted, which includes the information related to housing noted directly above. WIC 391(h)(7)-(8).

See ACR and YLC's FAQ on [Transition Planning for California's Youth in Foster Care](#)

Funding For Enrichment Activities

*AB 1675 – held on
suspense

- **AB 179 Flexible Family Supports and Home-Based Foster Care Funding**
 - \$50 million one-time GF allocation to provide support to children and caregivers and increase the use of home-based family care
 - One of the five uses for this funding by counties is to cover costs to facilitate a child's participation in enrichment activities.
 - Advocacy continues to urge counties to use funds for enrichment activities.
 - See [ACL 23-02](#) for more information.
- **AB 153 Complex Care Funding - Child Specific Requests for Exceptional Needs**
 - \$18.1 million allocation to counties to implement recommendations that identify exceptional needs to support individual youth in foster care in the least restrictive setting
 - The package of supports developed for a youth can include enrichment activities
 - See [ACL 21-119](#) and [ACIN I-03-23](#) for more information.
- **BH-Connect Section 1115 Demonstration**
 - DHCS has applied for a waiver to use Medicaid funds for activity stipends to support the social and emotional well-being of youth in foster care

See YLC's FAQ on [Normalcy for Children and Youth in CA's Foster Care System](#)

2024

- *What systemic issues are you seeing in your work?*
- *What statutory changes would you like to see advocates pursue in 2024?*
- *What policies or practices would benefit from additional training?*



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