

Closing the Gap for Vulnerable Transition Age Foster Youth

SUMMARY

The California Legislature passed extended foster care (AB 12, Statutes of 2010) to ensure that foster youth who had not achieved permanency by age 18 are able to benefit from three additional years of supports and services, in recognition of the fact that very few young people are ready for independence at age 18. In the years since extended foster care was implemented, several administrative barriers to youth being able to access the program as intended have been identified by the courts.

ISSUE

Eliminating the barriers identified in the bill will ensure that youth are able to enter or re-enter extended foster care to address issues raised by dependency courts in narrow circumstances beyond the control of the youth and help ensure their successful transition to adulthood.

PROPOSAL

Entering Extended Foster Care – Allows a youth, who has been found to be in need of a temporary foster care placement and was in that placement on his or her 18th birthday, to be eligible to be formally “declared” a foster youth after turning 18. Also, the bill provides accompanying due process rights for the youth – meaning they can still appeal a juvenile court’s erroneous dismissal of their dependency petition after their 18th birthday.

This provision clarifies that a youth is not penalized from having their case fully adjudicated just because the final adjudication was still pending at the point the youth turns 18 years old. This limited group of youth are still able to access critical foster youth support services IF the court determines it is in their best interest.

This provision also ensures due process for youth who turn 18 while an appeal of a juvenile court’s dismissal order is pending by preserving juvenile court jurisdiction. In *In re David B.*, the Court of Appeal reluctantly dismissed the youth’s appeal of the juvenile court’s dismissal of the dependency

petition because the youth had turned 18 while the appeal was pending. The Court of Appeal deemed the appeal moot without any determination on the merits of the appeal because the Court could not provide effective relief after David had turned 18 and the juvenile court had lost jurisdiction. The Court concluded “any error by the juvenile court in failing to assume dependency jurisdiction over David B. is effectively unreviewable.” (*In re David B.* (2017) 12 Cal.App.5th 633.)

Re-entering Extended Foster Care – Fixes an issue identified when a former foster youth was denied the ability to re-enter extended foster care services even though his adoptive parents or legal guardians were no longer supporting him.

This provision addresses a situation identified in dependency court in which youth who are adopted or enter a guardianship are prevented from accessing extended foster care services because the adoptive parent or legal guardian continued to receive AAP or Kin-GAP funding, but was no longer financially supporting the youth. This would allow youth in this narrow, but dire, circumstance to appear before a court that can assess their need for extended foster care, without forcing them to wait until the AAP or Kin-GAP funds to the adoptive parent/legal guardian are terminated by the county.

As the court *In re Jessie S.* noted, “the Legislature probably did not intend a former foster youth’s reentry in the dependency system to depend on the glacial bureaucratic processes which govern termination of AAP payments to adoptive parents no longer supporting adopted ex-foster care youth.” (*In re Jessie S.* (2017) 12 Cal.App.5th 611, 614.)

FOR MORE INFORMATION

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