

FACT SHEET: AB 861 HOMELESS YOUTH ENTERING DEPENDENCY

OFFICE OF ASSEMBLYMAN PHILLIP CHEN

IN BRIEF

AB 861 would shorten the amount of time for a minor most in need – a homeless minor or a minor with a prior history in the foster system or probation system – has to wait for a court to rule on their dependency from 3 weeks to 5 days.

THE ISSUE

California's child welfare system tries to keep track of all the children that they are responsible for including run-aways and children who have been abused or neglected. However, there are sadly still minors who "fall out" of the system. These individuals are being lost from the foster system and forgotten about. Many of them are living on the streets, in their cars, or bouncing from shelter to shelter. California needs to recognize that this is happening and figure out a way to better protect our children and to quickly allow for them to re-enter dependency if they so desire.

At the moment, there is a lack of priority for cases when a homeless youth is trying to re-gain dependency from the courts. Currently, a social worker has 3 full weeks to either undertake a program of supervision or to file a petition in the court. During those three weeks, a homeless minor might be in a shelter but most likely is riding out this limbo period on the streets.

In current law, youth homeless shelters can only offer a bed for a maximum of 3 weeks. They do however have the ability to give the minor 72 hours before intake processing must be fully documented allowing the minor to become comfortable and begin to trust the people who work there. If a minor acknowledges or discloses that they want to re-enter dependency or present information that would warrant a mandated report, the shelter will file a mandated report or contact the minor's social worker. However, the existing timelines do not leave time for the shelter to create an appropriate alternative plan or request court review of the decision before they legally must exit a youth from the program. In practice, this often means that by the time a social worker files a petition or otherwise

makes a decision, the minor has already had to forfeit their bed at the shelter and is most likely living back on the street.

These minors are the responsibility of California and should be taken care of as such. We have the chance in this bill to address this issue and make sure fewer kids are homeless while trying to go through court procedures.

THE SOLUTION

In cases where a homeless minor, who was formerly a dependent of the courts and in the foster system is applying to re-enter dependency status or meets the requirements of abuse or neglect, AB 861 will shorten the amount of time that a social worker has to either undertake a program of supervision of the minor or file a petition in the juvenile court from 3 weeks to 5 days. It will also require the court to review these cases prior to any other dependency matters, with the exception of detention hearings, and to issue a decision within 10 days after the initial application.

FOR MORE INFORMATION

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