

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2025-2026 Regular Session

AB 243 (Ahrens)
Version: June 12, 2025
Hearing Date: June 24, 2025
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Postsecondary education: student financial aid dependency status: juveniles

DIGEST

This bill establishes a streamlined procedure by which a financial aid administrator at a California State University (CSU), California Community College (CCC), or University of California (UC) campus can accept an attestation from specified individuals, at the request of a youth who was involved with the juvenile court, to establish the youth's entitlement or eligibility for financial aid, as applicable, and establishes a limited right for the institution to obtain information contained in the youth's juvenile file without a court order, subject to specified confidentiality provisions.

EXECUTIVE SUMMARY

Youths who were involved in the dependency or juvenile justice system (or both) face numerous challenges when they reach adulthood. For many, one such challenge is navigating the college application and financial aid process. While the state has put in place measures to assist these youths in paying for college – such as providing that former foster children should be able to attend a CSU, CCC, or UC free of charge – the financial aid process is often daunting and can require documentary support that cannot be easily shared with the school. In some cases, the difficulties of the financial aid process are enough to prevent youths from pursuing a college degree at all.

This bill is intended to ease the burden on youths who have been involved with the dependency or juvenile justice systems by establishing streamlined avenues for an institution of higher education to receive information relevant to the youth's attendance, or eligibility for financial aid, at the institution. Specifically, the bill authorizes personnel at a county child welfare department, county probation department, or local educational agency (LEA), upon request of the youth, to provide information from the youth's juvenile case file to an institution of higher education (IHE) to assist the youth's attendance or eligibility for financial aid. The bill also

requires a financial aid administrator to accept a sworn attestation as sufficient documentation for the financial aid status of an applicant who is attending or applying to a CSU, CCC, or UC campus. Finally, the bill makes any information received by an IHE confidential and provides that a violation of the confidentiality provisions is subject to a misdemeanor punishable by a fine of up to \$500.

This bill is sponsored by the County of Santa Clara and is supported by the Alameda County Office of Education, Aspiranet, CalChamber, the California Association for Bilingual Education, the California Coalition for Youth, California County Superintendents, California Federation of Teachers, the Riverside County Superintendent of Schools, and Youth Law Center. The Committee has not received timely opposition to this bill. The Senate Education Committee passed this bill with a vote of 6-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Defines “juvenile case file” as a petition filed in a juvenile court proceeding, reports of the probation officer, and all other physical records and electronically stored information relating to the minor that is filed in the case or made available to the probation officer in making the probation officer’s report, or to the judge, referee, or other hearing officer and thereafter retained by the probation officer, judge, referee, or other hearing officer. (Welf. & Inst. Code, § 827(e).)
- 2) Establishes the general rule that a juvenile case file may be inspected only with a court order. (Welf. & Inst. Code, § 827.)
- 3) Establishes a number of categories of persons who, notwithstanding the general rule in 2), who may inspect, or receive a copy of, a juvenile case file without a court order, including:
 - a) Court personnel;
 - b) The district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile justice cases under state law;
 - c) The minor who is the subject of the proceeding;
 - d) The minor’s parent or guardian;
 - e) The city counsel, city attorney, or any other attorney representing the petitioning agency in a dependency action;
 - f) The superintendent or designee of the school district where the minor is enrolled or attending school;
 - g) Authorized state and county staff, including members of children’s multidisciplinary teams, persons, or agencies providing treatment or supervision of the minor; and

- h) Persons serving in a similar capacity as the persons listed above for an Indian tribe, reservation, or tribal court, when the case file involves a member of, or person who is eligible for membership in, that tribe. (Welf. & Inst. Code, § 827(a)(1) & (f).)

This bill:

- 1) Defines the following terms:
 - a) "Adjustment for unusual circumstances" means an unusual circumstance adjustment, as described in specified federal law, regarding the dependency status of a financial aid applicant.
 - b) "Applicant" means a financial aid applicant attending, or applying to attend, a campus of the CSU, CCC, or UC.
 - c) "Financial aid" means any form of student financial aid or institutional financial aid.
 - d) "Financial aid administrator" means a financial aid administrator of the CSU, CCC, or UC for purposes of determining institutional financial aid of the applicant, or the Student Aid Commission for purposes of determining student financial aid for the applicant, as applicable.
 - e) "Institutional financial aid" means all institutional grant aid, including institutional student need-based and merit-based aid.
 - f) "Local educational agency" means a school district, charter school, or county office of education.
 - g) "Sworn attestation" means a statement signed under penalty of perjury by an authorized representative of a local educational agency, county child welfare department, or probation department, which includes all of the following: (1) the name, organization, and title of the attester; (2) a declaration that the attester has provided services, instruction, or assistance to the student; (3) a declaration that the attester is familiar with the student's relationship with their parent or parents, as defined; and (4) a declaration that, to the attester's personal knowledge, the student is either unable to contact their parent or parents, or contacting their parent or parents would pose a risk to the student.
- 2) Provides that, for purposes of making an adjustment for unusual circumstances of an applicant, a financial aid administrator of the CSU or CCC shall accept a sworn attestation as sufficient documentation for purposes of satisfying specified federal law.
- 3) Requests that the Regents of the University of California adopt a policy to implement 2).
- 4) Permits personnel at a county child welfare department, county probation department, or LEA, notwithstanding Section 827, in order to support a person who

is or was previously adjudged a dependent or ward of the juvenile court, placed in foster care or on probation, or taken into the custody of the county probation department, in attending an institution of higher education by assisting with tasks, such as applying, registering, enrolling, and obtaining financial aid or support, to provide, upon request of the person, to the institution of higher education:

- a) A sworn attestation, as defined above in 1)(g).
 - b) The information necessary to verify that the person is or was previously adjudged a dependent or ward of the juvenile court, placed in foster care or on probation, or taken into the custody of the county probation department.
- 5) Provides that all information received by an institution of higher education pursuant to 4) is confidential, shall be shared among the institution of higher education's personnel only when necessary, and, notwithstanding any other law, shall not be further disclosed or disseminated by the institution of higher education or the institution of higher education's personnel.
 - 6) Provides that an institution of higher education shall retain information received pursuant to 4) in a confidential file for three years after the person's last term of enrollment, after which the confidential file shall be destroyed.
 - 7) Provides that an intentional violation of the confidentiality provisions in 5) and 6) is a misdemeanor punishable by a fine not to exceed \$500.

COMMENTS

1. Author's comment

According to the author:

These young individuals require our dedicated support, as enrolling in higher education, applying for financial aid, and requesting necessary accommodations can be incredibly challenging and often create substantial barriers for them. Assembly Bill 243 is a pivotal legislative measure to enhance access to higher education for child welfare and juvenile justice system students. This bill addresses the unique challenges these students face, such as instability in their living situations, a lack of guidance or support networks, and potential gaps in their educational backgrounds. By increasing financial aid opportunities, streamlining the enrollment process, and ensuring that accommodations are readily available, AB 243 creates a more inclusive educational environment, empowering these young individuals to achieve their academic and career aspirations.

2. Youth involved with the foster system face numerous challenges and barriers as they transition to adulthood

Although the juvenile court's overarching obligation is to safeguard the welfare of California's children,¹ children and youth who are or were involved in the dependency system struggle at significantly higher rates than their non-dependency-involved peers. Foster youth and former foster youth are less likely to graduate high school on time than non-foster youth;² experience disproportionately high rates of homelessness than the general population;³ and are significantly more likely to face criminal charges and incarceration.⁴

California has attempted to lessen these disparities and help foster youth and former foster youth in a number of ways. In 2010, California extended foster care to youth aged 18, 19, and 20 years, to give these youth additional supports as they transition into adulthood.⁵ Public colleges and universities are required to provide priority access to on-campus housing to former foster youth and homeless youth,⁶ and many institutions offer campus support programs specifically for current and former foster youth.⁷ And beginning in the 2023-2024 academic year, current and former foster youth can attend a California public college or university free of charge, with the state awarding a scholarship to cover any amounts not otherwise covered by specified federal scholarships, grants, or fee waivers.⁸ Nevertheless, many current and former foster youth still struggle.

¹ *In re Josiah Z.* (2005) 36 Cal.4th 664, 673.

² Compare Kids Count Data Center, California: Twelfth Graders Who Graduated High School on Time by Race/Ethnicity in California, available at <https://datacenter.aecf.org/data/tables/8672-twelfth-graders-who-graduated-high-school-on-time-by-race-ethnicity?loc=6&loct=2#detailed/2/any/false/1095,2048,574,1729,37,871,870,869,36,868/217,757,107,133,172,4/17433> with Youth in Foster Care Who Graduated High School on Time by Race/Ethnicity in California, available at <https://datacenter.aecf.org/data/tables/10439-youth-in-foster-care-who-graduated-high-school-on-time-by-race-ethnicity?loc=6&loct=2#detailed/2/any/false/1095,2048,574,1729,37,871/217,757,107,133,172,4/20134>. All links in this analysis are current as of June 19, 2025.

³ Feng, et al., Memo from CalYOUTH, Predictors of Homelessness at Age 21 (May 2020) p. 1, available at https://www.chapinhall.org/wp-content/uploads/CY_PH_IB0520.pdf.

⁴ Park & Courtney, *Mitigating Risks of Incarceration Among Transition-Age Foster Youth: Considering Domains of Social Bonds* (Oct. 2022) Child Adolesc. Social Work J. 14:1-14, at p. 1.

⁵ AB 12 (Beall, Ch. 559, Stats. 2010).

⁶ See Ed. Code, §§ 76010, 90001.5, 92660.

⁷ See, e.g., The California State University: Resources for Foster Youth, <https://www.calstate.edu/attend/student-services/foster-youth>.

⁸ Ed. Code, § 70022(a)(4)(D).

3. Juvenile case files are presumptively confidential and their contents cannot be viewed by an institution of higher education without a court order

A juvenile case file is the collection of records filed or created in connection with a minor's juvenile dependency case, including the petition, probation officer reports, and reports filed by the county welfare agency.⁹ The law recognizes the importance of maintaining the confidentiality of juvenile case files in order to protect the privacy rights of the child. Section 827 sets forth the categories of persons the Legislature has determined should automatically have access to juvenile case records.¹⁰ All other persons who wish to view a juvenile case record must petition the court for permission to do so.¹¹ Section 827 grants the juvenile court "exclusive authority to determine whether and to what extent to grant access to confidential juvenile records" to persons not automatically granted access by the statute.¹²

For a person not pre-authorized by section 827 to view a juvenile case record as a matter of course, the procedure for petitioning the court to obtain an order is extensive. At least ten days before submitting the petition, the person must serve forms developed by the Judicial Council of California setting forth the petition, the notice of the petition, and a blank form for objections to the petition on specified persons, including the child's attorney; the probation department, child welfare agency, or both, if applicable; and the child and the child's parents or guardians, as specified.¹³ The court may deny the petition summarily if the petitioner did not show good cause to view the court file.¹⁴ If the petitioner did show good cause, the court must conduct an in camera hearing of the records sought by the petitioner and must assume that all legal claims of privilege are asserted.¹⁵ The court may grant the petition only if the petitioner shows, by a preponderance of the evidence, that the records are necessary and have substantial relevance to the petitioner's legitimate need for access, and if the court finds that the need outweighs the policy considerations favoring confidentiality of juvenile case files.¹⁶

These restrictions, though aimed at protecting the child or youth's privacy, can impede a youth when they are applying for financial aid. As explained by the Senate Education Committee, information contained within the juvenile file may be necessary for the institution to determine whether the youth is eligible for aid or entitled to an adjustment:

⁹ Welf. & Inst. Code, § 827(e).

¹⁰ *Id.*, § 827(a)(1)(A)-(V).

¹¹ *Id.*, § 827(a)(2).

¹² *In re Elijah S.* (2005) 125 Cal.App.4th 1532, 1541.

¹³ Cal. Rules of Court, r. 5.552(c).

¹⁴ *Id.*, r. 5.552(d)(1).

¹⁵ *Id.*, r. 5.552(d)(3).

¹⁶ *Id.*, r. 5.552(d)(5), (6).

FAFSA uses specific criteria (age, marital status, military service, etc.) to determine financial dependency status, and not all students who live independently or support themselves qualify as independent under FAFSA rules. As noted within the Federal Student Aid Handbook there are some unique situations where financial aid administrators need to exercise their professional judgment in determining dependency. This includes when to perform dependency overrides to account for a student's unusual circumstances that warrant making a dependent student an independent student. Specifically, federal law distinguishes between different categories of professional judgment that may be exercised for special circumstances or unusual circumstances. As it pertains to this bill, unusual circumstances refers to the conditions that justify an adjustment to a student's dependency status based on a unique situation including human trafficking, refugee or asylee status, parental abuse or abandonment, parental or student incarceration. Financial aid administrators may use their professional judgement to make adjustments that are appropriate to each student's situation with appropriate documentation.

Because personnel at an institution of higher education are not on the list of individuals who can view a juvenile case file without a court order, the institution or the youth's social worker may not be able to obtain a court order and verify the information in a timely manner.

4. This bill implements a streamlined procedure through which persons who are or were dependents or wards of the juvenile court can verify information relating to a college application or financial aid

This bill is intended to eliminate bureaucratic hurdles that current and former dependents and wards may face when applying to a CSU, CCC, or UC, by implementing a streamlined procedure through which the institution can confirm the youth's status or their financial position for purposes of applying for admission or financial aid.

First, the bill permits personnel at a county welfare department, county probation department, or LEA, to support a youth who is or was previously adjudged a dependent or ward of the juvenile court, placed in foster care or on probation, or taken into custody of the county probation in their application to attend, or for financial aid from, a CSU, CCC, or UC, by submitting a sworn attestation to the financial aid office setting forth their knowledge of the youth's relationship with their parent(s) or guardian(s) for purposes of establishing the youth's entitlement for an adjustment to their financial aid eligibility. The sworn attestation must be made under penalty of perjury, and can be submitted only upon the request of the youth in question. The bill requires financial aid administrators at the CSU and CCC to accept, and requests the UC to require its financial aid administrators to accept, the sworn attestation as

sufficient documentation for purposes of making an unusual circumstances adjustment for the youth.

Second, the bill permits the same personnel, upon request of the youth, to provide to the institution of higher education information necessary to verify that the youth is or was previously adjudged a dependent or ward of the juvenile court, placed in foster care or on probation, or taken into custody of the county probation.

Third, at the request of the Senate Education Committee, the bill clarifies that the bill does not prevent a financial aid administrator from accepting other types of documentation to substantiate a youth's unusual circumstances for purposes of their entitlement to financial aid.

The bill specifies that any information received by an institution of higher education pursuant to these provisions is confidential, and to that end shall be used only for the purposes specified in the bill, shall be shared among the institution of higher education's personnel only when necessary, and shall not be further disclosed or disseminated by the institution of higher education or its personnel. The bill also requires the institution of higher education to retain the information received for three years after the youth's last term of enrollment and to thereafter destroy the information. The bill provides that an intentional violation of any of these confidentially provisions is a misdemeanor punishable by a \$500 fine.

The Senate Education Committee, which passed this bill with a vote of 6-0, considered this bill from an educational standpoint. This Committee has jurisdiction over the bill to the extent it affects the youth's privacy, specifically, the bill's narrow exception to Section 827's court order requirement allowing the county welfare, probation department, or LEA personnel to share with the institution of higher education information from the youth's juvenile case file necessary to verify that the youth is or was previously adjudged a dependent or ward of the juvenile court, placed in foster care or on probation, or taken into custody of the county probation. It appears that the bill's safeguards—including permitting the information to be shared only at the request of the youth, and requiring the institution of higher learning to keep the information confidential—are adequate to protect the youth's privacy interests. Additionally, the bill requires the institution of higher education to destroy any information obtained under the bill three years after the youth's last term at the school, which will prevent a school from accumulating an unnecessary trove of confidential information.

5. Arguments in support

According to the County of Santa Clara:

Under existing law, information related to a minor in juvenile court proceedings and child welfare systems is highly confidential, and access to case files is restricted to authorized individuals. Due to this, youth involved in the juvenile

justice or child welfare systems often encounter challenges when required to obtain proof of their financial independence, medical, disability, or other accommodations as part of their application or enrollment in higher education. These barriers disproportionately impact Latino and Black communities, which are overrepresented among system-involved youth. Currently, institutions of higher education in California are requesting a variety of different types of documentation from youth of financial independence.

AB 243 addresses the challenges these youth face in providing necessary information during admissions, financial aid, enrollment, and accommodation processes. By requiring financial aid administrators at public higher education institutions in California to accept an attestation from local educational agencies, county probation departments, or welfare departments as sufficient documentation of financial independence, the bill streamlines access to affordable education for these students. This attestation approach also promotes consistent treatment of required information from students. For the rare instances in which the attestation is not sufficient, or where other information is needed to support the youth's successful enrollment and education, the bill allows county or county office of education staff to disclose to higher education institutions limited information about the youth's circumstances while maintaining confidentiality safeguards.

SUPPORT

County of Santa Clara (sponsor)
Alameda County Office of Education
Aspiranet
CalChamber
California Association for Bilingual Education
California Coalition for Youth
California County Superintendents
California Federation of Teachers
Riverside County Superintendent of Schools
Youth Law Center

OPPOSITION

None received

RELATED LEGISLATION

Pending legislation:

SB 794 (Ochoa Bogh, 2025) expands the categories of persons who may view a juvenile case file without a court order, to include members of a minor's parent's treatment team and the minor's counsel in specified circumstances. SB 794 is pending before this Committee.

SB 413 (Allen, 2025) clarifies and adds to the list of persons who may view a juvenile case file without a court order, to ensure that counsel for parties in a case filed by a minor or former minor can expeditiously view the file. SB 413 is pending before the Assembly Judiciary Committee.

Prior legislation:

SB 1161 (Becker, Ch. 782, Stats. 2024) among other things, clarified what material is included in, and who may view, a juvenile case file.

SB 1071 (Umberg, Ch. 613, Stats. 2022) authorized the attorneys in an administrative appeal pertaining to a foster child or caregiver's receipt of certain state-administered public assistance programs to access the portions of the confidential juvenile case file that the agency relied on in reaching the appealed decision, without a court order.

AB 2711 (Calderon, Ch. 870, Stats. 2022) allowed staff of the California Department of Social Services (CDSS) to view a juvenile case file without a court order for the purpose of completing CDSS's duties relating to the adoption of minors.

AB 2659 (Cooley, 2018) would have authorized an individual seeking access to juvenile case files in child dependency proceedings to petition the criminal court for the release of information to a criminal prosecutor or defense attorney of record if the court determined that the file contained information that is material to a current criminal prosecution, as specified. AB 2659 died in the Assembly Appropriations Committee.

PRIOR VOTES:

Senate Education Committee (Ayes 6, Noes 0)

Assembly Floor (Ayes 76, Noes 0)

Assembly Appropriations Committee (Ayes 15, Noes 0)

Assembly Judiciary Committee (Ayes 12, Noes 0)

Assembly Higher Education Committee (Ayes 8, Noes 0)
