

**SENATE JUDICIARY COMMITTEE**  
**Senator Thomas Umberg, Chair**  
**2023-2024 Regular Session**

AB 1506 (Quirk-Silva)  
Version: June 21, 2023  
Hearing Date: June 27, 2023  
Fiscal: No  
Urgency: No

**SUBJECT**

Foster youth

**DIGEST**

This bill expands the Foster Youth Bill of Rights to include the right, when a foster child or youth has to change schools due to a move or change in placement, to be provided with the opportunity to return to their school in a trauma-informed manner to collect their belongings, with the return made during school hours to the extent feasible so that the child or youth has the opportunity to connect with teachers and classmates.

**EXECUTIVE SUMMARY**

Many foster youth experience frequent placement changes while in foster care which can exacerbate their trauma that resulted from being removed from their parents and home. While counties have procedures in place for transitioning foster youth from their current placement, including requiring the social worker to discuss any new placement with the child or youth in an age-appropriate manner, moves can still be incredibly difficult. This difficulty can be compounded when a placement move also requires a foster youth to change schools, especially when the child has to leave a school where they have friends and meaningful relationships with teachers.

This bill is intended to lessen the negative effect of a school move on foster children by adding, to the Foster Youth Bill of Rights, the right for a foster child or youth, when a placement move also requires them to change schools, the right to return to the school to collect their belongings in a trauma-informed manner. The return should be made, whenever possible, during school hours, so that the child can say good-bye to friends and teachers and collect contact information so that they can stay in touch.

This bill is sponsored by the author and is supported by the Child Abuse Prevention Center and the Los Angeles County Office of Education. There is no known opposition. The Senate Human Services Committee passed this bill with a vote of 5-0.

**PROPOSED CHANGES TO THE LAW**

Existing law:

- 1) Makes the following declarations of Legislative intent regarding children and youths in the dependency system:
  - a) It is the intent of the Legislature to preserve and strengthen a child's family whenever possible, removing the child from the custody of their parents only when necessary for their welfare or for the safety and protection of the public.
  - b) If a child is removed from the physical custody of their parents, preferential consideration shall be given whenever possible to the placement of the child with a relative.
  - c) If a child is removed from their family, the child should be provided with the custody, care, and discipline equivalent to that which should have been provided by their parents.
  - d) It is the intent of the Legislature that children in an out-of-home placement should live in the least-restrictive family setting promoting normal childhood experience that is suited to meet their individual needs, and to live as close to the family as possible.
  - e) In fulfilling their responsibilities to pupils in foster care, educators, county placing agencies, care providers, advocates, and the juvenile courts shall work together to maintain stable school placements and to ensure that each pupil is placed in the least-restrictive educational programs, and has access to the academic resources, services, and extracurricular and enrichment activities available to all pupils. (Welf. & Inst. Code, § 16000.)
- 2) Establishes a list of enumerated rights, known as the Foster Youth Bill of Rights, which are held by all children placed in foster care, either voluntarily or after being adjudged a ward or dependent of the juvenile court, and by nonminor dependents except where the rights conflict with nonminor dependents' retention of their legal decisionmaking authority as an adult. (Welf. & Inst. Code, § 16001.9.)
- 3) Includes, within the Foster Youth Bill of Rights, the rights to attend school, to remain in the child or youth's school of origin, to immediate enrollment upon a change of school, to partial credits for any coursework completed, to priority enrollment in preschool, after school programs, a California State University, and each community college district, and to receive all other necessary educational supports and benefits set forth in the Education Code. (Welf. & Inst. Code, § 16001.9(a)(27).)
- 4) Defines "school of origin" as the school that a foster child or youth attended when permanently housed or the school in which the foster child was last enrolled. (Ed. Code, § 48853.5.)

- 5) Requires, at the initial detention or placement, or any subsequent placement, of a foster child, the local educational agency serving the foster child to allow the foster child to continue their education at the school of origin for the duration of the jurisdiction of the court. If the jurisdiction terminates before the end of the academic year, a former foster child who is in kindergarten or grades one through eight shall be allowed to remain at the school of origin through the academic year; a former foster child in high school shall be allowed to remain at the school of origin through graduation. (Ed. Code, § 48853.5(f).)

This bill:

- 1) Adds to the Foster Youth Bill of Rights the right, when a child or youth has to change schools due to a move or change in placement, to be provided with the opportunity to return to their school in a trauma-informed manner to collect their belongings, with that return to be made during school hours to the extent feasible so as to give the child or youth the opportunity to connect with teachers and classmates.

### COMMENTS

#### 1. Author's comment

According to the author:

As a teacher for over three decades, I understand the importance of student's academic as well as social and emotional development. One of the hardest things for any student, was either entering a new school, or leaving a school and their friends; especially in the middle of a school year. Foster youth are more likely to move schools within the academic year than other students, and a number of them moved multiple times. Foster youth have a number of rights in current law. Adding this right for a foster youth will provide them the opportunity to gather their belongings, and the ability to say goodbye to classmates, friends, teachers and staff. We should do all we can to provide students the opportunity to have the closure that is important to their overall academic and social development.

#### 2. This bill provides foster children and youth with the right to collect their belongings and, where possible, say good-bye to friends and teachers when they have to move schools

As of January 2023, over 52,000 children and young adults were in foster care in California; the population has generally hovered around 60,000.<sup>1</sup> While the foster care

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<sup>1</sup> California Child Welfare Indicators Project, University of California at Berkeley, Report: Children in Foster Care, CWS/CMS 2022 Quarter 4 Extract (Apr. 8, 2023), *available at*

system is intended to protect children, research shows “that foster care leads to poor human capital formation and a host of undesirable outcomes.”<sup>2</sup> Foster children in California move placements, on average, 3.61 times every 1,000 days;<sup>3</sup> multiple placements are associated with attachment difficulties, decreased academic performance, and externalizing and internalizing behavioral problems.<sup>4</sup>

One issue that leads to negative outcomes for children in foster care is the frequency with which they are required to change schools. One study showed that, in the 2018-2019 school year, 34 percent of students in foster care changed schools at least once, with 8 percent of students changing schools twice and 5 percent changing schools three or more times.<sup>5</sup> As the bill’s supporters note, changing schools has an adverse effect on children, due to both the academic disruption as well as the child’s loss of relationships with friends and teachers.<sup>6</sup>

The Foster Youth Bill of Rights already provides foster youth with the right to remain in their school of origin,<sup>7</sup> and the Education Code already requires a local educational agency serving a foster child to allow the child to continue their education at their school of origin for the duration of the dependency court’s jurisdiction.<sup>8</sup> Nevertheless, school moves remain a common feature in the lives of foster children.

This bill is intended to help ease the pain that occurs when a child or youth in foster care is forced to move schools. Specifically, this bill amends the Foster Youth Bill of Rights to give a foster youth the right to be provided with the opportunity to return to their school with an adult of their choosing to accompany the child in a trauma-informed manner to collect their belongings when a placement move requires them to change schools. This will give children the opportunity to say good-bye to their friends and collect their things, rather than wrenching them away with no warning. According to the Pacific Juvenile Center, writing in support, “By guaranteeing children the opportunity for closure when transferring to a new school, children will be able to emotionally transition more smoothly and be accorded an appropriate level of dignity and respect in the process.”

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<https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/s>. All links in this analysis are current as of June 23, 2023.

<sup>2</sup> Lovett & Xue, *Family First of the Kindness of Strangers? Foster Care Placements and Adult Outcomes*, Labour Economics (Feb. 22, 2021), p. 1.

<sup>3</sup> California Child Welfare Indicators Project, University of California at Berkeley, Report: Children in Foster Care by Placement Stability, 4-P5, CWS/CMS 2022 Quarter 4 Extract (Apr. 1, 2023), available at <https://ccwip.berkeley.edu/childwelfare/reports/P5/MTSG/r/Fed/s>.

<sup>4</sup> McConnell, et al., *Changes in Placement among Children in Foster Care: A Longitudinal Study of Child and Case Influences*, Soc. Serv. Rev., 80(3) (Sept. 2006), p. 399.

<sup>5</sup> Learning Policy Institute, California’s Students in Foster Care; Challenges and Promising Practices (Sept. 12, 2022), <https://learningpolicyinstitute.org/product/california-students-foster-care-brief>.

<sup>6</sup> *Ibid.*

<sup>7</sup> Welf. & Inst. Code, § 16001.9(a)(27).

<sup>8</sup> Ed. Code, § 48853.5(f).

3. Arguments in support

According to the Los Angeles County Department of Education, writing in support:

Research shows that students in foster care were more likely to move schools within the academic year than other students, and a number of them moved multiple times. Changing schools has an adverse effect on the academic progress of a foster student. Research has also shown that, among students in foster care who stayed in the same school throughout the school year, one quarter met or exceeded state standards in English language arts, and almost one fifth did in mathematics. However, each school move correlated with lower scores in both subjects.

The benefits of the passage of this bill and proper implementation would have a positive impact on our children in foster care in the following ways:

- Lessen the amount of stress, which may result in anxiety and depression
- Stronger relationships with peers by exchanging goodbyes and providing contact information
- Allows school staff that have strong bonds with a student to provide encouragement and support
- Lessens negative behavior at their new school due to anxiety or fears about another sudden change

**SUPPORT**

Child Abuse Prevention Center  
Los Angeles County Office of Education

**OPPOSITION**

None known

**RELATED LEGISLATION**

Pending Legislation: None known.

Prior Legislation:

AB 1735 (Bryan, Ch. 405, Stats. 2022) required certain documents, including a copy of the Foster Youth Bill of Rights, to be provided to a foster child or youth in their primary language if their primary language is not English.

AB 175 (Gipson, Ch. 416, Stats. 2019) reorganized, clarified, and expanded the Foster Youth Bill of Rights and required the State Foster Care Ombudsperson to provide

trainings and assistance to stakeholders as well as to recommend to the Legislature updates for the Foster Youth Bill of Rights.

**PRIOR VOTES:**

Senate Human Services Committee (Ayes 5, Noes 0)  
Assembly Floor (Ayes 79, Noes 0)  
Assembly Human Services Committee (Ayes 7, Noes 0)

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