

January 25, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-10

The purpose of this All County Letter is to notify County Social Workers and Probation Officers of the new requirement set forth in Assembly Bill 153, Section 22, (Statutes of 2021) requiring reports filed pursuant to Welfare and Institutions Code section 366.1 to include information related to the provision of services and information on sexual reproductive health and postsecondary education provided to a child or non-minor dependent and to inform case managers that the JV-462 has been amended and that a new Form, JV-459(A), was created.



KIM JOHNSON
DIRECTOR

CALIFORNIA HEALTH & HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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GAVIN NEWSOM
GOVERNOR

January 25, 2023

ALL COUNTY LETTER NO. 23-10

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL INDEPENDENT LIVING PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL FEDERALLY RECOGNIZED TRIBES
ALL TITLE IV-E AGREEMENT TRIBES

SUBJECT: **SUPPORTING THE SEXUAL AND REPRODUCTIVE HEALTH
AND COLLEGE ACCESS FOR YOUTH IN FOSTER CARE**

REFERENCE: [SENATE BILL 12](#), [SENATE BILL 89](#), [STATUTES OF 2017](#),
[ASSEMBLY BILL 153](#), [SECTION 22, STATUTES OF 2021](#),
[WELFARE INSTITUTION CODE 366.1 \(h\) AND 366.1\(i\)](#), [ALL](#)
[COUNTY LETTER 16-82](#), [ALL COUNTY LETTER 18-61](#), [ALL](#)
[COUNTY LETTER 18-104](#), [ALL COUNTY INFORMATION NOTICE](#)
[I-06-20](#)

PURPOSE:

The purpose of this All County Letter (ACL) is to notify County Social Workers (SWs) and Probation Officers (POs) of the new requirement set forth in [Assembly Bill \(AB\) 153, Section 22, \(Statutes of 2021\)](#) requiring reports filed pursuant to [Welfare and Institutions Code \(WIC\) 366.1](#) to include information related to sexual reproductive health and postsecondary education provided to a child or non-minor dependent and to inform case managers that the [JV-462](#) has been amended and that a new Form, [JV-459\(A\)](#), was created.

BACKGROUND:

In July 2017, the California Foster Youth Sexual Health Education Act ([Senate Bill \(SB\) 89, Statutes of 2017](#)) went into effect requiring Comprehensive Sexual Health Education for youth in foster care 10 years of age and older who are in junior high, middle, or high school, and non-minor dependents (NMDs), and new training requirements for

caregivers, social workers and judges. To improve access to sexual health education, SWs/POs are required to review the youth's or NMD's case plan annually and update it as needed to confirm that the youth or NMD has received comprehensive sexual health education that meets the requirements of the [California Healthy Youth Act](#) and, if the requirement has not been met, document how they will ensure that the youth will receive the instructions at least once before completing junior high or middle school and once before completing high school.

In addition, to ensure youth and NMDs are informed of their rights and to remove barriers to care, [SB 89](#) requires that the case plan be updated annually to indicate that the SW has talked to the youth about their right to access age-appropriate, medically accurate information about reproductive and sexual health care, their right to consent to sexual and reproductive health in an age and developmentally appropriate way, and informed on how to access reproductive and sexual health care services, and facilitate access to that care including by assisting with any identified barriers to care.

Furthermore, [SB 89](#) mandates that county social workers and judges are trained using a curriculum that includes the information above and requires this content to be included in the pre-approval training for resource families and certification training for Short-Term Residential Therapeutic Program and group home administrators.

In 2017, [SB 12](#) was also adopted and states that "For a child who is 16 years of age or older and for a nonminor dependent, the case plan shall identify the person or persons, who may include the child's high school counselor, Court-Appointed Special Advocate, guardian, or other adult, who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, unless the child or nonminor dependent states that they do not want to pursue postsecondary education, including career or technical education. In the case of an Indian child, the child's tribal representative, in discussions with the Tribe to determine an adult who can assist. If at any point in the future, the child or nonminor dependent expresses that they wish to pursue postsecondary education, the case plan shall be updated to identify an adult individual responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid."

Additional information on case plan documentation and training can be found in the [ACL 18-61 New Mandates Regarding Case Plan Documentation and Training Related to Reproductive and Sexual Health Care Needs and Rights of Foster Youth](#).

ASSEMBLY BILL 153 CHANGES

Each supplemental report filed pursuant to [WIC Section 366.1](#) shall include the following:

1. For youth 10 years old and older who have been under the jurisdiction of the court for one year or longer, or NMDs, whether that youth has received comprehensive sexual health education while in junior high or middle school, and high school, or how the county will ensure that the child receives that instruction at least once prior to completing junior high or middle school, and once prior to completing high school.
2. For youth 10 years or older, or an NMD, whether the social worker or probation officer has informed the youth in an age and developmentally appropriate manner, that they may access medically accurate information about reproductive and sexual health care, the youth's right to consent to sexual and reproductive health services, their right to confidentiality regarding those services, how to access reproductive and sexual health care services, and facilitate access to that care.
3. For youth 16 years or older, or an NMD, whether the social worker or probation officer has identified a person to assist the youth or NMD in pursuing postsecondary education, or that the youth or NMD stated that they do not want to pursue postsecondary education.

To help document and fulfill these new requirements the Judicial Council will, on or before January 1, 2023, update the rules of court and forms to include new education and health requirements already in the case plan. For youth aged 10 and older, the court report will include whether a child has received their sexual health rights, comprehensive sexual health education, and had barriers to care removed. For youth aged 16 years and older, including nonminor dependents, the report will specify if the case manager has identified the person who will assist with postsecondary education and financial aid applications.

AMENDED AND NEW COURT FORMS

On January 1, 2023, [WIC 366.1\(h\)\(4\) \(i\)\(2\)](#), and the corresponding court forms [JV-462](#) and [JV-459\(A\)](#) became effective and made available on the [Judicial Council's website](#). The chart below provides information as to the purpose and changes for each of the forms:

COURT FORM	PURPOSE	CHANGES
Form JV-462 Findings and Orders After Nonminor Dependent Status Review Hearing	To document findings and orders after a nonminor dependent status review hearing.	Revisions made to JV-462 include: 1) Section 29a was added to enable the court to make the findings about whether the social worker or probation officer have completed all of their responsibilities related to verifying that the NMD has received the required education and has been informed of their sexual and reproductive rights and how to access care. 2) Section 29b was also added to the form to enable the court to order the social worker or probation officer to complete any of the tasks that were outstanding from Section 29a. 3) Section 30. a. added the requirements of Welf. & Inst. Code, § 16501.1(g)(22), (1) an individual or individuals have been identified to assist the nonminor dependent with applications for a. (2) postsecondary education, including career and technical education, and related financial aid (3) the name of the support person(s) to assist the nonminor dependent is, (4) an individual or individuals have not been

		<p>identified to assist the nonminor dependent with applications for postsecondary education, including career and technical education, and related financial aid, (5) to assist the nonminor dependent in preparing for postsecondary education, the county agency must add to the case plan and provide the services.</p> <p>4) Section 37 was added and to indicate when a child is 10 years of age or older, is in junior high, middle, or high school, has been under the jurisdiction of the juvenile court for a year or longer, and will indicate that the Status Review Attachment: Sexual and Reproductive Health Services (form JV-459(A)) has been completed and is attached.</p>
<p>JV-459 (A) Status Review Attachment: Sexual and Reproductive Health Services</p>	<p>The Attachment is used for those hearings at which the findings are required.</p>	<p>New Form. JV-495(A) Attachment was added because the Sexual and Reproductive Health Services findings are lengthy and only required for foster youth 10 years and older, in junior high, middle, or high school, and have been under the jurisdiction of the juvenile court for a year or longer.</p> <p>Because the finding will always be required for an NMD, the full list of findings is being included on forms related to NMD status review (forms JV-461(A) and JV-462)</p>

JV-421, JV-430, JV-435, JV-440, JV-445, JV-446, JV-455, JV-461(A), JV-672, JV-647, and JV-678	Additional forms that include new education language	<p>A section was added to enable the court to make the findings about whether the social worker or probation officer have completed all of their responsibilities related to identifying an individual or individuals to assist the child with applications for postsecondary education, including career and technical education, and related financial aid. This includes identifying the name of the individual(s) and relationship to the child.</p> <p>A section was also added to the form to enable the court to order the social worker or probation officer to complete any of the tasks that were outstanding related to this requirement.</p>
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SEXUAL AND REPRODUCTIVE HEALTH AWARENESS FOR YOUTH IN FOSTER CARE

Youth in foster care face disproportionately poor health outcomes in several areas, including such poor sexual and reproductive health (SRH) outcomes as sexually transmitted diseases or infections, early unintended pregnancy, and poor pregnancy and prenatal outcomes. Contributors to these poor health outcomes include lack of access to sexual health information and education, frequent placement changes, as well as a lack of support from adults responsible for youth in foster care. For most youth, their families and family networks guide their conversations about sexuality and reproductive health, whereas with youth in foster care there are barriers to these communications. Foster youth have often experienced trauma, multiple placements, and lack the presence of consistent and trusted adults in their lives. This leaves gaps that others, such as foster caregivers, social workers and health care providers must fill.

In 2019 and 2021, the Reproductive Health Equity Project for Foster Youth surveyed¹ Los Angeles County youth in foster care ages 12-20 both to fill a gap in the research literature on how youth in foster care receive SRH information and services and to estimate child welfare workers' roles in providing SRH information and services. Asked about their sources for SRH information, about half of youth in foster care interviewed in

¹ ([*Interview Survey of Adolescents in Foster Care in Los Angeles County Regarding Sexual and Reproductive Health Communication and Access to Resources: Findings From 2021*](#)).

2021 said they had received information at school (52 percent), with 36 percent of youth ages 12-13 reporting school as a source. Only 22 percent of all respondents had received SRH information from their caregivers, and 30 percent from health care providers.

Additionally, despite the COVID-19 pandemic's disruption during this time, findings show an increase in the number of youths receiving much needed information on SRH from their caseworker. However, a significant number of youths are still reporting that they are not having these essential and required conversations with their social workers or getting the information from another source. Even though SRH conversations are required by law ([Senate Bill 89, Statutes of 2017](#)) to begin at age 10, youth aged 12-16 were far less likely than older youth to report having had conversations on SRH topics with their caseworker. Additionally, youth who identified as Latina or Latino reported receiving information from family less often (15 percent of Latina or Latino youth compared with 35 percent of African-American or Black youth and 31 percent of youth who identified as White, Other, or Multiple racial/ethnic groups) and were more likely to report that friends were a source of SRH information (62 percent of Latina and Latino youth compared to 50 percent of respondents identifying as African-American or Black, and 39 percent of those who identified as White, Other, or Multiple racial/ethnic groups).

In order to improve the SRH of youth in foster care, it is important that we have an effective system in place to ensure that all foster youth receive comprehensive sexual health education, know about their right to access age-appropriate, medically accurate information about sexual and reproductive health and services, and can access sexual and reproductive healthcare services without barriers. Adding an additional layer of accountability by requiring the juvenile court to acknowledge that these requirements have been met will improve the overall sexual reproductive health of youth.

COLLEGE ACCESS FOR YOUTH IN FOSTER CARE

A [report from the Georgetown University Center on Education and the Workforce](#) found that 80 percent of young workers with a bachelor's degree or higher have a living wage job, as compared to 56 percent for those with some college or an associate's degree, 42 percent for workers with a high school diploma and 26 percent for workers who never completed high school. In additions, according to the Chapin Hall's report on [An Early Look at Predictors of College Degree Completion at Age 23 for Foster Youth \(Table 18 on Page 26\)](#), 80 percent of the youth reported wanting to earn a college degree or higher and nearly as many (73 percent) expected that they would earn a college degree or higher.

To ensure that foster youth have the opportunity to pursue their educational and career goals, it is important that they have the support necessary to navigate the college

application and matriculation process. Adding an additional layer of accountability by requiring the juvenile court to acknowledge that these requirements have been met will improve the long-term financial stability and overall wellbeing for youth with experience in foster care.

RESOURCES

- Finding and Orders After Nonminor Dependent Status Review Hearing ([JV-462](#)), states the court's decisions (orders) after a hearing for a youth 18 and older who is an NMD.
- Status Review Attachment: Sexual and Reproductive Health Services ([JV-459\(A\)](#)).
- [ACL 18-61 New Mandates Regarding Case Plan Documentation And Training Related To Reproductive And Sexual Health Care Needs And Rights Of Foster Youth Attachment A](#).
- Information on [Comprehensive Sexual Health Education and HIV/AIDS/STD Prevention](#); includes legal requirements for education in these areas and additional resources for quality instructional programs.
- For children sixteen (16) years of age or older and NMDs the [Guide for Social Workers and Probation Officers assisting foster youth with applications for college and financial aid](#).
- [ACL 18-104 Additional Case Plan Documentation for Postsecondary Education Support](#)
- [Teaming for College Success: Supporting Foster Youth with Postsecondary Matriculation](#).
- [College Transitions Framework: A guide for child welfare and probation agencies to embed college-going practices into policies and procedures](#).

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If you have any questions or need additional guidance regarding the information in this letter, contact the Permanency Policy Bureau, Family Permanency and Support Services Branch at (916) 657-1858 or at SexualDevWorkgroup@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division