

April 26, 2023

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

EXECUTIVE SUMMARY

ALL COUNTY LETTER NO. 23-40

The purpose of this All-County Letter is to provide guidance and clarification to county child welfare agencies, Title IV-E Agreement Tribes, and probation departments regarding changes to Welfare and Institutions Code section 391. Updates include making vital documents available to all dependents at age 16, providing critical information on assistance, such as CalFresh benefits, as well as the verification of referrals to transitional housing, if available, or assistance in securing other housing.



KIM JOHNSON
DIRECTOR

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

April 26, 2023

ALL COUNTY LETTER NO. 23-40

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHIEF PROBATION OFFICERS
ALL INDEPENDENT LIVING PROGRAM MANAGERS
ALL INDEPENDENT LIVING PROGRAM COORDINATORS
ALL FOSTER CARE MANAGERS
ALL TRANSITIONAL HOUSING COORDINATORS

SUBJECT: REPORTS TO THE COURT ON HOUSING REFERRALS,
PERTINENT DOCUMENT ACCESS, AND BENEFIT
INFORMATION PROVIDED TO DEPENDENT YOUTH BEFORE
REACHING AGE 18

REFERENCE: [ASSEMBLY BILL 718 \(STATUTES 2019, CHAPTER 438\)](#) AND
[ASSEMBLY BILL 674 \(STATUTES 2021, CHAPTER 524\)](#);
[WELFARE AND INSTITUTION CODE SECTIONS 391](#) AND
[366.3](#); [ALL COUNTY LETTER 13-09](#)

PURPOSE

The purpose of this All-County Letter (ACL) is to provide guidance and clarification to child welfare agencies and probation departments (counties) regarding changes to [Welfare and Institutions Code \(WIC\) section 391](#). Changes include making vital documents available to all dependents at age 16, including tribal youth, providing information on CalFresh benefits, as well as the verification of referrals to transitional housing (see [ACL 13-09](#)), if available, or assistance in securing other housing.

BACKGROUND AND LEGISLATION

The [WIC section 391](#) provides instructions for county welfare departments for hearings on dependents in foster care approaching age 18, and each subsequent review hearing for nonminor dependents prior to dismissal of jurisdiction. All dependents have regularly scheduled hearings to ensure that they are being properly prepared for a successful transition into adulthood and independence. The WIC section 391 contains

a list of documents and supportive services for the county to submit a report verifying they have offered the youth as they are approaching age 18, including their social security card, birth certificate, driver's license, employment assistance, and resources to obtain college or vocational financial aid.

The longstanding requirements of [WIC section 391](#) were repealed and replaced by a similar code section by [Assembly Bill \(AB\) 718](#), which became effective January 1, 2020 (Stats. 2019, Ch. 438). The prior reporting requirements were reorganized, and additional elements and changes to timing were added, as detailed below. Effective January 1, 2022, [WIC section 391](#) was further amended by [AB 674](#) (Stats. 2021, Ch. 524) to require reporting on information provided to the youth about CalFresh benefits and housing referrals.¹

REVIEW HEARING REPORTS AFTER YOUTH TURNS 16

Effective January 1, 2020, the [WIC Section 391](#) reporting requirements for counties was amended to change the age of initial reporting from the last scheduled review hearing before a dependent turns 18 to the first regularly scheduled review hearing held pursuant to [subdivision \(d\) of WIC Section 366.3](#) after a dependent child has attained 16 years of age. That initial report is made to the court via form [JV-361: First Review Hearing After Youth Turns 16 Years of Age: Information Documents and Services](#), and includes information about the provision of:

- A. The youth's social security card (until 18, only to be provided on a temporary basis to enable the child to obtain employment, to apply for post-secondary education and training, financial aid, or public benefits, or similar).
- B. Copy of their birth certificate.
- C. Driver's license or identification card.
- D. Assistance in obtaining employment, if applicable.
- E. Assistance in applying for, or preparing to apply for, admission to college or to a vocational training program or other educational institution and in obtaining financial aid, where applicable.
- F. Written information notifying the youth that current or former dependent children who are or have been in foster care are granted a preference for student assistant or internship positions with state agencies, or with participating county agencies, until the youth turns 26 years of age.

¹ Amendments to WIC Section 391 made in the same legislative session by AB 546 (Stats 2021, Ch. 519) did not prevail.

- G. Written information notifying the youth of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including, but not limited to, banking, credit card debt, student loan debt, credit scores, credit history, and personal savings.

Current law requires that the above items and [JV-361](#) report are required at the first status hearing after the youth turns 16.

REVIEW HEARING REPORTS FOR YOUTH APPROACHING 18 AND BEYOND

At the last status review hearing before 18, required reporting can be met by completing and filing form [JV-362: Review Hearing For Youth Approaching 18 Years of Age—Information, Documents, and Services](#). For subsequent review hearings until termination of jurisdiction, the county must complete [JV-363: Review Hearing for Youth 18 Years of Age or Older—Information, Documents, and Services](#). Both forms were updated by the Judicial Council as of January 1, 2023, and it is important to use the current versions in order to meet the full requirements of [WIC section 391](#) on behalf of the youth.

As of January 1, 2022, at the last regularly scheduled hearing, before a minor turns 18, and subsequent review hearings for nonminor dependents, WIC section 391 and the [JV-362](#) report requires verification that the county has provided written information notifying the youth that they may be eligible to receive, and where they can apply for, CalFresh benefits.

In addition, as of January 1, 2022, at the last scheduled review hearing report prior to the youth turning 18, and for any dismissal hearing for a nonminor dependent, the report is to include the following information about referrals and efforts for stable housing:

- Whether the referrals or assistance as described in subparagraph (A) have resulted in housing being secured for the minor or nonminor, and, if not, what, if any, different or additional referrals or assistance the department has provided that are intended to secure housing.
- The duration of the housing, if known to the department.
- If applicable, information, including summaries, describing additional referrals, assistance, or services provided by county departments or agencies other than the county welfare department that are intended to prevent the minor or nonminor from becoming homeless if jurisdiction is terminated pursuant to this section.

BEST PRACTICES

The reporting requirements in [WIC section 391](#) are designed to help counties and the court assist the youth in making a successful transition to adulthood. Of particular importance to the youth's success is stable housing. To meet the housing referral requirements, counties are encouraged to utilize the Housing Navigators Program and the Family Unification Program. The search should include documenting and follow-up with housing referrals, including, but not limited to transitional housing. Documentation of all housing referral information must be provided to the youth.

Counties are encouraged to continue with already established processes for general screening and housing assessment practices, and ensure these provisions are followed in every case. Child welfare and probation officials must review and ensure that all pertinent documents and referrals required by WIC section 391 are provided to the youth. For tribal youth, active efforts are required to provide housing referrals and access to resources.

For questions regarding this letter, please contact the Transition Age Youth Policy Unit at (916) 651-7465 or TAYPolicy@dss.ca.gov.

Sincerely,

Original Document Signed By

ANGIE SCHWARTZ
Deputy Director
Children and Family Services Division

cc: All Title IV-E Agreement Tribes