

Summary
2006 Proposed Foster Care Legislation

Emancipation

- **SB 1576: Transitional housing for emancipated foster youth (Kevin Murray, D, Los Angeles)** THP-Plus is a housing program that was created in 2001 with the passage of AB 427 (Migden) to provide safe, affordable housing and supportive services to California's homeless former foster youth. Although the program has successfully assisted many former foster youth, only three counties in California currently participate in this program due to the program's financing structure. SB 1576 will address this financing structure in order to increase transitional housing access to emancipated foster youth.

- **AB 2709 - Expand existing hiring preferences to include foster youth, (Veteran's Preference and Enterprise Zone hiring credits) (Assembly Member Bill Maze, R, Visalia)** Current and former foster and probation youth face unique challenges when seeking employment. According to Casey Family Programs' *It's my life*, "the employment and economic conditions of former foster youth resemble those of people living at or below the federal poverty line." The legislative Enterprise Zone Hiring Credit, set forth in CA Revenue and Tax Code Section 17053.74 et seq., provides incentives for employers operating in designated enterprise zones who employ specific enumerated "qualified" employees. Foster youth should be specifically included in this list and defined as one of the categories of qualified employees for whom employers would receive tax incentives. Consideration should also be given to including probation youth in this qualified employee list as well. In addition, to employer incentives, hiring preferences should be considered for foster youth entering the work force.

- **SB 1289 - Allow foster youth to stay in their placement voluntarily until age 21, as long as they participate in ILP and enrolled in furthering their education (i.e. vocational, community colleges, state and UCs) (Senator Gil Cedillo, D, Los Angeles)** Housing is one of the greatest barriers for foster youth upon emancipation. Youth who are in a stable placement and want to pursue continuing education should have the opportunity to stay in this placement if all parties agree. This will reduce one of the many barriers foster youth face toward successful independence and encourage the pursuit of continuing their educational goals. This bill would also make one-on-one case management session provided through ILP available at the age of 14. These sessions would specifically focus on high school graduation, future educational goals, future housing options after release, future career goals, etc.

- **AB 1983 – Extend Foster Care Services voluntarily to youth from age 18 to 24 (Assembly Member Karen Bass, D, Los Angeles)** Most services for foster youth (ILP, Medi-Cal) currently end at 21. Extending some programs could require a change in federal law; however state programs that are offered to all adults (subsidized housing, public assistance) could prioritize foster youth and move them to the top of eligibility lists. This bill also intends to extend some form of subsidy to youth or their caretaker beyond the age of 18.

Health Issues

➤ **AB 2284 - Annual dental and medical exams for all foster youth and Automatic Medi-Cal for Kin-Gap, CalWORKs, and early emancipating youth (Assembly Member Dave Jones, D, Sacramento)** In California, annual preventive health examinations and semi-annual dental examinations for children in foster care are not required, though Child Health & Disability Prevention (CHDP) does provide funding for annual health examinations. Annual health examinations for youth in foster care are recommended by the American Academy of Pediatrics and the Child Welfare League of America.

Currently, a youth emancipating out of the foster care system whose care has been covered by federal foster care funds remains eligible for Medi-Cal through 21. However, youth placed in the Kin-Gap program, youth for whom the court has granted emancipation early, or children placed with a family member receiving CalWORKs are not eligible. These populations are still vulnerable to health problems, have been a part of the child welfare system, and are subject to unstable post-emancipation situations.

Education

➤ **AB 2489 - Expand Foster Youth Services to all foster youth and former foster youth in Family Maintenance, Tuition/Fee Waivers at UC and CSU, Automatic CalGrant Eligibility State Complement to the federal Chaffee Grant program, State to “Front” Chafee grants until federal funds are received to allow earlier distribution of grants, Housing Preferences and Year Round Housing, State Incentives to expand Guardian Scholars-like programs (Assembly Member Mark Leno, D, San Francisco)** Currently, Foster Youth Services Programs only serve wards and dependents residing in Licensed Children’s Institutions. However, studies have consistently shown that high percentages of children in foster care including those placed in other residential settings, (i.e. foster homes and / or relative care) experience difficulty in school and perform poorly across a range of subjects including math, reading, and vocabulary. To help improve the educational outcomes for all California’s foster youth Foster Youth Services Programs should be expanded to all foster youth.

Relative/ Kinship Issues

➤ **AB 2031 - Family Finding Program (Assembly Member Rebecca Cohn, D, Saratoga)** Existing legislative mandates and best practices demand that our state do a better job of connecting victims of abuse and neglect to extended family members when their parents cannot provide adequate care for them. Advanced technology has successfully reunited foster youth who were residing in foster care with extended family members who were previously unknown to the agencies and departments charged with placing these youth.

➤ **AB 2495 - Independent Living Programs (ILP): Require notification of ILP eligibility to a Kin-GAP family when a child reaches 16 years of age (Assembly Member Karen Bass, D, Los Angeles)** Foster children who enter Kin-GAP remain eligible for Independent Living Program services when they reach 16 years of age, regardless of how old they were when they exited foster care and entered Kin-GAP. However, the family must request the ILP services for the teen. Teens and their guardians often forget or are unaware about the availability of ILP

services, particularly if the youth entered Kin-GAP several years prior to turning 16. Notifying families about the availability of ILP services will ensure greater success for youth transitioning from Kin-GAP to independent living. It also will ensure these youth are eligible for higher education grants through the federal Chafee program, which requires participation in ILP.

- **AB 2495 - Ensure parity of services between the Kinship Guardianship Assistance Program (Kin-GAP) and foster care: provide Kin-GAP families (relatives who assume permanent guardianship of the children in their care) equal support to foster care including children with specialized needs and access to clothing allowance for youth in the Kin-GAP program (Assembly Member Karen Bass, D, Los Angeles)** Under Kin-GAP, relatives who assume permanent guardianship of the children in their care are provided an ongoing stipend equal to the basic foster care rate. Kin-GAP is a successful program that increases the number of children who leave foster care and enter into permanent living arrangements with a relative. However, Kin-GAP families are not eligible for specialized care increments that provide additional funds to meet a child's special needs, nor are they eligible for the state-funded annual clothing allowance for foster children. These gaps discourage relatives from assuming permanent guardianships and cause more children to remain in foster care. Changing statute to ensure Kin-GAP families have access to these services will enable more children who are in stable placements with relatives to become permanent members of these families.
- **Informational pamphlet: create a pamphlet that informs relative caregivers of the services and programs available and allow access to the information via the internet (Assembly Member Karen Bass, D, Los Angeles)** Create a technical a pamphlet that provides information in the accessibility of programs and services for relative caregivers.
- **AB 1982 - Access to Kin-GAP services for children under the supervision of the probation department (Assembly Member Karen Bass, D, Los Angeles)** Under current law, Kin-GAP is only available to children and families under the jurisdiction of the Juvenile Dependency Court. Although, comparatively, their numbers are not large there are young people currently under the supervision of the Juvenile Delinquency Court whose ability to live with caring stable relatives would be greatly enhanced by a modest expansion to include them under the Kin-Gap program to include probation youth.
- **AB 2194 - Resource Family Care Act (Assembly Member Karen Bass, D, Los Angeles)** Despite their love and care for the children in their homes, kinship and foster parents report feeling frustrated and exhausted from dealing with the child welfare system. They do not feel respected by child welfare agency staff, receive little support from the professionals involved in their families' lives, are often excluded from the decision making processes regarding the children in their homes, and lack the ability to ensure that their collective concerns are addressed. Enacting a statewide Resource Family Care Act would provide caregivers with a specific, statutory list of expectations that would ensure accountability, and encourage more California families to become kinship or foster caregivers.
- **AB 2649 - Expand the Kinship Supported Services Program and eliminate the requirement for participating counties to have 40% or more of dependent children in relative placement to be eligible to apply for a grant (Assembly Member Karen Bass, D,**

Los Angeles) This program creates public/private partnerships, supports relatives and the youth in their care, prevents families from entering care, serves families exiting care and stabilizes permanency.

➤ **AB 2488 - Maintaining Sibling Connections - Development of a Sibling Registry (Assembly Member Mark Leno, D, San Francisco)** Studies have shown that maintaining sibling relationships is critical to foster children's emotional stability. An astounding 42% of children in foster care in California are separated from one or more of their siblings. Under Family Code Section 9205, before contact information may be released about one sibling to another post-adoption, both siblings *and* the birth parents must have filed a confidentiality waiver with the California Department of Social Services (CDSS) or the adoption agency that finalized the adoption. Moreover, the law prohibits CDSS or adoption agencies from soliciting a waiver from a sibling or birth parent. In contrast, some states facilitate siblings seeking to find one another by allowing a confidential intermediary to contact siblings and birth parents if necessary and obtain their consent; other states allow the courts to decide whether to release identifying information. California law should be amended to remove overly restrictive barriers and make it easier for siblings to find each other after one or more of them have been adopted through the foster care system.

Child Welfare Worker Caseload Issues

➤ **AB 2193 - Phase in Implementation of the SB 2030 workload standards over a designated time period, prioritizing highest need program areas like Permanent Placement program first (Assembly Member Karen Bass, D, Los Angeles)** In 1998, the Legislature passed, and Governor Wilson signed, SB 2030 which required the state to contract for an independent evaluation of the workload and budgeting standards in the Child Welfare System program. This was in response to the growing realization by observers of the child welfare system that the safety and well-being of our state's children is jeopardized by dangerously high and ever-mounting caseloads faced by child welfare workers. While the Legislature has added a small amount of funding to move the state closer to the recommended caseload standards, the state is still very far away from the standards and social worker caseloads remain dangerously high. The legislative solution would be to establish a statutory requirement that the state phase-in over a 5 year period, the recommendations of SB 2030.

Court Issues

➤ **AB 2938 - Require release of information on child fatalities and near-fatalities in foster care (Assembly Member Sharon Runner, R, Lancaster)** Under current law, members of the public must petition the court for information regarding deaths of children who are in foster care. However, this process is contrary to federal law which requires-public disclosure of information on deaths and near-deaths in foster care. This bill would clarify that information regarding these cases in foster care are available to the public while at the same time ensuring that the confidentiality of children, child welfare workers, and child abuse reporters is protected.

➤ **AB 2480 - Require that children in dependency court be appointed appellate counsel, establish a presumption that a child over the age of 12 is of sufficient maturity to invoke**

client-psychotherapist/clergy/physician privilege. (Assembly Member Noreen Evans, D, Santa Rosa) Current law requires that dependent children be appointed counsel at the trial stage, but not at the appellate level. Many child welfare issues rise through the appellate process. There is no guarantee that the child will receive appellate representation despite the continued need to have the child's interests represented. Current law provides for the invocation of client-provider privilege by the child or the child's counsel. In cases where the counsel invokes this privilege, the law requires informed consent of the child if "the child is found by the court to be of sufficient age and maturity to so consent." This change would allow the court to presume that a child is of sufficient age and maturity once he/she is 12 years old.

➤ **SB 1667 - Authorize foster parents and relative caregivers to attend all review hearings relating to the adoption or legal guardianship of the minor, and to submit relevant information to the court in writing. (Senator Shelia Kuehl, D, Santa Monica)** Even though foster parents are sometimes ideally suited to evaluate foster youths' needs and to advocate for their best interests, their access to the dependency court proceedings is inconsistent. When foster parents are denied the right to be present at court hearings relating to their foster child, it negates their potentially valuable contributions to the placement process. This bill ensures that foster parents have access to dependency court placement hearings relating to the permanent placement of a foster child.

State Oversight Issues

➤ **AB 2216 - Child Welfare Leadership and Performance Accountability Act of 2006 (Assembly Member Karen Bass, D, Los Angeles)** A recurrent criticism of the California child welfare system, is the failure to effectively coordinate services administered by a vast array of state and county agencies. Currently, collaboration among the many governmental and judicial bodies that impact the lives of children is missing and this seriously impacts services provided to children in foster care. The State should review ways to create a leadership structure that unifies the communication and participation between the state, counties and the courts. The Little Hoover Commission, the PEW Commission on Children in Foster Care and the California Performance Review Report has suggested the state improve collaboration between the various governmental agencies and the judicial branch. This measure will attempt to create a structure for leadership and accountability for all who provide services in the foster care system.

Caregiver Support Issues

➤ **SB 1335 - Re-institute annual Community Care licensing visits (Senator Nell Soto, D, Pomona)** Restore annual foster care licensing visits to all licensed foster care placements. Prior to 2003, all licensed foster care placements had to be visited at least annually. Our foster care system needs to ensure that children who are removed from their parents because of abuse or neglect are placed in environments that are not abusive or neglectful. California failed the federal Child and Family Service Review that found the incidence of maltreatment of children in foster care placements as an area of deficiency. No other states have licensing inspection visits as infrequently as California. The majority (36 states) requires licensing visits at least annually (New York and Ohio require visits more than once a year). While our system includes some safeguards including monthly face-to-face contact between the social worker and the child, the licensing agency functions are the only check of the actual environment where the child is placed.

➤ **SB 1641 - Establish workgroup to review all licensing statutes, regulations, and policies to make them more child focused and appropriate (Senator Nell Soto, D, Pomona)** Require the establishment of a workgroup to review all foster care licensing statutes, regulations and policies to determine whether those requirements serve to not only protect the safety of children and youth in foster care but to also ensure that they do not unnecessarily stigmatize foster youth and children by requiring them to live in environments that are not ordinarily imposed by reasonable and prudent parents. Foster care licensing requirements should be developed and implemented in a manner that is consistent with current program best practices and the goals and objectives of the Child Welfare System Improvement and Accountability Act of 2001.

➤ **AB 2161 - Streamlining the Licensing and Approval Process and Oversight for Caregivers (Assembly Member Loni Hancock, D, Berkeley)** Existing statute and regulations separate foster caregivers into three groups: relatives (including non-related extended family members), foster family homes, and adoptive homes. While all foster caregivers must meet the same health and safety standards for licensure and approval, the process for each can vary significantly. In addition, laws and regulations place greater emphasis on the health and safety of the home as a “facility” rather than the caregiver’s readiness and ability to provide a stable and supportive family environment for the foster child. This bill would establish a pilot program to create a unified process to approve relatives, foster family homes, and adoptive homes.

➤ **AB 2481 - Recruitment, Retention & Support for Foster Caregivers and Adoptive Families (Assembly Member Noreen Evans, D, Santa Rosa)** for foster children who cannot return home, kin-guardianship, foster homes and adoptive homes are the next best and most suitable placements for children. However, state policies to recruit, retain and support these caregivers could be improved. Improvements in foster and adoptive parent recruitment, retention and support can be accomplished through the following: increase the basic rates paid in order to recruit and support foster parents, provide respite care to foster caregivers to reduce stress so that they may continue to care for children, provide post-adoption services for both families and their adopted children, including access to counseling services, support networks, and information and referral services, implement other initiatives to recruit and retain foster and adoptive families, including a high-profile, statewide recruitment campaign and support for locally-designed support services.