

DEPARTMENT OF SOCIAL SERVICES

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Foster Care Legislation Implementation Status Report

Advocates have inquired about the status of implementation of the following child welfare bills chaptered since 2001. The following is a brief summary of the bills and their implementation status.

2001

- **AB 333 (Wright) – Implemented June 2002 via All County Information Notice.** Requires that monthly visits by probation officer/social worker with children in group homes include private, confidential discussions. *An All County Information Notice I-41-02, issued June 12, 2002, notified counties of the new requirement. State Fiscal Year (SFY) 2002-2003 staffing reductions and subsequent hiring freezes resulted in delays of promulgating regulations. The regulations for this bill are currently included in a regulation package that will be completed in the spring of 2006.*
- **AB 705 (Steinberg) – Implemented June 2002 via All County Information Notice.** Requires that siblings be placed together and various other changes relative to the procedure for placing siblings. *Existing regulations require diligent efforts to place siblings together, Manual of Policies and Procedures, Division 31, Section 31-206.311. In June 2002, an All County Information Notice (ACIN I-41-02) was sent to advise counties of the new requirement. County performance is monitored through the California Child and Family Services Review. A specific data measure regarding sibling placements is included in the quarterly data reports available on the California Department of Social Services (CDSS) website at: http://www.childsworld.ca.gov/StatewideC_2013.htm.*
- **AB 899 (Liu) – Implemented July 2002 via All County Letter.** Consolidates all of the rights of foster children into a common location in California law. Also requires social workers to inform youth of their rights at least once every six months and requires the list of rights to be posted in facilities that care for six or more foster children. *An All County Letter was sent to all affected agencies on July 18, 2002 (ACL 02-54). Further, the Foster Care Ombudsman continues to provide Foster Youth Rights presentations and trainings to foster youth, caregivers and child welfare professionals and distributes foster youth rights posters and brochures. The foster youth rights are in the Foster Care Ombudsman Resource Directory and are on the Foster Care Ombudsman Website at www.fosteryouthelp.ca.gov. CDSS staff in Community Care Licensing and the Foster Care Ombudsman investigate and/or respond to complaints regarding personal rights violations.*

2003

- AB 408 (Steinberg) – **Implemented.** Requires the social worker to ask youth who are older than 10 and have lived in group care for more than six months about people important to the dependent youth. Also mandates that all children in foster care have access to age and developmentally appropriate extra curricular, enrichment and social activities and that caregivers use a prudent parent standard to determine whether to grant permission for the child to participate in any particular activity. The requirements made by this bill, to a certain extent, place oversight elements on the court. For example this bill, among other things requires the court, if a minor 10 years of age or older who is the subject of a juvenile court hearing is not present at that hearing, to determine whether the minor was properly notified of his or her right to attend the hearing. Also, the bill requires, at various points in the dependency process, with regard to children over 10 years of age who are placed in group homes, that the social study, evaluation, or supplemental report used by the court shall include a discussion of whether the child has relationships with individuals other than the child's siblings that are important to the child. *Section 362.05 "Extracurricular, enrichment, and social activities for dependent children" was added to the Welfare and Institutions Code as a result of this bill. This section was subsequently amended by SB 358, Statutes of 2005. All County Letter 05-39 was issued providing direction to local CWS, probation and licensing agencies regarding implementation of the AB 408 provisions mandating that foster children have access to age appropriate activities allowed by foster caregivers using a prudent parent standard. Regulatory guidance for implementation of the other provisions of AB 408 will be included in an omnibus regulation package to implement numerous recent legislative changes, planned for processing in spring 2006. AB 1412 (2005) extended the provisions established in AB 408 to all foster youth. Upon funding of AB 1412 as proposed in the Governor's budget, CDSS will make sure AB 1412 is implemented. The Governor's proposed SFY 06/07 budget includes \$7.7 million in funding for AB 1412.*
- AB 490 (Steinberg) – **Implemented 2004 via All County Information Notice.** Outlines the education needs and rights of youth in out-of-home care and specified procedural aspects of ensuring a foster youth's educational attainment. *An All County Information Notice was sent to all County Welfare Directors and County Probation Officers in 2004 (ACIN I-80-04). Further, the Foster Care Ombudsman has updated the Foster Care Ombudsman Resource Directory to include an information sheet on "Foster Youth/Children Educational Rights".*
- AB 458 (Chu) – **Implementing regulations are in process.** Adds to foster child's rights, the right to fair and equal treatment and access to services and freedom from discrimination or harassment regardless of perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. *Community Care Licensing regulations regarding this legislation went to public hearing on August 17, 2005. CDSS program staff is currently responding to testimony. The regulations are expected to be effective by July 1, 2006. The Foster Care Ombudsman added the non-discrimination language to the "Foster Youth Rights Poster and Brochure."*
- AB 579 (Chu) – **CDSS is researching status of implementation in the court system.** Requires a social worker/probation officer/court clerk to provide hearing notices to a youth's siblings who are 10 years old or older. *The majority of requirements from this legislation fall with the court. Although the CDSS has no responsibility for regulating the courts, the department is reaching out to the courts for information of the effects of this bill. Judicial Council form JV280 provides for notice of court hearings.*

- AB 1413 (Wolk) – **Implemented.** Requires expedited processing of delayed birth certificates when the application for the birth certificate is for a child under the jurisdiction of the Juvenile Court pursuant to WIC 300. *This mandate is on the Department of Health Services, Vital Records. DHS reports it has been implemented through internal administrative processes which comply with the law.*
- SB 591 (Scott) – **Implemented.** Requires that certain information regarding a foster child be provided to the caregiver. *No new implementing regulations were required because the requirement is already provided in Manual of Policies and Procedures, Division 31, Section 31-405(s).*

2004

- AB 129 (Cohn) – **Implementing All County Information Notice in process.** Allows counties to create a protocol between the county probation department and child welfare services to serve youth who have cases in both locations. *CDSS staff participated in a symposium covering AB 129 and protocols in juvenile court for Dual Status Children in June 2005 which was sponsored by the Administrative Office of the Courts. CDSS provided technical assistance regarding foster care program funding issues under dual status. CDSS is preparing an All County Information Notice that is expected to be issued in March 2006. CDSS participated in a panel with judges and county representatives at the Administrative Office of the Courts, Beyond the Bench Conference, December 14-16, 2005. The December 15th workshop was entitled “Update on Implementation of AB 129 (Dual Status of Children).”*
- AB 1858 (Steinberg) – **Implemented via Action Required Notice.** Makes changes relative to non public schools providing special education to foster youth who live in licensed children's institutions and foster family homes. *This bill affects the Community Care Licensing Division of CDSS. CDSS did not need to develop regulations to implement the bill. An Action Required Notice was developed and distributed to all CDSS field offices. This Action Required Notice gave a summary of the bill, identified the three provisions that directly impacted elements of facility operations monitored by CDSS licensing staff and instructed licensing staff how to implement the new requirements. The notice also notified licensing staff that they may issue violations of the Health and Safety Code and the Education Code in accordance with the bill.*
- SB 1178 (Kuehl) – **Implemented.** Requires child welfare agencies to support whole-family placements for dependent youth and their children. *Case planning requirements of Manual of Policy and Procedures Division 31 (child welfare regulations) and Division 45 (foster care funding eligibility regulations) already provide for an infant supplement to cover additional costs of these placements and no new regulations were required.*

2005

An All County Information Notice on all chaptered legislation enacted in 2005 has been developed and is expected to be released in March 2006. **Implementing regulations, as needed, will be put forward beginning Spring, 2006.**

- AB 519 (Leno) - Authorizes the reversal of termination of parental rights in certain circumstances. *Although the CDSS has no authority to regulate the courts, the department will be monitoring the effects of this bill because it affects our service population. Foster children who are subject to these provisions will be advised by their court-appointed attorney.*
- AB 824 (Chu) - Expands eligibility for THP+ program from 18-21 to 18-24. *The Department is currently drafting an All County Letter. It will be issued by March, 2006.*
- AB 1261 (Leno) – Makes changes to educational law pertaining to dependent children. It is a clean-up bill to AB 490. *The Department is currently writing an All County Letter. It will be issued in March, 2006.*
- AB 1412 (Leno) - Extends the provisions established in AB 408 (2003) to all foster youth. See AB 408. *Implementation will be contingent on appropriation of funds in the SFY 06/07 Budget. The Governor's proposed SFY 06/07 budget includes \$7.7 million in funding for AB 1412.*
- AB 1633 (Evans) - Extends eligibility for foster care to 19 for youth completing high school equivalency and requires CDSS to convene a workgroup on maximizing SSI benefits for dependent youth. *The required workgroup to implement the provisions of this bill will convene in March 2006.*
- SB 218 (Scott) - Establishes "prospective adoptive parent" designation and prohibits the removal of a child from the home of a foster parent so designated unless properly noticed. The bill creates an exception to an adoption agency's exclusive care and control of a child for purposes of adoption by allowing the juvenile court to designate a current caretaker as a prospective adoptive parent of a child who is a dependent of the juvenile court. *In December 2005, the Judicial Council issued proposed changes to the Rules of Court and proposed forms necessary for implementation. Since this law impacts court action, no action is required by CDSS. However, CDSS has been providing information about the law and pending forms to public adoption agencies. CDSS does not need to provide further instructions to counties because any actions required by them will be in a court proceeding initiated by foster parents and at the direction of the court. Any resulting court finding or order may impact the CWS/adoption agency's ability to move the child.*
- SB 436 (Migden) - Requires counties providing transitional housing services to report annually on numbers of pregnant youth emancipating and to meet any unmet transitional housing need for this population. *Counties will receive an All County Letter on this in March of 2006.*
- SB 500 (Kuehl) – Establishes a protocol for serving parenting teens in the dependency system and expands eligibility for AFDC funding for these families. *An All County Information Notice will be issued in February, 2006. A Title IV-E State Plan Amendment is required to implement the provisions of SB 500. Subject to federal State Plan approval, an All County Letter and County Fiscal Letter will be issued in 2006. State regulations will be amended as necessary.*