

California Foster Care Legislation Resource Materials

Section Table of Contents

- California Foster Care Legislation

Page 2



California Foster Care Legislation

Youth Transition Action Teams Initiative

Leveraging Community Resources to Ensure
Successful Transitions for Foster Youth

California Foster Care Legislation

Compiled March 2006, Updated December 2007

Addressing the needs of foster youth through legislation has been an important avenue for advocates working to improve transition outcomes for current and former foster youth. This document presents brief descriptions of bills passed into law that address specific needs in housing, permanency, education, and career development. The following bills also articulate the need for foster youth to participate in their plans and to receive the same benefits available to other citizens not in foster care. The sources of information for most of the descriptions are end noted. In many cases, these sources provide additional information.

NOTE: Some bills are listed under multiple categories.

Infrastructure, Accountability, and Funding

These bills address the need to provide systems of care, either by establishing systems or by clarifying responsibilities, funding sources, or connections among systems.

SB 14 Public System of Statewide Child Welfare Services (Chapter 978, Statutes of 1982)¹

SB 14 requires the state, through the California Department of Social Services and county welfare departments, to establish and support a public system of statewide Child Welfare Services. Each county welfare department is required to maintain four specialized components: Emergency Response, Family Maintenance, Family Reunification, and Permanent Placement.

SB 370 Foster Care Group Home Rate Structure (Chapter 1294, Statutes of 1989)¹

SB 370 establishes the Foster Care Group Home Rate structure and authorizes the automated Child Welfare Services/Case Management System (CWS/CMS).

AB 948 County Share of Cost for Foster Care (Chapter 91, Statutes of 1991)¹

AB 948 increases the county share of cost for foster care and child welfare services to increase fiscal incentives to avoid or limit expensive foster care placements.

(Infrastructure, Accountability, and Funding bills continued on page 2)

Infrastructure, Accountability, and Funding, continued

AB 1741 Pilot for Blending of Children's Services Funds (Chapter 951, Statutes of 1993)³

AB 1741 requires the coordinator to establish a 5-year pilot program for the blending of various children's services funds allocated to designated participating counties. Participating counties are required to transfer all funds provided to counties for specified child welfare services in the county's strategic plan into a county child and family services fund, for use in providing specified child and family services under the pilot program. AB 1741 also authorizes local education agencies, cities, or private nonprofit agencies to transfer funds to the county child and family services fund for services for children and families.

SB 2030 Evaluation of CDSS Workload and Budgeting (Chapter 785, Statutes of 1998)¹

SB 2030 requires the California Department of Social Services to evaluate workload and budgeting methodologies to understand the routine child welfare staff activities, the time needed to complete mandated services, and the estimated time needed for what is considered to be best practice in child welfare.

SB 163 Pilot Program for Wrap-Around Services (Chapter 795, Statutes of 1998)¹

SB 163 allows counties to participate in a pilot program providing intensive wrap-around services to families and children in or at risk of high level group care to reduce the need for placement.

AB 333 Confidential Discussions (Chapter 675, Statutes of 2001)^{3,7}

AB 333 requires that monthly visits by probation officer/social worker with children in group homes include private, confidential discussions.

AB 899 Consolidation of Foster Children Rights (Chapter 683, Statutes of 2001)^{1,2,7}

AB 899 consolidates all of the rights of foster children into a common location in California law. It also requires social workers to inform youth of their rights at least once every six months, and it requires the list of rights to be posted in facilities that care for six or more foster children.

SB 940 Termination of Parental rights (Chapter 830, Statutes of 2001)⁴

SB 940 requires local probation departments to pursue termination of parental rights and adoption in any case in which a child adjudicated as a delinquent has been in foster care for 15 of the most recent 22 months.

AB 458 Fair and Equal Treatment (Chapter 331, Statutes of 2003)⁷

AB 458 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.

(Infrastructure, Accountability, and Funding bills continued on page 3)

Infrastructure, Accountability, and Funding, continued

AB 1413 Delayed Birth Registration: Dependent Children (Chapter 315, Statutes of 2003)^{3, 7}

AB 1413 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.

SB 1612 Matching Federal Funds (Chapter 845, Statutes of 2004)⁵

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers, including foster family homes, on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs. This bill would require the State Department of Social Services to amend the foster care state plan required under federal law, to authorize counties that elect to subsidize child care for foster parents to use federal foster care matching funds for the purpose of subsidizing that child care. The bill requires counties electing to administer the Foster Parent Child Care Program to follow guidelines developed by the department. The bill also requires the federal funds to match only county funds.

AB 1453 Residentially Based Services (Chapter 466, Statutes of 2007)⁸

AB 1453 calls for the development and testing of a plan to transform the current system of group care for foster children and for children with serious emotional disorders into a system of residentially-based services (RBS) that is focused on improving outcomes.

SB 39 Child Abuse and Neglect (Chapter 468, Statutes of 2007)⁸

SB 39 allows the public release of specified portions of juvenile case files of any child who has suffered a fatality as the result of substantiated abuse or neglect.

System Improvement

These bills address the need to address problems and shortcomings in current foster care systems in California by establishing entities charged with investigating problems, proposing changes, and assisting county child welfare agencies in meeting required outcomes.

SB 933 State Foster Care Ombudsman (Chapter 311, Statutes of 1998)^{1, 2}

SB 933 enacts group home reforms and establishes the Foster Care Ombudsman program to provide a way to resolve issues.

AB 1740 Child Welfare Stakeholders Group (Chapter 52, Statutes of 2000)¹

AB 1740 establishes the Child Welfare Services Stakeholders Group to examine current child welfare programs and propose a redesigned system by June 2003.

AB 636 Child Welfare System Improvement and Accountability Act of 2001 (Chapter 678, Statutes of 2001)¹

AB 636 establishes a statewide Child and Family Services Review system to review county systems and assist them in meeting outcomes, which are to be consistent with those measured by the federal Child and Family Service Reviews.

(System Improvement bills continued on page 4)

System Improvement, continued

AB 2294 Term of Appointment for State Foster Care Ombudsperson (Chapter 1160, Statutes of 2002)

AB 2294 provides that the Office of State Foster Care Ombudsperson for foster care shall be appointed for a term of 4 years, and permits the director of the State Department of Social Services to reappoint the Ombudsperson for consecutive terms.

AB 1633 Foster Children: Social Security Assistance: High School (Chapter 641, Statutes of 2005)

AB 1633 requires the California Department of Social Services to convene a workgroup to develop best practice guidelines for county welfare departments to assist children residing in the state's or a county's custody who are eligible for social security benefits and supplemental security income benefits. AB 1633 also expands existing law to allow 18-year-old foster youth to remain in their foster home until age 19 while they are in the process of completing their high school equivalency certificate.

AB 340 Resource Family Pilot Program (Chapter 464, Statutes of 2007)⁸

AB 340 creates the Resource Family Pilot Program to establish a unified approval process for foster family homes, foster care providers and adoptive families. This program will streamline applications and reduce the duplicative process that foster and adoptive families must complete before foster youth can be placed in a safe, permanent home.

SB 518 Youth Bill of Rights (Chapter 649, Statutes of 2007)²

SB 518 enacts a youth bill of rights for incarcerated youth (including foster youth) that provides 17 specific rights and requires the Division of Juvenile Facilities (DJF) provide each youth with an orientation concerning their rights. This legislation also requires the DJF Office of the Ombudsman to disseminate information on these rights to DJF facilities.

Cross System Collaboration and Information Sharing

This bill addresses the need to share information about individual youth among different systems serving the same youth by establishing protocols.

AB 129 Juvenile Court: Dual Status Children (Chapter 468, Statutes of 2004)⁷

AB 129 allows counties to create a protocol between the county probation department and child welfare services to serve youth who have cases in both locations.

AB 2216 Child Welfare leadership (Chapter 384, Statutes of 2006)⁸

AB 2216 establishes a California Child Welfare Council, within the Health and Human Services Agency, to increase collaboration among agencies and courts that serve foster youth, improve coordination of services, better support the restructuring of child welfare services, and continue to improve outcomes of children and youth in foster care.

AB 1512 Medi-Cal (Chapter 467, Statutes of 2007)⁸

AB 1512 creates an expedited process to ensure the continued provision of health benefits when foster youth are transferred from a county organized health system to an out-of-county placement.

Family and Sibling Connections

These bills address the need to support connections among family members by establishing certain rights for children and youth in foster care and by assigning responsibility for upholding those rights.

SB 243 Preservation of the Family (Chapter 1485, Statutes of 1987)¹

SB 243 makes termination of parental rights and removal from the home dependent on danger to the child, narrows the definition of physical abuse, establishes preservation of the family as the primary system goal, and restates the priority for relative placement over non-relative foster care for children.

AB 3364 California Family Preservation and Family Support Program (Chapter 961, Statutes of 1994)¹

AB 3364 establishes the California Family Preservation and Family Support Program consistent with federal requirements.

AB 2196 Post Adoption Contact with Siblings (Chapter 1072, Statutes of 1997)²

AB 2196 requires the social worker to include a discussion of sibling visitation and contact in a child's case plan when a child is going to be adopted. The bill also authorizes the court to include in an adoption order provisions that will facilitate sibling contact as long as the adoptive parents do not object.

AB 2773 California Implementation of Federal Adoption and Safe Families Act (Chapter 1056, Statutes of 1998)¹

AB 2773 implements the federal Adoption and Safe Families Act in California that includes shortened timeframes for reunification.

AB 1987 Sibling Relationships (Chapter 909, Statutes of 2000)²

AB 1987 requires social workers to include in court reports a section on the child's sibling relationships and the plans for visitation of siblings. It also requires social workers to notify children on their caseload of significant events in the lives of siblings.

AB 705 Sibling Placement (Chapter 747, Statutes of 2001)^{3, 7}

AB 705 requires that siblings be placed together and various other changes relative to the procedure for placing siblings.

AB 579 Dependent Children: Notice to Siblings (Chapter 558, Statutes of 2003)^{3, 7}

AB 579 requires a social worker/probation officer/court clerk to provide hearing notices to a youth's siblings who are 10 years old or older.

SB 1178 Teen Parents in Foster Care (Chapter 841, Statutes of 2004)^{3, 7}

SB 1178 requires child welfare agencies to support whole-family placements for dependent youth and their children.

(Family and Sibling Connections bills continued on page 6)

Additional Sources

Children's Law Center of Los Angeles Training Materials on Federal law, California Law, Education Law, and Case Law and Appellate Developments

www.clcla.org/training.htm

County Welfare Directors Association of California Chaptered and Vetoed Legislation by year between 1999 and 2004

www.cwda.org/legislation_chaptered.cfm