



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

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 that have been passed into law and that address specific needs in housing, permanency, education, career development and that articulate foster youths' rights to participate in their plans and to receive benefits available to other citizens not in foster care. The sources of information for most of the descriptions are footnoted. In many cases, these sources provide additional information.

1982

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.

1987

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.

1989

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).

1991

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.

1992

AB 2691 Driver's Licenses (Chapter 865, Statutes of 1992)²

AB 2691 allows someone other than a youth's parents or guardians to sign the youth's application for a driver's license. Probation officers and social workers can sign a driver's license application without liability for any accidents or tickets the youth may incur. Any other person who signs the application will be jointly liable with the youth for any damages resulting from the negligent or wrongful act of the youth in driving a motor vehicle.

1993

AB 1198 Transitional Housing Program (Chapter 799, Statutes of 1993)²

AB 1198 creates the “in-care” transitional housing option for foster youth 17 years of age or older and in their last year of high school. The program is called the Transitional Housing Placement Program (THPP) and further modifications were made to THPP in 2001(see AB 427, Statutes of 2001, below). Counties can offer THPP as a type of placement for certain youth who meet eligibility requirements. Youth live in apartments or houses with close monitoring and supervision from the county or from a private agency. This affords youth the opportunity to practice living on their own while social worker services are still available to them.

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.

1994

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.

1996

AB 2463 Postsecondary Education: Outreach & Assistance for Emancipated Foster Youth (Chapter 1129, Statutes of 1996)

AB 2463 provides outreach, access, and retention services for foster youth interested in attending a California State University or community college.

1997

AB 1193 Kinship Support Services Program (Chapter 794, Statutes of 1997)¹

AB 1193 establishes the Kinship Support Services Program to provide community-based support for relatives caring for children placed in their homes by the juvenile court or children who are at risk of abuse, neglect, or delinquency.

AB 1544 Concurrent Planning (Chapter 793, Statutes of 1997)¹

AB 1544 mandates “concurrent planning” and makes specific changes in the law designed to increase the likelihood that foster children unable to reunify with their birth parents achieve permanency with relatives.

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.

1998

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.

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.

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.

SB 1901 Kinship guardianship Assistance Payment Program (Chapter 1055, Statutes of 1998)¹

SB 1901 establishes the Kinship Guardianship Assistance Payment Program (Kin-GAP) to provide a subsidy for children placed in legal guardianship with a relative.

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.

2000

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 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 2877 Medi-Cal Eligibility (Chapter 93, Statutes of 2000)¹

AB 2877 makes emancipated foster youth categorically eligible for Medi-Cal. It eliminates the re-application process that emancipated youth previously had to go through in order to get health care. Youth now experience a seamless transition of their Medi-Cal services until they reach 21 years of age.

2001

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 427 Transitional Housing for Foster Youth Fund (Chapter 125, Statutes of 2001)^{1, 2, 5}

AB 427 provides funding for housing and services for emancipated foster youth through age 20. AB 427 creates the Supportive Transitional Emancipation Program (STEP), which allows counties to provide monthly financial support to emancipated foster youth as long as they are attending school or working towards the goals outlined in their Transitional Independent Living Plans. AB 427 also makes changes to the state's Transitional Housing Placement Program (THPP) for community care facilities participating in transitional housing programs, and includes those certified facilities within the scope of transitional housing facilities. These changes encourage providers to create or expand housing programs for current and former foster youth.

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.

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 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.

AB 1119 Transitional Housing Placement Services (Chapter 639, Statutes of 2001)^{3, 5}

AB 1119 authorizes foster youth in AFDC-FC or Kin-GAP who are emancipated and not expected to complete their educational or training program before their 19th birthday, to continue receiving aid following their 18th birthday and emancipation, as long as s/he resides in foster care or Kin-GAP, remains otherwise eligible for AFDC-FC or Kin-GAP or is working at least 10 hours/week and continues attending an educational, vocational or technical training program.

AB 1261 Increase of Savings Limits (Chapter 686, Statutes of 2001)⁴

AB 1261 increases the amount of savings that foster youth participating in transitional living services may retain.

AB 1695 Clarification of Evaluation of Foster Care Providers (Chapter 653, Statutes of 2001)⁴

AB 1695 clarifies that relative and non-relative foster care providers are to be evaluated according to the same standards.

SB 841 Pilot Project for Early Start to Emancipation (Chapter 694, Statutes of 2001)⁴

SB 841 provides State funding for an Early Start to Emancipation pilot project to be implemented in 3 counties statewide.

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.

2002

AB 1979 Improving the Independent Living Program (Chapter 271, Statutes of 2002)²

AB 1979 creates statewide regulations for the Independent Living Program.

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.

2003

AB 408 Prudent Parent and Check for Important People (Chapter 813, Statutes of 2003)⁷

AB 408 requires caregivers to use a prudent parent standard to determine whether to grant permission for the child to participate in any particular activity. It mandates that all children in foster care have access to age and developmentally appropriate extra curricular, enrichment, and social activities. In addition, it 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. The social study, evaluation, or supplemental report used by the court shall also include a discussion of whether the child has relationships with individuals other than the child's siblings that are important to the child.

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.

AB 490 Improving Foster Youth Education (Chapter 862, Statutes of 2003)²

AB 490 improves public school procedures so that foster youth have a better chance to succeed in school by requiring that youth are not forced to change schools unnecessarily, won't lose credits and can immediately enroll and quickly receive records at a new school. The bill also requires designation of a foster youth education liaison in each district.

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.

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 464 Invitation to Representative of a Group Home to Individualized Education Program Team Meetings (Chapter 413, Statutes of 2003)⁵

SB 464 requires a school district, special education local plan area, or county office of education to invite to the individualized education program team meetings a representative of the group home in those cases in which a pupil with exceptional needs has been placed in a group home by a juvenile court, as specified. To the extent local educational agencies would be required to perform additional duties, this bill would impose a state-mandated local program.

SB 591 Willingness of Caregiver to provide Legal Permanency (Chapter 812, Statutes of 2003)⁷

SB 591 requires that the study or evaluation, and the information received in evidence by the court, include the willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

2004

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 1858 Quality Non-Public Schools for Foster Youth (Chapter 914, Statutes of 2004)²

AB 1858 sets standards and mandates oversight for group home schools. This bill also requires the State Department of Education to ensure that the California School Information Services' system meets the needs of pupils in foster care and includes disaggregated data on pupils in foster care.

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.

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.

SB 1639 Education WORKS! Cal WORKS Recipients: Education and Training (Chapter 668, Statutes of 2004)³

SB 1639 supports foster youths' right to access information on higher education. SB 1639 encourages the California Community Colleges, the California State University, and the University of California to disseminate information to foster care agencies regarding admissions requirements and financial aid. The bill would also request the Regents of the University of California and the Trustees of the California State University to explore methods of using the admissions-by-exemption category to assist the transition of students in foster care into 4-year public institutions of higher education. SB 1639 also includes intensive English language immersion within the scope of California Community Colleges vocational curricula for CalWORKS! recipients.

2005

AB 519 Parental Rights (Chapter 634, Statutes of 2005)³

AB 519 allows foster youth to emancipate from the foster care system with the child's legal parentage intact and a connection to a family and therefore reinstates the child's right to inheritance, social security, and other survivor benefits.

AB 824 AFDC-FC benefits: Transitional Housing (Chapter 636, Statutes of 2005)³

AB 824 stabilizes housing needs for youth exiting the foster care program by offering transitional assistance up to age 24.

AB 1261 Improving Foster Youth Educational Outcomes (Chapter 639, Statutes of 2005)³

AB 1261, which makes technical corrections to 2003 legislation, requires an organized process for school placements and requires that local educational agencies provide explanations regarding placements if they are disputed.

AB 1412 Permanency for All Foster Youth (Chapter 640, Statutes of 2005)²

AB 1412 expands AB 408 by requiring social workers to ask foster youth in every type of placement about adult relationships that are important to them, take actions to support and maintain those relationships, and explore them as potential permanency options. Additionally, social workers are required to allow youth to be involved in their case plan, particularly their permanency plan, as soon as youth enter foster care. Youth are also to be involved in convening a team of adults that focuses on achieving and maintaining permanence.

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.

SB 218 Termination of Parental rights: Prospective Adoptive Parents (Chapter 626, Statutes of 2005)

SB 218 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.

SB 436 Foster Care: Transitional Housing (Chapter 629, Statutes of 2005)

SB 436 provides a safety net for pregnant and parenting foster teens and increases the amount of housing available for them.

SB 500 AFDC-FC: Pregnant and Parenting Foster Youth (Chapter 630, Statutes of 2005)

SB 500 keeps teenage mothers in foster care united with their babies by providing placement in a whole family foster home where teen parents develop the skills necessary to provide a safe, stable, and permanent home for their children. SB 500 mandates that full foster care payment be paid for both the teen parent and their child and provides an additional \$200 a month in support for the child.

Sources of Selected Listings

¹ *Understanding the Child Welfare System in California: A Primer for Service Providers and Policymakers*, Diane F. Reed and Kate Karpfow. California Center for Research on Women & Families, 2002.

² California Youth Connection

Legislation <http://www.calyouthconn.org/site/cyc/section.php?id=6>

Past Legislative Accomplishments <http://www.calyouthconn.org/site/cyc/section.php?id=19>

³ California Bill information accessed through www.leginfo.ca.gov

AB 1741 www.leginfo.ca.gov/pub/93-94/bill/asm/ab_1701-1750/ab_1741_bill_931011_chaptered

⁴ National Conference of State Legislatures State Legislative Report

2001 www.ncsl.org/programs/cyf/slr275.htm or www.ncsl.org/programs/cyf/welfareleg2001.PDF

2003 www.ncsl.org/programs/cyf/cwlaws2003.htm

2004 www.ncsl.org/print/cyf/cwlegislation04.pdf

⁵ California Department of Education Government Affairs Chaptered K-12 Educational Legislation, by year between 1998 and 2005 <http://www.cde.ca.gov/re/lr/ga/>

⁶ California Adolescent Health Collaborative Analysis of 2000-2001

www.co.mendocino.ca.us/ph/pdf/ANALYSIS.PDF

⁷ State of California – Health and Human Services Department of Social Services *Foster Care Legislation Implementation Status Report*

www.newwaystowork.org/documents/ytatdocuments/ImplementationStatusReport.pdf

Additional Source

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

www.cwda.org/legislation_chaptered.cfm