

**ASSEMBLY BILL**

**No. 2651**

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**Introduced by Assembly Member Chu**

February 22, 2002

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An act to add Sections 16013, 16014, 16015, 16016, 16017, and 16018 to the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2651, as introduced, Chu. Foster youth.

Existing law provides for the placement of certain youth in foster care, and provides for child welfare services for, among other purposes, the protection and promotion of the welfare of all youth, including those in foster care.

Existing law also establishes the Office of the State Foster Care Ombudsperson within the State Department of Social Services for the purpose of providing youth placed in foster care with a means of resolving issues related to their care, placement, or services.

This bill would require the department to adopt regulations, as specified, regarding gay or lesbian youth who are in foster care, including training requirements for foster parents and foster care staff.

This bill would require the department to establish a statewide toll-free hotline for gay or lesbian foster care youth who are abused or in danger of being abused because of their sexuality.

This bill would establish goals with respect to gay and lesbian foster parents and foster youth. The bill would require each county to distribute resource guides to foster youth, foster care staff, foster parents, and the biological families of foster youth. It would also require each county to provide foster youth with information about sexuality

and sexual health including gay or lesbian issues and the prevention of HIV or AIDS and other sexually transmitted diseases.

By imposing additional duties upon each county, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 16013 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 16013. The State Department of Social Services shall develop
- 4 regulations relating to the management of foster care youths that
- 5 implement the following policies:
- 6 (a) Sexual orientation as a basis for discrimination is
- 7 prohibited.
- 8 (b) Discrimination based on the sexual orientation of foster
- 9 parents and other foster household members, not only in licensing
- 10 and placement decisions but in all interactions, is prohibited.
- 11 (c) Employment discrimination and harassment based on the
- 12 sexual orientation of foster care staff is prohibited. All reasonable
- 13 steps necessary shall be taken to prevent harassment from
- 14 occurring.
- 15 (d) Discrimination in the provision of services on the basis of
- 16 HIV or AIDS status is prohibited.
- 17 (e) Discrimination based on the HIV or AIDS status of foster
- 18 parents who are able to perform foster care responsibilities and of
- 19 other foster household members is prohibited.



1 (f) Employment discrimination and harassment based on the  
2 HIV or AIDS status of foster care staff is prohibited. All  
3 reasonable steps necessary shall be taken to prevent harassment  
4 from occurring. All group facilities for foster care youths shall be  
5 made a safe environment for gay or lesbian youth and additional  
6 specialized services shall be provided.

7 SEC. 2. Section 16014 is added to the Welfare and Institutions  
8 Code, to read:

9 16014. (a) It is the goal of this state that foster parents,  
10 including gay or lesbian adults, shall be identified who are  
11 interested in caring for gay or lesbian youth in foster care.

12 (b) It is further the goal of this state that one-on-one and group  
13 counseling services shall be provided for gay or lesbian youth in  
14 foster care throughout California.

15 (c) Each county, working in collaboration with community  
16 groups and nonprofit entities, shall distribute resource guides to  
17 foster youth, foster care staff, foster parents, and biological  
18 families of foster youth.

19 (d) Each county shall provide foster care youth with  
20 developmentally appropriate information and resources about  
21 sexuality and sexual health, including gay or lesbian issues, and the  
22 prevention of HIV or AIDS and other sexually transmitted  
23 diseases.

24 SEC. 3. Section 16015 is added to the Welfare and Institutions  
25 Code, to read:

26 16015. The department shall develop the following  
27 regulations in relation to the training of individuals involved in the  
28 management of foster care youth:

29 (a) Training shall be required of all foster parents and foster  
30 care staff about the policies and applicable state laws barring  
31 discrimination on the basis of sexual orientation and HIV or AIDS  
32 status.

33 (b) Training shall be required of all foster parents and foster  
34 care staff on sensitivity to sexual orientation and the challenges  
35 faced by gay or lesbian youth.

36 (c) Training shall be required of all foster parents and foster  
37 care staff on supporting foster care youth in coming out as gay or  
38 lesbian.

39 (d) Training shall be required of all foster parents and foster  
40 care staff on educating gay or lesbian youth in foster care about



1 their sexuality and sexual health, including prevention of HIV or  
2 AIDS and other sexually transmitted diseases.

3 (e) Training shall be required of all foster care staff on the  
4 department's policies with regard to gay or lesbian youth in foster  
5 care.

6 SEC. 4. Section 16016 is added to the Welfare and Institutions  
7 Code, to read:

8 16016. The department shall adopt regulations consistent  
9 with state law to ensure the confidentiality of the HIV or AIDS  
10 status of foster care youth.

11 SEC. 5. Section 16017 is added to the Welfare and Institutions  
12 Code, to read:

13 16017. The department shall adopt regulations describing the  
14 steps that the Office of the State Foster Care Ombudsperson will  
15 take in cases of confirmed or suspected abuse of gay or lesbian  
16 foster youth by other foster children or by foster care providers.

17 SEC. 6. Section 16018 is added to the Welfare and Institutions  
18 Code, to read:

19 16018. The department shall create a statewide toll-free  
20 hotline for gay or lesbian foster care youth who are being  
21 physically or emotionally abused because of their sexuality. The  
22 regulations shall include followup procedures to ensure that foster  
23 care youth who call the hotline are not being abused or in danger  
24 of being abused.

25 SEC. 7. Notwithstanding Section 17610 of the Government  
26 Code, if the Commission on State Mandates determines that this  
27 act contains costs mandated by the state, reimbursement to local  
28 agencies and school districts for those costs shall be made pursuant  
29 to Part 7 (commencing with Section 17500) of Division 4 of Title  
30 2 of the Government Code. If the statewide cost of the claim for  
31 reimbursement does not exceed one million dollars (\$1,000,000),  
32 reimbursement shall be made from the State Mandates Claims  
33 Fund.

