

## Senate Bill No. 1178

### CHAPTER 841

An act to add Sections 16002.5 and 16004.5 to the Welfare and Institutions Code, relating to dependent children.

[Approved by Governor September 28, 2004. Filed with Secretary of State September 28, 2004.]

#### LEGISLATIVE COUNSEL'S DIGEST

SB 1178, Kuehl. Dependent children: parenting.

Existing law authorizes the juvenile court to adjudge a child a dependent child of the court if the child has suffered, or there is a substantial risk that the child will suffer, among other things, serious physical harm inflicted nonaccidentally upon the child by his or her parent or guardian, or serious physical harm or illness as a result of the failure or inability of the parent or guardian to adequately supervise or protect that child.

Existing law also provides for foster care placement situations for dependent minors by state and local child welfare agencies.

This bill, the Teen Parents in Foster Care Act, would make legislative findings and declarations regarding the need to provide resources and support to dependent minor parents. This bill would set forth ways in which the families of dependent minor parents may be preserved, by assisting these parents in raising their children, as well as participating in school and extracurricular activities. The bill would encourage the department and local child welfare agencies to collect data on the number of minors in foster care who give birth and the number of minor parents who remain in placement with their minor children, and to collect information to be used to develop a more cost-effective infant supplemental payment rate structure to more adequately reimburse caregivers. The bill would require child welfare agencies, to the greatest extent possible, to identify and utilize whole family placements and other placement models that provide supportive family focused care for dependent teens and their children.

To the extent that this bill would increase the duties of county child welfare agencies, the 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.

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

SECTION 1. This act shall be known and may be cited as the Teen Parents in Foster Care Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) It is in the best interest of children whenever possible to be raised in safe and secure birth families. Dependent teen parents, their children, and society at large all benefit when these young families are given a reasonable opportunity and assistance to form and remain a family.

(b) Babies born to dependent teen parents are more likely to be separated from their birth families than babies born to teen parents who are not in the dependency system.

(c) Teen parents in the foster care system have less access to traditional support systems typically available to minor and first time parents. Additionally, expectations placed on dependent teen parents are frequently unrealistic and inconsistent with their age and developmental level. However, dependent minor parents, given opportunities, adequate resources, support, and guidance, are able to successfully parent their children.

(d) The current infant supplemental payment rate paid to a foster parent who provides care for both a minor dependent parent and infant, which is designed to provide for the costs of infant care, such as transportation, food, shelter, clothing, and equipment, including diapers and car seats, as well as the costs of mentoring the foster child who is the infant's parent and assisting them to develop parenting skills, is less than the basic AFDC-FC rate for an infant placed into foster care and is not commensurate with the rising costs of infant care. Further, the low rate serves as a disincentive in recruiting and retaining trained foster care providers who are willing to care for both a dependent minor parent and infant, and who are skilled in providing the mentoring services and role modeling that these dependent minor parents need in order to become successful parents. Finally, the resulting shortage in qualified foster care providers can cause teen parents and their babies to be separated, disrupting the parent-child bond and potentially severing family ties.

(e) It is the intent of the Legislature in enacting this act to preserve the continuity of the family unit and ensure the maintenance and



strengthening of family relationships between a dependent minor parent and his or her child by ensuring that the courts and responsible agencies shall, whenever possible, protect the best interests of a dependent minor parent and his or her child as a unit, and shall make diligent and active efforts to maintain relationships between minor parents and their children, including, but not limited to, placement of the minor parent and the child together in as family-like a setting as possible.

SEC. 3. Section 16002.5 is added to the Welfare and Institutions Code, to read:

16002.5. It is the intent of the Legislature to maintain the continuity of the family unit and to support and preserve families headed by minor parents who are themselves dependents of the juvenile court by ensuring that minor parents and their children are placed together in as family-like a setting as possible, unless it has been determined that placement together poses a risk to the child.

(a) To the greatest extent possible, dependent minor parents and their children living in foster care shall be provided with access to existing services for which they may be eligible, that are specifically targeted at supporting, maintaining, and developing both the parent-child bond and the minor parent's ability to provide a permanent and safe home for the child. Examples of these services may include, but shall not be limited to, child care, parenting classes, child development classes, and frequent visitation.

(b) The minor parent shall be given the ability to attend school, complete homework, and participate in age and developmentally appropriate activities unrelated to and separate from parenting.

(c) Foster care placements for minor parents and their children shall demonstrate a willingness and ability to provide support and assistance to dependent minor parents and their children.

(d) Contact between the child, the custodial parent, and the noncustodial parent shall be facilitated when that contact is found to be in the best interest of the child.

(e) For the purpose of this section, "child" refers to the child born to the minor parent.

(f) For the purpose of this section, "minor parent" refers to a dependent child who is also a parent.

SEC. 4. Section 16004.5 is added to the Welfare and Institutions Code, to read:

16004.5. (a) The Legislature finds and declares that there is an urgent need to develop placement resources to permit minor parents and their children to remain together in out-of-home care when the minor parent is removed from the custody of his or her parents due to abuse or neglect.



(b) To the greatest extent possible, child welfare agencies, in conjunction with providers and the state, and in conjunction with ongoing development of placements and the allocation of existing placement resources, shall identify and utilize whole family placements and other placement models that provide supportive family focused care for dependent teens and their children. In identifying these placements, child welfare agencies shall work with providers and stakeholders to identify and develop programs and program models designed to meet these goals.

(c) In order to effectively plan, identify, and develop needed resources, and effectively address the needs of this population, the department and local child welfare agencies are encouraged to collect data on the number of minors in foster care who give birth and the number of minor parents who remain in placement with their minor children. The department shall aggregate the data annually.

(d) In order to recruit, train, and retain qualified and supportive foster care providers for this population, the department and local child welfare agencies, in consultation with other interested stakeholders, are encouraged to collect information to be used to develop a more cost-effective infant supplemental payment rate structure that more adequately reimburses caregivers for the costs of infant care and teen parent mentoring.

SEC. 5. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

