

AMENDED IN SENATE AUGUST 7, 2006

AMENDED IN SENATE JUNE 29, 2006

AMENDED IN SENATE JUNE 19, 2006

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 19, 2006

CALIFORNIA LEGISLATURE—2005–06 REGULAR SESSION

ASSEMBLY BILL

No. 2216

Introduced by Assembly Members Bass and Maze
(Coauthor: Senator Alquist)

February 22, 2006

An act to add Chapter 5.5 (commencing with Section 16540) to Part 4 of Division 9 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2216, as amended, Bass. Child Welfare Leadership and Performance Accountability Act of 2006.

Existing law provides for oversight by various state and local entities of certain populations of children, including those who are wards of the juvenile court, and those who are in foster care, or are otherwise under the supervision of county welfare departments. Existing law provides for a system of child welfare services administered by each county, with oversight by the State Department of Social Services.

Existing law also provides for the California Child and Family Service Review System, *established by the Child Welfare System*

Improvement and Accountability Act of 2001, in order to review all county child welfare systems, covering child protective services, foster care, adoption, family preservation, family support, and independent living. Under the act, the California Health and Human Services Agency established a workgroup, comprised of representatives of specified entities and organizations, to establish a work plan by which to conduct these reviews.

This bill, the Child Welfare Leadership and Performance Accountability Act of 2006, would establish within the California Health and Human Services Agency the California Child Welfare Council, an advisory body that would be responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems. The bill would provide for the composition of the council, including as cochairs the Chief Justice of the California Supreme Court or his or her designee, and the Secretary of California Health and Human Services. The bill would require the secretary to ensure that current federal and state level outcome measures, among other information, are posted on the State Department of Social Service's Internet Web site.

This bill would also require the Secretary of California Health and Human Services to reconvene the workgroup established under the act to develop additional performance outcome indicators for purposes of the Child Welfare and Family Services Review System, as specified. This bill would require the workgroup to become a committee of the council, as specified.

The bill would state the Legislature's intent to inspect other state child welfare and foster care systems over the course of the 2007–08 Legislative Session, for the purpose of examining effective administrative structures of leadership, and to conduct hearings and review recommendations of other commissions and bodies to determine if a reconfigured administrative structure would provide the statewide leadership and coordination between departments and agencies essential to improving outcomes for current and former foster children and youth throughout the state.

~~This bill would also require the council to develop additional performance outcome indicators for purposes of the Child Welfare and Family Services Review System, as specified.~~

This bill would require the Judicial Council to adopt outcome measures consistent with the outcome indicators specified above, by April 1, 2008.

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) The State of California undertakes the responsibility of
4 providing a safe environment and developmental opportunities
5 for over 85,000 children and youth who have been removed from
6 their homes and placed in foster care because of instances of
7 abuse and neglect.

8 (b) According to the California Performance Review report,
9 although the state is responsible for ensuring that foster children
10 and youth receive mandated services through several different
11 departments, California's services to support its foster children's
12 basic needs is not nearly sufficient to meet all of their needs.
13 Even though the incidence of emotional, behavioral, and
14 developmental problems among foster children and youth is three
15 to six times greater than among nonfoster children, 25 percent of
16 foster children and youth are not receiving timely medical care,
17 one-half are not receiving needed mental health services and
18 one-half are not receiving dental care. Similarly, 75 percent of
19 foster youth are working below grade level, nearly one-half do
20 not complete high school, and as few as 15 percent attend
21 college. Statewide leadership and coordination between
22 departments and agencies is essential to addressing these dismal
23 outcomes and providing foster children and youth with critically
24 needed support and services at the local level.

25 (c) Even if the state successfully decreases the number of
26 foster children and youth entering the system, the state must
27 ensure that current foster youth are self-sufficient at the time they
28 emancipate from the system. The state is currently failing in this
29 measure. Unemployment rates for emancipated youth are
30 estimated at 50 percent, nearly one-third of foster children and
31 youth will become homeless within one year of emancipating,
32 fewer than 15 percent of foster youth enroll in college, and

1 approximately one-third of foster youth will be on public
2 assistance shortly after emancipating.

3 (d) A recent report from the State Department of Social
4 Services found the indirect costs of child mistreatment and foster
5 care, such as juvenile delinquency, adult criminality, and lost
6 productivity to society, total \$95 billion annually. Fiscally sound,
7 long-term investment in the state's children now should reap
8 future savings for the state that can be reinvested to keep at-risk
9 children and families self-sufficient and out of the child welfare
10 system. Moreover, advocating for more flexible federal funding
11 of our state's child welfare system will enable resources to be
12 used to better support families in need and keep more families
13 intact.

14 (e) In 2001, the Legislature passed the Child Welfare System
15 Improvement and Accountability Act of 2001 (Chapter 678 of
16 the Statutes of 2001), which was an important first step toward
17 improving outcomes for California's foster children and youth.
18 The legislation provided the legal framework for monitoring the
19 county-run child welfare service programs through data
20 collection and review of that data, the ultimate goal being to use
21 the data to improve outcomes for the children and youth in foster
22 care. The first county reviews and improvement plans were
23 implemented in 2004.

24 (f) In addition to providing services to foster youth, the state's
25 Child Welfare Redesign final report stressed the importance of
26 providing preventative supports to those families who come in
27 contact with child welfare services but whose children are not
28 removed from the home. The goal of these supports is to provide
29 families the tools to prevent a child's removal. This effort results
30 in stronger families and decreased foster care placements.
31 However, successful implementation of preventative services,
32 like foster care, requires a coordinated oversight among many
33 agencies, programs, and services.

34 (g) Despite this improved oversight and vision for
35 improvement, the child welfare system, including the state, the
36 counties, and the courts, suffers from the lack of a cohesive
37 structure, state leadership, and communication between agencies
38 serving foster children and youth. In 2003, the Little Hoover
39 Commission found that clear leadership and oversight is lacking
40 in California's foster care program and recommended the

1 designation of a new program leader that has the authority to
2 reform the foster care system. Most recently, the California
3 Performance Review report decried this lack of cohesion and
4 similarly concluded that state leadership is needed to repair a
5 foster care system in crisis. The bipartisan national Pew
6 Commission on Foster Care in a report issued last year
7 recommended states establish broad-based commissions on
8 children in foster care to demonstrate effective collaboration on
9 behalf of children.

10 (h) Creating a comprehensive structure for statewide
11 leadership to address the needs of children in the child welfare
12 system will support and improve the important reform work
13 enacted through the Child Welfare System Improvement and
14 Accountability Act of 2001 by providing clarity about the roles
15 and responsibilities of the state, improving quality assurance and
16 accountability, and facilitating communication between the many
17 stakeholders involved in the child welfare system. Most
18 importantly, these changes will help ensure that California is able
19 to meet the needs of the children and youth in its care.

20 (i) An independent and impartial ombudsperson that is readily
21 available to the public is essential to protecting the well-being of
22 children, youth, and families.

23 SEC. 2. This act shall be known and may be cited as the
24 Child Welfare Leadership and Performance Accountability Act
25 of 2006.

26 SEC. 3. Chapter 5.5 (commencing with Section 16540) is
27 added to Part 4 of Division 9 of the Welfare and Institutions
28 Code, to read:

29

30 CHAPTER 5.5. CHILD WELFARE LEADERSHIP AND
31 PERFORMANCE ACCOUNTABILITY

32

33 16540. The California Child Welfare Council is hereby
34 established, which shall serve as an advisory body responsible
35 for improving the collaboration and processes of the multiple
36 agencies and the courts that serve the children and youth in the
37 child welfare and foster care systems. The council shall monitor
38 and report the extent to which child welfare and foster care
39 programs and the courts are responsive to the needs of children in
40 their joint care. The council shall issue advisory reports

1 whenever it deems appropriate, but in any event, no less
2 frequently than annually, to the Governor, the Legislature, the
3 Judicial Council and the public. A report of the Child Welfare
4 Council shall, at a minimum, include recommendations for all of
5 the following:

6 (a) Ensuring that all state child welfare, foster care and judicial
7 funding and services for children, youth, and families is, to the
8 greatest extent possible, coordinated to eliminate fragmentation
9 and duplication of services provided to children or families who
10 would benefit from integrated multiagency services.

11 (b) Increasing the quality, appropriateness, and effectiveness
12 of program services and judicial processes delivered to children,
13 youth, and families who would benefit from integrated
14 multiagency services to achieve better outcomes for these
15 children, youth, and families.

16 (c) Promoting consistent program and judicial excellence
17 across counties to the greatest extent possible while recognizing
18 the demographic, geographic, and financial differences among
19 the counties.

20 (d) Increasing collaboration and coordination between county
21 agencies, state agencies, federal agencies, and the courts.

22 (e) Ensuring that all state Title IV-E plans, program
23 improvement plans, and court improvement plans demonstrate
24 effective collaboration between public agencies and the courts.

25 (f) Assisting the Secretary of California Health and Human
26 Services and the chief justice in formulating policies for the
27 effective administration of the child welfare and foster care
28 programs and judicial processes.

29 (g) Modifying program practices and court processes, rate
30 structures, and other system changes needed to promote and
31 support relative caregivers, family foster parents, therapeutic
32 placements, and other placements for children who cannot
33 remain in the family home.

34 (h) Developing data and information sharing agreements and
35 protocols for the exchange of aggregate data across program and
36 court systems that are providing services to children and families
37 in the child welfare system. These data-sharing agreements shall
38 allow child welfare agencies and the courts to access data
39 concerning the health, mental health, special education, and
40 educational status and progress of children served by county

1 child welfare systems subject to state and federal confidentiality
2 laws and regulations. They shall be developed in tandem with the
3 establishment of judicial case management systems as well as
4 additional or enhanced performance measures described in
5 subdivision (b) of Section 16544.

6 (i) Developing systematic methods for obtaining policy
7 recommendations from foster youth about the effectiveness and
8 quality of program services and judicial processes, and ensuring
9 that the interests of foster youth are adequately addressed in all
10 policy development.

11 (j) Implementing legislative enactments in the child welfare
12 and foster care programs and the courts, and reporting to the
13 Legislature on the timeliness and consistency of the
14 implementation.

15 (k) Monitoring the adequacy of resources necessary for the
16 implementation of existing programs and court processes, and the
17 prioritization of program and judicial responsibilities.

18 (l) Strengthening and increasing the independence and
19 authority of the foster care ombudsperson.

20 (m) Coordinating available services for former foster youth
21 and improving outreach efforts to those youth and their families.

22 16541. The council shall be comprised of the following
23 members:

24 (a) The Secretary of California Health and Human Services,
25 who shall serve as cochair.

26 (b) The Chief Justice of the California Supreme Court, or his
27 or her designee, who shall serve as cochair.

28 (c) The Superintendent of Public Instruction, or his or her
29 designee.

30 (d) The Chancellor of the California Community Colleges, or
31 his or her designee.

32 (e) The executive director of the State Board of Education.

33 (f) The Director of Social Services.

34 (g) The Director of Health Services.

35 (h) The Director of Mental Health.

36 (i) The Director of Alcohol and Drug Programs.

37 (j) The Director of Developmental Services.

38 (k) The Director of the Youth Authority.

39 (l) The Administrative Director of the Courts.

40 (m) The State Foster Care Ombudsperson.

1 (n) Four foster youth or former foster youth.

2 (o) The chairpersons of the Assembly Human Services
3 Committee and the Assembly Judiciary Committee, or two other
4 Members of the Assembly as appointed by the Speaker of the
5 Assembly.

6 (p) The chairpersons of the Senate Human Services
7 Committee and the Senate Judiciary Committee, or two other
8 members appointed by the President pro Tempore of the Senate.

9 (q) Leaders and representatives of county child welfare, foster
10 care, health, education, *probation*, and mental health agencies
11 and departments, child advocacy organizations; labor
12 organizations, recognized professional associations that represent
13 child welfare and foster care social workers, *tribal*
14 *representatives*, and other groups and stakeholders that provide
15 benefits, services, and advocacy to families and children in the
16 child welfare and foster care systems, as recommended by
17 representatives of these groups and as designated by the cochairs.

18 16541.5. The council shall meet no less frequently than each
19 quarter of the state fiscal year and at the call of the cochairs at a
20 time and location convenient to the public as it may deem
21 appropriate. All meetings of the council shall be open to the
22 public. Members shall serve without compensation, with the
23 exception of foster youth members who shall be entitled to
24 reimbursement for all actual and necessary expenses incurred in
25 the performance of their duties.

26 16542. The cochairs may appoint committees composed of
27 council members, experts in specialized fields, foster youth,
28 program stakeholders, state and county child welfare and foster
29 care staff, child advocacy organizations, members of the
30 judiciary, foster care public health nurses, or any combination
31 thereof, to advise the council on any functions of the council and
32 the services provided through the child welfare and foster care
33 programs and the courts. Members of these committees shall
34 receive no compensation from the state for their services with the
35 exception of foster youth members, who shall be entitled to
36 reimbursement for all actual and necessary expenses incurred in
37 the performance of their duties. The committees may assemble
38 information and make recommendations to the council, but shall
39 not exercise any of the powers vested in the council. The council
40 may seek input from groups and individuals as it deems

1 appropriate including, but not limited to, advisory committees,
2 the judiciary and child welfare and foster care program
3 stakeholders.

4 16543. Consistent with state and federal law, the council shall
5 have access to aggregate data and information concerning the
6 child welfare and foster care systems held by any state or local
7 department, agency, or court that serves children, youth, and
8 families receiving child welfare and foster care services subject
9 to state and federal confidentiality laws and regulations.

10 16543.5. It is the intent of the Legislature to inspect other
11 state child welfare and foster care systems over the course of the
12 2007–08 Legislative Session, for the purpose of examining
13 effective administrative structures of leadership. It is further the
14 intent of the Legislature to conduct legislative hearings through
15 the Assembly Select Committee on Foster Care, and other
16 standing committees, and to review reports and recommendations
17 of other commissions and bodies, including the California Blue
18 Ribbon Commission on Foster Care and the Little Hoover
19 Commission, to determine if a reconfigured administrative
20 structure would provide statewide leadership and coordination
21 between departments and agencies, which are essential to
22 improving outcomes for current and former foster children and
23 youth throughout the state.

24 16544. (a) The secretary shall ensure that all of the federal
25 Child and Family Services Review outcome measures and all of
26 the California Child and Family Service Review System outcome
27 indicators, along with any performance goals and federal
28 outcome standards, are clearly posted on the State Department of
29 Social Service’s Internet Web site. Before any of the federal
30 goals or any of the California Child and Family Service Review
31 System outcome indicators are added, deleted, or amended, the
32 secretary shall consult with the Child Welfare Council and ensure
33 that there has been a public process for the submission of
34 comments and recommendations.

35 ~~(b) The California Child Welfare Council shall develop~~
36 *(b) The secretary shall immediately reconvene the workgroup*
37 *established pursuant to paragraph (1) of subdivision (c) of*
38 *Section 10601.2 to develop additional outcomes to measure youth*
39 *transition to self-sufficient adulthood; educational stability,*
40 *performance and attainment, physical and mental health status,*

1 maintenance of family and community connections,
2 self-sufficiency skills, involvement in the criminal justice system,
3 housing, and other relevant outcomes for the well-being of
4 children and youth emancipating out of the foster care system.
5 *The workgroup may prioritize the order in which these additional*
6 *outcomes may be developed. After the California Child Welfare*
7 *Council has been established, the workgroup shall become a*
8 *committee of the council pursuant to Section 16542. The*
9 outcomes shall be established by April 1, 2008.

10 16545. By April 1, 2008, the Judicial Council shall adopt,
11 through rules of court, performance measures designed to
12 complement and promote those measures specified in subdivision
13 (a) of Section 16544 so that courts are able to measure their
14 performance and track their own progress in improving safety,
15 permanency, timeliness, and well-being of children and to inform
16 decisions about the allocation of court resources. In adopting
17 performance measures, the Judicial Council shall consult with the
18 council, and the secretary. The performance measures shall be
19 based on data that is available from current or planned data
20 collection processes and to the greatest extent possible, shall
21 ensure uniformity of data reporting.