

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1611**

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**Introduced by Assembly Member Beall**  
*(Principal coauthor: Senator Alquist)*

February 7, 2012

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*An act to amend Section 10601.2 of, and to add Section 10605.1 to the Welfare and Institutions Code, relating to public social services.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1611, as amended, Beall. ~~Foster care: Child welfare:~~ *Child welfare:* racial and ethnic disparities.

*Under existing law, the state, through the State Department of Social Services and county welfare departments, is required to establish and support a public system of statewide child welfare services for the protection of children. Existing law requires the department to establish the California Child and Family Service Review System to review all county child welfare systems. Existing law requires the California Health and Human Services Agency to convene a workgroup, as specified, to establish a workplan by which child and family service reviews shall be conducted. Existing law requires the workgroup to consider, among other things, measurable outcome indicators. Existing law requires the department to identify and promote the replication of best practices in child welfare service delivery to achieve these outcomes. Existing law requires the department to provide prescribed information to legislative committees relating to child welfare system improvements, as specified.*

*This bill would require the workgroup described above to examine outcome indicators for each racial and ethnic population served within*

a county. This bill would require a county to address in its self-assessment and system improvement plan, among other things, its efforts to eliminate disparities in services and outcomes for children of color in, and to provide adequate and culturally appropriate services within, its child welfare system. This bill would require the department to identify and promote best practices for increasing cultural competency in the provision of services and eliminating inequities in service delivery to racial and ethnic communities. This bill would authorize the director of the department to take various actions if he or she determines substantially failed to comply with the requirements of its system improvement plan, as specified. This bill would require the department to report prescribed information to the Legislature by January 1, 2015.

By requiring counties to address additional matters in its self-assessment and system improvement plan, 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.

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.

Existing law provides for the out-of-home placement of children who are unable to remain in the custody and care of their parent or parents, and provides for a range of child welfare, foster care, and adoption assistance services for which these children may be eligible.

~~This bill would express the intent of the Legislature to enact legislation to address the issue of racial and ethnic disproportionality and disparities in the foster care system.~~

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

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

- 1 SECTION 1. *The Legislature finds and declares the following:*
- 2 (a) *It is the intent of the Legislature to eliminate racial and*
- 3 *ethnic disproportionality in the child welfare system that is a result*
- 4 *of the unnecessary and avoidable removal of children from their*

1 *families and the failure to equitably serve all communities of color,*  
2 *particularly the Latino community.*

3 *(b) Latinos make up nearly 38 percent of the population of the*  
4 *state, but comprise over one-half of the overall child welfare*  
5 *caseload. Specifically, disproportionality exists in certain counties*  
6 *with a large Latino population. For example, in Santa Clara*  
7 *County, nearly 64 percent of the foster care population is Latino,*  
8 *while the Latino population in the county is around 25 percent.*  
9 *Furthermore, despite the fact that more than one-half of the*  
10 *children served in the state are Latino, Latinos have been omitted*  
11 *from recent state projects and initiatives on disproportionality and*  
12 *improving foster care outcomes, including from the California*  
13 *Disproportionality Project and California Partners for*  
14 *Permanency, a five-year pilot project to reduce long-term foster*  
15 *care.*

16 *(c) Black children represent almost 6 percent of the state's*  
17 *population of children and youth, but represent roughly 25 percent*  
18 *of the population in care in the child welfare system. When*  
19 *controlling for poverty, Black children enter the system at*  
20 *approximately the same rate as White children, but remain in the*  
21 *system at a rate that is almost one and a one-half times the rate*  
22 *of White children.*

23 *(d) Although there are variations by geographic area and across*  
24 *communities of color, children and youth from non-white racial*  
25 *and ethnic communities, overall, enter the child welfare system at*  
26 *a higher rate, are represented in the system at a higher percentage,*  
27 *and remain in the system longer than their White counterparts.*

28 *(e) Statistical disparities of children and youth of color in the*  
29 *child welfare system may be a result of numerous complex and*  
30 *interdependent factors, including poverty, classism, racism, limited*  
31 *cultural competence and diversity among staff and service*  
32 *providers, agency policies, and systemic practices, and limited*  
33 *access to services and resources, including prevention, family*  
34 *support, and mental health services.*

35 *(f) Many of the societal factors resulting in these disparities are*  
36 *not readily amenable to change by reforms in the child welfare*  
37 *system alone. Nonetheless, more can be done, for example, to*  
38 *eliminate disparities in services and supports provided and enhance*  
39 *the cultural competence of county staff and service providers.*  
40 *According to information gathered by the California Research*

1 Bureau in March, 2012, at least 21 states are taking action to  
2 eliminate disproportionality in their child welfare systems. At least  
3 12 states are taking action through legislation.

4 (g) Child welfare agencies must conduct thorough  
5 self-assessments, develop action plans, and monitor their progress  
6 if they are to eliminate inequities in the child welfare system.

7 SEC. 2. Section 10601.2 of the Welfare and Institutions Code  
8 is amended to read:

9 10601.2. (a) The State Department of Social Services shall  
10 establish, by April 1, 2003, the California Child and Family Service  
11 Review System, in order to review all county child welfare systems.  
12 These reviews shall cover child protective services, foster care,  
13 adoption, family preservation, family support, and independent  
14 living.

15 (b) Child and family service reviews shall maximize compliance  
16 with the federal regulations for the receipt of money from Subtitle  
17 E (commencing with Section 470) of Title IV of the federal Social  
18 Security Act (42 U.S.C. Sec. 670 ~~and following~~ *et seq.*) and ensure  
19 compliance with state plan requirements set forth in Subtitle B  
20 (commencing with Section 421) of Title IV of the federal Social  
21 Security Act (42 U.S.C. Sec. 621 ~~and following~~ *et seq.*).

22 (c) (1) By October 1, 2002, the California Health and Human  
23 Services Agency shall convene a workgroup comprised of  
24 representatives of the Judicial Council, the State Department of  
25 Social Services, the State Department of Health Services, the State  
26 Department of Mental Health, the State Department of Education,  
27 the Department of Child Support Services, the State Department  
28 of Justice, any other state departments or agencies the California  
29 Health and Human Services Agency deems necessary, the County  
30 Welfare Directors Association, the California State Association  
31 of Counties, the Chief Probation Officers of California, the  
32 California Youth Connection, and representatives of California  
33 tribes, interested child advocacy organizations, researchers, and  
34 foster parent organizations. The workgroup shall establish a  
35 workplan by which child and family service reviews shall be  
36 conducted pursuant to this section, including a process for  
37 qualitative peer reviews of case information.

38 (2) At a minimum, in establishing the workplan, the workgroup  
39 shall consider any existing federal program improvement plans  
40 entered into by the state pursuant to federal regulations, the

1 outcome indicators to be measured, compliance thresholds for each  
2 indicator, timelines for implementation, county review cycles,  
3 uniform processes, procedures and review instruments to be used,  
4 a corrective action process, and any funding or staffing increases  
5 needed to implement the requirements of this section. The agency  
6 shall broadly consider collaboration with all entities to allow the  
7 adequate exchange of information and coordination of efforts to  
8 improve outcomes for foster youth and families.

9 (d) (1) The California Child and Family Service Review System  
10 outcome indicators shall be consistent with the federal child and  
11 family service review measures and standards for child and family  
12 outcomes and system factors authorized by Subtitle B (commencing  
13 with Section 421) and Subtitle E (commencing with Section 470)  
14 of Title IV of the federal Social Security Act and the regulations  
15 adopted pursuant to those provisions (Parts 1355 to 1357, inclusive,  
16 of Title 45 of the Code of Federal Regulations).

17 (2) During the first review cycle pursuant to this section, each  
18 county shall be reviewed according to the outcome indicators  
19 established for the California Child and Family Service Review  
20 System.

21 (3) For subsequent reviews, the workgroup shall consider  
22 whether to establish additional outcome indicators that support the  
23 federal outcomes and any program improvement plan, and promote  
24 good health, mental health, behavioral, educational, and other  
25 relevant outcomes for children and families in California's child  
26 welfare services system. *Outcome indicators shall be examined*  
27 *separately for each racial and ethnic population served within the*  
28 *county to assist in identifying and developing strategies to eliminate*  
29 *inequities in the services provided and disparities in outcomes*  
30 *among the populations served.*

31 (e) (1) (A) *Based on its review cycle, each county shall address*  
32 *in detail in the county self-assessment and county system*  
33 *improvement plan, the county's strategies, ongoing efforts, and*  
34 *planned activities, including time frames for implementation, to*  
35 *eliminate any disparities identified in services and outcomes for*  
36 *children of color in the county's child welfare system and to*  
37 *provide adequate and culturally appropriate services for*  
38 *overrepresented and majority populations, particularly the Latino,*  
39 *Black and Native American populations. These may include, but*  
40 *are not limited to, prevention services and supports for families*

1 *of children at risk of placement in the county child welfare system*  
2 *and the use of culturally competent staffing, resources, and*  
3 *practices.*

4 *(B) A county's self-assessment and system improvement plan*  
5 *shall also address strategies for improving and expediting*  
6 *permanent outcomes for children and youth from communities of*  
7 *color that are overrepresented in the county's child welfare system,*  
8 *including, but not limited to, developing collaborative partnerships*  
9 *with families and community-based organizations and strategies*  
10 *to identify and recruit kin and nonkin adoptive families.*

11 *(2) Unless a county's review cycle pursuant to this section has*  
12 *a system improvement plan due on or after January 1, 2013, and*  
13 *before January 1, 2014, the county shall amend its most recent*  
14 *system improvement plan by December 31, 2013, to address the*  
15 *issues identified in paragraph (1).*

16 ~~(e)~~

17 *(f) The State Department of Social Services shall identify and*  
18 *promote the replication of best practices in child welfare service*  
19 *delivery to achieve the measurable outcomes established pursuant*  
20 *to subdivision ~~(d)~~ (d), including best practices for increasing*  
21 *cultural competency in the provision of services and eliminating*  
22 *inequities in the delivery of services that result in disparities in*  
23 *outcomes among racial and ethnic populations, particularly the*  
24 *Latino, Black, and Native American communities.*

25 ~~(f)~~

26 *(g) The State Department of Social Services shall provide*  
27 *information to the Assembly and Senate Budget Committees and*  
28 *appropriate legislative policy committees annually, beginning with*  
29 *the 2002–03 fiscal year, on all of the following:*

30 *(1) The department's progress in planning for the federal child*  
31 *and family service review to be conducted by the United States*  
32 *Department of Health and Human Services and, upon completion*  
33 *of the federal review, the findings of that review, the state's*  
34 *response to the findings, and the details of any program*  
35 *improvement plan entered into by the state.*

36 *(2) The department's progress in implementing the California*  
37 *child and family service reviews, including, but not limited to, the*  
38 *timelines for implementation, the process to be used, and any*  
39 *funding or staffing increases needed at the state or local level to*  
40 *implement the requirements of this section.*

1 (3) The findings and recommendations for child welfare system  
2 improvements identified in county self-assessments and county  
3 system improvement plans, including information on *efforts to*  
4 *assess the bases for disproportionality and disparities in services*  
5 *and outcomes for children of color and to address those issues,*  
6 common statutory, regulatory, or fiscal barriers identified as  
7 inhibiting system improvements, any recommendations to  
8 overcome those barriers, and, as applicable, information regarding  
9 the allocation and use of the moneys provided to counties pursuant  
10 to subdivision (i).

11 ~~(g)~~

12 (h) Effective April 1, 2003, the existing county compliance  
13 review system shall be suspended to provide to the State  
14 Department of Social Services sufficient lead time to provide  
15 training and technical assistance to counties for the preparation  
16 necessary to transition to the new child and family service review  
17 system.

18 ~~(h)~~

19 (i) Beginning January 1, 2004, the department shall commence  
20 individual child and family service reviews of California counties.  
21 County child welfare systems that do not meet the established  
22 compliance thresholds for the outcome measures that are reviewed  
23 shall receive technical assistance from teams made up of state and  
24 peer-county administrators to assist with implementing best  
25 practices to improve their performance and make progress toward  
26 meeting established levels of compliance.

27 ~~(i)~~

28 (j) (1) To the extent that funds are appropriated in the annual  
29 Budget Act to enable counties to implement approaches to  
30 improving their performance on the outcome indicators under this  
31 section, the department, in consultation with counties, shall  
32 establish a process for allocating the funds to counties.

33 (2) The allocation process shall take into account, at a minimum,  
34 the extent to which the proposed funding would be used for  
35 activities that are reasonably expected to help the county make  
36 progress toward the outcome indicators established pursuant to  
37 this section, and the extent to which county funding for the Child  
38 Abuse, Prevention and Treatment program is aligned with the  
39 outcome indicators.

1 (3) To the extent possible, a county shall use funds allocated  
 2 pursuant to this subdivision in a manner that enables the county  
 3 to access additional federal, state, and local funds from other  
 4 available sources. However, a county’s ability to receive additional  
 5 matching funds from these sources shall not be a determining factor  
 6 in the allocation process established pursuant to this subdivision.

7 (4) The department shall provide information to the appropriate  
 8 committees of the Legislature on the process established pursuant  
 9 to this subdivision for allocating funds to counties.

10 *(k) (1) The department shall contract for research evaluating*  
 11 *the disproportionate representation of, and inequities in services*  
 12 *for, Latino children and families in the child welfare system, using*  
 13 *existing resources or by identifying private funding, and issue a*  
 14 *report to the Legislature and to the Governor, including findings*  
 15 *and recommendations, by January 1, 2015.*

16 (2) (A) *The requirement for submitting a report imposed under*  
 17 *paragraph (1) is inoperative on January 1, 2019, pursuant to*  
 18 *Section 10231.5 of the Government Code.*

19 (B) *A report to be submitted pursuant to paragraph (1) shall*  
 20 *be submitted in compliance with Section 9795 of the Government*  
 21 *Code.*

22 *SEC. 3. Section 10605.1 is added to the Welfare and Institutions*  
 23 *Code, to read:*

24 *10605.1. If the director determines that a county is substantially*  
 25 *failing to comply with the requirements of its system improvement*  
 26 *plan pursuant to Section 10601.2 to adequately assess the bases*  
 27 *for, or adequately address, disproportionality in its child welfare*  
 28 *system, or to ensure the provision of adequate and culturally*  
 29 *appropriate services to majority and minority communities within*  
 30 *the county, the director may take any action as may be appropriate,*  
 31 *including providing enhanced technical assistance to the county,*  
 32 *requiring the county to conduct additional self-assessments and*  
 33 *adopt system improvement plan amendments, or other remedial*  
 34 *actions as authorized under this chapter.*

35 *SEC. 4. If the Commission on State Mandates determines that*  
 36 *this act contains costs mandated by the state, reimbursement to*  
 37 *local agencies and school districts for those costs shall be made*  
 38 *pursuant to Part 7 (commencing with Section 17500) of Division*  
 39 *4 of Title 2 of the Government Code.*

1     ~~SECTION 1. It is the intent of the Legislature to enact~~  
2     ~~legislation to address the issue of racial and ethnic~~  
3     ~~disproportionality and disparities in the foster care system.~~

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