

AMENDED IN SENATE APRIL 16, 2012

SENATE BILL

No. 1432

Introduced by Senator Steinberg

February 24, 2012

An act to amend Section ~~16122~~ 10601.2 of the Welfare and Institutions Code, relating to child *and family* welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 1432, as amended, Steinberg. ~~Adoption assistance.~~ *Child and family welfare.*

Existing law requires the State Department of Social Services to establish the California Child and Family Service Review System, in order to review all county child welfare systems, including child protective services, foster care, adoption, family preservation, family support, and independent living. Existing law requires, by October 1, 2002, the California Health and Human Services Agency to convene a workgroup comprised of specified representatives to establish a workplan by which child and family service reviews are conducted pursuant to these provisions.

This bill would require, by March 1, 2013, that the workgroup determine whether additional outcome indicators, additional analysis of existing outcome indicators, or both, are necessary to determine the impact, if any, of the realignment of child welfare programs and services on child safety and well-being. The workgroup would be required to consider specified outcome indicators.

Existing law requires the department to provide specified information relating to child and family service reviews to the Assembly and Senate Budget Committees and appropriate legislative policy committees annually, beginning with the 2002–03 fiscal year.

This bill would require that this information include the impact, if any, of the realignment of child welfare programs and services on child safety and well-being, as specified.

Existing law requires, commencing January 1, 2004, that the department commence individual child and family service reviews of California counties. Existing law requires that county child welfare systems that do not meet certain criteria receive technical assistance, as specified.

This bill would require the department to initiate one or more specified compliance actions if a county child welfare system, after receiving this technical assistance for a specified period of time, does not meet certain criteria.

~~Existing law provides for the Adoption Assistance Program (AAP), to be established and administered by the State Department of Social Services or the county, for the purpose of benefitting children residing in foster homes by providing the stability and security of permanent homes.~~

~~This bill would make technical, nonsubstantive changes to a provision relating to adoption assistance.~~

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

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

- 1 SECTION 1. Section 10601.2 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 10601.2. (a) The State Department of Social Services shall
- 4 establish, by April 1, 2003, the California Child and Family Service
- 5 Review System, in order to review all county child welfare systems.
- 6 These reviews shall cover child protective services, foster care,
- 7 adoption, family preservation, family support, and independent
- 8 living.
- 9 (b) Child and family service reviews shall maximize compliance
- 10 with the federal regulations for the receipt of money from Subtitle
- 11 E (commencing with Section 470) of Title IV of the federal Social
- 12 Security Act (42 U.S.C. Sec. 670 and following) and ensure
- 13 compliance with state plan requirements set forth in Subtitle B
- 14 (commencing with Section 421) of Title IV of the federal Social
- 15 Security Act (42 U.S.C. Sec. 621 and following).

1 (c) (1) By October 1, 2002, the California Health and Human
2 Services Agency shall convene a workgroup comprised of
3 representatives of the Judicial Council, the State Department of
4 Social Services, the State Department of Health Services, the State
5 Department of Mental Health, the State Department of Education,
6 the Department of Child Support Services, the State Department
7 of Justice, any other state departments or agencies the California
8 Health and Human Services Agency deems necessary, the County
9 Welfare Directors Association, the California State Association
10 of Counties, the Chief Probation Officers of California, the
11 California Youth Connection, and representatives of California
12 tribes, interested child advocacy organizations, researchers, and
13 foster parent organizations. The workgroup shall establish a
14 workplan by which child and family service reviews shall be
15 conducted pursuant to this section, including a process for
16 qualitative peer reviews of case information.

17 (2) At a minimum, in establishing the workplan, the workgroup
18 shall consider any existing federal program improvement plans
19 entered into by the state pursuant to federal regulations, the
20 outcome indicators to be measured, compliance thresholds for each
21 indicator, timelines for implementation, county review cycles,
22 uniform processes, procedures and review instruments to be used,
23 a corrective action process, and any funding or staffing increases
24 needed to implement the requirements of this section. The agency
25 shall broadly consider collaboration with all entities to allow the
26 adequate exchange of information and coordination of efforts to
27 improve outcomes for foster youth and families.

28 (d) (1) The California Child and Family Service Review System
29 outcome indicators shall be consistent with the federal child and
30 family service review measures and standards for child and family
31 outcomes and system factors authorized by Subtitle B (commencing
32 with Section 421) and Subtitle E (commencing with Section 470)
33 of Title IV of the federal Social Security Act and the regulations
34 adopted pursuant to those provisions (Parts 1355 to 1357, inclusive,
35 of Title 45 of the Code of Federal Regulations).

36 (2) During the first review cycle pursuant to this section, each
37 county shall be reviewed according to the outcome indicators
38 established for the California Child and Family Service Review
39 System.

1 (3) For subsequent reviews, the workgroup shall consider
2 whether to establish additional outcome indicators that support the
3 federal outcomes and any program improvement plan, and promote
4 good health, mental health, behavioral, educational, and other
5 relevant outcomes for children and families in California's child
6 welfare services system.

7 (4) *By March 1, 2013, the workgroup shall determine whether*
8 *additional outcome indicators, additional analysis of existing*
9 *outcome indicators, or both, are necessary to determine the impact,*
10 *if any, of the realignment of child welfare programs and services*
11 *on child safety and well-being. The workgroup shall specifically*
12 *consider outcome indicators related to the incidence of child abuse*
13 *and neglect and the effectiveness of community-based child abuse*
14 *prevention efforts, including, but not limited to, all of the following:*

15 (A) *Nonaccidental injuries to children requiring medical care.*

16 (B) *Infant mortality.*

17 (C) *Rates of birth of low-birthweight infants.*

18 (D) *Rates of birth to mothers who received no prenatal care.*

19 (E) *Rates of birth to mothers under 18 years of age.*

20 (e) The State Department of Social Services shall identify and
21 promote the replication of best practices in child welfare service
22 delivery to achieve the measurable outcomes established pursuant
23 to subdivision (d).

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

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

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

39 (3) The findings and recommendations for child welfare system
40 improvements identified in county self-assessments and county

1 system improvement plans, including information on common
2 statutory, regulatory, or fiscal barriers identified as inhibiting
3 system improvements, any recommendations to overcome those
4 barriers, and, as applicable, information regarding the allocation
5 and use of the moneys provided to counties pursuant to subdivision
6 (i).

7 *(4) The impact, if any, of the realignment of child welfare*
8 *programs and services on child safety and well-being, including,*
9 *but not limited to, any increase in nonaccidental injuries to*
10 *children receiving medical care, infant mortality, rates of birth of*
11 *low-birthweight infants, rates of birth to mothers who received no*
12 *prenatal care, rates of birth to mothers under 18 years of age, or*
13 *other factors correlated with increased risk of child abuse or*
14 *neglect.*

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

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

29 *(2) The department shall initiate one or more of the compliance*
30 *actions authorized by Section 10605 if any county child welfare*
31 *system, after receiving the technical assistance described in*
32 *paragraph (1) for a period of at least six months, but not more*
33 *than one year, does not meet the established compliance threshold*
34 *for one or more outcome measures.*

35 (i) (1) To the extent that funds are appropriated in the annual
36 Budget Act to enable counties to implement approaches to
37 improving their performance on the outcome indicators under this
38 section, the department, in consultation with counties, shall
39 establish a process for allocating the funds to counties.

1 (2) The allocation process shall take into account, at a minimum,
2 the extent to which the proposed funding would be used for
3 activities that are reasonably expected to help the county make
4 progress toward the outcome indicators established pursuant to
5 this section, and the extent to which county funding for the Child
6 Abuse, Prevention and Treatment program is aligned with the
7 outcome indicators.

8 (3) To the extent possible, a county shall use funds allocated
9 pursuant to this subdivision in a manner that enables the county
10 to access additional federal, state, and local funds from other
11 available sources. However, a county's ability to receive additional
12 matching funds from these sources shall not be a determining factor
13 in the allocation process established pursuant to this subdivision.

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

17 ~~SECTION 1. Section 16122 of the Welfare and Institutions~~
18 ~~Code is amended to read:~~

19 ~~16122. (a) It is the intent of the Legislature in enacting this~~
20 ~~chapter to provide children who would otherwise remain in~~
21 ~~long-term foster care with permanent adoptive homes. It is also~~
22 ~~the intent of this Legislature to encourage private adoption agencies~~
23 ~~to continue placing these children, and in so doing, to achieve a~~
24 ~~substantial savings to the state in foster care costs.~~

25 ~~(b) (1) From any funds appropriated for this purpose, the state~~
26 ~~shall compensate private adoption agencies licensed pursuant to~~
27 ~~Chapter 3 (commencing with Section 1500) of Division 2 of the~~
28 ~~Health and Safety Code for costs of placing for adoption children~~
29 ~~eligible for Adoption Assistance Program benefits pursuant to~~
30 ~~Section 16120.~~

31 ~~(2) The private adoption agencies shall be compensated for~~
32 ~~otherwise unreimbursed costs for the placement of these children~~
33 ~~in an amount not to exceed a total of three thousand five hundred~~
34 ~~dollars (\$3,500) per child adopted. Half of the compensation shall~~
35 ~~be paid at the time the adoptive placement agreement is signed.~~
36 ~~The remainder shall be paid at the time the adoption petition is~~
37 ~~granted by the court. Requests for compensation shall conform to~~
38 ~~claims procedures established by the department. This section shall~~
39 ~~not be construed to authorize reimbursement to private adoption~~
40 ~~agencies for intercountry adoption services.~~

1 ~~(e) Effective July 1, 1999, the maximum amount of~~
2 ~~reimbursement pursuant to subdivision (b) shall be five thousand~~
3 ~~dollars (\$5,000).~~

4 ~~(d) Effective February 1, 2008, the maximum amount of~~
5 ~~reimbursement pursuant to subdivision (b) shall be ten thousand~~
6 ~~dollars (\$10,000). This rate increase shall apply only to those cases~~
7 ~~for which the adoptive home study approval occurred on or after~~
8 ~~July 1, 2007.~~

9 ~~(e) Commencing with the budget subcommittee hearings for~~
10 ~~the 2008-09 fiscal year, the State Department of Social Services~~
11 ~~shall review the reimbursement methodology for the program and~~
12 ~~annually provide information to the fiscal committees of the~~
13 ~~Legislature on all of the following:~~

14 ~~(1) The costs and savings, to the extent that these can be~~
15 ~~assessed, associated with increasing the reimbursement rate.~~

16 ~~(2) Outcome data, including the increased number of adoptive~~
17 ~~placements and finalized adoptions, and how these outcomes~~
18 ~~compare to prior years.~~

19 ~~(3) The progress toward earning federal adoption incentives.~~

20 ~~(4) The number of new agencies participating in the placement~~
21 ~~of children pursuant to this section.~~