

Senate Bill No. 1262

CHAPTER 509

An act to amend Section 11402 of, and to add and repeal Sections 362.7 and 362.8 of, the Welfare and Institutions Code, relating to youths.

[Approved by Governor October 3, 1995. Filed
with Secretary of State October 4, 1995.]

LEGISLATIVE COUNSEL'S DIGEST

SB 1262, Alquist. State government: children: foster care placements: state budget.

Existing law authorizes the court to place children in care out of their homes in certain circumstances, and limits the placement of the children to the homes of relatives, specified child care institutions, and the homes of nonrelatives who are licensed to provide foster care.

Existing law also provides for the Aid to Families with Dependent Children (AFDC) program, pursuant to which qualified families are provided with cash assistance, and includes the Aid to Families with Dependent Children Foster Care (AFDC-FC) program, through which certain needs of eligible children in foster care are provided. The AFDC program is administered and partially funded by the counties. The AFDC program is partially funded by federal participation and is subject to federal requirements for federal participation.

Existing law authorizes the reimbursement of foster care providers, including the homes of relatives of the children placed in foster care with them and the homes of nonrelatives that are licensed to provide foster care.

This bill would require the Judicial Council to establish a pilot project, in up to 5 counties, to allow a child subject to foster care placement to be placed by a court in the home of a nonlicensed, nonrelative extended member. It would authorize the reimbursement of those nonrelative extended family homes at a rate consistent with that paid to a foster family home. The bill also directs the court to adopt a plan for the supervision of the child.

The bill would, however, specify that federal reimbursement would be sought to implement its provisions, and that the bill would not increase the cost to the state for placement of affected children.

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

SECTION 1. The Legislature recognizes the importance of providing community foster care for minors who are made dependents of the juvenile court and who are in need of out-of-home care.

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

(a) Too often minors who have been abused and neglected by their parents and removed from the family home are further harmed by their removal from their local community, school, church, and friends.

(b) Removal of children from their neighborhood has resulted in runaway activities from their out-of-home placements.

SEC. 3. It is the intent of the Legislature to encourage foster home placements in the communities where the minors have been raised through the creation of opportunities for placement of children with persons who, while not relatives, have a close relationship with the dependent minors.

SEC. 4. It is also the intent of the Legislature to implement the nonrelative extended family category of placement to enhance the goals of family reunification.

SEC. 5. It is further the intent of the Legislature to provide community foster care with nonrelative extended family ties to enhance the possibility that minors will be placed with foster parents of like ethnic or racial identification and with a foster family that is sensitive to the child's background, particularly in the case of children who are bilingual or monolingual in a language other than English.

SEC. 6. Section 362.7 is added to the Welfare and Institutions Code, to read:

362.7. (a) The Judicial Council shall establish a pilot project to allow a child subject to placement in a foster home to be placed in the home of a nonlicensed, nonrelative extended family member. The pilot project shall include up to five counties, as selected by the Judicial Council, in which the county department of social services and the juvenile court jointly agree to participate, with one being Santa Clara County, and of the remaining four counties, two shall be rural. If fewer than two rural counties apply, the department may select nonrural counties.

(b) For purposes of the pilot project:

(1) "Nonrelative extended family member" includes any of the following:

(A) The godparent or godparents of a child subject to placement.

(B) Any adult caretaker who has an established familial relationship with the minor. This shall be verified by interviews with one or more third parties. These parties may include, but need not be limited to, relatives who are not included in the extended family



home, teachers, medical professionals, clergy, neighbors, and family friends.

(2) “Nonrelative extended family home” means the home in which the nonrelative extended family member resides and in which the minor is being placed as an alternative to foster care.

(c) In establishing the pilot project, the Judicial Council shall ensure that the department of social services and the juvenile court of each county jointly agree to participate and that each pilot project shall contain at least the following requirements:

(1) A written certification by the social worker that the home meets the health and safety needs of the child.

(2) A prohibition against making a placement where the nonrelative extended family member is currently providing care for the children of another family. This shall not preclude the placement in a nonrelative extended family home of siblings within the same family group. For purposes of this section, “siblings” means sisters, brothers, half sisters, half brothers, stepsisters, and stepbrothers.

(3) The pilot shall not apply to children with special health care needs, as defined in Section 17710.

(4) The requirement of a plan for supervision of the placement by the county.

(5) Provisions for submission for fingerprinting, criminal records clearance, and child abuse index clearance of the nonrelative extended family member and all adults residing in the nonrelative extended family home.

(6) Each pilot county shall provide for an orientation for the nonrelative extended family member or members consistent with the standards as applied to foster parents.

(7) Each pilot county shall arrange for an evaluation to be conducted by an educational institution or other entity. The evaluation shall include, but not be limited to, indicators reflecting the stability of the placement, impact upon reunification, and progress of the minors in school.

(d) (1) The rate paid to the nonrelative extended family home shall be consistent with the rate paid to a foster family home.

(2) The department shall submit an amendment to the federal Social Security Act Title IV-E (42 U.S.C. Sec. 670, et seq.) state plan to the United States Department of Health and Human Services to define “nonrelative extended family homes” as eligible for federal reimbursement.

(3) This pilot project shall not increase the cost to the state for placement of affected children.

(e) The required pilot project evaluations shall be submitted to the Judicial Council on or before July 1, 1999. The Judicial Council shall submit evaluations of the pilot projects to the Legislature on or before January 1, 2000.



(f) The Judicial Council shall initiate the implementation of the pilot projects no later than July 1, 1996.

(g) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.

SEC. 7. Section 362.8 is added to the Welfare and Institutions Code, to read:

362.8. Before a child is placed with a nonrelative extended family member, the following requirements must be met:

(a) The county shall conduct an investigation of the nonrelative extended family members, and all adults residing in the home, which shall include at least the following, and which shall be submitted to the court with any request for a placement under this section:

(1) A home study.

(2) A child abuse index clearance.

(3) A determination that the nonrelative extended family member has the capacity to provide care and supervision for the child.

(4) A written certification by the social worker that the home meets the health and safety needs of the child.

(5) Submission of a proposed plan for the supervision of the minor in the nonrelative extended family home.

(6) A criminal background check from an appropriate law enforcement agency to determine whether the nonrelative extended family member and all other adults residing in the home have ever been convicted of a crime other than a minor traffic violation. If no criminal record information has been located, the county shall provide the court with a statement of that fact.

(7) Submission for a fingerprint clearance. Within 30 calendar days of the receipt of the fingerprints, the Department of Justice shall notify the county of the criminal record information, as provided for in paragraph (6). The criminal history information shall include the full criminal record of those persons, if any. If no criminal record information has been recorded, the Department of Justice shall provide the county with a statement of that fact within 15 calendar days of receipt of the fingerprints. If new fingerprints are required for processing, the Department of Justice shall, within 15 calendar days from the date of receipt of the fingerprints, notify the county that the fingerprints were illegible.

(b) The court shall:

(1) Ensure that counsel is appointed for the minor pursuant to Section 317 and is present at any hearing at which a determination of placement is made.

(2) Determine that the nonrelative extended family member or members are persons of good moral character.

(3) Adopt a plan for the supervision of the minor subject to placement by the probation officer or by any other public agency



organized to provide care for needy or neglected children. No placement may be made under this section until the court determines it can provide appropriate supervision of minors as specified under this section.

(4) Determine that placement of the minor with this nonrelative extended family member is in the best interests of the child.

(5) After review of all records provided by the county, consideration of the bond between the child and the nonrelative extended family member, and consideration of any criminal history, make the placement that is in the best interests of the child. For purposes of this section the best interests of the child shall be deemed to preclude any placement that would be prohibited by Section 1522 of the Health and Safety Code, as it relates to placement with persons convicted of certain crimes. When considering any criminal history, the court shall consider the age at which a conviction occurred, the seriousness of the conviction, the frequency of convictions, and the length of time since a conviction.

(c) This section shall remain in effect only until January 1, 2001, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2001, deletes or extends that date.

SEC. 8. Section 11402 of the Welfare and Institutions Code is amended to read:

11402. In order to be eligible for AFDC-FC, a child shall be placed in one of the following:

(a) The home of a relative, provided the home has been documented by the social worker or probation officer as being suited to the needs of the child and the child is otherwise eligible for federal financial participation in the AFDC-FC payment.

(b) (1) The licensed family home of a nonrelative.

(2) The nonlicensed home of a nonrelative extended family home, when the child is placed pursuant to Section 362.7.

(c) A licensed group home, as defined in subdivision (h) of Section 11400, provided that the placement worker has documented that the placement is necessary to meet the treatment needs of the child and that the facility offers those treatment services.

(d) The home of a nonrelated legal guardian or the home of a former nonrelated legal guardian when the guardianship of a child who is otherwise eligible for AFDC-FC has been dismissed due to the child's attaining 18 years of age.

(e) A home which has been certified by a social worker or probation officer as meeting licensing standards, provided that a family home license has been applied for and has not been denied.

(f) An exclusive-use home.



(g) A licensed transitional housing placement facility as described in Health and Safety Code Section 1559.110 and as defined in Section 11400.

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