

AMENDED IN ASSEMBLY MARCH 29, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 363

Introduced by Assembly Member Chu

February 11, 2005

An act to amend Section 10601.2 of, *and to add Section 10601.3 to*, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 363, as amended, Chu. Child and Family Service Review System.

Under existing law, the State Department of Social Services oversees the administration of county public social services, including child welfare services. Existing law requires the department to establish, by April 1, 2003, the California Child and Family Service Review System, in order to review, commencing January 1, 2004, all county child welfare systems. Existing law requires the department, beginning with the 2002–03 fiscal year, to report to the Assembly and Senate Budget Committees and appropriate legislative policy committees regarding the department's progress relating to federal and state child and family service reviews.

This bill would revise the department's duty to report the above information to instead require the department to provide information to the designated legislative committees. The bill would add to the information required to be provided, to include findings and recommendations for child welfare system improvements identified in county self-assessments and county system improvement plans, including common barriers that inhibit system improvements, and recommendations to overcome the barriers.

This bill would establish the Child Welfare Services Outcomes and Accountability Fund in the State Treasury, consisting of funds appropriated by the Legislature in the annual Budget Act. The bill would require moneys in the fund to be expended to enable counties to improve their performance on child welfare service outcome indicators provided for under existing law. The bill would require the department to establish a process for allocating the moneys in the fund, and would require a county, to the extent possible, to use moneys received from the fund in a manner designed to access additional federal, state, and local funds.

This bill would also require the department to include information regarding the allocation and use of moneys from the fund as part of its reporting requirement under existing law, as discussed above.

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. 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
5 Service Review System, in order to review all county child
6 welfare systems. These reviews shall cover child protective
7 services, foster care, adoption, family preservation, family
8 support, and independent living.
9 (b) Child and family service reviews shall maximize
10 compliance with the federal regulations for the receipt of money
11 from Subtitle E (commencing with Section 470) of Title IV of
12 the federal Social Security Act (42 U.S.C. Sec. 670 and
13 following) and ensure compliance with state plan requirements
14 set forth in Subtitle B (commencing with Section 421) of Title IV
15 of the federal Social Security Act (42 U.S.C. Sec. 621 and
16 following).
17 (c) (1) By October 1, 2002, the California Health and Human
18 Services Agency shall convene a workgroup comprised of
19 representatives of the Judicial Council, the State Department of
20 Social Services, the State Department of Health Services, the
21 State Department of Mental Health, the State Department of
22 Education, the Department of Child Support Services, the State

1 Department of Justice, any other state departments or agencies
2 the California Health and Human Services Agency deems
3 necessary, the County Welfare Directors Association, the
4 California State Association of Counties, the Chief Probation
5 Officers of California, the California Youth Connection, and
6 representatives of California Tribes, interested child advocacy
7 organizations, researchers, and foster parent organizations. The
8 workgroup shall establish a work plan by which child and family
9 service reviews shall be conducted pursuant to this section,
10 including a process for qualitative peer reviews of case
11 information.

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

24 (d) (1) The California Child and Family Service Review
25 System outcome indicators shall be consistent with the federal
26 child and family service review measures and standards for child
27 and family outcomes and system factors authorized by Subtitle B
28 (commencing with Section 421) and Subtitle E (commencing
29 with Section ~~670~~ 470) of Title IV of the federal Social Security
30 Act and the regulations adopted pursuant to those provisions
31 (Parts 1355 to 1357, inclusive, of Title 45 of the Code of Federal
32 Regulations).

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

37 (3) For subsequent reviews, the workgroup shall consider
38 whether to establish additional outcome indicators that support
39 the federal outcomes and any program improvement plan, and
40 promote good health, mental health, behavioral, educational, and

1 other relevant outcomes for children and families in California's
2 child welfare services system.

3 (e) The State Department of Social Services shall identify and
4 promote the replication of best practices in child welfare service
5 delivery to achieve the measurable outcomes established
6 pursuant to subdivision (d).

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

11 (1) The department's progress in planning for the federal child
12 and family service review to be conducted by the United States
13 Department of Health and Human Services and, upon completion
14 of the federal review, the findings of that review, the state's
15 response to the findings, and the details of any program
16 improvement plan entered into by the state.

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

22 (3) The findings and recommendations for child welfare
23 system improvements identified in county self-assessments and
24 county system improvement plans, including information on
25 common statutory, regulatory, or fiscal barriers identified as
26 inhibiting system improvements, ~~and~~ any recommendations to
27 overcome those barriers, *and, as applicable, information*
28 *regarding the allocation and use of the moneys provided to*
29 *counties pursuant to Section 10601.3.*

30 (g) Effective April 1, 2003, the existing county compliance
31 review system shall be suspended to provide to the State
32 Department of Social Services sufficient lead time to provide
33 training and technical assistance to counties for the preparation
34 necessary to transition to the new child and family ~~services~~
35 *service* review system.

36 (h) Beginning January 1, 2004, the department shall
37 commence individual child and family service reviews of
38 California counties. County child welfare systems that do not
39 meet the established compliance thresholds for the outcome
40 measures that are reviewed shall receive technical assistance

1 from teams made up of state and peer-county administrators to
2 assist with implementing best practices to improve their
3 performance and make progress toward meeting established
4 levels of compliance.

5 *SEC. 2 Section 10601.3 is added to the Welfare and*
6 *Institutions Code, to read:*

7 *10601.3. (a) The Child Welfare Services Outcomes and*
8 *Accountability Incentive Fund is hereby established in the State*
9 *Treasury. The fund shall consist of funds appropriated by the*
10 *Legislature in the annual Budget Act. Moneys in the fund shall be*
11 *expended to enable counties to implement approaches to*
12 *improving their performance on the outcome indicators under*
13 *Section 10601.2.*

14 *(b) The State Department of Social Services, in consultation*
15 *with the counties and the Legislature, shall establish a process*
16 *for allocating the moneys in the fund to counties that are not*
17 *already receiving funding through the budget process for*
18 *implementation of program improvements in the 2005–06 Budget*
19 *Act and, to the extent that funding is provided, in subsequent*
20 *budget acts. The allocation process shall take into account, at a*
21 *minimum, the extent to which the proposed funding would be*
22 *used for activities that are reasonably expected to help the*
23 *county make progress toward the outcome indicators established*
24 *pursuant to Section 10601.2, and the extent to which county*
25 *funding for the Child Abuse Prevention, Intervention, and*
26 *Treatment program is aligned with the outcome indicators*
27 *established pursuant to Section 10601.2.*

28 *(c) To the extent possible, a county shall use moneys received*
29 *from the fund in a manner that enables the county access*
30 *additional federal, state, and local funds from other available*
31 *sources. However, a county’s ability to receive additional*
32 *matching funds from these sources shall not be a determining*
33 *factor in the allocation process established under this section.*