

AMENDED IN SENATE JULY 7, 2005
AMENDED IN ASSEMBLY MARCH 29, 2005
CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 363

Introduced by Assembly Member Chu
(Coauthor: Assembly Member Jones)

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 the extent that funds are appropriated in the annual Budget Act to enable counties to improve their performance on child welfare service outcome indicators provided for under existing law. The bill would, require the department, in consultation with counties, to establish a process for allocating the moneys in the fund those funds to counties, and would require a county, to the extent possible, to use moneys received from the fund those funds 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~~ *the funds* 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).

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

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

30 (d) (1) The California Child and Family Service Review
31 System outcome indicators shall be consistent with the federal
32 child and family service review measures and standards for child
33 and family outcomes and system factors authorized by Subtitle B
34 (commencing with Section 421) and Subtitle E (commencing
35 with Section 470) of Title IV of the federal Social Security Act
36 and the regulations adopted pursuant to those provisions (Parts
37 1355 to 1357, inclusive, of Title 45 of the Code of Federal
38 Regulations).

39 (2) During the first review cycle pursuant to this section, each
40 county shall be reviewed according to the outcome indicators

1 established for the California Child and Family Service Review
2 System.

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

9 (e) The State Department of Social Services shall identify and
10 promote the replication of best practices in child welfare service
11 delivery to achieve the measurable outcomes established
12 pursuant to subdivision (d).

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

17 (1) The department's progress in planning for the federal child
18 and family service review to be conducted by the United States
19 Department of Health and Human Services and, upon completion
20 of the federal review, the findings of that review, the state's
21 response to the findings, and the details of any program
22 improvement plan entered into by the state.

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

28 (3) The findings and recommendations for child welfare
29 system improvements identified in county self-assessments and
30 county system improvement plans, including information on
31 common statutory, regulatory, or fiscal barriers identified as
32 inhibiting system improvements, any recommendations to
33 overcome those barriers, and, as applicable, information
34 regarding the allocation and use of the moneys provided to
35 counties pursuant to ~~Section 10601.3~~ *subdivision (i)*.

36 (g) Effective April 1, 2003, the existing county compliance
37 review system shall be suspended to provide to the State
38 Department of Social Services sufficient lead time to provide
39 training and technical assistance to counties for the preparation

1 necessary to transition to the new child and family service review
2 system.

3 (h) Beginning January 1, 2004, the department shall
4 commence individual child and family service reviews of
5 California counties. County child welfare systems that do not
6 meet the established compliance thresholds for the outcome
7 measures that are reviewed shall receive technical assistance
8 from teams made up of state and peer-county administrators to
9 assist with implementing best practices to improve their
10 performance and make progress toward meeting established
11 levels of compliance.

12 (i) (1) *To the extent that funds are appropriated in the annual
13 Budget Act to enable counties to implement approaches to
14 improving their performance on the outcome indicators under
15 this section, the department, in consultation with counties, shall
16 establish a process for allocating the funds to counties.*

17 (2) *The allocation process shall take into account, at a
18 minimum, the extent to which the proposed funding would be
19 used for activities that are reasonably expected to help the
20 county make progress toward the outcome indicators established
21 pursuant to this section, and the extent to which county funding
22 for the Child Abuse, Prevention and Treatment program is
23 aligned with the outcome indicators.*

24 (3) *To the extent possible, a county shall use funds allocated
25 pursuant to this subdivision in a manner that enables the county
26 to access additional federal, state, and local funds from other
27 available sources. However, a county's ability to receive
28 additional matching funds from these sources shall not be a
29 determining factor in the allocation process established pursuant
30 to this subdivision.*

31 (4) *The department shall provide information to the
32 appropriate committees of the Legislature on the process
33 established pursuant to this subdivision for allocating funds to
34 counties.*

35 ~~SEC. 2 Section 10601.3 is added to the Welfare and
36 Institutions Code, to read:~~

37 ~~10601.3. (a) The Child Welfare Services Outcomes and
38 Accountability Incentive Fund is hereby established in the State
39 Treasury. The fund shall consist of funds appropriated by the
40 Legislature in the annual Budget Act. Moneys in the fund shall~~

1 ~~be expended to enable counties to implement approaches to~~
2 ~~improving their performance on the outcome indicators under~~
3 ~~Section 10601.2.~~

4 ~~(b) The State Department of Social Services, in consultation~~
5 ~~with the counties and the Legislature, shall establish a process for~~
6 ~~allocating the moneys in the fund to counties that are not already~~
7 ~~receiving funding through the budget process for implementation~~
8 ~~of program improvements in the 2005–06 Budget Act and, to the~~
9 ~~extent that funding is provided, in subsequent budget acts. The~~
10 ~~allocation process shall take into account, at a minimum, the~~
11 ~~extent to which the proposed funding would be used for activities~~
12 ~~that are reasonably expected to help the county make progress~~
13 ~~toward the outcome indicators established pursuant to Section~~
14 ~~10601.2, and the extent to which county funding for the Child~~
15 ~~Abuse Prevention, Intervention, and Treatment program is~~
16 ~~aligned with the outcome indicators established pursuant to~~
17 ~~Section 10601.2.~~

18 ~~(c) To the extent possible, a county shall use moneys received~~
19 ~~from the fund in a manner that enables the county access~~
20 ~~additional federal, state, and local funds from other available~~
21 ~~sources. However, a county’s ability to receive additional~~
22 ~~matching funds from these sources shall not be a determining~~
23 ~~factor in the allocation process established under this section.~~