

**ASSEMBLY BILL**

**No. 880**

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**Introduced by Assembly Member Cohn**

February 18, 2005

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An act to amend Section 300.2 of, and to add Sections 361.31, 361.32, 361.33, and 361.34 to, the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

AB 880, as introduced, Cohn. Dependent children.

Existing law provides for the placement of dependent children by the juvenile court according to specified procedures.

This bill would specify that when the return of a dependent child to his or her parent is not possible and placement of the child is being considered, the primary purpose of the law with respect to dependent children is to identify family members who may be able to safely care for the child. The bill would also set forth various requirements for the State Department of Social Services to ensure that as many family members of dependent children are identified, including the development of a grant proposal for at least 2 pilot projects to assist family member caregivers, as specified, and the preparation of a report to the Legislature and the Governor on the pilot projects within one year of their implementation. The bill would also require the department to establish an oversight committee, as specified, to monitor, guide, and report on family member care recommendations and implementation activities, specify how the committee shall be comprised, and require the oversight committee to report to the Legislature and the Governor on the status of family member care issues on or before January 1, 2007.

The bill would impose a state-mandated local program by requiring social workers to meet further requirements regarding a dependent child’s case record.

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.

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

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

1 SECTION 1. Section 300.2 of the Welfare and Institutions  
 2 Code is amended to read:  
 3 300.2. (a) Notwithstanding any other provision of law, the  
 4 purpose of the provisions of this chapter relating to dependent  
 5 children is to provide maximum safety and protection for  
 6 children who are currently being physically, sexually, or  
 7 emotionally abused, being neglected, or being exploited, and to  
 8 ensure the safety, protection, and physical and emotional  
 9 well-being of children who are at risk of that harm. This safety,  
 10 protection, and physical and emotional well-being may include  
 11 provision of a full array of social and health services to help the  
 12 child and family and to prevent reabuse of children. The focus  
 13 shall be on the preservation of the family as well as the safety,  
 14 protection, and physical and emotional well-being of the child.  
 15 The provision of a home environment free from the negative  
 16 effects of substance abuse is a necessary condition for the safety,  
 17 protection and physical and emotional well-being of the child.  
 18 Successful participation in a treatment program for substance  
 19 abuse may be considered in evaluating the home environment. In  
 20 addition, the provisions of this chapter ensuring the  
 21 confidentiality of proceedings and records are intended to protect  
 22 the privacy rights of the child.  
 23 (b) *When the return of a dependent child to his or her parent*  
 24 *is not possible and placement of the child is being considered,*

1 *the primary purpose of this chapter is to identify family members*  
2 *who may be able to safely care for the child. To this end, all*  
3 *professionals having interaction with a child who is described in*  
4 *this section shall take steps to identify, contact, and engage*  
5 *family members, as defined in paragraph (2) of subdivision (c) of*  
6 *Section 361.3, who may be potential caretakers or support*  
7 *persons for the child.*

8 SEC. 2. Section 361.31 is added to the Welfare and  
9 Institutions Code, to read:

10 361.31. (a) In order to ensure that as many family members  
11 as possible have been identified so that the requirements of  
12 Section 361.3 can be fully carried out, the following steps shall  
13 be taken:

14 (1) The State Department of Social Services shall plan, design,  
15 and implement strategies to prioritize the placement of children  
16 with willing and able family members when out-of-home  
17 placement is required.

18 (2) These strategies shall include at least the following:

19 (A) Development of standardized, statewide procedures to be  
20 used when searching for family members of children prior to  
21 out-of-home placement. The procedures shall include a  
22 requirement that documentation be maintained in the child's case  
23 record that identifies family members, and documentation that  
24 identifies the assessment criteria and procedures that were  
25 followed during all family member searches. The procedures  
26 shall be used when a child is placed in out-of-home care under  
27 the authority of Section 361, when a petition is filed pursuant to  
28 Section 300, when a child is placed in out-of-home care under  
29 Section 305, or when a child is placed under a voluntary  
30 placement agreement.

31 (B) To assist with implementation of the procedures, the  
32 department shall request that the juvenile court require parents to  
33 disclose to the department all contact information for available  
34 and appropriate family members within two weeks of the date an  
35 order is entered. For placements under signed voluntary  
36 agreements, the department shall encourage the parents to  
37 disclose to the department all contact information for available  
38 and appropriate relatives within two weeks of the date the parent  
39 signs the voluntary placement agreement. Additionally, the  
40 department and the attorney or guardian ad litem for the child

1 shall inquire of children of sufficient age concerning family  
2 members.

3 (3) The department shall develop of procedures for conducting  
4 active outreach efforts to identify and locate family members  
5 during all searches. The procedures shall include at least the  
6 following elements:

7 (A) Reasonable efforts to interview known relatives, friends,  
8 teachers, the child, and other identified community members who  
9 may have knowledge of the child's relatives, within 60 days of  
10 the child entering out-of-home care.

11 (B) Increased use of those procedures determined by research  
12 to be the most effective methods of promoting reunification  
13 efforts, permanency planning, and placement decisions.

14 (C) Contacts with relatives identified through outreach efforts  
15 and interviews under this subdivision as part of the permanency  
16 planning activities and change of placement discussions.

17 (D) Establishment of a process for ongoing contact with  
18 family members who express interest in being considered as a  
19 placement resource for the child.

20 (E) A requirement that when the decision is made to not place  
21 the child with any relative, the department provides  
22 documentation as part of the child's individual service and safety  
23 plan that clearly identifies the rationale for the decision and  
24 corrective action or actions the family member shall take to be  
25 considered as a viable placement option.

26 (F) A requirement that the department take all reasonable steps  
27 immediately to determine paternity issues and that the juvenile  
28 court assist in this determination by making inquiry and  
29 appropriate orders as soon as paternity issues come to the court's  
30 attention. Those reasonable steps shall include prompt paternity  
31 testing of alleged fathers.

32 (b) This section shall also apply to all foster children who are  
33 not residing with relatives.

34 (c) Nothing in this section shall be construed to create an  
35 entitlement to services or to create judicial authority to order the  
36 provision of services to any person or family if the services are  
37 unavailable or unsuitable, or the child or family is not eligible for  
38 those services.

39 SEC. 3. Section 361.32 is added to the Welfare and  
40 Institutions Code, to read:

1 361.32. (a) The State Department of Social Services shall  
2 collaborate with one or more nonprofit community-based  
3 agencies to develop a grant proposal for submission to potential  
4 funding sources, including governmental entities and private  
5 foundations, to establish a minimum of two pilot projects to  
6 assist family member caregivers with understanding and  
7 navigating the system of services for children in out-of-home  
8 care. The proposal shall seek to establish at least one of these  
9 projects in Los Angeles County.

10 (b) The family member care navigators funded through the  
11 proposal shall be responsible for at least the following:

12 (1) Understanding the various state agency systems serving  
13 family member caregivers.

14 (2) Working in partnership with local community service  
15 providers.

16 (3) Tracking trends, concerns, and other factors related to  
17 family member caregivers.

18 (4) Assisting in establishing stable, respectful relationships  
19 between family member caregivers and department staff.

20 (c) Implementation of the family member care navigator pilot  
21 project is contingent upon receipt of the federal or private  
22 funding for that purpose.

23 SEC. 4. Section 361.33 is added to the Welfare and  
24 Institutions Code, to read:

25 361.33. The State Department of Social Services shall report  
26 to the Legislature and the Governor on the implementation of the  
27 family member care navigator pilot projects with  
28 recommendations on statewide implementation of the pilot  
29 projects within one year following implementation of the pilot  
30 projects. The report shall include data that demonstrates whether  
31 the pilot project has reduced actual barriers to access to services,  
32 identify statutory and administrative barriers for the family  
33 members who give care, and recommend ways to reduce or  
34 eliminate the barriers without adverse consequences to children  
35 placed with family members.

36 SEC. 5. Section 361.34 is added to the Welfare and  
37 Institutions Code, to read:

38 361.34. (a) Within existing resources, the State Department  
39 of Social Services shall establish an oversight committee to  
40 monitor, guide, and report on family member care

1 recommendations and implementation activities. The committee  
2 shall do all of the following:

3 (1) Draft a family member care definition that is restricted to  
4 persons related by blood or marriage, including marriages that  
5 have been dissolved, or for a minor defined as an “Indian child”  
6 under the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901  
7 et seq.), the definition of “extended family member” under the  
8 federal Indian Child Welfare Act, together with a set of guiding  
9 principles. If the committee concludes that one or more programs  
10 or services would be more efficiently or effectively delivered  
11 under a different definition of family member, it shall state what  
12 definition is needed, and identify the programs or services in the  
13 report. It shall also provide evidence of how the program or  
14 service will be more efficiently and effectively delivered under  
15 the different definition. The department shall not adopt rules or  
16 policies changing the definition of family member without  
17 authorizing legislation.

18 (2) Monitor the implementation of recommendations  
19 contained in any report on the progress of the pilot projects.

20 (3) Partner with nonprofit organizations and private sector  
21 businesses to guide a public education awareness campaign on  
22 family member care issues.

23 (4) Assist with developing future recommendations on family  
24 member care issues.

25 (b) The oversight committee shall consist of a minimum of 30  
26 percent family member caregivers, who shall represent a  
27 diversity of kinship families, and provide statewide  
28 representation with geographic, ethnic, and gender diversity.  
29 Other members shall include representatives of the department,  
30 representatives of relevant state agencies, representatives of the  
31 private nonprofit and business sectors, child advocates, at least  
32 one representative from the California Youth Connection,  
33 representatives of the California state Indian tribes, as defined  
34 under the federal Indian Welfare Act (25 U.S.C. Sec. 1901 et  
35 seq.), and representatives of the legal or judicial field. Birth  
36 parents, foster parents, and others who have an interest in these  
37 issues may also be included.

38 (c) To the extent funding is available, the department may  
39 reimburse nondepartmental members of the oversight committee

1 for costs incurred in participating in the meetings of the oversight  
2 committee.

3 (d) The family member care oversight committee shall report  
4 to the Legislature and the Governor on the status of family  
5 member care issues on or before January 1, 2007.

6 SEC. 6. If the Commission on State Mandates determines that  
7 this act contains costs mandated by the state, reimbursement to  
8 local agencies and school districts for those costs shall be made  
9 pursuant to Part 7 (commencing with Section 17500) of Division  
10 4 of Title 2 of the Government Code.

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