

AMENDED IN SENATE JUNE 13, 2005

AMENDED IN ASSEMBLY APRIL 20, 2005

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 880

Introduced by Assembly Member Cohn

February 18, 2005

An act to amend Section 300.2 of the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

AB 880, as amended, 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 as possible of dependent children are identified, including drafting guidelines outlining best practices in the use of advanced technology to assist counties in identifying all relatives, ~~nonrelatives~~, and *nonrelative* extended *family* members at the earliest possible time for a foster child *and developing funding estimates, as specified*. The bill would authorize the department to identify best practices for implementing optimal foster child placement opportunities, as reported by designated counties that have developed kinship care programs for that purpose.

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. The Legislature finds and declares as follows:

2 (a) Currently, social workers make the effort to maintain
 3 relationships between the child in foster care and certain
 4 individuals who are important to the child.

5 (b) The Legislature recognizes the right of a child in foster
 6 care to be involved in the development of his or her own case
 7 plan to identify all relatives, extended family members, and
 8 nonrelative extended family members, *and the need* to place the
 9 child in a safe home and to complete any steps necessary to
 10 finalize the permanent placement of the child and his or her
 11 siblings, if any.

12 (c) In California, at least eight counties have voluntarily
 13 initiated programs to provide the vital function of seeking to find
 14 a foster child's relatives and nonrelative extended family
 15 members; using new advances in technology. These proven
 16 search methods can serve to provide family members who may
 17 agree to house children who would otherwise be at risk of foster
 18 care placement. Relative homes offer stability to children in
 19 crisis and enhance family reunification. Outcome data from
 20 Washington and Illinois show that children in the care of
 21 relatives are less likely to enter state custody, and most of these
 22 arrangements do not require intensive supervision of the
 23 placement by the courts or by the department of social services.
 24 *Moreover, results from these states demonstrate that even the*
 25 *most difficult to place foster children have been successfully*
 26 *placed with extended family members by utilizing family finding*
 27 *technologies.*

28 SEC. 2. (a) The State Department of Social Services, in
 29 conjunction with stakeholders, *including, but not limited to, the*
 30 *California Youth Connection and the County Welfare Directors*
 31 *Association*, shall draft guidelines outlining best practices in the
 32 use of advanced technology to assist counties in identifying all
 33 relatives and ~~nonrelatives~~ *nonrelative*, extended family members
 34 at the earliest possible time for a foster child. *The department, in*
 35 *conjunction with stakeholders, shall also develop estimates of the*

1 *funding needed to support family finding technology that*
2 *counties can utilize and develop recommended funding*
3 *strategies, including the use of state master contracts, public and*
4 *private partnerships, and available federal funds.*

5 (b) (1) The State Department of Social Services may identify
6 best practices for ~~implementing~~ *the development of optimal foster*
7 *child placement opportunities, as reported by the counties listed*
8 *in paragraph (2), that are planning, designing, and implementing*
9 *strategies, such as kinship care programs, to prioritize the*
10 *placement of foster children. The creation of public and private*
11 *partnerships is encouraged, and will enhance programs designed*
12 *to quickly identify relatives and nonrelative extended family*
13 *members of children placed in foster care. The purpose of these*
14 *programs is to create a robust component in the spectrum of*
15 *foster care placement options, to be used when out-of-home*
16 *placement is necessary and to secure permanency for a foster*
17 *child and any siblings.*

18 (2) Counties that have developed kinship care programs,
19 whose practices may be considered by the department pursuant to
20 this subdivision, include, *but are not limited to*, all of the
21 following:

- 22 (A) Alameda County.
- 23 (B) Monterey County.
- 24 (C) Orange County.
- 25 (D) Placer County.
- 26 (E) Sacramento County.
- 27 (F) Santa Clara County.
- 28 (G) Stanislaus County.
- 29 (H) San Mateo County.

30 SEC. 3. Section 300.2 of the Welfare and Institutions Code is
31 amended to read:

32 300.2. (a) Notwithstanding any other provision of law, the
33 purpose of the provisions of this chapter relating to dependent
34 children is to provide maximum safety and protection for
35 children who are currently being physically, sexually, or
36 emotionally abused, being neglected, or being exploited, and to
37 ensure the safety, protection, and physical and emotional
38 well-being of children who are at risk of that harm. This safety,
39 protection, and physical and emotional well-being may include
40 provision of a full array of social and health services to help the

1 child and family and to prevent reabuse of children. The focus
2 shall be on the preservation of the family as well as the safety,
3 protection, and physical and emotional well-being of the child.
4 The provision of a home environment free from the negative
5 effects of substance abuse is a necessary condition for the safety,
6 protection, and physical and emotional well-being of the child.
7 Successful participation in a treatment program for substance
8 abuse may be considered in evaluating the home environment. In
9 addition, the provisions of this chapter ensuring the
10 confidentiality of proceedings and records are intended to protect
11 the privacy rights of the child.

12 (b) When the return of a dependent child to his or her parent is
13 not possible and placement of the child is being considered, the
14 primary purpose of this chapter is to identify family members
15 who may be able to safely care for the child. To this end, all
16 professionals having interaction with a child who is described in
17 this section shall take steps to identify, contact, and engage
18 relatives, as defined in paragraph (2) of subdivision (c) of Section
19 361.3, who may be potential caretakers or support persons for the
20 child.