

AMENDED IN SENATE JUNE 21, 2005

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~~ *16500.1* 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. *Existing law requires the state to encourage the development of approaches to child protection that employ specified methods.*

~~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~~ *expand the latter provision by requiring the state to encourage the development of approaches that include ensuring that a search for relatives available for placement is initiated before permanent placement decisions are made for children who cannot be reunited with their families.* 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 and nonrelative extended family members at the earliest possible time for a foster child and developing *a cost benefit analysis* 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.

1 SEC. 2. (a) The State Department of Social Services, in
2 conjunction with stakeholders, including, but not limited to, the
3 California Youth Connection and the County Welfare Directors
4 Association, shall draft guidelines outlining best practices in the
5 use of advanced technology to assist counties in identifying all
6 relatives and nonrelative; extended family members at the earliest
7 possible time for a foster child. The department, in conjunction
8 with stakeholders, shall also develop *a cost benefit analysis*
9 *including* estimates of the funding needed to support family
10 finding technology that counties can utilize and develop
11 recommended funding strategies, including the use of state
12 master contracts, public and private partnerships, and available
13 federal funds.

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

27 (2) Counties that have developed kinship care programs,
28 whose practices may be considered by the department pursuant to
29 this subdivision, include, but are not limited to, all of the
30 following:

- 31 (A) Alameda County.
- 32 (B) Monterey County.
- 33 (C) Orange County.
- 34 (D) Placer County.
- 35 (E) Sacramento County.
- 36 (F) Santa Clara County.
- 37 (G) Stanislaus County.
- 38 (H) San Mateo County.

39 ~~SEC. 3. Section 300.2 of the Welfare and Institutions Code is~~
40 ~~amended to read:~~

1 ~~300.2. (a) Notwithstanding any other provision of law, the~~
2 ~~purpose of the provisions of this chapter relating to dependent~~
3 ~~children is to provide maximum safety and protection for~~
4 ~~children who are currently being physically, sexually, or~~
5 ~~emotionally abused, being neglected, or being exploited, and to~~
6 ~~ensure the safety, protection, and physical and emotional~~
7 ~~well-being of children who are at risk of that harm. This safety,~~
8 ~~protection, and physical and emotional well-being may include~~
9 ~~provision of a full array of social and health services to help the~~
10 ~~child and family and to prevent reabuse of children. The focus~~
11 ~~shall be on the preservation of the family as well as the safety,~~
12 ~~protection, and physical and emotional well-being of the child.~~
13 ~~The provision of a home environment free from the negative~~
14 ~~effects of substance abuse is a necessary condition for the safety,~~
15 ~~protection, and physical and emotional well-being of the child.~~
16 ~~Successful participation in a treatment program for substance~~
17 ~~abuse may be considered in evaluating the home environment. In~~
18 ~~addition, the provisions of this chapter ensuring the~~
19 ~~confidentiality of proceedings and records are intended to protect~~
20 ~~the privacy rights of the child.~~

21 ~~(b) When the return of a dependent child to his or her parent is~~
22 ~~not possible and placement of the child is being considered, the~~
23 ~~primary purpose of this chapter is to identify family members~~
24 ~~who may be able to safely care for the child. To this end, all~~
25 ~~professionals having interaction with a child who is described in~~
26 ~~this section shall take steps to identify, contact, and engage~~
27 ~~relatives, as defined in paragraph (2) of subdivision (c) of Section~~
28 ~~361.3, who may be potential caretakers or support persons for the~~
29 ~~child.~~

30 ~~SEC. 3. Section 16500.1 of the Welfare and Institutions Code~~
31 ~~is amended to read:~~

32 ~~16500.1. (a) It is the intent of the Legislature to use the~~
33 ~~strengths of families and communities to serve the needs of~~
34 ~~children who are alleged to be abused or neglected, as described~~
35 ~~in Section 300, to reduce the necessity for removing these~~
36 ~~children from their home, to encourage speedy reunification of~~
37 ~~families when it can be safely accomplished, to locate permanent~~
38 ~~homes and families *with relatives, as defined in paragraph (2) of*~~
39 ~~*subdivision (c) of Section 361.3, for children who cannot return*~~
40 ~~to their biological families, to reduce the number of placements~~

1 experienced by these children, to ensure that children leaving the
2 foster care system have support within their communities, to
3 improve the quality and homelike nature of out-of-home care,
4 and to foster the educational progress of children in out-of-home
5 care.

6 (b) In order to achieve the goals specified in subdivision (a),
7 the state shall encourage the development of approaches to child
8 protection that do all of the following:

9 (1) Allow children to remain in their own schools, in close
10 proximity to their families.

11 (2) *Ensure that a search for relatives available for placement*
12 *is initiated before permanent placement decisions are made for*
13 *children who are unable to be reunited with their families.*

14 (3) Increase the number and quality of foster families
15 available to serve these children.

16 ~~(3)~~

17 (4) Use a team approach to foster care that permits the
18 biological and foster family to be part of that team.

19 ~~(4)~~

20 (5) Use team decisionmaking in case planning.

21 ~~(5)~~

22 (6) Provide support to foster children and foster families.

23 ~~(6)~~

24 (7) Ensure that licensing requirements do not create barriers to
25 recruitment of qualified, high quality foster homes.

26 ~~(7)~~

27 (8) Provide training for foster parents and professional staff on
28 working effectively with families and communities.

29 ~~(8)~~

30 (9) Encourage foster parents to serve as mentors and role
31 models for biological parents.

32 ~~(9)~~

33 (10) Use community resources, including community-based
34 agencies and volunteer organizations, to assist in developing
35 placements for children and to provide support for children and
36 their families.

37 ~~(10)~~

38 (11) Ensure an appropriate array of placement resources for
39 children in need of out-of-home care.

40 ~~(11)~~

1 (12) Ensure that no child leaves foster care without a life-long
2 connection to a committed adult.

3 (c) In carrying out the requirements of subdivision (b), the
4 department shall do all of the following:

5 (1) Consider the existing array of program models provided in
6 statute and in practice, including, but not limited to, wraparound
7 services, as defined in Section 18251, children's systems of care,
8 as provided for in Section 5852, the Oregon Family Unity or
9 Santa Clara County Family Conference models, which include
10 family conferences at key points in the casework process, such as
11 when out-of-home placement or return home are considered, and
12 the Annie E. Casey Foundation Family to Family initiative,
13 which uses team decisionmaking in case planning,
14 community-based placement practices requiring that children be
15 placed in foster care in the communities where they resided prior
16 to placement, and involve foster families as team members in
17 family reunification efforts.

18 (2) Ensure that emergency response services, family
19 maintenance services, family reunification services, and
20 permanent placement services are coordinated with the
21 implementation of the models described in paragraph (1).

22 (3) Ensure consistency between child welfare services
23 program regulations and the program models described in
24 paragraph (1).

25 (d) The department, in conjunction with stakeholders,
26 including, but not limited to, county child welfare services
27 agencies, foster parent and group home associations, the
28 California Youth Connection, and other child advocacy groups,
29 shall review the existing child welfare services program
30 regulations to ensure that these regulations are consistent with the
31 legislative intent specified in subdivision (a). This review shall
32 also determine how to incorporate the best practice guidelines for
33 assessment of children and families receiving child welfare and
34 foster care services, as required by Section 16501.2.

35 (e) The department shall report to the Legislature on the
36 results of the actions taken under this section on or before
37 January 1, 2002.

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