

Assembly Bill No. 880

Passed the Assembly August 31, 2005

Chief Clerk of the Assembly

Passed the Senate August 29, 2005

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2005, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 16500.1 of the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

AB 880, 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 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, including 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.

The bill would incorporate additional changes to Section 16500.1 of the Welfare and Institutions Code proposed by AB 1412 to be operative only if this bill and AB 1412 are both chaptered and this bill is chaptered last.

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

SECTION 1. The Legislature finds and declares as follows:

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

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

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

SEC. 2. (a) The State Department of Social Services, in conjunction with stakeholders, including, but not limited to, the California Youth Connection, County Welfare Directors Association, and the California Alliance of Child and Family Services shall draft 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. The department, in conjunction with stakeholders, shall also develop a cost benefit analysis, including estimates of the funding needed to support family finding technology that counties can utilize, and develop recommended funding strategies, including the use of state master contracts, public and private partnerships, and available federal funds.

(b) (1) The State Department of Social Services may identify best practices for the development of optimal foster child placement opportunities, as reported by the counties listed in

paragraph (2), that are planning, designing, and implementing strategies, such as kinship care programs, to prioritize the placement of foster children. The creation of public and private partnerships is encouraged, and will enhance programs designed to quickly identify relatives and nonrelative extended family members of children placed in foster care. The purpose of these programs is to create a robust component in the spectrum of foster care placement options, to be used when out-of-home placement is necessary and to secure permanency for a foster child and any siblings.

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

- (A) Alameda County.
- (B) Monterey County.
- (C) Orange County.
- (D) Placer County.
- (E) Sacramento County.
- (F) Santa Clara County.
- (G) Stanislaus County.
- (H) San Mateo County.

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

16500.1. (a) It is the intent of the Legislature to use the strengths of families and communities to serve the needs of children who are alleged to be abused or neglected, as described in Section 300, to reduce the necessity for removing these children from their home, to encourage speedy reunification of families when it can be safely accomplished, to locate permanent homes and families with relatives, as defined in paragraph (2) of subdivision (c) of Section 361.3, for children who cannot return to their biological families, to reduce the number of placements experienced by these children, to ensure that children leaving the foster care system have support within their communities, to improve the quality and homelike nature of out-of-home care, and to foster the educational progress of children in out-of-home care.

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

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

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

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

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

(5) Use team decisionmaking in case planning.

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

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

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

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

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

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

(12) Ensure that no child leaves foster care without a lifelong connection to a committed adult.

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

(1) Consider the existing array of program models provided in statute and in practice, including, but not limited to, wraparound services, as defined in Section 18251, children's systems of care, as provided for in Section 5852, the Oregon Family Unity or Santa Clara County Family Conference models, which include family conferences at key points in the casework process, such as when out-of-home placement or return home is considered, and the Annie E. Casey Foundation Family to Family initiative, which uses team decisionmaking in case planning, community-based placement practices requiring that children be

placed in foster care in the communities where they resided prior to placement, and involve foster families as team members in family reunification efforts.

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

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

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

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

SEC. 4. Section 16500.1 of the Welfare and Institutions Code is amended to read:

16500.1. (a) It is the intent of the Legislature to use the strengths of families and communities to serve the needs of children who are alleged to be abused or neglected, as described in Section 300, to reduce the necessity for removing these children from their home, to encourage speedy reunification of families when it can be safely accomplished, to locate permanent homes and families with relatives, as defined in paragraph (2) of subdivision (c) of Section 361.3, for children who cannot return to their biological families, to reduce the number of placements experienced by these children, to ensure that children leaving the foster care system have support within their communities, to improve the quality and homelike nature of out-of-home care, and to foster the educational progress of children in out-of-home care.

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

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

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

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

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

(5) Use team decisionmaking in case planning.

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

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

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

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

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

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

(12) Ensure that no child leaves foster care without a lifelong connection to a committed adult.

(13) Ensure that children are actively involved in the case plan and permanency planning process.

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

(1) Consider the existing array of program models provided in statute and in practice, including, but not limited to, wraparound services, as defined in Section 18251, children's systems of care, as provided for in Section 5852, the Oregon Family Unity or Santa Clara County Family Conference models, which include family conferences at key points in the casework process, such as when out-of-home placement or return home are considered, and the Annie E. Casey Foundation Family to Family initiative,

which uses team decisionmaking in case planning, community-based placement practices requiring that children be placed in foster care in the communities where they resided prior to placement, and involve foster families as team members in family reunification efforts.

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

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

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

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

SEC. 5. Section 4 of this bill incorporates amendments to Section 16500.1 of the Welfare and Institutions Code proposed by both this bill and AB 1412. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2006, (2) each bill amends Section 16500.1 of the Welfare and Institutions Code, and (3) this bill is enacted after AB 1412, in which case Section 3 of this bill shall not become operative.

Approved _____, 2005

Governor