

ASSEMBLY BILL

No. 2195

Introduced by Assembly Member Bass

February 22, 2006

An act to add Sections 361.45 and 16500.2 to the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2195, as introduced, Bass. Foster caregivers: placement options.

(1) Existing law provides for the placement of dependent children by the juvenile court according to specified procedures. Existing law separately establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

Under existing law, a child who has been taken into temporary custody is detained and an able and willing relative or nonrelative extended family member is available and requests a temporary placement of the child pending the detention hearing, the county welfare department is required to assess the relative's or nonrelative extended family member's suitability, and may place the child in the relative's or nonrelative extended family member's home upon completion of the assessment. Existing law further requires the county welfare department to evaluate and approve or deny the home for AFDC-FC eligibility.

This bill would establish similar procedures for assessment and approval of a relative’s or nonrelative extended family member’s home when the sudden unavailability of a foster caregiver requires a temporary change in placement on an emergency basis for a child who is under the jurisdiction of the juvenile court, including provision for making these placements eligible for payments under the AFDC-FC program.

(2) Existing law requires the State Department of Social Services to establish and support a public system of statewide child welfare services. Existing law declares a preference for placing a child who is removed from the physical custody of his or her parents with a relative who requests that placement.

This bill would require the department to create an informational pamphlet that informs current and potential relative caregivers of the services and programs available to them, including an explanation of the differences and advantages and disadvantages of enrolling in different programs or types of care. The bill would require the information in the pamphlet to be available on the department’s Internet Web site.

(3) By giving county welfare agencies new duties with respect to the placement of dependent children, this bill would impose a state-mandated local program. In addition, by expanding AFDC-FC eligibility, the bill would result in an appropriation.

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: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
 State-mandated local program: yes.

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

- 1 SECTION 1. Section 361.45 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 361.45. (a) Notwithstanding any other provision of law,
- 4 when the sudden unavailability of a foster caregiver requires a

1 change in placement on an emergency basis for a child who is
2 under the jurisdiction of the juvenile court pursuant to Section
3 300, if an able and willing relative, as defined in Section 319, or
4 an able and willing nonrelative extended family member, as
5 defined in Section 362.7, is available and requests temporary
6 placement of the child pending resolution of the emergency
7 situation, the county welfare department shall initiate an
8 assessment of the relative's or nonrelative extended family
9 member's suitability, which shall include an in-home inspection
10 to assess the safety of the home and the ability of the relative or
11 nonrelative extended family member to care for the child's
12 needs, and a consideration of the results of a criminal records
13 check conducted pursuant to Section 16504.5 and a check of
14 allegations of prior child abuse or neglect concerning the relative
15 or nonrelative extended family member and other adults in the
16 home. Upon completion of this assessment, the child may be
17 placed in the assessed home. For purposes of this paragraph, and
18 except for the criminal records check conducted pursuant to
19 Section 16504.5, the standards used to determine suitability shall
20 be the same standards set forth in the regulations for the licensing
21 of foster family homes.

22 (b) Immediately following the placement of a child in the
23 home of a relative or a nonrelative extended family member, the
24 county welfare department shall evaluate and approve or deny
25 the home for purposes of AFDC-FC eligibility pursuant to
26 Section 11402. The standards used to evaluate and grant or deny
27 approval of the home of the relative and of the home of a
28 nonrelative extended family member, as described in Section
29 362.7, shall be the same standards set forth in regulations for the
30 licensing of foster family homes which prescribe standards of
31 safety and sanitation for the physical plant and standards for
32 basic personal care, supervision, and services provided by the
33 caregiver.

34 (c) If a relative or nonrelative extended family member, and
35 other adults in the home, as indicated, meets all other conditions
36 for approval, except for the receipt of the Federal Bureau of
37 Investigation's criminal history information for the relative or
38 nonrelative extended family member, the county welfare
39 department may approve the home and document that approval,
40 if the relative or nonrelative extended family member, and each

1 adult in the home, has signed and submitted a statement that he
2 or she has never been convicted of a crime in the United States,
3 other than a traffic infraction as defined in paragraph (1) of
4 subdivision (a) of Section 42001 of the Vehicle Code. If, after the
5 approval has been granted, the department determines that the
6 relative or nonrelative extended family member or other adult in
7 the home has a criminal record, the approval may be terminated.

8 SEC. 2. Section 16500.2 is added to the Welfare and
9 Institutions Code, to read:

10 16500.2. The department shall create and make available to
11 the public an informational pamphlet to inform current and
12 potential relative caregivers of the services and programs
13 available to them. The pamphlet shall include an explanation of
14 the differences and advantages and disadvantages of enrolling in
15 the different programs or types of care available to relative
16 caregivers. The information provided in the pamphlet shall also
17 be available on the department's Internet Web site.

18 SEC. 3. If the Commission on State Mandates determines that
19 this act contains costs mandated by the state, reimbursement to
20 local agencies and school districts for those costs shall be made
21 pursuant to Part 7 (commencing with Section 17500) of Division
22 4 of Title 2 of the Government Code.