

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2195**

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**Introduced by Assembly Member Bass**

February 22, 2006

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An act to add Sections 361.45 and ~~16500.2~~ 10609.9 to the Welfare and Institutions Code, relating to ~~foster care~~ *dependent children*, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 2195, as amended, 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~~ *convene a workgroup, with specified membership, and to develop a brochure, in consultation with the workgroup, relating to caregiver roles and responsibilities, and the responsibilities of caregivers and other designated entities with respect to caregiver participation under the child welfare system. The bill would provide for the brochure to be distributed to specified persons and entities.*

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

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

1 basic personal care, supervision, and services provided by the  
 2 caregiver.

3 (c) If a relative or nonrelative extended family member, and  
 4 other adults in the home, as indicated, meets all other conditions  
 5 for approval, except for the receipt of the Federal Bureau of  
 6 Investigation’s criminal history information for the relative or  
 7 nonrelative extended family member, the county welfare  
 8 department may approve the home and document that approval,  
 9 if the relative or nonrelative extended family member, and each  
 10 adult in the home, has signed and submitted a statement that he  
 11 or she has never been convicted of a crime in the United States,  
 12 other than a traffic infraction as defined in paragraph (1) of  
 13 subdivision (a) of Section 42001 of the Vehicle Code. If, after the  
 14 approval has been granted, the department determines that the  
 15 relative or nonrelative extended family member or other adult in  
 16 the home has a criminal record, the approval may be terminated.

17 ~~SEC. 2. Section 16500.2 is added to the Welfare and~~  
 18 ~~Institutions Code, to read:~~

19 ~~16500.2. The department shall create and make available to~~  
 20 ~~the public an informational pamphlet to inform current and~~  
 21 ~~potential relative caregivers of the services and programs~~  
 22 ~~available to them. The pamphlet shall include an explanation of~~  
 23 ~~the differences and advantages and disadvantages of enrolling in~~  
 24 ~~the different programs or types of care available to relative~~  
 25 ~~caregivers. The information provided in the pamphlet shall also~~  
 26 ~~be available on the department’s Internet Web site.~~

27 *SEC. 2. Section 10609.9 is added to the Welfare and*  
 28 *Institutions Code, to read:*

29 *10609.9. (a) Not later than July 1, 2007, the State*  
 30 *Department of Social Services shall convene a workgroup that*  
 31 *includes, at a minimum, individuals representing each of the*  
 32 *following stakeholder groups:*

- 33 (1) *Licensed foster parents.*
- 34 (2) *Relative caregivers.*
- 35 (3) *Kinship, foster, and adoptive parents groups.*
- 36 (4) *Foster youth and foster youth advocacy organizations.*
- 37 (5) *County child welfare agencies.*
- 38 (6) *Juvenile dependency courts.*
- 39 (7) *The Judicial council of California.*

1     ***(b) In consultation with the workgroup, the department shall***  
2     ***develop a brochure that summarizes caregiver roles and***  
3     ***responsibilities and the responsibilities of child welfare agencies,***  
4     ***courts, and other system participants with respect to caregiver***  
5     ***participation in the child welfare system.***

6     ***(c) (1) The brochure developed pursuant to this section shall***  
7     ***be written in plain language. The department shall distribute the***  
8     ***brochure to courts and county child welfare agencies for use***  
9     ***with caregivers, social workers, Court-Appointed Special***  
10    ***Advocates (CASAs), service providers, attorneys, and judges.***

11    ***(2) The brochure shall also be distributed at all caregiver***  
12    ***orientation and training activities, shall be posted on the***  
13    ***department's Internet Web site, and shall be made available to***  
14    ***the public upon request.***

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