

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 17, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2195

Introduced by Assembly Member Bass

February 22, 2006

An act to add ~~Sections 361.45 and 10609.9~~ *Section 361.45* to the Welfare and Institutions Code, relating to 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 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)~~

(2) 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
36 basic personal care, supervision, and services provided by the
37 caregiver.

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

15 ~~SEC. 2. Section 10609.9 is added to the Welfare and~~
16 ~~Institutions Code, to read:~~

17 ~~10609.9. (a) Not later than July 1, 2007, the State~~
18 ~~Department of Social Services shall convene a workgroup that~~
19 ~~includes, at a minimum, individuals representing each of the~~
20 ~~following stakeholder groups:~~

21 ~~(1) Licensed foster parents.~~

22 ~~(2) Relative caregivers.~~

23 ~~(3) Kinship, foster, and adoptive parents groups.~~

24 ~~(4) Foster youth and foster youth advocacy organizations.~~

25 ~~(5) County child welfare agencies.~~

26 ~~(6) Juvenile dependency courts.~~

27 ~~(7) The Judicial council of California.~~

28 ~~(b) In consultation with the workgroup, the department shall~~
29 ~~develop a brochure that summarizes caregiver roles and~~
30 ~~responsibilities and the responsibilities of child welfare agencies,~~
31 ~~courts, and other system participants with respect to caregiver~~
32 ~~participation in the child welfare system.~~

33 ~~(c) (1) The brochure developed pursuant to this section shall~~
34 ~~be written in plain language. The department shall distribute the~~
35 ~~brochure to courts and county child welfare agencies for use with~~
36 ~~caregivers, social workers, Court-Appointed Special Advocates~~
37 ~~(CASAs), service providers, attorneys, and judges.~~

38 ~~(2) The brochure shall also be distributed at all caregiver~~
39 ~~orientation and training activities, shall be posted on the~~

1 department's Internet Web site, and shall be made available to
2 the public upon request.

3 ~~SEC. 3.~~

4 *SEC. 2.* If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

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