

**ASSEMBLY BILL**

**No. 2216**

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**Introduced by Assembly Member Bass**

February 22, 2006

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An act to amend Sections 16160, 16161, and 16163 of, and to add Chapter 5.5 (commencing with Section 16540) to Part 4 of Division 9 of, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2216, as introduced, Bass. Child Welfare Leadership and Performance Accountability Act of 2006.

(1) Existing law establishes the Office of the State Foster Care Ombudsperson within the State Department of Social Services, as an autonomous entity within the California Health and Human Services Agency, for the purpose of providing children who are placed in foster care with a means to resolve issues related to their care, placement, or services.

This bill, instead, would establish the foster care ombudsperson as an independent entity within the California Health and Human Services Agency.

(2) Existing law provides for oversight by various state and local entities of certain populations of children, including those who are wards of the juvenile court, and those who are in foster care, or are otherwise under the supervision of county welfare departments. Existing law provides for a system of child welfare services administered by each county, with oversight by the State Department of Social Services.

Existing law also provides for the California Child and Family Service Review System, in order to review all county child welfare

systems, covering child protective services, foster care, adoption, family preservation, family support, and independent living.

This bill, the Child Welfare Leadership and Performance Accountability Act of 2001, would establish the Child Welfare Council, which would advise on the management of the multiple agencies that provide services to children and youth in contact with courts, and the child welfare and foster care systems. The bill would provide for the composition of the council, including as co-chairs the Chief Justice of the California Supreme Court or his or her designee, and the Child Welfare and Foster Care Leader, whose office the bill would also establish and this bill would establish the office of Child Welfare and Foster Care Leader, who would be responsible for the statewide leadership and direct oversight and coordination of child welfare and foster care efforts of state and county agencies. The bill would also give the Child Welfare and Foster Care Leader the responsibility of directing the California Child and Family Service Review System. The Child Welfare and Foster Care Leader would ensure that the state and counties perform various acts in connection with maintaining the quality of child welfare and foster care services, including county self-assessments, peer quality case reviews, and system improvement plans. The bill would establish performance outcome indicators for purposes of the Child Welfare and Family Services Review System, including participation rates, safety outcomes, permanency and stability outcomes, well-being outcomes, and family relationships and community connections.

By imposing new requirements on counties with respect to the operation and evaluation of their child welfare systems, this bill would impose a state-mandated local program.

(3) 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: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: yes.

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

1 SECTION 1. The Legislature finds and declares all of the  
2 following:

3 (a) The State of California undertakes the responsibility of  
4 providing a safe environment and developmental opportunities  
5 for over 85,000 children and youth who have been removed from  
6 their homes and placed in foster care because of instances of  
7 abuse and neglect.

8 (b) According to the California Performance Review report,  
9 although the state is responsible for ensuring that foster children  
10 and youth receive mandated services through several different  
11 departments, California's services to support its foster children's  
12 basic needs is not nearly sufficient to meet all of their needs.  
13 Even though the incidence of emotional, behavioral, and  
14 developmental problems among foster children and youth is three  
15 to six times greater than among nonfoster children, 25 percent of  
16 foster children and youth are not receiving timely medical care,  
17 one-half are not receiving needed mental health services and  
18 one-half are not receiving dental care. Similarly, 75 percent of  
19 foster youth are working below grade level, nearly one-half do  
20 not complete high school, and as few as 15 percent attend  
21 college. Statewide leadership and coordination between  
22 departments and agencies is essential to addressing these dismal  
23 outcomes and providing foster children and youth with critically  
24 needed support and services at the local level.

25 (c) Even if the state successfully decreases the number of  
26 foster children and youth entering the system, the state must  
27 ensure that current foster youth are self-sufficient at the time they  
28 emancipate from the system. The state is currently failing in this  
29 measure. Unemployment rates for emancipated youth are  
30 estimated at 50 percent, nearly one-third of foster children and  
31 youth will become homeless within one year of emancipating,  
32 fewer than 15 percent of foster youth enroll in college, and  
33 approximately one-third of foster youth will be on public  
34 assistance shortly after emancipating.

35 (d) A recent report from the State Department of Social  
36 Services found the indirect costs of child mistreatment and foster  
37 care, such as juvenile delinquency, adult criminality, and lost  
38 productivity to society, total \$95 billion annually. Fiscally sound,

1 long-term investment in the state’s children now should reap  
2 future savings for the state that can be reinvested to keep at-risk  
3 children and families self-sufficient and out of the child welfare  
4 system. Moreover, advocating for more flexible federal funding  
5 of our state’s child welfare system will enable resources to be  
6 used to better support families in need and keep more families  
7 intact.

8 (e) In 2001, the Legislature passed the Child Welfare System  
9 Improvement and Accountability Act of 2001 (Chapter 678 of  
10 the Statutes of 2001), which was an important first step toward  
11 improving outcomes for California’s foster children and youth.  
12 The legislation provided the legal framework for monitoring the  
13 county-run child welfare service programs through data  
14 collection and review of that data, the ultimate goal being to use  
15 the data to improve outcomes for the children and youth in foster  
16 care. The first county reviews and improvement plans were  
17 implemented in 2004.

18 (f) In addition to providing services to foster youth, the state’s  
19 Child Welfare Redesign final report stressed the importance of  
20 providing preventative supports to those families who come in  
21 contact with child welfare services but whose children are not  
22 removed from the home. The goal of these supports is to provide  
23 families the tools to prevent a child’s removal. This effort results  
24 in stronger families and decreased foster care placements.  
25 However, successful implementation of preventative services,  
26 like foster care, requires a coordinated oversight among many  
27 agencies, programs, and services.

28 (g) Despite this improved oversight and vision for  
29 improvement, the child welfare system, including the state, the  
30 counties, and the courts, suffers from the lack of a cohesive  
31 structure, state leadership, and communication between agencies  
32 serving foster children and youth. In 2003, the Little Hoover  
33 Commission found that clear leadership and oversight is lacking  
34 in California’s foster care program and recommended the  
35 designation of new program leader that has the authority to  
36 reform the foster care system. Most recently, the California  
37 Performance Review report decried this lack of cohesion and  
38 similarly concluded that state leadership is needed to repair a  
39 foster care system in crisis. The bipartisan national Pew  
40 Commission on Foster Care in a report issued last year

1 recommended states establish broad-based commissions on  
2 children in foster care to demonstrate effective collaboration on  
3 behalf of children.

4 (h) Creating a comprehensive structure for statewide  
5 leadership to address the needs of children in the child welfare  
6 system will support and improve the important reform work  
7 enacted through the Child Welfare System Improvement and  
8 Accountability Act of 2001 by providing clarity about the roles  
9 and responsibilities of the state, improving quality assurance and  
10 accountability, and facilitating communication between the many  
11 stakeholders involved in the child welfare system. Most  
12 importantly, these changes will help ensure that California is able  
13 to meet the needs of the children and youth in its care.

14 (i) An independent and impartial ombudsperson that is readily  
15 available to the public is essential to protecting the well-being of  
16 children, youth, and families.

17 SEC. 2. This act shall be known and may be cited as the  
18 Child Welfare Leadership and Performance Accountability Act  
19 of 2006.

20 SEC. 3. Section 16160 of the Welfare and Institutions Code is  
21 amended to read:

22 16160. The Legislature finds and declares that the people of  
23 California have benefited from the establishment of a long-term  
24 care ombudsperson pursuant to Section 9710 of the Welfare and  
25 Institutions Code and a child care ombudsperson program  
26 pursuant to Section 1596.872a of the Health and Safety Code. It  
27 is the intent of the Legislature to provide similar protections for  
28 foster children by establishing a foster care ombudsperson  
29 program ~~within the State Department of Social Services~~. *It is the*  
30 *further intent of the Legislature that the foster care*  
31 *ombudsperson serve as an independent state officer within the*  
32 *California Health and Human Services Agency.*

33 SEC. 4. Section 16161 of the Welfare and Institutions Code is  
34 amended to read:

35 16161. The Office of the State Foster Care Ombudsperson  
36 shall be established as an autonomous entity within the  
37 department *California Health and Human Services Agency* for  
38 the purpose of providing children who are placed in foster care,  
39 either voluntarily or pursuant to Section 300 and Sections 600

1 and following, with a means to resolve issues related to their  
2 care, placement, or services.

3 SEC. 5. Section 16163 of the Welfare and Institutions Code is  
4 amended to read:

5 16163. The ~~department~~ *office* shall hire the necessary  
6 personnel to perform ~~the its functions of the office~~. Priority shall  
7 be given to former foster youth in hiring decisions.

8 SEC. 6. Chapter 5.5 (commencing with Section 16540) is  
9 added to Part 4 of Division 9 of the Welfare and Institutions  
10 Code, to read:

11  
12 CHAPTER 5.5. CHILD WELFARE LEADERSHIP AND  
13 PERFORMANCE ACCOUNTABILITY

14  
15 Article 1. Child Welfare Council

16  
17 16540. There is hereby created the Child Welfare Council  
18 responsible for collaboratively advising on the management of  
19 multiagencies providing services to children and youth in contact  
20 with the courts and child welfare and foster care systems with  
21 respect to the following:

22 (a) Ensuring that all state child welfare, foster care and judicial  
23 funding and services for children, youth, and families is, to the  
24 greatest extent possible, coordinated to eliminate fragmentation  
25 and duplication of services provided to children or families who  
26 would benefit from integrated multiagency services.

27 (b) Increasing the quality, appropriateness, and effectiveness  
28 of services delivered to children, youth, and families who would  
29 benefit from integrated multiagency services to achieve better  
30 outcomes for these children, youth, and families.

31 (c) Promoting consistent program excellence across counties  
32 to the greatest extent possible while recognizing the  
33 demographic, geographic, and financial differences among the  
34 counties.

35 (d) Increasing collaboration and coordination between county  
36 agencies, state agencies, federal agencies, and the courts.

37 (e) Reporting annually to the Governor, the Legislature, and  
38 the public, regarding the child welfare and foster care issues and  
39 recommendations.

1 (f) Assisting the Child Welfare and Foster Care Leader and the  
2 chief justice in formulating policies for the effective  
3 administration of the child welfare and foster care programs and  
4 judicial processes.

5 (g) Providing recommendations to the Governor and the  
6 Legislature regarding the modification of practices, rate  
7 structures, and other system changes needed to promote and  
8 support relative caregivers, family foster parents, therapeutic  
9 placements, and other placements for children who cannot  
10 remain in the family home.

11 (h) The development of data and information sharing  
12 agreements and protocols for the exchange of aggregate data  
13 across systems that are providing services to children and  
14 families in the child welfare system. These data-sharing  
15 agreements shall allow child welfare agencies and the courts to  
16 access data concerning the health, mental health, special  
17 education, and educational status and progress of children served  
18 by county child welfare systems subject to state and federal  
19 confidentiality laws and regulations. They shall be developed in  
20 tandem with the establishment of judicial case management  
21 systems as well as additional or enhanced performance measures  
22 described in paragraph (2) of subdivision (e) of, and subdivision  
23 (f) of, Section 16561.

24 16541. The council shall be comprised of the following  
25 members:

26 (a) The Child Welfare and Foster Care Leader, who shall serve  
27 as cochair.

28 (b) The Chief Justice of the California Supreme Court, or his  
29 or her designee, who shall serve as cochair.

30 (c) Leaders and representatives of all of the following:

31 (1) State and county child welfare.

32 (2) Foster care.

33 (3) Health, education, and mental health agencies and  
34 departments.

35 (4) Child advocacy organizations.

36 (5) Current and former foster youth, labor.

37 (6) Other groups and stakeholders who provide benefits,  
38 services, and advocacy to families and children in the child  
39 welfare and foster care systems.

1 16542. At any time, the council may advise the Governor, the  
 2 Legislature, the Child Welfare and Foster Care Leader, or the  
 3 Chief Justice of the California Supreme Court regarding actions  
 4 the state may take to improve the care and services for children,  
 5 youth, and families in the child welfare and foster care systems.

6  
 7 Article 2. Child Welfare and Foster Care Leader  
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9 16550. There shall be a Child Welfare and Foster Care  
 10 Leader, who shall be the state leader for child welfare and foster  
 11 care programs and shall have the authority to coordinate those  
 12 activities of state and local departments and agencies that provide  
 13 for the needs of children, youth, and families in child welfare and  
 14 foster care programs.

15 16551. The Child Welfare and Foster Care Leader shall be  
 16 responsible for the statewide leadership and direct oversight and  
 17 coordination of child welfare and foster care efforts of state and  
 18 county agencies.

19  
 20 Article 3. Performance Outcome Indicators and Data  
 21

22 16560. The Child Welfare and Foster Care Leader shall be  
 23 responsible for directing the California Child and Family Service  
 24 Review System developed pursuant to subdivision (d) of Section  
 25 10601.2 and for ensuring all of the following:

26 (a) The establishment of the California Child and Family  
 27 Service Review System outcome indicators developed pursuant  
 28 to subdivision (d) of Section 10601.2.

29 (b) That the State Department of Social Services issues  
 30 quarterly outcome and data reports to county child welfare  
 31 agencies that specify the data for each of the established federal  
 32 and state outcome measures.

33 (c) That each county child welfare agency submits a county  
 34 self-assessment of its child welfare service program for the time  
 35 period and in the format specified by the Child Welfare and  
 36 Foster Care Leader.

37 (d) That each county child welfare agency performs a peer  
 38 quality case review for a period and in the format as designated  
 39 by the Child Welfare and Foster Care Leader that, includes

1 specified areas of performance improvement and a qualitative  
2 evaluation by state and other county child welfare agencies staff.

3 (e) That each county child welfare agency submits a county  
4 system improvement plan annually in the format as designated by  
5 the Child Welfare and Foster Care Leader.

6 (f) That the department monitors all activities required under  
7 this section and provides guidance and technical assistance to the  
8 county child welfare agencies.

9 (g) That the state is meeting the outcome targets established in  
10 the performance improvement plan submitted pursuant to the  
11 federal Child and Family Services Review.

12 16561. The performance outcome indicators and data  
13 required for the review in Section 16560 shall include:

14 (a) Child welfare services participation rates, including the  
15 following:

16 (1) Number of children under 18 years of age in the  
17 population.

18 (2) Number and percentage of child abuse or neglect referrals.

19 (3) Number and percentage of children with substantiated  
20 referrals.

21 (4) Number and percentage of children entering foster care for  
22 the first time.

23 (5) Number and percentage of children in foster care.

24 (b) Safety outcomes, including the following:

25 (1) The percentage of all children with a substantiated  
26 allegation who had another substantiated allegation within six  
27 months.

28 (2) The percentage of all children with a substantiated  
29 allegation who had another substantiated allegation within 12  
30 months.

31 (3) The percentage of children in foster care who are abused or  
32 neglected while in a foster care placement.

33 (4) The percentage of children who remained at home after a  
34 substantiated referral who had another substantiated referral  
35 within 12 months.

36 (5) The percentage of children who were the subject of a  
37 referral who had an in-person interview with a caseworker within  
38 24 hours.

39 (6) The percentage of children in foster care who received at  
40 least a monthly visit from their caseworker.

1 (c) Permanency and stability outcomes, including the  
2 following:

3 (1) The percentage of all children who were reunified from  
4 child welfare supervised foster care who had been in care for less  
5 than 12 months.

6 (2) The percentage of children adopted from foster care who  
7 were in care for less than 24 months.

8 (3) The percentage of children in foster care for less than 12  
9 months who have been in no more than two placements.

10 (4) The percentage of children who have been in care for 12  
11 months who had no more than two placements.

12 (5) The percentage of children entering care who were  
13 reentering within 12 months of a previous exit from care.

14 (6) The percentage of children entering care and were  
15 reunified with their parents who then reentered care within 12  
16 months of reunification.

17 (d) Family relationships and community connections,  
18 including the following:

19 (1) The percentage of all children in child welfare supervised  
20 foster care who were placed with some or all of their siblings.

21 (2) The percentage of children entering care who were in  
22 kinship, foster, foster family agency (FFA), group, and other  
23 placements.

24 (3) The percentage of children identified as American Indian  
25 who were placed with relatives, nonrelative Indian, and  
26 nonrelative non-Indian families.

27 (e) Well-being outcomes, including the following:

28 (1) Number of children ages 16 through 20 years of age in  
29 foster care who are receiving Independent Living Services and  
30 received a high school diploma, enrolled in college, are receiving  
31 vocational training, or are employed.

32 (2) The Child Welfare and Foster Care Leader shall convene  
33 the workgroup established in paragraph (1) of subdivision (c) of  
34 Section 10601.2 to develop additional outcomes to measure  
35 youth transition to self-sufficient adulthood, rate of out of county  
36 placements, self-sufficiency skills training provided to youth,  
37 foster youth in the juvenile justice system, foster youth who  
38 become parents, school stability, school attendance, school  
39 performance, children's physical, developmental and mental  
40 health status and needs, the provision of services necessary to

1 achieve adequate physical, developmental and mental health,  
2 housing, participation in extracurricular and child-appropriate  
3 activities, and other relevant outcomes for the well-being of  
4 children and youth emancipating out of the foster care system.  
5 The outcomes shall be established by April 1, 2008.

6 (f) Any other measures that the Child Welfare and Foster Care  
7 Leader may develop that support the federal outcomes and any  
8 program improvement plan, and promote good health, mental  
9 health, behavioral, educational, and other relevant outcomes for  
10 children, youth, and families in California's child welfare system.

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