

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 19, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

**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 amended, 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~~

~~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 2006, would establish within the California Health and Human Services Agency the *California* Child Welfare Council, an advisory body that would be responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems. The bill would provide for the composition of the council, including as cochairs the Chief Justice of the California Supreme Court or his or her designee, and the ~~Child Welfare and Foster Care Undersecretary, whose office the bill would also establish and 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 Undersecretary the responsibility of directing the California Child and Family Service Review System.~~ The ~~Child Welfare and Foster Care Undersecretary~~ 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 *Secretary of California Health and Human Services*. The bill would ~~establish~~ *require the secretary to ensure that current federal and state level outcome measures, among other information, are posted on the State Department of Social Service's Internet Web site.*

*This bill would also require the council to develop additional 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 as specified.*

This bill would require the Judicial Council to adopt ~~performance~~ *outcome* measures consistent with the ~~performance~~ *outcome* indicators specified above, by April 1, 2008.

~~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-no*.~~

*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.

1 (c) Even if the state successfully decreases the number of  
2 foster children and youth entering the system, the state must  
3 ensure that current foster youth are self-sufficient at the time they  
4 emancipate from the system. The state is currently failing in this  
5 measure. Unemployment rates for emancipated youth are  
6 estimated at 50 percent, nearly one-third of foster children and  
7 youth will become homeless within one year of emancipating,  
8 fewer than 15 percent of foster youth enroll in college, and  
9 approximately one-third of foster youth will be on public  
10 assistance shortly after emancipating.

11 (d) A recent report from the State Department of Social  
12 Services found the indirect costs of child mistreatment and foster  
13 care, such as juvenile delinquency, adult criminality, and lost  
14 productivity to society, total \$95 billion annually. Fiscally sound,  
15 long-term investment in the state's children now should reap  
16 future savings for the state that can be reinvested to keep at-risk  
17 children and families self-sufficient and out of the child welfare  
18 system. Moreover, advocating for more flexible federal funding  
19 of our state's child welfare system will enable resources to be  
20 used to better support families in need and keep more families  
21 intact.

22 (e) In 2001, the Legislature passed the Child Welfare System  
23 Improvement and Accountability Act of 2001 (Chapter 678 of  
24 the Statutes of 2001), which was an important first step toward  
25 improving outcomes for California's foster children and youth.  
26 The legislation provided the legal framework for monitoring the  
27 county-run child welfare service programs through data  
28 collection and review of that data, the ultimate goal being to use  
29 the data to improve outcomes for the children and youth in foster  
30 care. The first county reviews and improvement plans were  
31 implemented in 2004.

32 (f) In addition to providing services to foster youth, the state's  
33 Child Welfare Redesign final report stressed the importance of  
34 providing preventative supports to those families who come in  
35 contact with child welfare services but whose children are not  
36 removed from the home. The goal of these supports is to provide  
37 families the tools to prevent a child's removal. This effort results  
38 in stronger families and decreased foster care placements.  
39 However, successful implementation of preventative services,

1 like foster care, requires a coordinated oversight among many  
2 agencies, programs, and services.

3 (g) Despite this improved oversight and vision for  
4 improvement, the child welfare system, including the state, the  
5 counties, and the courts, suffers from the lack of a cohesive  
6 structure, state leadership, and communication between agencies  
7 serving foster children and youth. In 2003, the Little Hoover  
8 Commission found that clear leadership and oversight is lacking  
9 in California's foster care program and recommended the  
10 designation of ~~new program undersecretary~~ *a new program*  
11 *leader* that has the authority to reform the foster care system.  
12 Most recently, the California Performance Review report decried  
13 this lack of cohesion and similarly concluded that state leadership  
14 is needed to repair a foster care system in crisis. The bipartisan  
15 national Pew Commission on Foster Care in a report issued last  
16 year recommended states establish broad-based commissions on  
17 children in foster care to demonstrate effective collaboration on  
18 behalf of children.

19 (h) Creating a comprehensive structure for statewide  
20 leadership to address the needs of children in the child welfare  
21 system will support and improve the important reform work  
22 enacted through the Child Welfare System Improvement and  
23 Accountability Act of 2001 by providing clarity about the roles  
24 and responsibilities of the state, improving quality assurance and  
25 accountability, and facilitating communication between the many  
26 stakeholders involved in the child welfare system. Most  
27 importantly, these changes will help ensure that California is able  
28 to meet the needs of the children and youth in its care.

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

32 SEC. 2. This act shall be known and may be cited as the  
33 Child Welfare Leadership and Performance Accountability Act  
34 of 2006.

35 ~~SEC. 3. Section 16160 of the Welfare and Institutions Code is~~  
36 ~~amended to read:~~

37 ~~16160. The Legislature finds and declares that the people of~~  
38 ~~California have benefited from the establishment of a long-term~~  
39 ~~care ombudsperson pursuant to Section 9710 of the Welfare and~~  
40 ~~Institutions Code and a child care ombudsperson program~~

1 pursuant to Section 1596.872a of the Health and Safety Code. It  
2 is the intent of the Legislature to provide similar protections for  
3 foster children by establishing a foster care ombudsperson  
4 program. It is the further intent of the Legislature that the foster  
5 care ombudsperson serve as an independent state officer within  
6 the California Health and Human Services Agency.

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

9 16161. (a) The Office of the State Foster Care  
10 Ombudsperson shall be established as an autonomous entity  
11 within the department California Health and Human Services  
12 Agency for the purpose of providing children who are placed in  
13 foster care, either voluntarily or pursuant to Section 300 and  
14 Sections 600 and following, with a means to resolve issues  
15 related to their care, placement, or services.

16 (b) It is the intent of the Legislature to strengthen the  
17 independence of the ombudsman and make it more responsive to  
18 youth by doing all of the following:

19 (1) Establishing an independent ombudsman budget that  
20 includes staff salaries, investigation and travel expenses, and  
21 outreach to educate the public about its services.

22 (2) Increasing the hours of availability of ombudsman services  
23 to include evenings, weekends, and other times that will facilitate  
24 youth utilizing the ombudsman services.

25 (3) Revising civil service hiring procedures to encourage and  
26 retain former foster youth as ombudsman staff members.

27 (4) Authorizing the ombudsman to identify areas of agency  
28 partial compliance or noncompliance with state and federal law,  
29 and permitting the documentation of deficiencies in program  
30 administration.

31 (5) Authorizing written reports and recommending corrective  
32 actions directly to the public, Governor, Legislature, and Judicial  
33 Council.

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

36 16163. The office shall hire the necessary personnel to  
37 perform its functions. Priority shall be given to former foster  
38 youth in hiring decisions.

1 ~~SEC. 6.~~

2 *SEC. 3.* Chapter 5.5 (commencing with Section 16540) is  
3 added to Part 4 of Division 9 of the Welfare and Institutions  
4 Code, to read:

5

6 CHAPTER 5.5. CHILD WELFARE LEADERSHIP AND  
7 PERFORMANCE ACCOUNTABILITY

8

9 ~~Article 1. Child Welfare Council~~

10

11 16540. The California Child Welfare Council is hereby  
12 established, which shall serve as an advisory body responsible  
13 for improving the collaboration and processes of the multiple  
14 agencies and the courts that serve the children and youth in the  
15 child welfare and foster care systems. The council shall monitor  
16 and report the extent to which child welfare and foster care  
17 programs and the courts are responsive to the needs of children in  
18 their joint care. The council shall issue advisory reports  
19 whenever it deems appropriate, but in any event, no less  
20 frequently than annually, to the Governor, the Legislature, the  
21 Judicial Council and the public. A report of the Child Welfare  
22 Council shall, at a minimum, include recommendations for all of  
23 the following:

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

29 (b) Increasing the quality, appropriateness, and effectiveness  
30 of program services and judicial processes delivered to children,  
31 youth, and families who would benefit from integrated  
32 multiagency services to achieve better outcomes for these  
33 children, youth, and families.

34 (c) Promoting consistent program and judicial excellence  
35 across counties to the greatest extent possible while recognizing  
36 the demographic, geographic, and financial differences among  
37 the counties.

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

1 (e) Ensuring that all state Title IV-E plans, program  
2 improvement plans, and court improvement plans demonstrate  
3 effective collaboration between public agencies and the courts.

4 (f) ~~Assisting the Child Welfare and Foster Care~~  
5 ~~Undersecretary~~ *Secretary of California Health and Human*  
6 *Services* and the chief justice in formulating policies for the  
7 effective administration of the child welfare and foster care  
8 programs and judicial processes.

9 (g) Modifying program practices and court processes, rate  
10 structures, and other system changes needed to promote and  
11 support relative caregivers, family foster parents, therapeutic  
12 placements, and other placements for children who cannot  
13 remain in the family home.

14 (h) Developing data and information sharing agreements and  
15 protocols for the exchange of aggregate data across program and  
16 court systems that are providing services to children and families  
17 in the child welfare system. These data-sharing agreements shall  
18 allow child welfare agencies and the courts to access data  
19 concerning the health, mental health, special education, and  
20 educational status and progress of children served by county  
21 child welfare systems subject to state and federal confidentiality  
22 laws and regulations. They shall be developed in tandem with the  
23 establishment of judicial case management systems as well as  
24 additional or enhanced performance measures described in  
25 ~~paragraph (2) of subdivision (e) of, and subdivision (f) of,~~  
26 ~~Section 16561. subdivision (b) of Section 16544.~~

27 (i) Developing systematic methods for obtaining policy  
28 recommendations from foster youth about the effectiveness and  
29 quality of program services and judicial processes, and ensuring  
30 that the interests of foster youth are adequately addressed in all  
31 policy development.

32 (j) Implementing legislative enactments in the child welfare  
33 and foster care programs and the courts, and reporting to the  
34 Legislature on the timeliness and consistency of the  
35 implementation.

36 (k) Monitoring the adequacy of resources necessary for the  
37 implementation of existing programs and court processes, and the  
38 prioritization of program and judicial responsibilities.

39 (l) *Strengthening and increasing the independence and*  
40 *authority of the foster care ombudsperson.*

1 (m) *Coordinating available services for former foster youth*  
2 *and improving outreach efforts to those youth and their families.*

3 16541. The council shall be comprised of the following  
4 members:

5 (a) ~~The Child Welfare and Foster Care Undersecretary~~  
6 *Secretary of California Health and Human Services*, who shall  
7 serve as cochair.

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

10 (c) The Superintendent of Public Instruction, or his or her  
11 designee.

12 (d) The Chancellor of the California Community Colleges, or  
13 his or her designee.

14 (e) The executive director of the State Board of Education.

15 (f) The Director of Social Services.

16 (g) The Director of Health Services.

17 (h) The Director of Mental Health.

18 (i) The Director of Alcohol and Drug Programs.

19 (j) The Director of Developmental Services.

20 (k) The Director of the Youth Authority.

21 (l) The Administrative Director of the Courts.

22 (m) The State Foster Care Ombudsperson.

23 (n) A representative and three youth members of the  
24 California Youth Connection.

25 (o) The chairpersons of the Assembly Human Services  
26 Committee and the Assembly Judiciary Committee, or two other  
27 Members of the Assembly as appointed by the Speaker of the  
28 Assembly.

29 (p) The chairpersons of the Senate Human Services  
30 Committee and the Senate Judiciary Committee, or two other  
31 members appointed by the President pro Tempore of the Senate.

32 (q) Leaders and representatives of county child welfare, foster  
33 care, health, education, and mental health agencies and  
34 departments, child advocacy organizations; labor organizations,  
35 and other groups and stakeholders that provide benefits, services,  
36 and advocacy to families and children in the child welfare and  
37 foster care systems, as recommended by representatives of these  
38 groups and as designated by the cochairs.

39 16541.5. The council shall meet no less frequently than each  
40 quarter of the state fiscal year and at the call of the cochairs at a

1 time and location convenient to the public as it may deem  
2 appropriate. All meetings of the council shall be open to the  
3 public. Members shall serve without compensation, with the  
4 exception of foster youth members who shall be entitled to  
5 reimbursement for all actual and necessary expenses incurred in  
6 the performance of their duties.

7 16542. The cochairs may appoint committees composed of  
8 council members, experts in specialized fields, foster youth,  
9 program stakeholders, state and county child welfare and foster  
10 care staff, child advocacy organizations, members of the  
11 judiciary, foster care public health nurses, or any combination  
12 thereof, to advise the council on any functions of the council and  
13 the services provided through the child welfare and foster care  
14 programs and the courts. Members of these committees shall  
15 receive no compensation from the state for their services with the  
16 exception of foster youth members, who shall be entitled to  
17 reimbursement for all actual and necessary expenses incurred in  
18 the performance of their duties. The committees may assemble  
19 information and make recommendations to the council, but shall  
20 not exercise any of the powers vested in the council. The council  
21 may seek input from groups and individuals as it deems  
22 appropriate including, but not limited to, advisory committees,  
23 the judiciary and child welfare and foster care program  
24 stakeholders.

25 16543. Consistent with state and federal law, the council shall  
26 have access to aggregate data and information concerning the  
27 child welfare and foster care systems held by any state or local  
28 department, agency, or court that serves children, youth, and  
29 families receiving child welfare and foster care services subject  
30 to state and federal confidentiality laws and regulations.

31  
32 ~~Article 2. Child Welfare and Foster Care Undersecretary~~

33  
34 ~~16550. There shall be a Child Welfare and Foster Care~~  
35 ~~Undersecretary within the California Health and Human Services~~  
36 ~~Agency and under the direction of the secretary. He or she shall~~  
37 ~~be appointed by the Governor and confirmed by the Senate. In~~  
38 ~~making the appointment, the Governor shall consider training,~~  
39 ~~demonstrated ability, experience, and prior leadership in child~~  
40 ~~welfare and foster care. His or her salary shall be established~~

1 pursuant to law. The undersecretary shall be the state leader for  
2 child welfare and foster care programs and shall exercise the  
3 authority to coordinate those activities of state departments and  
4 agencies and to facilitate the collaborations with the courts and  
5 other constitutional officers that provide for the needs of  
6 children, youth, and families in child welfare and foster care  
7 programs. The undersecretary shall also be responsible for  
8 considering and implementing, where appropriate, the  
9 recommendations of the California Child Welfare Council. It is  
10 the intent of the Legislature that the undersecretary exercise  
11 leadership through the directorate of the State Department of  
12 Social Services and the other departments within the California  
13 Health and Human Services Agency that relate to child welfare  
14 and foster care issues.

15 16551. The Child Welfare and Foster Care Undersecretary  
16 shall be responsible for the direct oversight and coordination of  
17 child welfare and foster care efforts across state agencies  
18 including, but not limited to, the following:

19 (a) Administering all federal and state laws and regulations  
20 pertaining to the administration of child welfare and foster care  
21 programs.

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

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

31 (d) Ensuring that legislative enactments in the child welfare  
32 and foster care programs are implemented in a consistent and  
33 timely manner.

34 (e) Analyzing county performance outcome data to identify  
35 common problems, common barriers to improvement, and  
36 emerging best practices.

37 (f) Performing periodic system-wide needs assessments.

Article 3. Performance Outcome Indicators and Data

~~16560. The Child Welfare and Foster Care Undersecretary shall be responsible for overseeing the California Child and Family Service Review System developed pursuant to subdivision (d) of Section 10601.2 and for ensuring all of the following:~~

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

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

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

~~(d) That each county child welfare agency performs a peer quality case review for a period and in the format as designated by the Child Welfare and Foster Care Undersecretary that includes specified areas of performance improvement and a qualitative evaluation by state and other county child welfare agencies staff.~~

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

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

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

~~16561.~~

~~16544. (a) The Child Welfare and Foster Care Undersecretary *secretary* shall ensure that all of the federal Child and Family Services Review outcome measures and all of the California Child and Family Service Review System outcome indicators, along with any performance goals and federal outcome standards, are clearly posted on the State Department of~~

1 Social Service’s Internet Web site. Before any of the federal  
2 goals or any of the California Child and Family Service Review  
3 System outcome indicators are added, deleted, or amended, the  
4 ~~Child Welfare Foster Care Undersecretary~~ *secretary* shall consult  
5 with the Child Welfare Council and ensure that there has been a  
6 public process for the submission of comments and  
7 recommendations.

8 (b) ~~The Child Welfare and Foster Care Undersecretary shall~~  
9 ~~convene the workgroup established in paragraph (1) of~~  
10 ~~subdivision (e) of Section 10601.2 to California Child Welfare~~  
11 ~~Council shall~~ develop additional outcomes to measure youth  
12 transition to self-sufficient adulthood, rate of out-of-county  
13 placements, self-sufficiency skills training provided to youth,  
14 foster youth in the juvenile justice system, foster youth who  
15 become parents, school stability, school attendance, school  
16 performance, children’s physical, developmental, and mental  
17 health status and needs, the provision of services necessary to  
18 achieve adequate physical, developmental, and mental health,  
19 housing, participation in extracurricular and child-appropriate  
20 activities, and other relevant outcomes for the well-being of  
21 children and youth emancipating out of the foster care system.  
22 The outcomes shall be established by April 1, 2008.

23 ~~16562.~~

24 ~~16545.~~ By April 1, 2008, the Judicial Council shall adopt,  
25 through rules of court, performance measures designed to  
26 complement and promote those measures specified in subdivision  
27 (a) of Section ~~16561~~ *16544* so that courts are able to measure  
28 their performance and track their own progress in improving  
29 safety, permanency, timeliness, and well-being of children and to  
30 inform decisions about the allocation of court resources. In  
31 adopting performance measures, the Judicial Council shall  
32 consult with the council, ~~the Child Welfare and Foster Care~~  
33 ~~Undersecretary, and the workgroup convened pursuant to~~  
34 ~~subdivision (b) of Section 16561 and the secretary.~~ The  
35 performance measures shall be based on data that is available  
36 from current or planned data collection processes and to the  
37 greatest extent possible, shall ensure uniformity of data reporting.

38 ~~SEC. 7. If the Commission on State Mandates determines that~~  
39 ~~this act contains costs mandated by the state, reimbursement to~~  
40 ~~local agencies and school districts for those costs shall be made~~

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O