

AMENDED IN SENATE JUNE 19, 2006

AMENDED IN ASSEMBLY MAY 26, 2006

AMENDED IN ASSEMBLY APRIL 19, 2006

CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2216

Introduced by Assembly Member ~~Bass~~ Members *Bass and Maze*
(Coauthor: Senator Alquist)

February 22, 2006

An act 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.

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 Secretary of California Health and Human Services. The bill would 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.

The bill would state the Legislature's intent to inspect other state child welfare and foster care systems over the course of the 2007–08 Legislative Session, for the purpose of examining effective administrative structures of leadership, and to conduct hearings and review recommendations of other commissions and bodies to determine if a reconfigured administrative structure would provide the statewide leadership and coordination between departments and agencies essential to improving outcomes for current and former foster children and youth throughout the state.

This bill would also require the council to develop additional performance outcome indicators for purposes of the Child Welfare and Family Services Review System, as specified.

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

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: 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

1 and youth receive mandated services through several different
2 departments, California's services to support its foster children's
3 basic needs is not nearly sufficient to meet all of their needs.
4 Even though the incidence of emotional, behavioral, and
5 developmental problems among foster children and youth is three
6 to six times greater than among nonfoster children, 25 percent of
7 foster children and youth are not receiving timely medical care,
8 one-half are not receiving needed mental health services and
9 one-half are not receiving dental care. Similarly, 75 percent of
10 foster youth are working below grade level, nearly one-half do
11 not complete high school, and as few as 15 percent attend
12 college. Statewide leadership and coordination between
13 departments and agencies is essential to addressing these dismal
14 outcomes and providing foster children and youth with critically
15 needed support and services at the local level.

16 (c) Even if the state successfully decreases the number of
17 foster children and youth entering the system, the state must
18 ensure that current foster youth are self-sufficient at the time they
19 emancipate from the system. The state is currently failing in this
20 measure. Unemployment rates for emancipated youth are
21 estimated at 50 percent, nearly one-third of foster children and
22 youth will become homeless within one year of emancipating,
23 fewer than 15 percent of foster youth enroll in college, and
24 approximately one-third of foster youth will be on public
25 assistance shortly after emancipating.

26 (d) A recent report from the State Department of Social
27 Services found the indirect costs of child mistreatment and foster
28 care, such as juvenile delinquency, adult criminality, and lost
29 productivity to society, total \$95 billion annually. Fiscally sound,
30 long-term investment in the state's children now should reap
31 future savings for the state that can be reinvested to keep at-risk
32 children and families self-sufficient and out of the child welfare
33 system. Moreover, advocating for more flexible federal funding
34 of our state's child welfare system will enable resources to be
35 used to better support families in need and keep more families
36 intact.

37 (e) In 2001, the Legislature passed the Child Welfare System
38 Improvement and Accountability Act of 2001 (Chapter 678 of
39 the Statutes of 2001), which was an important first step toward
40 improving outcomes for California's foster children and youth.

1 The legislation provided the legal framework for monitoring the
2 county-run child welfare service programs through data
3 collection and review of that data, the ultimate goal being to use
4 the data to improve outcomes for the children and youth in foster
5 care. The first county reviews and improvement plans were
6 implemented in 2004.

7 (f) In addition to providing services to foster youth, the state's
8 Child Welfare Redesign final report stressed the importance of
9 providing preventative supports to those families who come in
10 contact with child welfare services but whose children are not
11 removed from the home. The goal of these supports is to provide
12 families the tools to prevent a child's removal. This effort results
13 in stronger families and decreased foster care placements.
14 However, successful implementation of preventative services,
15 like foster care, requires a coordinated oversight among many
16 agencies, programs, and services.

17 (g) Despite this improved oversight and vision for
18 improvement, the child welfare system, including the state, the
19 counties, and the courts, suffers from the lack of a cohesive
20 structure, state leadership, and communication between agencies
21 serving foster children and youth. In 2003, the Little Hoover
22 Commission found that clear leadership and oversight is lacking
23 in California's foster care program and recommended the
24 designation of a new program leader that has the authority to
25 reform the foster care system. Most recently, the California
26 Performance Review report decried this lack of cohesion and
27 similarly concluded that state leadership is needed to repair a
28 foster care system in crisis. The bipartisan national Pew
29 Commission on Foster Care in a report issued last year
30 recommended states establish broad-based commissions on
31 children in foster care to demonstrate effective collaboration on
32 behalf of children.

33 (h) Creating a comprehensive structure for statewide
34 leadership to address the needs of children in the child welfare
35 system will support and improve the important reform work
36 enacted through the Child Welfare System Improvement and
37 Accountability Act of 2001 by providing clarity about the roles
38 and responsibilities of the state, improving quality assurance and
39 accountability, and facilitating communication between the many
40 stakeholders involved in the child welfare system. Most

1 importantly, these changes will help ensure that California is able
2 to meet the needs of the children and youth in its care.

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

6 SEC. 2. This act shall be known and may be cited as the
7 Child Welfare Leadership and Performance Accountability Act
8 of 2006.

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

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

15
16 Article

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

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

36 (b) Increasing the quality, appropriateness, and effectiveness
37 of program services and judicial processes delivered to children,
38 youth, and families who would benefit from integrated
39 multiagency services to achieve better outcomes for these
40 children, youth, and families.

1 (c) Promoting consistent program and judicial excellence
2 across counties to the greatest extent possible while recognizing
3 the demographic, geographic, and financial differences among
4 the counties.

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

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

10 (f) Assisting the Secretary of California Health and Human
11 Services and the chief justice in formulating policies for the
12 effective administration of the child welfare and foster care
13 programs and judicial processes.

14 (g) Modifying program practices and court processes, rate
15 structures, and other system changes needed to promote and
16 support relative caregivers, family foster parents, therapeutic
17 placements, and other placements for children who cannot
18 remain in the family home.

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

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

36 (j) Implementing legislative enactments in the child welfare
37 and foster care programs and the courts, and reporting to the
38 Legislature on the timeliness and consistency of the
39 implementation.

- 1 (k) Monitoring the adequacy of resources necessary for the
2 implementation of existing programs and court processes, and the
3 prioritization of program and judicial responsibilities.
- 4 (l) Strengthening and increasing the independence and
5 authority of the foster care ombudsperson.
- 6 (m) Coordinating available services for former foster youth
7 and improving outreach efforts to those youth and their families.
- 8 16541. The council shall be comprised of the following
9 members:
- 10 (a) The Secretary of California Health and Human Services,
11 who shall serve as cochair.
- 12 (b) The Chief Justice of the California Supreme Court, or his
13 or her designee, who shall serve as cochair.
- 14 (c) The Superintendent of Public Instruction, or his or her
15 designee.
- 16 (d) The Chancellor of the California Community Colleges, or
17 his or her designee.
- 18 (e) The executive director of the State Board of Education.
- 19 (f) The Director of Social Services.
- 20 (g) The Director of Health Services.
- 21 (h) The Director of Mental Health.
- 22 (i) The Director of Alcohol and Drug Programs.
- 23 (j) The Director of Developmental Services.
- 24 (k) The Director of the Youth Authority.
- 25 (l) The Administrative Director of the Courts.
- 26 (m) The State Foster Care Ombudsperson.
- 27 ~~(n) A representative and three youth members of the~~
28 ~~California Youth Connection.~~
- 29 (n) *Four foster youth or former foster youth.*
- 30 (o) The chairpersons of the Assembly Human Services
31 Committee and the Assembly Judiciary Committee, or two other
32 Members of the Assembly as appointed by the Speaker of the
33 Assembly.
- 34 (p) The chairpersons of the Senate Human Services
35 Committee and the Senate Judiciary Committee, or two other
36 members appointed by the President pro Tempore of the Senate.
- 37 (q) Leaders and representatives of county child welfare, foster
38 care, health, education, and mental health agencies and
39 departments, child advocacy organizations; labor organizations,
40 *recognized professional associations that represent child welfare*

1 *and foster care social workers;* and other groups and
2 stakeholders that provide benefits, services, and advocacy to
3 families and children in the child welfare and foster care systems,
4 as recommended by representatives of these groups and as
5 designated by the cochairs.

6 16541.5. The council shall meet no less frequently than each
7 quarter of the state fiscal year and at the call of the cochairs at a
8 time and location convenient to the public as it may deem
9 appropriate. All meetings of the council shall be open to the
10 public. Members shall serve without compensation, with the
11 exception of foster youth members who shall be entitled to
12 reimbursement for all actual and necessary expenses incurred in
13 the performance of their duties.

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

32 16543. Consistent with state and federal law, the council shall
33 have access to aggregate data and information concerning the
34 child welfare and foster care systems held by any state or local
35 department, agency, or court that serves children, youth, and
36 families receiving child welfare and foster care services subject
37 to state and federal confidentiality laws and regulations.

38 *16543.5. It is the intent of the Legislature to inspect other*
39 *state child welfare and foster care systems over the course of the*
40 *2007–08 Legislative Session, for the purpose of examining*

1 *effective administrative structures of leadership. It is further the*
2 *intent of the Legislature to conduct legislative hearings through*
3 *the Assembly Select Committee on Foster Care, and other*
4 *standing committees, and to review reports and*
5 *recommendations of other commissions and bodies, including the*
6 *California Blue Ribbon Commission on Foster Care and the*
7 *Little Hoover Commission, to determine if a reconfigured*
8 *administrative structure would provide statewide leadership and*
9 *coordination between departments and agencies, which are*
10 *essential to improving outcomes for current and former foster*
11 *children and youth throughout the state.*

12 16544. (a) The secretary shall ensure that all of the federal
13 Child and Family Services Review outcome measures and all of
14 the California Child and Family Service Review System outcome
15 indicators, along with any performance goals and federal
16 outcome standards, are clearly posted on the State Department of
17 Social Service’s Internet Web site. Before any of the federal
18 goals or any of the California Child and Family Service Review
19 System outcome indicators are added, deleted, or amended, the
20 secretary shall consult with the Child Welfare Council and ensure
21 that there has been a public process for the submission of
22 comments and recommendations.

23 (b) The California Child Welfare Council shall develop
24 additional outcomes to measure youth transition to self-sufficient
25 adulthood, ~~rate of out-of-county placements, self-sufficiency~~
26 ~~skills training provided to youth, foster youth in the juvenile~~
27 ~~justice system, foster youth who become parents, school stability,~~
28 ~~school attendance, school performance, children’s physical,~~
29 ~~developmental, and mental health status and needs, the provision~~
30 ~~of services necessary to achieve adequate physical,~~
31 ~~developmental, and mental health, housing, participation in~~
32 ~~extracurricular and child-appropriate activities ; educational~~
33 ~~stability, performance and attainment, physical and mental~~
34 ~~health status, maintenance of family and community connections,~~
35 ~~self-sufficiency skills, involvement in the criminal justice system,~~
36 ~~housing, and other relevant outcomes for the well-being of~~
37 ~~children and youth emancipating out of the foster care system,~~
38 and other relevant outcomes for the well-being of children and
39 youth emancipating out of the foster care system. The outcomes
40 shall be established by April 1, 2008.

1 16545. By April 1, 2008, the Judicial Council shall adopt,
2 through rules of court, performance measures designed to
3 complement and promote those measures specified in subdivision
4 (a) of Section 16544 so that courts are able to measure their
5 performance and track their own progress in improving safety,
6 permanency, timeliness, and well-being of children and to inform
7 decisions about the allocation of court resources. In adopting
8 performance measures, the Judicial Council shall consult with the
9 council, and the secretary. The performance measures shall be
10 based on data that is available from current or planned data
11 collection processes and to the greatest extent possible, shall
12 ensure uniformity of data reporting.

O