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CALIFORNIA LEGISLATURE—2005—06 REGULAR SESSION

ASSEMBLY BILL

No. 2216

Introduced by Assembly 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, established by the Child Welfare System Improvement and Accountability Act of 2001, in order to review all county child welfare systems, covering child protective services, foster care, adoption, family preservation, family support, and independent living. Under the act, the California Health and Human Services Agency established a workgroup, comprised of representatives of specified entities and organizations, to establish a work plan by which to conduct these reviews.

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.

~~This bill would also require the Secretary of California Health and Human Services to reconvene the workgroup established under the act to develop additional performance outcome indicators for purposes of the Child Welfare and Family Services Review System, as specified. This bill would require the workgroup to become a committee of the council, as specified.~~

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 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
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.

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

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

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

32 (g) Despite this improved oversight and vision for
33 improvement, the child welfare system, including the state, the
34 counties, and the courts, suffers from the lack of a cohesive
35 structure, state leadership, and communication between agencies
36 serving foster children and youth. In 2003, the Little Hoover
37 Commission found that clear leadership and oversight is lacking
38 in California's foster care program and recommended the
39 designation of a new program leader that has the authority to
40 reform the foster care system. Most recently, the California

1 Performance Review report decried this lack of cohesion and
2 similarly concluded that state leadership is needed to repair a
3 foster care system in crisis. The bipartisan national Pew
4 Commission on Foster Care in a report issued last year
5 recommended states establish broad-based commissions on
6 children in foster care to demonstrate effective collaboration on
7 behalf of children.

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

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

21 SEC. 2. This act shall be known and may be cited as the
22 Child Welfare Leadership and Performance Accountability Act
23 of 2006.

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

27
28 CHAPTER 5.5. CHILD WELFARE LEADERSHIP AND
29 PERFORMANCE ACCOUNTABILITY
30

31 16540. The California Child Welfare Council is hereby
32 established, which shall serve as an advisory body responsible
33 for improving the collaboration and processes of the multiple
34 agencies and the courts that serve the children and youth in the
35 child welfare and foster care systems. The council shall monitor
36 and report the extent to which child welfare and foster care
37 programs and the courts are responsive to the needs of children in
38 their joint care. The council shall issue advisory reports
39 whenever it deems appropriate, but in any event, no less
40 frequently than annually, to the Governor, the Legislature, the

1 Judicial Council and the public. A report of the Child Welfare
2 Council shall, at a minimum, include recommendations for all of
3 the following:

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

9 (b) Increasing the quality, appropriateness, and effectiveness
10 of program services and judicial processes delivered to children,
11 youth, and families who would benefit from integrated
12 multiagency services to achieve better outcomes for these
13 children, youth, and families.

14 (c) Promoting consistent program and judicial excellence
15 across counties to the greatest extent possible while recognizing
16 the demographic, geographic, and financial differences among
17 the counties.

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

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

23 (f) Assisting the Secretary of California Health and Human
24 Services and the chief justice in formulating policies for the
25 effective administration of the child welfare and foster care
26 programs and judicial processes.

27 (g) Modifying program practices and court processes, rate
28 structures, and other system changes needed to promote and
29 support relative caregivers, family foster parents, therapeutic
30 placements, and other placements for children who cannot
31 remain in the family home.

32 (h) Developing data and information sharing agreements and
33 protocols for the exchange of aggregate data across program and
34 court systems that are providing services to children and families
35 in the child welfare system. These data-sharing agreements shall
36 allow child welfare agencies and the courts to access data
37 concerning the health, mental health, special education, and
38 educational status and progress of children served by county
39 child welfare systems subject to state and federal confidentiality
40 laws and regulations. They shall be developed in tandem with the

1 establishment of judicial case management systems as well as
2 additional or enhanced performance measures described in
3 subdivision (b) of Section 16544.

4 (i) Developing systematic methods for obtaining policy
5 recommendations from foster youth about the effectiveness and
6 quality of program services and judicial processes, and ensuring
7 that the interests of foster youth are adequately addressed in all
8 policy development.

9 (j) Implementing legislative enactments in the child welfare
10 and foster care programs and the courts, and reporting to the
11 Legislature on the timeliness and consistency of the
12 implementation.

13 (k) Monitoring the adequacy of resources necessary for the
14 implementation of existing programs and court processes, and the
15 prioritization of program and judicial responsibilities.

16 (l) Strengthening and increasing the independence and
17 authority of the foster care ombudsperson.

18 (m) Coordinating available services for former foster youth
19 and improving outreach efforts to those youth and their families.

20 16541. The council shall be comprised of the following
21 members:

22 (a) The Secretary of California Health and Human Services,
23 who shall serve as cochair.

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

26 (c) The Superintendent of Public Instruction, or his or her
27 designee.

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

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

31 (f) The Director of Social Services.

32 (g) The Director of Health Services.

33 (h) The Director of Mental Health.

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

35 (j) The Director of Developmental Services.

36 (k) The Director of the Youth Authority.

37 (l) The Administrative Director of the Courts.

38 (m) The State Foster Care Ombudsperson.

39 (n) Four foster youth or former foster youth.

1 (o) The chairpersons of the Assembly Human Services
2 Committee and the Assembly Judiciary Committee, or two other
3 Members of the Assembly as appointed by the Speaker of the
4 Assembly.

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

8 (q) Leaders and representatives of county child welfare, foster
9 care, health, education, probation, and mental health agencies
10 and departments, child advocacy organizations; labor
11 organizations, recognized professional associations that represent
12 child welfare and foster care social workers, tribal
13 representatives, and other groups and stakeholders that provide
14 benefits, services, and advocacy to families and children in the
15 child welfare and foster care systems, as recommended by
16 representatives of these groups and as designated by the cochairs.

17 16541.5. The council shall meet no less frequently than each
18 quarter of the state fiscal year and at the call of the cochairs at a
19 time and location convenient to the public as it may deem
20 appropriate. All meetings of the council shall be open to the
21 public. Members shall serve without compensation, with the
22 exception of foster youth members who shall be entitled to
23 reimbursement for all actual and necessary expenses incurred in
24 the performance of their duties.

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

1 the judiciary and child welfare and foster care program
2 stakeholders.

3 16543. Consistent with state and federal law, the council shall
4 have access to aggregate data and information concerning the
5 child welfare and foster care systems held by any state or local
6 department, agency, or court that serves children, youth, and
7 families receiving child welfare and foster care services subject
8 to state and federal confidentiality laws and regulations.

9 16543.5. It is the intent of the Legislature to inspect other
10 state child welfare and foster care systems over the course of the
11 2007–08 Legislative Session, for the purpose of examining
12 effective administrative structures of leadership. It is further the
13 intent of the Legislature to conduct legislative hearings through
14 the Assembly Select Committee on Foster Care, and other
15 standing committees, and to review reports and recommendations
16 of other commissions and bodies, including the California Blue
17 Ribbon Commission on Foster Care and the Little Hoover
18 Commission, to determine if a reconfigured administrative
19 structure would provide statewide leadership and coordination
20 between departments and agencies, which are essential to
21 improving outcomes for current and former foster children and
22 youth throughout the state.

23 16544. ~~(a)~~—The secretary shall ensure that all of the federal
24 Child and Family Services Review outcome measures and all of
25 the California Child and Family Service Review System outcome
26 indicators, along with any performance goals and federal
27 outcome standards, are clearly posted on the State Department of
28 Social Service’s Internet Web site. Before any of the federal
29 goals or any of the California Child and Family Service Review
30 System outcome indicators are added, deleted, or amended, the
31 secretary shall consult with the Child Welfare Council and ensure
32 that there has been a public process for the submission of
33 comments and recommendations.

34 ~~(b)~~—The secretary shall immediately reconvene the workgroup
35 established pursuant to paragraph (1) of subdivision (c) of
36 Section 10601.2 to develop additional outcomes to measure
37 youth transition to self-sufficient adulthood; educational stability;
38 performance and attainment, physical and mental health status,
39 maintenance of family and community connections,
40 self-sufficiency skills, involvement in the criminal justice system;

1 housing, and other relevant outcomes for the well-being of
2 children and youth emancipating out of the foster care system.
3 The workgroup may prioritize the order in which these additional
4 outcomes may be developed. After the California Child Welfare
5 Council has been established, the workgroup shall become a
6 committee of the council pursuant to Section 16542. The
7 outcomes shall be established by April 1, 2008.

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