

AMENDED IN ASSEMBLY APRIL 28, 2011

AMENDED IN ASSEMBLY APRIL 14, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1015

Introduced by Assembly Member Charles Calderon

February 18, 2011

An act to ~~add Section 202.1 to~~ *amend Section 10601.2 of the Welfare and Institutions Code*, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1015, as amended, Charles Calderon. Child welfare services: ~~county task force.~~ *California Child and Family Service Review System.*

~~Existing law provides for child welfare services, which are public social services directed toward, among other purposes, protecting and promoting the welfare of all children, including those in foster care placement.~~

~~This bill would require each county to convene a task force by January 1, 2013, to identify and implement operational improvements in the administration of child welfare services. The bill would require the task force to, by January 1, 2014, submit a report to the county board of supervisors identifying and listing proposed operational improvements, would require the county to hold a public hearing within 30 days, and would require an annual report to the board and the public on the status of implementation efforts. By establishing these additional duties, this bill would impose a state-mandated local program.~~

Under existing law, the State Department of Social Services oversees the administration of county public social services, including child welfare services. Existing law requires the department to establish the

California Child and Family Service Review System, in order to review all county child welfare systems. Existing law requires the department to report to the Assembly and Senate Budget Committees and appropriate legislative policy committees regarding the department's progress relating to federal and state child and family service reviews.

This bill would, in relation to these reviews, require each county to consult with specified stakeholders in developing the county self-assessments and county improvement plans, or similar reports required by any subsequent changes to the system. This bill would also require the county improvement plans to include a separately titled provision that lists and provides the rationale for proposed operational improvements that may be implemented at a cost savings to the county or within existing resources. By increasing duties of county officials, this bill would impose a state-mandated local program. This bill would also make technical, nonsubstantive changes to these provisions.

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. Section 10601.2 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 10601.2. (a) The State Department of Social Services shall
- 4 establish, by April 1, 2003, the California Child and Family Service
- 5 Review System, in order to review all county child welfare systems.
- 6 These reviews shall cover child protective services, foster care,
- 7 adoption, family preservation, family support, and independent
- 8 living.
- 9 (b) Child and family service reviews shall maximize compliance
- 10 with the federal regulations for the receipt of money from Subtitle
- 11 E (commencing with Section 470) of Title IV of the federal Social
- 12 Security Act (42 U.S.C. Sec. 670 and following) *et seq.*) and ensure
- 13 compliance with state plan requirements set forth in Subtitle B

(commencing with Section 421) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 621 ~~and following~~) *et seq.*).

(c) (1) (A) By October 1, 2002, the California Health and Human Services Agency shall convene a workgroup comprised of representatives of the Judicial Council, the State Department of Social Services, the State Department of Health Care Services, the State Department of Mental Health, the State Department of Education, the Department of Child Support Services, the ~~State~~ Department of Justice, any other state departments or agencies the California Health and Human Services Agency deems necessary, the County Welfare Directors Association, the California State Association of Counties, the Chief Probation Officers of California, the California Youth Connection, and representatives of California tribes, interested child advocacy organizations, researchers, and foster parent organizations. The workgroup shall establish a workplan by which child and family service reviews shall be conducted pursuant to this section, including a process for qualitative peer reviews of case information.

(2)

(B) At a minimum, in establishing the workplan, the workgroup shall consider any existing federal program improvement plans entered into by the state pursuant to federal regulations, the outcome indicators to be measured, compliance thresholds for each indicator, timelines for implementation, county review cycles, uniform processes, procedures and review instruments to be used, a corrective action process, and any funding or staffing increases needed to implement the requirements of this section. The agency shall broadly consider collaboration with all entities to allow the adequate exchange of information and coordination of efforts to improve outcomes for foster youth and families.

(2) *In developing the county self-assessments and county improvement plans required pursuant to this section, or similar reports required by any subsequent changes to the California Child and Family Service Review System, each county shall consult with stakeholders, including, but not limited to, county child welfare agencies and probation agency staff at all levels, current and former foster children, children's attorneys, and foster care providers. The county shall consult with at least one county child welfare worker named by the bargaining unit representing children's social workers.*

(d) (1) The California Child and Family Service Review System outcome indicators shall be consistent with the federal child and family service review measures and standards for child and family outcomes and system factors authorized by Subtitle B (commencing with Section 421) and Subtitle E (commencing with Section 470) of Title IV of the federal Social Security Act and the regulations adopted pursuant to those provisions (Parts 1355 to 1357, inclusive, of Title 45 of the Code of Federal Regulations).

(2) During the first review cycle pursuant to this section, each county shall be reviewed according to the outcome indicators established for the California Child and Family Service Review System.

(3) For subsequent reviews, the workgroup shall consider whether to establish additional outcome indicators that support the federal outcomes and any program improvement plan, and promote good health, mental health, behavioral, educational, and other relevant outcomes for children and families in California's child welfare services system.

(4) *The county improvement plans developed pursuant to this section that are approved by the county board of supervisors shall include a separately titled provision that lists and provides the rationale for proposed operational improvements identified during the stakeholder process described in paragraph (2) of subdivision (c) that may be implemented at a cost savings to the county or within existing county resources.*

(e) The State Department of Social Services shall identify and promote the replication of best practices in child welfare service delivery to achieve the measurable outcomes established pursuant to subdivision (d).

(f) ~~The~~ *Notwithstanding Section 10231.5 of the Government Code, the State Department of Social Services shall provide information to the Assembly Committee on Budget and the Senate Budget Committee's Committee on Budget and Fiscal Review and appropriate legislative policy committees annually, beginning with the 2002–03 fiscal year, on all of the following:*

(1) The department's progress in planning for the federal child and family service review to be conducted by the United States Department of Health and Human Services and, upon completion of the federal review, the findings of that review, the state's

1 response to the findings, and the details of any program
2 improvement plan entered into by the state.

3 (2) The department's progress in implementing the California
4 child and family service reviews, including, but not limited to, the
5 timelines for implementation, the process to be used, and any
6 funding or staffing increases needed at the state or local level to
7 implement the requirements of this section.

8 (3) The findings and recommendations for child welfare system
9 improvements identified in county self-assessments and county
10 system improvement plans, including information on common
11 statutory, regulatory, or fiscal barriers identified as inhibiting
12 system improvements, any recommendations to overcome those
13 barriers, and, as applicable, information regarding the allocation
14 and use of the moneys provided to counties pursuant to subdivision
15 (i).

16 (g) Effective April 1, 2003, the existing county compliance
17 review system shall be suspended to provide to the State
18 Department of Social Services sufficient lead time to provide
19 training and technical assistance to counties for the preparation
20 necessary to transition to the new child and family service review
21 system.

22 (h) Beginning January 1, 2004, the department shall commence
23 individual child and family service reviews of California counties.
24 County child welfare systems that do not meet the established
25 compliance thresholds for the outcome measures that are reviewed
26 shall receive technical assistance from teams made up of state and
27 peer-county administrators to assist with implementing best
28 practices to improve their performance and make progress toward
29 meeting established levels of compliance.

30 (i) (1) To the extent that funds are appropriated in the annual
31 Budget Act to enable counties to implement approaches to
32 improving their performance on the outcome indicators under this
33 section, the department, in consultation with counties, shall
34 establish a process for allocating the funds to counties.

35 (2) The allocation process shall take into account, at a minimum,
36 the extent to which the proposed funding would be used for
37 activities that are reasonably expected to help the county make
38 progress toward the outcome indicators established pursuant to
39 this section, and the extent to which county funding for the Child

1 Abuse, Prevention and Treatment program is aligned with the
2 outcome indicators.

3 (3) To the extent possible, a county shall use funds allocated
4 pursuant to this subdivision in a manner that enables the county
5 to access additional federal, state, and local funds from other
6 available sources. However, a county's ability to receive additional
7 matching funds from these sources shall not be a determining factor
8 in the allocation process established pursuant to this subdivision.

9 (4) The department shall provide information to the appropriate
10 committees of the Legislature on the process established pursuant
11 to this subdivision for allocating funds to counties.

12 ~~SECTION 1. Section 202.1 is added to the Welfare and~~
13 ~~Institutions Code, to read:~~

14 ~~202.1. (a) By January 1, 2013, each county shall convene a~~
15 ~~task force to identify and implement operational improvements in~~
16 ~~the administration of child welfare services.~~

17 ~~(b) The task force members shall not be paid by the county or~~
18 ~~the state and shall not be reimbursed by the county or the state for~~
19 ~~their services, except that those task force members who are county~~
20 ~~employees may serve on the task force as a part of their county~~
21 ~~employment and be paid accordingly.~~

22 ~~(c) The task force shall, at a minimum, consist of a~~
23 ~~representative appointed by the bargaining unit representing~~
24 ~~children's social workers, a representative of the county director~~
25 ~~of welfare, a representative of the board of supervisors of the~~
26 ~~county, a representative appointed by the law firm that represents~~
27 ~~foster children in the county, and a former foster youth residing~~
28 ~~in the county.~~

29 ~~(d) By January 1, 2014, the task force shall submit to the board~~
30 ~~for approval a report, at a minimum, identifying and listing~~
31 ~~proposed operational improvements which may be implemented~~
32 ~~at a cost savings to the county or within existing resources. The~~
33 ~~report shall include, but shall not be limited to, dates for full~~
34 ~~implementation of the proposals. Within 30 days of receiving the~~
35 ~~report, the county shall conduct a public hearing regarding the~~
36 ~~report. This subdivision does not limit the discretion of the task~~
37 ~~force or the county to identify and implement any reform or policy~~
38 ~~otherwise permitted by law, as the county or task force may, in its~~
39 ~~discretion, deem appropriate.~~

1 ~~(e) Either the representative of the county director of welfare,~~
2 ~~the representative of the board of supervisors, or the law firm~~
3 ~~representative shall annually report to the board and the public as~~
4 ~~to whether the improvements have been implemented and, if not,~~
5 ~~the status of the implementation efforts, and the reasons for the~~
6 ~~lack of full implementation.~~

7 ~~(f) This section may be implemented as part of the county's~~
8 ~~obligations pursuant to Section 10601.2, if the requirements of~~
9 ~~this section are met. This section does not prevent a county from~~
10 ~~convening a task force or issuing a report pursuant to this section~~
11 ~~covering more than one county, if the requirements of this section~~
12 ~~are met.~~

13 SEC. 2. If the Commission on State Mandates determines that
14 this act contains costs mandated by the state, reimbursement to
15 local agencies and school districts for those costs shall be made
16 pursuant to Part 7 (commencing with Section 17500) of Division
17 4 of Title 2 of the Government Code.