

AMENDED IN ASSEMBLY APRIL 18, 2012

AMENDED IN ASSEMBLY MARCH 29, 2012

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1611

Introduced by Assembly Member Beall

(Principal coauthor: Senator Alquist)

(Coauthors: Assembly Members Fong and Lara)

(Coauthor: Senator Padilla)

February 7, 2012

An act to amend Section 10601.2 of, and to add Section 10605.1 to, the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1611, as amended, Beall. Child welfare: racial and ethnic disparities.

Under existing law, the state, through the State Department of Social Services and county welfare departments, is required to establish and support a public system of statewide child welfare services for the protection of children. Existing law requires the department to establish the California Child and Family Service Review System to review all county child welfare systems. Existing law requires the California Health and Human Services Agency to convene a workgroup, as specified, to establish a workplan by which child and family service reviews shall be conducted. Existing law requires the workgroup to consider, among other things, measurable outcome indicators. Existing law requires the department to identify and promote the replication of best practices in child welfare service delivery to achieve these outcomes. Existing law

requires the department to provide prescribed information to legislative committees relating to child welfare system improvements, as specified.

This bill would require the workgroup described above to examine outcome indicators for each racial and ethnic population served within a county. This bill would require a county to address in its self-assessment and system improvement plan, among other things, its efforts to eliminate disparities in services and outcomes for children of color in, and to provide adequate and culturally appropriate services within, its child welfare system. This bill would require the department to identify and promote best practices for increasing cultural competency in the provision of services and eliminating inequities in service delivery to racial and ethnic communities. This bill would authorize the director of the department to take various actions if he or she determines *a county* substantially failed to comply with the requirements of its system improvement plan, as specified. This bill would require the department to report prescribed information to the Legislature by January 1, 2015.

By requiring counties to address additional matters in its self-assessment and system improvement plan, this bill would impose a state-mandated local program.

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 the following:
- 2 (a) It is the intent of the Legislature to eliminate racial and ethnic
- 3 disproportionality in the child welfare system that is a result of the
- 4 unnecessary and avoidable removal of children from their families
- 5 and the failure to equitably serve all communities of color,
- 6 particularly the Latino community.
- 7 (b) Latinos make up nearly 38 percent of the population of the
- 8 state, but comprise over one-half of the overall child welfare
- 9 caseload. Specifically, disproportionality exists in certain counties

1 with a large Latino population. For example, in Santa Clara County,
2 nearly 64 percent of the foster care population is Latino, while the
3 Latino population in the county is around 25 percent. Furthermore,
4 despite the fact that more than one-half of the children served in
5 the state are Latino, Latinos have been omitted from recent state
6 projects and initiatives on disproportionality and improving foster
7 care outcomes, including from the California Disproportionality
8 Project and California Partners for Permanency, a five-year pilot
9 project to reduce long-term foster care.

10 (c) Black children represent almost 6 percent of the state's
11 population of children and youth, but represent roughly 25 percent
12 percent of the population in care in the child welfare system. When
13 controlling for poverty, Black children enter the system at
14 approximately the same rate as White children, but remain in the
15 system at a rate that is almost one and a one-half times the rate of
16 White children.

17 (d) Although there are variations by geographic area and across
18 communities of color, children and youth from ~~non-white~~
19 *non-White* racial and ethnic communities, overall, enter the child
20 welfare system at a higher rate, are represented in the system at a
21 higher percentage, and remain in the system longer than their White
22 counterparts.

23 (e) Statistical disparities of children and youth of color in the
24 child welfare system may be a result of numerous complex and
25 interdependent factors, including poverty, classism, racism, limited
26 cultural competence and diversity among staff and service
27 providers, agency policies, and systemic practices, and limited
28 access to services and resources, including prevention, family
29 support, and mental health services.

30 (f) Many of the societal factors resulting in these disparities are
31 not readily amenable to change by reforms in the child welfare
32 system alone. Nonetheless, more can be done, for example, to
33 eliminate disparities in services and supports provided and enhance
34 the cultural competence of county staff and service providers.
35 According to information gathered by the California Research
36 Bureau in March, 2012, at least 21 states are taking action to
37 eliminate disproportionality in their child welfare systems. At least
38 12 states are taking action through legislation.

(g) Child welfare agencies must conduct thorough self-assessments, develop action plans, and monitor their progress if they are to eliminate inequities in the child welfare system.

SEC. 2. Section 10601.2 of the Welfare and Institutions Code is amended to read:

10601.2. (a) The State Department of Social Services shall establish, by April 1, 2003, the California Child and Family Service Review System, in order to review all county child welfare systems. These reviews shall cover child protective services, foster care, adoption, family preservation, family support, and independent living.

(b) Child and family service reviews shall maximize compliance with the federal regulations for the receipt of money from Subtitle E (commencing with Section 470) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.) and ensure 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 et seq.).

(c) (1) 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) 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,

1 a corrective action process, and any funding or staffing increases
2 needed to implement the requirements of this section. The agency
3 shall broadly consider collaboration with all entities to allow the
4 adequate exchange of information and coordination of efforts to
5 improve outcomes for foster youth and families.

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

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

18 (3) For subsequent reviews, the workgroup shall consider
19 whether to establish additional outcome indicators that support the
20 federal outcomes and any program improvement plan, and promote
21 good health, mental health, behavioral, educational, and other
22 relevant outcomes for children and families in California's child
23 welfare services system. Outcome indicators shall be examined
24 separately for each racial and ethnic population served within the
25 county to assist in identifying and developing strategies to eliminate
26 inequities in the services provided and disparities in outcomes
27 among the populations served.

28 (e) (1) (A) Based on its review cycle, each county shall address
29 in detail in the county self-assessment and county system
30 improvement plan, the county's strategies, ongoing efforts, and
31 planned activities, including ~~time frames~~ *timeframes* for
32 implementation, to eliminate any disparities identified in services
33 and outcomes for children of color in the county's child welfare
34 system and to provide adequate and culturally appropriate services
35 for overrepresented and majority populations, particularly the
36 Latino, ~~Black~~ *Black*, and Native American populations. These may
37 include, but are not limited to, prevention services and supports
38 for families of children at risk of placement in the county child
39 welfare system and the use of culturally competent staffing,
40 resources, and practices.

1 (B) A county's self-assessment and system improvement plan
2 shall also address strategies for improving and expediting
3 permanent outcomes for children and youth from communities of
4 color that are overrepresented in the county's child welfare system,
5 including, but not limited to, developing collaborative partnerships
6 with families and community-based organizations and strategies
7 to identify and recruit kin and nonkin adoptive families.

8 (2) Unless a county's review cycle pursuant to this section has
9 a system improvement plan due on or after January 1, 2013, and
10 before January 1, 2014, the county shall amend its most recent
11 system improvement plan by December 31, 2013, to address the
12 issues identified in paragraph (1).

13 (f) The State Department of Social Services shall identify and
14 promote the replication of best practices in child welfare service
15 delivery to achieve the measurable outcomes established pursuant
16 to subdivision (d), including best practices for increasing cultural
17 competency in the provision of services and eliminating inequities
18 in the delivery of services that result in disparities in outcomes
19 among racial and ethnic populations, particularly the Latino, Black,
20 and Native American communities.

21 (g) The State Department of Social Services shall provide
22 information to the Assembly and Senate Budget Committees and
23 appropriate legislative policy committees annually, beginning with
24 the 2002–03 fiscal year, on all of the following:

25 (1) The department's progress in planning for the federal child
26 and family service review to be conducted by the United States
27 Department of Health and Human Services and, upon completion
28 of the federal review, the findings of that review, the state's
29 response to the findings, and the details of any program
30 improvement plan entered into by the state.

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

36 (3) The findings and recommendations for child welfare system
37 improvements identified in county self-assessments and county
38 system improvement plans, including information on efforts to
39 assess the bases for disproportionality and disparities in services
40 and outcomes for children of color and to address those issues,

1 common statutory, regulatory, or fiscal barriers identified as
2 inhibiting system improvements, any recommendations to
3 overcome those barriers, and, as applicable, information regarding
4 the allocation and use of the moneys provided to counties pursuant
5 to subdivision (i).

6 (h) Effective April 1, 2003, the existing county compliance
7 review system shall be suspended to provide to the State
8 Department of Social Services sufficient lead time to provide
9 training and technical assistance to counties for the preparation
10 necessary to transition to the new child and family service review
11 system.

12 (i) Beginning January 1, 2004, the department shall commence
13 individual child and family service reviews of California counties.
14 County child welfare systems that do not meet the established
15 compliance thresholds for the outcome measures that are reviewed
16 shall receive technical assistance from teams made up of state and
17 peer-county administrators to assist with implementing best
18 practices to improve their performance and make progress toward
19 meeting established levels of compliance.

20 (j) (1) To the extent that funds are appropriated in the annual
21 Budget Act to enable counties to implement approaches to
22 improving their performance on the outcome indicators under this
23 section, the department, in consultation with counties, shall
24 establish a process for allocating the funds to counties.

25 (2) The allocation process shall take into account, at a minimum,
26 the extent to which the proposed funding would be used for
27 activities that are reasonably expected to help the county make
28 progress toward the outcome indicators established pursuant to
29 this section, and the extent to which county funding for the Child
30 Abuse, Abuse Prevention and Treatment program is aligned with
31 the outcome indicators.

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

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

(k) (1) The department shall contract for research evaluating the disproportionate representation of, and inequities in services for, Latino children and families in the child welfare system, using existing resources or by identifying private funding, and issue a report to the Legislature and to the Governor, including findings and recommendations, by January 1, 2015.

(2) (A) The requirement for submitting a report imposed under paragraph (1) is inoperative on January 1, 2019, pursuant to Section 10231.5 of the Government Code.

(B) A report to be submitted pursuant to paragraph (1) shall be submitted in compliance with Section 9795 of the Government Code.

SEC. 3. Section 10605.1 is added to the Welfare and Institutions Code, to read:

10605.1. If the director determines that a county is substantially failing to comply with the requirements of its system improvement plan pursuant to Section 10601.2 to adequately assess the bases for, or adequately address, disproportionality in its child welfare system, or to ensure the provision of adequate and culturally appropriate services to majority and minority communities within the county, the director may take any action as may be appropriate, including providing enhanced technical assistance to the county, requiring the county to conduct additional self-assessments and adopt system improvement plan amendments, or other remedial actions as authorized under this chapter.

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