

Date of Hearing: April 27, 2022

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 1735 (Bryan) – As Amended March 15, 2022

Policy Committee:	Human Services	Vote:	8 - 0
	Judiciary		10 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: No

SUMMARY:

This bill requires certain documents provided to children in foster care be provided in the child's primary language. Specifically, this bill:

- 1) Clarifies in the Foster Care Bill of Rights, for a child who speaks a primary language other than English, the right of the child to be provided a copy of the Foster Youth Bill of Rights in their primary language.
- 2) Adds to the Foster Care Bill of Rights a new right specifying, when a child is entitled to receive a copy of their court report, case plan and Transition to Independent Living Plan (TILP), those items must be provided in the child's primary language.
- 3) Requires, when a child receives a copy of their case plan and speaks a primary language other than English, the case plan be translated and provided to the child in their primary language.
- 4) Requires, for a child who speaks a primary language other than English, the child's transitional independent living plan (TILP) be translated into their primary language.

FISCAL EFFECT:

- 1) Estimated one-time costs of \$100,000 (General Fund (GF)) to the Office of the Foster Care Ombudsperson (Ombudsperson), within the California Department of Social Services (CDSS), for contracts to provide content and graphic design (for age appropriateness) and to translate the Foster Care Bill of Rights into 14 to 20 additional languages. This cost includes updating the Foster Care Bill of Rights in English and Spanish with the new rights provided in this bill.
- 2) Estimated one-time costs of \$500,000 (GF), to the Ombudsperson for printing and distributing the updated Foster Care Bill of Rights in all required languages.
- 3) Estimated ongoing state GF costs in the low hundreds of thousands of dollars annually, for county social worker time to arrange for translation of case plans, TILPs and court reports. Counties primarily contract for translation services, although some larger counties have in-house translators for some languages. Data indicate about 12% of children with open child welfare cases in California speak a primary language other than English. For illustration, if half of these youth are aged 12 years or older and, thus, would require translation of their documents, and assuming a social worker spends 15 minutes arranging translation services

for each case, county costs would be about \$100,000 annually state-wide. This estimate assumes the percentage of children requiring translations remains constant, and translations occur once a year per case and are done under existing county contracts. Actual costs could vary substantially, depending on those factors.

Although these county costs are mandated by state, they are not reimbursable, but instead must be paid by the state pursuant to Proposition 30 of 2012. Proposition 30 provides that legislation enacted after September 30, 2012, that has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by realignment (including child welfare services and foster care), only applies to local agencies to the extent that the state provides annual funding for the cost increase.

(The author is also pursuing this proposal in the Legislative budget process.)

COMMENTS:

- 1) **Purpose.** This bill seeks to ensure every foster youth, regardless of their primary language, has access to and an understanding of their rights, case plan, court report and TILP by requiring they receive these documents in their primary language. According to the author:

Of the over 60,000 children and non-minor dependents in California's foster care system, over half are Black, Indigenous, Latinx, and Asian, and a percentage speak a primary language other than English. Yet, courts are not required to translate critical child welfare documents for these foster youth. As a result, many children and non-minor dependents are navigating our foster care system with limited understanding of their case plans, rights, and the goals set forth for them. [This bill] will provide foster youth with the language access tools that they need to comprehend and actively participate in their cases and successfully exit the system.

- 2) **Foster Youth Bill of Rights.** There are approximately 60,000 children in California's foster care system, all of whom are entitled to rights enumerated in the Foster Care Bill of Rights. Among these rights are the right to basic needs; the right to be free from discrimination based on race, ethnic group, ancestry and national origin; and the right to receive specified information and documents about their cases, including their case plans.

Existing law requires a social worker to inform and provide a written copy of a child's rights in an age and developmentally appropriate manner, to a child, and relevant others, at least once every six months, at the time of a regularly scheduled visit with the youth and at each placement change. Existing law also requires the creation of a case plan for each child introduced into the foster care system and requires a child who is 12 years of age or older to be given a meaningful opportunity to review their case plan, sign the plan and receive a copy of the plan.

- 3) **Translations.** Estimates taken from the California Child Welfare Indicators Project at the University of California at Berkeley suggest about 12% of children with open child welfare cases in California speak a primary language other than English; approximately 6,500 speak Spanish and 500 speak other languages, including Mandarin, Cantonese, Arabic and Armenian, among other languages. Though existing law requires a state agency to translate materials if at least 5% of their service population does not speak English, this requirement

excludes potentially hundreds of children in foster care who do not speak English or Spanish from receiving these important documents in their primary language.

There is no specific requirement in the Welfare and Institutions Code to translate documents provided to foster children into their primary language, although some counties voluntarily provide translations based on their own demographics. This bill requires every foster child to receive important documents to which they are entitled in their primary language.

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