

## ASSEMBLY THIRD READING

AB 1735 (Bryan)

As Amended March 15, 2022

Majority vote

**SUMMARY**

Clarifies, in the Foster Youth Bill of Rights, that youth have the right to be provided a copy of the Foster Youth Bill of Rights in their primary language. Adds to the Foster Youth Bill of Rights, the right of foster youth to receive a copy of the court report, case plan, and transition to independent living plan (TILP) in the their primary language.

**Major Provisions**

- 1) Clarifies the right of foster youth to be provided a copy of the Foster Youth Bill of Rights in their primary language.
- 2) Adds to the Foster Youth Bill of Rights, the right of foster youth, when entitled to receive a copy of the court report, case plan, and TILP, for those items to be provided in the their primary language.
- 3) Clarifies that the case plan foster youth 12 years of age or older receive is required to be translated and provided in their primary language.
- 4) Requires the TILP that foster youth 16 years of age or older receive to be translated into their primary language.

**COMMENTS**

*Child Welfare Services (CWS):* The purpose of California's CWS system is to protect children from abuse and neglect and provide for their health and safety. When children are identified as being at risk of abuse, neglect or abandonment, county juvenile courts hold legal jurisdiction; these children are served by the CWS system through the appointment of a social worker. Through this system, there are multiple opportunities for the custody of the child, or their placement outside of the home, to be evaluated, reviewed and determined by the judicial system, in consultation with the child's social worker, to help provide the best possible services to the child. The CWS system seeks to help children who have been removed from their homes reunify with their parents or guardians, whenever appropriate. However, the court may determine that an alternate permanent placement is more fitting and give preference to relatives or nonrelative extended family members. As of October of 2021, there were 58,702 youth between the ages of 0 and 21 placed in California's CWS system. According to data collected by the Population Reference Bureau in 2018, there were 29,771 Hispanic/Latino, 1,195 Asian Pacific Islander, 12,866 Black, and 771 Native American foster youth in California.

*Foster Youth Bill of Rights:* AB 899 (Liu), Chapter 683, Statutes of 2001, adopted California's Foster Youth Bill of Rights and required: social workers and probation officers to periodically inform children of these rights in an age-appropriate manner; the Office of the State Foster Care Ombudsperson to, in consultation with stakeholders, develop and disseminate information on these rights; and any facility licensed to provide foster care for six or more children to post a listing of these rights.

The Foster Youth Bill of Rights has been amended to add and clarify rights over time, most recently with AB 175 (Gipson), Chapter 416, Statutes of 2019. The current list of rights for all minors and nonminors in foster care includes 41 enumerated rights, such as the right to receive adequate food, clothing, including the right to receive grooming and hygiene products regardless of sexual orientation and gender identity and expression; the right to an allowance to all youth regardless of placement type; and specifying that the allowance be age-appropriate.

*Foster Care Ombudsperson:* The Office of the Foster Care Ombudsperson was created to provide foster youth with an independent forum for review and resolution of concerns related to the care, placement, or services provided to children and youth in foster care. The Office of the Foster Care Ombudsperson is responsible for investigating and resolving complaints made by foster youth regarding their care and compiling data regarding contacts, investigations, and unresolved complaints. The Office of the Foster Care Ombudsperson is also responsible for disseminating information relating to the Foster Youth Bill of Rights and ensuring that children and youth in foster care know their rights. Additionally, the Office of the Foster Care Ombudsperson is responsible for reviewing amendments to laws applicable to foster youth at the end of every two-year legislative session and determining whether updates to the Foster Youth Bill of Rights should be recommended as a result of legislation passed during the previous legislative session.

*Case plans:* A case plan is considered the foundation and unifying tool that provides an overview of a child's needs and services. Current law requires that the written case plan be completed within a maximum of 60 days of the initial removal of the child, or by the date of the dispositional hearing, whichever is first. The case plan provides a centralized file that includes: a description of the type of home or institution in which the child is placed, the reasons for that placement decision, including specific goals and appropriateness of the planned services in meeting those goals, and the original allegations of abuse or neglect or the conditions cited as the basis for declaring the child a dependent of the court. Case plans also detail the services provided to the child and their parents, as well as any recommendations made by the child and the family team, in order to ensure the protection and safe and proper care of the child.

Currently, foster youth who are 12 years of age and older and in a permanent placement are given the opportunity to meaningfully participate in their case plan through reviewing, signing, and receiving a copy of their case plan.

*Threshold languages:* There are over 200 languages spoken in California. Over 40% of Californians over the age of four live in households where a language other than English is sometimes or always spoken. The Dymally-Alatorre Bilingual Services Act, enacted with the adoption of Chapter 1182, Statutes of 1973, states Legislative intent to "provide for effective communication between all levels of government in this state and the people of this state who are precluded from utilizing public services because of language barriers" (Government Code Section 7291). The Dymally-Alatorre Bilingual Services Act requires state agencies that are directly engaged in providing information and/or services to a "substantial number" of non-English-speaking individuals to take certain steps to ensure that information and services are provided in languages other than English.

Among other things, these state agencies must translate certain materials into any non-English language spoken by a substantial number of the public served by the agency. The Dymally-Alatorre Bilingual Services Act defines a "substantial number of non-English-speaking people"

to mean members of a group "who either do not speak English, or who are unable to effectively communicate in English because it is not their native language, and who comprise five percent or more of the people served by the statewide or any local office or facility of a state agency" (Government Code Section 7296.2).

"Threshold languages" refers to the languages in which materials and information must be provided to meet the standards of the Dymally-Alatorre Bilingual Services Act or similar requirements.

*Need for this bill:* The provisions of this bill seek to ensure that all foster youth, regardless of their primary language, have access to and an understanding of their rights, case plan, court report, and TILP. Foster youth who are aware of their rights are more likely to recognize when their rights are violated and to pursue enforcement of their rights, as well as to actively participate in their case plans.

Please see the policy committee analysis for full discussion of this bill.

### **According to the Author**

"Of the over 60,000 children and nonminor 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. In Los Angeles alone, 120 of the 600 foster youth of Asian descent list a language other than English as their primary language. Yet, courts are not required to translate critical child welfare documents for these foster youth. As a result, many children and nonminor dependents are navigating our foster care system with limited understanding of their case plans, rights, and the goals set forth for them. In order for them to succeed and exit the system, these foster youth need language access tools to comprehend and actively participate in their cases."

### **Arguments in Support**

John Burton Advocates for Youth writes in support, "Studies have shown that youth who take an active role in their case plans and other decision-making factors that affect their life are more likely to successfully transition from foster care to adulthood. Current law states that foster youth are entitled to receive copies of their case plan, transitional independent living plan (TILP), and the foster youth bill of rights in order to participate in their case and influence the decisions and goals set forth for them. However, there is no legal requirement that these critical child welfare documents be translated for a youth who speaks a primary language other than English. As a result, foster youth who are non-native English speakers are not always able to contribute meaningfully to their case. They lack language access resources to fully comprehend the documents, services, and rights provided to them. Without translated materials, these youth face an additional barrier to exiting the foster care system and leading stable, independent lives."

### **Arguments in Opposition**

None on file

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee on April 27, 2022:

- 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.)

## VOTES

### ASM HUMAN SERVICES: 8-0-0

**YES:** Calderon, Davies, Arambula, Mia Bonta, Bryan, Stone, Villapudua, Waldron

### ASM JUDICIARY: 10-0-0

**YES:** Stone, Cunningham, Davies, Holden, Kalra, Kiley, Maienschein, Reyes, Friedman, Wicks

### ASM APPROPRIATIONS: 16-0-0

**YES:** Holden, Bigelow, Bryan, Calderon, Carrillo, Megan Dahle, Davies, Mike Fong, Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, Wilson

## UPDATED

VERSION: March 15, 2022

CONSULTANT: Jessica Langtry / HUM. S. / (916) 319-2089

FN: 0002539