

SENATE THIRD READING  
SB 384 (Cortese)  
As Amended August 15, 2022  
Majority vote

## SUMMARY

Requires each county welfare and probation department (county) to notify the California Department of Social Services (CDSS) whether it has adopted one of the suggested practices for family finding, as described, and how the practice has been implemented. Requires a county who has not adopted one of the suggested practices to provide a copy of its existing family finding policies and practices to CDSS. Includes "family finding" activities within the due diligence required of a social worker and probation officer when investigating the names and locations of relatives.

### Major Provisions

- 1) Requires the social worker and probation officer to include, as part of their due diligence, any parent and alleged parent when investigating the names and locations of the relatives upon removal of a child from their home, and obtaining information regarding their location.
- 2) Defines "family finding" to mean conducting an investigation, including, but not limited to, through a computer-based search engine, to identify relatives and kin and to connect a child or youth, who may be disconnected from their parents, with those relatives and kin in an effort to provide family support and possible placement. If it is known or there is reason to know that the child is an Indian child, as defined, "family finding" also includes contacting the Indian child's tribe to identify relatives and kin.
- 3) Aligns county probation department requirements with those of the county welfare department by requiring county probation departments to also create and make public a procedure by which a parent and relatives of a child who has been removed from their parents or guardians may identify themselves and be provided with specified notices.
- 4) Requires each county to notify CDSS, on or before January 1, 2024, in an email or other correspondence, whether it has adopted one of the suggested practices for family finding described in All-County Letter 18-42 (ACL 18-42) and, generally, whether the practice has been implemented through training, memoranda, manuals, or comparable documents.
- 5) Requires, if a county has not adopted one of the suggested practices for family finding described in ACL 18-42, the county to provide a copy to CDSS of its existing family finding policies and practices that were in existence prior to January 1, 2022, as reflected in memoranda, handbooks, manuals, training manuals, or any other document.

## COMMENTS

*Child Welfare Services (CWS)*: California's CWS system exists to protect children from abuse and neglect, and in doing so, to provide for their health, safety, and overall well-being. When suspicions of abuse or neglect arise, often as a result of a report by a mandated reporter like a doctor or teacher, Child Protective Services is tasked with investigating the report. If the allegation of abuse or neglect is substantiated, it is then determined whether it is in the best interest of the child to remain in their parent's custody or be placed within the CWS system. If a

child is suspected to be at risk of neglect, abuse, or abandonment, the juvenile court holds legal jurisdiction, and the CWS system appoints a social worker to ensure that the needs of a youth are met. As of January 1, 2022, there were 55,539 youth between the ages of 0 and 21 placed in California's CWS system.

California's CWS programs are administered by the 58 individual counties which means that each county organizes and operates its own program of child protection based on local needs while complying with state and federal regulations. Counties are the primary governmental entities that interact with children and families when addressing issues of child abuse and neglect. Counties, either directly or through providers, are responsible for obtaining or providing the interventions and applicable services to protect the well-being of children and to help families address issues of child abuse and neglect. CDSS monitors and provides support in the counties efforts to best serve children and families.

*Continuum of Care Reform (CCR):* Beginning in 2015, California enacted legislation, known as CCR, to improve placement and treatment options for youth in foster care. AB 403 (Stone), Chapter 773, Statutes of 2015, sponsored by CDSS, sought to improve outcomes for children and youth served by the CWS system by working to ensure that foster youth have their day-to-day physical, mental, and emotional needs met, that they have the opportunity to grow up in permanent and supportive homes, and have the opportunities necessary to become self-sufficient and successful adults. CCR also sought to reduce the use of congregate care as a frequently used placement option for youth, as data have demonstrated that youth placed in congregate care settings experience poorer outcomes than youth placed in family settings.

*Resource Family Approval (RFA):* The RFA process is a unified, family-friendly, and child-centered process that combines elements of foster parent licensing, relative approval, and adoption/guardianship approval processes. The RFA process includes a psychosocial assessment, home environment check, and training for all resource families, including relatives, in order to ensure that caregivers are equipped to best meet the needs of youth in foster care. RFA is also a route to direct permanency for caregivers who wish to adopt or be guardians of youth in care, as the RFA process includes elements required by both the adoption and guardianship processes.

*Family finding and due diligence:* It has long been the goal of the CWS system to preserve familial ties whenever possible. Under certain circumstances, family maintenance services are provided to families in order to prevent the removal of children from their parents' home, including family therapy, parenting classes, or substance use treatment. However, in instances when a youth is removed from the custody of their parents and placed in the CWS system, county social workers are required to locate any relatives or non-relative extended family members (NREFMs) who may serve as caregivers to the youth.

Data from the California Child Welfare Indicators Project shows that in October 2021, the total number of all children in foster care for 24 months or longer, including foster children 18 years of age and older and foster children living with relatives, was 27,475, or 46% of all children in foster care.

According to ACL 18-42, distributed by CDSS, family finding and engagement is defined as a broad concept which encompasses not only the statutory requirements pertaining to identifying, locating, and notifying the relatives of a child in foster care, but also related efforts to foster life-long familial connections for children and youth in care. The ACL further describes these additional efforts, which are meant to enhance the long-term well-being of children and youth in

care, as an important component of CCR's goal to reduce the use of congregate care and improve child welfare outcomes. Intensive family finding and engagement can be used by counties to identify possible relative or NREFM placements for children and youth currently placed in group homes, potentially allowing those children and youth to step down to a home-based care setting, consistent with the goals of CCR. Counties are also urged to seek out the practice of family finding and engagement above and beyond the statutorily required relative finding, to be used when opening a case as a way to identify the best possible placement for the child or youth.

Existing law requires the juvenile court, during the dispositional hearing for a dependent child, to make a finding that the child's social worker has exercised due diligence in identifying, locating and notifying the child's relatives. Effective January 1, 2017, all new relative home placements were required to meet RFA standards and counties are encouraged to consider the likelihood that a relative will be able to meet those standards when evaluating that possibility. Existing law also provides for a process to place with a relative, either on an emergency basis or based on a compelling reason, prior to full RFA approval.

*Need for this bill:* The provisions of this bill seek to identify which counties have employed suggested family finding practices in an effort to increase activities that have been demonstrated to increase the number of youth who are placement with relatives.

Social workers are required to use due diligence in their efforts to identify, locate, and notify relatives up to the fifth degree of kinship and to include paternal relatives, with the exception of relatives for whom a history of domestic violence has been determined. This bill adds family finding to the definition of "due diligence" and thus requires social workers and probation officers to use family finding when identifying a child's placement and notifying missing parents and relatives in the hope that it will help increase relative placements for foster children, thereby preventing poor long-term health outcomes for the children and instead promoting a stable, healthy, and emotionally supportive family environment for them.

### **According to the Author**

"[This bill], The Family Finding Act, will provide more children a permanent home. The bill requires counties to implement the use of Family Finding, which is a critical tool already at the disposal of social workers and probation officers. Family Finding has been considered a best practice and has increased relative placements among youth removed from parental care in counties that have taken advantage of the tool. Relative placement is in the best interest of a child for a variety of reasons, including increased stability for a child, preservation of cultural identity and connections to the community, and less school changes. The bill builds upon existing law to ensure that all counties across the state utilize Family Finding protocols, increasing the likelihood of children being placed in a permanent family environment."

### **Arguments in Support**

The Juvenile Court Judges of California writes in support that, "Over a decade ago Congress passed legislation that favors placement with relatives. California passed parallel legislation. Under federal and state law, foster care and congregate care are not permanent placements. Permanent placements include home with a parent, adoption, guardianship, and placement with relatives. In fact, a number of studies have demonstrated that placement in both foster care and congregate care can lead to lifetime health problems as well as shortening the life of the young person."

The County Welfare Directors Association of California states that this bill "will implement protocols for social workers and probation officers when locating family members and investigating possibilities for family placement options...In all, this bill will improve the likelihood for children removed from the home to be placed in the most optimal setting possible."

### **Arguments in Opposition**

None on file

## **FISCAL COMMENTS**

According to the Assembly Appropriations Committee, CDSS estimates total costs of \$1.1 million (\$800,000 General Fund (GF)) in fiscal year (FY) 2022-23 and ongoing annual costs of \$911,000 (\$665,000 GF) for increased administrative workload for county child welfare agencies and county probation departments. This estimate includes a one-time cost of \$185,000 (\$135,000 GF) in FY 2022-23 for county welfare and probation departments to report on their family finding practices, although this cost could occur in FY 2023-24 instead.

Although these county costs are state-mandated costs, they are not reimbursable, but instead must be funded by the state pursuant to Proposition 30. Proposition 30 (2012) requires 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) to apply only to local agencies to the extent the state provides annual funding for the cost increase.

## **VOTES**

### **SENATE FLOOR: 37-0-3**

**YES:** Allen, Archuleta, Atkins, Bates, Becker, Borgeas, Bradford, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hertzberg, Hueso, Hurtado, Jones, Kamlager, Laird, Leyva, McGuire, Melendez, Min, Newman, Nielsen, Ochoa Bogh, Pan, Portantino, Roth, Rubio, Skinner, Umberg, Wieckowski, Wiener, Wilk

**ABS, ABST OR NV:** Caballero, Limón, Stern

### **ASM RULES: 7-0-4**

**YES:** Cooley, Waldron, Mike Fong, Gipson, Lee, Maienschein, Mathis

**ABS, ABST OR NV:** Bennett, Flora, Blanca Rubio, Villapudua

### **ASM HUMAN SERVICES: 7-0-1**

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

**ABS, ABST OR NV:** Waldron

### **ASM APPROPRIATIONS: 12-0-4**

**YES:** Holden, Bryan, Calderon, Arambula, Mike Fong, Gabriel, Eduardo Garcia, Levine, Quirk, Robert Rivas, Akilah Weber, McCarty

**ABS, ABST OR NV:** Bigelow, Megan Dahle, Davies, Fong

**UPDATED**

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