
UNFINISHED BUSINESS

Bill No: SB 384
Author: Cortese (D)
Amended: 8/15/22
Vote: 21

SENATE HUMAN SERVICES COMMITTEE: 4-0, 3/9/21
AYES: Hurtado, Jones, Cortese, Pan

SENATE PUBLIC SAFETY COMMITTEE: 5-0, 4/13/21
AYES: Bradford, Ochoa Bogh, Kamlager, Skinner, Wiener

SENATE APPROPRIATIONS COMMITTEE: Senate Rule 28.8

SENATE FLOOR: 37-0, 5/10/21 (Consent)
AYES: 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
NO VOTE RECORDED: Caballero, Limón, Stern

ASSEMBLY FLOOR: 77-0, 8/22/22 - See last page for vote

SUBJECT: Juveniles: relative placement: family finding

SOURCE: Juvenile Court Judges of California

DIGEST: This bill 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. This bill 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. This bill includes "family finding"

activities within the due diligence required of a social worker and probation officer when investigating the names and locations of relatives.

Assembly Amendments remove notice requirements for the Office of the State Foster Care Ombudsperson, requiring county welfare departments and probation departments only notify CDSS and extend the deadline for providing this notice out by one year, from January 1, 2023, to January 1, 2024.

ANALYSIS:

Existing law:

- 1) Establishes a state and local system of child welfare services, including foster care, for children who have been adjudged by the court to be at risk of abuse and neglect or to have been abused or neglected, as specified. (*WIC 202*)
- 2) Establishes a system of juvenile dependency for children for specified reasons, and designates that a child who meets certain criteria is within the jurisdiction of the juvenile court and may be adjudged as a dependent child of the court, as specified. (*WIC 300 et seq.*)
- 3) Requires a social worker to immediately investigate the circumstance of the child and the facts surrounding the child being taken into custody and attempt to maintain the child with the child's family through the provision of services, when a child is taken into temporary custody, as provided, and brought to the social worker. (*WIC 309(a)*)
- 4) Requires at the initial detention hearing the court to take certain steps to evaluate the case, determine whether the child can be returned home safely, and, if not, to ensure the child is placed in an appropriate placement, with priority consideration for family members and NREFM. (*WIC 319*)
- 5) Requires that in any case in which a child is removed from the physical custody of his or her parents, preferential consideration must be given to a request by a relative of the child for placement of the child with the relative, regardless of the relative's immigration status. In determining whether placement with a relative is appropriate, the county social worker and the court must consider a variety of factors, as specified, including the ability of the relative to provide a safe, secure and stable environment for the child and protect the child from his or her parents. (*WIC 361.3(a)*)
- 6) Defines "relative" to mean an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents,

stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand,” or the spouse of any of these persons even if the marriage was terminated by death or dissolution. Establishes that the only relatives who shall be given preferential consideration for the placement of the child are an adult who is a grandparent, aunt, uncle, or sibling. (*WIC 361.3(c)(2)*)

- 7) Requires the court to make a finding as to whether the social worker has exercised due diligence in conducting the investigation to identify, locate, and notify the child’s relatives of the child’s disposition into foster care. Further requires the court to consider the following, among others, as examples of due diligence: asked the child in an age-appropriate manner about their relatives; asked located relatives for names and locations of other relatives; telephoned, emailed, or visited all identified relatives; used Internet search tools to locate relatives identified as supports; among others. (*WIC 358(b)*)
- 8) Provides that any minor between 12 years of age and 17 years of age, inclusive, who persistently or habitually refuses to obey the reasonable and proper orders or directions of his or her parents, guardian, or custodian, or who is beyond the control of that person is within the jurisdiction of the juvenile court which may adjudge the minor to be a ward of the court. (*WIC 601*)
- 9) Creates a parallel temporary custody and emergency relative placement process for minor’s taken into custody by probation, as provided. (*WIC 628*)

This bill:

- 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

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."

Child Welfare Services (CWS). The CWS system is an essential component of the state's safety net. Social workers in each county who receive reports of abuse or neglect, investigate and resolve those reports. When a case is substantiated, a family is either provided with services to ensure a child's well-being and avoid court involvement, or a child is removed from the family and placed into foster care. In 2021, the state's child welfare agencies received 400,313 reports of abuse or neglect. Of these, 61,438 reports contained allegations that were substantiated and 22,004 children were removed from their homes and placed into foster care via the CWS system. As of October 1, 2021, there were 58,072 children in California's CWS system.

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.

Placement with Relatives. State and federal law include a preference to place children in out-of-home care with relatives. For example, state law, Welfare and Institutions Code Section 361.3, states that preferential consideration must be given to a request by a relative of the child for placement of the child with the relative. The child's social worker must still determine whether such a placement is appropriate by considering a variety of factors, as specified, including the ability of the relative to provide a safe, secure, and stable environment for the child, but preference is provided for a relative or NREFM placement.

Numerous nationwide studies have documented the poor outcomes of children and youth who are removed from their homes and placed into the child welfare system. Children involved with the CWS system have increased rates of chronic health problems, developmental delays and disabilities, mental health needs, and substance use disorders. Many youth in care have experienced traumatic events, including removal from their homes, which lead to symptoms such as depression, behavior problems, hypersensitivity, and emotional difficulties. Twenty-five percent of youth who age out of care experience Post-Traumatic Stress Disorder – double the rate of U.S. war veterans.

Studies have also demonstrated the significant benefit to children in the child welfare system who are placed with relatives rather than with strangers in foster homes or in group care. A 2008 study in the Archives of Pediatric and Adolescent Medicine found that children placed into kinship care had fewer behavioral problems three years after placement than children who were placed into foster care. This study also noted that a large body of research acknowledges the evidence that children in kinship care are less likely to change placements, benefiting from increased placement stability and better outcomes. Researchers also found that children placed with relatives were more likely to remain in their

same neighborhood, be placed with siblings, and have consistent contact with their birth parents than other children in foster care.

In support of this preference, a variety of recent legislative efforts have made changes to the CWS system encouraging the use of relative placements.

Family Finding and Engagement (FFE). According to All County Letter (ACL) 18-42, FFE is 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.” ACL 18-42 goes on to name these efforts as an important component of CCR because counties may utilize FFE to identify possible relative or NREFM placements for children and youth who reside in congregate care settings, potentially allowing them to step down to a home-based care setting. This helps counties meet the goals of CCR, enhancing the long-term well-being of children and youth in care and reducing the use of congregate care. Additionally, ACL 18-42 advised counties to utilize FFE when opening a case as a way to identify the best possible placement for a child or youth. The letter then goes on to advise counties of suggested practices for FFE, including: using the child as a primary information source; having assigned, dedicated staff to conduct FFE activities; and suggestions for follow-up and engagement. ACL 18-42 also informs counties of established FFE models and notes their ability to utilize an established proprietary or independent model, such as the family finding practice developed by Kevin Campbell and offered through the Seneca Family of Agencies.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

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.

SUPPORT: (Verified 8/22/22)

Juvenile Court Judges of California (source)
California Judges Association
County Welfare Directors Association of California
Junior League of San Diego
National Association of Social Workers, California Chapter

OPPOSITION: (Verified 8/22/22)

None received

ASSEMBLY FLOOR: 77-0, 8/22/22

AYES: Aguiar-Curry, Alvarez, Arambula, Bauer-Kahan, Bennett, Berman, Bloom, Boerner Horvath, Mia Bonta, Bryan, Calderon, Carrillo, Cervantes, Chen, Choi, Cooley, Cooper, Cunningham, Megan Dahle, Daly, Flora, Mike Fong, Fong, Friedman, Gabriel, Gallagher, Cristina Garcia, Eduardo Garcia, Gipson, Gray, Grayson, Haney, Holden, Irwin, Jones-Sawyer, Kalra, Kiley, Lackey, Lee, Low, Maienschein, Mathis, Mayes, McCarty, McKinnor, Medina, Mullin, Muratsuchi, Nazarian, Nguyen, O'Donnell, Patterson, Petrie-Norris, Quirk, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Salas, Santiago, Seyarto, Smith, Stone, Ting, Valladares, Villapudua, Voepel, Waldron, Ward, Akilah Weber, Wicks, Wilson, Wood, Rendon

NO VOTE RECORDED: Bigelow, Davies, Levine

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8/22/22 20:29:41

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