

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 273 (Ramos) – As Amended March 15, 2023

Policy Committee: Judiciary

Vote: 11 - 0

Urgency: No

State Mandated Local Program: Yes

Reimbursable: Yes

SUMMARY:

This bill requires a social worker or probation officer to take specified actions if they learn that a child receiving child welfare services is absent from foster care, requires the clerk of the juvenile court to set a hearing on the court's calendar within 10 days of being notified that a child receiving child welfare services is absent from foster care, and requires the juvenile court to review the child's case at least every 30 days until the child returns. The bill also requires the California Department of Social Services (CDSS) to update its model policies and procedures regarding children receiving child welfare services who are at risk of commercial sexual exploitation.

FISCAL EFFECT:

- 1) One-time costs of approximately \$800,000 to \$1 million (General Fund) to CDSS for case management system updates. County social workers report information about foster care youth to CDSS using a statewide case management system. CDSS anticipates updating its case management system to ensure compliance with the new duties required by this bill. Additional one-time costs to CDSS for staffing to update its model policies and procedures as required by the bill.
- 2) Workload cost pressures in the hundreds of thousands of dollars annually (Trial Court Trust Fund, General Fund) for juvenile courts to hold the hearings required by this bill. Using data on missing foster care children from CDSS and the National Center for Missing and Exploited Children, Judicial Council estimates this bill would result in approximately 1,400 additional juvenile court hearings each year. Costs will depend on the length of hearings required. If funding is not provided for the new workload created by this bill, it may result in delays and prioritization of court cases. Although courts are not funded on the basis of workload, increased pressure on the Trial Court Trust Fund may create a need for increased funding for courts from the General Fund.
- 3) Significant reimbursable costs (General Fund, Prop 30, local funds) of an unknown amount due to the additional responsibilities for social workers and probation officers created by this bill. County social services agencies' costs may be reimbursable to the extent determined by the Commission on State Mandates. County probation costs may be reimbursable due to Proposition 30, which provided that any legislation enacted after September 30, 2012 that has an overall effect of increasing costs already borne by a local agency for programs or levels of service mandated by realignment applies to local agencies only to the extent the state provides annual funding for the cost increase. Proposition 30 has not been litigated and it is

unclear what constitutes a reimbursable state-mandated local program pursuant to Proposition 30.

COMMENTS:

1) **Author's Statement.** According to the author:

In continuation of addressing the Missing and Murdered Indigenous Persons Crisis (MMIP) AB 273 will build on past efforts and formalize best practices by requiring notification when a child or non-minor dependent, or tribal and native children in foster care is missing. This bill also furthers legislative intent and helps to better protect, locate, place and stabilize children and nonminor dependents when they go missing while in foster care.

2) **Background.** According to the analysis of this bill by the Assembly Committee on Judiciary, the bill seeks to bring county practices into compliance with federal and state law, and the minimum standards established by CDSS, by detailing specific steps that social workers and probation officers must take if they learn that a child receiving child welfare services has gone missing from foster care. These required steps include engaging in ongoing and intensive due diligence efforts to locate and place the child, requesting a protective custody order or filing a missing person's report as appropriate, requesting a juvenile court hearing to review the child's placement, notifying pertinent parties of the juvenile court hearing, including the child's parents, legal guardians, their attorneys, and tribe or tribal representative, if applicable. The bill also requires CDSS, in consultation with relevant stakeholders, to update its model policies and procedures relating to children receiving child welfare services who are at risk of commercial sexual exploitation. The author of the bill submitted a budget request of \$15 million annually to fulfill the requirements of this bill.

3) **Statement in Support.** According to the Alliance for Children's Rights:

Current state law requires county child welfare agencies and probation departments to develop and implement specific protocols to quickly locate any child missing from foster care. However, county practices are routinely out of compliance with federal and state laws, and the California Department of Social Services (CDSS) minimum standards guidance. While counties have been required to develop policies and procedures to locate and respond to youth who go missing from foster care since 2016, those practices don't require oversight of the court and notification and engagement from family members, tribes and tribal representatives, other supportive adults, including court appointed attorneys, and the Child and Family Team is sporadic and inconsistent.

Analysis Prepared by: Annika Carlson / APPR. / (916) 319-2081