
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

AB 273 (Ramos) - Foster care: missing children and nonminor dependents

Version: July 10, 2023

Urgency: No

Hearing Date: August 14, 2023

Policy Vote: HUMAN S. 5 - 0, JUD. 11 - 0

Mandate: Yes

Consultant: Agnes Lee

Bill Summary: AB 273 would update and expand the obligations of social workers, probation officers, and juvenile courts when foster youth and nonminor dependents are missing from foster care.

Fiscal Impact:

- The California Department of Social Services (CDSS) estimates one-time General Fund automation costs of \$825,000 in 2023-24 for the Child Welfare Services California Automated Response and Engagement System (CARES).
- The CDSS estimates local costs of \$13.1 million (\$9.9 million General Fund and \$3.2 million federal funds) in 2023-24 and \$12.3 million (\$9 million General Fund and \$3.3 million federal funds) ongoing thereafter for county welfare departments for social worker resources to conduct the required activities. Unknown General Fund costs to county probation departments for probation officers to conduct the required activities. To the extent the bill increases county costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment, the bill would apply to local agencies only to the extent that the state provides annual funding for the cost increases.
- The Judicial Council estimates ongoing General Fund cost pressures between \$200,000 and \$720,000 for additional court workload. Although courts are not funded on the basis of workload, if funding is not provided for the new workload created by this bill, it may result in delays and prioritization of court cases.

Background: Under the state's Child Welfare Services system, 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 and placed into foster care.

Current law requires county welfare agencies and probation departments to develop and implement protocols to expeditiously locate any child missing from foster care, which must, at a minimum, do all of the following:

- Describe the efforts used by county child welfare or probation staff to expeditiously locate any child or nonminor dependent missing from care, including, but not limited to, the timeframe for reporting missing youth, the individuals or entities entitled to

notice that a youth is missing, any required initial and ongoing efforts to locate youth, and plans to return youth to placement.

- Require the social worker or probation officer to do all of the following:
 - Determine the primary factors that contributed to the child or nonminor dependent running away or otherwise being absent from care.
 - Respond to the factors identified in subsequent placements, to the extent possible.
 - Determine the child's or nonminor dependent's experiences while absent from care.
 - Determine whether the child or nonminor dependent is a possible victim of commercial sexual exploitation.
 - Document the activities and information, as specified, for federal reporting purposes, consistent with instructions from the CDSS.

In 2016, CDSS issued guidance to counties to “provide instructions regarding the policies and procedures counties are required to develop to locate and respond to youth, dependents or wards, who go missing from foster care.” The letter advised counties, in developing protocols, that they should consider the feasibility of implementing several best practices that are not required by federal law, such as dedicated units or dedicated liaisons in the county. In addition, the letter advised counties about the elements that constitute the statewide minimum standards necessary to comply with federal law. Specifically, CDSS instructed counties that they must have reporting and noticing protocols for missing children and nonminor dependents, and due diligence requirements for social workers to search for and locate missing foster children.

Additionally, in 2017, CDSS issued a notice entitled “Promising Practices for Youth who are Missing or Run Away from Foster Care,” which provided counties with information on promising practices to locate and respond to youth who are missing from care. The notice was issued in recognition that foster youth are disproportionately more vulnerable to commercial sexual exploitation than children not in foster care. The policy recommendations in part state, “when a youth leaves care without permission, they are often running from or to something. Many youth have underlying needs that must be addressed [that] may be unmet or inadequately met in the current placement.”

Proposed Law: Specific provisions of the bill would:

- Require the social worker or probation officer, when they receive information that a child receiving child welfare services is absent from foster care to:
 - Engage in ongoing and intensive due diligence efforts, as defined, to locate, place, and stabilize the child.

- Request a protective custody order for a child receiving child welfare services who is a minor or file a missing person's report in the case of a child receiving child welfare services who is a nonminor dependent.
- Request that the juvenile court schedule a hearing within 10 court days to review the placement and the ongoing and intensive due diligence efforts to locate and return the child receiving child welfare services who is absent from foster care; and notify specific persons whose whereabouts are known about the hearing.
- Prepare, submit, and serve a report at the hearing and any subsequent hearings describing their ongoing and intensive due diligence efforts to locate, place, and stabilize the child receiving child welfare services.
- Upon the return to foster care of the child receiving child welfare services, conduct an in-person interview with the child receiving child welfare services immediately and conduct specified activities.
- Require the juvenile court to:
 - Upon being notified by the social worker that a child receiving child welfare services is absent from foster care, set the matter for hearing as soon as possible, but no later than 10 court days from the date of that notice.
 - Determine the extent of the activities and compliance of the county in making ongoing and intensive due diligence efforts to locate and return the child to a safe placement.
 - Determine the continuing necessity for and appropriateness of the placement when the child receiving child welfare services returns from being absent from foster care.
 - Periodically review the case of a child receiving child welfare services who is absent from foster care at least every 30 calendar days, until the child receiving child welfare services returns from being absent from foster care.

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