

GOVERNOR'S VETO
AB 273 (Ramos)
As Enrolled September 18, 2023
2/3 vote

SUMMARY

Imposes specific requirements on social workers, probation officers, and juvenile courts when foster youth are missing from foster care to notify the youth's family and support systems about court hearings; safely return the youth to their placements; and further protect these vulnerable youth.

Major Provisions

Imposes specific requirements on social workers, probation officers, and juvenile courts when foster youth are missing from foster care to notify the youth's family and support systems about court hearings; safely return the youth to their placements; and further protect these vulnerable youth.

- 1) Requires, when a social worker receives information that a child receiving child welfare services is absent from foster care, the social worker to do all of the following:
 - a) Engage in ongoing and intensive due diligence efforts to locate, place, and stabilize the child receiving child welfare services who is absent from foster care.
 - b) Request through county counsel that the juvenile court schedule a hearing within 10 court days to review the placement and intensive due diligence efforts to locate and return the child receiving child welfare services who is absent from foster care.
 - i) The social worker's request must be made on the date they learn of the absence or, if the court is closed, on the first court day thereafter.
 - ii) Provides that the hearing may be rescinded upon stipulation by all parties if the minor or nonminor dependent is found prior to the hearing or if the hearing coincides with a previously scheduled hearing in the case that falls within the 10 court days.
 - c) As soon as possible and at least five court days before the hearing described in 3), below, notify all of the following persons whose whereabouts are known about the hearing. In the event that the hearing is set to occur in less than five court days, notice shall be given at least 24 hours prior to the hearing:
 - i) The child's parents, unless such notification has been limited or terminated by the court.
 - ii) The child's legal guardians, unless such notification has been limited or terminated by the court.
 - iii) The attorney for the parents or legal guardians, if applicable.

- v) The child's tribe or tribal representative, if the child is an Indian child.
 - vi) Any known sibling of the child who is required to be notified of a hearing pursuant to existing law.
 - vii) The child's Court-Appointed Special Advocate, if one has been appointed.
- d) 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 welfare services, and comply with this subdivision and all other requirements of existing law.
- i) The social worker shall work to address the factors that contributed to the child receiving child welfare services becoming absent from care in subsequent placements with the child and family team. If the absence from care is habitual and an ongoing occurrence, the social worker shall seek the input of the child and family team to discuss the factors that are contributing to the child being absent from care and develop appropriate plans to stabilize the placement or change the placement.
 - ii) Information gathered for purposes of preparing the report shall be used for purposes of determining treatment needs, developing case plans to support the child receiving welfare services.
 - iii) Unless otherwise required by law, the information disclosed by the child receiving welfare services shall not be used as the basis for terminating the dependency jurisdiction of the court, filing a petition pursuant to Section 602, detaining the child in juvenile hall including for their own safety or for purposes of securing treatment or services, or for any purpose other than tailoring services for the child receiving welfare services.
- e) Upon the return to foster care of the child receiving child welfare services, immediately and no later than 24 hours after learning of the return, conduct an in-person interview with the child immediately and do the following:
- i) Assess and make a plan to address the immediate needs of the child.
 - ii) Within three business days, do all of the following:
 - A) Document the reasons why the child was absent from care and the experiences of the child while absent.
 - B) Assess the appropriate placement of the child upon their return.
 - C) Request the recall of any protective custody warrant. The social worker or probation officer is not required to detain any child described in this section pending recall of a warrant.
- 2) Requires the clerk of the juvenile court, upon being notified by the social worker that a child receiving child welfare services is absent from foster care, to set the matter for hearing on the

- 3) Requires the court to continue to periodically review the case of a child receiving child welfare services who is absent from foster care at least every 30 calendar days, in accordance with this section, until the child returns from being absent from foster care.
- 4) Defines "ongoing and intensive due diligence efforts."

Senate Amendments

- 1) Add a requirement for the social worker to request the hearing on the date they learn of the absence or, if the court is closed, on the first court day thereafter.
- 2) Eliminate the requirement that a social worker 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.
- 3) Clarify that a social worker's request to schedule a juvenile court hearing is made through county counsel.
- 4) Eliminate the requirement for the social worker to notify the court of record of the hearing.
- 5) Require, in a case where a child's absence from care is habitual and an ongoing occurrence, that the social worker shall seek the input of the child and family team to discuss the factors that are contributing to the child being absent from care and develop appropriate plans to stabilize the placement or change the placement.
- 6) Extend the time period from 24 hours to three business days after learning of the child's return for the social worker to conduct an in-person interview with the child; document why the child was absent from care and the experiences they had while absent from care; and assess the appropriate placement of the child upon their return. Add a requirement that the social worker, within three business days of learning of the child's return, to request the recall of any protective custody warrant issued for the child. Clarify that the social worker or probation officer is not required to detain any child described in this section pending recall of a warrant.
- 7) Add a definition of "ongoing and intensive due diligence efforts."

Governor's Veto Message

This bill would establish additional requirements for social workers, probation officers, and juvenile courts when a child or non-minor dependent (NMD) is missing from foster care, including immediate notification requirements, hearing timelines, and due diligence reporting deadlines.

Locating missing children in foster care is a time-sensitive and critical undertaking for the safety and well-being of the child. More can always be done to protect this vulnerable population, which is why I am directing the California Department of Social Services (CDSS) to work with county partners to assess existing protocols and identify any needed improvements. With that information, CDSS will work with the author and stakeholders to inform additional guidance, training, or recommend statutory changes to protect all foster youth, especially tribal youth.

This bill, however, would result in estimated ongoing costs of \$10 million General Fund to support the administrative workload for counties, automation costs, and additional workload for the courts, funding not contemplated in the annual budget.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

COMMENTS

This bill, co-sponsored by Yurok Tribe and California Tribal Families Coalition, seeks to address the problem of foster children and nonminor dependents who go missing from foster care to ensure that these youth are located, returned to safe homes, and supported (including by being screened for involvement in sex trafficking) as soon as possible.

Missing and Exploited Children – Connection to Child Sex Trafficking. In 2020, the National Center for Missing and Exploited Children received more than 17,000 reports of possible child sex trafficking. (U.S. Department of Health and Human Services (DHHS), Office of Inspector General (OIG).) According to the OIG for DHHS, "traffickers are known to prey on vulnerable children with low self-esteem and minimal social support, and histories of abuse, neglect, and trauma-traits that are common among children in foster care." Tribal and native children are at especially high risk of exploitation. For them, going missing or running away while in foster care is a pipeline to the disproportionately high rates of violence and exploitation that is experienced by Native Americans, especially Native American women and youth.

This bill. The bill seeks to bring county practices into compliance with both federal and state law, as well as the minimum standards guidance of the CDSS, by enacting several specific requirements for social workers (and in some cases, probation officers) to locate and return children who receive welfare services to foster care when they are missing and at risk, and for courts to review the continuing efforts to return, stabilize, and protect those children. The bill's requirements include the following:

Notification that the child is missing from foster care. While current law requires county welfare departments to adopt policies that require a number of actions when a social worker determines that a child is missing from foster care, the policies do not specifically require that law enforcement, the court with jurisdiction over the child, the child's family, the child's attorney, and the child's tribe or tribal representative (if applicable) are notified. Nor does the law provide a timeline for when such notifications must occur. The bill in print does so.

Expedited court review of the child's case. Current law does not require the juvenile court to hold a special hearing to review the case of a child who is missing from foster care, nor does it specify timelines for doing so, other than any regularly scheduled review hearing. The bill in print would establish those requirements.

According to the Author

In continuation of addressing the Missing and Murdered Indigenous Persons Crisis (MMIPC), 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.

Arguments in Support

The California Tribal Families Coalition, sponsor of this bill, writes the following about why the bill will protect missing foster youth:

AB 273 (Ramos) will protect not only Native foster children, but all foster children by creating a more family-centered and child-focused process to locate, return, and stabilize children and youth who go missing while in the care, custody, and control of the child welfare system. 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, including the California Department of Social Services (CDSS) minimum standards guidance.

The bill creates a more inclusive notification protocol when a child goes missing from care and creates a stronger oversight role for the courts. It gives the court with jurisdiction over a child a real-time opportunity to assess whether the current placement is in fact safe for the child before the child is returned there, and it reduces the recurrence of abuse and sexual exploitation, which current federal and state laws were enacted to combat.

Arguments in Opposition

No opposition on file.

FISCAL COMMENTS

According to the Senate Appropriations Committee:

- 1) One-time General Fund automation costs, likely hundreds of thousands in 2023-24, for the Child Welfare Services California Automated Response and Engagement System (CARES).
- 2) Unknown ongoing local costs, likely millions (General Fund and federal funds), 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.
- 3) Ongoing General Fund cost pressures, likely hundreds of thousands, 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.

VOTES

ASM JUDICIARY: 11-0-0

YES: Maienschein, Essayli, Connolly, Dixon, Haney, Kalra, Pacheco, Papan, Reyes, Robert Rivas, Sanchez

ASM APPROPRIATIONS: 15-0-1

YES: Holden, Megan Dahle, Bryan, Calderon, Wendy Carrillo, Dixon, Mike Fong, Hart, Lowenthal, Mathis, Papan, Pellerin, Sanchez, Weber, Ortega

ABS, ABST OR NV: Robert Rivas

ASSEMBLY FLOOR: 78-0-2

YES: Addis, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Reyes, Luz Rivas, Robert Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Rendon

ABS, ABST OR NV: Aguiar-Curry, Mathis

SENATE FLOOR: 39-0-1

YES: Allen, Alvarado-Gil, Archuleta, Ashby, Atkins, Becker, Blakespear, Bradford, Cortese, Dahle, Dodd, Durazo, Eggman, Glazer, Gonzalez, Grove, Hatado, Jones, Laird, Limón, McGuire, Menjivar, Min, Newman, Nguyen, Niello, Ochoa Bohn, Padilla, Portantino, Roth, Rubio, Seyarto, Skinner, Smallwood-Cuevas, Stern, Umberg, Wahab, Wiener, Wilk

ABS, ABST OR NV: Caballero

ASSEMBLY FLOOR: 80-0-0

YES: Addis, Aguiar-Curry, Alanis, Alvarez, Arambula, Bains, Bauer-Kahan, Bennett, Berman, Boerner, Bonta, Bryan, Calderon, Juan Carrillo, Wendy Carrillo, Cervantes, Chen, Connolly, Megan Dahle, Davies, Dixon, Essayli, Flora, Mike Fong, Vince Fong, Friedman, Gabriel, Gallagher, Garcia, Gipson, Grayson, Haney, Hart, Holden, Hoover, Irwin, Jackson, Jones-Sawyer, Kalra, Lackey, Lee, Low, Lowenthal, Maienschein, Mathis, McCarty, McKinnor, Muratsuchi, Stephanie Nguyen, Ortega, Pacheco, Papan, Jim Patterson, Joe Patterson, Pellerin, Petrie-Norris, Quirk-Silva, Ramos, Rendon, Reyes, Luz Rivas, Rodriguez, Blanca Rubio, Sanchez, Santiago, Schiavo, Soria, Ta, Ting, Valencia, Villapudua, Waldron, Wallis, Ward, Weber, Wicks, Wilson, Wood, Zbur, Robert Rivas

UPDATED

VERSION: September 18, 2023

CONSULTANT: Alison Merrilees / JUD. / (916) 319-2334

FN: 0002556