

ASSEMBLY THIRD READING

AB 3217 (Bryan)

As Amended April 4, 2024

Majority vote

SUMMARY

Requires each county to annually review data comparing the statewide average rate of foster youth placed with relatives, for comparison with the county's placement rate. Requires the county welfare director, if a county's rate is less than the statewide average, to communicate with counties with the highest placement rates to compare best practices. Further requires, if a county has a rate of placing children with relatives below the statewide average, the board of supervisors to include the topic for discussion on the agenda of a board meeting.

Major Provisions

- 1) Requires each county, by January 30 of each year, to review publicly available data comparing the statewide average rate of placing children with relatives in the prior year and, in the case of Indian children, the statewide average rate of placing children according to the Indian Child Welfare Act (ICWA) placement preferences, for comparison with the county's placement rate during the same period.
- 2) Requires, if the county's rate is less than the statewide average, the county welfare director, or their designee, no later than December 1, to communicate at least once with the county welfare directors of the three counties with the highest placement rates or their designees to compare best practices for family finding.
- 3) Specifies that communication includes email, video conference, or phone call.
- 4) Requires, if each year that, based on publicly available data, a county has a rate of placing children with relatives that is less than the statewide average, or, in the case of Indian children, placing children according to ICWA, the county board of supervisors to, at least once, include the topic for discussion on the agenda of a regularly noticed meeting of the full board.
- 5) Makes findings and declarations related to the racial and ethnic disproportionality that exists within the foster care system among Black and Native American children in California and the recommendation to consistently review data to understand what can be changed to better support kinship families.

COMMENTS

Background: 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 California Department of Social Services (CDSS), sought to improve outcomes for children and youth served by the child welfare services 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.

Family Finding and Due Diligence. It has long been the goal of the child welfare services 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 child welfare services 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 reveals a wide discrepancy in relative placement rates across counties in California. While the state average is 34%, Los Angeles County, which has one-third of California's foster youth population, has a relative placement rate of 40%. Orange County places 47% of foster youth with relatives, Alameda County stands at 34%, and San Diego County at 30%. Sacramento County, with 22%, has the lowest placement rate with relatives among all counties and is not only lower than the state average, it is also significantly lower than the national average of 35.5%.

This bill will require the director of any county welfare agency with a relative placement rate that is less than the statewide average to confer about best practices with the county welfare directors of the counties with the top three placement rates. Counties with below average rates will also be required to agendize the matter for board discussion at least once a year.

According to All County Letter (ACL) No. 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. As of January 1, 2017, all new relative home placements were required to meet Resource Family Approval (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.

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 would additionally require counties by January 30 of each year, to review data comparing the statewide average of relative placement in the prior year with their own county's relative placement rate. This additional requirement adds an element of accountability to the requirements for counties to use due diligence in their efforts to place foster youth with relatives by also requiring each county to compare their relative placement rates against the statewide average.

Center for Excellence in Family Finding, Engagement, and Support. As a result of AB 207, (Committee on Budget), Chapter 573, Statutes of 2022, CDSS contracted with the University of California, Davis to launch the Center for Excellence in Family Finding, Engagement, and Support (CFE) to support efforts to keep children and youth connected to their biological and extended families. The CFE was designed to provide multi-tiered, culturally appropriate training and technical assistance, such as conducting evidence-based, organization-specific assessments of implementation activities, and strengthening trauma-informed practices and programs related to family finding and engagement.

The Excellence in Family Finding, Engagement, and Support (EFFES) is an opt-in program offered through the CFE. The CFE will provide training and technical assistance for counties and Tribes that have opted to participate in the EFFES program. Specialized trainings and support will be available to county welfare agencies, probation departments, participating tribes, and foster care providers to enhance their practices, policies, and efforts for family finding, support, and engagement. The CFE will also provide training on how to engage children and young people in the family finding process utilizing family finding and engagement and permanency subject matter experts.

Equity Implications: Research indicates that by improving relative placement rates in California, outcomes for all children and families, and in particular, Black children and families who are overrepresented in the foster care system, will also improve. According to the Legislative Analyst Office (LAO) in a March 2022 publication, the proportions of Black and Native American youth in foster care are around four times larger than the proportions of Black and Native American youth in California overall. In addition, recent research on cumulative child welfare involvement of California's 1999 birth cohort found nearly one in two Black and Native American children experienced some level of child welfare involvement by the time they turned 18 years of age (compared to around 29% of Latino children, 22% of White children, and 13% of Asian/Pacific Islander children). The LAO states that this same research also found that California children with public insurance (Medi-Cal) experienced child welfare involvement at more than twice the rate of those with private insurance. Because of the disproportionality across all aspects of the child welfare system - not just in foster care - but also child protective services involvement, prioritizing placement of a foster youth with their family members or other responsible adults who are known to the child has been seen as a way to address this issue by ensuring that these vulnerable youth are placed with family when possible.

According to the Author

"Numerous studies over the years have shown that placing foster youth with loved ones leads to far better outcomes for that youth. Two years ago, our state made a \$150 million investment for the Excellence in Family Finding, Engagement, and Support Program. [This bill] is a simple measure that will ensure that counties that are falling behind in family placement rates are aware of the resources and guidance available to them and pursue best practices to ensure that young

people in foster care are placed with loved ones, rather than strangers, in times of instability and trauma."

Arguments in Support

According to the Children's Advocacy Institute at the University of San Diego School of Law, sponsor of this bill, "Against a backdrop of i) vast discrepancies in how successfully counties place foster children with family members, ii) the documented and enduring benefits for children of being placed with their family, and iii) the disproportionate number of children of color in foster care, [this bill] is properly viewed in part as a civil rights bill as well as a child welfare bill. Based on these factors, the very least we can do is regularly have a conversation about how, within existing resources, counties might through best practices improve the rates by which they place traumatized foster children with their family members, as modestly proposed by this measure."

Arguments in Opposition

According to the County Welfare Directors Association of California (CWDA), "While CWDA shares the goal of ensuring optimal placements for children, challenges faced in reaching this goal are not due to a lack of consultation. Counties are already deeply involved in cooperation and consultation with one another, the state and tribal governments on best practices for family finding. Counties have opted in to \$150 million dollars made available by the state in 2022 for the purpose of improving family finding. These funds established the Center for Excellence in Family Finding, Support and Engagement, which assists counties with support and training. The Center facilitates stakeholder groups, "Kinship Sprints," regional convenings and many other settings for learning and technical assistance for counties. County welfare directors also consult with one another directly within CWDA. This bill would be highly duplicative. "The duplicative requirements created by this bill would exacerbate workload strain within counties and could therefore detract from the actual work involved in family finding. Additionally, this bill would disproportionately adversely impact smaller, more rural counties. Children in these counties are less likely to have relatives that live within the county and are more likely to be placed with non-relatives in order to ensure that they are not removed from their communities. These counties would fall below the state average and be required to consult on issues they are already addressing but simply can't fix due to lack of available relatives for placement."

FISCAL COMMENTS

According to the Assembly Appropriations Committee on May 14, 2024, "Ongoing General Fund costs, likely less than \$25,000 annually statewide, for increased administrative workload to county child welfare agencies associated with the requirement for communicating best practices, including the time required for the under-performing counties to analyze data and communicate with the top performing counties.

"Although these are state-mandated costs, they are not reimbursable, but instead must be funded by the state pursuant to Proposition 30 (2012), which 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

ASM HUMAN SERVICES: 6-0-1

YES: Lee, Essayli, Calderon, Gipson, Jackson, Ortega

ABS, ABST OR NV: Mathis

ASM APPROPRIATIONS: 15-0-0

YES: Wicks, Sanchez, Arambula, Bryan, Calderon, Wendy Carrillo, Dixon, Mike Fong, Grayson, Haney, Hart, Jim Patterson, Pellerin, Ta, Villapudua

UPDATED

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