
SENATE COMMITTEE ON HUMAN SERVICES

Senator Alvarado-Gil, Chair

2023 - 2024 Regular

Bill No: AB 3217

Author: Bryan

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Urgency: No

Consultant: Heather Hopkins

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Fiscal: Yes

Subject: Juveniles: Justice Through Placing Foster Children with Families Act

SUMMARY

This bill creates the Justice Through Placing Foster Children with Families Act, which requires counties to review statewide average rates of placing children with relatives and take various actions if their county's numbers are below the statewide average.

ABSTRACT

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 have been abused or neglected, as specified. (*WIC 202*)
- 2) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (*WIC 300.2*)
- 3) States the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, and to reunify a foster youth with their biological family whenever possible, or to provide a permanent placement alternative, such as adoption or guardianship. (*WIC 16000*)
- 4) Requires, if a child is removed, the social worker to conduct, within 30 days an investigation in order to identify and locate all grandparents, parents of a sibling of the child, if the parent has legal custody of the sibling, adult siblings, other adult relatives of the child, including any other adult relatives suggested by the parents, and, if it is known or there is reason to know. (*WIC 309(e)(1)*)
- 5) Requires a social worker to use due diligence in investigating the names and locations of the relatives, as well as any parent and alleged parents, and requires each county welfare

department to do both of the following:

- a. 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 to the county welfare department, and requires the county welfare department to provide parents and relatives with specified notices; and,
 - b. 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 and, generally, whether the practice has been implemented. Requires, if a county welfare department has not adopted one of the suggested practices for family finding, the county welfare department to provide a copy to CDSS of its existing family finding policies and practices, as reflected in memoranda, handbooks, manuals, training manuals, or any other document. (*WIC 309(e)(3)*)
- 6) 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. (*WIC 309(e)(3)(B)*)
 - 7) Requires preferential consideration be given to a request by a relative to have the child placed with the relative if the child has been removed from the physical custody of the child’s parent(s). (*WIC 361.3(a)*)
 - 8) Requires, when placing a child in the home of a relative, an extended family member, or nonrelative extended family member (NREFM) on a temporary basis, the court to consider the recommendations of the social worker based on the assessment required by current law, including the results of a criminal records check and prior child abuse allegations, if any, before ordering that the child be placed with a relative or NREFM. (*WIC 319(h)(3)*)

This Bill:

- 1) Creates the Justice Through Placing Foster Children with Families Act.
- 2) Makes legislative findings and declarations about the racial disparities in children in foster care and the benefits of kinship care.
- 3) 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 for comparison with the county’s placement rate during the same period. If the county’s rate is less than the statewide average, the county welfare director, or their designee, shall, no later than December 1, 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.

- 4) Requires that each year that a county has a rate of placing children with relatives that is less than the statewide average the board of supervisors of that county shall, at least once, include the topic for discussion on the agenda of a regularly noticed meeting of the full board.

FISCAL IMPACT

According to the Assembly Appropriations Committee Analysis, “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 AB 3217 Page 2 services and foster care) to apply only to local agencies to the extent the state provides annual funding for the cost increase.”

BACKGROUND AND DISCUSSION

Purpose of the Bill:

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. AB 3217 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.”

Child Welfare Services (CWS)

The CWS system is an essential component of the state’s safety net. Social workers in each county receive reports of abuse or neglect, and 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. In 2023, the state’s child welfare agencies received 433,571 reports of abuse or neglect. Of these, 47,845 reports contained allegations that were substantiated and 18,147 children were removed from their homes and placed into foster care via the CWS system.

After the county child welfare department becomes involved with families, approximately 12 months of services are provided to children who are able to remain safely in their home while the

family receives services. This is considered family preservation services and the child does not come under the jurisdiction of the juvenile dependency court during this time.

If it is determined that a child cannot remain in the home, even with family preservation and support services, the child comes under the jurisdiction of the county's juvenile dependency court while the family is served by a CWS system social worker. This system seeks to ensure the safety and protection of these children, and where possible, preserve and strengthen families through visitation and family reunification. It is the state's goal to reunify a foster child or youth with their biological family whenever possible.

Generally, if a child cannot be safely returned home after the time allotted for reunification services ends, the court terminates the parental rights of the child's parents. The child's case plan then focuses on permanency services, in an effort to connect the child to a permanent placement through adoption or guardianship. If an adoption or guardianship is not established, a child may remain in long-term foster care. The child is always supposed to be placed in the most family like setting, with short-term residential treatment programs used only as necessary to provide intensive services. A child remains eligible for services for the length of their time in the child welfare system, time limits relate to the provision of services to the child's parents.

In some circumstances, existing law allows the court to not provide reunification services at all, and parental rights are terminated without the opportunity for reunification. These circumstances include, but are not limited to, the following examples: when the whereabouts of the parent are unknown; when the parent is suffering from a mental disability, as provided, that renders the parent incapable of utilizing those services; when the parent caused the death of another child through abuse or neglect; after a finding of severe sexual abuse; when the parent has been convicted of a violent felony, as provided; and in some instances where a prior child of the parent became a dependent of the court and was unable to reunify.

Kinship Care

Kinship care refers to care of a child by relatives. Research has shown that children placed with their own relatives and extended family members have greater placement stability, fewer emotional and behavioral problems, and more connections to their biological families and social-cultural communities. According to the Child Welfare Information Gateway¹, a government organization providing information and tools for improving child welfare practice, kinship care is the preferred option in most U.S. child welfare systems because it is the least restrictive, most family like placement for children. They further note that children in kinship care environments have fewer disruptions and overall better permanency outcomes than children in non-familial placements.

The Juvenile Law Center writes, "Kinship care must be sought more frequently and be a top priority for Black and Native families and other communities in the child welfare system that have been historically disenfranchised, ripped apart, and devalued throughout American history. The child welfare system must prioritize the kinship care model to ensure the care of children, promote equity among families, sustain family/familial relationships, and to protect, and preserve

¹ <https://www.childwelfare.gov/topics/permanency/kinship-care/?top=123>

the culture and history of these communities.”²

Family Placement Rates Vary By County

California’s 58 counties are each unique, with small and large populations, small and large geographic districts, and rural and urban settings. Across these 58 counties, rates of family placement vary. The California Child Welfare Indicators Project³ provides a comprehensive source of child welfare administrative data. According to the data available on their website, county placement rates, as determined by the percentage of foster children currently placed with relatives or non-relative extended family members at the point in time of January 1, 2024, vary from 12.6% in Stanislaus County to 50.2% in Orange County. The counties with the highest placement rates are: Orange County 50.2%; San Benito 50%; and Ventura 44.4%. Calculating the average family placement rate from the Indicators Project website, noting 11 counties did not have the relevant data available, came to 30.85%. Counties below that average rate are:

Stanislaus 12.6%	Del Norte 19.8%	Sutter 21.9%	Fresno 25.8%	Sonoma 27.4%
Tehama 13.3%	Monterey 19.9%	Santa Clara 22.5%	Yolo 26.2%	Calaveras 28.3%
Yuba 13.8%	Siskiyou 21.2%	Sacramento 23.6%	Butte 26.5%	Tulare 28.6%
Mendocino 17.6%	San Mateo 21.7%	Contra Costa 23.8%	Madera 27.1%	Kern 29.6%

This bill requires counties with below statewide average placement rates to communicate with one of the top three counties to compare best practices for family finding.

Related/Prior Legislation:

AB 448 (Juan Carrillo, 2023) was similar to this bill, but had an additional requirement for the social worker to conduct immediately, but no later than 30 days after the child has been removed, an investigation in order to identify and locate all relatives of the child, and to document their efforts to the court, and in the case of an Indian child, the active efforts and results of those efforts to locate relatives or kin. AB 448 was vetoed.

SB 384 (Cortese, Chapter 811, Statutes of 2022) required each county welfare and probation department to notify CDSS whether it has adopted one of the suggested practices for family finding, as described, and how the practice has been implemented. Required 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. Includes “family finding” activities within the due diligence required of a social worker and probation officer when investigating the names and locations of relatives.

SB 1091 (Hurtado, 2022) would have required that funds, appropriated by the Legislature for this purpose, be available to fund new or expanded family finding and engagement techniques and would have required CDSS to fund contracts with community-based organizations or to provide local assistance allocations to counties or Indian tribes, or both. SB 1091 would have further required CDSS to convene a leadership team to develop recommendations relating to

² <https://jlc.org/news/family-preservation-matters-why-kinship-care-black-families-native-american-families-and-other>

³ <https://ccwip.berkeley.edu/>

family finding and engagement as provided. SB 1091 was set to be heard by the Assembly Appropriations Committee but the hearing was cancelled by the author.

AB 2579 (Bennet, 2022) would have required county placing agencies to implement model practices for intensive family finding and support for foster children, children detained but not adjudicated, and candidates for foster care. The bill would have further required counties to submit a plan to CDSS as a condition of receiving funding for these purposes. AB 2579 was held in the Senate Appropriations Committee.

SB 354 (Skinner, Chapter 687, Statutes of 2021) adopted changes to the criminal background check process during the resources family approval process for relatives of children placed in the child welfare system. SB 354 further permitted the court to authorize placement of children with relatives in certain circumstances, regardless of the status of any criminal exemption or resource family approval; and, required, no later than January 1, 2024, CDSS to submit a report to the Legislature related to criminal record exemptions, as specified.

SB 1336 (Jackson, Chapter 890, Statutes of 2016) required the juvenile court to make a finding as to whether the social worker exercised due diligence in conducting their investigation to identify, locate, and notify the child's relatives, including whether specific actions were taken.

AB 1761 (Hall, Chapter 765, Statutes of 2014) clarified that the placement priority for relatives and NREFM applies both prior to the detention hearing and also after the detention hearing and prior to the dispositional hearing.

AB 2391 (Calderon, 2014) would have required the county social worker and the court, when determining whether placement with a relative is appropriate, to consider specified factors, and would have required that consideration for placement with a relative subsequent to a disposition hearing be given again without regard to whether a new placement of a child must be made. AB 2391 was referred to the Senate Judiciary Committee but was not set for hearing.

COMMENTS

This bill seeks to increase family placement rates in the dependency system by requiring counties with below average placement rates to communicate with one of the top three family placement counties. Does it make sense for rural and geographically vast counties to have to contact far more urban and densely populated counties for information on how to improve family placement numbers? Would counties more similar in size and setting have more relevant lessons and information? Does it place an undue burden on the top three counties to have 20 counties contacting them to compare best practices for family finding?

This bill further requires that each year that a county has a rate of placing children with relatives that is less than the statewide average the board of supervisors of that county shall, at least once, include the topic for discussion on the agenda of a regularly noticed meeting of the full board. Without providing any specific guidance as to what the agendaing of this topic requires, it is unclear if it will have any effect on changing policies to increase family placement rates.

Proposed Amendments: The author has agreed to the following committee amendments”

(iii) Each county shall, by January 30 of each year, review publicly available data, which may include data from the California Child Welfare Indicators Project, 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 placement preferences, as described in subdivision (b) of Section 361.31, for comparison with the county's placement rate during the same period. If the county's rate is less than the statewide average, the county welfare director, or their designee, shall, no later than December 1, communicate at least once with the Center for Excellence in Family Finding, Engagement, and Support ~~county welfare directors of the three counties with the highest placement rates or their designees to compare identify best practices that may be adopted by the county to improve its average rate of~~ placing children with relatives. family finding. For purposes of this subparagraph, communication includes email, video conference, or phone call.

(B) The due diligence required under subparagraph (A) shall include family finding. For purposes of this section, "family finding" means 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 by Section 224.1, "family finding" also includes contacting the Indian child's tribe to identify relatives and kin.

(f) 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, the statewide average rate of placing children according to the Indian Child Welfare Act placement preferences, as described in subdivision (b) of Section 361.31, the board of supervisors of that county shall, at least once, include the topic for discussion, including whether the county has adopted best practices identified by the Center for Excellence as described in subparagraph (e)(2)(iii), on the agenda of a regularly noticed meeting of the full board.

PRIOR VOTES

Assembly Floor:	74 - 0
Assembly Appropriations Committee:	15 - 0
Assembly Human Services Committee:	6 - 0

POSITIONS

Support:

Childrens Advocacy Institute (Sponsor)
 Black Women Organized for Political Action (BWOPA)
 Children Now
 Dependency Legal Services

Howard Advocacy, INC.
Justice2jobs Coalition

Oppose:
County Welfare Directors Association of California

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