
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anna Caballero, Chair
2023 - 2024 Regular Session

AB 3217 (Bryan) - Juveniles: Justice Through Placing Foster Children with Families Act

Version: June 24, 2024

Policy Vote: HUMAN S. 5 - 0, HUMAN S.
5 - 0, HUMAN S. 4 - 0

Urgency: No

Mandate: Yes

Hearing Date: July 1, 2024

Consultant: Agnes Lee

Bill Summary: AB 3217 would require counties to review statewide average rates of placing foster children with relatives, as specified.

Fiscal Impact: Unknown potential General Fund cost pressures to fund counties for administration. Proposition 30 of 2012 provides that any legislation enacted after September 30, 2012 that has an overall effect of increasing the costs already borne by a local agency for realigned services applies to local agencies only to the extent that the State provides annual funding for the cost increase. Local agencies are not be obligated to provide programs or levels of service required by legislation above the level for which funding has been provided.

Background: Under the child welfare services (CWS) system, social workers in each county receive reports of abuse or neglect, and investigate and resolve those reports. 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.

Current law requires, when a child is removed from their home, 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:

- 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 to provide parents and relatives with specified notices; and,

- Notify the California Department of Social Services (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. If a county welfare department has not adopted one of the suggested practices for family finding, the county welfare department must 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.

Proposed Law: Specific provisions of the bill would:

- Require 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 placement preferences, as specified, for comparison with the county's placement rate during the same period; and if the county's rate is less than the statewide average, the county welfare director, or their designee, must no later than December 1, communicate at least once with the Center for Excellence in Family Finding, Engagement, and Support to identify best practices that may be adopted by the county to improve its average rate placing children with relatives.
- Require that 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 specified, the board of supervisors of that county must, at least once, include the topic for discussion, including whether the county has adopted best practices identified by the Center for Excellence in Family Finding, Engagement, and Support, on the agenda of a regularly noticed meeting of the full board.

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