

Date of Hearing: May 10, 2023

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Chris Holden, Chair

AB 937 (McKinnor) – As Amended April 12, 2023

Policy Committee:	Judiciary	Vote:	11 - 0
	Human Services		8 - 0

Urgency: No State Mandated Local Program: Yes Reimbursable: Yes

SUMMARY:

This bill requires a juvenile court to extend reunification services for six months to a parent whose child has been removed from their custody if the court finds that reasonable family unification services have not previously been provided to the parent.

Specifically, this bill:

- 1) Requires, the court to extend reunification services for an additional six months if the child is not returned to a parent or legal guardian at the permanency review hearing and the court finds that reasonable services have not been provided.
- 2) Authorizes the court to continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of their parent or legal guardian and safely maintained in the home within the extension period, or that reasonable services have not been provided to the parent or legal guardian.
- 3) Clarifies that if the court finds by clear and convincing evidence that extending the time period for reunification services would be detrimental to the child, the court is not required to extend reunification services for an additional six months.
- 4) Requires, if the court extends the time period for family reunification services, the court to specify the factual basis for its conclusion that reasonable services have not been provided to the parent or guardian.

FISCAL EFFECT:

Costs (local funds, General Fund) of an unknown but potentially significant amount to county child welfare agencies. This bill allows a court, in specified circumstances, to provide a parent with six additional months of reunification services. Actual costs will depend on how frequently courts order additional provision of services, and whether individual counties provide services at no cost or require parents to pay for them. Although these county costs are mandated by the state, they are not reimbursable, but instead must be paid by the state pursuant to Proposition 30 of 2012. Proposition 30 provides that 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) applies to local agencies only to the extent the state provides annual funding for the cost increase.

The author submitted a budget request of \$600,000 to help fund the requirements of this bill.

COMMENTS:**1) Author's Statement.** According to the author:

[This bill] will ensure that parents are given a fair opportunity to reunify with their children by providing the parent with an additional six months of reunification services if courts have ruled that the social worker has failed to provide families with sufficient services during the last review period. California must meet its obligation to its families, and this proposal would ensure that families receive the support needed to stabilize and reunify.

2) Background. When a child is removed from their parent's custody, decisions about the child's welfare are made through court dependency proceedings. Generally, a social worker will provide the court with information about the parent's abuse or neglect of the child and the court determines whether removing the child from their parent's custody is in the child's best interest. Once a child has been removed from their parent's custody, the court initiates a reunification plan, which includes arrangements for the child's care and steps the parent can take to remedy the situation and re-obtain custody of the child. For example, a court may order a parent to participate in reunification services like family therapy, substance abuse treatment, or parenting classes. For children under three years old, parents must be provided with six months of reunification services. For children over three years old, parents must be offered twelve months of reunification services.

There are statutes that indicate that a court may extend services in certain circumstances, but, as detailed in the analysis of this bill by the Assembly Committee on Judiciary, California courts are divided about how to interpret the statutes. This bill seeks to provide clarification and requires a court to extend services for an additional six months if the court concludes that reasonable services have not yet been provided to a parent, unless providing additional services would be detrimental to the child. The bill clarifies the factors a court must consider in deciding whether to extend services, the findings a court must make, and how a court must explain the basis for its decision.

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