
SENATE COMMITTEE ON APPROPRIATIONS

Senator Anthony Portantino, Chair
2023 - 2024 Regular Session

AB 937 (McKinnor) - Dependency: family reunification services

Version: August 14, 2023

Urgency: No

Hearing Date: August 28, 2023

Policy Vote: JUD. 11 - 0, HUMAN S. 5 - 0

Mandate: Yes

Consultant: Matthew Fleming

Bill Summary: AB 937 would require a juvenile court to extend family reunification for an additional six months if it finds that a parent has not been provided with reasonable reunification services, or, in the case of an Indian child, that active efforts to reunite the child with their family have not been made.

Fiscal Impact: Unknown ongoing costs, likely in the high hundreds of thousands to low millions, in local assistance to county welfare departments in order to provide additional months of reunification services to qualifying families (General Fund, Federal Funds). It is unknown how many cases will qualify for additional family reunification services under AB 937. Actual costs will depend how many cases are determined to require additional services under the bill, and for how long such services are required. Cases would be federally eligible, allowing CDSS to use federal funding in addition to the General Fund.

Background: California's child welfare system is responsible for ensuring the protection and safety of children at risk of abuse, neglect, or abandonment. When it is necessary for the state to remove a child from their parent's custody, the primary objective of the child welfare system is to reunify the child with their family, if doing so is consistent with the best interests of the child. To that end, in most cases a juvenile court orders reunification services – such as counseling for the family, and parenting classes or drug or alcohol treatment for the child's parents – before making a final determination regarding parental rights. Depending on the circumstances, these services may be provided for a period of as little as six months and up to two years.

While dependency proceedings are ongoing, a court must hold regular review hearings at least every 6 months to determine whether a parent can be reunified with their child; the case must be resolved through either reunification or the termination of parental rights within 24 months. In many cases, the reunification process includes providing services to the parent to help ameliorate the conditions that led to the child's removal. The statutes are clear that, at the 6-month and 12-month review hearings, the case must be extended if the court finds that reasonable reunification services were not offered or provided to the parent. The statutes are less clear, however, about the effect of a finding that reasonable services were not provided at the 18-month review hearing. The California Supreme Court earlier this year held that the failure to provide reasonable services at the period covered by the 18-month review hearing does not require an automatic extension of the proceedings, and a court may instead proceed to the hearing to terminate parental rights.

Proposed Law:

- Clarifies that a juvenile court, at six-month review hearings, may extend the period in which a parent receives court-ordered services if it finds that reasonable services have not been provided to the parent, or, in the case of an Indian child, if it finds active efforts to reunite the child with their family have not been made as specified.
- Modifies the circumstances under which a court may continue a permanency hearing due to the failure to provide reasonable reunification services, as follows:
 - If the court finds that reasonable reunification services were not provided, the court shall extend reunification services for six months, as specified.
 - If the court finds by clear and convincing evidence, based on competent evidence from a mental health professional, 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.
 - The court may continue the case only if it makes specified findings.

Related Legislation:

- AB 2805 (Eggman, Ch. 356, Stats 2020) expanded the scope of evidence that a court may consider when determining whether to order reunification services for a young child who has been made a dependent of the juvenile court because the child suffered severe physical abuse by a parent or by any person known by the parent.
- AB 1702 (Stone, Ch. 124, Stats. 2016) provided that reunification services need not be provided when the court finds that the parent or guardian participated in, or consented to, the sexual exploitation of the child, as prescribed, except if the parent or guardian was coerced into consenting to, or participating in, the sexual exploitation of the child.

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