

Date of Hearing: April 9, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2459 (Wilson) – As Introduced February 13, 2024

SUBJECT: Juveniles: mentoring programs

SUMMARY: Requires social workers and probation officers to document the benefits of one-to-one mentoring services for foster youth in the supplemental report required to be filed at status reviews. Specifically, **this bill**:

- 1) Requires documentation included in the supplemental report filed at the six-month status review to include a factual discussion of the following:
 - a) The likely emotional and social benefits from one-to-one mentoring services for the youth, including trauma-informed mentoring;
 - b) The discussion with the youth regarding working with a mentor;
 - c) The youth's attitude toward engaging in one-to-one mentoring;
 - d) Efforts made to identify available nonprofit organizations with experience in working with foster children in one-to-one mentoring, particularly trauma-informed mentoring; and,
 - e) Actions taken to refer the youth for one-to-one mentoring with a mentor.
- 2) Requires the social worker or probation officer to advise the foster youth that if they participate in a mentoring program, information regarding the foster youth's placement and any updates on new placements, will only be shared with the nonprofit organization and mentor with the explicit written and informed consent of the foster youth.
- 3) Requires a social worker or probation officer to provide updates on new placements to any mentor with whom a foster youth has an existing mentoring relationship prior to the foster youth entering or re-entering foster care, even if the foster youth was not referred to the mentor pursuant to these provisions.
- 4) Specifies, notwithstanding a mentoring program being included in the case plan that the foster youth's participation in the mentoring program is to be on a purely voluntary basis.
- 5) Requires the foster youth's subsequent decision to discontinue participation in the mentoring program not to be the basis for discipline, punishment, or any other adverse action by the social worker or the court.
- 6) Defines the following terms:
 - a) "Mentor" means an individual who works for, or volunteers with, a nonprofit organization and provides mentoring services. A mentor providing mentoring services pursuant to these provisions shall not be considered as a court-appointed special advocate (CASA);

- b) “Mentoring” means a meaningful and mutually desired one-to-one relationship between a mentor and mentee that is fully supported by a parent or guardian and includes outcomes such as positive behaviors and choices, educational and career success, and increased social, emotional, and mental health well-being;
 - c) “Trauma-informed mentoring” means an approach that involves an understanding and consideration of the nature of trauma and promotes environments of healing and recovery rather than practices that may inadvertently re-traumatize an individual.
- 7) States legislative intent to increase stability of children and youth in foster care, and in adoptive, kinship, and guardianship families by increasing the supports provided to these children and youth.
 - 8) Declares that foster children and youth would benefit from one-to-one mentoring models that provide appropriately screened, trained, and matched adult mentors that bring an approach to building positive relationships, positive experiences, and improved goals and outcomes.

EXISTING LAW:

- 1) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being neglected, exploited, and/or physically, sexually, and emotionally abused and to ensure the safety of children who are at risk of that harm. Specifies that safety, protection, and physical and emotional well-being may include the provision of social and health services to help the child and family and a balanced focus on the health and well-being of the child along with the preservation of the family. (Welfare and Institutions Code [WIC] § 300.2)
- 2) Declares legislative intent to, whenever possible preserve and strengthen a child’s family ties and ensure that if the child is removed from their family, the state shall work to secure as nearly as possible for the child the custody, care, and discipline equivalent to that which should have been given to the child by their parents. Further, states legislative intent to reaffirm its commitment to children who are in out-of-home placement to live in the least restrictive setting and as close to the child’s family as possible, as specified. (WIC § 16000)
- 3) Defines “nonminor dependent” as a current or former foster youth who is between 18 and 21 years of age, in foster care under the responsibility of the county welfare department, county probation department, or Indian tribe, and participating in a transitional independent living plan, as specified. (WIC § 11400(v))
- 4) Declares the case plan as the foundation and central unifying tool in child welfare services, and requires a child welfare/probation case plan, whichever is applicable, to include certain information, including, but not limited to: assessment of child and family needs; consideration of the child and family team recommendations; a description of the circumstances that resulted in the minor being placed under the supervision of the probation department and in foster care; and, to identify specific goals and the appropriateness of services in meeting those goals, among others. (WIC §§ 16501.1 and 706.6)
- 5) Requires a social worker, at least 10 calendar days prior to the hearing in which an order is made placing a child under the supervision of the juvenile court, to file a supplemental report with the court describing the services offered to the family and the progress made by the

family in eliminating the conditions or factors requiring court supervision. Further requires the social worker to make a recommendation regarding the necessity of continued supervision and for a copy of this report to be furnished to all parties at least 10 calendar days prior to the hearing. (WIC § 364(b))

- 6) Enumerates requirements for certain reports made to the court by social workers, CASAs, and probation officers, including topics about which the report contains a factual discussion, including a youth's health and education summary, whether the youth has any siblings under the court's jurisdiction, and what actions have been taken by the youth's parent to correct the problems that caused the child to be made a dependent child of the court, among others. (WIC §§ 366.1, 366.3, 366.31, and 706.5).

FISCAL EFFECT: Unknown, this bill has not been analyzed by a fiscal committee.

COMMENTS:

Background: *Child Welfare Services (CWS):* California's child welfare system was established to protect youth from abuse and neglect and is designed to provide for the safety, health, and overall well-being of children. When a child is identified as being at risk of abuse or neglect, reports can be made to either law enforcement or a county child welfare agency. Often, these reports are submitted by mandated reporters who are legally required to report suspicion of child abuse or neglect due to their profession, such as a teacher or physician. When a mandated reporter submits a report to either law enforcement or the county child welfare agency, a social worker determines whether the allegation is of suspected abuse, neglect, or exploitation. The child's social worker and the court collaborate to evaluate and review the circumstances of each case, seeking either reunification or placement outside of the home as a way for the child to achieve permanency.

California's CWS programs are administered by the 58 individual counties with each county organizing and operating its own program of child protection based on local needs while adhering to state and federal regulations. When a child welfare case is open, counties are the primary governmental entity interacting with children and families when addressing issues of child abuse and neglect and are responsible, either directly or through providers, for obtaining or providing the interventions and relevant services to protect children and assist families with issues related to child abuse and neglect.

The California Department of Social Services secures federal funding to support CWS programs, provides statewide best practices training for social workers, and conducts program regulatory oversight and administration, and is responsible for the development of policy while also providing direct services such as adoption placements.

Court Appointed Special Advocate is a trained volunteer, appointed by a judge in a local court, who advocates for a child who has experienced abuse or neglect, with ongoing supervision from professionals at local nonprofit CASA programs. These volunteers are assigned to the same youth while they're in the CWS system regardless of changes in placements or schools. As an educational rights holder for a foster child, a CASA has the legal authority to attend teacher conferences, monitor grades, keep track of progress, and ensure the court provides the student with access to needed services.

This bill specifies that a mentor is an individual who works for, or volunteers with, a nonprofit organization, as described in these provisions, and is not be considered a CASA.

Foster Youth Mentoring. According to a 2021 study entitled, “*A Meta-analysis of the Effects of Mentoring on Youth in Foster Care,*” formal mentoring, in which mentors and mentees are matched through programs, is another common intervention strategy for addressing the needs of foster youth. By modeling caring and providing support, mentors can both challenge negative views that some youth may hold of themselves, and demonstrate that positive relationships with adults are possible. The study asserts that, in this way, a mentoring relationship may become a “corrective experience” for youth who have experienced unsatisfactory relationships with parents or other caregivers.

MENTOR, an organization that focuses on youth mentoring, states, “Mentoring is essential to everyone’s development whether it happens organically or formally. For the majority of youth in foster care, there is no safety net to rely on during the transition from dependence to independence. This places even more importance on those caring adults whom they learn to trust over time.” Their 2014 report stated that youth facing risks with mentors were more likely to aspire to attend and enroll in college, more likely to report participating in sports and other extracurricular activities, and more likely to report taking on leadership roles in school and extracurricular activities and to regularly volunteer in their communities.

Author’s Statement: According to the Author, “This measure stems from the disruption of mentoring relationships with foster youth — particularly during the COVID-19 pandemic — because social workers and probation officers are not authorized by law to provide mentors or their nonprofit organization information about the location of a new placement for the foster youth. When youth are moved to new placements and a mentor loses touch with the youth, it can be devastating for the youth, and further imbeds their lack of trust in adults.

“In addition to protecting these existing mentoring relationships, the sponsor, Big Brothers Big Sisters determined that there are many youth in the foster care system who would benefit from having a mentor who is trained to understand how to navigate the trauma(s) and disruptive experiences in the youth’s life experience.

“Many youth do begin to understand the many opportunities available to them to create a brighter future — those who never considered college often realize that not only can they attend college, but that they wish to do so. They gain new experiences, and see a more broad world before them that is not founded in their trauma and grief, but that gives them hope and inspiration.”

Equity Implications: The provisions of this bill seek to address the impact of trauma, abuse, neglect and abandonment on youth in foster care by ensuring every foster youth has the opportunity to decide if they would like to engage in one-to-one mentoring. With the unique position the state and counties have as guardians of foster youth who have been removed from their homes, it is reasonable to assume there is a lack of positive adult role models in many of these youth’s lives. Mentoring can provide positive role models who can empower foster youth, expand their view of the world, and help them envision a life that is different from the one they are currently experiencing.

Foster youth represent one of the most vulnerable and academically at-risk student groups, according to the California Department of Education and suffer poorer educational outcomes

with higher rates of suspension and lower rates of graduation. According to the Legislative Analyst's Office (LAO), in California, the populations reflected in foster care are predominantly youth of color as 21% are Black and 50% are Latino. Further highlighting the disproportionality comprising the foster youth population, the number of Black and Native American youth in foster care are four times larger than the number of the general population of Black and Native American youth in California. The LAO also states that racial disproportionalities and disparities are present within initial allegations and persist at all levels of the system—becoming the most pronounced for youth in care. Additionally, lesbian, gay, bisexual, transgender, queer and/or questioning (LGBTQ) youth are also overrepresented in foster care, according to the UCLA Williams Institute, with 13.6 % of foster youth identifying as lesbian, gay, bisexual, or questioning, and 5.6% identifying as transgender, compared to 10.3% of California's students in public middle and high schools identifying as LGBTQ.

By encouraging foster and probation-supervised youth to become involved with mentorship programs, foster youth have the opportunity to be exposed to positive role models who have the potential to shape their worldview toward achievement that could lead to self-sufficiency in adulthood. As a result of the systems and structures that lead to the gaps in opportunity that many foster youth face, mentoring programs create access to positive adult relationships outside of the family, and can provide a response to the unique issues that foster youth face.

Policy Considerations: While this bill is well-intentioned, the provisions require a social worker or probation officer to document an extensive list of requirements related to the discussion with the youth regarding their interest in participating in a formalized mentoring program.

The additional documentation would be required to be included in the supplemental report that is filed for a status review. This status review is required to be held no less than once every six months until parental rights are terminated, and broadly requires the court to consider the safety of the youth and determine the continuing necessity for and appropriateness of the placement, the extent of the compliance with the case plan, steps necessary to finalize the placement, and the extent of the progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care, among other subjects.

While a discussion to see if youth are interested in mentoring and requiring the documentation of the efforts to make a referral is an appropriate addition to the subjects included in the supplemental report, many of the elements required by the bill are not relevant to the status review hearing or the factual report that social workers and probation officers have to complete.

Proposed Committee Amendments: The Committee proposes the following amendments to address policy considerations stated above:

Section 366.1 and 706.5 of the Welfare and Institutions Code is amended to read:

Whether a child or nonminor dependent is interested in engaging in voluntary mentoring services.

1) If the child or nonminor dependent has indicated interest, the efforts made by the social worker to refer the child or nonminor dependent to a nonprofit organization with experience mentoring foster youth.

2) Documentation by the social worker shall be provided that the following occurred:

A) The child or nonminor dependent understands mentoring is voluntary; and

B) Explicit written and informed consent was granted for information to be shared to the mentor by the social worker regarding the youth's placement and any updates on new placements.

~~(m) (1) Documentation of the likely emotional and social benefits from one-to-one mentoring services for the child or nonminor dependent, including trauma-informed mentoring, the discussion with the child or nonminor dependent regarding working with a mentor, the child or nonminor dependent's attitude toward engaging in one-to-one mentoring, efforts made to identify available nonprofit organizations with experience in working with foster children in one-to-one mentoring, particularly trauma-informed mentoring, and actions taken to refer the child or nonminor dependent for one-to-one mentoring with a mentor.~~

~~(2) (A) The social worker shall advise the foster youth that if they participate in a mentoring program, the information described in subparagraph (B) will be shared with the nonprofit organization and mentor.~~

~~(B) Only with the explicit written and informed consent of the foster youth, a social worker may provide information regarding the foster youth's placement and any updates on new placements to the nonprofit organization~~

~~(C) A social worker shall provide updates on new placements to any mentor with whom a foster youth has an existing mentoring relationship prior to the foster youth entering or reentering foster care, even if the foster youth was not referred to the mentor pursuant to this section.~~

(D) Notwithstanding a mentoring program being included in the foster youth's case plan, the foster youth's participation in the mentoring program shall be on a purely voluntary basis. The foster youth's subsequent decision to discontinue participation in the mentoring program shall not be the basis for discipline, punishment, or any other adverse action by the social worker or the court.

(E) For purposes of this section, the following terms apply:

(i) "Mentor" means an individual who works for, or volunteers with, a nonprofit organization and provides mentoring services. A mentor providing mentoring services pursuant to this section shall not be considered as a court-appointed special advocate (CASA), as described in Chapter 1 (commencing with Section 100).

(ii) "Mentoring" means a meaningful and mutually desired one-to-one relationship between a mentor and mentee ~~that is fully supported by a parent or guardian~~ and includes outcomes such as positive behaviors and choices, educational and career success, and increased social, emotional, and mental health well-being.

~~(iii) "Trauma-informed mentoring" means an approach that involves an understanding and consideration of the nature of trauma and promotes environments of healing and recovery rather than practices that may inadvertently retraumatize an individual.~~

Double referral: Should this bill pass out of this committee, it will be referred to the Assembly Committee on Judiciary.

RELATED AND PRIOR LEGISLATION:

AB 1154 (Wilson) of 2023, would have required county social workers and probation officers to include in their reports to the court information on the likely benefits for a dependent child or ward of one-on-one mentoring services, and a referral recommendation, and would have allowed a court to refer a foster youth to participate in a mentoring program. AB 1154 would have also established eligibility criteria for nonprofit mentoring organizations to provide one-on-one mentoring for foster youth per a court referral, and would have provided access to reports by the mentoring organizations. *AB 1154 was held on the Assembly Appropriations Committee suspense file.*

REGISTERED SUPPORT / OPPOSITION:

Support

Big Brothers Big Sisters Association of California (Sponsor)
Alameda County Office of Education
Alliance for Children's Rights

Opposition

None on file.

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