

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 2929 (Juan Carrillo) – As Introduced February 15, 2024

SUBJECT: Dependents: family finding

SUMMARY: Requires the court to determine whether the social worker has continued efforts to locate relatives or kin who could provide family support or possible placement of a child or nonminor dependent (NMD) who is in foster care and for the social worker to document those efforts and their results. Specifically, **this bill:**

- 1) Requires the court at the six-month status review of a dependent child in foster care to determine, for a child or NMD who is not residing with their relatives, kin, or an Indian custodian, whether the social worker has continued efforts, and in the case of an Indian child, the active efforts, to locate any relatives or kin who could provide family support or possible placement of the child or NMD, and the names of those relatives or kin and the results of those efforts.
- 2) Requires each supplemental report required to be filed at the six-month status review to include a factual discussion of the information required pursuant to 1) above, and for the social worker to document the efforts and the results of those efforts.

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. (Welfare and Institutions Code [WIC] § 202)
- 2) Defines “active efforts” to mean affirmative, active, thorough, and timely efforts intended primarily to maintain or reunite an Indian child with their family. Requires, if an agency is involved in an Indian child custody proceeding, active efforts to involve assisting the parent, parents, or Indian custodian through the steps of a case plan and with accessing or developing the resources necessary to satisfy the case plan. Requires active efforts to be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child’s tribe, conducted in partnership with the Indian child and the Indian child’s parents, extended family members, Indian custodians, and tribe. Requires active efforts to be tailored to the facts and circumstances of the case. (WIC § 224(f))
- 3) 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)
- 4) States legislative intent 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)

- 5) Requires a county to file a petition to the court requesting a detention hearing within 48 hours of placing a child under temporary custody to determine whether a child should remain in custody and whether any specific court permissions are necessary to provide for the health and safety of the child. (WIC §§ 313 and 319)
- 6) 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))
- 7) 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 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. 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))
- 8) 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))
- 9) 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))
- 10) Requires, when placing a child in the home of a relative, an extended family member, or non-relative 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))
- 11) Requires CDSS to provide technical assistance to encourage and facilitate the county placement agency’s evaluation of placement needs and the development of needed placement resources and programs. (WIC § 16001.1)

- 12) Requires updates by counties as it relates to children placed by child welfare, the family finding activities attempted or underway, or other activities to connect the child to caring adults outside of the congregate (group home) care setting; identification of the counties that have any existing or planned contracts, or efforts to directly provide or contract for intensive child specific recruitment services; identification of counties with any existing or planned specialty mental health services targeted to address the mental health service needs of a foster child transitioning from congregate care to permanency or other family-based care setting, and a summary of any gaps that remain; and the number of children that successfully achieved permanency following receipt of the services described. (WIC § 16523.57)
- 13) Requires the juvenile court to make full consideration of the proximity of a child's natural parents to the potential foster care placement of that child in order to facilitate visitation and family reunification, and if possible, for the placement to be made in the home of a relative, unless the placement would not be in the best interest of the child. (Family Code [FAM] § 7950(a))
- 14) Requires placement, if possible, to be made in the home of a relative, unless the placement would not be in the best interest of the child, and requires diligent efforts to be made by an agency or entity to locate an appropriate relative. Requires the court, at any permanency hearing in which the court terminates reunification services, or at any post-permanency hearing for a child not placed for adoption, to find that the agency or entity has made diligent efforts to locate an appropriate relative and that each relative whose name has been submitted as a possible caretaker, either by the relative or by other persons, has been evaluated as an appropriate placement resource. (FAM § 7950 (a)(1))
- 15) Prohibits an agency or entity that receives any state assistance and is involved in foster care placements from doing either of the following:
 - a) Deny to any person the opportunity to become a foster parent on the basis of the race, color, or national origin of the person or the child involved, which does not affect the application of the Indian Child Welfare Act of 1978 (25 United States Code § 1901 et seq.); or,
 - b) Delay or deny the placement of a child into foster care on the basis of the race, color, or national origin of the foster parent or the child involved. (FAM § 7950(a)(2))
- 16) States that these provisions do not preclude a search for an appropriate relative from being conducted simultaneously with a search for a foster family. (FAM § 7950(c))
- 17) Defines "child and family team" to mean a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being. (WIC § 16501(a)(4))

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

COMMENTS:

Background: *Child Welfare Services.* California's child welfare services system exists to protect children from abuse and neglect, and in doing so, to provide for their health, safety, and

overall well-being. When suspicions of abuse or neglect arise, often as a result of a report by a mandated reporter like a doctor or teacher, Child Protective Services is tasked with investigating the report. If the allegation of abuse or neglect is substantiated, it is then determined whether it is in the best interest of the child to remain in their parent's custody or to be placed within the child welfare services system. If a child is suspected to be at risk of neglect, abuse, or abandonment, the juvenile court holds legal jurisdiction, and the system appoints a social worker to ensure that the needs of a youth are met. California's child welfare services provided on behalf of each child represent a continuum of services, including emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services, with the child's individual case plan being the guiding principle in the provision of these services. The case plan is required to be developed within a maximum of 60 days of the initial removal of the child. Prevention services such as substance use disorder treatment and in-home parenting support are provided to families who are at risk of child removal. As of January 1, 2024, there are 43,633 youth between birth and 20 years of age in foster care.

California's child welfare services programs are administered by the 58 individual counties which means that each county organizes and operates its own program of child protection based on local needs while complying with state and federal regulations. Counties are the primary governmental entities that interact with children and families when addressing issues of child abuse and neglect. Counties, either directly or through providers, are responsible for obtaining or providing the interventions and applicable services to protect the well-being of children and to help families address issues of child abuse and neglect. CDSS monitors and provides support in the counties' efforts to best serve children and families.

Continuum of Care Reform (CCR). Beginning in 2015, California enacted legislation, known as CCR, to improve placement and treatment options for youth in foster care. AB 403 (Stone), Chapter 773, Statutes of 2015, sponsored by CDSS, sought to improve outcomes for children and youth served by the child welfare system by working to ensure that foster youth have their day-to-day physical, mental, and emotional needs met, that they have the opportunity to grow up in permanent and supportive homes and have the opportunities necessary to become self-sufficient and successful adults. CCR also sought to reduce the use of congregate care as a frequently used placement option for youth, as data have demonstrated that youth placed in congregate care settings experience poorer outcomes than youth placed in family settings.

As part of the reforms set forth by CCR, the Resource Family Approval (RFA) process was established. The RFA process is a unified, family-friendly, and child-centered process that combines elements of foster parent licensing, relative approval, and adoption/guardianship approval processes. The RFA process includes a psychosocial assessment, home environment check, and training for all resource families (formerly known as foster families), including relatives, in order to ensure that caregivers are equipped to best meet the needs of youth in foster care. RFA is also a route to direct permanency for caregivers who wish to adopt or be guardians of youth in care, as the RFA process includes elements required by both the adoption and guardianship processes.

Existing law requires the juvenile court, during the dispositional hearing for a dependent child, to make a finding that the child's social worker has exercised due diligence in identifying, locating, and notifying the child's relatives. Effective January 1, 2017, all new relative home placements were required to meet RFA standards, and counties are encouraged to consider the likelihood

that a relative will be able to meet those standards when evaluating that possibility. Existing law also provides for a process to place with a relative, either on an emergency basis or based on a compelling reason, prior to full RFA approval.

Family Finding and Due Diligence. It has long been the goal of the child welfare services system to preserve familial ties whenever possible. Under certain circumstances, family maintenance services are provided to families in order to prevent the removal of children from their parents' home, including family therapy, parenting classes, or substance use treatment. However, in instances when a youth is removed from the custody of their parents and placed temporarily in an out-of-home placement through the foster care system, county social workers are required to locate any relatives or NREFMs who may serve as caregivers to the youth.

According to All Counties Letter (ACL) 18-42, distributed by CDSS, family finding and engagement is defined as a broad concept which encompasses not only the statutory requirements pertaining to identifying, locating, and notifying the relatives of a child in foster care, but also related efforts to foster life-long familial connections for children and youth in care. The ACL further describes these additional efforts, which are meant to enhance the long-term well-being of children and youth in care, as an important component of CCR's goal to reduce the use of congregate care and improve child welfare outcomes. Intensive family finding and engagement can be used by counties to identify possible relative or NREFM placements for children and youth currently placed in group homes, potentially allowing those children and youth to step down to a home-based care setting, consistent with the goals of CCR. Counties are also urged to seek out the practice of family finding and engagement above and beyond the statutorily required relative finding, to be used when opening a case as a way to identify the best possible placement for the child or youth.

Research shows 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. The Budget Act of 2022 allocated \$150 million from the General Fund in one-time funding, available for expenditure through June 30, 2027, for the purposes of participation in the Excellence in Family Finding, Engagement, and Support (EFFES) Program and the provisions available to support implementation through the establishment of The Center for Excellence in Family Finding, Engagement, and Support (CFE).

In furtherance of these goals, CDSS has contracted with the University of California, Davis to launch CFE to support efforts to keep children and youth connected to their biological and extended families and will provide multi-tiered, culturally appropriate training and technical assistance such as conducting evidence-based, organization-specific assessments of implementation activities, and strengthening trauma-informed practices and programs related to family finding and engagement.

CFE will provide training and technical assistance for counties and tribes that have opted to participate in the EFFES program. Specialized training and support will be available to county welfare agencies, probation departments, participating tribes, and foster care providers to enhance their practices, policies, and efforts for family finding, support, and engagement. CFE will also provide training on how to engage children and young people in the family-finding process. All trainings will utilize subject matter experts in family finding and engagement and permanency.

During the initial and dispositional hearings, current law requires the court to find that the social worker has exercised due diligence in locating relatives. At subsequent hearings for children who are not returned home in which the court terminates reunification services, or at any post-permanency hearing for a child not placed for adoption, the court must find that the agency has made diligent efforts to locate an appropriate relative and that each relative whose name has been submitted to the agency as a possible caretaker, either by the relative or by other persons, has been evaluated as an appropriate placement resource. However, the law does not specify that the information needed for these findings be included in the court reports or provided to the child's attorney. For children in foster care who are not placed with kin, this bill would require the court reports for review hearings to include information on any continuing efforts to identify and locate adult relatives who could provide family support or possible placement so that the court can make the above findings as well as easily identify those children for whom family finding has not been done.

Governor's Veto Message. This bill is substantially similar to AB 447 (Juan Carrillo) of 2023, which was vetoed by Governor Newsom. The Governor's veto message stated:

This bill would require a social worker to conduct a family-finding investigation to identify and locate adult relatives within 30 days after a child has been taken into temporary custody and would make changes to reporting and documentation requirements for social workers and probation officers.

My Administration recognizes the value of keeping children connected to their biological and extended families. Children placed with family members have greater placement stability, fewer emotional and behavioral problems, and more connection to their social-cultural communities. Existing law already requires that, if a child is removed from their home, the social worker or probation officer must, within 30 days, investigate to identify adult relatives of the child.

Last year's Budget Act allocated \$150 million General Fund for the Excellence in Family Finding, Engagement, and Support Program, which supports culturally responsive, family-centered, and trauma-informed family-finding and engagement services that focus on maintaining permanent connections for foster children with their family members. The new documentation requirements in this bill would result in ongoing General Fund costs of over \$6 million to support the increased administrative workload for county child welfare agencies and county probation departments. Though this policy has merit, its costs must be considered as part of the annual budget process.

In partnership with the Legislature, we enacted a budget that closed a shortfall of more than \$30 billion through balanced solutions that avoided deep program cuts and protected education, health care, climate, public safety, and social service programs that are relied on by millions of Californians. This year, however, the Legislature sent me bills outside of this budget process that, if all enacted, would add nearly \$19 billion of unaccounted costs in the budget, of which \$11 billion would be ongoing.

With our state facing continuing economic risk and revenue uncertainty, it is important to remain disciplined when considering bills with significant fiscal implications, such as this measure.

In order to address Governor Newsom's concerns stated above, the Author of this bill has removed provisions requiring new family finding be performed; only that the documentation of any efforts be included in the court reports prepared for review hearings for those children not placed with relatives/kin.

Author's Statement: According to the Author, "In California, there are nearly 45,000 children in foster care, with over 55% of them Latino. Children in foster care have experienced abuse, neglect, and other adverse childhood experiences that can negatively impact their health. Research shows that children in the foster care system who are placed with relatives have greater placement and school stability, fewer emotional and behavioral problems in placement, and more connections to their biological family and social-cultural communities.

"[This bill] serves as a testament to our state's commitment to advancing the well-being of our foster youth by promoting important and stable family connections. The positive impacts of reuniting foster children with their families are immeasurable and this bill aligns with our shared values of supporting countless vulnerable children who deserve every opportunity for success."

Equity Implications: The provisions of this bill seek to build upon the practices enshrined in SB 384 (Cortese), Chapter, 811 Statutes of 2022, that required counties to notify CDSS of their family finding practices, by additionally requiring social workers to document for the court what efforts they have made to locate relatives, along with their names, and whether they would be able and willing to take temporary custody of a child. SB 384 also requires this documentation to the court to continue at subsequent status reviews and to be included in the factual discussion of each social study or evaluation. The documentation of these efforts, along with the names of potential familial placements would allow attorneys and other judicial officers, who are also involved in the child welfare case of a youth, to have access to the information needed to maintain familial ties and potentially find a permanent placement with family.

According to the Legislative Analyst Office (LAO) in a March, 2022 publication, the proportions of Black and Native American youth in foster care are around four times larger than the proportions of Black and Native American youth in California overall. In addition, recent research on cumulative child welfare involvement of California's 1999 birth cohort found nearly one in two Black and Native American children experienced some level of child welfare involvement by the time they turned 18 (compared to around 29% of Latino children, 22% of White children, and 13% of Asian/Pacific Islander children). The LAO states that this same research also found that California children with public insurance (Medi-Cal) experienced child welfare involvement at more than twice the rate of those with private insurance.

Double referral: This bill was previously heard in the Assembly Judiciary Committee, on April 2, 2024, and was approved on consent with a 12-0 vote.

RELATED AND PRIOR LEGISLATION:

AB 448 (Juan Carrillo) of 2023, would have required a social worker to immediately conduct an investigation to identify and locate adult relatives after a child has been taken into temporary custody. Would have also required a social worker to report to the court what efforts and findings they have made to locate relatives who are able and willing to take temporary custody and to include these efforts in the factual discussion of each social study or evaluation. Further would have required the court to additionally determine whether the social worker has continued

efforts to locate any relatives, and the names of any relatives who are able and willing to take temporary custody of the child. *AB 448 was vetoed by Governor Newsom due to cost.*

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) of 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 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) of 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. AB 2579 would have further required counties to submit a plan to CDSS as a condition of receiving funding for these purposes. *AB 2579 was held on the Senate Appropriations Committee suspense file.*

SB 354 (Skinner), Chapter 687, Statutes of 2021, adopted changes to the criminal background check process during the RFA 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 RFA; 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) of 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.*

REGISTERED SUPPORT / OPPOSITION:

Support

Children's Law Center of California (Sponsor)
Alliance for Children's Rights
California Alliance of Caregivers
California Court Appointed Special Advocate Association
Dependency Advocacy Center
Families Inspiring Reentry & Reunification 4 Everyone
John Burton Advocates for Youth
Judicial Council of California

Opposition

None on file.

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