

Date of Hearing: April 23, 2024

**ASSEMBLY COMMITTEE ON HUMAN SERVICES**

Alex Lee, Chair

AB 1907 (Pellerin) – As Amended April 8, 2024

**SUBJECT:** California Child and Family Service Review System: Child and Adolescent Needs and Strengths (CANS) assessment

**SUMMARY:** Requires the California Child and Family Services Review (C-CFSR) System to include data from the CANS assessment tool.

**EXISTING LAW:**

State law:

- 1) Required the California Department of Social Services (CDSS) to establish, by April 1, 2003, the C-CFSR System, in order to review all county child welfare systems to cover child protective services, foster care, adoption, family preservation, family support, and independent living. (Welfare and Institutions Code [WIC] § 10601.2(a))
- 2) Requires the California Health and Human Services Agency (CalHHS) to convene a workgroup comprised of representatives of the Judicial Council, CDSS, the California Department of Health Care Services (DHCS), the California Department of Education, the California Department of Justice, any other state departments or agencies CalHHS deemed necessary, the County Welfare Directors Association of California, the California State Association of Counties, the Chief Probation Officers of California, the California Youth Connection, and representatives of California tribes, interested child advocacy organizations, researchers, and foster parent organizations to establish a work plan by which child and family service reviews would be conducted, including a process for qualitative peer reviews of case information. (WIC § 10601.2(c)(1))
- 3) Requires the C-CFSR System outcome indicators to be consistent with the federal child and family service review (F-CFSR) measures and standards for child and family outcomes and system factors authorized by federal law. (WIC § 10601.2(d)(1))
- 4) Required, during the first review cycle, each county to be reviewed according to the outcome indicators established for the C-CFSR System and for subsequent reviews, requires the workgroup to consider whether to establish additional outcome indicators that support the federal outcomes and any program improvement plan, and promote good health, mental health, behavioral, educational, and other relevant outcomes for children and families in California's child welfare services system. (WIC § 10601.2(d)(3))
- 5) Requires, at a minimum, in establishing the work plan, the workgroup to consider any existing federal program improvement plans entered into by the state pursuant to federal regulations, the outcome indicators to be measured, compliance thresholds for each indicator, timelines for implementation, county review cycles, uniform processes, procedures and review instruments to be used, a corrective action process, and any funding or staffing increases needed to implement the requirements of this section. Further requires CalHHS to broadly consider

collaboration with all entities to allow the adequate exchange of information and coordination of efforts to improve outcomes for foster youth and families. (WIC § 10601.2(c)(2))

- 6) Requires counties to continue to be responsible for and accountable to CDSS for child welfare program performance measures, as specified. (WIC § 10601.2(j))

Federal law:

- 1) Established the federal CFSR in 1994 to conduct reviews of states for compliance with federal child welfare requirements to be conducted by the Children's Bureau, within the federal Department of Health and Human Services (HHS). (Code of Federal Regulations [CFR] Title 45, §§ 421 and 470)
- 2) Requires the C-CFSR outcome indicators to be consistent with the federal child and family service review measures and standards for child and family outcomes and system factors authorized by Title IV of the federal Social Security Act and the regulations adopted pursuant to those provisions. (CFR
- 3) , Title 45, §§ 1355 to 1357)

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

**COMMENTS:**

**Background:** *Child Welfare Services.* California's child welfare services system was established with the goal of protecting youth from abuse and neglect and is designed to provide 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 healthcare provider. 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, and creates a case plan which includes the provision of relevant services. 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 child welfare services 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 (CDSS) secures federal funding to support child welfare services 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.

As of January 1, 2024, there are 43,633 youth between birth and 20 years of age in foster care in California.

*Child and Family Services Reviews (CFSRs)*. The Children’s Bureau, within HHS, administers CFSRs. Beginning in 1994, HHS was authorized to review all state’s child and family service programs to ensure conformity with the requirements in titles IV-B and IV-E of the Social Security Act. Then, in 2000, the Children’s Bureau published a final rule to establish a process for monitoring state child welfare programs. Under the rule, states are assessed for substantial conformity with federal requirements for child welfare services. All states are assessed in the areas of child protection, foster care, adoption, family connections, and independent living services.

More specifically, the purpose of CFSRs is threefold:

- 1) **Ensure Conformity:** CFSRs ensure that states comply with federal child welfare requirements.
- 2) **Assess Real Outcomes:** They evaluate the actual impact on children and families engaged in child welfare services.
- 3) **Support Positive Outcomes:** CFSRs assist states in achieving positive outcomes related to safety, permanency, and well-being for children and families.

According to a Children’s Bureau fact sheet, all 50 states, the District of Columbia, and Puerto Rico completed their first review by 2004 and their second review by 2010, and no state was found to be in substantial conformity in all of the seven outcome areas and seven systemic factors. States developed and implemented Program Improvement Plans after each review to correct those areas not found in substantial conformity. The third round of reviews ran from 2015 to 2018.

According to the 2020 HHS report entitled *Systemic Factors—Results from the CFSRs*, “Each state’s unique child welfare system and accompanying process for data collection and analysis provide for a wide array of information included in statewide assessments and stakeholder interview notes. Thus, the information used to inform this report was not consistent in its quantity and quality across states and data source.” The systemic factors that were evaluated in round three were:

- Statewide Information System
- Case Review System
- Quality Assurance System
- Staff and Provider Training
- Service Array and Resource Development
- Agency Responsiveness to the Community
- Foster and Adoptive Parent Licensing, Recruitment, and Retention

Round 4 of CFSRs is currently underway and scheduled to run through the federal fiscal year 2026.

The CFSR is conducted in two parts: a Statewide Assessment and an Onsite Review. California's review, which was state-led as opposed to Children's Bureau-led, was conducted from October 1, 2023, through March 31, 2024.

While the *Systemic Factors—Results from the CFSRs* report did not include state-specific data, it did note the following related to challenges affecting systemic factor functioning, "States struggled with the collection and analysis of evidence to show that the array of required services is available and meets the needs of children and families statewide. States lacked specific types of services to address family needs (e.g., housing, parent-child-sibling visitation, quality mental health and substance use disorder treatment, trauma-informed services, domestic violence services, employment assistance, childcare). There was a lack of services in rural areas of the state. Access to services was limited due to lack of transportation, provider capacity, or service availability during times convenient for families. Service availability was limited due to a lack of funding. Waitlists existed for various services across the state or within specific areas of the state."

Additionally, the report noted, that the Children's Bureau, "encouraged states to determine whether there was evidence readily available within the child welfare agency or from agency partners to be used in combination with other information to help demonstrate routine systemic factor functioning statewide. Examples of available data included: Data from federal, state, and local databases (e.g., Statewide Automated Child Welfare Information System, Comprehensive Child Welfare Information System, Supplemental Nutritional Assistance Program, Temporary Assistance for Needy Families, Medicaid, Geographic Information Systems, Adoption and Foster Care Analysis and Reporting System, National Child Abuse and Neglect Data System."

*Child Welfare System Improvement and Accountability Act.* As directed by the Children's Bureau, the California Child and Family Services Review (C-CFSR) System was established when the Child Welfare System Improvement and Accountability Act was enacted through AB 636, (Steinberg), Chapter 678, Statutes of 2001, and was modeled after the federal CFSR. The C-CFSR was designed to improve outcomes for children in the child welfare system while holding county and state agencies accountable for the outcomes achieved. This statewide accountability system includes the completion of a County Self-Assessment which is comprised of a peer review, the development of a five-year System Improvement Plan (SIP), the submission of annual SIP Progress Reports, and quarterly monitoring of SIP strategies and the effects on child welfare outcomes.

Also as part of AB 636, beginning in the 2003-04 fiscal year, CDSS is required to report to the Legislature annually, on progress in meeting the outcome measures developed by CalHHS. As a result of a partnership with the University of California, Berkeley and CDSS, California Child Welfare Indicators Project (CCWIP) was created to fulfill the requirements of AB 636 to track outcome measures including child maltreatment, allegation, investigation, and substantiation rates along with entry and in-care rates and also provides a point-in-time look at the number of youth in care that can be sorted according to age, race, ethnicity, and length of placement. CCWIP also provides the public with this valuable information.

Currently, CCWIP does not include behavioral data that is currently being collected as part of the Child and Adolescent Needs and Strengths (CANS) tool. This bill would additionally include behavioral health data as part of the data collected for the C-CFRS.

*The Child and Adolescent Needs and Strengths* tool evaluates behaviors and academic performance, underscores individual strengths, and assesses caregiver resources. The CANS tool takes a comprehensive approach to facilitate personalized care planning for each child's unique needs.

Children and youth involved in child welfare have complex mental health needs, due in part to their experiences with trauma and often experience inadequate access to appropriate services. As a result, several programs and initiatives have been developed to address the unique needs of youth with child welfare involvement. Children and youth in foster care who receive federal Social Security Act Title IV-E payments are categorically eligible for Medicaid in every state, and specifically for Medi-Cal in California. In California, children and youth are enrolled into foster care-linked Medi-Cal subject to the court's custody determination. There are several programs and initiatives designed to assist the behavioral needs of foster youth that are provided as a Medi-Cal benefit.

According to a report jointly issued by CDSS and DHCS entitled *Children and Youth in Foster Care: Background and Current Landscape August 2020*, "Pursuant to AB 403 and Continuum of Care Reform (CCR), CDSS selected the CANS as the functional assessment tool to be used with the CFT [child and family team] process to guide case planning and placement decisions. . . The CANS is a multi-purpose assessment tool developed to assess well-being, identify a range of social and behavioral healthcare needs, support care coordination and collaborative decision-making, and monitor outcomes of individuals, providers, and systems. . . The CANS assessment results must be shared, discussed, and used within the CFT process to support case planning and care coordination."

The CANS is required to be completed prior to the completion of the family case plan, and the CANS results are intended to inform the CFT in several key areas, including but not limited to:

- Determining if the youth has unmet behavioral health or substance use needs;
- Making placement decisions;
- Informing the Level of Care protocol; and,
- Determining educational needs.

Foster youth undergo CANS assessments at specific intervals to evaluate their needs and strengths assessment and typically occur at the following frequencies:

**Initial Assessment:** Within 30 days of a youth entering foster care, a provider completes the CANS assessment. This initial assessment helps establish a baseline for understanding the child's well-being.

**Annual Updates:** Annually thereafter, foster youth are eligible for a CANS update to track changes in the child's behavior, functioning, and overall well-being over time.

The sponsors of this bill provided a comparison with the state of Washington, which utilizes aggregated CANS data to inform their behavioral health services. The state data from Washington can be viewed at:

<https://fortress.wa.gov/hca/wisebhasreports/QuarterlyWISEReport.html>

*Concerns CANS Data.* Counties have reported that not all counties are using the same version of CANS and there are variations in how that data is being input, as well as variations in the frequency that the CANS is being administered, resulting in inconsistent tracking of this data that is sometimes inaccessible and therefore providing an incomplete picture of the needs of California's foster youth.

Underscoring the need for uniformity in the frequency and content of this assessment is the proposal for CANS to be used in CDSS' forthcoming rate reform as the basis for determining the appropriate foster care payment for each youth entering care.

**Author's Statement:** According to the Author, "Children and adolescents involved in the child welfare system often grapple with behavioral and social-emotional challenges at rates far higher than their peers outside the system. Moreover, trauma exposure among these vulnerable youth is alarmingly prevalent, as foster care youth bear a heightened risk of experiencing abuse and neglect, further exacerbating their already precarious situations.

"Integrating behavioral health data into the Child Welfare Indicators Project is paramount in elevating outcomes for the children and youth navigating our child welfare system. By integrating behavioral health data into the Child Welfare Indicators Project, [this bill] will provide invaluable insights into the unique needs and challenges faced by children and youth in the child welfare system and empower policymakers, state leaders, and child welfare agencies to craft targeted interventions and policies aimed at improving their well-being. [This bill] will ensure that every child, regardless of their circumstances, has access to the care, support, and resources they need to survive and thrive."

**Equity Implications:** The provisions of this bill aim to improve the outcomes of those impacted by the child welfare system, the majority of whom have experienced high rates of adverse childhood experiences that negatively impact their long-term mental health. The Author and sponsors contend that having access to data that can provide a comprehensive understanding of the behavioral health needs of youth in foster care will allow state leaders, policymakers, and child welfare agencies to better assess the effectiveness of current services and policies. Having access to this data on a statewide level could potentially help identify gaps, track progress, and shape targeted interventions to improve the mental health and well-being of children and youth in foster care.

#### **RELATED AND PRIOR LEGISLATION:**

*SB 625 (Beall), of 2013*, would have required counties to include in self assessments and improvement plans, data and information about efforts to eliminate racial and ethnic disproportionality in services and supports provided in the child welfare system, as specified, among other requirements. *SB 625 was set to be heard by the Senate Human Services Committee but the hearing was cancelled at the request of the author.*

*AB 363 (Chu), Chapter 296, Statutes of 2005*, required CDSS to establish a process for allocating funds appropriated in the Budget Act to counties to implement approaches to improve performance on outcome indicators established through the C-CFSR.

*AB 636 (Steinberg), Chapter 678, Statutes of 2001*, see comments above.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Steinberg Institute (Sponsor)  
California Youth Connection (CYC)  
Children Now  
John Burton Advocates for Youth

**Opposition**

None on file.

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