

Date of Hearing: April 23, 2024

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 3145 (Bryan) – As Amended April 16, 2024

SUBJECT: Family preservation services: standards

SUMMARY: Establishes the Foster Care Justice through Meaningful Help for Parents Act to require service providers of family preservation services to document the outcomes of their services. Adds to the criteria that deems the family preservation services successful, and requires the California Department of Social Services (CDSS) to post reports demonstrating whether the services meet the standards for being deemed successful, within 30 days of receipt of an annual report from a county. Specifically, **this bill**:

- 1) Establishes the Foster Care Justice through Meaningful Help for Parents Act and adds to the requirements placed on service providers of family preservation services selected by participating counties, to also require service providers to have documented success at avoiding out-of-home placement or reducing the length of stay in out-of-home placement, or to provide services with the same documented success, which shall be reviewed for each provider at the time of the initial selection and no less than every three years thereafter.
- 2) Adds to the criteria that deems the family preservation services successful, as follows:
 - a) During the first year after services are terminated, no more than 25% of children whose parents or guardian received services, are children who meet any of the following circumstances, with that percentage limit separately applicable to each circumstance:
 - i) Are removed from the physical custody of their parents or guardian;
 - ii) Are determined to probably soon be within the jurisdiction of the juvenile court;
 - iii) Have been adjudged wards of the court;
 - iv) Are families of children subject to minors who are adjudged wards or dependent children of the court; or,
 - v) Are children who are determined to require out-of-home placement; and,
 - b) Two years after the termination of family preservation services, no more than 10% of children whose parents or guardian received services are children who meet any of the circumstances listed in a) above with that percentage limit separately applicable to each circumstance, and no children who were returned home died or nearly died due to abuse or neglect.
- 3) Specifies the annual reports required by counties to meet federal requirements shall include the information and data described in 2) above, demonstrating whether the services meet the standards for being deemed successful, the name of each provider of services as described, and whether the provider's services were deemed successful. Requires CDSS, within 30

business days of receipt of an annual report from a county, to post the annual report to its website.

- 4) Declares legislative intent to encourage the continuity of the family unit by all of the following:
 - a) Consistently providing family preservation services that have a track record of actually helping families;
 - b) Ensuring that contracts for family preservation services establish minimum standards for tracking and reporting the outcomes of those services;
 - c) Providing services that have their outcomes tracked and reported for those children involved in juvenile dependency proceedings when they are returned to the family unit or when a minor will probably soon be within the jurisdiction of the juvenile court;
 - d) Providing counseling and family support services designed to eradicate the situation that necessitated intervention and that have a track record of actually helping families.

- 5) Makes the following findings and declarations:
 - a) Children of color in California become foster children at rates that far exceed their proportion of the population. For example, in California, 21% of foster children are Black. Black children comprise about 5% of the state's children. Native American children comprise less than 1% of all California children, but exceed 1% of children in foster care;
 - b) As the Legislative Analyst's Office has documented: "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 percent of Hispanic children, 22 percent of White children, and 13 percent of Asian/Pacific Islander children). Racial disproportionalities and disparities . . . persist at all levels of the system.";
 - c) One way to promote racial justice in foster care is to ensure that parents involved in the foster care system are receiving reunification services that actually work to keep them and their children out of the foster care system and are culturally competent. As the Los Angeles Times found after a nearly year-long investigation: "The state does not ensure that parent education programs meet any sort of standards, allows parents facing abuse allegations to take classes that experts have deemed low quality, and cannot provide research evidence for half the programs listed in a state-funded database meant to act as a key tool for local officials to ensure child safety."; and,
 - d) Taxpayers, too, deserve to know their tax dollars are being spent on services for families that actually help them.

EXISTING LAW:

- 1) Declares legislative intent to encourage the continuity of the family unit by providing “family preservation services,” which means intensive services for families whose children, without these services, would be subject to any of the following:
 - a) Be at imminent risk of out-of-home placement;
 - b) Remain in existing out-of-home placement for longer periods of time; or,
 - c) Be placed in a more restrictive out-of-home placement. (Welfare and Institutions Code [WIC] § 16500.5(a))
- 2) Authorizes services that may be provided to include, but are not limited to, counseling, mental health treatment and substance abuse treatment services, including treatment at a residential substance abuse treatment facility that accepts families, parenting, respite, day treatment, transportation, homemaking, and family support services. Requires each county that chooses to provide mental health treatment and substance abuse treatment to identify and develop these services in consultation with county mental health treatment and substance abuse treatment agencies. Authorizes the services to be provided to be determined by each participating county. Permits each county to contract with individuals and organizations for services to be provided. (WIC § 16500.5(c))
- 3) Requires the services selected by a participating county to be reasonable and meritorious and to demonstrate cost-effectiveness and success at avoiding out-of-home placement, or reducing the length of stay in out-of-home placement. Prohibits a county from expending more funds for services than that amount which would be expended for placement in out-of-home care. (WIC § 16500.5(c)(4))
- 4) Requires, in order to maintain federal funding and meet federal requirements, CDSS and the Office of Child Abuse Prevention (OCAP) to provide administrative oversight, monitoring, and consultation to ensure both of the following:
 - a) Each county includes in its county plan, information that details what services are to be funded and who will be served, and how the services are coordinated with the array of services available in the county; and,
 - b) Requires CDSS to review these plans and provide technical assistance as needed, and provides that OCAP shall require counties to submit annual reports, as part of the current reporting process, on program services and children and families served. (WIC § 16500.5(h))
- 5) Establishes the juvenile court with jurisdiction over children who are subject to abuse or neglect. (WIC § 300 *et seq.*)
- 6) Requires the court, if at the initial hearing, the juvenile court orders a child removed from their parent due to abuse or neglect, to order that child welfare reunification services be provided to the family as soon as possible in order to reunify the child with their family, if appropriate. (WIC § 319(e))

- 7) Requires the court, at the dispositional hearing, to order a social worker to provide child welfare services to a child who has been removed from their parents' custody and to the parents in order to support the goal of reunification, for a specified time period, except under certain circumstances. Provides that children and families in the child welfare system should typically receive a full six months of reunification services if the child is under three years of age, and 12 months if the child is over three years of age, but that may be extended up to 18 or 24 months, as provided. (WIC §361.5(a))
- 8) Permits the juvenile court to direct any reasonable orders to the parents or guardians of the child who is the subject of any proceedings as the court deems necessary and proper. Permits that order to include a direction to participate in a counseling or education program, including, but not limited to, a parent education and parenting program operated by a community college, school district, or other appropriate agency designated by the court. Authorizes a foster parent or relative with whom the child is placed to be directed to participate in such a program in cases in which the court deems participation is appropriate and in the child's best interest. Requires the program in which a parent or guardian is required to participate to be designed to eliminate those conditions that led to the court's finding that the child is a person described by WIC § 300. (WIC § 362(d))
- 9) Requires the juvenile court, excepting certain specified conditions, if a child is not returned to the parent or guardian at the permanency review hearing, to hold a hearing to determine whether adoption, guardianship, or continued placement in foster care is the most appropriate plan for the child. Requires the court to determine whether reasonable services have been offered or provided to the parent or legal guardian. Sets forth examples of circumstances that would not, in or of themselves, be deemed a failure to provide reasonable services. (WIC § 366.22(a))
- 10) Requires a court to establish, by clear and convincing evidence, that reasonable reunification services have been provided to the parent prior to ordering a hearing to terminate parental rights. (WIC § 366.22(b)(3)(C))

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.

The court will then determine whether the allegations are true and if the child can remain at home. If the court orders a child to be placed outside of the home, the parent usually receives court-ordered family reunification services. Upon completion of the services, in addition to making any changes or improvements described in the case plan, the court may dismiss the child's court case and the county welfare department case will also be closed.

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.

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.

Dependency Court Procedure. When a child is removed from the custody of their parent, they are temporarily placed within the jurisdiction of the child welfare system until a determination about the child's welfare is made. Within 48 hours after a child is taken into temporary custody, the county social worker must file a petition with the court requesting that a detention hearing take place in order to determine if further detention of the child is necessary. If a petition to declare the child a dependent of the court is filed by the county social worker, then the detention hearing must be held within 48 hours of the petition being filed. At the detention hearing, the social worker outlines the allegations of abuse or neglect made against the parent and why it is necessary to remove the child from the custody of their parent. If the court determines that removing the child from their parents' custody is in the best interests of the child, the child is then removed. Permanent placement of the child is determined at a later date.

Once a child has been removed from the custody of their parents, a jurisdictional hearing must take place within 15 days. It is at the jurisdictional hearing that the court determines whether the allegations outlined in the social worker's petition are true. If the allegations are deemed to be true, then the child is determined to be within the jurisdiction of the juvenile court and a dispositional hearing must be held within 60 days of the initial detention hearing in order to determine the permanent placement of the child.

At the dispositional hearing the court determines the parameters of the family reunification plan, which includes where and with whom the child will live, be it with relatives or in a foster family home. The reunification plan also can entail recommendations for parents such as parenting classes, anger management, counseling, substance abuse counseling and testing, and sexual abuse counseling.

Reunification Services. When a child is removed from their parents' custody and it is determined by the courts and in speaking with the child's social worker that the child would ultimately benefit from being returned or reunited with the family, the court may order reunification

services in order to address the underlying issues or needs of the family that led to the child's removal in the first place. Reunification services include, but are not limited to: family therapy, parenting classes, substance use disorder treatment, respite care, parent support groups, home visiting programs, and services deemed necessary in order to facilitate a child's reunification with their parents. For children under three years of age, current law allows six months of reunification services; and, for children over three years of age, 12 months of reunification services are to be offered. Extensions of services are available if the court determines that there is substantial probability that a child will return to their parents' custody within the extended time period.

In the News. A January 4, 2023, article featured in the Los Angeles Times entitled *Parenting classes are routinely ordered in child abuse cases. California isn't ensuring they work.* (Mackenzie Mays) detailed cases of parents who were ordered to participate in parenting classes to try and reunify with their children as a result of allegations of neglect and abuse, and whose children later died at the hands of their parents. The article concluded that these court-ordered classes go largely unregulated and that judges are not focused on the quality of the parenting classes. These services are meant to assist in rehabilitating parents and increasing their chances of successfully and safely reunifying with their child, but it is clear that these classes do not keep every parent from continuing the abuse that brought them in contact with the child welfare services system.

The provisions of this bill seek to ensure that parents involved in the child welfare services system are receiving meaningful help while they attempt to reunify with their child by:

- Requiring service providers to have documented success at avoiding out-of-home placement or reducing the length of stay in out-of-home placement, or to provide services with the same documented success;
- Requiring each service provider's outcomes at the time of the initial selection, and no less than every three years thereafter, to be reviewed;
- Adds to the criteria that deems the family preservation services successful; and,
- Requires additional reporting requirements on outcomes and provides transparency by posting the reports publicly.

According to the Author and Sponsors, these services can cost thousands of dollars per course, and in fiscal year 2022-23, San Diego County alone spent \$1.63 million on child and family well-being services, representing over a fifth of their Health and Human Services budget.

Author's Statement: According to the Author, "When a family is separated by the child welfare system, one of the determining factors for their reunification is the parent's completion of court-ordered services. However, there is no oversight on the quality and efficacy of these services. [This bill] requires counties to track each service provider's success rate, report these rates to CDSS, and requires CDSS to post this data on their website. This will ensure that these providers equip parents with meaningful help to ensure that they can safely reunify with their child and minimize rates of foster care re-entry."

Equity Implications: Research has indicated that the majority of families involved with the child welfare system have incomes below the federal poverty line, are overrepresented by certain racial and ethnic groups, and are often single-parent households living in low-income neighborhoods. As a result, these families are already facing enormous barriers to reunify with their children. The provisions of this bill seek to ensure services designed to help them safely reunify with their children have accountability regarding the qualifications as well as their efficacy so that a parent and child can be offered services designed to safely reunify.

RELATED AND PRIOR LEGISLATION:

SB 1056 (Liu), of 2016, would have increased the provision of family reunification and family preservation services, as specified. *SB 1056 was held on the Senate Appropriations Committee suspense file.*

SB 911 (Liu), Chapter 219, Statutes of 2014, imposed additional duties on social workers to include in each social study, evaluation, and supplemental report to the courts a factual discussion of whether a child can be returned to the custody of their parent enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with their parent.

AB 1500 (Wesson) of 1999, would have permitted counties to renew contracts for family preservation services without rebidding them. *AB 1500 was vetoed by Governor Davis.*

REGISTERED SUPPORT / OPPOSITION:

Support

Childrens Advocacy Institute (Sponsor)
Black Women Organized for Political Action (BWOPA)
Children's Advocacy Institute, University of San Diego School of Law
Children's Institute
Culver City Democratic Club
Dependency Legal Services San Diego
Just in Time for Foster Youth (JIT)
Justice2Jobs Coalition
Santa Monica Democratic Club

Opposition

County Welfare Directors Association of California

Analysis Prepared by: Jessica Langtry / HUM. S. / (916) 319-2089