

Date of Hearing: March 25, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

AB 562 (Solache) – As Introduced February 12, 2025

SUBJECT: Foster care: placement: family finding

SUMMARY: Adds to the requirements for county welfare departments to follow when investigating the names and locations of relatives of a child who has been removed from their home due to abuse or neglect. Specifically, **this bill:**

- 1) Requires each county, beginning January 1, 2027, and annually thereafter, to review publicly available data, including data from the California Child Welfare Indicators Project, comparing the statewide average rate of placing children with relatives and, in the case of Indian children, the statewide average rate of placing children according to the federal Indian Child Welfare Act (ICWA) placement preferences, with the county's average rate of placement, as follows:
 - a) Requires the county, by October 1, to review data for a one-year period ending July 1 of the prior calendar year;
 - b) Requires, if the county's average rate is less than the statewide average, the county welfare director, or their designee, to communicate with the Center for Excellence in Family Finding, Engagement, and Support (the Center) to identify best practices that may be adopted by the county to improve its average rate of placing children with relatives; and,
 - c) Requires the county, by no later than December 1 of the year of the review, to begin communications with the Center, and communicate with the Center at least three more times on a quarterly basis. For purposes of this requirement, communication includes email, video conference, or phone call.
- 2) Requires, each year that, pursuant to 1) above, a county has a rate of placing children with relatives that is less than the statewide average, or, in the case of Indian children, the statewide average rate of placing children according to ICWA placement preferences, the board of supervisors of that county to, at least once, include the topic for discussion on the agenda of a regularly noticed meeting of the full board.
 - a) Specifies the discussion may include whether the county welfare director, or their designee, has communicated with the Center as required by 1) b) above, what, if any, actions the county is taking in response to increase placements with relative caregivers, whether those actions will be included in a county self-assessment and county system improvement plan, as specified, and when those actions, if any, will be implemented.
 - b) Authorizes, if a board of supervisors has a social services committee or similar committee that is assigned to hear child welfare-related matters, the topic to be placed on the agenda for discussion by that committee rather than the full board.

- 3) States this act shall be known as the Justice through Placing Foster Children with Families Act.
- 4) Makes the following findings and declarations:
 - a) Among ethnic groups in California, Black children and Native American children become foster children at rates that far exceed their proportion of the population. For example, in California, 21% of foster children are Black;
 - b) 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;
 - c) The Legislature recognizes the Legislative Analyst's Office has documented as follows:
 - i) "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.
 - ii) "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)."
 - iii) "Racial disproportionalities and disparities . . . persist at all levels of the system."
 - iv) An effective way to address the racially discriminatory impact of California's foster care is to promote strategies that result in children being placed with family members rather than strangers; and,
 - d) The Legislature acknowledges that Casey Family Programs has stated:
 - i) "Numerous studies have established the benefits of kinship care. The research demonstrates that compared to non-kin foster care, kinship care yields greater placement stability, lower rates of re-abuse, better behavioral health, and a higher likelihood of permanency. Despite these findings, child protection agencies place only about one-third of children in formal out-of-home care with kin, and the rates vary significantly among jurisdictions across the country."
 - ii) A strong cultural identity can lead to greater self-esteem, higher education levels, increase in coping abilities, and decreased levels of loneliness and depression for youth in foster care.
 - iii) States other than California have placed a higher priority on placing children with family. For example, Tennessee requires the approval of a Kinship Exception Request form to before a child is placed in a non-kin home. In New York, if a child is not placed with relatives or kin, there is a secondary review by a person in a supervisory or managerial role to confirm efforts were taken to find an appropriate and available kinship placement.

- iv) “One recommendation to improve family placement is to ‘routinely review, aggregate, and disseminate data and evidence about kinship families to fully understand how to continuously support these valued caregivers. It is important to consistently review data to understand what can be changed to better support kinship families.’”

EXISTING LAW:

State 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) 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)
- 3) Requires the social worker, if the child is removed, to conduct, within 30 days, an investigation in order to identify and locate all grandparents, parents of a sibling of the child, 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 the child is an Indian child, any extended family members, as defined in ICWA. Requires the social worker to provide to all adult relatives who are located, except when that relative’s history of family or domestic violence makes notification inappropriate, within 30 days of removal of the child, written notification and shall also, whenever appropriate, provide oral notification, in person or by telephone, that the child has been removed and various options to participate in the care and placement of the child, among other information. (WIC § 309(e))
- 4) Requires the social worker to use due diligence in investigating the names and locations of the relatives and requires each county to 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. (WIC § 309(e)(3)(A))
- 5) Specifies due diligence shall include “family finding,” which means 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, “family finding” also includes contacting the Indian child’s tribe to identify relatives and kin. (WIC § 309(e)(3)(B))
- 6) 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 parents. (WIC § 361.3(a))
- 7) 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))

- 8) Establishes the Center to provide, or contract for the provision of, multi-tiered, culturally appropriate training and technical assistance to county child welfare and probation departments, participating tribes, and foster care providers to enhance their practices, policies, and efforts for family finding, support, and engagement. (WIC §§ 16546-16549)

Federal law:

- 9) Establishes ICWA, which provides guidance to states regarding the jurisdictional requirements, proceedings of tribal courts, and custody proceedings involving the removal of Indian children from their parents. (25 United States Code [U.S.C.] §§ 1901 *et seq.*)
- 10) Defines an “Indian child” to mean any unmarried person who is under 18 years of age and is either a member of an Indian tribe or is eligible for membership in an Indian tribe and is the biological child of a member of an Indian tribe. (25 U.S.C. §§ 1901 *et seq.*)
- 11) Establishes the federal foster care program, authorized by Title IV-E of the Social Security Act, to allow states to provide safe and stable out-of-home care for children who meet certain eligibility requirements until they are safely returned home, placed permanently with adoptive families, or placed in other planned, permanent living arrangements. (42 U.S.C. § 471(a)(2))

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

COMMENTS:

Background: *The Continuum of Care Reform (CCR)* was a series of reforms to the child welfare services system that aimed to improve outcomes for foster youth by prioritizing family-based care over group settings, among other changes. As part of this reform, and as established through AB 403 (Stone), Chapter 773, Statutes of 2015, the transition away from group homes and toward homelike settings with kin began implementation in 2017. Prior to this implementation, foster youth often spent extended periods in group homes that were designed as long-term placements. Based on documented studies, long-term group home stays result in worse outcomes for youth than family-based care.

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 in the child welfare services system, county social workers are required to identify and locate all relatives or NREFMs who may serve as caregivers to the youth.

Data from the California Child Welfare Indicators Project reveal a wide discrepancy in relative placement rates across counties in California. While the state average is 35%, Los Angeles County, which has one-third of California’s foster youth population, has a relative placement rate of 39%. Orange County places 48% of foster youth with relatives, Alameda County stands at

36%, and San Diego County at 37%. Sacramento County, with 28%, is not only lower than the state average, it is also significantly lower than the national average of 35.5%.

This bill would require each county, beginning January 1, 2027, and annually thereafter, to review publicly available data, including data from the California Child Welfare Indicators Project, comparing the statewide average rate of placing children with relatives, with the county's average rate of placement.

According to an All County Letter (ACL No. 18-42), distributed by the California Department of Social Services (CDSS) in 2018, 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 congregate settings, 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.

According to studies conducted by Chapin Hall, an independent policy research center at the University of Chicago, children placed with family have better behavioral and mental health outcomes than their peers in traditional foster care. Children in kinship care, which is broadly defined as relatives or close family friends, have fewer placements and school changes and are less likely to run away from home than children in traditional foster care. They are more likely to report that they "always felt loved" and have higher satisfaction with kin placement.

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. As of January 1, 2017, all new relative home placements were required to meet Resource Family Approval (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.

Social workers are required to use due diligence in their efforts to identify, locate, and notify relatives up to the fifth degree of kinship and to include paternal relatives, with the exception of relatives for whom a history of domestic violence has been determined.

This bill would require, in a county that has a rate of placing children with relatives that is less than the statewide average, which as of October 1, 2024, is 35%, the board of supervisors of that county to, at least once, include the topic for discussion on the agenda of a regularly noticed meeting of the full board.

Center for Excellence in Family Finding, Engagement, and Support. As a result of AB 207, (Committee on Budget), Chapter 573, Statutes of 2022, CDSS contracted with the University of California, Davis to launch the Center to support efforts to keep children and youth connected to their biological and extended families. The Center was designed to 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.

Child Welfare Indicators Project. 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.

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 the California Health and Human Services Agency. As a result of a partnership with the University of California, Berkeley and CDSS, the California Child Welfare Indicators Project 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. The California Child Welfare Indicators Project also provides the public with this valuable information.

Author’s Statement: According to the Author, “Children in the foster system deserve our best efforts to ensure safety, placement stability, and to keep families together when possible. In light of our unique moral responsibility to our foster children, one of the best things we can do for them is to connect and place them with family that is capable of providing a safe and supportive environment. This legislation will help improve outcomes and ease the foster youth placement transition for children and families.”

Equity Implications: Research indicates that by improving relative placement rates in California, outcomes for all children and families, and in particular, Black children and families who are overrepresented in the foster care system, will also improve. 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 years of age (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. Because of the disproportionality across all aspects of the child welfare system - not just in foster care - but also child protective services involvement, prioritizing placement of a foster youth with their family members or other responsible adults who are known to the child has been seen as a way to address this issue by ensuring that these vulnerable youth are placed with family when possible.

RELATED AND PRIOR LEGISLATION:

AB 2929 (Juan Carrillo), Chapter 845, Statutes of 2024, required courts and social workers to consider, in status review hearings and supplemental reports, respectively, whether appropriate

efforts have been made to locate family members who could support or accept placement of a foster child or non-minor dependent.

AB 3217 (Bryan) of 2024, was substantially similar to this bill. *AB 3217 was held on the Senate Appropriations suspense file.*

AB 448 (Juan Carrillo) of 2023, would have required a social worker and/or probation officer to immediately conduct, but no later than 30 days after the child had been removed, an investigation in order to identify and locate all relatives of the child, and to document their efforts to the court, and in the case of an Indian child, the active efforts and results of those efforts to locate relatives or kin. AB 448 would have also added requirements for social workers and probation officers to document their efforts and results to locate any relatives or kin who could provide family support or possible placement of the child or nonminor dependent. *AB 448 was vetoed by Governor Newsom due to cost.*

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

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. *SB 1091 was referred to the Assembly Appropriations Committee but the hearing was canceled at the request of the Author.*

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

California Youth Connection (CYC) (Co-Sponsor)
Childrens Advocacy Institute (Co-Sponsor)
Alliance for Children's Rights
California Alliance of Caregivers
California Family Resource Association
Child Abuse Prevention Center and Its Affiliates Safe Kids California, Prevent Child Abuse
California and The California Family Resource Association
Children Now
Children's Law Center of California
Dependency Legal Services
Impact Strategies Professional Development Program
John Burton Advocates for Youth
Justice2Jobs Coalition
Pale Blue
Social Policy Institute
Yurok Tribe

Opposition

None on file.

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