

Date of Hearing: July 1, 2025

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Alex Lee, Chair

SB 452 (Weber Pierson) – As Amended June 10, 2025

**SENATE VOTE:** 38-0

**SUBJECT:** Child welfare services: prevention legal services

**SUMMARY:** Requires the California Department of Social Services (CDSS) to establish and implement the Family Advocacy Pilot Program (Program) for three years, to provide grants to qualified organizations to provide legal services designed to prevent the filing of a petition in a juvenile court, or in which a report regarding a family has been made to the county child welfare department. Specifically, **this bill:**

- 1) Requires CDSS, on or before July 1, 2026, in consultation with lived experience experts, advocates, dependency attorneys, tribes, civil legal aid organizations, and community-based organizations, to develop parameters and an implementation plan to distribute grants.
- 2) Specifies that prevention legal services may include, but are not limited to, navigating an investigation by the county welfare department or a tribal Title IV-E agency, obtaining a restraining order, formalizing safe custody or visitation arrangements, obtaining immigration relief for survivors of domestic violence, obtaining or maintaining public benefits, improving a family's housing stability, reducing barriers to reentry for those who have had involvement with the criminal legal system, accessing health care and coverage, addressing education barriers, and handling probate guardianship matters.
- 3) Authorizes CDSS to seek federal reimbursement through Title IV-E, Temporary Assistance for Needy Families (TANF) block grant, and any other applicable federal funding to the maximum extent possible for any prevention legal services provided. Requires any costs that are reimbursed to be used to supplement, and not supplant, the funds appropriated by the Legislature for the Program. Further authorizes CDSS to seek federal reimbursement through Title IV-E, TANF block grant, and any other applicable federal funding to the maximum extent possible, if any counties are funding prevention legal services programs that are providing the services described in these provisions. Similarly requires any costs that are reimbursed to be used to supplement, and not supplant, the funding available in that county for prevention legal services.
- 4) Requires CDSS to provide grants to qualified organizations to provide one or more of the following services, as determined by CDSS:
  - a) Prevention legal services designed to prevent the filing of a petition in a juvenile court or to stabilize a family that is at risk of receiving child welfare services, as defined in existing law 1) below, or in cases in which a report regarding a family has been made to the county child welfare department or a tribal Title IV-E agency;
  - b) Direct assistance by an interdisciplinary team, including, but not limited to, a social worker, case worker, parent partner, and peer advocate, for families who are at risk of child welfare services or in cases in which a report regarding a family has been made to

the county child welfare department or a tribal Title IV-E agency. Assistance by the interdisciplinary team may include, but is not limited to, navigating an investigation by the county child welfare department or a tribal Title IV-E agency, and accessing services related to substance use, mental health counseling, domestic violence, education, housing, employment, childcare, immigration, and public benefits; and,

- c) Legal training or technical assistance to other qualified organizations providing prevention legal services or direct assistance.
- 5) Defines “qualified organization” to include both of the following:
- a) A legal aid or community-based nonprofit or tribal organization that has a minimum of three years of experience providing legal services to low-income Californians; and,
  - b) A legal service organization providing legal training and technical assistance that has a minimum of seven years of experience conducting dependency legal services and technical assistance training.
- 6) Requires priority to be given to qualified organizations that have been providing prevention legal services to families who are at risk of receiving child welfare services, as defined in existing law 1) below, for a minimum of two years.
- 7) Requires CDSS, at the conclusion of the three-year Program, to submit a report to the Legislature evaluating the effectiveness of the program and prohibits the report from containing any personal identifying information about any person or family that participated in the Program.
- 8) Makes the following finding and declaration: for many families who come to the attention of the county child welfare department, the provision of early, high-quality legal representation can help stabilize families and prevent unnecessary family separation and foster care placement.

#### **EXISTING LAW:**

State law:

- 1) Defines “child welfare services” to mean public social services that are directed toward the accomplishment of any or all of the following purposes:
- a) Protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children;
  - b) Preventing or remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children;
  - c) Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible;

- d) Restoring to their families children who have been removed, by the provision of services to the child and the families;
  - e) Identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate; and/or,
  - f) Ensuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption. (Welfare and Institutions Code [WIC] § 16501(a)(1))
- 2) Defines “child welfare services” to also mean services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. Specifies the 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. Declares the individual child’s case plan is the guiding principle in the provision of these services. Requires the case plan to be developed within a maximum of 60 days of the initial removal of the child or of the in-person response as required under existing law, if the child has not been removed from their home, or by the date of the dispositional hearing, whichever comes first. (WIC § 16501(a)(2))
  - 3) Defines “at risk of entering foster care” to mean that conditions within a minor’s family may necessitate their entry into foster care unless those conditions are resolved. (WIC § 727.4(d)(2))
  - 4) Authorizes the court at dependency proceedings, when it appears that a parent desires counsel but is presently financially unable to afford to employ counsel, to appoint counsel. (WIC § 317)
  - 5) Governs California’s implementation of federal Family First Prevention Services Act (FFPSA). Provides that a child may be considered at imminent risk of foster care when the county or tribal caseworker determines, based upon an assessment, that prevention services are necessary to mitigate the child’s risk of entry or reentry into foster care, and the child meets the criteria for imminent risk of foster care established in the State Plan for Title IV-E prevention services and programs and approved by the United States Department of Health and Human Services, Administration for Children and Families. (WIC § 16585 *et seq*)

Federal law:

- 1) Establishes Title IV-E of the federal Social Security Act as a source of funding for child welfare services. Provides federal reimbursement to the states, tribes, and territories for part of the cost of caring for eligible children placed in foster care. (42 United States Code [U.S.C.] § 670 *et seq.*)
- 2) Established FFPSA in 2018 which significantly reformed Title IV-E of the Social Security Act to allow federal reimbursement for certain prevention services aimed at keeping children safely at home and out of foster care. Specifies that if a child is identified in a prevention plan as being able to remain safely at home or in a kinship placement only if specific services

are provided. Specifies that prevention services can be provided for a child who is identified in a prevention plan as being at imminent risk of entering foster care. (42 U.S.C. § 671(e))

**FISCAL EFFECT:** According to the Senate Appropriations Committee on May 5, 2025:

- The California Department of Social Services (CDSS) estimates General Fund costs of \$949,000 in 2025-26 and \$927,000 ongoing thereafter for state operations to establish the program. There would be potentially additional General Fund costs for administrative oversight, depending on the number of grants awarded.
- Unknown General Fund costs for the grants awards, which would be dependent on the appropriation levels.
- Unknown, ongoing General Fund cost pressures related to expansion of the pilot program statewide.

**COMMENTS:** This analysis only discusses policy issues germane to the jurisdiction of the Assembly Human Services Committee.

**Background:** *When a Report of Abuse or Neglect Has Been Made.* While anyone can report suspected abuse or neglect, current law provides a comprehensive reporting scheme in an effort to identify victims of child maltreatment and enumerates 49 different employment classifications that define a mandated reporter. Mandated reporters are required to make a report to a designated agency, such as a police or sheriff's department, county probation department, or county welfare department.

Once a report has been made, a county Child Protective Services (CPS) worker reviews the report to determine whether it meets the legal threshold for investigation. The investigation can result in one of three findings: unfounded, inconclusive, or substantiated. If CPS determines that the child is at substantial risk and cannot remain safely at home, even with services, a petition in juvenile dependency court may be filed to formally request court oversight with removal from the home.

Under current law, when a child is removed and a petition is filed, it is not until the initial detention hearing that children and parents are appointed counsel, which leaves many parents and families to navigate the complexities of a CPS investigation without the assistance in mitigating some of the factors that may have brought them to the attention of the child welfare services system.

*This bill* would establish a three-year pilot program to provide grants to qualified organizations to provide legal services to aid in preventing the filing of a petition in a juvenile court or to stabilize a family in which a report regarding a family has already been made. Prevention legal services may include formalizing safe custody or visitation arrangements, obtaining immigration relief for survivors of domestic violence, obtaining or maintaining public benefits, improving a family's housing stability, or reducing barriers to reentry for those who have had involvement with the criminal legal system.

*Changes at the Federal Level and Impacts on California.* In May 2024, the Administration on Children, Youth, and Families issued a final rule for Foster Care Legal Representation which was codified in federal regulations and became effective as of July 2024. These regulations

provide a framework for the types of expenses that are now eligible for federal reimbursement to include legal representation for a child at risk of entering foster care, which occurs before a child is removed or a petition is filed. These services address families before they are officially brought into the child welfare system in an effort to avoid unnecessary family separation and to result in fewer placements into foster care.

Advocates and stakeholders contend that many families are brought into the child welfare system for reasons stemming from poverty rather than abuse and see pre-petition models as a way to stabilize families who are neither abusing nor neglecting their child, but may need assistance to stabilize their finances or housing.

Los Angeles and San Diego counties have both embarked on pilot programs to create pre-petition advocacy models in an effort to keep more families safely together and reduce racial disparities in the child welfare system that overwhelmingly has a disproportionate number of Black and Native youth. For example, Black children represent 5% of California's population, but comprise 21% of the foster care population.

Additionally, as of 2018, under the federal FFPSA, children who are at risk of entering foster care are eligible for federally reimbursable prevention services. Before FFPSA, federal funds were not available to be used before a child entered foster care. To qualify, services are required to be evidence-based and part of a federally approved prevention plan.

*This bill* would authorize CDSS to seek federal reimbursement for any prevention legal services provided under the pilot program and, if any counties are funding prevention legal services programs that are providing these pre-petition services, to allow CDSS to seek federal reimbursement to the maximum extent possible.

*How Neglect is Determined.* Determining reasonable suspicion of general neglect requires a mandated reporter to exercise their judgment on whether to report based on facts that would lead a reasonable person to suspect neglect. According to data from the California Child Welfare Indicators Project (CCWIP), a collaboration between CDSS and UC Berkeley, allegations of child maltreatment have hovered between 500,000 and 400,000 per year over the last decade. The most recent data from 2024 shows there was a total of 417,513 allegations of maltreatment and the most frequent allegation type reported was for general neglect, with 186,129 instances being reported.

General neglect is defined as the negligent failure of a person having the care or custody of a child to provide adequate food, clothing, shelter, medical care, or supervision where no physical injury to the child has occurred, but the child is at substantial risk of suffering serious physical harm or illness. General neglect does not include a parent's economic disadvantage.

Current law permits the court to remove a child from their home if the court finds that a parent has failed to protect the child. A court may cite "failure to protect" if the child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the failure or inability of their parent to adequately supervise or protect the child, or the willful or negligent failure of the child's parent to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left, or by the willful or negligent failure of the parent to provide the child with adequate food, clothing, shelter, or medical treatment, or by the inability of the parent or guardian to provide regular care for the child due to the parent's mental illness, developmental disability, or substance use disorders.

As a result of failure to protect laws, survivors of domestic violence may be penalized for not leaving an abusive relationship, and courts have removed children from survivors on the grounds that witnessing domestic violence is harmful, and that the parent failed to prevent that exposure. Parents who are survivors of domestic violence relay they are often expected to navigate their cases and complex systems alone and child welfare staff can unintentionally reproduce patterns of power and control.

*This bill* would provide grants to legal organizations that could provide services to families when a report has been made to obtain immigration relief for survivors of domestic violence and to provide direct assistance in accessing services related to substance use, mental health counseling, domestic violence, education, housing, employment, childcare, immigration, and public benefits.

*Most Allegations are Unsubstantiated.* Data from CCWIP show that in 2024, of the 417,513 allegations reported, only 46,457 (11.1%) were substantiated. 108,722 were inconclusive, 100,859 were unfounded, 145,464 had an assessment only/were evaluated out, and 16,011 were categorized as not yet determined. Although almost 90% of allegations are unsubstantiated, overreporting unnecessarily exposes hundreds of thousands of families to the scrutiny of a CPS investigation and can be a traumatic experience. According to CDSS, when a report is made, while the state retains the name of the individual and any information obtained during the hotline call or the investigation for reference in case of any subsequent allegation, they do not track data pertaining to what happens to the individual (including services they engage in or are connected to) after the hotline call or the investigation takes place. This means that the majority of families who come to the attention of CPS and have unsubstantiated claims of neglect or abuse are not necessarily being connected to relevant services or supports, and face the possibility of coming to the attention of CPS again without mitigation of any of the circumstances that may have brought them there.

According to the Legislative Analyst's Office (LAO), "Families who come to the attention of the child welfare system often are experiencing poverty and other significant challenges, such as substance use disorder or domestic violence, which can cause trauma to the children and family. Given the shorter- and longer-term negative impacts of experiencing trauma and maltreatment, child welfare system intervention may be necessary to help keep children safe from these potentially harmful situations. At the same time, involvement with the child welfare system also may result in trauma, particularly when a child is removed from their parent(s) or caregiver(s). How best to ensure child safety in a way that minimizes and mitigates trauma and ideally keeps the child with their parent(s)/caregiver(s) is a core challenge inherent to the child welfare system."

*This bill* would impact families where a report has been made, but an investigation has not concluded, and assist them in obtaining either direct services or legal aid to address the circumstances that placed the child at risk of receiving child welfare services in order to prevent the filing of a dependency petition in a juvenile court.

*Child Welfare Council's Mandated Reporting to Community Supporting (MCRS) Committee.* The MCRS Committee was formed within the Child Welfare Council to reimagine mandated reporting laws and practices in an effort to reduce unnecessary CPS involvement, address racial disparities in the child welfare system, and to build community-based pathways that connect families to relevant services without triggering CPS investigations. As part of this work, each county has been encouraged to develop a comprehensive prevention plan to identify local needs

and assets, include community-defined best practices and establish advisory committees to oversee implementation.

*This bill* seeks to align with these recent shifts in child welfare policy by assisting families before they have entered the child welfare system by providing services and legal aid prior to court involvement.

**Author’s Statement:** According to the Author, “This important bill aligns with California's efforts to provide early support to families at risk of child welfare involvement by creating the Family Advocacy Pilot Program. The program would support prevention legal services designed to prevent the filing of a petition in a juvenile court or stabilize a family that is at risk of receiving child welfare services. Prevention legal service programs throughout the country have shown great promise in helping to address inequities and strengthen families. Early legal services can be the difference in keeping a family out of the child welfare system by stopping an eviction, or accessing government benefits, or securing a needed family law order. A family's income level should not determine whether they have access to an attorney who can help them prevent the unnecessary and traumatic separation of children from their families.”

**Equity Implications:** The provisions of this bill seek to fill the gap in the child welfare continuum where a report of neglect and abuse has been made, but a petition for removal of the child from the home has not yet been filed. Because many families who are referred to the child welfare system are facing housing instability or food insecurity among other circumstances related to poverty, this pilot program would provide direct assistance and legal aid to families struggling to navigate the complexities of a CPS investigation. By providing this assistance prior to a petition being filed, this pilot program could demonstrate a reduction of unnecessary entry into foster care.

**Policy Considerations:** This bill requires CDSS to develop parameters and an implementation plan to distribute grants, but does not specify a timeline for grants to be disbursed or require information about the grantees.

*Should this bill move forward, the Author may wish to consider including criteria for prioritization of grants, defining a date on which the grants should be disbursed, and a requirement for information about the grantees to be made publicly available.*

This bill would provide grants for prevention legal services and direct assistance to families at risk of receiving child welfare services.

*Should this bill move forward, the Author may wish to consider instead referring to families who are at risk of entering foster care in order to align with federal definitions related to prevention services.*

This bill sets criteria for what defines a qualified organization to include a legal aid or community-based organizations with a minimum of three years of experience in providing legal services to low-income Californians, which could exclude organizations from being a grantee.

*Should this bill move forward, the Author may wish to consider requiring an organization to have been in operation for a minimum of one year.*

This bill sets criteria for a legal service organization providing legal training and technical assistance to have had a minimum of seven years of experience, which could limit the pool of eligible grantees.

*Should this bill move forward, the Author may wish to consider placing the minimum requirements on the staff rather than the organization itself.*

This bill requires CDSS to submit a report to the Legislature evaluating the effectiveness of the pilot program.

*Should this bill move forward, the Author may wish to consider adding specificity to the report to ensure sufficient data exists to draw conclusions about the effectiveness of the pilot.*

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

- Strike references to “at risk of receiving child welfare services” and replace with “at risk of entering foster care.”
- Require CDSS to develop criteria for prioritizing grant distribution, and establish a specific disbursement date.
- Require CDSS upon allocation of funding to qualified organizations, to post publicly on its internet website, information about the grants funded, including which specific qualified organizations received grants and the amount disbursed.
- Define a “qualified organization” to include a legal aid or community-based nonprofit or tribal organization providing legal services to low-income Californians that has been in operation for a minimum of one year or a legal service organization providing legal training and technical assistance that employs at least one attorney with a minimum of seven years of experience conducting dependency legal services and technical assistance training who is available to supervise less experienced attorneys and staff.
- Require CDSS at the conclusion of the three-year program, to submit a report to the Legislature, on or before January 1, 2030, evaluating the effectiveness of the program that includes all of the following data: the number of families served; whether a dependency court petition was filed after receiving services; types of legal issues addressed; household composition (size/number of parents); and, race/ethnicity.
- Require CDSS to stratify the data required by a variety of demographic characteristics, including, at a minimum, by race and income level, to the extent allowable to protect confidentiality.
- Technical and clarifying amendments.

Due to timing constraints, these amendments will be adopted in the Assembly Human Services Committee, but will be processed in the Assembly Judiciary Committee.

**Double referral:** Should this bill pass out of this Committee, it will be heard in the Assembly Judiciary Committee.



**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Children's Law Center of California (Co-Sponsor)  
Dependency Advocacy Center (Co-Sponsor)  
ACLU California Action  
All for Kids  
All of US or None (HQ)  
All of US or None Orange County  
Alliance for Children's Rights  
California Alliance of Caregivers  
Children Now  
Dependency Legal Services  
Families Inspiring Reentry & Reunification 4 Everyone (FIR4E)  
Legal Services for Prisoners With Children  
Starting Over INC.

**Opposition**

None on file.

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