

Date of Hearing: March 28, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 1154 (Wilson) – As Amended March 22, 2023

**SUBJECT:** Juveniles: mentoring programs

**SUMMARY:** Adds requirements for foster youth mentoring programs, including a participation agreement for non-probation supervised youth, criteria for nonprofits mentoring organizations to meet to be eligible to serve the foster youth for a court referral, and access to reports by the mentoring organizations, Specifically, **this bill:**

- 1) Requires each supplemental report filed, pursuant to the periodic status review required of every dependent child in foster care, to include a factual discussion of whether the child or nonminor dependent (NMD) would likely experience emotional and social benefits from a mentor, and should be referred for one-to-one mentoring.
- 2) Requires at each status review hearing for a probation-supervised foster youth, the social study to include an updated case plan with information as to whether the child or NMD would likely experience emotional and social benefits from a mentor, and should be ordered to participate in one-to-one mentoring.
- 3) Requires the court, at any status hearing, if the social study specific to probation-supervised youth includes a referral for one-to-one mentoring, to order the foster youth to participate in a mentoring program.
- 4) Requires, if the supplemental report includes a referral for mentoring, the court to ask the foster youth at any status hearing whether participation in a mentoring program has been offered to them and whether they are interested in participating in a mentoring program and specifies that the foster youth will only be referred for mentoring if they agree to participate.
- 5) Defines the following terms for purposes of these provisions:
  - a) “Mentor” means an individual who works for, or volunteers with, a nonprofit organization, as described, and provides mentoring services. Specifies that mentor providing mentoring services pursuant these provisions shall not be considered as a court-appointed special advocate (CASA), as described.
  - b) “Mentoring” means a meaningful and mutually desired one-to-one relationship between a mentor and mentee that is fully supported by a parent or guardian and includes outcomes such as positive behaviors and choices, educational and career success, and increased social, emotional, and mental health well-being.
  - c) “Trauma-informed” means an approach that involves an understanding and consideration of the nature of trauma and promotes environments of healing and recovery rather than practices that may inadvertently re-traumatize an individual.

- 6) Requires the court, if a court recommends mentoring for a foster youth and they accept the mentoring, or orders mentoring for a foster youth who has served time in detention in the juvenile justice system, to authorize the social worker or probation officer to provide information regarding the foster youth's placement and any updates on new placements and the reason for the foster youth's entry into the child welfare system only in generic terms, including "abuse," "neglect," or "abandonment," and exclude any specific details to a mentoring organization in order to ensure the most successful match with a mentor as possible in order to facilitate a positive and effective mentoring relationship.
- 7) Requires the court to advise the foster youth that if they participate in a mentoring program, the information described in 6) above will be shared with the nonprofit organization and mentor.
- 8) Requires a social worker or probation officer to make their best efforts to identify and refer a foster youth for whom mentoring has been recommended and accepted or for whom mentoring has been ordered to a nonprofit organization, as described, and to share the information described in 6) above with that nonprofit organization.
- 9) Authorizes the court to refer or order the child to participate in a one-to-one mentoring program through a nonprofit organization that meets all of the following criteria:
  - a) Is dedicated to one-to-one mentoring with children and youth;
  - b) Has experience serving foster children and youth;
  - c) Is experienced in providing trauma-informed training for staff, volunteers, parents, guardians, or caregivers;
  - d) Includes established policies and procedures for the protection of youth; and,
  - e) Maintains high standards for effective screening, selection, and training of staff and volunteers, including, but not limited to, all of the following:
    - i) Background checks for an administrator, employee, or regular volunteer of a youth service organization to identify and exclude any persons with a history of child abuse.
    - ii) Training in child abuse and neglect and training in child abuse and neglect reporting which can be satisfied by completing the online mandated reporter training provided by the Office of Child Abuse Prevention;
    - iii) Policies to ensure comprehensive screening and training of volunteers and parents or guardians, and regular contact with volunteers and parents or guardians;
    - iv) Has an established system of determining appropriate matches between mentors and mentees, including, to the greatest extent possible, commonalities in background, culture, interests, and life experience; and,
    - v) Has an established professional monitoring system for match relationships.

- 10) Requires a social worker or probation officer to provide updates on new placements to any mentor with whom the foster youth has a mentoring relationship and the foster youth was not referred or ordered to the mentor, pursuant to these provisions.
- 11) Requires the court, if recommending mentoring for a child or youth in foster care, or orders mentoring for a foster youth who has served time in detention in the juvenile justice system, to consent to providing placement and social worker information to a mentoring organization selected pursuant to these provisions in order to ensure the most successful match with a mentor as possible in order to facilitate a positive and effective mentoring relationship.
- 12) Makes findings and declarations related to the need for additional supports for foster youth, including one-to-one mentoring programs, the role of a social worker's written court report and case plan, and includes the following data:
  - a) Less than one-half of all foster youth in California graduate high school;
  - b) Seventy-five percent of foster youth report at least one pregnancy by the age of 21;
  - c) Every year approximately 4,000 youth age out of care in California with no place to call home; and,
  - d) One-half of youth who have aged out of foster care end up homeless or incarcerated.
- 13) Makes various declarations related to the outcomes of mentoring programs and states that while California policymakers have worked diligently to improve and strengthen the state's foster care services for those in care, in permanent placements, in reunification, and within the juvenile justice system, children in foster care and former foster youth outcomes often continue the cycle of poverty, abuse, lack of education, substance abuse, incarceration, and homelessness.
- 14) Further declares that foster children and youth would benefit from one-to-one mentoring models that provide appropriately screened, trained, and matched adult mentors that bring an approach to building positive relationships, positive experiences, and improved goals and outcomes. While a limited commitment is often required, mentor and mentee relationships often last several years or even a lifetime.
- 15) States legislative intent to increase stability of children and youth in foster care, and in adoptive, kinship, and guardianship families by increasing the supports provided to these children and youth.
- 16) Requires, at each status review hearing, the social study to include an updated case plan and whether the child or NMD would likely experience emotional and social benefits from a mentor, and should be ordered to participate in one-to-one mentoring with a mentor.

**EXISTING LAW:**

- 1) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being neglected, exploited, and/or physically, sexually, and emotionally abused and to ensure the safety of children who are at risk of that harm. Specifies that safety, protection, and physical and emotional well-being may include the

provision of social and health services to help the child and family and a balanced focus on the health and well-being of the child along with the preservation of the family. (Welfare and Institutions Code Section [WIC] 300.2)

- 2) Declares the intent of the Legislature to, whenever possible preserve and strengthen a child's family ties and ensure that if the child is removed from their family, the state shall work to secure as nearly as possible for the child the custody, care, and discipline equivalent to that which should have been given to the child by their parents. Further, states the intent of the Legislature to reaffirm its commitment to children who are in out-of-home placement to live in the least restrictive setting and as close to the child's family as possible, as specified. (WIC 16000)
- 3) Defines "nonminor dependent" as a current or former foster youth who is between 18 and 21 years old, in foster care under the responsibility of the county welfare department, county probation department, or Indian tribe, and participating in a transitional independent living plan, as specified. (WIC 11400(v))
- 4) Declares the case plan as the foundation and central unifying tool in child welfare services, and requires a child welfare/probation case plan, whichever is applicable, to include certain information, including, but not limited to: assessment of child and family needs; consideration of the child and family team recommendations; a description of the circumstances that resulted in the minor being placed under the supervision of the probation department and in foster care; and, to identify specific goals and the appropriateness of services in meeting those goals, among others. (WIC 16501.1 and 706.6)
- 5) Requires a social worker, at least 10 calendar days prior to the hearing in which an order is made placing a child under the supervision of the juvenile court, to file a supplemental report with the court describing the services offered to the family and the progress made by the family in eliminating the conditions or factors requiring court supervision. Further requires the social worker to make a recommendation regarding the necessity of continued supervision and for a copy of this report to be furnished to all parties at least 10 calendar days prior to the hearing. (WIC 364(b))
- 6) Enumerates requirements for certain reports made to the court by social workers, CASAs, and probation officers, including topics about which the report contains a factual discussion, including a youth's health and education summary, whether the youth has any siblings under the court's jurisdiction, and what actions have been taken by the youth's parent to correct the problems that caused the child to be made a dependent child of the court, among others. (WIC 366.1, 366.3, 366.31, and 706.5).

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

**COMMENTS:**

**Background:** *Child Welfare Services (CWS):* California's CWS system was established with the goal of protecting youth from abuse and neglect and is designed to provide for the 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 physician. 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. 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 CWS 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 CWS 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.

*Court Appointed Special Advocate* is a trained volunteer, appointed by a judge in a local court, who advocates for a child who has experienced abuse or neglect, with ongoing supervision from professionals at local nonprofit CASA programs. These volunteers are assigned to the same youth while they're in the CWS system regardless of changes in placements or schools. As an educational rights holder for a foster child, a CASA has the legal authority to attend teacher conferences, monitor grades, keep track of progress, and ensure the court provides the student with access to needed services.

This bill specifies that a mentor is an individual who works for, or volunteers with, a nonprofit organization, as described in these provisions, and is not be considered a CASA.

*Foster youth mentoring:* According to a 2021 study entitled, "A Meta-analysis of the Effects of Mentoring on Youth in Foster Care," formal mentoring, in which mentors and mentees are matched through programs, is another common intervention strategy for addressing the needs of foster youth. By modeling caring and providing support, mentors can both challenge negative views that some youth may hold of themselves, and demonstrate that positive relationships with adults are possible. The study asserts that, in this way, a mentoring relationship may become a "corrective experience" for youth who have experienced unsatisfactory relationships with parents or other caregivers.

MENTOR, an organization that focuses on youth mentoring, states that, "Mentoring is essential to everyone's development whether it happens organically or formally. For the majority of youth in foster care, there is no safety net to rely on during the transition from dependence to independence. This places even more importance on those caring adults whom they learn to trust over time." Their 2014 report stated that youth facing risks with mentors were more likely to aspire to attend and to enroll in college, more likely to report participating in sports and other extracurricular activities, and more likely to report taking on leadership roles in school and extracurricular activities and to regularly volunteer in their communities.

**Author’s statement:** According to the author, “Foster youth experience traumatic experiences including physical, emotional, or sexual abuse, neglect, or abandonment, and/or witness (sometimes often) traumatic experiences. Studies have shown that foster youth experience Post-Traumatic Stress Disorder (PTSD) at twice the rate of U.S. War Veterans. Many who exit foster care through an abrupt transition are further impacted as they face their independence without support and guidance from adult family members and friends. Mentors provide a valuable, guiding and inspiring relationship with mentees and often maintain the relationship with their mentees for many years, and even a lifetime. Mentors who are trauma-informed and can relate to a foster youth who has suffered failures from adults in their lives can often be a lifeline for their mentees and can help them see beyond current circumstances to understand that they can have successful lives despite their past experiences. Non-profits that have experience with foster youth mentoring, including Big Brothers Big Sisters, CASA and others strive daily to help improve the lives and the futures of foster youth. [This bill] provides a process in the child welfare system that strengthens opportunities for foster youth to access mentors through their Child and Family Teams, and the court. This bill provides one more point of access to support for our foster youth in California”

**Need for this bill:** The provisions of this bill are seeking to address the impact of trauma, abuse, neglect and abandonment on youth in foster care by authorizing the court to refer youth to one-one-one mentoring if they are referred by their social worker or probation officer. With the unique position the state and counties are in as guardians of foster youth who have been removed from their homes, this bill is addressing the lack of positive adult role models in these youth’s lives. Mentoring can provide positive role models who can empower foster youth, expand their view of the world, and help them envision a life that includes higher education.

**Equity Impact:** Foster youth represent one of the most vulnerable and academically at-risk student groups, according to the California Department of Education and suffer poorer educational outcomes with higher rates of suspension and lower rates of graduation. According to the Legislative Analyst’s Office (LAO), in California, the populations reflected in foster care are predominantly youth of color as 21% are Black and 50% are Latino. Further highlighting the disproportionality comprising the foster youth population, the number of Black and Native American youth in foster care are four times larger than the number of the general population of Black and Native American youth in California. The LAO also states that racial disproportionalities and disparities are present within initial allegations and persist at all levels of the system—becoming the most pronounced for youth in care. Additionally, LGBTQ youth are also overrepresented in foster care, according to the UCLA Williams Institute, with 13.6 % of foster youth identifying as lesbian, gay, bisexual, or questioning, and 5.6% identifying as transgender, compared to 10.3% of California’s students in public middle and high schools identifying as LGBTQ.

By encouraging foster and probation-supervised youth to become involved with mentorship programs, foster youth are being exposed to positive role models who have the potential to shape their world view and place these youth on a positive path toward achievement that could lead to self-sufficiency in adulthood. As a result of the systems and structures that lead to the gaps in opportunity that many foster youth face, mentoring programs create access to positive adult relationships outside of the family, and can provide a response to the unique issues that foster youth face.

**Double referral:** This bill will be referred to the Assembly Judiciary Committee should it pass out of this committee.

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

Big Brothers Big Sisters (Sponsor)

Big Brothers Big Sisters of Orange County and the Inland Empire, INC

National Association of Social Workers, California Chapter

**Opposition**

None on file

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