

Date of Hearing: March 10, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 2051 (Reyes) – As Introduced February 3, 2020

SUBJECT: Foster care: foster sibling relationship

SUMMARY: Defines a “foster sibling relationship” and requires the juvenile court and county social welfare agencies to attempt to maintain those relationships. Specifically, **this bill:**

- 1) Defines a “foster sibling relationship” as a relationship between dependent or nonminor dependent children who are placed together in foster care and develop a sibling-like bond, despite having no relationship through blood, adoption, or affinity.
- 2) States legislative intent to maintain a foster sibling relationship for dependent and nonminor dependent children in an out-of-home placement when they are no longer placed together.
- 3) Includes any dependent child or nonminor dependent in an out-of-home placement with whom the child has developed a foster sibling relationship as an individual other than the child’s siblings who are important to the child, as it pertains to:
 - a) The requirements of the court, in reviewing the status of a dependent child in foster care, to determine the extent of the county welfare agency’s compliance with the case plan in making reasonable efforts to maintain relationships;
 - b) The requirement that the supplemental report filed to the court during the periodic review of the status of a dependent child include whether a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer has relationships with individuals who are important to the child;
 - c) The requirement of the social worker to ask every child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer to identify individuals who are important to the child;
 - d) The requirement of the court to determine, for a child who is 10 years of age or older whose jurisdiction has not been dismissed, if individuals who are important to the child have been identified, including if the social worker has asked the child about such relationships, and efforts to maintain those relationships;
 - e) The requirement of the county welfare department, for a child whom the court has ordered parental rights terminated and has been ordered placed for adoption, to include in its report to the court, the identification of individuals who are important to the child; and,
 - f) The requirement of the county welfare department to ask every child who is 10 years of age or older and who the court has ordered parental rights terminated and has been ordered placed for adoption to identify individuals who are important to the child.
- 4) Makes technical changes.

EXISTING 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 or have been abused or neglected, as specified. (Welfare and Institutions Code [WIC] Section 202)
- 2) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (WIC 300.2)
- 3) Declares the intent of the Legislature to preserve and strengthen a child's sibling relationship so that when a child has been removed from his or her home, the court has the authority to develop a visitation plan for the siblings, unless it has been determined that visitation is contrary to the safety or well-being of any sibling. Further, requires the responsible local agency to make a diligent effort in all out-of-home placements of dependent children and wards in foster care to place siblings together in the same placement, and to develop and maintain sibling relationships. (WIC 16002)
- 4) Requires the status of every dependent child in foster care to be reviewed periodically, but no less than once every six months. (WIC 366)
- 5) Requires a county welfare department social worker, at the periodic review hearing regarding the status of every dependent child in foster care, and every child for whom the parental rights have been ordered terminated and who has been ordered placed for adoption, to file a supplemental report with the court that provides a factual discussion on certain subjects including, amongst other things, whether a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer has relationships with individuals other than the child's siblings that are important to the child, as specified. (WIC 366.1, 366.3(g)(3))
- 6) Requires the court to review the supplemental report submitted by a county welfare department social worker, at the periodic review hearing regarding the status of every dependent child in foster care to determine, amongst other things, the extent of the agency's compliance with the case plan in making reasonable efforts to maintain the child's relationships with individuals important to the child. (WIC 366(a)(1)(B), 366.3(e))

FISCAL EFFECT: Unknown

COMMENTS:

Child Welfare Services: The purpose of California's Child Welfare Services (CWS) system is to protect children from abuse and neglect and provide for their health and safety. When children are identified as being at risk of abuse, neglect, or abandonment, child protective services is responsible for investigating the report. If the abuse or neglect allegation is substantiated, it is then determined whether it is in the best interest of the youth to remain in their parent's custody or be placed within the CWS system. If it is in the best interest of the child to be removed from their parent's custody, the child is placed in the CWS system; the juvenile court holds legal jurisdiction and a social worker is appointed by the CWS system to ensure that the needs of the youth are met. Through this system, there are multiple opportunities for the custody of the child,

or their placement outside of the home, to be evaluated, reviewed and determined by the judicial system, in consultation with the child's social worker, to help provide the best possible services to the child. The CWS system seeks to help children who have been removed from their homes reunify with their parents or guardians, whenever appropriate. However, the court may determine that an alternate permanent placement is more fitting and give preference to relatives or nonrelative extended family members. There are currently nearly 60,000 children and youth in California's CWS system.

Continuum of Care Reform: In 2015, Governor Brown signed AB 403 (Stone), Chapter 773, Statutes of 2015, commonly referred to as CCR, which sought to improve outcomes for children and youth served by the CWS system by working to ensure that foster youth have their day-to-day physical, mental, and emotional needs met, that they have the opportunity to grow up in permanent and supportive homes, and have the opportunities necessary to become self-sufficient, successful adults. CCR also sought to reduce the use of congregate care as a frequently used placement option for youth, as data have demonstrated that youth placed in congregate care settings experience poorer outcomes than youth placed in family settings. Since AB 403 was signed in 2015, subsequent legislation has further facilitated the efforts of CCR, including: AB 819 (Stone), Chapter 777, Statutes of 2019; AB 1997 (Stone), Chapter 612, Statutes of 2016; AB 404 (Stone), Chapter 732, Statutes of 2017; and, AB 1930 (Stone), Chapter 910, Statutes of 2018.

Emphasis on maintaining relationships: While the ultimate goal of the CWS system is to provide for the health and safety of children, another long-standing goal of the CWS system is to preserve familial ties wherever possible. When siblings are removed from their home, county welfare agencies are directed to make a diligent effort to place siblings together in the same home. If siblings are not placed together, the social worker must explain why the siblings were not placed together and what efforts are being made to place the siblings together. A child's social worker is also expected to facilitate maintaining relationships with individuals, other than the child's siblings, who are important to the child, by asking the child to identify those individuals. The social worker is required to describe actions taken to maintain these relationships at periodic court reviews. This bill includes foster sibling relationships amongst those non-sibling relationships that the child may identify as important to them.

Need for this bill: While child welfare agencies are directed to develop and maintain sibling relationships as well as relationships with other individuals important to the child, current law does not explicitly provide that foster sibling relationships are included as a relationship to attempt to maintain. According to the author, "As a result of the trauma that youth in foster care have faced—and some of them continue to face—maintaining stability and consistency is an important factor for their wellbeing. The relationships that youth form when they share not only a home, but also similar experiences, are quite synonymous with sibling relationships. Many times, they offer the same sense of love, safety, and support that one would find with biological or adopted siblings. This bill would help preserve a level of consistency in the lives of foster youth even after they move to a new placement by including foster siblings into the visitation provisions of existing law. The bill specifically defines foster sibling relationships as a sibling relationship developed between nonminor dependent children while placed together in foster care. It is important that our state laws and policies prioritize the holistic wellbeing of some of our most vulnerable youth by protecting the relationships that matter most to them."

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

REGISTERED SUPPORT / OPPOSITION:

Support

Children's Law Center of California (Sponsor)
Alliance for Children's Rights
Children Now

Opposition

None on file

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