

Date of Hearing: March 10, 2020

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 2086 (Blanca Rubio) – As Amended March 4, 2020

**SUBJECT:** Foster care

**SUMMARY:** Requires an annual cost of living adjustment to the rate paid to foster family agency (FFA) social workers based on the California Necessities Index (CNI) and requires the California Department of Social Services (CDSS) to convene a workgroup to establish a rate structure for FFA social workers. Specifically, **this bill:**

- 1) Deletes provisions of current law that require the rate paid to FFAs to be 4.15% higher than the rates paid to FFAs in the 2018-19 fiscal year.
- 2) Deletes provisions of current law that suspend the current rate increase on Dec 31, 2021, unless the Department of Finance determines that projected General Fund revenues exceed projected annual General Fund expenditures in the 2021–22 and 2022–23 fiscal years.
- 3) Adjusts annually the rates paid to FFAs by an amount equal to the CNI, and rounded to the nearest dollar, commencing July 1, 2021.
- 4) Requires the annual adjustment to remain in effect until the date that both of the following events have occurred:
  - a) CDSS presents recommendations developed from a stakeholder workgroup, as specified, to the Legislature; and,
  - b) CDSS establishes a FFA rate structure to ensure that FFA social workers are adequately compensated.
- 5) Requires CDSS to convene a workgroup with concerned stakeholders, including, but not limited to, former foster youth, foster care caregiver organizations, child advocacy organizations, and FFA social workers, to identify measures to establish a FFA rate structure to provide adequate funding for FFA social workers.
- 6) Requires CDSS, by December 31, 2022, to submit recommendations to the Legislature to establish a FFA rate structure that ensures that FFA social workers are adequately compensated, based on findings of the workgroup.
- 7) States that recommendations made and submitted to the Legislature are not binding on any state or local government agency.

**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, whenever possible: preserve and strengthen a child's family ties, reunify a foster child with his or her relatives, or when family reunification is not possible or likely, to develop a permanent alternative. 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 family setting promoting normal childhood experiences that is suited to meet the child's or youth's needs and is as close to the child's family as possible, as specified. Additionally, declares Legislative intent that all children live with a committed, permanent, and nurturing family and that services and supports should be tailored to meet the needs of the individual child and family being served, as specified. (WIC 16000)
- 4) Defines “foster family agency” to mean any public agency or private organization, organized and operated on a nonprofit basis, engaged in any of the following:
  - a) Recruiting, certifying, approving, and training of, and providing professional support to, foster parents and resource families;
  - b) Coordinating with county placing agencies to find homes for foster children in need of care; or,
  - c) Providing services and supports to licensed or certified foster parents, county-approved resource families, and children to the extent authorized by state and federal law. (Health and Safety Code [HSC] 1502(a)(4))
- 5) Requires FFAs to have a plan of operation that describes treatment practices, among other requirements. (HSC 1506.1)
- 6) Requires CDSS to develop a basic rate in coordination with the development of the foster family agency rate, as specified, that ensures a child placed in a home-based setting and a child placed in a certified family home or with a resource family approved by a FFA, is eligible for the same basic rate, and sunsets this temporary rate on January 1, 2021. (WIC 11461(g)(4))
- 7) Requires CDSS to develop a new payment structure for the FFA placement that includes an interim rate, a provisional rate for new FFA programs, and a probationary rate. Further, requires the interim rate to be effective until December 31, 2020. (WIC 11463(c))
- 8) Increases the rate paid to a FFA by 4.15% higher than the rates paid to FFAs in the 2018–19 fiscal year and sunsets the rate increase on December 31, 2021, unless the Department of Finance determines that projected General Fund revenues exceed projected annual General Fund expenditures in the 2021–22 and 2022–23 fiscal years by the sum total of General Fund moneys appropriated for all programs subject to suspension on December 31, 2021, as specified. Further, states the intent of the Legislature to consider alternative solutions to continue the rate increase if it does sunset on December 31, 2021. (WIC 11463(f))

**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.

***Foster family agencies:*** FFAs are public or private agencies that are used by county placing departments for children who require more intensive care than a typical foster family home, but do not need the intensive services of a Short-Term Residential Therapeutic Program. FFAs recruit, certify, approve, train, and provide professional support to foster parents and resource families. They also provide services and supports to licensed certified foster parents, county-approved resource families, and children. FFAs are also required to make available a core set of services to dependent children, including specialty mental health services.

***Interim FFA rates:*** Other than county social workers and programs funded by Realignment, the FFA rate and the infant supplement are the only sections within the foster care system that do not have an automatic annual rate adjustment based on the CNI. The current FFA rate is an interim rate that is intended to be in place as CDSS develops a new rate structure. AB 403 initially required that the interim rates become inoperative on December 31, 2019. AB 819 adjusted the inoperative date to December 31, 2020.

***Need for this bill:*** In the 2019-20 State Budget, FFA social workers received a one-time cost of living adjustment (COLA) of 4.15%. That salary increase is scheduled to be suspended on

December 31, 2021, unless certain conditions occur. This bill would create an ongoing COLA for FFA social workers until CDSS submits recommendations from a stakeholder workgroup investigating the rate structure and establishes an FFA rate structure.

According to the author, “Continual [social worker] turnover is damaging to our foster youth and families and this bill only asks the State to do the right thing by fairly funding foster family agency social workers, 88% of whom identify as female, so they can better serve California’s foster children achieve permanency. Moreover, [this bill] requires the Department of Social Services to convene a Stakeholders’ Workgroup, which will include former foster children, families, and the social workers, to identify and recommend strategies to reduce social worker turnover which in turn, will make a significant difference in the lives of the children and families.”

#### **PRIOR LEGISLATION:**

*AB 819 (Stone) Chapter 777, Statutes of 2019*, was a Continuum of Care Reform cleanup bill, and among other things, extended the sunset until January 1, 2021, on the temporary rate that ensures a child placed in a home-based setting and a child placed in a certified family home or with a resource family approved by a foster family agency, is eligible for the same basic rate.

*SB 80 (Committee on Budget and Fiscal Review) Chapter 27, Statutes of 2019*, amongst other things, instituted a one-time increase of 4.15% to the rates paid to FFA social workers, which sunsets on December 31, 2021, unless the Department of Finance determines that projected General Fund revenues exceed projected annual General Fund expenditures in the 2021–22 and 2022–23 fiscal years, as specified.

#### **REGISTERED SUPPORT / OPPOSITION:**

##### **Support**

California Alliance of Child and Family Services (Co-Sponsor)  
 National Association of Social Workers, California Chapter (Co-Sponsor)  
 A Coming of Age to Adulthood, INC.  
 Aldea Children & Family Services  
 Alliance for Children's Rights  
 Alternative Family Services  
 Aspiranet  
 California Alliance of Caregivers (UNREG)  
 California Coalition for Youth  
 Children First Foster Family Agency  
 Children Now  
 Children's Bureau of Southern California  
 David & Margaret Youth and Family Services  
 Extraordinary Families  
 Family Care Network, INC.  
 Florence Crittenton Services of Orange County, INC.  
 Hathaway-Sycamores  
 Hermanitos Unidos-siblings United Foster Family Agency  
 Hillsides  
 John Burton Advocates for Youth

Kamali'i Foster Family Agency  
Koinonia Family Services  
Legacy Behavioral Services  
Lilliput Children's Services DbA Lilliput Families  
New Dimensions Foster Family Agency  
New Families, INC.  
Nuevo Amanecer Latino Children Services  
Optimist Youth Homes and Family Services  
Paradise Oaks Youth Services  
Promesa Behavioral Health  
San Diego Center for Children  
Seneca Family of Agencies  
Stanford Youth Solutions  
The Heart Matters Foster Family Agency  
The Village Family Services  
TLC Child and Family Services  
Triad Family Services  
Uplift Family Services  
Walden Family Services  
Wayfinder Family Services

**Opposition**

None on file

**Analysis Prepared by:** Debra Cooper / HUM. S. / (916) 319-2089