

CONCURRENCE IN SENATE AMENDMENTS

AB 366 (Blanca Rubio)

As Amended September 3, 2021

Majority vote

SUMMARY

Original Committee of Reference: HUM. S.

Adopts changes to existing provisions on the placement of siblings within the child welfare system, as specified.

As passed by the Assembly, this bill:

- 1) Required the court, at periodic review hearings conducted every six months, to determine, for a youth who is 10 years of age or older, is in junior high, middle, or high school, and who has been under the jurisdiction of the juvenile court for a year or longer, whether the social worker or probation officer has verified whether the youth has received comprehensive sexual health education, and provided the youth with certain information related to the availability of comprehensive sexual health education, as specified.
- 2) Required the court to determine, for a youth who is 16 years of age or older or for a NMD, whether the social worker or probation officer has identified the person or persons who are responsible for assisting the youth with applications for postsecondary education and related financial aid, as specified by current law, or that the youth stated that they do not want to pursue postsecondary education, including career or technical education.
- 3) Required each supplemental report filed with the court, as specified, for a child who is 10 years of age or older and who has been under the jurisdiction of the juvenile court for a year or longer, to include a factual discussion of certain information related to comprehensive sexual health education, as specified.
- 4) Required each supplemental report filed with the court for a child who is 10 years of age or older, to include a factual discussion of whether the social worker has completed certain tasks related to a youth's receipt of comprehensive reproductive and sexual health care, as specified.
- 5) Required each supplemental report, as specified, filed for a child who is 16 years of age or older or for an NMD, whether the social worker or probation officer has identified the person or persons responsible for assisting the youth with applications for postsecondary education and related financial aid, or that the NMD stated that they do not wish to pursue postsecondary education, including career or technical education.
- 6) Required, at the review hearing that occurs in the six-month period prior to a minor's attaining 18 years of age, and at every subsequent review hearing for the NMD, the court report to describe certain information related to postsecondary education and comprehensive reproductive and sexual education, as specified.
- 7) Required a review report for an NMD whose case plan is continued court-ordered family reunification services to include a discussion of whether the social worker or probation

officer has completed certain tasks related to postsecondary education and comprehensive sexual education, as specified.

- 8) Required the court to determine, when inquiring about the progress being made to provide a permanent home for a nonminor, as specified.
- 9) Required a reviewing body to determine, at a review hearing held every six months for an NMD who is no-longer receiving court-ordered family reunification services, whether certain actions by a social worker or probation officer have occurred, as specified.
- 10) Required a social study, at each status review hearing of a probation-supervised youth to include certain information related to comprehensive sexual health education, as specified.
- 11) Required a social study, at each status review hearing of a probation-supervised youth, for a child who is 16 years of age or older or for an NMD, to include whether the probation officer has identified the person or persons responsible for assisting the youth with applications for postsecondary education and related financial aid, or that the youth stated that they do not want to pursue postsecondary education, including career or technical education;
- 12) Required the court, at any status review hearing prior to the first permanency planning hearing for wards of the juvenile court, to make findings and orders which determine, for a child who is 10 years of age or older, is in junior high, middle, or high school, and has been taken under the jurisdiction of the juvenile court for a year or longer, whether the probation officer has ensured that the youth has received comprehensive sexual health education and informed the youth of their rights related to this topic, as required by the provisions of this bill. Further, required the Judicial Council, on or before January 1, 2023, to amend and adopt rules of court and develop appropriate forms to implement this requirement.
- 13) Required the court, at any status review hearing prior to the first permanency planning hearing for wards of the juvenile court, for a child who is 16 years of age or older or for an NMD, to determine whether the probation officer has identified the person or persons responsible for assisting the youth with applications for postsecondary education and related financial aid, or that the youth stated that they do not want to pursue postsecondary education, including career or technical education.
- 14) Required, beginning January 1, 2022, the rate paid for a pregnant minor or NMD for the month in which the birth is anticipated and for the three-months preceding the month in which the birth is anticipated, include the amount that would otherwise be paid pursuant to current law to cover the care and supervision of a child, as specified.

Senate Amendments

Current Committee Recommendation: Concur

Delete the Assembly version of this bill and instead:

- 1) Add language that prohibits physical capacity alone from being the reason that placement of siblings together is denied, if there is an age-appropriate place to sleep and no other safety risks.
- 2) Delete Legislative findings and declarations related to placement of sibling groups together.

- 3) Delete obsolete provisions regarding authorizing foster family homes to provide 24 hour care for up to eight children, as specified.
- 4) Add language to avoid chaptering out conflicts with SB 354 (Skinner) and SB 584 (Jones).
- 5) Make technical changes.

COMMENTS

Placement with relatives: Historically, it has been the policy of the child welfare services (CWS) system to preserve familial ties whenever a child is removed from their parents' custody. Foster youth have often experienced the stress associated with maltreatment, the trauma of removal from their parents' custody, and will likely face placement disruptions during their time in the CWS system; for these youth, placement stability is vital to ensuring their emotional and behavioral well-being.

In keeping with the goal of maintaining families, social workers and county welfare agencies are required by law to seek out potential relative caregivers, including another parent, grandparents, siblings, or nonrelative extended family members (NREFMs), and to prioritize placement with relatives whenever feasible. In terms of sibling placement, current law requires a child welfare 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; if siblings are not placed together, social workers – or probation officers, if applicable – are required to explain why the siblings are not placed together and what efforts they are making to place them together, or why making those efforts would be contrary to the safety and well-being of any of the siblings.

According to the Author

“Current California law provides protections for children who are removed from their parents because of abuse or neglect and makes it a priority to be placed with siblings unless it is detrimental. In practice, however, far too many children end up being separated from their siblings due to bureaucratic hurdles that are not related to child safety. Keeping siblings connected is a critical aspect of promoting positive foster youth mental health and should be a priority of the child welfare system. To address this, AB 366 would strengthen the statutory protections that keep siblings together by specifying that an approved resource family shall be presumed to have the size and space to place siblings together unless there is a safety risk. This is a simple and effective step to protect one of the most vulnerable populations in our state.”

Arguments in Support

Children Now writes, “Keeping siblings connected is one of the most critical responsibilities of the child welfare system. Studies have shown that children in foster care achieve better outcomes and form life-long supportive relationships when placed together in the same home as their siblings. Studies have also shown that living with a caring relative greatly increases the likelihood of siblings residing together, especially for large sibling sets. [This bill] would strengthen the statutory protections that keep siblings together by specifying that an approved resource family shall be presumed to have the size and space to place siblings together unless there is a safety risk.”

Arguments in Opposition

None on file

FISCAL COMMENTS

According to the Senate Appropriations Committee on August 16, 2021, pursuant to Senate Rule 28.8, this bill would result in negligible state costs.

VOTES

ASM HUMAN SERVICES: not relevant

ASM APPROPRIATIONS: not relevant

ASSEMBLY FLOOR: not relevant

UPDATED

VERSION: September 3, 2021

CONSULTANT: Kelsy Castillo / HUM. S. / (916) 319-2089, Emmalynn Mathis / HUM. S. /
(916) 319-2089 FN: