

Date of Hearing: March 14, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

AB 448 (Juan Carrillo) – As Introduced February 6, 2023

**SUBJECT:** Juveniles: relative placement: family finding

**SUMMARY:** Requires a social worker to immediately conduct an investigation to identify and locate adult relatives after a child has been taken into temporary custody. Requires a social worker to report to the court what efforts and findings they have made to locate relatives who are able and willing to take temporary custody and to include these efforts in the factual discussion of each social study or evaluation. Further requires the court to additionally determine whether the social worker has continued efforts to locate any relatives, and the names of any relatives who are able and willing to take temporary custody of the child. Specifically, **this bill:**

- 1) Requires a social worker to immediately, and no longer than 30 days, conduct an investigation in order to identify and locate all grandparents, parents of a sibling of a child, as defined, including any other adult relatives suggested by the parents, and, if it is known or there is reason to know the child is an Indian child, any extended family members when a child has been taken into temporary custody.
- 2) Requires, at the initial petition hearing and in the factual discussion of each social study or evaluation, the social worker to report to the court what efforts they have made to locate any relatives who are able and willing to take temporary custody of the child, and the names of any relatives who are able and willing to take temporary physical custody of the child.
- 3) Requires the court to determine at a status review for children and nonminor dependents (NMDs) in out-of-home care, whether the social worker has continued efforts to locate any relatives who are able and willing to take physical custody of the child, and the names of any relatives who are able and willing to take temporary physical custody of the child.
- 4) Requires, for each supplemental report required to be filed, the social worker to include a factual discussion of whether they have considered, for a child or an NMD who does not reside with their parents or relatives, the continued efforts and findings they have made to locate any relatives who are able and willing to take physical custody of the child, and the names of any relatives who are able and willing to take temporary physical custody of the child.

**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 of abuse and neglect or have been abused or neglected, as specified. (Welfare and Institutions Code Section [WIC] 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, 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) States the intent of the Legislature to preserve and strengthen a child's family ties whenever possible and to reunify a foster youth with their biological family whenever possible, or to provide a permanent placement alternative, such as adoption or guardianship. (WIC 16000)
- 4) Requires a county to file a petition to the court requesting a detention hearing within 48 hours of placing a child under temporary custody to determine whether a child should remain in custody and whether any specific court permissions are necessary to provide for the health and safety of the child. (WIC 313 and 319)
- 5) Requires, if a child is removed, the social worker to conduct, within 30 days an investigation in order to identify and locate all grandparents, parents of a sibling of the child, if the parent has legal custody of the sibling, adult siblings, other adult relatives of the child, including any other adult relatives suggested by the parents, and, if it is known or there is reason to know. (WIC 309(e)(1))
- 6) Requires a social worker to use due diligence in investigating the names and locations of the relatives, as well as any parent and alleged parents, and requires each county welfare department to do both of the following:
  - a) Create and make public a procedure by which a parent and relatives of a child who has been removed from their parents or guardians may identify themselves to the county welfare department and requires the county welfare department to provide parents and relatives with specified notices; and,
  - b) Notify CDSS, on or before January 1, 2024, in an email or other correspondence, whether it has adopted one of the suggested practices for family finding and, generally, whether the practice has been implemented. Requires, if a county welfare department has not adopted one of the suggested practices for family finding, the county welfare department to provide a copy to CDSS of its existing family finding policies and practices, as reflected in memoranda, handbooks, manuals, training manuals, or any other document. (WIC 309(e)(3))
- 7) Defines "family finding" to mean conducting an investigation, including, but not limited to, through a computer-based search engine, to identify relatives and kin and to connect a child or youth, who may be disconnected from their parents, with those relatives and kin in an effort to provide family support and possible placement. If it is known or there is reason to know that the child is an Indian child, as defined "family finding" also includes contacting the Indian child's tribe to identify relatives and kin. (WIC 309(e)(3)(B))
- 8) Requires preferential consideration be given to a request by a relative to have the child placed with the relative if the child has been removed from the physical custody of the child's parent(s). (WIC 361.3(a))
- 9) Requires, when placing a child in the home of a relative, an extended family member, or non-relative extended family member (NREFM) on a temporary basis, the court to consider the recommendations of the social worker based on the assessment required by current law, including the results of a criminal records check and prior child abuse allegations, if any, before ordering that the child be placed with a relative or NREFM. (WIC 319(h)(3))

- 10) Requires the California Department of Social Services (CDSS) to provide technical assistance to encourage and facilitate the county placement agency's evaluation of placement needs and the development of needed placement resources and programs. (WIC 16001.1)
- 11) Requires updates by counties as it relates to children placed by child welfare, the family finding activities attempted or underway, or other activities to connect the child to caring adults outside of the congregate (group home) care setting; identification of the counties that have any existing or planned contracts, or efforts to directly provide or contract for intensive child specific recruitment services; identification of counties with any existing or planned specialty mental health services targeted to address the mental health service needs of a foster child transitioning from congregate care to permanency or other family-based care setting, and a summary of any gaps that remain; and the number of children that successfully achieved permanency following receipt of the services described. (WIC 16523.57)
- 12) Requires the juvenile court to make full consideration of the proximity of a child's natural parents to the potential foster care placement of that child in order to facilitate visitation and family reunification, and if possible, for the placement to be made in the home of a relative, unless the placement would not be in the best interest of the child. (Family Code Section [FAM] 7950(a))
- 13) Requires placement, if possible, to be made in the home of a relative, unless the placement would not be in the best interest of the child, and requires diligent efforts to be made by an agency or entity to locate an appropriate relative. Requires the court, at any permanency hearing in which the court terminates reunification services, or at any post-permanency hearing for a child not placed for adoption, to find that the agency or entity has made diligent efforts to locate an appropriate relative and that each relative whose name has been submitted as a possible caretaker, either by the relative or by other persons, has been evaluated as an appropriate placement resource. (FAM 7950 (a)(1))
- 14) Prohibits an agency or entity that receives any state assistance and is involved in foster care placements from doing either of the following:
  - a) Deny to any person the opportunity to become a foster parent on the basis of the race, color, or national origin of the person or the child involved, which does not affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.); or,
  - b) Delay or deny the placement of a child into foster care on the basis of the race, color, or national origin of the foster parent or the child involved. (FAM 7950(a)(2))
- 15) States that these provisions do not preclude a search for an appropriate relative from being conducted simultaneously with a search for a foster family. (FAM 7950(c))
- 16) Defines "child and family team" to mean a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being. (WIC 16501(a)(4))

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

**COMMENTS:**

**Background:** *Child Welfare Services (CWS).* California's CWS system exists to protect children from abuse and neglect, and in doing so, to provide for their health, safety, and overall well-being. When suspicions of abuse or neglect arise, often as a result of a report by a mandated reporter like a doctor or teacher, Child Protective Services (CPS) is tasked with investigating the report. If the allegation of abuse or neglect is substantiated, it is then determined whether it is in the best interest of the child to remain in their parent's custody or to be placed within the CWS system. If a child is suspected to be at risk of neglect, abuse, or abandonment, the juvenile court holds legal jurisdiction, and the CWS system appoints a social worker to ensure that the needs of a youth are met. California's CWS 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, with the child's individual case plan being the guiding principle in the provision of these services. The case plan is required to be developed within a maximum of 60 days of the initial removal of the child. Prevention services such as substance use disorder treatment and in-home parenting support are provided to families who are at risk of child removal. As of October 1, 2022, there were 53,371 youth between the ages of 0 and 21 placed in California's CWS system.

California's CWS programs are administered by the 58 individual counties which means that each county organizes and operates its own program of child protection based on local needs while complying with state and federal regulations. Counties are the primary governmental entities that interact with children and families when addressing issues of child abuse and neglect. Counties, either directly or through providers, are responsible for obtaining or providing the interventions and applicable services to protect the well-being of children and to help families address issues of child abuse and neglect. CDSS monitors and provides support in the counties efforts to best serve children and families.

*Continuum of Care Reform (CCR).* Beginning in 2015, California enacted legislation, known as CCR, to improve placement and treatment options for youth in foster care. AB 403 (Stone), Chapter 773, Statutes of 2015, sponsored by CDSS, 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 and 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.

As part of the reforms set forth by CCR, the Resource Family Approval (RFA) process was established. The RFA process is a unified, family-friendly, and child-centered process that combines elements of foster parent licensing, relative approval, and adoption/guardianship approval processes. The RFA process includes a psychosocial assessment, home environment check, and training for all resource families (formerly known as foster families), including relatives, in order to ensure that caregivers are equipped to best meet the needs of youth in foster care. RFA is also a route to direct permanency for caregivers who wish to adopt or be guardians of youth in care, as the RFA process includes elements required by both the adoption and guardianship processes.

Existing law requires the juvenile court, during the dispositional hearing for a dependent child, to make a finding that the child's social worker has exercised due diligence in identifying, locating and notifying the child's relatives. Effective January 1, 2017, all new relative home placements were required to meet RFA standards and counties are encouraged to consider the likelihood that a relative will be able to meet those standards when evaluating that possibility. Existing law also provides for a process to place with a relative, either on an emergency basis or based on a compelling reason, prior to full RFA approval.

*Family finding and due diligence.* It has long been the goal of the CWS system to preserve familial ties whenever possible. Under certain circumstances, family maintenance services are provided to families in order to prevent the removal of children from their parents' home, including family therapy, parenting classes, or substance use treatment. However, in instances when a youth is removed from the custody of their parents and placed temporarily in an out-of-home placement through the foster care system, county social workers are required to locate any relatives or NREFMs who may serve as caregivers to the youth.

Data from the California Child Welfare Indicators Project show that in October 2021, the total number of all children in foster care for 24 months or longer, including foster children 18 years of age and older and foster children living with relatives, was 27,475, or 46% of all children in foster care.

According to ACL 18-42, distributed by CDSS, family finding and engagement is defined as a broad concept which encompasses not only the statutory requirements pertaining to identifying, locating, and notifying the relatives of a child in foster care, but also related efforts to foster life-long familial connections for children and youth in care. The ACL further describes these additional efforts, which are meant to enhance the long-term well-being of children and youth in care, as an important component of CCR's goal to reduce the use of congregate care and improve child welfare outcomes. Intensive family finding and engagement can be used by counties to identify possible relative or NREFM placements for children and youth currently placed in group homes, potentially allowing those children and youth to step down to a home-based care setting, consistent with the goals of CCR. Counties are also urged to seek out the practice of family finding and engagement above and beyond the statutorily required relative finding, to be used when opening a case as a way to identify the best possible placement for the child or youth.

Research shows that children placed with their own relatives and extended family members have greater placement stability, fewer emotional and behavioral problems, and more connections to their biological families and social-cultural communities. The Budget Act of 2022 allocated \$150 million from the General Fund in one-time funding, available for expenditure through June 30, 2027, for the purposes of participation in the Excellence in Family Finding, Engagement, and Support (EFFES) Program and the provisions available to support implementation through the establishment of The Center for Excellence in Family Finding, Engagement, and Support (CFE).

In furtherance of these goals, CDSS has contracted with University of California, Davis to launch CFE to support efforts to keep children and youth connected to their biological and extended families and will provide multi-tiered, culturally appropriate training and technical assistance such as conducting evidence-based, organization-specific assessments of implementation activities, and strengthening trauma-informed practices and programs related to family finding and engagement.

CFE will provide training and technical assistance for counties and tribes that have opted to participate in the EFFES program. Specialized trainings and support will be available to county welfare agencies, probation departments, participating tribes, and foster care providers to enhance their practices, policies, and efforts for family finding, support, and engagement. CFE will also provide training on how to engage children and young people in the family finding process. All trainings will utilize family finding and engagement and permanency subject matter experts.

**Author’s statement:** According to the author, “It is estimated that in California, there are nearly 60,000 children in foster care, and nearly 50% are Latino. Children in foster care have experienced abuse, neglect, and other adverse childhood experiences that can negatively impact their health. In fact, according to statistics, half of all kids in foster care have endured four or more adverse childhood experiences. However, young people can and do recover from trauma, reunite with family members, and thrive because researchers found that children placed with relatives were more likely to remain in their same neighborhood, be placed with siblings, and have consistent contact with their birth parents than other children in foster care.

“A 2008 study in the Archives of Pediatric and Adolescent Medicine found that children placed into kinship care had fewer behavioral problems three years after placement than children placed into foster care. [This bill] will build upon California’s work to connect youth in foster care with family. By requiring documentation of family finding efforts in court reports, all parties involved in the child welfare case (attorneys, judicial officers) will have the information necessary to facilitate meaningful and ongoing connections between the youth and their family.”

**Need for this bill:** The provisions of this bill seek to build upon the practices enshrined in SB 384 (Cortese), Chapter, 811 Statutes of 2022, that required counties to notify CDSS of their family finding practices, by additionally requiring social workers to document for the court what efforts they have made to locate relatives, along with their names, and whether they would be able and willing to take temporary custody of a child. SB 384 also requires this documentation to the court to continue at subsequent status reviews and to be included in the factual discussion of each social study or evaluation. The documentation of these efforts, along with the names of potential familial placements would allow attorneys and other judicial officers, who are also involved in the child welfare case of a youth, to have access to the information needed to maintain familial ties and potentially find a permanent placement with family.

Studies conducted by Chapin Hall, an independent policy research center at the University of Chicago, report children placed with family have better behavioral and mental health outcomes than their peers in traditional foster care. Children in kinship care, which is broadly defined as relatives or close family friends, have fewer placements and school changes and are less likely to run away from home than children in traditional foster care. They are more likely to report that they “always felt loved” and have higher satisfaction with kin placement.

According to the Legislative Analyst Office (LAO) in a March, 2022 publication, the proportions of Black and Native American youth in foster care are around four times larger than the proportions of Black and Native American youth in California overall. In addition, recent research on cumulative child welfare involvement of California’s 1999 birth cohort found nearly one in two Black and Native American children experienced some level of child welfare involvement by the time they turned 18 (compared to around 29% of Latino children, 22% of White children, and 13% of Asian/Pacific Islander children).

The LAO states that this same research also found that California children with public insurance (Medi-Cal) experienced child welfare involvement at more than twice the rate of those with private insurance.

According to a publication in the American Journal of Public Health in 2021, (Putnam-Hornstein, Emily et al. “Cumulative Rates of Child Protection Involvement and Terminations of Parental Rights in a California Birth Cohort, 1999–2017.”) the cumulative percentage of Black and Native American children who had CPS encounters was significantly higher than that of other children. In the cohort overall, approximately half of Black (46.8%) and Native American (50.2%) children were investigated for alleged maltreatment before the age of 18; both groups experienced all levels of CPS involvement at more than twice the rate of White children in the cohort.

Because of the disproportionality across all aspects of the child welfare system - not just in foster care - but also CPS involvement, prioritizing placement of a foster youth with their family members or other responsible adults who are known to the child has been seen as a way to address this issue by ensuring not only that these vulnerable youth are placed with family, but that they are also placed with families who share the same racial and ethnic identity.

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

#### **RELATED AND PRIOR LEGISLATION:**

***SB 384 (Cortese), Chapter 811, Statutes of 2022***, required each county welfare and probation department to notify CDSS whether it has adopted one of the suggested practices for family finding, as described, and how the practice has been implemented. Required a county who has not adopted one of the suggested practices to provide a copy of its existing family finding policies and practices to CDSS. Includes "family finding" activities within the due diligence required of a social worker and probation officer when investigating the names and locations of relatives.

***SB 1091 (Hurtado) of 2022***, would have required that funds, appropriated by the Legislature for this purpose, be available to fund new or expanded family finding and engagement techniques and would have required CDSS to fund contracts with community-based organizations or to provide local assistance allocations to counties or Indian tribes, or both. SB 1091 would have further required CDSS to convene a leadership team to develop recommendations relating to family finding and engagement as provided. *SB 1091 was set to be heard by the Assembly Appropriations Committee but the hearing was cancelled by the author.*

***AB 2579 (Bennet) of 2022***, would have required county placing agencies to implement model practices for intensive family finding and support for foster children, children detained but not adjudicated, and candidates for foster care. The bill would have further required counties to submit a plan to CDSS as a condition of receiving funding for these purposes. *AB 2579 was held on the Senate Appropriations Committee suspense file.*

***SB 354 (Skinner), Chapter 687, Statutes of 2021***, adopted changes to the criminal background check process during the RFA process for relatives of children placed in the child welfare system. SB 354 further permitted the court to authorize placement of children with relatives in certain circumstances, regardless of the status of any criminal exemption or RFA; and, required,

no later than January 1, 2024, CDSS to submit a report to the Legislature related to criminal record exemptions, as specified.

*SB 1336 (Jackson), Chapter 890, Statutes of 2016*, required the juvenile court to make a finding as to whether the social worker exercised due diligence in conducting their investigation to identify, locate, and notify the child's relatives, including whether specific actions were taken.

*AB 1761 (Hall), Chapter 765, Statutes of 2014*, clarified that the placement priority for relatives and NREFM applies both prior to the detention hearing and also after the detention hearing and prior to the dispositional hearing.

*AB 2391 (Calderon) 2014*, would have required the county social worker and the court, when determining whether placement with a relative is appropriate, to consider specified factors, and would have required that consideration for placement with a relative subsequent to a disposition hearing be given again without regard to whether a new placement of a child must be made.

*AB 2391 was referred to the Senate Judiciary Committee but was not set for hearing.*

## **REGISTERED SUPPORT / OPPOSITION:**

### **Support**

Children's Law Center of California (Sponsor)  
All of Us or None of Us, Orange County  
California Alliance of Caregivers  
Dependency Advocacy Center  
Dependency Legal Services (UNREG)  
John Burton Advocates for Youth  
Los Angeles Dependency Lawyers, INC.  
The Law Offices of Dale Wilson

### **Opposition**

None on file

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