

Date of Hearing: April 7, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

AB 670 (Calderon) – As Introduced February 12, 2021

**SUBJECT:** Child abuse or neglect: minor and nonminor dependent parents

**SUMMARY:** Requires, when a report alleging abuse or neglect of the child of a dependent of the juvenile court is made, the agency that received the report to notify the attorney representing the dependent within 36 hours; prohibits the court from declining to offer reunification services in certain instances where a minor or nonminor dependent (NMD) parent is involved; and, prohibits a risk or safety assessment from being conducted for the child of a minor parent or NMD parent unless a report alleging the child has suffered abuse or neglect has been made. Specifically, **this bill:**

- 1) Defines “minor parent” as a dependent child who is also a parent.
- 2) Defines “nonminor dependent parent” as an individual who meets the criteria enumerated in current law, as specified, who is also a parent.
- 3) Requires, when an agency, including a police or sheriff’s department, county probation department, or county welfare department, receives a report alleging abuse or neglect of the child of a minor parent or NMD parent, the agency to provide notice of the report to the attorney who represents the minor parent or NMD parent in dependency court within 36 hours.
- 4) Prohibits the court from declining to offer reunification services to a parent or guardian if, in the following instances, the parent was a minor parent, an NMD parent, or adjudged ward of the juvenile court at the time the court ordered termination of reunification services for, or permanently severed parental rights over, any siblings or half siblings:
  - a) The court ordered termination of reunification services for any siblings or half siblings of a child because the parent or guardian failed to reunify with the sibling or half sibling after the sibling or half sibling had been removed from the parent or guardian’s custody, the parent or guardian meets certain criteria, and the parent or guardian, according to the findings of the court, has not subsequently made a reasonable effort to treat the problems that led to the removal of the sibling or half sibling; or,
  - b) The parental rights of a parent over any sibling or half sibling of the child had been permanently severed, the parent meets certain criteria, and the parent, according to the findings of the court, has not subsequently made a reasonable effort to treat the problems that led to removal of the sibling or half sibling of the child from the parent, as specified.
- 5) Expands the population of children to whom certain protections apply to include children whose parent or parents is a minor parent or an NMD parent by deleting the requirement that a child’s minor parent or parents be adjudged to be dependent children of the juvenile court, as specified by current law.

- 6) Expands to include the children of NMDs:
  - a) The existing requirement that a party seeking an involuntary foster care placement or termination of parental rights over a child born to a parent or parents who were minors at the time of the birth to demonstrate that reasonable efforts were made to provide remedial services designed to prevent the removal of the child from the minor parent or parents by including the children of NMDs; and,
  - b) The existing requirement that efforts made to provide remedial services designed to prevent the removal of a child from the minor parent or parents utilize the available resources of the child and their parent's or parents' extended family, social services agencies, caregivers, and other available service providers by including the children of NMDs.
- 7) Prohibits a risk or safety assessment from being conducted for the child of a minor parent or NMD parent unless a report alleging abuse or neglect has been made, pursuant to the provisions of current law.
- 8) Makes technical and conforming 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 of abuse and neglect or to 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) Provides for extended foster care funding for youth until age 21, as well as adopts other changes to conform to the federal Fostering Connections to Success Act. (WIC 241.1, 303, 366.3, 388, 391, 450, 11400, 11402, 11403)
- 4) Defines "minor parent" as a dependent child who is also a parent. (WIC 16002.5(h))
- 5) 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))
- 6) Defines "nonminor dependent parent" as an NMD who is also a parent. (WIC 16002.5(i))
- 7) Requires, when an agency, as defined, receives a report that contains either a report of abuse alleged to have occurred in facilities licensed to care for children by CDSS, or a report of the death of a child who was, at the time of the death, living at, enrolled in, or regularly attending a facility licensed to care for children by CDSS, unless the circumstances of the child's death are clearly unrelated to the child's care at the facility, to notify the licensing office with jurisdiction over the facility within 24 hours. (Penal Code Section [PEN] 11166.1(a))

- 8) Requires reports of suspected child abuse or neglect be made by mandated reporters to any police or sheriff's department, not including a school district police or security department, county probation department, if designated by the county to receive mandated reports, or the county welfare department. Further, requires any of those agencies to accept a report of suspected child abuse or neglect whether offered by a mandated reporter or another person, or referred by another agency, even if the agency to whom the report is being made lacks subject matter or geographical jurisdiction to investigate the reported case, unless the agency can immediately electronically transfer the call to an agency with proper jurisdiction. (PEN 11165.9)
- 9) Declares that reunification services need not be provided to certain parents or guardians when the court finds, by clear and convincing evidence: that the court ordered termination of reunification services for any siblings or half siblings of the child because the parent or guardian failed to reunify with the sibling or half sibling after the sibling or half sibling had been removed from the parent or guardian, that parent or guardian meets certain criteria, and that, according to the findings of the court, this parent or sibling has not subsequently made a reasonable effort to treat the problems that led to removal of the sibling or half sibling of that child from that parent or guardian; or, that the parental rights of a parent over any sibling or half sibling of the child had been permanently severed, the parent meets certain criteria, and that, according to the findings of the court, this parent has not subsequently made a reasonable effort to treat the problems that led to removal of the sibling or half sibling of that child from the parent, among other findings, as specified. (WIC 361.5(b)(10) and (11))
- 10) Declares that a child of a minor parent or NMD parent shall not be considered to be at risk of abuse or neglect solely on the basis of information concerning the parent's or parents' placement history, past behaviors, or health or mental health diagnoses occurring prior to the pregnancy, although that information may be taken into account when considering whether other factors exist that place the child at risk of abuse or neglect. (WIC 361.8(a))
- 11) Requires, in the case of a child for whom one or both minor parents have been adjudged to be dependent children of the juvenile court pursuant to current law, certain requirements to apply, including: a party seeking an involuntary foster care placement of, or termination of parental rights over, a child born to a parent or parents who were minors at the time of the child's birth shall demonstrate to the court that reasonable efforts were made to provide remedial services designed to prevent the removal of the child from the minor parent or parents, and that these efforts have proved unsuccessful; and, the efforts made shall utilize the available resources of the child and their parent's or parents' extended family, social services agencies, caregivers, and other available service providers, among other requirements, as specified. (WIC 361.8(b)(2) and (3))

**FISCAL EFFECT:** Unknown

**COMMENTS:**

***Child welfare services system:*** The goal of California's Child Welfare Services (CWS) system is ultimately to protect children from abuse and neglect, and provide for their health, safety, and overall well-being. When a child is identified as being at risk of abuse or neglect, county juvenile courts hold legal jurisdiction and the CWS system appoints a social worker in order to ensure the needs of the child are met. Through the CWS system, multiple opportunities arise for the judicial system to evaluate, review, and determine the custody of the child, or determine the best out-of-

home placement for the youth. Together, the judicial system and the child's social worker ensure that the best possible services are provided to the child. The CWS system, when appropriate, also works to reunite children who have been removed from the custody of their parents or guardians with individuals they consider to be family in order to maintain familial bonds wherever possible. As of October 1, 2020, there were 60,045 youth placed in California's child welfare system.

***Continuum of Care Reform:*** Over the past five years, California has 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. Subsequent legislation to further facilitate implementation of CCR efforts include AB 1997 (Stone), Chapter 612, Statutes of 2016, AB 404 (Stone), Chapter 732, Statutes of 2017, AB 1930 (Stone), Chapter 910, Statutes of 2018, AB 819 (Stone), Chapter 777, Statutes of 2019, and AB 2944 (Stone), Chapter 104, Statutes of 2020.

***Extended foster care:*** In 2010, AB 12 (Beall), Chapter 559, Statutes of 2010, extended foster care benefits for certain eligible youth until the age of 21. Prior to the expansion of foster care benefits, youth "aged out" of the CWS system at 18 years old and were required to navigate the challenges of young adulthood, including obtaining education, stable housing, and employment, without the support of the CWS system. In recognition of the difficulties faced by these youth, extended foster care provides eligible youth between the ages of 18 and 21, known as NMDs, with the services and supports they need to experience independent living in supervised living environments. Extended foster care also enables youth to obtain educational and employment training to better prepare them to transition to adulthood and self-sufficiency.

In order to be eligible for extended foster care, youth must meet a number of criteria, including the requirement that a youth be in foster care under the responsibility of the county welfare or probation department on their 18th birthday, as well as meet the goals of a Transitional Independent Living Case Plan (TILCP), which describes the goals and objectives of how the NMD will make progress in the transition to living independently and will ultimately assume responsibility for themselves as an independent adult. The TILCP includes a transitional independent living plan (TILP) that ensures the youth is actively and meaningfully participating in one or more of the five criteria that must be met in order to participate in extended foster care, as well as the NMD's supervised placement setting, and the youth's permanent plan for transitioning to independent living.

Some youth choose to participate in extended foster care immediately following their 18th birthday, while others leave the foster care system after attaining 18 years of age, but choose to reenter care at some point before their 21st birthday under what is called a "voluntary reentry agreement." A voluntary reentry agreement is a written agreement between the youth and the county welfare or probation department, or a tribal placing entity, that documents the youth's desire and willingness to reenter foster care and be placed in a supervised setting under the placement and care responsibility of the placing agency, among other requirements.

***Pregnant and parenting foster youth:*** It has long been acknowledged that foster youth face a host of challenges that their non-system-involved peers do not, including higher rates of poverty and homelessness later in life, as well as increased likelihood for interactions with the child welfare and juvenile justice system later in life. In addition, as a result of having experienced childhood abuse and neglect, as well as social isolation resulting from often frequent placement changes while in foster care, foster youth face physical and psychological trauma. These youth also experience higher rates of pregnancy when compared to their non-system involved peers. A December 2019 report by the John Burton Advocates for Youth states:

“Over the last three decades, teen pregnancy rates in the United States has dropped to a low of 43 pregnancies per 1,000 females, down 63% since 1991. California, one of the states with the most significant reductions in teen pregnancy rates, had a decline of 80%. However, this downward trend has not occurred for youth in foster care who continue to experience heightened rates of unplanned pregnancy and other inequitable sexual health outcomes compared to their peers. Recent studies have found that:

- Young women who have aged out of care are more than twice as likely to have experienced teen pregnancy than their peers not in care;
- Over 40% of teenage youth in California foster care who had a pregnancy experienced a miscarriage compared to 14.3% of teens who had a pregnancy nationwide; and,
- By age 26, 44% of young women in foster care reported getting a diagnosis of a sexually transmitted infection compared to 23% of their peers not in foster care. The rates for young men were 18% and 11% respectively.”

***Previous efforts to support parenting foster youth:*** In recognition of the rates of pregnant and parenting foster youth in the state, and due to the barriers these youth face, California has adopted several pieces of legislation to address the needs of young parents in the dependency system, including:

- AB 1371 (Stone), Chapter 666, Statutes of 2017, affirmed and expanded the rights of minors, NMDs and wards of the court who are parents to consult with legal counsel prior to their children being removed from their custody;
- AB 260 (Lopez), Chapter 511, Statutes of 2015, established the legislative declaration that a child shall not be considered to be at risk of abuse or neglect solely on the basis of information concerning the parent’s or parents’ placement history, past behaviors, or health or mental health diagnoses occurring prior to the pregnancy, and, further, prohibited that history from being used in deciding a child’s placement, unless the court deems it materially relevant; and,
- AB 2483 (Bass), Chapter 132, Statutes of 2008, prohibited, if a child’s parent is a dependent of the juvenile court and if an attorney has been appointed for the parent, a program of supervision from being undertaken until the dependent parent has consulted with their attorney, among other legislation.

***Need for this bill:*** The provisions of this bill seek to build upon previous legislative efforts to provide additional protections to parenting foster youth, who often face significant barriers in providing for the needs of their children. Specifically, the provisions of this bill would require

notice be sent to a parenting foster youth's attorney within 36 hours when it is alleged that the foster youth's child is the victim of abuse or neglect. This bill would also ensure that reunification services may be provided to minor parents or NMD parents who: were under the jurisdiction of the juvenile court at the time that reunification services were terminated for any sibling or half sibling of a dependent's child; or, were under the jurisdiction of the juvenile court at the time that parental rights were permanently severed over any sibling or half sibling of a dependent's child. Finally, the provisions of this bill would expand certain protections in current law to include the children of NMDs, and would prohibit a risk or safety assessment from being conducted for the child of a minor parent or NMD parent unless a report alleging abuse or neglect has been made.

According to the author, "Parenting foster youth struggle to access basic supports needed for them and their children to thrive, such as stable and nurturing housing, tangible resources, child care, or positive and supportive relationships. [This bill] will strengthen families and disrupt intergenerational involvement in the child welfare system by providing important protections for parenting foster youth."

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

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

**AB 1371 (Stone), Chapter 666, Statutes of 2017**, affirmed and expanded the rights of minors, NMDs, and wards of the court who are parents to consult with legal counsel prior to their children being removed from their custody.

**AB 260 (Lopez), Chapter 511, Statutes of 2015**, provided additional supports and services for parenting foster youth.

**SB 794 (Committee on Human Services), Chapter 425, Statutes of 2015**, conformed state law with federal law in the areas of sex trafficking prevention and data collection, the state's reasonable and prudent parent standards, re-investment of savings into post-adoption and guardianship services, elimination of the option of long-term group placement for children under age 16, among other changes.

**AB 2483 (Bass), Chapter 132, Statutes of 2008**, specified that, if a parent is a dependent of the juvenile court at the time a social worker seeks to undertake a program of supervision for a child, and if counsel has been appointed for the minor parent, the program of supervision may not be undertaken until the minor parent has consulted with their counsel.

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

##### **Support**

Children's Law Center of California (Sponsor)  
Alliance for Children's Rights  
CASA of Los Angeles  
Dependency Legal Services (UNREG)  
Los Angeles Dependency Lawyers, INC.  
National Center for Youth Law

**Opposition**

None on file

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