

Date of Hearing: April 23, 2019

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Eloise Gómez Reyes, Chair

AB 819 (Mark Stone) – As Amended April 12, 2019

SUBJECT: Foster care

SUMMARY: Adopts changes to further facilitate implementation of Continuum of Care Reform (CCR) specifically as it relates to flexibility for resource families, exclusions from resource family homes, and the provision of intensive services foster care (ISFC). Specifically, **this bill:**

- 1) Requires, in instances where a resource family approved by a foster family agency (FFA) is approved by another subsequent FFA, documents in, and updates to, a resource family case file to be included among the information that must be requested by the subsequent FFA and forwarded by the current FFA, as specified.
- 2) Requires, in instances where a resource family approved by a county is subsequently approved by an FFA, documents in, and updates to, the family case file, to be included among the information requested by the FFA and forwarded by the county, as specified.
- 3) Deletes references to exclusions from licensed foster family home or certified family homes, and instead prohibits certain individuals who are excluded by the California Department of Social Services (CDSS) from being present in, or fulfilling certain administrative roles for, community care facilities, from being a resource family, as specified.
- 4) Prohibits individuals who are excluded by CDSS from being present in, or fulfilling certain administrative roles for, residential care facilities for persons with chronic life-threatening illness (RCFCLTIs), residential care facilities for the elderly (RCFEs), and child day care facilities, from being a resource family, as specified.
- 5) Requires, in instances where a resource family approved by a licensed FFA transfers its approval to a county, documents in the resource family case file, and updates to the file, be included among the information requested by a county and forwarded by the licensed FFA, as specified.
- 6) Allows a county to deny a resource family's request to transfer its approval to a county for certain reasons defined in current law, and, further, in the event of a denial, deems the resource family as entitled to a hearing, as defined in current law.
- 7) Expands the number of children who may be placed in an ISFC setting when accommodating sibling group placements under specified conditions from five to six, and clarifies that two children is the maximum number of eligible children who may be placed in an ISFC resource family home. Further, allows siblings to remain in an ISFC resource home in instances where the eligible sibling is no longer eligible for ISFC.
- 8) Stipulates that more than three unrelated foster children, where at least one foster child is an eligible child, may be placed in an ISFC resource home, including the maximum of two eligible children, as specified.

- 9) Revises current law regarding the placing of subsequent children in ISFC placements by, as specified:
 - a) Applying current provisions of law to placement of a third, unrelated foster child;
 - b) Allowing a licensed FFA to provide each county placing agency that has placed children in that home with documentation of approval by the county interagency placement committee in lieu of a written assessment of risk and compatibility of placing subsequent foster children;
 - c) Requiring a licensed FFA to provide each county placing agency that has placed children in that home with a plan for assessment and services to ensure timely support and services for the caregiver and each child placed in that home;
 - d) Clarifying that the placement may be approved by the multiple county agencies involved, and requiring CDSS's approval regarding placement of a third, unrelated child; and,
 - e) Clarifying that the county placing agency and CDSS are required to consider the recommendations of the child and family teams of the child to be placed and the other children who are currently in that placement, when feasible.
- 10) Requires, in order to avoid unnecessary delays in the placement of children, the following:
 - a) A licensed FFA to complete the plan for assessment and services within five business days following the placement referral;
 - b) A county placing agency to approve or deny the placement within three business days of the receipt of the plan for assessment and services; and,
 - c) CDSS, in the case of a third, unrelated foster child, to approve or deny the placement within three business days of receiving the county placing agency's approval and the plan for assessment and services.
- 11) Requires CDSS, in consultation with representatives of county placing agencies and other stakeholders, to develop guidelines for the plan for assessment and services, as described by the provisions of this bill.
- 12) Requires CDSS, in consultation with counties and other stakeholders, consider options to expand the number of available resource families who are willing to provide ISFC, including, but not limited to, the feasibility of counties and foster family agencies contracting with each other for services.
- 13) Makes technical and conforming changes.

EXISTING LAW:

- 1) States that the purpose of foster care law is to provide maximum safety and protection for children who are being physically, sexually or emotionally abused, neglected, or exploited and to ensure the safety, protection, and physical and emotional well-being of children at risk of such harm. (WIC 300.2)

- 2) 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. Further 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)
- 3) Defines “child and family team” to mean a group of individuals convened by a placing agency who are engaged through team-based processes to identify the strengths and needs of a child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being, as specified. (WIC 16501(a)(3))
- 4) Allows a resource family currently approved by a FFA to be approved by a subsequent FFA upon the successful completion of certain activities, as specified. (WIC 1517.5(a))
- 5) Allows a resource family currently approved by a county to be approved by a subsequent FFA upon the successful completion of certain activities, as specified. (WIC 1517.5(b))
- 6) Allows a resource family approved by a licensed foster family agency to transfer their approval to a county upon the successful completion of certain activities, as specified. (WIC 16519.58(a))
- 7) Specifies that oversight and monitoring of county systems and operations include reviewing an adequate number of county-approved resource families in each county to ensure that approval standards are being properly applied, which includes case file documentation and may include onsite inspection of individual resource families. Further, requires the review to occur on an annual basis and more frequently if CDSS becomes aware that a county is experiencing a disproportionate number of complaints against individual resource family homes. (WIC 16519.5(f)(6)(B))
- 8) Allows a county or CDSS to deny a resource family application or rescind the approval of a resource family, and allows CDSS to exclude an individual from any resource family home, for certain reasons, including: conduct that poses a risk of threat to the health and safety, protection, or well-being of a child, another individual, or the people of the State of California; the conviction of the resource family applicant, parent, or associated individual at any time before or during their approval of certain crimes; and, engaging in acts of financial malfeasances, among others, as specified. (WIC 16519.61)
- 9) Requires CDSS, if the department requires an FFA to deny an application or rescind the approval of a resource family, to serve an order of denial or rescission notifying the resource family, applicant, and FFA of the basis of the department’s action and of the right to a hearing. (WIC 16519.6(h))
- 10) Requires exclusion from a licensed foster family home or certified family home to include exclusion from a resource family. (WIC 1558(j))

- 11) Defines “intensive services foster care” as a licensed foster family agency model or public delivery model of home-based family care for eligible children whose needs for safety, permanency, and well-being require specially trained resource parents and intensive professional and paraprofessional services and support in order to remain in a home-based setting, or to avoid or exit congregate care in a short-term residential therapeutic program, group home, or out-of-state residential center. (WIC 18360(c))
- 12) Prohibits no more than two foster children, one or both of whom may be eligible children, from being placed in an ISFC resource family home, as specified. (WIC 18360.15(b))
- 13) Prohibits no more than a total of five foster children in an ISFC resource family home, including the two eligible children that may be placed, in order to accommodate sibling group placements when at least one sibling is an eligible child. (WIC 18360.15(c))
- 14) Requires a licensed FFA operating an ISFC program, prior to placement of a second child or a second and subsequent child or sibling placement, to provide each county placing agency with a written assessment of the risk and compatibility of placing subsequent foster children together in the same ISFC resource family with an eligible child. Further, allows placement to be made if approved by the county placing agency involved, in consideration of the recommendations of the child and family team. (WIC 18360.15(d))
- 15) Defines a “community care facility” as any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes: residential facilities, adult day programs, foster family agencies, group homes, and children’s crisis residential programs, among others. (Health and Safety Code [HSC] 1502 *et seq.*)
- 16) Defines “residential care facility” as a residential care facility for persons with chronic, life-threatening illness who are 18 years of age or older or are emancipated minors. (HSC 1568.01(j))
- 17) Defines “residential care facility for the elderly” as a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. (HSC 1569.2(o)(1))
- 18) Defines “child day care facility” as a facility that provides nonmedical care to children under 18 years of age in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual on less than a 24-hour basis, and may include day care centers, employer-sponsored child care centers, and family day care homes. (HSC 1596.750)

FISCAL EFFECT: Unknown

COMMENTS:

Child welfare services: California's Child Welfare Services (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 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 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. As of January 2019, there were 59,152 youth between the ages of 0 and 21 placed in California's CWS system.

Continuum of Care Reform (CCR): Over the past four years, California has enacted legislation, known 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, and AB 1930 (Stone), Chapter 910, Statutes of 2018.

CCR also featured the statewide adoption of the Resource Family Approval (RFA) program, which, until that point, had been a voluntary pilot project for counties. RFA provides a unified, family-friendly, and child-centered process that combines elements of foster parent licensing, relative approval, and adoption/guardianship processes. The RFA process includes a psychosocial assessment, home environment check, and training for all resource 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. The provisions of this bill would allow for greater RFA portability by allowing resource families to transfer from one oversight organization to another (e.g. from a licensed FFA to a county, from a county to a licensed FFA, or from one licensed FFA to another) in order to allow greater flexibility for caregivers.

Intensive Services Foster Care (ISFC): Intended to serve children who require intensive treatment and behavioral supports, ISFC is designed to ensure foster youth receive necessary mental and behavioral health supports in a home-based setting, rather than in congregate care settings. ISFC arranges access to mental health treatment, provides trauma-informed care, and provides transitional support during placement in a permanent home to children who meet certain criteria. Current law does not allow more than two foster children to be placed in an ISFC resource family home in instances where one of the youth is ISFC eligible, except in placements for sibling groups where the maximum total number of children in a single resource family home is five. The provisions of this bill would specify that a third, unrelated child may be placed in an ISFC placement, if at least one child is eligible for ISFC. The bill also expands

from five to six the total number of children who may be placed in an ISFC home in order to accommodate sibling groups.

Need for this bill: The provisions of this bill seek to further the ongoing efforts of CCR by allowing for greater flexibility for resource families who wish to transfer between oversight agencies, specifying that certain facility exclusions that applied to licensed and certified foster family homes now apply to resource family homes, allowing up to three unrelated children to be placed in the same ISFC resource family home, and expanding the number of children who may be placed in the same home from five children to six children in order to accommodate sibling groups.

According to the author, “[This bill] is the 2019 vehicle for updating the CCR process begun with the passage and signing of AB 403 in 2015. As written, this measure would allow up to six children to be placed in the same ISFC home to accommodate sibling groups, and would allow county placing agencies to place more than 3 unrelated foster children in the same ISFC home with department approval. This would allow for the discretion to do what is in the best interest of all the children in the home. The bill also adjusts the RFA process to allow a resource family to transfer from one oversight organization to another, and clarifies that the exclusions in statute that formerly applied to licensed foster family homes and certified homes will now apply to RFA homes. These change are necessary to accommodate families who move or have an increased need for services, and to ensure that specific HSC sections continue to apply to all foster families.”

PRIOR LEGISLATION:

AB 1930 (Stone), Chapter 910, Statutes of 2018, furthered CCR efforts made by AB 403, AB 1997, and AB 404.

AB 404 (Stone), Chapter 732, Statutes of 2017, furthered CCR efforts made by AB 403 and AB 1997.

AB 1997 (Stone), Chapter 612, Statutes of 2016, furthered CCR efforts made by AB 403.

AB 403 (Stone), Chapter 773, Statutes of 2015, implemented CCR recommendations to better serve children and youth in California’s child welfare services system.

REGISTERED SUPPORT / OPPOSITION:

Support

California Alliance of Child and Family Services
Seneca Family of Agencies
Stanford Youth Solutions

Opposition

None on file

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