

Date of Hearing: June 30, 2021

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Lisa Calderon, Chair

SB 584 (Jones) – As Introduced February 18, 2021

**SENATE VOTE:** 36-0-4

**SUBJECT:** Resource Family Approval Program

**SUMMARY:** Expands existing mandatory training for resource families and resource family applicants to include information on providing care and supervision to children who have been victims of child labor trafficking, as specified. Specifically, **this bill:**

- 1) Expands the topics on which a resource family applicant is required to complete during their 12 hours of pre-approval caregiver training, as specified in current law, to include information on providing care and supervision to victims of child labor trafficking, and, further, expands the definition of “information” to include child labor trafficking.
- 2) Expands the requirement that counties ensure resource families providing care to children over the age of 10, within 12 months of approval as a resource family, attend training on certain topics, to include how to use best practices and services for providing care and supervision to children who have been victims of child labor trafficking, and, further, includes child labor trafficking among the topics required to be addressed in this training, as specified.
- 3) Expands the prohibition on requiring resource families to attend additional training, as specified, to include instances when a resource family has completed training relating to children who have been victims of child labor trafficking, as required by the provisions of this bill.
- 4) Expands the list of reasons for which a county may require a resource family or applicant to receive relevant specialized training to include understanding how to use best practices for providing care and supervision to children who have been victims of child labor trafficking.
- 5) Makes other 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. (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, 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) 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 and as close to the child’s family

as possible, as specified. Further states the intent of the Legislature that all children live with a committed, permanent, nurturing family and states that services and supports should be tailored to meet the specific needs of the individual child and family being served, as specified. (WIC 16000)

- 4) States that any person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services is guilty of human trafficking and shall be punished, as specified. (Penal Code Section [PEN] 236.1(a))
- 5) States that any person who causes or persuades, or attempts to cause or persuade, a person who is a minor to engage in a commercial sex act, with the intent to effect a violation of specified sex offenses, is guilty of human trafficking and shall be punished as specified. (PEN 236.1(c)(1) and (2))
- 6) Defines “commercial sex act” as sexual conduct on account of which anything of value is given or received by any person. (PEN 236.1(h)(2))
- 7) States that any person who causes or persuades, or attempts to cause or persuade, a person who is a minor to engage in a commercial sex act, with the intent to effect a violation of specified sex offenses, is guilty of human trafficking and shall be punished as specified. (PEN 236.1(c)(1) and (2))
- 8) Declares that a child who is sexually trafficked, or who receives food or shelter in exchange for, or who is paid to perform sexual acts, shall be known as commercially exploited children. (WIC 300(b)(2))
- 9) Establishes the “Commercially Sexually Exploited Children Program (CSEC)” administered by the California Department of Social Services (CDSS) in order to create a multidisciplinary team approach to case management, service planning, and provision of services to commercially sexually exploited youth. (WIC 16524.7 *et seq.*)
- 10) Requires CDSS to, no later than April 1, 2017, report certain information to the Legislature related to the CSEC Program, including the participating counties, the number of victims served by each county, and the types of services provided, among others. (WIC 16524.10)
- 11) Requires county child welfare agencies and probation departments to implement policies and procedures related to identification of and provision of services to CSEC victims, as specified. (WIC 16501.35)
- 12) Requires counties to ensure that resource families complete a minimum of 8 hours of caregiver training annually, to be comprised of various topics, as specified. Further requires the training include the knowledge and skills relating to the reasonable and prudent parent standard for the participation of the child in age or developmentally appropriate activities, as specified. (WIC 1522.44; WIC 16519.5(g)(14); 42 United States Code 671(a)(24))
- 13) Requires counties ensure that resource family applicants complete a minimum of 12 hours of preapproval caregiver training on certain topics, including, the effects of trauma, including grief and loss, child abuse and neglect, on child development and behavior, health issues in

foster care, permanence, well-being and education needs of children, and the cultural needs of children, among others. (WIC 16519.5(g)(13))

- 14) Requires resource families that care for children who are 10 years of age or older attend, within 12 months of approval as a resource family, a training on understanding how to use best practices for providing care and supervision to children that have been commercially sexually exploited. Further requires the training to be survivor informed, culturally relevant and appropriate, and address issues relating to stigma, while also addressing the following topics: recognizing indicators of commercial sexual exploitation; harm reduction; trauma-informed care; available county and state resources, perspectives of individuals or families who have experiences with commercial sexual exploitation. (WIC 16519.5(g)(15))
- 15) Allows a county to require a resource family or applicant to receive relevant specialized training for the purpose of preparing the resource family to meet the needs of a particular child in care, including, understanding how to use best practices for providing care and supervision to commercially sexually exploited children, children who are lesbian, gay, bisexual, and transgender, and non-minor dependents, among other topics. (WIC 16519.5(h))

**FISCAL EFFECT:** According to the Senate Appropriations Committee, pursuant to Senate Rule 28.8, this bill will result in negligible state costs.

**COMMENTS:**

***Child Welfare Services (CWS):*** The CWS system in California is the primary system for intervention in instances of child abuse and neglect, and provides services aimed at providing for the health, safety, and overall well-being of children who have suffered abuse or neglect. When allegations of abuse or neglect are made, Child Protective Services (CPS) is referred to obtain facts of the case and investigate. If the allegation of abuse or neglect is substantiated, it is determined whether the child should remain at home or be placed in the CWS system. Additionally, the juvenile court holds legal jurisdiction and the CWS system appoints a social worker to ensure the needs of the child are met. Services are available to children and their families when the children are victims of, or at risk of, abuse, neglect, or exploitation. As of January 1, 2021, there were 59,716 youth between the ages of 0 and 21 placed in California's CWS system.

***Continuum of Care Reform (CCR):*** California recently enacted legislation to improve placement and treatment options for children in foster care, collectively known as CCR. AB 403 (Stone), Chapter 773, Statutes of 2015, sponsored by CDSS, provides the statutory and policy framework to ensure services and support for the physical, mental, and emotional needs of a child, alongside opportunities to grow up in permanent and stable homes while becoming self-sufficient and successful adults. CCR brings together a series of existing and new reforms for the CWS system specifically designed so that children who must live apart from their biological parents can be cared for in nurturing family homes. A primary goal of CCR is to reduce the use of congregate care facilities, and limiting stays in congregate care facilities to short-term, therapeutic interventions, as data has shown that children placed in congregate care settings experience poorer outcomes than children placed in family settings. Related legislation to 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, AB 2944 (Stone), Chapter 104, Statutes of 2020, and AB 1283 (Stone) of 2021, which is set to be heard by the Senate Judiciary Committee on July 6, 2021.

***Resource Family Approval (RFA) program:*** The RFA program is a method of approving caregivers to foster, adopt, or provide legal guardianship for the care and supervision of children, youth, and young adults in the CWS system. Family-friendly and child-centered, the RFA caregiver approval process combines elements of foster parent licensing, relative approval, and approvals for adoption and guardianship processes and replaces those processes with a single approval process. RFA supports CCR by: streamlining and eliminating the duplication of existing processes in CCR; unifying approval standards for all caregivers; including comprehensive psychosocial assessments, home environment checks, and training for all families and relatives; preparing families to better meet the needs of vulnerable children in the foster care system; and, allowing a seamless transition to permanency.

***Resource Families:*** Resource families, previously referred to as foster parents, play a critical role in the CWS system to assist in the life of foster children. In California, a resource family is a caregiver who provides out-of-home care for children in foster care. Resource families can include individuals, couples, and families, who may be related, have a familiar or mentoring relationship or no previous relationship with the child. They are approved to provide care on a temporary (foster care) and/or permanent (adoption and legal guardianship) basis. Resource families work together with CWS and the child's family to provide for the needs of the child and, when appropriate, facilitate family reunification, and provide a child with a feeling of safety, permanence, and well-being. Resource families also facilitate the implementation of CCR by allowing additional children to be placed in committed, nurturing family-based settings instead of congregate care facilities.

***Requirements and Process:*** A key component of the RFA program includes training requirements for resource family applicants to ensure caregivers are ready with the skills and knowledge to best serve children placed in their care. The state grants counties the authority to decide how the trainings are provided to the public, as long as the requirements are met.

Resource family applicants must complete a minimum of 12 hours of preapproval caregiver training that includes, but is not limited to: an overview of the child protective and probation system; the effects of trauma, including grief and child abuse and neglect; positive discipline and the importance of self-esteem; health issues in foster care; access to services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services; the rights of a child in foster care and the responsibility of resource families to safeguard those rights; cultural needs of children; basic instruction on existing laws and procedures of foster youth at school; permanence, well-being, and education needs of children; child and adolescent development; the role and responsibility of resource families; and, an overview of specialized training.

Approved resource families are also required to complete a minimum of eight hours of caregiver training annually under the RFA program. Similar to the topics listed above, the ongoing training must cover the resource family's responsibility to be a supportive and self-sufficient parent, emphasizing their responsibility to promote a home environment that will best serve the needs of the child under their care. Additionally, resource families providing care for children who are 10 years of age or older must attend a training on best practices in providing care and supervision to children who have been commercially sexually exploited.

Current law also permits counties to require a resource family or applicant to receive relevant specialized trainings in order to meet the needs of a particular child in care, including: commercially sexually exploited children, and lesbian, gay, bisexual, and transgender children. Additionally, counties may require resource families to receive training on understanding: the requirements and best practices regarding psychotropic medication; how to use best practices to provide care and supervision to nonminor dependents and children with special health care needs; and, the different permanency options and the services and benefits associated with those options, among others.

***Human trafficking:*** California is one of the largest sites of human trafficking in the United States. According to the California Attorney General's website, human trafficking, also known as trafficking in persons or modern-day slavery, is a crime that involves compelling or coercing a person to provide labor or services or engage in commercial sex acts. Additionally, exploitation of a minor for commercial sex is human trafficking, regardless of whether any form of force, fraud, or coercion was used. In 2018, 1,656 cases of human trafficking were reported in California, according to the National Human Trafficking Hotline (NHTH). Of those cases, 1,226 were sex trafficking cases, 151 were labor trafficking cases, and 110 involved both labor and sex trafficking.

***Commercial Sexual Exploitation Children (CSEC) Program:*** The CSEC Program is an opt-in program administered by CDSS that provides information to support awareness, identification, and prevention education of commercial sexual exploitation of children. SB 855 (Committee on Budget and Fiscal Review), Chapter 29, Statutes of 2014, established the CSEC Program, which provides counties with funds for expenditures related to the costs of implementing the program, prevention and intervention services, and training related to children who are victims of commercial sexual exploitation. SB 855 required a mandatory child abuse report when the commercial sexual exploitation of a minor occurs and further clarified that a child who is sexually trafficked and whose parent or guardian has failed or is unable to protect them, can be served through the CWS system as a victim of abuse and neglect. The CSEC program prompted local child welfare systems across the state to develop policies and procedures, interagency agreements, and community-based services to prevent and address child sex trafficking.

***Child labor trafficking:*** According to the California Attorney General's website, child labor trafficking is the recruitment, harboring, transporting, providing, or obtaining of a child for labor or services through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. According to the NHTH, from 2016-18, between 13-17% of child trafficking cases in California involved labor trafficking or both sex and labor trafficking. Due to limited data collection and lack of awareness surrounding labor trafficking, the prevalence of child labor trafficking is likely higher than documented. Although the NHTH maintains one of the most extensive data sets on human trafficking in the United States, the resource relies on reports from individual callers and does not capture the full prevalence of labor trafficking cases. Additionally, child welfare data on labor trafficking is minimal, as most counties do not distinguish between sex and labor trafficking when collecting and reporting data.

***Need for this bill:*** The provisions of this bill seek to expand preapproval caregiver training and annual resource family training topics to include child labor trafficking. Specifically, the bill would apply information on providing care and supervision to victims of child trafficking to the 12 hours of preapproval caregiver training, to resource families providing care to children over

the age of 10 within 12 months of approval, to the prohibition on requiring resource families to attend additional trainings, and to the list of reasons for which a county may require a resource family or applicant to receive specialized training.

According to the author, “Labor trafficking represents a significant portion of human trafficking in California, and child labor trafficking specifically proves to be a troubling issue. Tragically, children in the foster care system are particularly at risk of child labor trafficking.

“In 2019, the legislature passed AB 865, which requires foster families to attend a training on how to use best practices for providing care and supervision to children who have experienced, or are at risk of experiencing, commercial sexual exploitation. However, the chaptered version of the bill did not include training on child *labor* trafficking, despite its prevalence in California, specifically among foster youth.

“[This bill] will address the deficiency in current law by requiring resource family training to include child labor trafficking, in addition to the existing training on commercially sexually exploited children. It is imperative that foster parents are provided with comprehensive training that focuses on the diverse needs of foster youth. The expanded training created by this bill will ensure foster parents are educated and equipped to care for foster youth who have experienced, or are at risk of experiencing, all forms of child trafficking and protect them from becoming a terrifying statistic.”

#### **PRIOR LEGISLATION:**

***AB 865 (Reyes), Chapter 810, Statutes of 2019***, required information related to CSEC be provided to resource family applicants during the preapproval caregiver training process. Further required counties to ensure that resource families that care for children who are 10 years of age or older attend, within 12 months of approval as a resource family, training on best practices for providing care to children who have been trafficked, and prohibits a resource family from being required to complete the training again, except in certain circumstances, as specified.

***AB 507 (Rubio), Chapter 705, Statutes of 2017***, permitted counties to require resource families to receive additional relevant specialized training, among other things.

***SB 1322 (Mitchell), Chapter 654, Statutes of 2016***, decriminalized prostitution for individuals under 18 years of age.

***SB 794 (Human Services Committee), Chapter 425, Statutes of 2015***, implemented provisions of the federal Preventing Sex Trafficking and Strengthening Families Act, including conforming state with federal law in the areas of sex trafficking prevention and data collection, and the state’s reasonable and prudent standards, among other things.

***SB 855 (Committee on Budget and Fiscal Review), Chapter 29, Statutes of 2014***, created the CSEC Program within CDSS to further address the needs of the CSEC population.

***AB 2035 (Chesbro) 2014***, would have placed any minor who is a victim of human trafficking, including both labor trafficking and sex trafficking, within the jurisdiction of the juvenile court and would have made that child a dependent of the court. AB 2035 was vetoed by Governor Brown.

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

**REGISTERED SUPPORT / OPPOSITION:**

**Support**

California Alternative Payment Program Association  
Center for Public Interest Law/Children's Advocacy Institute/University of San Diego  
Coalition to Abolish Slavery and Human Trafficking (CAST)  
Crime Survivors Resource Center  
Hadassah, the Women's Zionist of America, INC.  
Little Hoover Commission  
The Thumbprint Project Foundation

**Opposition**

None on file

**Analysis Prepared by:** Melissa Sagun & Kelsy Castillo / HUM. S. / (916) 319-2089