

Date of Hearing: July 11, 2023

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Corey A. Jackson, Chair

SB 589 (Alvarado-Gil) – As Amended May 18, 2023

**SENATE VOTE:** 40-0

**SUBJECT:** Foster youth: disaster aid assistance

**SUMMARY:** Establishes the “Child Welfare Disaster Response Program”, administered by the California Department of Social Services (CDSS), to support the needs of foster youth and their caregivers during a disaster. Specifically, **this bill**:

- 1) Establishes the “Child Welfare Disaster Response Program”, to be administered by CDSS.
- 2) Creates the “Child Welfare Disaster Response Account” to fund the program and allocates, upon an appropriation, \$2 million from the General Fund to the Account for purposes of the Child Welfare Disaster Response Program, and to support the needs of foster children and youth and their caregivers during a disaster.
- 3) Requires CDSS to determine eligibility criteria for the allocation of funds to applicants and, subject to any conditions or restrictions from CDSS, permits gifts, donations, and bequests to be made to the Child Welfare Disaster Response Account.
- 4) Authorizes county child welfare departments to apply for funds.
- 5) Requires funds awarded pursuant to these provisions to be available to meet the housing, clothing, transportation, and other tangible needs of foster children and youth and their caregivers that occur within 180 days of a local emergency proclamation by a local government or a state of emergency proclamation by the Governor.
- 6) States legislative intent that the Child Welfare Disaster Response Account may be replenished at the start of every fiscal year.

**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 who have been abused or neglected. (Welfare and Institutions Code Section [WIC] 202)
- 2) Establishes a system of juvenile dependency for children for specified reasons, and designates that a child who meets certain criteria is within the jurisdiction of the juvenile court and may be adjudged as a dependent child of the court. (WIC 300 *et seq.*)
- 3) Requires, if a child is adjudged a dependent child of the court, and the court orders that a parent shall retain custody of the child subject to the supervision of the social worker, the parents to participate in child welfare services or services provided by an appropriate agency designated by the court. (WIC 362(c))

- 4) Requires every hearing in which an order is made placing a child under the supervision of the juvenile court pursuant to WIC 300, and in which the child is not removed from the physical custody of their parent, to be continued to a specific future date not to exceed six months after the date of the original dispositional hearing. (WIC 364(a))
- 5) Empowers the Governor to proclaim a state of emergency in an area affected or likely to be affected thereby when requested to do so by local government officials, or if he finds that local authority is inadequate to cope with the emergency. Requires the Governor to proclaim the termination of the state of emergency at the earliest possible date that conditions warrant. (Government Code Sections 8625 and 8629)

**FISCAL EFFECT:** According to the Senate Appropriations Committee analysis on May 18, 2023:

- Ongoing costs of \$2 million (General Fund) for disaster response funding.
- CDSS anticipates no costs to administer the provisions.

**COMMENTS:**

**Background:** *Child welfare services (CWS).* California's CWS system was established with the goal of protecting youth from abuse and neglect and is designed to provide safety, health, and overall well-being of children. When a child is identified as being at risk of abuse or neglect, reports can be made to either law enforcement or a county child welfare agency. Often, these reports are submitted by mandated reporters who are legally required to report suspicion of child abuse or neglect due to their profession, such as a teacher or healthcare provider.

When a mandated reporter submits a report to either law enforcement or the county child welfare agency, a social worker determines whether the allegation is of suspected abuse, neglect, or exploitation, and creates a case plan which includes the provision of relevant services. The child's social worker and the court collaborate to evaluate and review the circumstances of each case, seeking either reunification or placement outside of the home as a way for the child to achieve permanency.

California's CWS programs are administered by the 58 individual counties with each county organizing and operating its own program of child protection based on local needs while adhering to state and federal regulations. When a child welfare case is open, counties are the primary governmental entity interacting with children and families when addressing issues of child abuse and neglect and are responsible, either directly or through providers, for obtaining or providing the interventions and relevant services to protect children and assist families with issues related to child abuse and neglect.

CDSS secures federal funding to support CWS programs, provides statewide best practices training for social workers, and conducts program regulatory oversight and administration, and is responsible for the development of policy while also providing direct services such as adoption placements.

As of April 1, 2023, there are 51,339 youth between birth and 20 years old in foster care.

*Disaster Services.* CDSS currently supports counties' mass care and shelter programs, as well as state and federal grant recovery programs. CDSS also supports local agencies to provide temporary shelter for those experiencing a disaster or emergency. The shelters are typically opened and operated by the American Red Cross and have assistance from local or county employees. CDSS staff is permitted to deploy to one or all of the three Regional Emergency Operations Centers through the state at the request of the California Governor's Office of Emergency Services (CalOES).

CalOES serves as California's overall coordinator and agent to secure federal government resources through the Federal Emergency Management Agency (FEMA) and responds, directs, and coordinates state and federal resources across the state during all major emergencies and disasters. CalOES also supports local jurisdictions and communities through planning and preparedness activities, training, and facilitating the immediate response to an emergency through the longer-term recovery phase.

Once activated by CalOES, CDSS staff assist in the mass care and shelter function by: tracking shelter status and feeding services; coordinating state resources; and supporting the American Red Cross in sheltering operations. CDSS is also authorized to provide grant assistance through the Individuals and Households Program (IHP) and the State Supplemental Grant Program (SSGP).

The IHP is a joint federal and state program that can provide assistance following a disaster declared by the President. Under IHP, FEMA is authorized to provide awards in the form of rent, home repair or replacement, transportation repair or replacement, funeral expenses, personal property, medical, dental or other miscellaneous expenses. According to CDSS, FEMA disaster assistance covers basic needs, but does not normally compensate disaster victims for their entire loss.

The SSGP is 100% state-funded and is authorized to provide grant funds to assist people who have suffered damage in a disaster area declared by the President when the federal assistance to IHP is implemented. The grants are designed to assist with any eligible items not already addressed by the IHP and in order to be eligible for SSGP, recipients are required to have first applied to FEMA and maximized the IHP award.

This bill would create the Child Welfare Disaster Response Program to be administered by CDSS and would allow counties to access funds to meet the housing, clothing, transportation, and other tangible needs of foster youth and their caregivers that occur within 180 days of a local emergency proclamation by a local government or a state of emergency proclamation by the Governor.

*Recent Disasters.* The list of recent Governor-proclaimed disasters in California include severe winter storms, drought, floods, earthquakes, and fires. The Camp Fire, which in 2018 burned over 150,000 acres and destroyed more than 18,000 structures in Butte County, forced thousands of families to evacuate their homes. As a result, displaced people were forced to stay in shelters, hotels or tents, and parking lots, with many having no access to clothing or food beyond what they brought with them.

According to Youth for Change and Youth and Family Programs, the Camp Fire displaced about 30 of the county's 500 foster youth. Due to the limitations that resource families who are housing

foster youth face, having access to immediate assistance during a disaster becomes an acute necessity. Regulations require resource families to seek approval from their social worker should they live more than two hours from their agency or cohabitate with other people, even in an emergency, which limits many families' ability to immediately move out of the area where there may be more resources.

**Author's Statement:** According to the author, "[This bill] would establish a statewide Child Welfare Disaster Response Fund to ensure resources are immediately available to meet the urgent needs of children and youth in foster care and their caregivers in the aftermath of a natural disaster such as a fire or flood. While the state is legally responsible for meeting the needs of children and youth in foster care, they rarely receive the funding needed to cover extra, unexpected costs that occur in the wake of a natural disaster, including the replacement of lost clothing, food and essential belongings, securing temporary housing, or travel to and from a temporary home to appointments and school. While everyone struggles in the face of natural disasters, children and youth in foster care and their caregivers deal with a unique set of challenges after a fire or flood and the state should ensure resources are immediately available post-disaster to reduce additional trauma and minimize further disruptions."

**Need for this bill:** The provisions of this bill seek to ensure that foster youth and their caregivers will be provided with necessary resources should they experience a natural disaster. Because there is no way to predict when or where the next natural disaster will hit or how many foster children or youth will be impacted and to what degree, having immediate access to dedicated resources to assist these families in the aftermath of a disaster will limit the obstacles these families will be required to navigate on top of enduring a natural disaster.

**Equity Implications:** Foster youth in California are disproportionately Black and Native American and often come from low-income families. Youth in foster care have not only experienced the trauma of abuse or neglect but trauma related to removal from their homes and communities. Early trauma as well as the trauma of system-involvement often lead to inequities and poor outcomes in a variety of areas. Natural disasters can compound their trauma and loss and further de-stabilize families who may have lost their housing as result. The state is legally responsible for meeting the needs of youth in foster care, which is particularly critical in the wake of a natural disaster before long-term assistance from FEMA is provided. Despite the state's legal responsibility to these children and youth, they rarely receive the funding needed to cover extra, unexpected costs that occur in the wake of a natural disaster, including replacing lost belongings, securing temporary housing, or traveling to and from a temporary home to appointments and school. Without critical support when stressors are heightened and resources are stretched thin, previously stable homes and living situations can sometimes disrupt, causing further trauma and instability for children in foster care. When foster families are evacuated or displaced, it becomes extremely challenging to enforce rights aimed at creating stability, nurturing important relationships, and minimizing further disruptions for children in foster care, all of which can compound the trauma children and youth experienced prior to the disaster.

This bill attempts to mitigate these challenges, by ensuring foster families will have access to dedicated resources to help them survive and rebuild in the event they are impacted by a natural disaster.

**RELATED AND PRIOR LEGISLATION:**

**AB 1034 (Friedman) of 2019**, would have required every facility of each of the following to have an emergency and disaster plans: community care facilities that serve children or nonminor dependents, resource families, certified or licensed foster family homes, small family homes, community care facilities that serve adults, residential care facilities for persons with chronic life-threatening illness, and child care centers. AB 1034 would have also required the Community Care Licensing Division within CDSS to confirm during annual licensing visits that a plan is on file at the facility and includes the required content. *AB 1034 was held on the Assembly Appropriations Committee suspense file.*

**AB 3098 (Friedman), Chapter 348, Statutes of 2018**, required residential care facilities for the elderly (RCFEs) to have detailed emergency and disaster plans and to provide training on the plan to staff.

**AB 749 (Wolk), Chapter 477, Statutes of 2008**, required RCFEs licensed by CDSS to have a specified emergency plan available to residents and local emergency responders and, further, required CDSS to confirm during licensing visits that the plan is on file at the facility.

**AB 2101 (Wolk) of 2008**, would have required RCFEs to develop emergency plans and makes specific requirements for providing notices to residents and potential residents in the event of rate increases. *AB 2101 was held on the Assembly Appropriations Committee's suspense file.*

**REGISTERED SUPPORT / OPPOSITION:****Support**

California Alliance of Caregivers (Co-Sponsor)  
Children Now (Co-Sponsor)  
Voices Youth Programs (Co-Sponsor)  
Advokids  
Alliance for Children's Rights  
Alliance of Child and Family Services  
Aspiranet  
California Legislative Women's Caucus  
Children's Law Center of California  
First Place for Youth  
John Burton Advocates for Youth

**Opposition**

None on file

**Analysis Prepared by:** Jessica Langtry / HUM. S. / (916) 319-2089