



Review of New Child Welfare Laws: 2017 Policy Reforms

Logistics

- Webinars will be recorded and archived at <http://kids-alliance.org/webinars/>
- All attendees will be on mute – type any questions you have into the chat box or if you experience technical difficulties email Shanti Ezrine at s.ezrine@kids-alliance.org
- A certificate of participation will be posted online after the webinar at <http://kids-alliance.org/webinars/>
- We will be answering your questions – please submit questions using the “chat” function on your GotoWebinar dashboard

Today's Speakers

- Susan Abrams, Policy Director, Children's Law Center of California
- Brian Blalock, Director Law + Policy, Tipping Point Community
- Jessica Haspel, Senior Associate, Children Now
- Susanna Kniffen, Senior Director, Children Now
- Debbie Raucher, Project Director, John Burton Advocates for Youth
- Angie Schwartz, Policy Director, Alliance for Children's Rights

2017-18 STATE BUDGET ITEMS



The Emergency Child Care Bridge Program

- Top barrier for families is access to child care following immediate placement of a child
- The state budget allocated \$15.5 million for ½ of the 2017-2018 fiscal year to counties to create the Child Care Bridge Program (with the full allocation of \$31 million for future fiscal years)
- The Bridge Program is a county-optional program

First Component: Child Care Voucher

- **Who is eligible for the child care voucher:**
 - Caregivers completing the approval process, where a child was placed with them on an **emergency basis** or a **compelling reason** pursuant to 309/361.45
 - Caregivers **approved as resource families** pursuant to WIC § 16519.5
 - **Parenting youth** in foster care under the jurisdiction of juvenile court, including non-minor dependent parents
- **Caregivers or parenting youth must:**
 - Have work or school responsibilities,
 - Parenting activities beyond scope of ordinary parental duties, or
 - Need child care to attend court hearings and trainings related to the child or parenting youth's dependency case.
- **Six month voucher, but can be extended for an additional six months if the family is unable to secure long-term, subsidized child care**



Second Component: Child Care Navigator

- Employed by a local Resource and Referral Network
- Works with the family, child welfare agency worker, and family team
- Help secure child care at the time of placement and long-term high-quality child care
- Assist with any necessary applications to receive child care
- Ensure families are informed regarding benefits of child care and education



Third Component: Training

- The Resource and Referral Network will provide trauma-informed training and coaching to child care providers
- Training will be developed by the Child Care Resource and Referral Network
- Training topics will include:
 - Infant and toddler development
 - Trauma-informed best care practices
 - Strategies for working with children in foster care



Counties must opt-in to receive child care bridge funding

- Counties must take necessary steps to implement the child care bridge program, such as entering into an agreement with local R&Rs.
- Counties must complete a child care bridge plan using a state form by *November 1, 2017* to receive the funding.



Dependency Counsel Funding

- \$22 million increase for Dependency Counsel funding
 - Specifically for court-appointed dependency counsel that represents children and parent clients at every stage of the dependency proceeding
- Significant funding to help reduce attorney caseloads statewide

Preventing Unintended Pregnancies for Foster Youth: Overview

- State budgeted \$2.1 million for 2017-2018/\$1.8 million annually thereafter
- Took effect July 1, 2017
- Requires CDSS to create curriculum to train social worker/caregivers, which must include but is not limited to (*WIC 16521.5*):
 - Sexual and reproductive health care rights of youth in foster care and the reasonable prudent parent standard
 - How to document sensitive health information
 - Duties and responsibilities of assigned workers and caregivers in ensuring youth receive sexual and reproductive health services and information
 - Guidance about how to engage and talk with youth about reproductive and sexual health
 - Information about current contraception methods and how to select and provide appropriate referral resources
- Judicial Council must develop and implement similar training for judges (*WIC 304.7*)
- New case plan requirements

Preventing Unintended Pregnancies for Foster Youth: Case Plan Requirements

- For youth 10 years of age and older or NMD, the case plan shall be reviewed, updated if needed, annually to indicate:
 - That the minor/NMD received the required sexual health education compliant with the CA Healthy Youth Act in school at least once in junior high and once in high school
 - If the minor/NMD has not received or will not receive this instruction through school, the case plan shall document how the county ensured the youth or NMD received education through an alternative source that meets the standards of the CA Healthy Youth Act

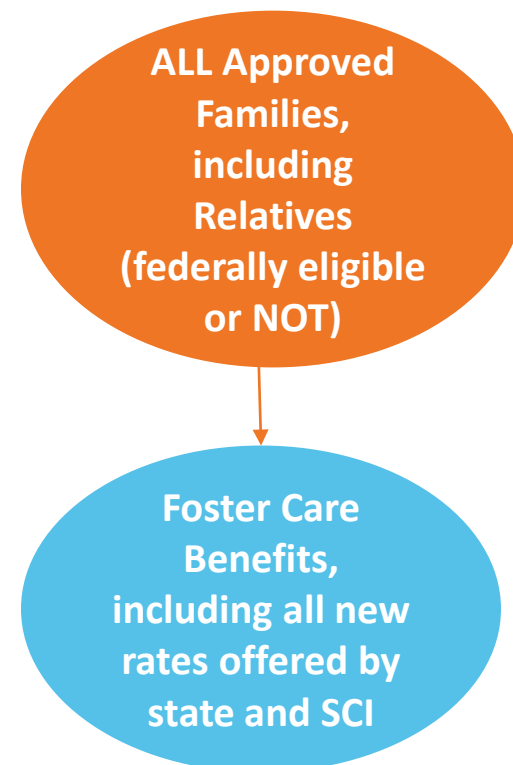
Preventing Unintended Pregnancies for Foster Youth: Case Plan Requirements (con't)

- That the youth was informed, in an age and developmentally appropriate manner, of their right to consent to sexual and reproductive health services and their confidentiality rights to those services
- That the youth was informed of how to access reproductive and sexual health care service
- That they have access to that care including removing any barriers to care

**Note: Law specifies that these new requirements shall not be construed to affect any applicable confidentiality law

Full Equity for Relative Foster Parents

- Approved Relative Caregiver Program (originally created in 2014, but was limited to the basic foster care rate at that time). Changes to ARC this year include:
 - State-mandated local program that requires counties to participate in the ARC Program – no more county option
 - Amount paid to approved relative caregivers for in-home care of children who are ineligible for AFDC-FC payments are **equal** to the amount paid to children who are eligible for AFDC-FC payments
 - Relatives are now eligible to receive ALL the supplemental rates including the infant supplement, dual agency rate, clothing allowance and specialized care increment regardless of the child's federal eligibility



Housing and Disability Advocacy Program

- County administered programs to assist individuals (including those in families) who are both homeless and may be eligible for disability benefits.
- Programs must include
 - Outreach, Case management, Advocacy, and Housing Assistance
- \$43 million General Fund for a county matching program
 - 3 year period, from July 1, 2017 through June 30, 2020
 - Deadline for applications is October 21, 2017
 - What to watch for:
 - SSI Advocacy Trust models combining local community legal advocates with focus on TAY and/or foster youth.
 - Collaboration between departments to better integrate services.

Homeless Youth Emergency Service Project - Budget Trailer Bill AB 97 (Ting)

- \$10 million, one time for homeless youth emergency service project, administered by the California Office of Emergency Services.
- Limited to 4 jurisdictions: LA, Santa Clara, San Francisco and San Diego. Unknown if funds will be issued to current grantees or through RFP.
- Funding may be used for:

Housing	Services
Rapid re-housing	Benefit advocacy; Family finding
Rental assistance to access affordable housing	Housing navigation; housing stabilization services
Transitional housing	Linkages to medical, mental health and substance abuse treatment
Supportive housing	Employment training, education support
	Street outreach

CONTINUUM OF CARE REFORM



AB 404 (Stone): Continuum of Care Reform Clean Up

- **Main Purpose/Intent:** Changes to implementation of Continuum of Care Reform (CCR)
- Notable Provisions: **Portability**
 - Allows resource family to transfer approval to another county or FFA
 - Resource family must (1) initiate transfer; (2) authorize county to request clearances and exemptions issued to the resource family; (3) cooperate with approval update
 - County or FFA must forward copy of written report within 20 days of request

AB 404 (con't)

- Notable Provisions: **Child Specific Approval**
 - Counties and FFAs may approve a resource family to care for a specific child when consideration of the familial or tribal relationship is of such sufficient significance that it outweighs any concerns about the applicant identified through the psychosocial assessment



AB 404 (con't)

- Notable Provisions: **Inactive Status**
 - Allows county or FFA to place a resource family in Inactive Status in accordance with the Written Directives, which will detail:
 - Method by which resource family shall notify county of request to be placed in inactive status and how they request to end inactive status
 - Time limitations on inactive status
 - Circumstances under which an inspection of the home will be conducted while the family is on inactive status

AB 404 (con't)



- Notable Provisions: **Due Process**
 - Applicant for approval or for a criminal record exemption may file written appeal within 90 days of service of Notice of Action + 30 days additional time for good cause
 - Resource family, excluded individual or individual subject to criminal record exemption rescission must file written appeal within 25 days of notice of action or exclusion order + 30 days additional time for good cause
 - The department may issue an exclusion order requiring the immediate removal of an individual if, in the opinion of the department, the action is necessary to protect a child from physical or mental abuse, abandonment, or any other substantial threat to his or her health or safety
 - Hearings are to be confidential and not open to the public, with a case by case exception
 - The testimony of a child witness may be taken outside the presence of the respondent

AB 404 (con't)

- Notable Provisions: **Intensive Services Foster Care Program**
 - Counties and FFAs are authorized to operate Intensive Services Foster Care Program
 - Serves children with intensive treatment and behavioral needs and specialized health care needs
 - Increased training of Intensive Services Foster Care Resource Parents
 - 40 hours of preplacement training + 24 hours of ongoing training each year
 - Can accept a child or retain a child prior to completing the training – but must complete within 120 days of placement
 - No more than 2 children in an ISFC placement UNLESS its to accommodate siblings when one child meets ISFC criteria (then no more than 5 children)
 - Each child has individualized needs and services plan
 - ISFC rate to resource family = \$2,410. ISFC admin/supports/services to FFA or county = \$3,682. TOTAL = \$6,092

AB 404 (con't)

- Notable Provisions: **Respite Care**
 - Counties have authorization to arrange respite care for a child or NMD
 - Counties may elect to certify respite care providers
 - Respite caregiver must have CACI, CLETs, walkthrough AND complete RFA training requirements
 - NOTE: the walkthrough and training requirements do not have to be met when need for respite is unanticipated and the respite provider is a relative or NREFM with an established relationship with the child/youth
 - Respite providers are NOT eligible to receive AFDC-FC

AB 404 (con't)

- Notable Provisions: **STRTPs**
 - Requires interagency placement committee (IPC) to make a determination within 5 business days of a referral from child welfare/probation
 - STRTP added into NMD provisions: NMD can remain up to age 21 if meet criteria for placement in STRTP
 - Compare: Group home restriction: placement prohibited unless in high school or age 19, whichever occurs first, OR meet criteria #5 for NMD eligibility requirements
 - Extends interim rate for STRTP and foster family agencies effective until December 31, 2018

AB 404 (con't)

- Notable Provisions: **Relative Placements**
 - Clarify that at disposition a placement can be made with a relative/NREFM/caregiver prior to RFA if placement made on an emergency basis or due to a compelling reason (*WIC 361.2*)
 - Amends preferential consideration language by striking “only the following relatives shall be given preferential consideration for placement of the child: an adult who is a grandparent, aunt, uncle, or sibling of the child” (currently in *WIC 319 & 361.3*)
 - Broadens situations in which *WIC 361.45* applies by removing language that temporary placement must be “pending resolution of emergency situation”
 - Codifies child specific RFA when consideration of the familial/tribal relationship is of such sufficient significance that it outweighs concerns identified through the psychosocial assessment *HS 1517(a)(4)(B)*; *WIC 16519.5(c)(4)(B)*

AB 507 (Rubio): Resource Family Trainings

- **Main Purpose/Intent:** To ensure that the 8 annual training hours that resource families receive is youth-centered based on the child's specific case plan, needs, and goals
- **Notable Provisions:**
 - Existing law requires every licensed foster parent to complete a minimum of 12 hours of foster parent training and 8 hours annually
 - The bill requires a portion of the 8 annual hours to support cases plans of children
 - A county has the discretion to require a resource family to receive additional hours of training to maintain approval



SB 213 (Mitchell): Criminal Records Check

- **Main Purpose/Intent:** Allows for would-be foster parents with petty crimes in the past to become foster parents through presumptive exemption
- Notable Provisions:
 - Re-structures the criminal exemption process to create 3 categories
 1. Crimes that are non-exemptible *HS 1522(g)(2)(A)(i-iii)*
 2. Crimes that are exemptible after consideration of all of the factors listed in *HS 1522(g)(2)(b)&(C)*
 - ✓ Some crimes moved from non-exemptible to this category
 3. All other crimes can be exempted just based on person's slate or federal criminal history *HS 1522 (g)(2)(D)*
 - ✓ Department/ county discretion to require investigation of factors in category 2 as necessary to protect and health & safety of a child
 - Enables emergency placements prior to an exemption for specified crimes if deputy director/director of county welfare department, or his or her designee, determines that placement is in the best interests of the child and a party to the case does not object *WIC 361.4(b)(3)*

PARENTING DEPENDENTS, AND WARDS

AB 1371 (Stone): Ward, Dependent, and NMD parents

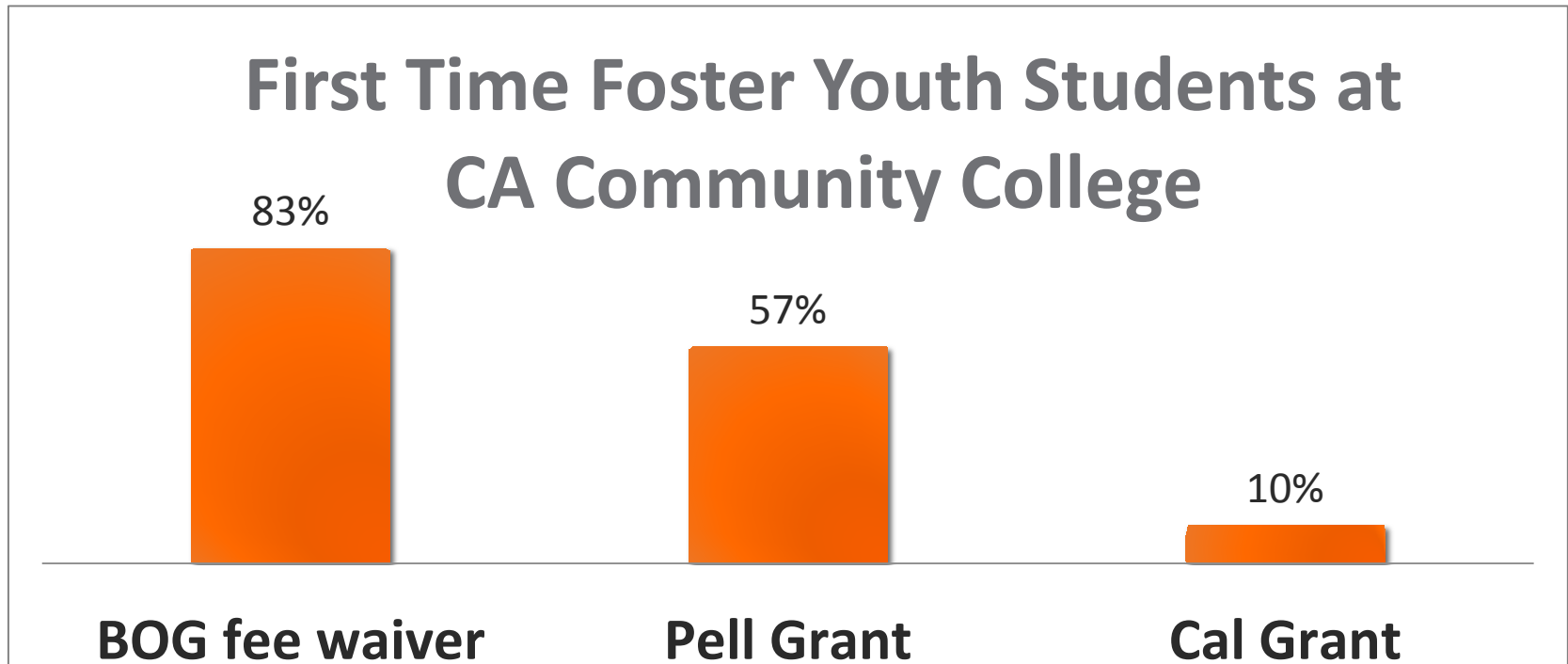
- **Main Purpose/Intent:** Expansion of existing protections for parenting dependents:
- Notable Provisions:
 - Prior to CSW/PO arranging any informal or formal custody agreement that includes a temporary or permanent voluntary relinquishment of custody by a parent who is a ward, dependent or NMD, parent must be advised of the right and have the opportunity to consult with counsel
 - Includes any recommendation that a nonparent seek legal guardianship of the child of a ward, dependent, or NMD parent
 - CSW/PO must note in the case file whether consultation occurred and, if not, the reason that consultation did not occur
 - Extends WIC 301 requirement that dependent parents consult with counsel prior to VFR/VFM to include wards and NMDs
 - Extends *WIC 361.8* FR protections for minor dependents to include wards

EDUCATION



SB 12 (Beall): Foster Youth Postsecondary Education

- **Main Purpose/Intent:** Aims to improve foster youth postsecondary achievement by increasing access to federal financial aid.



SB 12: (con't)

- Notable Provisions:

- Develop an automated system to verify a student's status as a foster youth that will streamline the application process for federal financial aid
- Expand NextUp, an existing on-campus based support program from the current level of 10 community college districts to up to 20
- Require case plans of youth 16 or older to identify the person who will be responsible for assisting with applications for postsecondary education and financial aid



AB 1567 (Holden): Higher Education Outreach and Assistance

- **Main Purpose/Intent:** To increase enrollment of foster youth students in campus support programs
- **Notable Provisions:**
 - Requires CDSS and county welfare departments to coordinate with CSUs and CCCs to verify eligibility of foster youth for financial aid and campus support programs
 - Requires CCCs and CSUs to notify foster youth regarding student services programs and financial aid and provide instructions for enrolling in programs

AB 766 (Friedman): Foster Youth College Housing

- **Main Purpose/Intent:** Extends SILP-like eligibility to a small but important population of foster youth under 18 who are attending college and living in approved college housing
- Notable Provisions:
 - Extends AFDC-FC eligibility to foster youth under the age of 18 who are attending college and residing independently in college housing
 - Includes a dormitory or designated housing of a postsecondary educational institute
 - AFDC-FC payments to the minor are not to be counted as income for purposes of determining financial aid

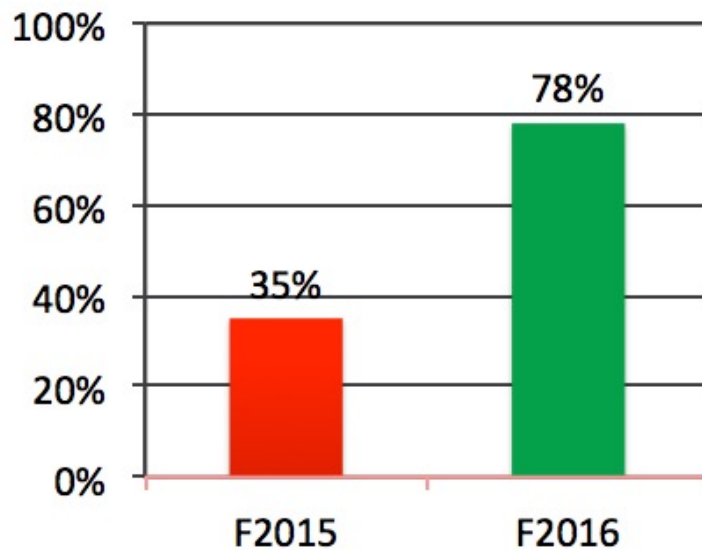
AB 705 (Irwin): Community College Matriculation, Assessment

- **Main Purpose/Intent:** To help more students succeed in college by ensuring access to college-level courses when first entering community college
 - Completion rates of transfer-level course drop by a third to half for every additional level placed below transfer level
 - 90% of foster youth who enroll in math or English enroll in remedial classes
 - Research increasingly questions effectiveness of standardized assessment for understanding student capacity
 - Use of multiple measures (e.g. high school GPA) is far more effective

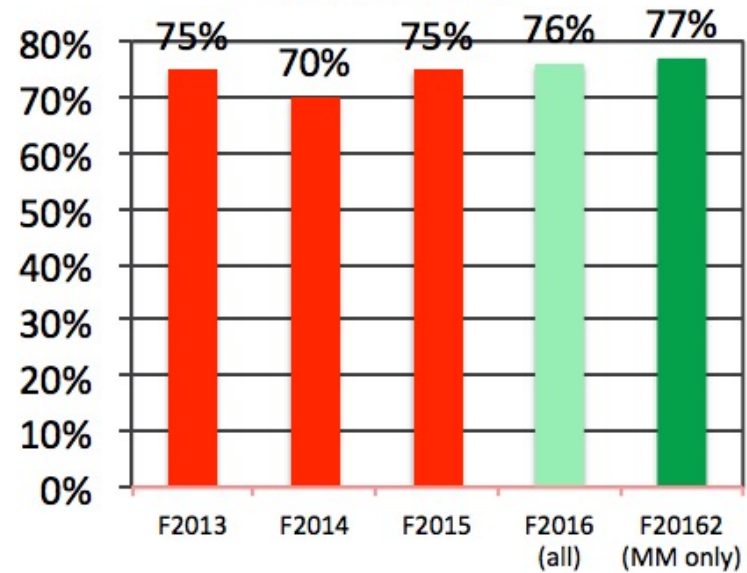
AB 705 (con't)

Las Positas Preliminary F2016 results: English

Transfer-Level Placement



Success Rate



AB 705 (con't)

- Notable Provisions:
 - Requires the use of high school coursework, high school grades, and/or high school grade point average to place students into English and mathematics courses
 - Prohibits the requirement of remedial coursework if it lengthens a student's time to complete a degree unless proven the student is unlikely to succeed in coursework
 - Authorizes community colleges to require students to enroll in additional concurrent support, when they take transfer-level English or mathematics course, but only if it is determined that the support will increase their likelihood of passing the transfer-level course

SB 233 (Beall): Foster Children Records

- **Main Purpose/Intent:** Clarifies the education records a caregiver, FFA, or STRTP can access when they are not the education rights holder in order to promote more support of a child's educational needs and goals
- **Notable Provisions:**
 - Expands access to educational records by a FFA, STRTP, and caregivers who are not the education rights holder for the purposes of monitoring the educational progress of the child and ensuring the child has access to proper educational services.
 - Expands foster child's case plan to include the contact information of the person holding the educational decision rights of the child
 - Updates training requirements to highlight the importance of caregivers to have access to educational records of the foster child

HEALTH



AB 340 (Arambula): Trauma Screening

- **Main Purpose/Intent:** To evaluate children for adverse childhood experiences so that providers may connect them with trauma-informed services that give them the best chance for a healthy future
- Notable Provisions:
 - Requires DHCS in consultation with enumerated stakeholders to convene an advisory workgroup by May 1, 2018, to update, amend, or develop tools & protocols for screening children for trauma
 - Workgroup findings & recommendations must be reported to the legislature by May 1, 2019
 - Requires DHCS to identify an existing advisory working group to continue reviewing and considering trauma screening protocols at least every 5 years thereafter

AB 501 (Ridley-Thomas): Community Care Facilities

- **Main Purpose/Intent:** Ensure that children can access appropriate mental health services that are responsive to their individual needs
- **Notable Provisions:**
 - Creates a needed licensing category to allow the development of children's crisis residential programs (CCRP). STRTPs can be licensed to operate a CCRP
 - Crisis residential services provide a less restrictive alternative to psychiatric hospitalization for children experiencing an acute mental health crisis and can reduce emergency room visits

PERMANENCY



AB 1006 (Maienschein): Foster Youth

- **Main Purpose/Intent:** Increase and sustain permanency for foster youth
- Notable Provisions:
 - Requires prospective adoptive families or guardians to be provided specified mental health treatment information
 - Defines specialized permanency services and requires the case plans for specified children to include a description of the specialized permanency services used or explanation why the services were not used
 - Requires Child and Family Teams to be provided written information developed by CDSS describing services and activities effective in securing and ensuring permanency

SB 438 (Roth): Successor Guardian

- **Main Purpose/Intent:** To ensure that all foster children and youth have the continuity of care with guardianships in the case of the death or incapacity of the appointed guardian
- Notable Provisions:
 - In the assessment of a legal guardian for a foster child, the bill allows for a naming of a prospective successor guardian
 - In the event of a death or incapacity of the appointed guardian, authorizes the successor guardian to be assessed and appointed by the court as the child's legal guardian

HOUSING



AB 236 (Maienschein): CalWORKs Housing Assistance

- **Main Purpose/Intent:** Expands CalWORKs Housing Assistance to families with children in out-of-home placement
- Notable Provisions:
 - Clarify that an otherwise CalWORKs eligible family could also be eligible for temporary housing assistance provided by CalWORKs if:
 - The child in the family are in out-of-home placement
 - If the family is receiving reunification services and the homeless assistance is necessary for reunification to occur
 - DSS to work with county human services agencies to report on the actual costs of nightly shelter and best practices to transition families from temporary to permanent shelter

SB 612 (Mitchell): Transitional Housing

- **Main Purpose/Intent:** Clarifies and updates guidelines for operating a transitional housing program (THPP or THP+FC)
- Notable Provisions:
 - Changes THPP and THP+FC into -
 - Transitional Housing Placement Program for minor foster children (16-18), and/or
 - Transitional Housing Placement Program for NMD (18-21)
 - Allows THP provider to cosign a lease with a NMD (cannot require NMD to be sole signatory on the lease)
 - Allows an approved resource family to be concurrently certified as THP host family
 - Provides more flexibility in the program including allowing non-participant roommates.
 - Adult non-participants must obtain criminal record clearance.
 - Minimum education requirements of THP program managers

SB 612 (Con't)

- Notable Provisions:
 - Provides more flexibility in the program including allowing non-participant roommates.
 - Adult non-participants must obtain criminal record clearance.
 - Permissible types of transitional housing units:
 - Certified host family which a participant lives
 - Staffed site which the participant lives
 - Remote site which the participant lives independently (only NMDs)

SB 2 (Atkins): Building Homes and Jobs Act

- **Main Purpose/Intent:** Imposes fee on real estate transaction documents to fund affordable housing
- Notable Provisions:
 - Imposes a \$75 fee to be paid at the time of the recording of every real estate instrument, paper, or notice required up to \$225.
 - For the first year, 50% of generated revenue goes to Department of Housing and Community Development to assist individuals experiencing or at risk of homelessness

Other bills related to housing

- **AB 210 (Santiago):** Homeless Multidisciplinary Personnel Team
 - Allows counties to create Multidisciplinary Teams To identify and link homeless individuals – including adults and families – to services and housing.
 - Counties must develop protocols regarding information sharing.
- **AB 74 (Chiu):** Housing for a Healthy California Program
 - Establishes competitive grant process for counties for capital and operating assistance and operating reserve grants and capital loans to developers.
 - Counties provide matching funds through general fund, Whole Person of Care, Health Home Program, or other county-controlled funding.
 - Focus on chronically homeless or high utilizer, Medicaid and SSI eligible, receiving services from Whole Person of Care or Health Home Program, + health is likely to improve with supportive housing.

JUVENILE JUSTICE



AB 604 (Gipson): Extended Foster Care Benefits

- **Main Purpose/Intent:** Improves and/or clarifies access to extended foster care eligibility and supports for certain categories of delinquency involved youth
- Notable Provisions:
 - Clarifies that a youth who vacates an underlying adjudication under Penal Code 236.14 is still eligible for transition jurisdiction via WIC 450 despite the vacature if otherwise eligible.
 - Clarifies that a minor transition dependent via WIC 450 is eligible for AFDC-FC funding if in an appropriate placement and otherwise eligible.

Other bills related to juvenile justice

- **AB 1124 (Cervantes): Juvenile Court School Pupils:** Permit the education rights holder of the pupil in juvenile court school to decline the issuance of a diploma
- **SB 395 (Lara): Custodial Interrogation:** Prior to a custodial interrogation and before the waiver of any Miranda rights, a youth 15 years old or younger must consult with legal counsel

Other bills related to juvenile justice

- **AB 878 (Gipson): Juvenile Restraints:** Restricts the use of mechanical restraints on detained youth during transportation outside of a facility or during court proceeding to safety or flight risk.
- **AB 190 (Mitchell): Juveniles:** Ends the assessment and collection of administrative fees for families of youth in the juvenile justice system.

TWO YEAR BILLS TO WATCH



AB 1250 (Jones-Sawyer): County contracts for personal services

- **Main Purpose/Intent:** Limits ability of counties to contract out to CBOs and includes foster care service providers
- Notable Provisions:
 - Establish specific standards for the use of personal services contracts by counties
 - Allow a county or county agency to contract for personal services currently or customarily performed by employees, as applicable, when specified conditions are met.
 - Require the county to clearly demonstrate that the proposed contract will result in actual overall costs savings to the county and also to show that the contract does not cause the displacement of county workers
 - Exempt certain types of contracts from its provisions, and would exempt a city and county from its provisions

Additional Resources

- Upcoming Webinars
 - November 15 at 10-12 PM: All in the Family, How to Recruit, Support, and Engage Kin,
<https://attendee.gotowebinar.com/register/2426261908629734913>
- Resource Family Approval Guide Version 2 Coming Soon
 - Spanish version coming soon after

Resource Family Approval Guide



A project of The Step Up Coalition
stepupforkin.org



Questions?

- The PowerPoint slides, webinar recording, and a certification of participation will be posted at www.kids-alliance.org/webinars

