

Steps on the Path to Racial Justice and Equity in Child Welfare

**ACTIVITIES AND
ADVOCACY UPDATE**

ALLIANCE
for **CHILDREN'S
RIGHTS**

INTRODUCTION

In the summer of 2021, the Alliance for Children's Rights published a report containing a set of policy recommendations for addressing the racial disproportionality and disparities in California's child welfare system. We developed these recommendations in collaboration with advocates, court officers, child welfare agency staff, people directly impacted by the system, and other key stakeholders. Since publishing the report, the Alliance and our partners have launched an advocacy coalition—Whole Families/Whole Communities—and advanced many of the recommendations through state legislation, local advocacy, and other strategies. This brief provides updates on the progress of the reform campaign and a preview of activities to come.

POLICY RECOMMENDATIONS

The policy recommendations are divided into four categories with the following objectives:

Value family and community through prevention strategies aimed at averting maltreatment and halting all unnecessary separations of children and parents.

Address the power imbalance between families and the child welfare system.

Empower the family network and connect youth to their community if and when removing a child from their home is necessary and appropriate.

Prioritize family- and community-centered pathways to reunification.

Collectively, these recommendations take incremental steps toward achieving the vision of the Whole Families/Whole Communities campaign—a future where all families have equitable access to services and supports regardless of their socioeconomic background, race, or ethnicity. As a result, no child will be at greater risk of entering or aging out of foster care based on these characteristics, and fewer children, families, and communities will experience the trauma of family separation.

VALUE FAMILY AND COMMUNITY THROUGH PREVENTION STRATEGIES

Expand primary prevention services to support families before maltreatment occurs.

— UPDATES —

- The Alliance and coalition partners provided feedback on the state’s Family First Prevention Services Act (FFPSA) implementation plan and continued engagement on the development and implementation of Los Angeles County’s FFPSA activities.
- WF/WC coalition members, led by [Children Now](#) and the [County Welfare Directors Association of California](#), advocated for funding in the state’s FY 2021-22 budget to

support counties in the enactment of the state's FFPSA plan and the development of a broader prevention framework specific to the needs of their populations. This broader prevention framework could not be achieved through FFPSA alone, as FFPSA does not fund services to address many prevalent sources of family instability (e.g., housing, education, and employment).

- In September 2021, the Los Angeles County Board of Supervisors passed a motion creating a task force to explore the potential for establishing a County Office of Prevention Services. The Office of Prevention Services is an opportunity to create a proactive rather than reactive system that centers anti-racist principles. Community members, including representatives from **Public Counsel**, participated in the task force, which has produced recommendations about the office's governance structure, analyzed funding opportunities for prevention services, and developed metrics for assessing the effectiveness of prevention services, including for children and families impacted by the child welfare system.

— **RESOURCES** —

- [CA Department of Social Services – Family First Prevention Services Act](#)
- [LA County Department of Children and Family Services – Help for LA County Families/Family First](#)
- [LA County Office of Prevention Services Task Force](#)

Give families in crisis the option to seek help from behavioral health specialists rather than law enforcement.

— **UPDATES** —

- In 2021, California launched the Family Urgent Response System (FURS), an all-hours hotline staffed with counselors trained in conflict resolution and de-escalation techniques for children and youth impacted by trauma, along with county mobile response and stabilization teams to provide in-home de-escalation, stabilization, conflict resolution, and support services and resources. FURS is operational in all 58 counties, providing an alternative to engaging law enforcement during periods of instability. The Alliance and Children Now are actively involved in implementation advocacy in Los Angeles County.
- In 2022, Governor Newsom signed Senate Bill 1090 (Chapter 833, Statutes of 2022), sponsored by Children Now and CWDA, expanding FURS to include youth in voluntary placements and youth placed in California from other states, a promising step toward ultimately broadening FURS to serve any family in crisis.

— RESOURCES —

- [CA Department of Social Services – FURS Hub](#)
- [Webinar – FURS: Immediate Trauma Informed Support for Youth and Caregivers](#)

Limit removals on the basis of “neglect.”

— UPDATES —

- [A New Way of Life Reentry Project](#) spearheaded the passage of Senate Bill 1085 (Chapter 832, Statutes of 2022), which amends Section 300 of the Welfare and Institutions Code to state that “families should not be subject to the jurisdiction of the juvenile court nor should children be separated from their parents based on conditions of financial difficulty, including, but not limited to a lack of food, clothing, shelter or childcare.” This is a critical step toward reducing the number of separations that occur because of the broad definition of neglect and the system’s tendency to confuse poverty for neglect. SB 1085 went into effect on January 1, 2023.

Implement a “blind removal” process.

— UPDATES —

- The Los Angeles County Department of Children and Family Services is implementing a one-year blind removal pilot in two regional offices. The County has contracted with the [UCLA Pritzker Center for Strengthening Children and Families](#) to evaluate the pilot; the Pritzker Center hopes to present its findings at the end of 2023.
- Shepherded by the [Children’s Law Center of California \(CLC\)](#) and passed by the Legislature in 2022, Assembly Bill 2665 would have required the California Department of Social Services to establish a three-year blind removal pilot in up to five counties. In his veto message, Governor Newsom indicated “I support the author’s efforts to address issues of racial disparity in the child welfare system. The proposed pilot project has the potential to inform policymakers as to how California can address disparities in child welfare removal decisions. However, further consideration needs to be given to how this proposal would affect compliance with the Indian Child Welfare Act. Furthermore, this bill creates millions of dollars in General Fund cost pressures.”

— RESOURCES —

- [Why are Black children removed from homes at high rate? L.A. County plans 'blind removal' pilot \(Los Angeles Times\)](#)
- [Opinion: The case for race-blind foster care removal decisions \(The Imprint\)](#)
- E. Jason Baron, et al., [The Push for Racial Equity in Child Welfare: Can Blind Removals Reduce Disproportionality?](#)

Incorporate antiracism into mandatory reporting laws, policies, and practices.

— UPDATES —

- Assembly Bill 2085 (Chapter 770, Statutes of 2022), co-sponsored by Public Counsel, [the ACLU of Southern California](#), and CLC, takes an important step toward reducing racial disparities that result from mandated reporting by amending the Child Abuse and Neglect Reporting Act to clarify that “general neglect” does not include a parent’s economic disadvantage. AB 2085 went into effect on January 1, 2023, and implementation efforts will focus on training mandated reporters on implicit bias and the distinction between poverty and willful neglect.

Increase understanding of the socio-cultural dynamics of domestic violence.

— UPDATES —

- In May 2021, the [UCLA Pritzker Center for Strengthening Children and Families](#) hosted a summit on the intersection between child welfare and domestic violence. This event accompanied the publication of a report exploring the gaps in policy, practice, training, data collection, and cultural competency where domestic violence and foster care merge and proposing solutions appropriate for a nationwide audience. For example, the report recommended the use of domestic violence specialists to assist child welfare workers in designing feasible safety plans for families and safely reducing removals.

— RESOURCES —

- [Summit recording and report – Child Welfare and Domestic Violence: The Summit on Intersection and Action](#)

ADDRESS THE POWER IMBALANCE BETWEEN FAMILIES AND THE CHILD WELFARE SYSTEM

Mandate pre-petition legal representation.

— UPDATES —

- Following the passage of a Board of Supervisors motion in May 2022, Los Angeles County hired Vivek Sankaran, director of the Child Advocacy Law Clinic at the University of Michigan, to lead an effort to assess the feasibility of a countywide pre-petition representation model. The resulting workgroup, which includes representatives from coalition organizations Public Counsel, CLC, Los Angeles Dependency Lawyers (LADL), A New Way of Life Reentry Project, the Alliance, Western Center on Law and Poverty, and ACLU of Southern California, continues to meet regularly.
- In 2022, Public Counsel and the Western Center on Law and Poverty filed a writ petition in the California Court of Appeal arguing that due process requires appointment of counsel for parents who are at risk of losing custody of their children in probate court. The petition was denied.

— RESOURCES —

- [Casey Family Programs, Resources on Pre-Petition Legal Advocacy](#)
- [American Bar Association, Prepetition Legal Representation](#)
- [L.A. County looks to early legal representation for parents \(Children’s Law Center of California\)](#)
- [American Bar Association, Breaking the Foster Care Cycle, One Young Family at a Time](#)

Make child and family team (CFT) meetings family-centered and culturally competent.

— UPDATES —

- Practice issues in the implementation of CFT meetings—e.g., inconsistencies in the timing and frequency of meetings, lack of notice provided to youth and families, etc.—persist in Los Angeles County. During WF/WC coalition meetings, members learned about teaming models implemented in other jurisdictions and will continue to explore ways to make CFT meetings more impactful, most urgently in ongoing work to provide pre-petition representation to families, and the importance of peer advocacy.

EMPOWER THE FAMILY NETWORK AND CONNECT YOUTH TO THEIR COMMUNITY

Remove barriers preventing children from being immediately connected to their own family and extended family.

— UPDATES —

- A broad coalition, including CLC, CWDA, A New Way of Life Reentry Project, Starting Over Inc., and the Alliance, successfully co-sponsored Senate Bill 354 (Chapter 687, Statutes of 2021) which makes the following changes to the process of placing children with relatives and approving those relatives as resource families:
 - Ensures that any existing relationship between a relative caregiver and a child is considered in decisions regarding home approval and placement;
 - Ensures county child welfare agencies make reasonable efforts to support emergency kinship placements in accessing necessary supplies, such as cribs, car seats, and booster seats;
 - Broadens the list of convictions that qualify for exemptions and simplified exemptions if the relative demonstrates evidence of good character;
 - Clarifies the court shall use its independent judgment in placement decisions, including with relative placements regardless of the status of a criminal records exemption;
 - Expands the eligibility criteria for the Approved Relative Caregiver (ARC) program; and
 - Waives income requirements when appropriate
- A broad coalition including the Alliance, Children Now, and CWDA, has engaged in a successful multi-year advocacy campaign to develop and expand resources for the Emergency Child Care Bridge program to remove child care-related barriers to placing children in home-based family care settings.

— RESOURCES —

- [The Zepedas' story: How a law change built their future with Selena \(Alliance for Children's Rights\)](#)

Use Voluntary Placement Agreements as a proactive family engagement tool and permit families, parents, or children to seek court review of any safety plan or informal care arrangements.

— UPDATES —

- The frequent use of safety plans and other informal arrangements (and the infrequent use of Voluntary Placement Agreements) raises due process concerns that could be

addressed with the provision of pre-petition legal representation to families. The WF/WC coalition will work to ensure these issues are considered as Los Angeles County develops its pre-petition model, described above.

Facilitate expedited guardianships through the dependency court system.

— UPDATES —

- With the passage of Assembly Bill 2309 (Chapter 780, Statutes of 2022), co-sponsored by the Alliance, the dependency court will be required to respect a parent's preferred guardianship for their child as long as it is not contrary to the child's best interests. This reform will encourage the use of dependency court guardianships in lieu of foster care placement and promote family decision making.

PRIORITIZE FAMILY- AND COMMUNITY-CENTERED PATHWAYS TO REUNIFICATION

Restructure visitation to promote family bonding time and set the stage for successful reunification.

— UPDATES —

- With community partners, including those with lived experience, the Alliance is researching current practices and policies to inform the development of recommended solutions.

Ensure access to reunification services.

— UPDATES —

- Los Angeles County is the one of the few counties in the state where reunification services (such as counseling or substance abuse treatment) are not provided free of cost to parents. The Alliance is working with local and state partners, including our Reform Council, comprised of system-impacted youth, parents and caregivers, to develop and implement solutions for this clear equity issue.
- LADL and A New Way of Life Reentry Project successfully co-sponsored Assembly Bill 2159 (Chapter 691, Statutes of 2022) which prohibits a court from denying reunification services to parents and guardians in custody prior to conviction and sentencing. The law creates parity between all parents in need of reunification services regardless of whether they have the financial means to make bail prior to their trial.

Related efforts

- Assembly Bill 1686 (Chapter 755, Statutes of 2022), co-sponsored by the Alliance, LADL, and CWDA, establishes a presumption that, when a child is in foster care, requiring the parent or guardian to pay child support for the child is likely to impose a barrier to the family's efforts to reunify. AB 1686 is consistent with recent **federal directives** encouraging foster care agencies to avoid collecting child support, citing the risks to family reunification and the proven ineffectiveness of recovering child support debt.

LOOKING FORWARD

The policy recommendations that were developed at the launch of the Whole Families/Whole Communities coalition focus primarily on prevention, kinship care, and case planning toward reunification. We started here because of the deep racial disparities at the front end of the child welfare system. As the 2023-2024 California legislative session commences, Whole Families/Whole Communities coalition members are working to advance statewide reforms to address these front-end racial disproportionalities and disparities in the child welfare system in line with the policy recommendations described above. These proposed reforms include:

- AB 391 (Jones-Sawyer), requiring nonmandated reporters to confidentially provide name, telephone number, and the information that gave rise to the suspicion of child abuse and neglect;
- AB 448 (Juan Carrillo), strengthening family finding and engagement by adding court report and oversight requirements;
- AB 937 (McKinnor), requiring juvenile courts to order additional time for reunification services if reasonable services have not been provided to the family;
- AB 954 (Bryan), which would prohibit a parent's inability to pay for court-ordered services from being a barrier to reunification or a basis for removal;
- AB 1134 (McKinnor), which would limit the practice of bypassing reunification services based on a parent's prior conviction; and
- SB 824 (Ashby), builds on the progress made by SB 354 by reducing barriers to placement and approval for non-relative extended family members (and, for tribal youth, extended family members) and ensuring that relative and non-relative caregivers that obtain a criminal record exemption receive funding to become a child's legal guardian or adoptive parent.

Research also shows that racial disparities persist when children and youth remain in foster care. A 2020 study looking at a cohort of foster youth in California found that Black youth were placed in congregate care at nearly twice the rate of their white counterparts. Children of color are also less likely than white children to exit foster care through reunification, adoption, or guardianship.

Further, according to a 2021 analysis by the Los Angeles County Office of Child Protection (OCP), youth with the most extensive child welfare involvement (Black youth, both male and female) had the most serious juvenile justice outcomes, including higher levels of juvenile hall detention, more severe charges, and higher recidivism rates. The OCP also found that Latino youth were more likely to have had some brief or prior child welfare system involvement prior to juvenile justice system involvement. Among adolescents who gave birth in Los Angeles County in 2009, Black and Native American adolescents were more than twice as likely as their white peers to have experienced foster care. And, Black youth who age out of the foster care system are more likely than any other group to report experiencing homelessness within the previous nine months. All of these data point to the urgent need to advance reforms to improve immediate and long-term outcomes for system-involved older youth of color.

Accordingly, the Whole Families/Whole Communities coalition will work over the next year to conduct research and make recommendations that address the disparities facing older foster youth of color, particularly those who are likely to age out of care without a permanent home, those involved with the juvenile justice system, and those who are expectant or parenting—while continuing the reform and implementation work described in this report. All policy recommendations and changes will be grounded in an acknowledgment of past and ongoing harms and a shared commitment to anti-racist reform.

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