

# TOM UMBERG

SENATOR, 34<sup>TH</sup> SENATE DISTRICT

## SB 1071: Juvenile Foster Youth Records

Updated (February 28, 2022)

### SUMMARY

---

SB 1071 would allow attorneys and judges in a Department of Social Services administrative hearing involving a minor in foster care to have access to juvenile case files for purposes of that hearing.

Additionally, the bill would establish a time when counties must make certain records available.

### BACKGROUND

---

Caregivers of foster children should not be required to wait months or years when appealing a denial for foster care benefits due to limited access to pertinent court records.

For programs administered by the California Department of Social Services (CDSS), individuals can request a hearing before an administrative law judge (ALJ). Under current law, parties to an administrative hearing have a right to access county files related to the contested program. For children in foster care and their caregivers contesting a denial of foster care benefits or resource family approval, however, pertinent information may be found in the child's juvenile case file, which is confidential except to certain authorized parties under Welfare and Institutions Code section 827.

Under current law, the youth's attorney in the administrative matter may face barriers to accessing the juvenile case file, due to ambiguities in WIC 827 and long delays in receiving case file documents from the county welfare agency. While they wait to access the records, ALJs postpone administrative proceedings for months or even years. Each month of delay is a loss of critical

financial support for youth and caregivers hearing, jeopardizing placement stability and wellbeing.

### NEED FOR THE BILL

---

When youth in foster care and their caregivers appeal a denial of foster care benefits or resource family approval, they must wait months or even years for an administrative hearing if their appeal is based on information contained in the youth's confidential juvenile case file.

Current law lacks clarity on what types of records should be available in administrative hearings involving foster youth, who can access those records, and for what purpose. For youth and caregivers who ultimately prevail at the hearing, this means long delays in receiving critical funds that youth need for housing and other essentials.

### SOLUTION

---

SB 1071 would clarify that attorneys and judges participating in a Department of Social Services administrative hearing involving a minor in foster care may have access to the juvenile case file for purposes of that hearing, and establish timelines by which counties must make pertinent records available

### SUPPORT

---

Alliance for Children's Rights (Sponsor)

### FOR MORE INFORMATION

---

Walker Hershey

Email: [Walker.Hershey@sen.ca.gov](mailto:Walker.Hershey@sen.ca.gov)

---