

ASSEMBLY BILL

No. 562

Introduced by Assembly Members Solache and Bryan

February 12, 2025

An act to amend Section 309 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 562, as introduced, Solache. Foster care: placement: family finding.

Existing law requires a county social worker to investigate the circumstances of each child taken into temporary custody by a peace officer under specified circumstances. Existing law requires the social worker to conduct an investigation, within 30 days of the child's removal, to identify and locate adult relatives of the child, as specified, and to provide them with a notification that the child has been removed from the custody of the child's parents, guardians, or Indian custodian, and an explanation of the various options to participate in the care and placement of the child.

This bill, the Justice through Placing Foster Children with Families Act, would require, beginning January 1, 2027, each county to review publicly available data comparing the statewide national average rate of placing children with relatives in the prior year for comparison with the county's placement rate during the same period, and, in the case of Indian children, the statewide average rate according to the federal Indian Child Welfare Act of 1978 placement preferences, as specified. The bill would require that, if the county's placement rate is less than the statewide average, the county welfare director, or their designee, to consult with the Center for Excellence in Family Finding, Engagement,

and Support to identify best practices that may be adopted by the county to improve its placement rate, as specified.

The bill would also require, each year that a county has a placement rate that is less than the statewide average, or, in the case of Indian children, the statewide average rate according to the federal Indian Child Welfare Act of 1978 placement preferences, the board of supervisors for that county to, at least once, include the topic for discussion on the agenda of a regularly noticed meeting of the full board. The bill would authorize, if a board of supervisors has a social services committee or similar committee assigned to hear child welfare matters, the topic to be placed on the agenda for discussion by the committee rather than the full board. By increasing the duties of county welfare departments and county boards of supervisors, the bill would impose a state-mandated local program. The bill would make related findings and declarations.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) This act shall be known as the Justice through
- 2 Placing Foster Children with Families Act.
- 3 (b) The Legislature finds and declares as follows:
- 4 (1) Among ethnic groups in California, Black children and
- 5 Native American children become foster children at rates that far
- 6 exceed their proportion of the population. For example, in
- 7 California, 21 percent of foster children are Black.
- 8 (2) Black children comprise about 5 percent of the state's
- 9 children. Native American children comprise less than 1 percent
- 10 of all California children but exceed 1 percent of children in foster
- 11 care.
- 12 (3) The Legislature recognizes the Legislative Analyst's Office
- 13 has documented as follows:

1 (A) “The proportions of Black and Native American youth in
2 foster care are around four times larger than the proportions of
3 Black and Native American youth in California overall.”

4 (B) “In addition, recent research on cumulative child welfare
5 involvement of California’s 1999 birth cohort found nearly one in
6 two Black and Native American children experienced some level
7 of child welfare involvement by the time they turned 18 (compared
8 to around 29 percent of Hispanic children, 22 percent of White
9 children, and 13 percent of Asian/Pacific Islander children).”

10 (C) “Racial disproportionalities and disparities . . . persist at all
11 levels of the system.”

12 (c) (1) An effective way to address the racially discriminatory
13 impact of California’s foster care is to promote strategies that result
14 in children being placed with family members rather than strangers.

15 (2) The Legislature acknowledges that Casey Family Programs
16 has stated:

17 (A) “Numerous studies have established the benefits of kinship
18 care. The research demonstrates that compared to non-kin foster
19 care, kinship care yields greater placement stability, lower rates
20 of re-abuse, better behavioral health, and a higher likelihood of
21 permanency. Despite these findings, child protection agencies
22 place only about one-third of children in formal out-of-home care
23 with kin, and the rates vary significantly among jurisdictions across
24 the country.”

25 (B) A strong cultural identity can lead to greater self-esteem,
26 higher education levels, increase in coping abilities, and decreased
27 levels of loneliness and depression for youth in foster care.

28 (C) States other than California have placed a higher priority
29 on placing children with family. For example, Tennessee requires
30 the approval of a Kinship Exception Request form to before a child
31 is placed in a non-kin home. In New York, if a child is not placed
32 with relatives or kin, there is a secondary review by a person in a
33 supervisory or managerial role to confirm efforts were taken to
34 find an appropriate and available kinship placement.

35 (D) “One recommendation to improve family placement is to
36 ‘routinely review, aggregate, and disseminate data and evidence
37 about kinship families to fully understand how to continuously
38 support these valued caregivers. It is important to consistently
39 review data to understand what can be changed to better support
40 kinship families.”

SEC. 2. Section 309 of the Welfare and Institutions Code is amended to read:

309. (a) Upon delivery to the social worker of a child who has been taken into temporary custody under this article, the social worker shall immediately investigate the circumstances of the child and the facts surrounding the child's being taken into custody and attempt to maintain the child with the child's family through the provision of services. The social worker shall immediately release the child to the custody of the child's parent, guardian, Indian custodian, or relative, regardless of the parent's, guardian's, Indian custodian's, or relative's immigration status, unless one or more of the following conditions exist:

(1) The child has no parent, guardian, Indian custodian, or relative willing to provide care for the child.

(2) Continued detention of the child is a matter of immediate and urgent necessity for the protection of the child and there are no reasonable means by which the child can be protected in their home or the home of a relative.

(3) If it is known or there is reason to know the child is an Indian child, the child has been physically removed from the custody of a parent or parents or an Indian custodian, continued detention of the child continues to be necessary to prevent imminent physical damage or harm to the child, and there are no reasonable means by which the child can be protected if maintained in the physical custody of their parent or parents or Indian custodian.

(4) There is substantial evidence that a parent, guardian, or Indian custodian of the child is likely to flee the jurisdiction of the court, and, in the case of an Indian child, fleeing the jurisdiction will place the child at risk of imminent physical damage or harm.

(5) The child has left a placement in which the child was placed by the juvenile court.

(6) The parent or other person having lawful custody of the child voluntarily surrendered physical custody of the child pursuant to Section 1255.7 of the Health and Safety Code and did not reclaim the child within the 14-day period specified in subdivision (g) of that section.

(b) In any case in which there is reasonable cause for believing that a child who is under the care of a physician and surgeon or a hospital, clinic, or other medical facility, cannot be immediately moved, and is a person described in Section 300, the child shall

1 be deemed to have been taken into temporary custody and delivered
2 to the social worker for the purposes of this chapter while the child
3 is at the office of the physician and surgeon or the medical facility.

4 (c) If the child is not released to their parent or guardian, the
5 child shall be deemed detained for purposes of this chapter.

6 (d) (1) If a relative, as defined in Section 319, an extended
7 family member of an Indian child, as defined in Section 224.1 and
8 Section 1903 of the federal Indian Child Welfare Act of 1978 (25
9 U.S.C. Sec. 1901 et seq.), or a nonrelative extended family
10 member, as defined in Section 362.7, is available and requests
11 emergency placement of the child pending the detention hearing,
12 or after the detention hearing and pending the dispositional hearing
13 conducted pursuant to Section 358, the county welfare department
14 shall initiate an assessment of the relative's or nonrelative extended
15 family member's suitability for emergency placement pursuant to
16 Section 361.4.

17 (2) Upon completion of the assessment pursuant to Section
18 361.4, the child may be placed in the home on an emergency basis.
19 Following the emergency placement of the child, the county
20 welfare department shall evaluate and approve or deny the home
21 pursuant to Section 16519.5. If the home in which the Indian child
22 is placed is licensed or approved by the child's tribe, the provisions
23 of Section 16519.5 do not apply for further approval. The county
24 shall require the relative or nonrelative extended family member
25 to submit an application for approval as a resource family and
26 initiate the home environment assessment no later than five
27 business days after the placement.

28 (3) If the sole issue preventing an emergency placement of a
29 child with a relative or nonrelative extended family member is a
30 lack of resources, including, but not limited to, physical items such
31 as cribs and car seats, the agency shall use reasonable efforts to
32 assist the relative or nonrelative extended family member in
33 obtaining the necessary items within existing available resources.
34 The department shall work with counties and stakeholders to issue
35 guidance regarding reasonable efforts requirements.

36 (e) (1) If the child is removed, the social worker shall conduct,
37 within 30 days, an investigation in order to identify and locate all
38 grandparents, parents of a sibling of the child, if the parent has
39 legal custody of the sibling, adult siblings, other adult relatives of
40 the child, as defined in paragraph (2) of subdivision (h) of Section

1 319, including any other adult relatives suggested by the parents,
2 and, if it is known or there is reason to know the child is an Indian
3 child, any extended family members, as defined in Section 224.1
4 and Section 1903 of the federal Indian Child Welfare Act of 1978
5 (25 U.S.C. Sec. 1901 et seq.). As used in this section, “sibling”
6 means a person related to the identified child by blood, adoption,
7 or affinity through a common legal or biological parent. The social
8 worker shall provide to all adult relatives who are located, except
9 when that relative’s history of family or domestic violence makes
10 notification inappropriate, within 30 days of removal of the child,
11 written notification and shall also, whenever appropriate, provide
12 oral notification, in person or by telephone, of all the following
13 information:

14 (A) The child has been removed from the custody of their parent
15 or parents, guardian or guardians, or Indian custodian.

16 (B) An explanation of the various options to participate in the
17 care and placement of the child and support for the child’s family,
18 including any options that may be lost by failing to respond. The
19 notice shall provide information about providing care for the child
20 while the family receives reunification services with the goal of
21 returning the child to the parent or guardian, how to become a
22 resource family, and additional services and support that are
23 available in out-of-home placements, and, if it is known or there
24 is reason to know the child is an Indian child, the option of
25 obtaining approval for placement through the tribe’s license or
26 approval procedure. The notice shall also include information
27 regarding the Kin-GAP Program (Article 4.5 (commencing with
28 Section 11360) of Chapter 2 of Part 3 of Division 9), the
29 CalWORKs program for approved relative caregivers (Chapter 2
30 (commencing with Section 11200) of Part 3 of Division 9),
31 adoption, and adoption assistance (Chapter 2.1 (commencing with
32 Section 16115) of Part 4 of Division 9), as well as other options
33 for contact with the child, including, but not limited to, visitation.
34 The State Department of Social Services, in consultation with the
35 County Welfare Directors Association of California and other
36 interested stakeholders, shall develop the written notice.

37 (2) The social worker shall also provide the adult relatives
38 notified pursuant to paragraph (1) with a relative information form
39 to provide information to the social worker and the court regarding
40 the needs of the child. The form shall include a provision whereby

the relative may request the permission of the court to address the court, if the relative so chooses. The Judicial Council, in consultation with the State Department of Social Services and the County Welfare Directors Association of California, shall develop the form.

(3) (A) The social worker shall use due diligence in investigating the names and locations of the relatives, as well as any parent and alleged parent, pursuant to paragraph (1), including, but not limited to, asking the child in an age-appropriate manner about any parent, alleged parent, and relatives important to the child, consistent with the child's best interest, and obtaining information regarding the location of the child's parents, alleged parents, and adult relatives. Each county welfare department shall do ~~both~~ *all* of the following:

(i) Create and make public a procedure by which a parent and relatives of a child who has been removed from their parents or guardians may identify themselves to the county welfare department and the county welfare department shall provide parents and relatives with the notices required by paragraphs (1) and (2).

(ii) Notify the State Department of Social Services, on or before January 1, 2024, in an email or other correspondence, whether it has adopted one of the suggested practices for family finding described in All-County Letter 18-42 and, generally, whether the practice has been implemented through training, memoranda, manuals, or comparable documents. If a county welfare department has not adopted one of the suggested practices for family finding described in All-County Letter 18-42, the county welfare department shall provide a copy to the State Department of Social Services of its existing family finding policies and practices, as reflected in memoranda, handbooks, manuals, training manuals, or any other document, that are in existence prior to January 1, 2022.

(iii) *Beginning January 1, 2027, and annually thereafter, each county shall review publicly available data, including data from the California Child Welfare Indicators Project, comparing the statewide average rate of placing children with relatives and, in the case of Indian children, the statewide average rate of placing children according to the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.) placement preferences, as described*

1 *in subdivision (b) of Section 361.31, with the county's average*
2 *rate of placement, as follows:*

3 *(I) By October 1, the county shall review data for a one-year*
4 *period ending July 1 of the prior calendar year.*

5 *(II) If the county's average rate is less than the statewide*
6 *average, the county welfare director, or their designee, shall*
7 *communicate with the Center for Excellence in Family Finding,*
8 *Engagement, and Support to identify best practices that may be*
9 *adopted by the county to improve its average rate of placing*
10 *children with relatives. By no later than December 1 of the year*
11 *of the review, the county shall begin communications with the*
12 *center, and shall communicate with the center at least three more*
13 *times on a quarterly basis. For purposes of this requirement,*
14 *communication includes email, video conference, or phone call.*

15 *(B) The due diligence required under subparagraph (A) shall*
16 *include family finding. For purposes of this section, "family*
17 *finding" means conducting an investigation, including, but not*
18 *limited to, through a computer-based search engine, to identify*
19 *relatives and kin and to connect a child or youth, who may be*
20 *disconnected from their parents, with those relatives and kin in an*
21 *effort to provide family support and possible placement. If it is*
22 *known or there is reason to know that the child is an Indian child,*
23 *as defined by Section 224.1, "family finding" also includes*
24 *contacting the Indian child's tribe to identify relatives and kin.*

25 *(f) Each year that, pursuant to clause (iii) of subparagraph (A)*
26 *of paragraph (3) of subdivision (e), a county has a rate of placing*
27 *children with relatives that is less than the statewide average, or,*
28 *in the case of Indian children, the statewide average rate of placing*
29 *children according to the federal Indian Child Welfare Act of 1978*
30 *(25 U.S.C. Sec. 1901 et seq.) placement preferences, as described*
31 *in subdivision (b) of Section 361.31, the board of supervisors of*
32 *that county shall, at least once, include the topic for discussion on*
33 *the agenda of a regularly noticed meeting of the full board, which*
34 *discussion may include whether the county welfare director, or*
35 *their designee, has communicated with the Center for Excellence*
36 *in Family Finding, Engagement, and Support, as required by clause*
37 *(iii) of subparagraph (A) of paragraph (3) of subdivision (e), what,*
38 *if any, actions the county is taking in response to increase*
39 *placements with relative caregivers, whether those actions will be*
40 *included in a county self-assessment and county system*

1 *improvement plan, as set forth in Section 10601.2, and when those*
2 *actions, if any, will be implemented. If a board of supervisors has*
3 *a social services committee or similar committee that is assigned*
4 *to hear child welfare-related matters, the topic may be place on*
5 *the agenda for discussion by that committee rather than the full*
6 *board.*

7 SEC. 3. To the extent that this act has an overall effect of
8 increasing the costs already borne by a local agency for programs
9 or levels of service mandated by the 2011 Realignment Legislation
10 within the meaning of Section 36 of Article XIII of the California
11 Constitution, it shall apply to local agencies only to the extent that
12 the state provides annual funding for the cost increase. Any new
13 program or higher level of service provided by a local agency
14 pursuant to this act above the level for which funding has been
15 provided shall not require a subvention of funds by the state or
16 otherwise be subject to Section 6 of Article XIII B of the California
17 Constitution.