



**California Child Welfare Legislation**  
Bills Affecting CASA Practice  
2018 Enacted Bills (2017-2018 Session)

Dear California CASA Network:

This last year, California CASA tracked over 80 pieces of legislation that touched on foster care, juvenile justice, child poverty, and CASA practice, 26 of them are expounded upon here.

The California CASA Network and California CASA worked together to support several bills, including SB-12 which allows more community colleges the opportunity to provide everyday supports to former foster youth attending their campuses, streamlines the Pell grant foster care verification process, and requires case plans for foster youth age 16 and older to name who will assist the youth with college and financial aid applications.

California CASA also supported SB-233 to ensure caregivers are able to access educational records and receive training on foster youth educational rights.

There were other major victories in the budget process, including budget proposals to provide additional funding for dependency attorneys, funding for a public health nurse to review psychotropic medications proscribed to foster youth and a budget proposal to provide a child care bridge to allow foster children to get access to childcare sooner.

There were also strides taken to improve foster parent training. California Youth Connection and the Youth Law Center successfully sought to insure counties could augment trainings provided to caregivers in order to tailor trainings to the current needs of the resource family.

In the area of juvenile justice California also passed major reforms entitling youth to greater Miranda protections, allowing some youth who were sentenced to life without the possibility of parole to be able to have a shot at parole after 25 years and SB 190, which ends the practice of fining families of children in juvenile facilities.

Please take to time to review the bills below, and reach out if you have any questions or comments.

Sincerely,

Lily Colby  
Policy and Program Coordinator  
California CASA Association

### **Key Legislation by Topic:**

Below is a highlight of some of the key child welfare and juvenile justice bills proposed and enacted during the first year of the California 2017-2018 legislative session. The bills are separated into key topic areas including updates to the Continuum of Care Reform, Training for Caregivers, Education, Parenting Foster and Juvenile Justice Involved Youth, and Juvenile Justice.

### **Continuum of Care Reform:**

**AB 404** makes a number of changes to CCR including making it easier for foster families to keep their approval through moves, creates Intensive Services Foster Care a new licensing standard for high needs children in care, and rules that allow the testimony of a child, or otherwise vulnerable, witness in dependency proceedings to be heard outside the presence of the respondent under certain circumstances.

**AB 1006** requires adoptive and resource families in the state's child welfare system to receive information about specialized permanency and mental health services. It's the first law in to define what specialty mental health services are. To learn more about child-centric specialized permanency see <http://familiesnow.org/solutions/youth-permanence/>

**SB 213** changed the types of criminal convictions that can disqualify a caregiver's ability to get licensed resource family. Specifically it restructures the criminal exemption process for those getting licensed to be caregiver and in most cases allows for additional discretion for counties to allow exemptions.

### **Training for Caregivers:**

**AB 507** aims to improve the training caregivers receive and tailor it to the specific needs of children in their care. AB 507 allows counties to require, at their discretion, additional hours of specialty training for resource families. Currently the state sets resource parent training minimums at 12 hours of initial training and 8 hours of annual training (both significantly less than the minimum training requirements set for CASA volunteers at 30 initial and 12 annually). AB 507, also requires a portion of the annual resource training of caregivers be supporting the current needs of the children in the resource home. The idea is that children deserve more well-equipped caregivers, and caregivers should be able to access training that is pertinent to being able to meet the specific needs of the children currently in their care. For example, a resource parent of a child with a specific learning disability might be able to get training on how to support children with that specific learning disability.

**SB 233** updated all resource family trainings to include the educational rights of foster youth under state and federal law. Foster Family Agencies, Counties, and the Community Colleges which offer resource trainings should begin coordination with the county Foster Youth Coordinating Services Programs to insure foster parents receive up-to-date information about educational rights of foster youth in school. More about SB 233 can be found under the sub-section “Education,” below.

### **Education:**

**SB 12** improves the Pell Grant verification process (to allow more foster youth to receive this funding while in college), expands the number of community college campuses that can access state funding for the foster youth supportive program (from 10 campuses to 20 across the state), and requires that for all foster youth 16 and older their case plan identify the person or persons (including the counselors, CASAs caregivers, etc.), who will assist the child or nonminor dependent with applications for post-secondary education and financial aid (WIC §16501.1).

**SB 233** brings California in line with the Federal Educational Privacy Rights Act by increases access to caregivers to foster children’s education records. The bill requires school districts share educational information with Caregivers and those short-term residential treatment programs and foster family agency staff tasked with educational case management for the minor. The bill also updates foster parent training, requiring resource parent training include the specific educational rights of foster youth. The bill also ensures that court reports, case plans include and caregivers receive, contact information for the person(s) who holds educational rights for the child so Caregivers and Educational Rights Holders can work together.

**AB 766** allows foster care payments (AFDC-FC) to be made directly to foster youth who attend college and live in college dormitories before their 18<sup>th</sup> birthday. Before AB 766, non-minor dependents could receive funding for college dormitory housing through their SILP, however youth who were able to get into college prior to their 18<sup>th</sup> birthday couldn’t receive funding directly and were having difficulty with financial aid offices using their foster care benefits against them. AB 766 allows for a mechanism for youth under 18 to receive funding for their housing directly and also prohibits California Community Colleges and CSUs from counting those payments against foster youth for financial aid purposes.

### **Parenting Foster and Juvenile Justice Involved Youth:**

**AB 1371** requires that a foster youth, youth in the juvenile justice system or non-minor dependent is able to consult with an attorney before agreeing to voluntary supervision of their child. AB 1371 also requires these parenting youth be notified of their right to speak to counsel and an opportunity to speak to counsel prior to a social worker or probation officer arranging

any custody agreement that includes a voluntary relinquishment of custody, or recommending that a nonparent seek legal guardianship of the child.

### **Extended Foster Care Benefits:**

**AB 604** extends foster care benefits to some who were unintentionally excluded. California Fostering Connections to Success Act, AB 12(2010), extended foster care benefits to age 21 for most probation and foster youth. AB 604 builds on AB 12 and reduces barriers for older foster youth to return to foster care after age 18 if there is a failed guardianship or adoption. AB 604 also fixed a gap in the law, allowing more victims of sex trafficking to access extended foster care.

### **Juvenile Justice:**

**AB 529** authored by Mark Stone, requires counties to seal juvenile records after a charge is unsubstantiated or dismissed. Sealing juvenile records allows for increased access to jobs and educational opportunities. This is a moderate expansion of earlier requirements regarding sealing juvenile records.

**AB 878** prohibits the use of mechanical restraints (including handcuffs) during court appearances unless, under a prosecutor's burden, the court determines the individual youth's behavior in custody or in court establishes a need to prevent harm to the juvenile, to another person or a substantial risk of flight. And if so, only the least restrictive form of restraint shall be used. Counties that choose to use restraints other than handcuffs on juveniles are also required to determine that restraint is necessary, use only the least restrictive form of restraint, and establish documentation and procedures for their use. More information about Contra Costa County's Shackling practices that made this issue more prominent can be found at: <https://www.eastbaytimes.com/2015/08/28/youth-law-advocates-threaten-to-sue-contra-costa-probation-over-juvenile-shackling/>

**AB 1308** allows for parole opportunity for most offenders who were sentenced to long prison terms before age 25. The bill brings the eligibility of persons able to access parole more in line with current understandings of adolescent brain development.

**SB 190** Abolished the assessment of many administrative fees placed on families of youth in the juvenile justice system. These fees imposed upon families included charges but not limited to charges for shelter, transportation, and electronic surveillance. The fees served as an additional financial or bureaucratic burden on families and fear of these fees served as a deterrent to families interested in providing legal permanency to at-risk youth.

**SB 395** expands Miranda rights for juveniles 15 and under, requiring that youth prior to waiving their Miranda rights consult with an attorney. This right to consult with an attorney cannot be

waived. The bill has a sunset provision (is in effect only until January 1, 2025) and requires an expert panel be convened and report to the legislature on the effects of these changes.

**SB 625** re-authorizes a mechanism for youth honorable discharge at the local level. SB 625 creates a mechanism to start allowing counties to begin processing honorable discharges which had stopped inadvertently under re-alignment. Although honorable discharges do not remove offenses from record checks, those released with honorable discharge are able to qualify for jobs and licenses they otherwise could not. Honorable discharge is especially important for former juvenile justice involved youth facing immigration proceedings where showing their honorable discharge could have an impact on determination during the proceeding.

**AB 811** (VETOED), aimed to offer “reasonable access” to the internet for juvenile justice-involved youth for educational purposes and contact with family and supportive adults (like CASAs). However, Brown vetoed the bill, stating that “While I agree with this bill's intent, the inclusion of state facilities alone will cost upwards of \$15 million for infrastructure upgrades. Also, the reasonable access standard in this bill is vague, and could lead to implementation questions on top of the potentially costly state mandate created by the legislation. I therefore urge the proponents to revisit the local aspects of this bill in the future, taking these concerns under advisement. In the meantime I am directing the Department of Juvenile Justice to present a plan in the coming year to provide computer and internet access as soon as is practicable, and that can be budgeted for accordingly.” A new bill, AB 2448 was introduced in early 2018 to address the Governor’s veto. AB 2448, currently pending in the legislature, is narrower in scope. It excludes the Department of Juvenile Justice facilities, it makes access to the internet for maintaining relationships with family optional, it leaves out access to the internet for maintaining relationships supportive adults entirely and allows the chief probation officer or their designee to limit or deny access to computers or the Internet for safety and security or staffing reasons.

**Legend:**

This symbol:  means that the bill was supported by California CASA Association

**SB = Senate Bill**

**AB = Assembly Bill**

**Chaptered = Bill was signed into law and put on the books**

<b>Bill Number</b>	<b>Author/CASA Support</b>	<b>What the bill does</b>	<b>Status</b>
<u><b>AB-404</b></u>	<b>Stone</b> 	AB 404 builds upon the implementation of the Continuum of Care Reform (CCR) initiative, AB 403.	<b>Chaptered</b>
<u><b>AB-501</b></u>	<b>Ridley-Thomas</b>	AB 501 creates a new short-term residential treatment care (STRTP) licensing category, called children’s crisis residential centers (CCRCs). These residential health crisis residential programs would be available for children in crisis and would serve as a new alternative to children’s psychiatric hospitalization.	<b>Chaptered</b>
<u><b>AB-507</b></u>	<b>Rubio</b> 	AB 507 allows counties to require additional training hours for resource families about specific targeted topics, and for topics relating directing to the children in the care of the resource family in addition to the baseline training hours.	<b>Chaptered</b>
<b>AB-529</b>	<b>Stone</b>	Requires counties to automatically seal unsubstantiated or dismissed charges to improve job and educational opportunities.	<b>Chaptered</b>
<b>AB-604</b>	<b>Gipson</b>	AB-604 reduces barriers for CSEC youth and foster youth who are over 18 but under 21 who experienced a failed guardianship or adoption to be eligible for extended foster care.	<b>Chaptered</b>

<b>AB-766</b>	<b>Friedman</b>	AB-766 allows foster care payments to be made to foster youth who are in college and live on campus who are under 18, and excludes such payments to be considered as income.	<b>Chaptered</b>
<b>AB-878</b>	<b>Gipson</b>	AB 878 reduces and clarifies when restraints may be used in juvenile court and transportation to court.	<b>Chaptered</b>
<b>AB-1006</b>	<b>Maienschein</b> 	AB-1006 requires that information surrounding specialized permanency and mental health services be provided to adoptive and resource families.	<b>Chaptered</b>
<b>AB-1308</b>	<b>Stone</b>	AB-1308 Allows individuals who were given long sentences before age 25, when the brain is fully developed, to be considered for parole.	<b>Chaptered</b>
<b>AB-1371</b>	<b>Stone</b>	AB-1371 Requires parenting youth in the child welfare or juvenile system have the ability to speak with an attorney when having to do with their child's supervision in any situation.	<b>Chaptered</b>
<b>AB-1520</b>	<b>Burke</b>	AB 1520 Creates the Lifting Children and Families Out of Poverty Task Force. The task force will submit a report to the State Legislator outlining strategies to address deep child poverty in California.	<b>Chaptered</b>
<b>AB-1567</b>	<b>Holden</b>	AB 1567 Requires California State University and California Community College campuses provide information to self-identified foster youth about on-campus support programs, the ability to access financial aid, and instructions on how to access benefits they are qualified for.	<b>Chaptered</b>
<b>SB-12</b>	<b>Beall</b> 	SB-12 Makes the Pell Grant more accessible to foster youth in college, as well as creates a point person to help a foster youth seek and pay for higher education.	<b>Chaptered</b>

<a href="#"><u>SB-190</u></a>	 <b>Mitchell</b>	SB-190 Stops the burden of administrative fees from being placed on the families of youth in the juvenile justice system.	<b>Chaptered</b>
<a href="#"><u>SB-213</u></a>	<b>Mitchell</b>	SB-213 removes caregiver licensing barriers that prevented some individuals with certain convictions from being licensed, bring California in line with federal laws.	<b>Chaptered</b>
<a href="#"><u>SB-233</u></a>	<b>Beall</b> 	SB-233 allows caregivers to access foster youth’s education records, and caregivers receive specific training about the education rights of foster youth. In addition, education rights holders are required to be included at every child welfare meeting or information release.	<b>Chaptered</b>
<a href="#"><u>SB-312</u></a>	<b>Skinner</b> 	SB-312 allows, in certain circumstances, former juvenile justice involved youth to seal their records and have a second chance at educational, military and employment opportunities.	<b>Chaptered</b>
<b>SB-462</b>	<b>Atkins</b>	SB-463 allows courts, local law enforcement agencies, probation departments, and others access to otherwise sealed juvenile case files to comply with data reporting requirements under state and federal laws or grant requirements.	<b>Chaptered</b>
<b>SB-384</b>	<b>Weiner and Anderson</b>	SB-384 makes major changes to the state’s required sex offender registry, banning lifetime registration and replacing the system with three tiers based on risk. Juveniles convicted of sex offenses could be required to register for 5 or 10 years.	<b>Chaptered</b>
<b>SB-394</b>	<b>Lara</b>	SB-394 allows about 300 individuals in California who were sentenced to life without the possibility of parole as a juvenile to be eligible for parole hearings after serving 25 years. Note the United States is the only county in the world that allows juveniles to receive the punishment of life in prison without the possibility of parole.	<b>Chaptered</b>
<b>SB-395</b>	<b>Lara</b>	SB-395 requires that youth must meet with an attorney before waiving their Miranda rights.	<b>Chaptered</b>

<b>SB-612</b>	<b>Mitchell</b>	SB-612 makes updates to the transitional housing program guidelines.	<b>Chaptered</b>
<b>SB-625</b>	<b>Atkins</b>	SB-625 re-instates youth honorable discharge at the local level. This allows youth to qualify for more opportunities.	<b>Chaptered</b>
<b>Vetoed Bills</b>			
<u><b>AB-811</b></u>	<b>Gipson</b> 	AB-811 Sought to provide reasonable access to the internet for educational and support system purposes in juvenile justice and resource homes. While Brown vetoed it, he offered advocates to work on a new measure, which excludes state facilities.	<b>Vetoed</b>
<b>SB-304</b>	<b>Portantino</b>	SB-304 would have required transition plans for student in juvenile court schools. SB 304 was vetoed because Governor Brown stated that another bill AB-2276 was sufficient to address the concerns. That bill which required education and probation departments develop policies together to insure youth leaving facilities got support to transition back to school. Many advocates on the ground still find too many youth lack support enrolling in school and receiving educational supports when leaving juvenile facilities. Those advocates believe more should be done.	<b>Vetoed</b>
<b>MISC</b>			
<b>AB-1250</b>	<b>Jones-Sower</b>  <b>CALIFORNIA CASA OPPOSITION</b>	AB 1250 was the one bill California CASA opposed, and we stood with non-profits and counties across the state in opposition. The bill would have impeded the ability of counties to contract out services, requiring many new rules and regulations for most types of work done by non-profit organizations. AB 1250, went through multiple iterations during the legislative process and was converted to a two year bill.	<b>Pending</b>