



California Child Welfare Legislation Bills Affecting CASA Practice in 2019 Second Year of the 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. *We are highlighting the ones we think are most important.*

In this update we will cover the bill California CASA sponsored, SB 925, as well as other important bills that passed this session. At the end is a matrix of some of the key bills and laws from the second year of the 2017-2018 session.

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

Sincerely,

A handwritten signature in black ink that reads "Lily Colby".

Lily Colby
Policy and Program Coordinator
California CASA Association;

California CASA Sponsored Legislation

SB 925: CASAs in Child and Family Teams

In 2018, California CASA sponsored Senate Bill 925(Beall), which entitles every youth with a CASA to have their CASA volunteer present as part of their Child and Family Team (CFT). SB 925 recognizes that youth in care need support while advocating for themselves and that Court Appointed Special Advocates are one of the vital formal supports for foster youth. This bill ensures that a youth's CASA will be included in every CFT, unless the youth explicitly requests that they not attend.

The Continuum of Care Reform (CCR), authorized by Assembly Bill 403 (Chapter 773, Statutes of 2015) is a comprehensive reform of the foster care system that is the culmination of years of effort. One of the major achievements of CCR was the creation of the Child and Family Team (CFT). The team is to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being. WIC §16501. At least every placement change or every six months, a CFT meeting is to be convened for every child and youth.

Specifically, SB 925 updated Section 16501 of the Welfare and Institutions Code to include, “[t]he child or youth’s Court-Appointed Special Advocate, if one has been appointed, unless the child or youth objects,” as one of the statutorily required CFT members. WIC §16501.

California CASA developed a fact sheet with information about implementation that is available on our website at: <http://www.californiacasa.org/policy-legislative-advocacy/>

Implementation Tips:

For CASAs: You are by law required to be a member of the Child and Family Team involving your CASA youth, unless your CASA youth explicitly asks that you not be invited. This means you are to be provided notice of meetings and are to be included in all Child and Family Team work. If you are not invited to every Child and Family Team meeting, let your CASA supervisor know so they can reach out to the caseworker or their supervisor.

For CASA Programs: Download a copy of the [SB 925 Factsheet](#) and share it with:

- (a) the Judges in your jurisdiction;
- (b) the child welfare agencies in your jurisdiction;
- (c) the probation agencies in your jurisdiction;
- (d) the CASA volunteers in your program;
- (e) the child welfare attorneys in your jurisdiction; and
- (f) the CASA youth, if age appropriate.

Be sure to update your CASA trainings to include best practices on how to participate in a CFT.

Other Legislation: A number of important bills were passed affecting foster, cross over and probation youth. Here are a few of the key changes.

AB 2247: # Foster Stability:

The California Court Appointed Special Advocate Association was pleased to support AB 2247, sponsored by California Youth Connection which sought to reduce the number of placement changes foster youth undergo and ensure foster youth have a consistent and strong home foundation.

CYC is a foster youth-led organization aimed at lifting youth voices and improving policies and practices that affect systems-involved youth. CYC members organized a campaign “#FosterStability” to promote having a youth-centered process in all aspects of their lives. AB 2247 was one of the first steps in this process, working on placement stability.

<https://calyouthconn.org/fosterstability-campaign/>

CYC researched the laws regarding seven-day notices in California and discovered that it was a policy practice and not part of any law. AB 2247 preempts this practice by requiring social workers to 1) implement a plan to preserve the existing placement prior to making a change, and 2) give notice of a change in placement at least 14 days prior to that change.

In order to ensure AB 2247 is fully implemented, CASAs should be aware of this important measure and how they can help. For starters, since AB 2247 requires preservation plans to be in place prior to moving a youth, CASAs can work with social workers on developing this plan. The bill specifically requires that the social worker or placing agency, “develop and implement a placement preservation strategy, in consultation with the dependent child’s child and family team.” Since CASAs are now members of the child and family team, CASAs can be a part of this stability planning process. CYC will give a webinar later in the year for CASAs interested in learning more. Stay tuned for more information.

Expansion of the Cal Grant

The Cal Grant is financial aid available to students pursuing undergraduate degrees, vocational or career training in California. They do not have to be repaid, but they have various requirements to qualify. An expansion of the Cal Grant was included in the budget. The Cal Grant expansion has three main components. First, it extends the age of foster youth who are eligible to age 26. Second, it extends the number of years a foster youth can be eligible for the Cal Grant from 4 years to 8 years. Finally, for foster youth applying to community colleges, it changes the application deadline from March 2 to September 2 allowing more youth to be able to take advantage of the grant. John Burton Advocates for Youth was the sponsor of this measure. John Burton Advocates for youth has extensive information about foster youth financial aid resources and how those who work with foster and homeless youth can support them. Check out their [training page](#), which has webinars such as “Completing the FAFSA: A How-To for Assisting Foster and Homeless Youth” and “Academic Case Management: How to Support Youth as College Students,” on their [publications page](#) they also have a number of valuable looks like a visual guide to filling out the FAFSA and information about how former foster youth can claim the California earned income tax credit. I suggest every CASA program have at least one staff person sign up for their [mailing list](#) and encourage every CASA with transitioned aged youth to sign up as well.

SB 1083: Reducing Barriers to Resource Family Approval

Governor Brown signed SB 1083 (Chapter 935, Statutes of 2018) into law on September 29, 2018. The bill makes improvements to the Resource Family Approval (RFA) process to ensure that the process is both timely and supportive of caregivers and the children in their care.

Provisions in SB 1083 include: extending the RFA conversion deadline for existing certified, licensed, or approved families by an additional year (until December 31, 2020); requiring the RFA permanency assessment to be completed within 90 days for all families who have a placement prior to being approved as a resource family, such as placements on an emergency basis; allowing a family that withdraws a RFA application to resume the RFA process at the point it was withdrawn, if it is within 12 months of the withdrawal, and clarifying that a youth can be placed with an approved relative or extended family member through a Voluntary Placement Agreement (VPA) without that person being approved as a resource family.

SB 1083 is effective starting January 1, 2019. The Alliance for Children's Rights partnered with Children's Law Center of California, Children Now, and John Burton Advocates for Youth in sponsoring the legislation.

AB 2083: Interagency Agreements

Requires interagency agreements at the county and state levels to ensure that appropriate placements and services are provided for the most traumatized children; it also seeks to identify gaps in service and drive recommendations to address them. CASA programs are not included in the interagency agreements but may participate in an advisory capacity.

AB 2119: Gender Affirming Health Care

Clarifies the right of youth in foster care to participate in the development of their own case plan, including placement and gender-affirming health care. The Department of Social Services, together with the Department of Health Care Services and foster care advocates, must develop best practices and guidance around gender-affirming mental and physical health care by January 1, 2020. According to the National Center for Lesbian Rights, who sponsored the legislation, Trans Youth are over-represented in the foster care system. More information about AB 2119 can be found at <http://www.nclrights.org/press-room/press-release/ca-first-to-guarantee-gender-affirming-healthcare-for-trans-foster-youth/>

AB 2183 Funding at The Time of Placement

Provides for funding during an emergency placement while awaiting resource family approval.

Successful Juvenile Justice Bills

There were four prominent juvenile justice bills that passed this term. They cover access to the internet in certain facilities, setting a maximum term no longer than adults, setting a minimum age for jurisdiction in juvenile court and ending the practice of transferring 14 and 15-year-olds to the adult criminal justice system.

AB 2448: Access to the Internet for Educational and Family Connections

Requires that a minor detained by the Division of Juvenile Justice be granted access to computer technology and the internet for educational purposes and to maintain contact with family. This access can be limited or denied by the appropriate authorities for safety and security or staffing reasons.

AB 2595: Juvenile Maximum Terms Cannot Exceed Adult Terms

Prohibits the court from committing a ward to the Division of Juvenile Justice for a term longer than could be imposed on an adult for the same offense and limits the time such a ward can be confined to the maximum term to achieve rehabilitation.

SB 439: Minimum Age of Jurisdiction in Juvenile Court Will Become 12

SB 439 brought California into compliance with the United Nations Convention on the Rights of the Child, which declares that all nations must establish a minimum age for their justice systems. The United Nations further specifies that this minimum age should be no lower than 12. Currently, 21 states in the United States have established a minimum age for juvenile court jurisdiction. This bill establishes 12 as the minimum age for which the juvenile court has jurisdiction and may designate a youth a ward of the court except for in the cases of murder, forcible rape, sodomy, or oral copulation. The bill does not take effect until January 2020, as counties have a year to make alternative plans for providing support and treatment for children under the age of 12.

SB 1391: California will no longer try 14 and 15-Year-Olds as Adults

SB 1391 Prohibits the transfer of minors aged 14 or 15 to adult criminal court unless the minor was apprehended after the end of juvenile court jurisdiction. California had changed its laws in the 1990s to allow 14 and 15-year-olds to be tried in adult courts. This practice disproportionately affected children of color. The National Center for Youth Law, which sponsored the legislation explained that “Adolescent brain science demonstrates that youth have tremendous capacity to change and mature, and do not achieve full development in the area of the brain needed for decision making in emotionally heightened situations or impulse control until age 25. We’ve also learned about the negative effects that the adult criminal justice system has on the development of youth and public safety. Youth that are given age-appropriate services and education only available in the juvenile system are less likely to commit future crimes. In the adult prison system, these services are not required, and often are not available.” Governor Brown signed this bill on the final day to act. It is unclear whether any of its provisions can be used retroactively for 14 and 15-year-olds who were tried as adults in the 24 years California allowed it.

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

Most bills are effective as of January 1, 2019.

Bill # and Link	Author	Purpose	Status
AB-1584	Gonzalez-Fletcher	This bill has to do with the gathering of DNA from minors. Unless required under the DNA Act or pursuant to a court order or search warrant, this bill would prohibit a law enforcement entity from collecting a buccal swab sample or any other biological sample from a minor without first obtaining written consent of the minor and approval of the minor’s consent by a parent, legal guardian, or attorney. Except as otherwise expressly authorized by law, the bill also prohibits a minor’s voluntarily given DNA from being searched, analyzed, or compared to DNA or profiles related to crimes other than the one for which it was taken. Law enforcement violations of these procedures that demonstrate a pattern and practice of the agency can result in civil liability.	Chaptered
AB-1617	Bloom	This bill allows individuals who file an appeal or petition for writ challenging a juvenile court order or are respondents in an appeal or writ, to inspect and copy juvenile or appellate records to which they were previously given access by the juvenile court (WIC 827). Requires the Judicial Council to adopt implementing rules.	Chaptered
AB-1784	Maienschein 	This bill would have created a resource family coaching pilot program, to help support resource parents. Since California has a huge need for quality foster families to raise the thousands of foster youth that the state is seeking to exit from congregate care settings, this bill was aimed at creating a pilot program to support caregivers with coaching. This bill was strongly supported by the California Alliance of Caregivers. It died in the legislative process but may return another year.	Suspended
AB-1811	NA	AB 1811 was the Human Services Omnibus bill. This budget bill contained a number of provisions including:	Chaptered

		<ul style="list-style-type: none"> - Providing for eligible families completing funding (\$960) effective July 1, 2018. - Funding to create trainings and trauma services to a reduce the frequency of law enforcement involvement and delinquency petitions arising from incidents at group homes and other facilities. - Increasing the maximum aid payment amounts for CalWORKs over three years to 50 percent of the Federal Poverty Level - And expanding Chafee Grant eligibility to youth up to age 26. - Providing emergency caregiver funding to up to 180 days (and in some cases up until 365 days) OR until approval or denial, whichever occurs first NOTE: the Alliance for Children’s Rights has a webinar on their website covering this provision. 	
AB-1930	Stone	This bill makes numerous changes to facilitate implementation of CCR related to: the RFA process, Respite Caregivers, Liability Protections, Alternative Guardians, STRTPs & Group Homes.	Chaptered
AB 1962	Wood	This bill expands definition of foster youth for LCFF purposes to include students under placement of an Indian tribe (EDC 42238.01).	Chaptered
AB-2043	Arambula 	AB 2043, sponsored by the County Welfare Directors Association, Children Now, and the County Behavioral Health Directors Association sought to provide foster youth and their caregivers with the immediate support they need during times of emotional crisis, and link youth and families to the important supports and services that can help stabilize such a situation. AB 2043 would have provided current and former foster youth and their caregivers with immediate supports. It would have established a statewide, toll-free hotline available 24/7, for caregivers and youth who are experiencing emotional, behavior or other difficulties and need immediate help. The hotline would have been staffed with operators trained in conflict resolution and de-escalation who could provide immediate assistance to help defuse the crisis and determine whether mobile, in-home support was needed. The bill would also have required counties to establish mobile response teams to provide face-to-face, in-home response on a 24/7 basis to help stabilize the living situation, assess the caregiver’s and child’s needs and develop a plan of action.	Vetoed Unanimously supported in the Legislature; Vetoed because it had not gone through the budget process; Likely will be part of the 2019 budget process.
AB-2083	Cooley 	AB 2083 seeks to address the needs of the most traumatized children by requiring interagency agreements at both the state and the county levels to help facilitate placements and appropriate services. Listed as mandated participants in the interagency agreements are: The county child welfare agency; the county probation department; the county behavioral	Chaptered

		health departments; the county office of education; the regional center or centers that serve children and youth with developmental disabilities in the county. Foster care or other child welfare advocacy groups, as deemed appropriate by the organizations that will be parties to the memorandum, may serve an advisory capacity. CASA programs are not listed as a mandated part of these interagency agreements, but CASA programs may participate in an advisory capacity (see WIC 16521.6 (a)(1)(F)).	
AB-2119	Gloria 	This bill clarifies the right of youth in foster care to access gender affirming health care. This reaffirms a foster youth's right to be involved in the development of their case plan and plan for permanent placement, which includes placement and now gender-affirming health care. The bill also requires the Department of Social Services, in consultation with the state Department of Health Care Services, and advocates, to develop guidance and best practices to identify, coordinate, and support foster youth seeking access to gender-affirming mental and physical health care by January 1, 2020 (WIC 16001.9 & 16010.2).	Chaptered
AB-2183	Rubio 	This bill provided for funding to resource families at the time of an emergency placement while resource family approval is in process. Note- Without AB 2183, relatives who were asked to step up to become caregivers were taking in foster youth but given no funding to care for the children they took in until they had been formally approved as resource "foster," parents. This Resource Family Approval, intended to take less than 90 days, often takes 6-9 months and sometimes takes over a year.	Enrolled – AB 1809 (2018/19 Budget)
AB-2207	Eggman	This bill requires the Department of Social Services to develop model policies, in consultation with stakeholders, on the procedures and protocols to assist counties in identifying and serving commercially and sexually exploited children no later than January 1, 2020 (WIC 16501.35).	Chaptered
AB-2247	Gipson 	This bill is intended to prevent unnecessary and abrupt placement changes. This bill requires a social worker or placement agency to implement a placement preservation strategy prior to changing a youth in foster care's placement, and requires at least 14 days' written notice to be given prior to a placement change, except in instances where delayed placement or prior notice of a placement change would endanger a child's health or safety or where all specified parties have agreed to waive these requirements (WIC 16010.7) The bill would also prohibit placement changes from occurring during specified hours, except as specified. The bill would, if a complaint alleging that a placement change occurred in violation of these requirements is made to the Office of the State Foster Care Ombudsperson and that	Chaptered

		complaint is investigated, require the office to provide the findings of the investigation to the county child welfare director, or his or her designee, for the purposes of training, technical assistance, and quality improvement.	
AB 2323	Rubio 	This bill, sponsored by the National Center for Youth Law, sought to establish procedures for investigations into child abuse and neglect for children in foster care. Currently the procedures and timelines for addressing abuse and neglect in foster care are far longer and far more unclear than the same kind of investigations of abuse or neglect of children in their families of origin.	Suspended
AB-2337	Gipson	This bill addresses the specific circumstance under which a nonminor dependent, who is otherwise eligible to receive extended foster care benefits, but has been in receipt of SSI, may re-enter extended foster care. Current statute requires the youth to have received a foster care payment in the month of their 18th birthday in order to re-enter extended foster care, AB 2337 clarifies that the youth may re-enter extended foster care if they have been in receipt of an alternate benefit of SSI.	Chaptered
AB-2448	Gipson 	This bill would require a minor detained in or committed to a juvenile hall or juvenile ranch, camp, or forestry camp, to be provided with access to computers and the Internet for the purposes of education. The bill would further allow facilities to grant youth access to computers and the Internet for the purpose of maintaining relationships with family. The bill would specify that these provisions do not limit the authority of the chief probation officer, or his or her designee, to limit or deny access to computer technology or the Internet for safety and security or staffing reasons.	Chaptered
AB 2461	Flora	Requires the Department of Justice to continually update CDSS and other entities with information about new arrests and convictions for people who have their fingerprints on file with the DOJ or the FBI as a result of applying for a job, license, or certification.	Chaptered
AB-2595	Obernolte	This bill prohibits the court from committing a ward to a term of confinement in the Division of Juvenile Justice longer than could be imposed on an adult for the same offense. The maximum should also be set at no longer than needed for rehabilitation.	Chaptered
AB 2608	Stone	This bill creates a fund to help former foster youth pay off certain graduation school debt who give back in certain capacities. Specifically, it creates an account in the Mental Health Practitioner Education Fund for future deposits to fund a grant program to repay educational loans for grad students who were formerly in the foster youth care system who commit to providing direct patient care in a publicly funded facility or a mental health professional shortage area for at least 24 months.	Chaptered

AB 2792	Calderon	This bill makes a finding of severe sexual abuse, as defined by a parent, against the child prima facie evidence that the parent has neglected or cruelly treated the child.	Chaptered
AB-2830	Reyes	This bill requires counties to develop a program that gives a preference for the hiring of internship and student assistant positions to qualified applicants who are members of a disadvantaged groups, including: foster youth, homeless youth, formerly homeless youth, and formerly incarcerated youth.	Chaptered
AB 2967	Quirk-Silva	This bill requires cities and counties give foster youth free birth certificates. Specifically, each local registrar or county recorder shall, without a fee, issue a certified record of live birth to any person who demonstrates that he or she is a youth who has been placed in foster care, or on his or her own behalf, or by any person who is lawfully entitled to request a certified record of live birth on behalf of a youth placed in foster care. To verify foster care status the county will need to sign an affidavit. This provision is operative beginning July 1, 2019.	Chaptered
AB 2992	Daly	This bill requires Commission on Peace Officer Standards and Training to develop and implement a course for peace officers on victims of human trafficking. The bill does not require a set number of officers attend.	Chaptered
AB 3047	Daly	This bill waives the \$500 fee for filing an application with the superior court to appear as counsel pro hac vice when the appearance is made on the behalf of a tribe in a child welfare matter pursuant to the Indian Child Welfare Act of 1978.	Chaptered
AB 3089	Thurmond	Expands eligibility for Chafee grant awards to students up to 26 years old (EDC 69519).	Chaptered
AB-3176	Waldron	This bill conforms California law to the changes in the federal Indian Child Welfare Act of 1978 (ICWA); distinguishes between a court's reason to believe the child is an Indian child under ICWA and the court's reason to know the child is an Indian child. Specifies notice provisions to ensure that notice is meaningful and appropriate, and specifically targeted at required parties. This bill makes other conforming changes and requires the Judicial Council to implement rules and forms as appropriate.	Chaptered
SB-439	Mitchell	Establishes 12 years of age as the minimum age for which the juvenile court has jurisdiction and may adjudge an individual a ward of the court except for in the case of murder and forcible rape, sodomy or oral copulation (WIC 601, 602 & 602.1). The bill gives counties a year to make alternative plans for how to provide support and treatment to children under 12 and thus doesn't take full effect until January 2020.	Chaptered

SB-918	Wiener	This bill establishes the Homeless Youth Act of 2018 to better serve the state’s homeless youth population and requires the Homeless Coordinating and Financing Council to take on additional related responsibilities that are focused on addressing the needs of youth experiencing homelessness (WIC 8257, 8259, 8260, 8261)	Chaptered
SB-925	Beall 	This bill clarifies that the child and family team shall include the child’s Court Appointed Special Advocate, if one has been appointed and the child/youth doesn’t object.	Chaptered
SB 940	Beall 	Student Financial Aid: Cal Grant: Foster Youth, the terms of this measure ended up being included into the 2018-2019 budget.	Enrolled – AB 1809 (2018/19 Budget)
SB 967	Berryhill	Prohibits the UC and the CSU from charging mandatory tuition or fees to an undergraduate student who is a current or former foster youth (EDC 66025.3)	Chaptered
SB-1083	Mitchell 	Makes changes to the resource family approval process related to foster family homes that have not yet been approved as resource family homes. Clarifies timelines, ensures all caregivers are subject to the same approval process pursuant to the resource family approval process, and ensures adequate time for the approval of existing caregivers to prevent unnecessary removal of children from their care.	Chaptered
SB-1391	Lara 	Before SB 1391 under WIC 707, district attorneys could make a motion to transfer a minor aged 14 or 15 from juvenile court to adult court. This bill prohibits transfer of minors 14 or 15 to adult criminal court, unless the minor was not apprehended prior to the end of juvenile court jurisdiction.	Chaptered