

Assembly Bill No. 636

CHAPTER 678

An act to add Section 10601.2 to the Welfare and Institutions Code, relating to public social services, and making an appropriation therefor.

[Approved by Governor October 10, 2001. Filed
with Secretary of State October 10, 2001.]

LEGISLATIVE COUNSEL'S DIGEST

AB 636, Steinberg. Child welfare services.

Under existing law, the State Department of Social Services oversees the administration of county public social services, including child welfare services.

This bill would enact the Child Welfare System Improvement and Accountability Act of 2001. This bill would require the department to establish, by April 1, 2003, the California Child and Family Service Review System, in order to review, commencing January 1, 2004, all county child welfare systems.

This bill would, by October 1, 2002, require the California Health and Human Services Agency to convene a workgroup comprised of representatives of specified entities and organizations, to establish a work plan by which the child and family service reviews shall be conducted. It would require the department to take various measures to assist counties in ensuring that these outcomes are met.

This bill would appropriate \$100,000 from the General Fund to the agency to convene the workgroup required under the bill.

Appropriation: yes.

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

SECTION 1. The Legislature finds and declares all of the following:

(a) The State of California has failed in its fundamental obligation to protect and care for children removed from their homes due to parental abuse and neglect.

(b) Despite incremental legislative efforts and laudable pilot projects proven to improve outcomes for the more than 100,000 children in California's child welfare care system and to preserve families, successful programs have not been appropriately replicated or adequately funded to serve all the children and families who need them.

(c) California is not making maximum use of the federal money from Title IV-E of the federal Social Security Act, available to the State of



California to improve outcomes for children and families in the child welfare system.

(d) The child welfare system, including the state, the counties, and the courts, suffers from the lack of a cohesive structure, state leadership, communication between agencies serving foster children and youth, and clear goals. There is no statewide accountability system for child and family outcomes.

(e) The 1994 amendments to the federal Social Security Act (Public Law 103-432) authorize the United States Department of Health and Human Services to review state child and family service programs in order to assure compliance with the state plan requirements in Titles IV-B and IV-E of that act. The reviews cover child protective services, foster care, adoption, family preservation, family support, and independent living. California is scheduled for review in September 2002. Failure to substantially comply with seven specific outcomes measuring child well-being and seven specific systemic factors that affect quality of services delivered to children and families may result in loss of federal dollars provided pursuant to Title IV-E of the federal Social Security Act, the major source of funding for California's child welfare system.

(f) Many abused and neglected children who are removed from their homes have been subject to "foster care drift," moving from placement to placement without desirable family stability, educational stability, or appropriate care. Many children beyond infancy are placed in expensive group homes, without regard to service needs, and a substantial number have been designated as "unadoptable."

(g) There is a high correlation between children in the child welfare system and those subsequently in the juvenile and adult corrections systems, with this correlation being linked to such factors as high teen pregnancy and high school dropout rates, unaddressed physical or mental health needs, homelessness, and lack of adequate job skills, education, or training to become or remain employed.

(h) Accordingly, in order to provide greater accountability for child and family outcomes in California's child welfare system and to encourage the state leadership that is necessary to identify and replicate best practices to assure that the unique and critical needs of these children and their families are met, the Legislature enacts the Child Welfare System Improvement and Accountability Act of 2001.

SEC. 2. This act shall be known and may be cited as the Child Welfare System Improvement and Accountability Act of 2001.

SEC. 3. Section 10601.2 is added to the Welfare and Institutions Code, to read:



10601.2. (a) The State Department of Social Services shall establish, by April 1, 2003, the California Child and Family Service Review System in order to review all county child welfare systems. These reviews shall cover child protective services, foster care, adoption, family preservation, family support, and independent living.

(b) Child and family service reviews shall maximize compliance with the federal regulations for the receipt of money from Subtitle E (commencing with Section 470) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 670 and following) and ensure compliance with state plan requirements set forth in Subtitle B (commencing with Section 421) of Title IV of the federal Social Security Act (42 U.S.C. Sec. 621 and following).

(c) (1) By October 1, 2002, the California Health and Human Services Agency shall convene a workgroup comprised of representatives of the Judicial Council, the State Department of Social Services, the State Department of Health Services, the State Department of Mental Health, the State Department of Education, the Department of Child Support Services, the State Department of Justice, any other state departments or agencies the California Health and Human Services Agency deems necessary, the County Welfare Directors Association, the California State Association of Counties, the Chief Probation Officers of California, the California Youth Connection, and representatives of California Tribes, interested child advocacy organizations, researchers, and foster parent organizations. The workgroup shall establish a work plan by which child and family service reviews shall be conducted pursuant to this section, including a process for qualitative peer reviews of case information.

(2) At a minimum, in establishing the work plan, the workgroup shall consider any existing federal program improvement plans entered into by the state pursuant to federal regulations, the outcome indicators to be measured, compliance thresholds for each indicator, timelines for implementation, county review cycles, uniform processes, procedures and review instruments to be used, a corrective action process, and any funding or staffing increases needed to implement the requirements of this section. The agency shall broadly consider collaboration with all entities to allow the adequate exchange of information and coordination of efforts to improve outcomes for foster youth and families.

(d) (1) The California Child and Family Service Review System outcome indicators shall be consistent with the federal child and family service review measures and standards for child and family outcomes and system factors authorized by Subtitle B (commencing with Section 421) and Subtitle E (commencing with Section 670) of Title IV of the federal Social Security Act and the regulations adopted pursuant to those



provisions (Parts 1355 to 1357, inclusive, of Title 45 of the Code of Federal Regulations).

(2) During the first review cycle pursuant to this section, each county shall be reviewed according to the outcome indicators established for the California Child and Family Service Review System.

(3) For subsequent reviews, the workgroup shall consider whether to establish additional outcome indicators that support the federal outcomes and any program improvement plan, and promote good health, mental health, behavioral, educational, and other relevant outcomes for children and families in California's child welfare services system.

(e) The State Department of Social Services shall identify and promote the replication of best practices in child welfare service delivery to achieve the measurable outcomes established pursuant to subdivision (d).

(f) The State Department of Social Services shall report to the Assembly and Senate Budget Committees and appropriate legislative policy committees annually, beginning with the 2002–03 fiscal year, on both of the following:

(1) The department's progress in planning for the federal child and family service review to be conducted by the United States Department of Health and Human Services and, upon completion of the federal review, the findings of that review, the state's response to the findings, and the details of any program improvement plan entered into by the state.

(2) The department's progress in implementing the California child and family service reviews, including, but not limited to the timelines for implementation, the process to be used, and any funding or staffing increases needed at the state or local level to implement the requirements of this section.

(g) Effective April 1, 2003, the existing county compliance review system shall be suspended to provide to the State Department of Social Services sufficient lead time to provide training and technical assistance to counties for the preparation necessary to transition to the new child and family services review system.

(h) Beginning January 1, 2004, the department shall commence individual child and family service reviews of California counties. County child welfare systems that do not meet the established compliance thresholds for the outcome measures that are reviewed shall receive technical assistance from teams made up of state and peer-county administrators to assist with implementing best practices to improve their performance and make progress toward meeting established levels of compliance.



SEC. 4. The sum of one hundred thousand dollars (\$100,000) is appropriated from the General Fund to the California Health and Human Services Agency for expenditure for purposes of convening a workgroup as required pursuant to subdivision (c) of Section 10601.2 of the Welfare and Institutions Code.

