

ICAN
ACTION ITEM – AS APPROVED BY POLICY COMMITTEE 4/28/04

LEGISLATION

AB 129 (COHN). This bill would authorize local juvenile probation and child welfare services departments to create a protocol to designate certain children as “dual status” in order to be served by both systems under concurrent jurisdiction. The bill also would require Judicial Council to collect related data.

SUPPORT as amended March 30, 2004 *and recommend that language be included to require counties that choose to create a joint protocol to conduct training of impacted staff prior to implementation of the protocol.*

AB 1803 (BERMUDEZ). Existing law generally regulates the conditions of confinement for persons incarcerated in state prison and California Youth Authority facilities. This bill would declare the findings and intent of the Legislature, and provide a procedure for the placement of infants born to women incarcerated in state prison or California Youth Authority facilities, as specified, including an independent evaluation of the suitability of potential caretakers by county social welfare departments. Pregnant inmates would be provided with information on the range of placement options, including the potential termination of parental rights.

OPPOSE as introduced on January 12, 2004. Committee members expressed concerns, including: the lack of legal representation for pregnant inmates making placement decisions, including possible termination of parental rights or guardianship for their children; the limitation that pregnant inmates may suggest two potential caregivers for their child before Child Protective Services may make an alternate caregiver selection; the assumption that prisoners are unfit to make parental decisions; and the underlying unfounded mandate requiring Child Protective Services to provide services to unborn children – services currently exist for hospital social workers to contact CPS if there is concern for the well-being of a newborn born to a prisoner.

AB 1858 (STEINBERG). Existing law makes each school district, special education local plan area, or county office of education responsible for providing appropriate education to individuals with exceptional needs residing in a licensed children’s institution or foster family home located in the geographical area covered by the local plan. These entities must first consider services in programs operated by a public education agency. If those programs are not appropriate, special education related services are required to be provided by contract with a nonpublic, nonsectarian school that is certified by the Superintendent of Public Instruction.

This bill would require a nonpublic, nonsectarian school that provides special education and related services to an individual with exceptional needs residing in

a licensed children's institution or foster family home to certify that it meets specified requirements, including that the teachers hold special education teaching credential and that the curriculum prepares pupils to pass the high school exit exam. The State Department of Education would be required to conduct annual reviews of each nonpublic, nonsectarian school to ensure ongoing compliance and authorize the Department to revoke a school's certification if the school fails to comply. The bill would also require the Department to implement a program to integrate individuals with exceptional needs residing in a licensed children's institution or foster family home into public schools.

SUPPORT as introduced February 2, 2004, *and recommend that the author investigate means to insure the bill benefits all children in out-of-home care.*

AB 1895 (NATION). Existing law requires that a child adjudged a dependent child who has no counsel be appointed counsel at all dependency proceedings. Existing law authorizes the juvenile court to adjudge a child a ward of the court for being habitually disobedient or truant, and provides appointed counsel for the representation thereof. This bill would additionally require that a dependent child or ward of the court who is not a citizen of the United States and who is deemed eligible for long term foster care be provided an attorney specializing in immigration law or a certified immigration specialist, who shall pursue special immigrant status for that child.

SUPPORT as amended on April 1, 2004, *if the bill is further amended to clarify that counsel need not be appointed in counties where a contract attorney, social service agency or other entity already provides needed immigration services.*

AB 1986 (WOLK). Existing law provides that if a fingerprint check indicates a person has been convicted of a crime, as specified, a child removed from his/her home may not be placed in that person's home. However, existing law also provides an exception to that prohibition until January 1, 2005 if the county has granted an exemption based on substantial and convincing evidence that the person is of good character as to justify placement and that the child is not at risk of harm, as specified. Existing law authorizes the county to file a request with the Director of Social Services seeking permission to establish a procedure to evaluate and grant appropriate individual criminal record exemptions. This bill would extend the operation of those provisions until January 1, 2008.

SUPPORT as introduced on February 12, 2004.

AB 2012 (CHU). Existing law makes confidential the home address of a list of persons that appear in the DMV records, if that person requests it be kept confidential, with certain exemptions for information available to specified governmental agencies. Violation of the confidentiality requirement is a crime. This bill would add to the list of persons, court appointed attorneys assigned to child abuse cases as well as investigators and social workers employed by those attorneys.

SUPPORT as amended on March 25, 2004.

AB 2563 (BOGH). Existing law provides that no person shall be under the influence of any controlled substance, as specified. Existing law provides that this crime is punishable by imprisonment in a county jail for a period of not less than 90 days nor more than one year. This bill would provide that if a person violates this provision while knowing that she is pregnant she is punishable by a fine not to exceed \$10,000, imprisonment in a county jail for a period not to exceed one year, imprisonment in the state prison, or by both that fine and imprisonment.

Existing law provides that it is a crime punishable by imprisonment in a county jail for a period not to exceed one year or imprisonment in the state prison for 2, 4, or 6 years, to willfully cause or permit any child to suffer, or inflict thereon unjustifiable physical pain or mental suffering, or having the care or custody of any child, to willfully cause or permit the person or health of that child to be injured, or to willfully cause or permit that child to be placed in a situation where his or her person or health is endangered, under circumstances or conditions likely to produce great bodily harm or death. This bill would provide that a person who violates these provisions resulting in the child's death shall be punished by imprisonment in the state prison for life.

OPPOSE as introduced on February 20, 2004. Committee members expressed concern with the negative impact of the bill upon pregnant women seeking prenatal care and/or substance abuse treatment if they are afraid they will be arrested.

AB 2661 (STEINBERG). Under existing law, the State Department of Social Services regulates the licensure and operation of community care facilities, including foster family agencies (FFAs). An FFA is an organization engaged in the recruiting, certifying and training of, and providing professional support to, foster parents, or in finding homes or other places for placement of children for temporary or permanent care. A certified family home is a family residence that is certified by a licensed FFA and issued a certificate of approval by the agency as meeting departmental standards and used only by that FFA for placements. Existing law also authorizes the department to require an FFA to deny or revoke a certified family home's certificate of approval, based on an inspection of the home and a subsequent finding by the department of noncompliance with licensing requirements. This bill would require the department to maintain a

database of all certified foster homes that have been decertified by an FFA and would authorize a licensed FFA to access the database to confirm that a foster home that has applied to the FFA for certification has not previously been decertified.

SUPPORT as introduced on February 20, 2004.

AB 2807 (STEINBERG). Existing law requires social workers and other specified persons to prepare reports and evaluations for the juvenile court containing information about children who are, or may become, dependent children of the juvenile court. This bill would revise provisions requiring the court to review the status of a dependent child in foster care. Among other changes, the bill would specify that the court is to make appropriate orders to enable a child who is 10 years of age or older and has been in out-of-home placement in a group home for six months or longer from the date the child entered foster care to maintain relationships with other individuals, other than the child's siblings, who are important to the child, consistent with the child's best interests.

SUPPORT as introduced on February 20, 2004.

SB 1178 (KUEHL). This bill, the Teen Parents in Foster Care Act, would make legislative findings and declarations regarding the need to provide resources and support to dependent minor parents. The bill would set forth ways in which the families of dependent minor parents may be preserved, by assisting these parents in raising their children, as well as participating in school and extracurricular activities. The bill would require child welfare agencies to identify and support whole family placements to ensure family-focused placements for dependent minor parents and their children.

SUPPORT as amended on March 18, 2004, *and recommend that State Department of Social Services, Community Care Licensing (CCL) be added to WIC 16004.5(b) to reflect the responsibility of CCL in identifying, supporting and ensuring sufficient family-focused placements for dependent minor parents and their children.*

S.1275 (Dodd, DeWine, Smith and Reid), Youth Suicide Early Intervention and Prevention Expansion Act of 2004. This Federal Act would authorize the Secretary of Health and Human Services to award grants to: develop and implement youth suicide early intervention and prevention strategies; collect and analyze data on statewide youth suicide early intervention and prevention services; and assist states in achieving their targets for youth suicide reductions. It would authorize \$30 million for each fiscal year from 2004 to 2006.

SUPPORT as introduced on March 8, 2004.