

Senate Bill 1201

Expanding Foster Child Placements

Senator Holly J. Mitchell

SUMMARY

SB 1201 will reduce unnecessary delays in relative placements for children in foster care and would expand the availability of placements by repealing redundant state criminal history restrictions and streamlining the process by which a prospective caregiver's criminal history is reviewed.

BACKGROUND

California's current laws relating to the criminal history of a prospective foster or kinship caregiver are overly broad and unduly restrictive. Several lists of crimes have been deemed "non-exemptible." For all other crimes in which any household member has been convicted – no matter how minor, how long ago or how unrelated to child safety – an exemption must be granted to approve the home for placement.

The burdensome and convoluted exemption process has a very detrimental impact on children. Too many foster youth linger in shelters or foster homes awaiting placement with loving and familiar relatives. Meanwhile, there are would-be foster parents who are disqualified for a crime such as petty theft that happen decades ago.

Additionally, with the 2008 enactment of the federal Adam Walsh Act, California added overlapping federal rules on top of the existing state rules, creating an even more complex maze of restrictions and exemptions.

THIS BILL

This bill will address needless impediments to appropriate relative and foster care placements by conforming state law to federal requirements

regarding caregiver criminal history reviews. Specifically, it will eliminate the complex exemption process and will align the list of non-exemptible crimes with those required by federal law.

These changes do not compromise child safety. California law will continue to prohibit – without any discretion to make exemptions – placement with any person with a serious or violent felony conviction (no matter how long ago), or with an assault, battery, or drug-related felony conviction within the past 5 years.

Furthermore, the 2015 enactment of AB 403 requires state-wide implementation of the Resource Family Approval (RFA) process. Under RFA, all foster and relative homes will be required to undergo a "psychosocial assessment," which will involve several face-to-face interviews and a thorough consideration of any criminal history of the caregiver or household members.

SUPPORT

Alliance for Children's Rights (Sponsor)
Children's Advocacy Institute (Sponsor)
Children's Law Center of California (Sponsor)
Public Counsel (Sponsor)

OPPOSITION

FOR MORE INFORMATION

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