

Senate Bill 942

Timely Placement of Dependent Children with Relatives

Senator Carol Liu, 25th SD

Introduced 2/3/16

Background

Placement with a relative is generally the best and the preferred option for children who cannot safely reside with their parents. Residing in the home of a loving and familiar relative can greatly reduce the trauma of foster care and provide greater stability, increased contact with birth parents, a higher likelihood of placement with siblings, and ongoing connections to extended family and cultural heritage.

Problem

The advantages of relative placements are well recognized in law and policy, as are the benefits of this placement occurring as quickly as possible after removal from a parent. Longer stays in care, frequent placement disruptions, and placements with nonrelative caregivers or in residential facilities have been found to have a negative effect on child functioning and child welfare permanency outcomes.¹

Timely placement in a stable environment with relatives is also directly linked to educational success. Students in kinship and guardianship placements were among the most likely to graduate from high school. Foster students with one placement were most likely to graduate, while students with three or more placements were least likely to graduate.²

Yet, in spite of current law, too many of California's foster children remain in shelters or foster homes for extended periods of time even after an appropriate relative has requested placement. Postponements of relative placements are often the result of unwarranted delays in the assessment process or in securing required exemptions for criminal histories.

Solution

This bill would amend the Welfare and Institutions Code ("WIC") to further facilitate and ensure the prompt placement of foster children into the home of appropriate

relatives. Specifically, the bill amends WIC Sec. 319, which addresses the initial juvenile dependency court hearing, to:

- require county social workers to initiate and complete an assessment of willing and able relatives within seven days;
- allow the child, parent or guardian to request a subsequent hearing to consider the recommendations of the social worker;
- require the court to hold that hearing not later than 10 court days after a request is made.

For willing relatives identified later on into the case, this legislation amends WIC Sec. 361.4 to require:

- that the court order an assessment of that willing relative to be completed within 30 days;
- the county, to the extent possible, to actively assist the person to locate and obtain any documents required for the criminal records exemption.

The bill further provides that if the assessment process is not complete within 30 days the court may set an order to show cause hearing. Sixty calendar days after the court order to assess the person, the court may conduct a hearing to consider granting the exemption or waiver, and the court may order the child to be placed with the person if the placement is appropriate and in the best interest of the child.

Sponsors

Alliance for Children's Rights
Children's Law Center of California

Support

Opposition

None received to date

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¹ Harden Jones, 2004; Lawrence, Carson & Egeland, 2006

² Wiegmann, W., Putnam-Hornstein, E., Barrat, V. X., Magruder, J. & Needell, B. (2014).

The Invisible Achievement Gap Part 2: How the Foster Care Experiences of California Public School Students Are Associated with Their Education Outcomes.