



April 10, 2020

The Honorable Gavin Newsom
Governor, State of California
State Capitol
Sacramento, CA 95814



The Honorable Toni Atkins
President pro Tempore
California State Senate
State Capitol
Sacramento, CA 95819



The Honorable Anthony Rendon
Speaker of the Assembly
California State Assembly
State Capitol
Sacramento, CA 95819



RE: Legislative Action to Protect Children in Foster Care During COVID-19 Crisis



Dear Governor Newsom, President pro Tempore Atkins, and Speaker Rendon:



Thank you for your leadership and partnership during this unprecedented public health crisis. We appreciate the steps you have already taken to address the issues impacting our state.



The 60,000 children in foster care in California have unique needs that must be accounted for during the COVID-19 crisis in order to ensure that they continue to be able to access foster care services and supports; have stability in their placements, and ongoing connection to their family. Our organizations provide legal representation and advocacy for children in foster care and their parents and are already seeing the impact of COVID-19 on children and families. We are writing to request action through either urgency legislation or the budget bill to ensure that these children can access placements, have stability in their placements, are able to continue reunification efforts with their families, and can access and maintain eligibility for extended foster care.



Legislative Action Necessary to Protect Children in Foster Care



We previously sent a letter to Governor Newsom requesting the issuance of an executive order to address the immediate needs of children in foster care and their families during the period that the stay at home orders are in place. However, the impacts of the COVID-19 pandemic will have impacts on our ability to recruit, retain and sustain children and families into the future. It will likely be many more months before individuals are active within their communities and the efforts we have made to convert to remote styles of communication and case



management are likely to persist even if the current stay at home orders are lifted or modified. In addition, as families are increasingly impacted by the economic consequences of the pandemic, we may have difficulty recruiting and retaining high quality family homes. And, without flexibility to approve and support these families, we risk re-creating approval backlogs that the counties recently eliminated in addition to other bureaucratic barriers to approval that may serve as a deterrent to recruiting and supporting families.

Specifically, we request the following action be taken through either urgency legislation or the budget bill in order to support children in foster care and families as we continue to move through these unprecedented times:

- **Access to Technology for Parents, Caregivers and Youth.** The trauma caused by family separation has been exacerbated by the current crisis to an extent we will not be able to measure for quite some time. The crisis has, in many cases, cut off the ability of children to have in-person contact with their parents and loved ones, and in nearly every case, severely limited the amount of contact these children can have with their families. Further, nearly all school aged foster youth including non-minor dependents attending college are engaged in remote or online learning. Connections to classrooms are entirely dependent technology. In addition, children and parents have been unable to access critically needed services to help them reunify and maintain their own well-being during this time. Your help is needed to ensure parents, caregivers and youth have access to technology that will allow them to access each other as well as these critically needed services. Funding for the child welfare agencies to provide equipment (laptops, smart phones, etc.) and connectivity is needed now. Finally, youth are frequently contacting social workers by electronic means. We are asking that a fund be established to ensure any eligible parent, caregiver or youth has both the hardware and access to connectivity to ensure these critical needs are met, such that no child or parent should remain permanently separated as a result of the failure to access critically needed technology.

- **Increase Amount of Foster Care Payment (AFDC-FC, ARC or Emergency Caregiver) by \$400 for At Least Six Months And Ensure Adequate Financial Support for Families During the Crisis By Allowing Individuals to Access Multiple Aid Programs.** Tens of thousands of individuals across the state have lost jobs or income as a result of the COVID-19 pandemic, and for resource families and relative caregivers, this can jeopardize their ability to meet the needs of the children in their care. We are supportive of requests to temporarily increase the amount of the foster care benefit (inclusive of AFDC-FC, ARC and the Emergency Caregiver payment) by \$400 for at least the next six months. In addition, in order to address the needs of those most severely impacted by the crisis, we believe that the state should specify that AFDC-FC, Approved Relative Caregiver (ARC), and Emergency Caregiver funds do not count as income when determining an individual's eligibility for other types of assistance programs such as Unemployment Insurance, Disability Insurance, CalWORKs, or CalFresh. Foster care benefits, inclusive of AFDC-FC, ARC and Emergency Caregiver funds, are intended to meet the daily care and supervision needs of the child in foster care including food, clothing, shelter, and daily supervision. These sources of aid are not sufficient to cover the needs of other individuals

in the household and do not make up for lost income or employment. Therefore, allowing those caring for a child in foster care who would otherwise qualify for these other sources of support to receive all available aid, we will ensure that these families can remain together and meet the basic needs of all the individuals within the household.

- **Increased Flexibility to Approve Placements and Reduced Backlogs.** Even prior to the COVID-19 crisis, California faced a shortfall in available family homes for children and youth in foster care. This issue is being exacerbated by the pandemic, as vulnerable caregivers become ill or request that the children in their care be placed in new homes due to fears associated with COVID-19. In addition, child welfare and probation agencies are continuing to search for family homes for children and youth in congregate care settings, where there is an increased risk of disease transmission and outbreak. Given the urgent need for family homes, it is critical to allow for more flexibility to approve placements. Specifically, we recommend that the in-home inspection required by WIC 361.4 for emergency placements, as well as other aspects of the RFA permanency assessment, can be completed virtually as long as there is sufficient ability to assess the safety of the home. We also recommend that the Resource Family Approval requirements unrelated to health or safety be waived for relatives and extended family members as permitted under the federal Adoption and Safe Families Act. Finally, additional resources will be needed to address any backlogs in pending approvals.
- **Support Non-Profit Community Based Organizations and Congregate Care Providers to Ensure Our Child Welfare System Maintains Robust Provider Capacity.** The COVID-19 pandemic threatens our community-based provider community, which in turn jeopardizes critical services and supports as well as the availability of high quality resource family homes. While the federal relief bill, the CARES Act, provided limited support to organizations with less than 500 employees, some of our service providers do not qualify for this support, including small business loans and increased sick leave, because they have more than 500 employees. In addition, all of our providers are having difficulty billing to contracts at the moment and even the relief provided to our smaller providers may be insufficient to keep them afloat during the crisis. In addition, those group homes currently working toward conversion, and STRTPs working towards mental health plan approval, will likely need extensions to complete the process.
- **Resources to Support Anticipated Increase in Calls to County Emergency Hotlines.** Across the country and in many California counties, calls to emergency response hotlines to report concerns of child abuse and neglect have dropped significantly during the time Stay at Home orders have been in place. It is anticipated that as Stay at Home orders are lifted, calls to county emergency response hotlines will increase as children and families return to more normal activities outside the home, causing a potential surge in child abuse investigations. It is imperative that counties have the resources available to timely respond to calls and undertake appropriate next steps to investigate situations that may be harmful to children to protect children and youth.

- **Resources for Youth Transitioning to Adulthood.**

Young adults in the foster care system are experiencing unique and increased challenges and difficulties due to the pandemic, including sudden loss of employment, income, and housing. While county child welfare agencies have reached out to link these youth with needed supports, additional State-level action is needed to prevent these non-minor dependents from experiencing adverse impacts including homelessness. Specifically, we request waiving the existing requirements for participation in the Extended Foster Care Program (e.g. meeting minimum education and employment requirements), allowing NMDs to remain in the EFC Program for 6 months following when the stay at home orders are lifted, authorizing increases to SILP payments and allowing for continuous payments if the NMD's housing changes, and providing county child welfare agencies with funding to support NMDs in addressing their needs through case management and tangible supports including housing. Finally, we recommend doubling the existing housing navigation funding, administered by the California Department of Housing and Community Development, from \$5 million to \$10 million.

Real-Time Solutions

These short-term policies will address the significant real-time impacts of the COVID-19 crisis on children and youth in foster care. We, and our community partners signed below, respectfully request your support for these commonsense solutions.

Please contact Angie Schwartz, Alliance for Children's Rights, at (415) 867-4445 or a.schwartz@kids-alliance.com if you have questions. Thank you for your support of our most vulnerable children and youth and your leadership in this time of crisis.

Sincerely,



Angie Schwartz, Vice President, Policy & Advocacy
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cc: Mark Ghaly, Secretary, Health and Human Services Agency
Shannon Grove, Republican Leader, California State Senate
Marie Waldron, Republican Leader, California State Assembly
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