



LEGISLATION COMMITTEE

**April 10, 2017
10:30 A.M.**

651 Pine Street, Room 101, Martinez

Supervisor Diane Burgis, Chair
Supervisor Karen Mitchoff, Vice Chair

Agenda Items:	Items may be taken out of order based on the business of the day and preference of the Committee
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1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).
3. **APPROVE the Record of Action for the March 13, 2017 meeting of the Legislation Committee with any necessary corrections.**
4. **CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 557 (Rubio): CalWORKs: Victim of Abuse, a bill that expands and modifies the circumstances for waiving the California Work Opportunity and Responsibility to Kids (CalWORKs) program requirements for victims of abuse, as recommended by Kathy Gallagher, Director of Employment & Human Services department.**
5. **CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 1164 (Thurmond): Foster Care Placement: Funding, a bill that establishes the Emergency Child Care Bridge Program for Foster Children to facilitate access to child care for foster youth and the families with whom they are placed through the provision of child care vouchers and/or payments, navigator services, and trauma-informed training and coaching for child care providers, as recommended by Kathy Gallagher, Director of Employment & Human Services department.**
6. **CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 1332 (Bloom): Juveniles: Dependents: Removal, a bill that establishes a specific standard for removal of a dependent child from the physical custody of a noncustodial parent, as recommended by the Director of Employment & Human Services.**

7. **CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 1406 (Gloria): Homeless Youth Advocacy and Housing Program, a bill that establishes the Homeless Youth Advocacy and Housing Program to award grants to up to 10 local continuums of care that demonstrate the ability to contract with service provider capable of providing housing assistance and supportive services to homeless youth with the goal of transitioning youth towards self-sufficiency, as recommended by Lavonna Martin, Director of Health, Housing, and Homeless Services.**
8. **CONSIDER recommending to the Board of Supervisors a position of "Oppose" on AB 1479 (Bonta): Public Records: Supervisor of Records: Fines, a bill that would require public agencies to identify a supervisor of records who shall review a determination by the agency that a request for records is denied, as recommended by Jami Napier, the Chief Assistant Clerk of the Board.**
9. **CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 213 (Mitchell): Placement of Children: Criminal Records Check, a bill that prohibits the final approval for an adoption placement or the placement of a child in the home of a relative, nonrelative extended family member, prospective guardian, or another person who is not a licensed or certified foster parent or an approved resource family, and the licensure of a foster care provider applicant and approval of a resource family applicant, if an adult living in the home has been convicted of a violent felony, as recommended by Kathy Gallagher, Director of Employment & Human Services.**
10. **CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 282 (Wiener): CalFresh and CalWORKs, The Reducing Hunger Among Vulnerable Californians Act of 2017, a bill that authorizes a county to provide employment services to a noncustodial parent of a child receiving benefits under the California Work Opportunity and Responsibility to Kids (CalWORKs) program, as recommended by Kathy Gallagher, Director of Employment & Human Services.**
11. The next meeting is currently scheduled for Monday, May 8, 2017 at 10:30 a.m.
12. Adjourn

The Legislation Committee will provide reasonable accommodations for persons with disabilities planning to attend Legislation Committee meetings. Contact the staff person listed below at least 72 hours before the meeting.

Any disclosable public records related to an open session item on a regular meeting agenda and distributed by the County to a majority of members of the Legislation Committee less than 96 hours prior to that meeting are available for public inspection at 651 Pine Street, 10th floor, during normal business hours.

Public comment may be submitted via electronic mail on agenda items at least one full work day

prior to the published meeting time.

For Additional Information Contact:

Lara DeLaney, Committee Staff
Phone (925) 335-1097, Fax (925) 646-1353
lara.delaney@cao.cccounty.us



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

3.

Meeting Date: 04/10/2017
Subject: Record of Action
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-13
Referral Name: Record of Action for Legislation Committee
Presenter: L. DeLaney **Contact:** L. DeLaney, 925-335-1097

Referral History:

County Ordinance requires that each County body keep a record of its meetings. The record need not be verbatim; it must accurately reflect the agenda and the decisions made in the meeting. Any handouts or printed copies of material or testimony distributed at the meeting will be attached to the meeting record.

Referral Update:

Attached for the Committee's consideration is the Draft Record of Action for its March 13, 2017 meeting.

Recommendation(s)/Next Step(s):

APPROVE the Record of Action for the March 13, 2017 meeting with any necessary corrections.

Fiscal Impact (if any):

None.

Attachments

Draft Record of Action

DRAFT



LEGISLATION COMMITTEE

March 13, 2017

10:30 A.M.

651 Pine Street, Room 101, Martinez

Supervisor Diane Burgis, Chair
Supervisor Karen Mitchoff, Vice Chair

Agenda Items:

Items may be taken out of order based on the business of the day and preference of the Committee

Present: Diane Burgis, Chair
Karen Mitchoff, Vice Chair

Staff Present: Lara DeLaney, Senior Deputy County Administrator
Camilla Rand, Director of Community Services Bureau, EHSD
Devorah Levine, Assistant Director Policy and Planning Division, EHSD
Susan Jeong, Administrative Services Assistant II, EHSD
John Cunningham, Principal Planner, DCD
Jonathan Bash, Chief of Staff, District III

Attendees: Mariana Moore
Ruth Fernandez
Sarah Crow

1. Introductions
2. Public comment on any item under the jurisdiction of the Committee and not on this agenda (speakers may be limited to three minutes).

Mariana Moore expressed appreciation to staff and the Committee for the partnership, for integration of the community voice, and for continuing a good relationship with the Ensuring Opportunity Campaign.

3. APPROVE the Record of Action for the February 13, 2017 meeting with any necessary corrections.

The Committee accepted the Report with no corrections.

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff
Passed

4. CONSIDER finding that an "Oppose" position on the American Health Care Act is consistent with the Board of Supervisors' adopted 2017 Federal Platform and direct staff to send advocacy letters, as needed.

The Committee directed staff to prepare advocacy letters, finding the "oppose" position consistent with the adopted 2017 Federal Platform.

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff
Passed

5.

This item, AB 71, was continued to a future agenda.

6. CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 210 (Santiago): Homeless Multidisciplinary Personnel Team, as recommended by Lavonna Martin, Director of Health, Housing and Homeless Services.

The Committee voted unanimously to recommend a position of "Support" to the Board of Supervisors, directing staff to add it to the Consent agenda.

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff
Passed

7. CONSIDER recommending to the Board of Supervisors a "Support" position on AB 211 (Bigelow): State Responsibility Area Fire Prevention Fees.

The Committee voted unanimously to recommend a position of "Support" to the Board of Supervisors, directing staff to add it to the Consent agenda.

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff
Passed

8. CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 236 (Maienschein): CalWORKs Housing Assistance, as recommended by staff of EHSD.

The Committee voted unanimously to recommend a position of "Support" to the Board of Supervisors, directing staff to add it to the Consent agenda.

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff
Passed

9. CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 435 (Thurmond): Child Care Subsidy Plans: County of Contra Costa.

The Committee voted unanimously to recommend a position of "Support" to the Board of Supervisors, directing staff to add it to the Consent agenda.

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

10. DIRECT staff to continue to monitor the bill. DIRECT staff to work with the state advocate, Cathy Christian, to request a meeting with Assembly Member Frazier to discuss the bills in more detail.

The Committee directed staff to continue to watch for additional information related AB 898 and AB 899.

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

11. CONSIDER recommending to the Board of Supervisors a position of "Support" on SB 222 (Hernandez): Access to Medi-Cal for Former Inmates, as recommended by staff of EHSD and the Office of Reentry and Justice.

The Committee voted unanimously to recommend a position of "Support" to the Board of Supervisors, directing staff to add it to the Consent agenda.

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

12. DISCUSS the attached letter to the State regarding school siting practices, REVISE as appropriate, and CONSIDER recommending to the Board of Supervisors that staff be AUTHORIZED to send the attached letter on behalf of the County.

The Committee voted unanimously to recommend to the Board that staff be authorized to send the letter.

AYE: Chair Diane Burgis, Vice Chair Karen Mitchoff

Passed

13. REVIEW the Master List of State Bills of Interest to Contra Costa County and provide direction to staff, as needed.

The Committee reviewed the Master List of Bills and directed staff to add bills requested by attendees; SB 8, AB 154, and AB 60.

14. The next meeting is currently scheduled for April 10, 2017 at 10:30 a.m., room 101, 651 Pine Street, Martinez.

15. Adjourn

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For Additional Information Contact:

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5/13/17

LEGISLATION COMMITTEE

SIGN-IN SHEET

Signing in is voluntary. You may attend this meeting without signing in.

Name	Representing	Phone
Mariana Moore	Ensuring Opportunity Campaign	510-234-1200 X 311
Camillo Faud	EHSD / CCC Early Learning Ctr	925 681 6301
Deborah Levine	EHSP / Policy & Planning	925 313-1615
Alan Jony	"	925-313-1780
Ruth Longwood	LPC / COE	925 - 942 - 3413
SARAH CROW	FIRST 5	925-777-7341
John Cunningham	DCD	6747833



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

4.

Meeting Date: 04/10/2017
Subject: AB 557 (Rubio): CalWORKs: Victim of Abuse
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-19
Referral Name: AB 557 (Rubio): CalWORKs: Victim of Abuse
Presenter: Susan Jeong **Contact:** L. DeLaney, 925-335-1097

Referral History:

AB 557 (Rubio): CalWORKs: Victim of Abuse was referred to the Legislation Committee by staff of the Employment & Human Services Department. The California Welfare Directors Association (CWDA) recommends its support as well. A position from the California State Association of Counties (CSAC) is pending.

Referral Update:

AB 557 (Rubio): CalWORKs: Victim of Abuse. The text of the bill can be found here:
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB557

Introduced: 02/14/2017
Disposition: Pending
Committee: [Assembly Appropriations Committee](#)
Hearing: [04/05/2017 9:00 am, State Capitol, Room 4202](#)

**2017 CA A 557: Bill Analysis - 04/03/2017 - Assembly Appropriations Committee, Hearing
Date 04/05/2017**

Date of Hearing: April 5, 2017

ASSEMBLY COMMITTEE ON APPROPRIATIONS

Lorena Gonzalez Fletcher, Chair

AB 557

(Rubio) - As Introduced February 14, 2017 Policy Committee: Human Services Vote: 7 - 0
Urgency: No State Mandated Local Reimbursable: Yes Program: Yes SUMMARY: This bill expands and modifies the circumstances for waiving the California Work Opportunity and

Responsibility to Kids (CalWORKs) program requirements for victims of abuse. Specifically, this bill:

- 1) Deletes language authorizing a county to waive a CalWORKs program requirement for a recipient who has been identified as a past or present victim of abuse where good cause has been found that participation in regular employment or welfare-to-work activities is detrimental to or unfairly penalizes the individual or his or her family.
- 2) Instead requires a county to waive any program requirement for an applicant or recipient who is a past or present victim of abuse when the requirement would have the effect of placing a family at risk of harm, unfairly penalizing a family, or making it more difficult for a family to escape abuse.
- 3) Adds subjecting a victim to extreme cruelty by "economic control" to the definition of abuse.

FISCAL EFFECT:

- 1) Unknown, ongoing costs likely at least in the hundreds of thousands of dollars (federal funds/GF) for CalWORKs assistance and administration to the extent additional applicants would qualify for waivers under the provisions of this measure. If an additional 1,000 applicants qualified for aid under this bill and received only the average monthly grant of \$534, the cost for assistance would be \$534,000 (federal funds/GF).
- 2) Unknown potential impact on the federal work participation rate (WPR). To the extent a significant number of applicants and recipients qualify for waivers of welfare-to-work requirements, this bill could compromise the state's ability to meet the federal WPR, which could result in future federal penalty assessments, which could eventually be deducted from future federal Temporary Assistance for Needy Families (TANF) grant awards.

COMMENTS:

- 1) Purpose. Advocates indicate that, "[This bill] would strengthen support for domestic violence victims who are applicants or recipients of CalWORKs assistance by requiring counties to waive any rule that would disadvantage a victim of domestic abuse or make it more difficult for them to escape abuse. It would do so by changing the current law from 'allowing' that a family violence waiver is offered to a victim of domestic abuse to 'requiring' that it must be given under certain circumstances. It would also expand the list of rules that can be waived to any which disadvantage victims of domestic abuse or further endanger them. Current state law is interpreted to only allow for waivers to be given if the abuse interrupts ability to participate in welfare to work."
- 2) Domestic Violence Waivers in CalWORKs. The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA) created the block-granted TANF program. Among a number of new requirements and other program changes, PRWORA created a Family Violence Option (FVO) to address the barriers that domestic violence poses within the context of federal aid under TANF. Federal law allows states to implement a special program, within its TANF program, to serve victims of domestic violence and to waive program requirements for such individuals. Federal regulations further grant states broad flexibility to grant program waivers to victims of domestic violence.

AB 1542 (Ducheny), Chapter 270, Statutes of 1997, created the CalWORKs program as California's implementation of federal welfare reform and adopted the state's own family violence provision, which required a task force to work in consultation with DSS to develop protocols for handling cases of CalWORKs recipients who are past or present victims of abuse. With respect to domestic violence waivers, AB 1542 sought to ensure that applicants and recipients who are past or present victims of abuse are not placed at further risk or unfairly penalized by CalWORKs requirements and procedures. Regulations outline which program requirements counties cannot waive, including asset, income, homeless assistance, and deprivation requirements, and which can be waived, including work requirements and time limits. The regulations also require counties to provide applicants and recipients the opportunity to confidentially self-identify or disclose domestic abuse, and to offer information and resource materials on domestic abuse. Counties must also advise CalWORKs participants of the availability of related services, and are required to develop a welfare-to-work plan for victims of abuse.

While lacking exact data regarding the number of CalWORKs domestic violence waivers issued, DSS estimates that based on data from 2012 and 2013, the likely average monthly number of domestic violence waivers statewide was about 4,000. This bill broadens the definition of abuse to include "economic control" and would require a county (not allow, as under current law) to waive any program requirement (not just regular employment or a welfare-to-work activity), if it determines that the requirement places a family at risk of harm, penalizes a family or makes it more difficult to escape abuse, rather than the current determination of good cause. The extent of the impact of these changes on caseloads is unknown, but is likely substantial.

3) Prior Legislation.

a) AB 1653 (Garcia), of the 2013-14 Legislative Session, was a narrowed version of AB 1107 (Garcia). That bill was held on the Senate Appropriations Committee's Suspense File.

b) AB 1107 (Garcia), of the 2013-14 Legislative Session, would have established statewide standards for notifying CalWORKs applicants and recipients of accommodations available to them if they are victims of domestic violence and established criteria for granting such waivers. That bill was held on this Committee's Suspense File.

Analysis Prepared by: Jennifer Swenson / APPR. / (916) 319-2081

Recommendation(s)/Next Step(s):

CONSIDER recommending to the Board of Supervisors on its Consent calendar a position of "Support" on AB 557 (Rubio): CalWORKs: Victim of Abuse, as recommended by Kathy Gallagher, Director of Employment & Human Services department.

Attachments

No file(s) attached.



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

5.

Meeting Date: 04/10/2017
Subject: AB 1164 (Thurmond): Foster Care Placement: Funding
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-20
Referral Name: AB 1164 (Thurmond): Foster Care Placement: Funding
Presenter: Susan Jeong **Contact:** L. DeLaney, 925-335-1097

Referral History:

AB 1164 (Thurmond): Foster Care Placement: Funding was referred to the Legislation Committee by staff of EHSD. The bill is supported by CSAC and CWDA.

Referral Update:

AB 1164 (Thurmond): Foster Care Placement: Funding is a bill that establishes Emergency Child Care Bridge Program for Foster Children. Authorizes welfare departments to administer the bridge program and distribute vouchers to an eligible child who is placed with an approved resource family, a foster family, or an approved relative or nonrelative extended family member, or who is the child of a young parent involved in the child welfare system.

The text of the bill can be found at:

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1164

Introduced: 02/17/2017
Last Amend: 03/27/2017
Disposition: Pending
Location: Assembly Second Reading File

**2017 CA A 1164: Bill Analysis - 03/31/2017 - Assembly Human Services Committee,
Hearing Date 04/04/2017**

Date of Hearing: April 4, 2017

ASSEMBLY COMMITTEE ON HUMAN SERVICES

Blanca Rubio, Chair

AB 1164 (Thurmond) - As Amended March 27, 2017

SUBJECT: Foster care placement: funding

SUMMARY: Establishes the Emergency Child Care Bridge Program for Foster Children to facilitate access to child care for foster youth and the families with whom they are placed through the provision of child care vouchers and/or payments, navigator services, and trauma-informed training and coaching for child care providers.

Specifically, this bill:

- 1) Makes a number of Legislative findings and declarations related to the need for immediate, accessible child care for resource families who provide placements for foster youth, and the barriers that lack of such child care can create in recruiting and retaining resource families.
- 2) Establishes the Emergency Child Care Bridge Program for Foster Children, to be implemented at the discretion of each county, in order to stabilize foster children with families at the time of placement by providing:
 - a) A payment or voucher, for up to six months immediately following placement, for child care and development services; and
 - b) A child care navigator to assist the family in accessing long-term subsidized child care.
- 3) Requires county welfare departments that choose to participate to administer the Emergency Child Care Bridge Program for Foster Children, contingent upon an appropriation of \$11 million in the 2017-18 fiscal year and \$22 million each year thereafter.
- 4) Permits counties to establish local priorities and to provide payments directly or through contracts with alternative payment programs (APPs) to distribute vouchers, as specified, and further, requires that:
 - a) Counties that elect to provide direct payments to a child care provider or distribute vouchers pay commensurate with the regional market rates (RMRs), as specified; and
 - b) For counties that elect to contract with a local APP to distribute vouchers, the vouchers be in an amount commensurate with the RMRs and the contract not displace, or result in the reduction of, an existing contract with a current local APP.
- 5) Requires county welfare departments to determine the eligibility of a child for the Emergency Child Care Bridge Program for Foster Children.
- 6) Specifies that family placements eligible to receive a payment or voucher under this program include all of the following:
 - a) Approved resource families and families that have a child placed with them based on an emergency or for a compelling reason, as specified;
 - b) Currently licensed or certified foster care providers, as specified;
 - c) Currently approved relatives or nonrelative extended family members, as specified; and

- d) Parents under the jurisdiction of the juvenile court, including, but not limited to, nonminor dependent parents.
- 7) Authorizes participating counties to provide a payment or voucher to a resource family if work responsibilities or activities associated with parenting a child in foster care prevent that family from being at home with the child for whom they have care and responsibility, as specified.
- 8) Requires each child receiving a monthly child care payment or voucher to be provided with a child care navigator, as specified.
- 9) Requires each child receiving a monthly child care payment or voucher to be eligible to receive that payment or voucher for up to six months and further, specifies that, if the child and family access long-term subsidized child care prior to the end of that six-month period, eligibility for the monthly payment or voucher shall terminate upon enrollment in the long-term, subsidized child care.
- 10) Authorizes a county welfare department, at its discretion, to extend eligibility for a monthly payment or voucher for an additional six months, not to exceed 12 months in total, if the child and family have been unable to access long-term, subsidized child care during the initial six-month period.
- 11) Requires the Department of Social Services (DSS) to seek all federal approvals necessary to claim federal reimbursement under Title IV-E of the Social Security Act in order to maximize state and local funding for child care.
- 12) Prohibits the provisions of this bill that establish the Emergency Child Care Bridge Program for Foster Children from being interpreted as creating an entitlement to a child care payment or voucher.
- 13) Specifies that the Emergency Child Care Bridge Program for Foster Children established pursuant to provisions of this bill is intended to complement county child welfare agency efforts to recruit, retain, and support resource families and that any funding provided to counties pursuant to these provisions shall supplement county activities, as specified.
- 14) Requires child care resource and referral programs, contingent upon an appropriation of \$2.5 million in the 2017-18 fiscal year and \$5 million each year thereafter, to be responsible for the provision of a child care navigator to support children in foster care, children previously in foster care upon return to their home of origin, and children of parents in the child welfare system, as specified.
- 15) Requires the child care navigator to work with the child's resource family, social worker, and child and family team (CFT) to, as specified: assess child care opportunities, identify opportunities for an ongoing child care subsidy, assist in the completion of child care program applications, and develop a long-term child care plan for the child.
- 16) Requires each resource and referral agency to, as a condition of receiving funding for providing navigation services pursuant to provisions of this bill, develop and enter into a formal agreement with the county child welfare agency so as to facilitate interagency communication and, to the maximum extent possible, leverage federal funding, as specified. Alternatively, requires the resource and referral agency to annually provide a written statement explaining why

entering into such a formal agreement is not practical or feasible.

17) Prohibits the provisions of this bill related to resource and referral agencies from limiting the provision of child care navigation support to children who are in the foster care system, as specified.

18) Requires child care resource and referral programs, contingent upon an appropriation of \$2 million in the 2017-18 fiscal year and \$4 million each year thereafter, to be responsible for the provision of trauma-informed training and coaching, as specified, to child care providers working with children in the foster care system.

19) Requires each resource and referral agency to, as a condition of receiving funding for providing navigation services pursuant to provisions of this bill and in coordination with the California Child Care Resource and Referral Network, develop and enter into a formal agreement with the county child welfare agency so as to, to the maximum extent possible, leverage federal funding, as specified. Alternatively, requires the resource and referral agency to annually provide a written statement explaining why entering into such a formal agreement is not practical or feasible.

20) Authorizes a child who meets the eligibility criteria of the Emergency Child Care Bridge Program for Foster Children to be provided with:

- a) A voucher for child care services for up to six months immediately following a child's placement; and
- b) A child care navigator to assist the child and resource family in accessing long-term subsidized child care.

EXISTING LAW:

1) Establishes the Child Care and Development Services Act to provide child care and development services as part of a coordinated, comprehensive, and cost-effective system serving children from birth to 13 years old and their parents, and including a full range of supervision, health, and support services through full- and part-time programs. (EDC 8200 et seq.)

2) Defines "child care and development services" to mean services designed to meet a wide variety of children's and families' needs while parents and guardians are working, in training, seeking employment, incapacitated, or in need of respite. (EDC 8208)

3) States the intent of the Legislature that all families have access to child care and development services, through resource and referral where appropriate, and regardless of demographic background or special needs, and that families are provided the opportunity to attain financial stability through employment, while maximizing growth and development of their children, and enhancing their parenting skills through participation in child care and development programs. (EDC 8202)

4) Requires the Superintendent of Public Instruction to administer general child care and development programs to include, among other things as specified, age- and developmentally-appropriate activities, supervision, parenting education and involvement, and nutrition. Further allows such programs to be designed to meet child-related needs identified by

parents or guardians, as specified. (EDC 8240 and 8241)

5) Requires the Superintendent of Public Instruction to adopt rules and regulations regarding eligibility, enrollment, and priority of services. (EDC 8263)

6) Provides for child care resource and referral programs to be established to serve a defined geographic area with: identification of the full range of existing child care services and development and maintenance of a resource file of those services; establishment of a referral process that responds to parental need for information, as specified, that affords parents maximum access to all referral information; provision of technical assistance to existing and potential providers of all types of child care services, as specified; and other specified services. (EDC 8210 et seq.)

7) To allow for maximum parental choice, authorizes the operation of Alternative Payment Programs (APPs) and provision of alternative payments and support services to parents and child care providers by local government agencies or non-profit organizations that contract with CDE. (EDC 8220)

8) Establishes rules and requirements for APPs and providers, as contracted agencies with CDE, to observe, including but not limited to accounting and auditing requirements, attendance monitoring requirements, referral requirements where applicable, and reimbursement and payment procedures. (EDC 8220 et seq.)

9) Requires the Superintendent to adopt rules, regulations, and guidelines to facilitate funding and reimbursement procedures for subsidized child care. (EDC 8269)

10) States that the purpose of foster care law is to provide maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, neglected, or exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of harm. (WIC 300.2)

11) Declares the intent of the Legislature to, whenever possible, preserve and strengthen a child's family ties and, when a child must be removed from the physical custody of his or her parents, to give preferential consideration to placement with relatives. States the intent of the Legislature to reaffirm its commitment to children who are in out-of-home placement to live in the least restrictive family setting and as close to the child's family as possible, as specified. Further states the intent of the Legislature that all children live with a committed, permanent, nurturing family and states that services and supports should be tailored to meet the specific needs of the individual child and family being served, as specified. (WIC 16000)

12) Requires out-of-home placement of a child in foster care to be based upon selection of a safe setting that is the least restrictive family setting that promotes normal childhood experiences and the most appropriate setting that meets the child's individual needs, as specified. Further requires the selection of placement to consider, in order of priority, placement with: relatives, nonrelated extended family members, and tribal members; foster family homes, resource families, and nontreatment certified homes of foster family agencies; followed by treatment and intensive treatment certified homes of foster family agencies or multidimensional treatment foster care homes or therapeutic foster care homes; group care placements in the order of short-term residential treatment centers, group homes, community treatment facilities, and out-of-state residential treatment, as specified. (WIC 16501.1)

13) Provides for extended foster care funding for youth until age 21, as well as adopts other changes to conform to the federal Fostering Connections to Success Act. (WIC 241.1, 303, 366.3, 388, 391, 450, 11400, 11402, 11403)

14) Defines "nonminor dependent" as a current or former foster youth who is between 18 and 21 years old, in foster care under the responsibility of the county welfare department, county probation department, or Indian Tribe, and participating in a transitional independent living plan, as specified. (WIC 11400)

FISCAL EFFECT: Unknown.

COMMENTS:

Child Welfare Services: The purpose of California's Child Welfare Services (CWS) system is to protect children from abuse and neglect and provide for their health and safety. When children are identified as being at risk of abuse, neglect or abandonment, county juvenile courts hold legal jurisdiction and children are served by the CWS system through the appointment of a social worker. Through this system, there are multiple opportunities for the custody of the child, or his or her placement outside of the home, to be evaluated, reviewed and determined by the judicial system, in consultation with the child's social worker, to help provide the best possible services to the child. The CWS system seeks to help children who have been removed from their homes reunify with their parents or guardians, whenever appropriate, or unite them with other individuals they consider to be family. There are currently over 64,000 children and youth in California's child welfare system. Of those youth, 16,892 (26.1%) have been in foster care for over three years, 11,800 (18.3%) have been in care for over 4 years, and 8,842 (13.7%) have been in care for over 5 years.

Subsidized child care: California's subsidized child care system is designed to provide assistance to parents and guardians who are working, in training, seeking employment, incapacitated, or in need of respite. This child care is available through a number of programs; additionally, California offers State Preschool Programs to eligible three- and four-year-olds.

Parents participating in CalWORKs, as well as families transitioning off of and no longer receiving CalWORKs aid, can be eligible for child care, which is offered in three "stages." The Department of Social Services (DSS) administers Stage 1, and the California Department of Education (CDE) administers Stages 2 and 3. CDE also administers non-CalWORKs child care. The largest programs are: General Child Care, which includes contracted centers and family child care homes; the California State Preschool Program, which provides developmentally, culturally, and linguistically appropriate curriculum to eligible three- and four-year olds; and APPs, which provide vouchers that can be used to obtain child care in a center, family child care home, or from a license-exempt provider. Waitlists for non-CalWORKs child care are common.

Resource and referral agencies: Resource and Referral (R&R) agencies, located in every county in the state, provide a wide range of services for parents, providers, and local communities. Services are free, accessible to all parents and child care providers, and include, among other things: helping parents to locate child care that best suits the needs of their family; maintaining databases of local child care providers; tracking providers' licensure status, age groups served, schedules, languages spoken, and number and type of spaces available; and providing training to providers.

Continuum of Care Reform: SB 1013 (Senate Committee on Budget and Fiscal Review), Chapter 35, Statutes of 2012, realigned child welfare services to counties, placed a moratorium on the licensure of new group homes, and directed DSS to convene a working group to examine the use of group homes in California. This culminated in DSS submitting a report to the Legislature in January 2015 that contained a number of recommendations intended to reform the foster care system and reduce California's reliance on group homes as a viable placement for foster youth. These efforts were initially named "Congregate Care Reform," but were later renamed "Continuum of Care Reform" (CCR) to reflect the need to strengthen the state's system of home-based care and supports while decreasing reliance on group homes. AB 403 (Stone), Chapter 773, Statutes of 2015, and AB 1997 (Stone), Chapter 612, Statutes of 2016, adopted many of the CCR report recommendations into law, including enacting a sunset for existing licensure, rate-setting, and other provisions for group homes and providing for a new licensure category of Short-Term Residential Therapeutic Programs (STRTPs) to offer temporary housing and intensive up-front services for youth prior to placing them with a family.

The Resource Family Approval (RFA) program is a child-centered approval process for all families seeking to care for a foster youth, regardless of whether or not the youth is related to the family. The RFA process replaces foster parent licensing and certification, relative approval, guardianship approval, and adoption. Per the RFA program, which went statewide as a part of CCR, all caregivers of children and youth will be approved to be "resource families" who can be an emergency, temporary, and/or permanent family for a youth. A key component of CCR is the recruitment and retention of a sufficient number of resource families capable of providing care and support for youth in the child welfare services system as the state moves away from reliance on group homes.

Need for this bill: The Association of Community Human Service Agencies (ACHSA), which represents over 85 nonprofit community agencies that provide a variety of child welfare, mental health, and juvenile justice services in Los Angeles County, conducted an online survey in October 2015 of foster family agencies (FFAs) regarding foster children's access to subsidized child care. Findings from that survey, which received responses from 15 FFAs in Los Angeles County, included the following:

- * All FFAs surveyed responded that concerns about child care had impacted recruitment of certified foster parents, with two-thirds stating that it has "significantly" impacted recruitment efforts and one-third stating that it had "somewhat" done so; and
- * All FFAs surveyed responded that concerns about child care had impacted foster parent willingness to accept children into their care, with 60% saying it had significantly impacted willingness, and 40% saying it had somewhat done so.

Individual comments by FFA respondents to the survey included:

- * "If subsidized child care were available, more families would become certified...especially families with two parents working";
- * Child care is "a huge barrier to recruitment and placement" and "the biggest barrier"; and
- * Many parents are unable to accept foster children under five "due to the high cost of child care."

According to the author, "Increasing access to child care would enable a larger pool of families to become foster parents, providing a stable home for more children in need. The childcare system was not designed to be an emergency response system and this bill will help both systems work together to better support the needs of our foster youth."

Writing in support of this bill, Children Now states that:

"County child welfare agencies rely on the commitment of countless resource families to provide children, who have been abused and neglected, with safe and loving homes. Unfortunately, many willing resource parents cannot provide homes for foster children because they lack access to child care. Although foster children are eligible for state child care subsidies, one of the main barriers to accessing child care is a 'timing gap.' When children are removed, they are in crisis and prospective resource parents - often relatives - instantly need to access child care in order to care for their new family member and keep their jobs. Yet, child care programs typically operate at full capacity, with short enrollment windows, that rarely align with a child's placement into foster care. This makes it nearly impossible for caregivers who work to take in young children. This proposal addresses this 'timing gap' so that children can be promptly placed and stabilized with loving relatives or with the right resource family.

...The success of the Continuum of Care Reform (CCR) depends on increased recruitment, retention and support of resource families. Many counties continue to struggle with declines in the available number of caregivers, in part due to positive outcomes as children exit to adoption and guardianship, and difficulty in recruiting working families. In Los Angeles County alone, state-licensed homes have declined by over half, from more than 8,000 in 2005 to fewer than 4,000 in 2015. The child welfare system cannot succeed in its mission to provide loving foster homes for our most vulnerable children unless this barrier to recruiting caregivers is addressed. In addition, we know that, for all the benefits that high-quality child care has for young children, the impact can be far more dramatic for children who have experienced the trauma of abuse, neglect and removal from their homes."

Recommended amendments: Committee staff recommends the following technical amendments, including amendments that clarify that eligible families may include those providing emergency placements and those still converting to resource families during CCR transition:

Beginning on line 14 of page 5 of the bill:

(5) (A) (i) Contingent upon an appropriation of four million dollars (\$4,000,000) annually two million five hundred thousand dollars (\$2,500,000) in the 2017-18 fiscal year and five million dollars (\$5,000,000) annually thereafter for purposes of this subparagraph, provision of a child care navigator to support children in foster care, and children previously in foster care upon return to their home of origin. origin, and children of parents involved in the child welfare system, including the children of nonminor dependents . The navigator shall work with the child's resource family, licensed or certified foster family, or family with a placement based on an emergency or for a compelling reason as described in WIC 16519.5, and social worker, and child and family team to assess child care opportunities appropriate to the child's age and needs, assist the resource family in identifying potential opportunities for an ongoing child care subsidy, assist the caregiver in completing appropriate child care program applications, and develop an overall, long-term child care plan for the child.

(ii) As a condition of receiving funds pursuant to this subparagraph, each resource and referral

program agency shall develop and enter into a memorandum of understanding, contract, or other formal agreement with the county child welfare agency in order to facilitate interagency communication and, to the maximum extent possible, to leverage federal funding, including administrative funding, available pursuant to Title IV-E of the Social Security Act, to enhance the navigation support authorized under this subparagraph, or the resource and referral program agency shall explain, in writing, annually, why entering into a memorandum of understanding, contract, or other formal agreement with the county child welfare agency is not practical or feasible. This section shall not limit the provision of child care navigation support to children who are in the foster care system, including children who are eligible for the Emergency Child Care Bridge Program for Foster Children established pursuant to Section 11461.6 of the Welfare and Institutions Code. Navigator services provided pursuant to this subparagraph shall be made available to any child in foster care, child previously in foster care who returns to his or her home of origin, and child of parents involved in the child welfare system, including any child who meets the eligibility criteria for the Emergency Child Care Bridge Program for Foster Children established by Section 11461.6 of the Welfare and Institutions Code. Eligibility for navigator services shall not be contingent upon a child's receipt of a child care payment or voucher.

Beginning on line 9 of page 6 of the bill:

(ii) As a condition of receiving funds pursuant to this subparagraph, each resource and referral program agency, in coordination with the California Child Care Resource and Referral Network, shall develop and enter into a memorandum of understanding, contract, or other formal agreement with the county child welfare agency in order to, to the maximum extent possible, leverage federal funding, including training funds, available pursuant to Title IV-E of the Social Security Act, to enhance the training support authorized under this subparagraph, or the resource and referral agency shall explain, in writing, annually, why entering into a memorandum of understanding, contract, or other formal agreement with the county child welfare agency is not practical or feasible.

Beginning on line 28 of page 7 of the bill:

(1) (A) A child who meets the eligibility criteria of the Emergency Child Care Bridge Program for Foster Children, as established by Section 11461.6, may be provided with a voucher for child care services for the child for up to six months immediately following the child's placement as well as a child care navigator to assist the child and resource family, licensed or certified foster family, or family with a placement based on an emergency or for a compelling reason as described in WIC 16519.5 in accessing long-term subsidized child care.

Beginning on line 11 of page 10 of the bill:

(2) Chapter 773 of the Statutes of 2015 and Chapter 612 of the Statutes of 2016, commonly known as Continuum of Care Reform, aggravates reinforces California's shortage of need for foster care placements and demands that we address the major barriers to parent recruitment.

Beginning on line 28 of page 10 of the bill:

(b) The Emergency Child Care Bridge Program for Foster Children is hereby established established, to be implemented at the discretion of each county, for the purpose of stabilizing foster children with resource families at the time of initial placement by providing a payment or voucher for child care and development services for up to six months immediately following the

child's placement and by providing the resource family with a child care navigator to assist the family in accessing long-term subsidized child care.

Beginning on line 7 of page 11 of the bill:

(d) (1) As determined by the county welfare department, and consistent with guidance issued jointly by the State Department of Social Services and the State Department of Education, counties may establish local priorities and may either provide payment directly to the resource family or child care provider, or contract with a local alternative payment program agency to distribute vouchers for child care.

(2) Counties that elect to provide payment directly to a family or child care provider or to distribute vouchers shall pay commensurate with the regional market rates, as described in Section 8357 of the Education Code.

(3) For counties that elect to contract with a local alternative payment agency, as described in Section 8220 of the Education Code, to distribute child care vouchers, the vouchers shall be in an amount commensurate with the regional market rates, as described in Section 8357 of the Education Code and the contract shall not displace, or result in the reduction of, an existing contract with a current local alternative payment program.

(d)

(e) (1) Participating county welfare departments shall determine eligibility of a child for the Emergency Child Care Bridge Program for Foster Children and provide an eligible child between birth and four years of age placed with an approved resource family or the child of a young parent involved in the child welfare system, including a nonminor dependent, with a monthly voucher for child care commensurate with regional market rate requirements, as specified in Section 8357 of the Education Code, upon and for up to six months following the child's initial placement. Children using the criteria outlined in paragraphs (2) and (3) .

Beginning on line 7 of page 12 of the bill:

(3) A participating county welfare department may provide a payment or voucher if work responsibilities preclude resource families from being at home when the child for whom they have care and responsibility is not in school or for periods when the resource family, licensed or certified foster family, or family with a placement based on an emergency or for a compelling reason as described in WIC 16519.5 is required to participate, without the child, in activities associated with parenting a child in foster care that are beyond the scope of ordinary parental duties, including, but not limited to, attendance at administrative or judicial reviews, case conferences, and resource family training.

REGISTERED SUPPORT / OPPOSITION:

Support

Advancement Project

Advokids

Alliance for Children's Rights

Alliance for Men and Boys of Color, Sigma Beta Xi

American Academy of Pediatrics, California

California Alliance of Care Givers

California Alliance of Child and Family Services

California Child Care Resource and Referral Network

Child Care Alliance of Los Angeles

Child Care Law Center

Child Care Resource Center

Children Now

Children's Advocacy Institute

Children's Law Center of California

County of Santa Cruz Human Services Department

County Welfare Directors Association of California

First Place for Youth

Riverside County Department of Public Social Services

The Los Angeles County Board of Supervisors

Opposition

None on file.

Analysis Prepared by: Daphne Hunt / HUM. S. / (916) 319-2089

Recommendation(s)/Next Step(s):

CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 1164 (Thurmond): Foster Care Placement: Funding, as recommended by Kathy Gallagher, Director of Employment & Human Services department.

Attachments

No file(s) attached.



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

6.

Meeting Date: 04/10/2017
Subject: AB 1332 (Bloom): Juveniles: Dependents: Removal
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-15
Referral Name: AB 1332 (Bloom): Juveniles: Dependents: Removal
Presenter: Susan Jeong **Contact:** L. DeLaney, 925-335-1097

Referral History:

This bill was referred to the Legislation Committee by the Director of Employment & Human Services (EHSD) Director, Kathy Gallagher. The bill, AB 1332, is co-sponsored by County Welfare Directors Association (CWDA).

Referral Update:

AB 1332 (Bloom): Prohibits the removal of a child from the physical custody of his or her parent unless the juvenile court finds clear and convincing evidence that there would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child for the parent to live with the child or otherwise exercise the parent's right to physical custody, and there are no reasonable means available by which the child's physical and emotional health can be protected without removal.

Last 03/28/2017
Amend:
Disposition: Pending
Committee: [Assembly Judiciary Committee](#)
Hearing: [04/04/2017 9:00 am, State Capitol, Room 437](#)

The author's Fact Sheet is Attachment A. The CWDA support letter is Attachment B.

The link to the bill is: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1332

**2017 CA A 1332: Bill Analysis - 03/30/2017 - Assembly Judiciary Committee, Hearing Date
04/04/2017**

Date of Hearing: April 4, 2017

ASSEMBLY COMMITTEE ON JUDICIARY

Author:(Bloom) - As Amended March 28, 2017

PROPOSED CONSENT

SUBJECT: DEPENDENT CHILDREN: REMOVAL FROM NONCUSTODIAL PARENTS

KEY ISSUE: SHOULD THE STANDARD FOR REMOVAL OF A DEPENDENT CHILD FROM A NONCUSTODIAL PARENT, WHEN THERE IS CLEAR AND CONVINCING EVIDENCE THAT REMOVAL IS NECESSARY TO PROTECT THE CHILD, BE CLARIFIED AND MADE CONSISTENT WITH THE STANDARD FOR REMOVAL OF A CHILD FROM A CUSTODIAL PARENT?

SYNOPSIS

The chief priority of the child welfare system is to protect children from abuse and neglect. To do so, a child may be made a dependent of the juvenile court and the court may make any and all reasonable orders for the care and custody of the child. In addition to that more general provision, existing law specifically provides that, if necessary, a child may be removed from his or her parents, provided that there is clear and convincing evidence that it would be a substantial danger to leave the child with the parents and there is no reasonable way to protect the child and leave the child with the parents. This standard protects children from abuse and also protects the fundamental rights of parents to raise their children. While the law is specific about when children may be removed from their custodial parents, it does not specifically state when a child may be removed from a noncustodial parent. This bill, sponsored by Los Angeles County Board of Supervisors and the County Welfare Directors Association of California, clarifies when a child may be removed from a noncustodial parent, based on the same substantial danger standard, and clear and convincing evidence, required for removal from a custodial parent. The author states that this bill is necessary because the limited ability of dependency courts today to "remove abusive non-custodial parents presents a dangerous loophole in protecting a child from a parent that presents a detriment to the safety of a child."

SUMMARY: Establishes a specific standard for removal of a dependent child from the physical custody of a noncustodial parent. Specifically, this bill provides that a dependent child may not be taken from the custody of a parent with whom the child did not reside at the time the dependency petition was initiated, unless the juvenile court finds clear and convincing evidence that it would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child for the parent to live with the child or otherwise have physical custody of the child, and there are no reasonable means by which the child's physical and emotional health can be protected without removing the child from the parent's physical custody.

EXISTING LAW:

- 1) Allows a juvenile court to adjudicate a child a dependent of the court as the result of abuse or neglect, as specified. (Welfare & Institutions Code Section 300. Unless stated otherwise, all further statutory references are to that code.)
- 2) Allows a court to limit control that a parent may have over a dependent child. (Section 361 (a).)

3) Allows a court to make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a dependent child, including medical treatment, subject to further order of the court. (Section 362 (a).)

4) Prevents a dependent child from being removed from the physical custody of his or her parent or guardian with whom the child resided when the dependency petition was initiated, unless the court finds by clear and convincing evidence that, among other things, it would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child if the child was returned home, and there are no reasonable means by which the child's physical and emotional health can be protected without removing the child from the parent's physical custody. (Section 361 (c).)

FISCAL EFFECT: As currently in print this bill is keyed fiscal.

COMMENTS: The chief priority of the child welfare system is to protect children from abuse and neglect. To do so, a child may be made a dependent of the juvenile court and, if necessary, removed from his or her parents' custody. In addition, the court may make any and all reasonable orders for the care and custody of the child. While the law is specific about when children may be removed from the parents with whom they reside, it provides only more general provisions about the power of the juvenile court to provide for dependent children, but does not specifically state how a child can be removed from the custody of a noncustodial parent. This bill clarifies when a child may be removed from a noncustodial parent, based on the same standard of removal from a custodial parent. The author states that this bill is necessary because the limited ability of dependency courts today to "remove abusive non-custodial parents presents a dangerous loophole in protecting a child from a parent that presents a detriment to the safety of a child."

Juvenile Court Empowered to Protect Dependent Children, But Must Recognize Parents' Constitutional Rights to Raise Their Children: The purpose of the child welfare system is to "provide maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, being neglected, or being exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of that harm." (Section 300.2.) While the "safety, protection, and physical and emotional well-being of the child" is paramount, the focus of the system is also on the "preservation of the family," that is keeping children with their parents or extended family whenever possible. (Ibid.) The juvenile court's power to protect children is moderated by the parents' fundamental constitutional right to the care, custody, and management of their child, which "will not be disturbed except in extreme cases where a parent acts in a manner incompatible with parenthood." (In re Marquis D. (1995) 38 Cal. App. 4th 1813, 1828.) As a result, a child may not be removed from a parent's custody without a very clear need to protect the child. And if a child is removed, that removal is reviewed often and the child is to be returned home whenever it is not necessary for the child's protection to remain away from his or her parents. Parents' rights are protected regardless of whether they are custodial or noncustodial parents. A noncustodial parent may not have physical custody of a child at all times, but he or she may have some custodial rights and likely also has legal custody of the child. These rights are protected as fundamental rights. For example, if a juvenile court assumes jurisdiction over a child, both parents, regardless of whether the child lived with one or both parents at the time of removal, are required to be notified of all proceedings involving the child, receive copies of all reports, and be represented by counsel. (Sections 302, 317.)

The law is very clear on how and when a dependent child may be removed from a custodial

parent. Section 361 (c) allows a court to remove a child from the physical custody of the parent with whom the child resided when the dependency petition was initiated only if the court finds by clear and convincing evidence that, among other things, it would be a substantial danger to the physical health, safety, protection, or well-being of the child if the child was returned home, and there are no reasonable means by which the child's physical and emotional health can be protected without removing the child from the parent's physical custody. However, that provision does not, by its own terms, apply to any parent that the child was not residing with at the time of removal. The statute is silent about when a child can be removed from a parent with whom the child was not residing at the time the dependency petition was initiated.

Recent Case Suggests Clarity in Law Regarding Removal of Child From a Noncustodial Parent is Warranted: A recent appellate court case, *In re Dakota J.* (2015) 242 Cal. App. 4th 619, raised the issue of when a dependent child can be removed from a parent with whom the child was not residing at the time the dependency petition was initiated. The trial court, in reliance on Section 361 (c), removed the children from the mother, who was not the custodial parent. The appellate court reversed, holding that the plain language of the statute only applied to parents with whom the children had resided. However, the court noted that the children could still be removed under other statutes, including Section 361 (a), which allows a court to limit control that a parent may have over a dependent child, and Section 362 (a), which allows a court to make any and all reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a dependent child. As a result, the court remanded the case and allowed the trial court to consider whether the children could be removed from their mother based on statutory grounds other than Section 361 (c).

This Bill Provides Needed Clarity on When a Child May be Removed From a Noncustodial Parent: Even if there are other methods to remove a child from a parent with whom the child did not reside at the time the dependency petition was filed, providing clear statutory authority on when and how a child may be removed from that parent will provide important guidance to the courts and child welfare personnel on how to protect children, while still ensuring that the fundamental parental rights of noncustodial parents are protected. This bill does so by allowing removal from a parent with whom the child did not reside on the same basis as removal of a child from the custodial parent. A child may only be removed from the custody of a parent with whom the child did not reside at the time the dependency petition was filed if the court finds clear and convincing evidence that it would be a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child for the parent to live with the child or otherwise have physical custody of the child, and there are no reasonable means by which the child's physical and emotional health can be protected without removing the child from the parent's physical custody. This standard protects children from harm, but also protects the constitutional rights of parents - both custodial and noncustodial - to raise their children as they see fit, provided they do not harm those children.

In support of the bill, the County Welfare Directors Association of California writes that this bill will remedy the gap in the law exposed by *In re Dakota J.* and "ensure the protection of children in circumstances where" the noncustodial parent poses a danger to the children.

REGISTERED SUPPORT / OPPOSITION:

Support

County Welfare Directors Association of California (co-sponsor)

Los Angeles County Board of Supervisors (co-sponsor)

Opposition

None on file

Analysis Prepared by: Leora Gershenzon / JUD. / (916) 319-2334

Recommendation(s)/Next Step(s):

CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 1332 (Bloom): Juveniles: Dependents: Removal, as recommended by the Director of Employment & Human Services.

Attachments

Attachment A: AB 1332 Fact Sheet

Attachment B: CWDA Support Letter

AB 1332 (Bloom)

Juveniles – Non-Custodial Parent Orders Clarification Fact Sheet

PURPOSE

To provide a needed legislative solution to give dependency courts the ability to protect the well-being of a child by applying equivalent statutory provisions for physical removal of a child from both offending custodial and non-custodial parents.

termination of parental rights to free the child for adoption. Current law allows even an abusive or negligent non-custodial parent to avoid a detriment finding despite receiving proper notice of the proceedings thus preventing permanence for a child.

SUMMARY

AB 1332 would amend the Welfare and Institutions Code to provide statutory guidance to:

- remove physical custodial rights from an offending parent who is not a primary custodial caregiver of a child at the time the dependency petition is initiated

BACKGROUND

At least one recent Court of Appeals decision has overturned dependency court removal orders from a non-custodial parent based on the existing statutory language which only permits removal from a parent with whom the child resides at the time the dependency petition is initiated. (WIC section 361, subd. (c).) On September 1, 2016, Juvenile Court Judge Frank J. Menetrez published an article in the Los Angeles Daily Journal highlighting the need for statutory changes for courts to protect a child's wellbeing regardless of a parent's custodial status

EXISTING LAW

Under current law, dependency courts do not have clear statutory guidance on how to remove a child from an abusive parent with whom the child does not reside at the time the dependency petition is initiated. WIC section 361.2 only allows the juvenile court to make a "detriment" finding by clear and convincing evidence regarding a non-custodial parent if that non-custodial parent requests custody of the child. Such a finding of detriment or "unfitness" is a necessary predicate should parents fail to reunify and the court then determine that adoption is the most appropriate permanent plan for a child which, necessitates the

SPONSORS

Los Angeles County
County Welfare Directors Association

SUPPORT

None on file.

Version: 3/28/2017



925 L Street, Suite 350
Sacramento, CA 95814
p: 916.443.1749 | f: 916.443.3202
cwda.org

March 27, 2017

The Honorable Mark Stone
Chair, Assembly Judiciary Committee
State Capitol, Room 3146
Sacramento, CA 95814

Dear Assembly Member Stone:

RE: AB 1332 (BLOOM) AS PROPOSED TO BE AMENDED —CO-SPONSOR

The County Welfare Directors Association of California (CWDA) is pleased to be a CO-SPONSOR of AB 1332 by Assembly Member Bloom.

AB 1332 seeks to ensure that California statute enables dependency courts to protect the well-being of a child by applying equivalent statutory provisions for removal of a child from both offending custodial and non-custodial parents.

The juvenile court can currently protect a child from a parent with whom the child does not reside by ordering that the parent's visits to be supervised. But current law only allows the court to remove that parent's right to physical custody of the child if the child lived with the parent before the petition was filed making the child a dependent of the court. Under current law, dependency courts do not have clear statutory guidance on how to remove a child from an abusive parent with whom the child does not reside at the time the dependency petition is initiated. This inconsistency in the law resulted in a recent Court of Appeals decision overturning dependency court removal orders from an abusive non-custodial parent based on the existing statutory language.

The concern is that this recent decision, which has exposed a gap in the law, will result in children being unprotected. The relevant situations are those where a court would otherwise wish to find, by clear and convincing evidence, that the parent places the child at substantial risk and to remove that parents' right to physical custody.

AB 1332 would remedy this issue by adding language in the Welfare and Institutions Code specifying that a court may remove physical custodial rights from an offending parent who is not a primary custodial caregiver of a child at the time the dependency petition is initiated.

This legislation will ensure the protection of children in circumstances where a gap in law currently exists. For these reasons, CWDA is pleased to be a CO-SPONSOR of AB 1332, along with the County of Los Angeles.

Sincerely,



Cathy Senderling-McDonald | Deputy Executive Director

- cc: The Honorable Richard Bloom
- Honorable Members, Assembly Judiciary Committee
- Leora Gershenzon, Consultant, Assembly Judiciary Committee
- Paul Dress, Assembly Republican Caucus
- Gail Gronert, Office of Assembly Speaker Rendon
- Donna Campbell, Office of Governor Jerry Brown
- Robert Smith, California Department of Social Services
- Elizabeth Marsolais, California State Association of Counties
- County Caucus



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

7.

Meeting Date: 04/10/2017
Subject: AB 1406 (Gloria): Homeless Youth Advocacy and Housing Program
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-16
Referral Name: AB 1446 (Gloria): Homeless Youth Advocacy and Housing Program
Presenter: Lavonna Martin **Contact:** L. DeLaney, 925-335-1097

Referral History:

This bill was referred to the Committee by Lavonna Martin, Director of Health, Housing, and Homeless Services. It was also recommended for consideration by EHSD staff.

Referral Update:

AB 1406 (Gloria): Homeless Youth Advocacy and Housing Program, is a bill that establishes the Homeless Youth Advocacy and Housing Program to award grants to up to 10 local continuums of care that demonstrate the ability to contract with service provider capable of providing housing assistance and supportive services to homeless youth with the goal of transitioning youth towards self-sufficiency.

Introduced: 02/17/2017
Disposition: Pending
Location: Assembly Housing and Community Development Committee

The bill has not yet been set for hearing. No committee analysis has been prepared.

The text of AB 1406 can be found at:
http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1406

Recommendation(s)/Next Step(s):

CONSIDER recommending to the Board of Supervisors a position of "Support" on AB 1406 (Gloria): Homeless Youth Advocacy and Housing Program, as recommended by Lavonna Martin, Director of Health, Housing, and Homeless Services.

Attachments

No file(s) attached.



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

8.

Meeting Date: 04/10/2017
Subject: AB 1479 (Bonta): Public Records: Supervisor of Records: Fines
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-17
Referral Name: AB 1479 (Bonta): Public Records: Supervisor of Records: Fines
Presenter: Jami Napier **Contact:** L. DeLaney, 925-335-1097

Referral History:

AB 1479 (Bonta): Public Records: Supervisor of Records: Fines was referred to the Legislation Committee by Jami Napier, Chief Assistant Clerk of the Board. The CACEO Clerk of the Board Legislation Committee voted to oppose AB 1479.

Referral Update:

AB 1479 (Bonta): Public Records: Supervisor of Records: Fines, amends the Public Records Act. Requires public agencies to identify a supervisor of records who shall review a determination by the agency that a request for records is denied. Authorizes a court that finds that an agency improperly withheld public records without justification, failed to furnish a properly requested record or a portion thereof in a timely manner, assessed an unreasonable fee upon a requester, or otherwise did not act in good faith in compliance, to assess punitive damages.

The text of the bill can be found at:

http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1479

Introduced: 02/17/2017
Last Amend: 03/21/2017
Disposition: Pending
Committee: [Assembly Judiciary Committee](#)
Hearing: [04/25/2017 9:00 am, State Capitol, Room 437](#)

California State Association of Counties (CSAC) and the Urban Counties of California (UCC) do not have official positions on the bill as yet.

No committee analysis of the bill has been prepared as yet. However, the Chairman of the CACEO Clerk of the Board Legislative Committee provided the following comments:

"This bill would amend Government Code Section 6255 to require public agencies to identify a

“supervisor of records” who would be required to review a determination by the agency that a request for records is denied.

The bill would also amend Section 6259 to establish a penalty of from \$1,000 to \$5,000 if a court determines that any agency:

- o Improperly withheld a record from a member of the public without justification.
- o Failed to furnish a properly requested record or portion of a record in a timely manner.
- o Otherwise did not act in good faith to comply with the CPRA.

The CACEO’s Clerk of the Board Legislative Committee voted to **oppose AB 1479**. The committee recommends that member clerks request their county to also oppose this bill. Several committee members believe it likely that the Clerk of the Board would be designated as the “supervisor of records”. Even if the COB were not so designated and, say, the County Counsel were named as supervisor of records, it would be very difficult for that official, or any other single official, to effectively function in the capacity of records supervisor.

As important, or perhaps more important, is the establishment of punitive damages that are not triggered by some egregious act on the part of the supervisor of record, agency, or other official. Under the terms of the bill, a county could be liable for damages after having made a good faith determination to deny a record or portion of a record. The provision that would allow such damages if an agency failed to respond timely would be particularly onerous in view of the many large records requests a county receives and the imposition of a new layer in the records request process by the bill.

AB 1479 is currently awaiting hearing in the Assembly Judiciary Committee. We anticipate that the bill will be heard in that committee very shortly after the Legislature re-convenes from its Spring Recess on April 17."

Recommendation(s)/Next Step(s):

CONSIDER recommending to the Board of Supervisors a position of "Oppose" on AB 1479 (Bonta): Public Records: Supervisor of Records: Fines, as recommended by Jami Napier, the Chief Assistant Clerk of the Board.

Attachments

No file(s) attached.



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

9.

Meeting Date: 04/10/2017
Subject: SB 213 (Mitchell): Placement of Children: Criminal Records Check
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-18
Referral Name: SB 213 (Mitchell): Placement of Children: Criminal Records Check
Presenter: Susan Jeong **Contact:** L. DeLaney, 925-335-1097

Referral History:

SB 213 (Mitchell) was referred to the Legislation Committee by the Director of EHSD.

The bill is generally in alignment with the Board's adopted 2017 State Platform policy #147: SUPPORT child-specific approval for kinship caregivers (and non-related extended family members) to enable relatives to care for their related child/children, if in the child's best interest, even if the relative/NREFM is not able or willing to be approved as a foster parent for their foster children.

Referral Update:

SB 213 (Mitchell): Placement of Children: Criminal Records Check is a bill that prohibits the final approval for an adoption placement or the placement of a child in the home of a relative, nonrelative extended family member, prospective guardian, or another person who is not a licensed or certified foster parent or an approved resource family, and the licensure of a foster care provider applicant and approval of a resource family applicant, if an adult living in the home has been convicted of a violent felony.

Introduced: 02/01/2017
Last Amend: 03/22/2017
Disposition: Pending
Location: Senate Judiciary Committee

The text of the bill can be found here: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB213

2017 CA S 213: Bill Analysis - 03/31/2017 - Senate Hum Srvcs Committee, Hearing Date 04/04/2017

SENATE COMMITTEE ON HUMAN SERVICES

Senator Wiener, Chair

2017 - 2018 Regular

Bill No: SB 213 Author: Mitchell Version: March 22, 2017 Hearing Date: April 4, 2017 Urgency: No Fiscal: Yes
Consultant: Mareva Brown

Subject: Placement of children: criminal records check

SUMMARY

This bill alters the background check process for prospective foster and adoptive parents by establishing a list of non-exemptible crimes, a list of crimes for which an exemption may be granted and a list of presumptively

exemptible crimes. It permits placement of a child into a relative's home pending the granting of a required exemption, as specified. This bill additionally requires the California Department of Social Services (CDSS) to establish a workgroup to recommend ways to streamline the criminal exemption process for prospective employees in children's residential settings who have lived experiences that may benefit foster youth in care.

ABSTRACT

Existing law:

- 1) Enacts the Community Care Facilities Act, which provides for the licensure and oversight of out of home placements of abused and neglected children by CDSS. (HSC 1500 et seq.)
- 2) Requires CDSS to license group care facilities, private Foster Family Agencies (FFAs) and foster family homes for the placement of children who are in the child welfare system and requires, prior to licensure, a licensed foster home provider to be undergo a criminal background check, as specified. (HSC 1502 and 1522)
- 3) Requires each person who files an application for adoption to be fingerprinted, and for the CDSS, the county adoption agency or licensed adoption agency to secure any criminal record of that person, including a Federal Bureau of Investigation background check using fingerprints. (FAM 8712)
- 4) Prohibits CDSS, or an adoption agency from giving final approval for an adoptive placement in any home in which the prospective adoptive parent or any adult living in the home has either of the following: A felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault and battery. Defines a crime involving violence to include child pornography, torture, mayhem, child abuse under conditions likely to produce great bodily harm or death, kidnapping, and others. (FAM 8712 (c)); (HSC 1522 (g))
- 5) Permits CDSS to grant an exemption to a criminal conviction exclusion, except as specified, if the director has substantial and convincing evidence to support a reasonable belief that the person convicted of the crime is of good character in order to justify granting the exemption. (HSC 1522 (g))
- 6) Permits a county to issue a criminal records exemption only if that county has been granted permission by the Director of CDSS to issue criminal records exemptions, as specified, and prohibits a county from placing a child in the home of a person who is ineligible for an exemption under that provision. (WIC 361.4(d)(3))
- 7) Prohibits an exemption from being granted for specified crimes identified in PEN 667.5, and permits exemptions for other specified crimes. (HSC 1522 (g))
- 8) For the purpose of defining sentencing enhancements for prison terms, defines "violent felony" to include the following crimes and notes that the Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person:
 - a.a) Murder or voluntary manslaughter,
 - a.b) Mayhem,
 - a.c) Rape, as defined,
 - a.d) Sodomy, as defined,
 - a.e) Oral copulation, as defined,
 - a.f) Lewd or lascivious act, as defined,
 - a.g) Any felony punishable by death or imprisonment in the state prison system for life.
 - a.h) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice, as defined, or in which the defendant uses a firearm, as defined.
 - a.i) Any robbery,

- a.j) Arson, as defined,
- a.k) Attempted murder,
- a.l) Kidnapping,
- a.m) Continuous sexual abuse of a child,
- a.n) Carjacking, as defined,
- a.o) Extortion, as defined,
- a.p) Threats to victims or witnesses, as defined,
- a.q) Any burglary of the first degree, as defined,
- a.r) Other crimes, as specified. (PEN 667.5)

9) Defines the priority and steps a county must take in placing a child who has been removed from his or her home, including immediate investigation of the circumstances and the facts surrounding the child being taken into custody and attempt to keep the child with the child's family through the provision of services. (WIC 309 (a))

10) Requires the county welfare department to assess an able and willing relative, or nonrelative extended family member (NREFM), as defined, who is available and requests temporary placement of the child pending the detention hearing, or after the detention hearing and pending the dispositional hearing. Requires an in-home inspection to assess the safety of the home and the ability of the relative or NREFM to care for the child's needs, and a consideration of the results of a criminal records check, as specified. (WIC 309 (d))

11) Prohibits placement in the home if the person has been convicted of a crime for which the CDSS cannot grant an exemption under HSC 1522. If the person has been convicted of a crime that is exemptible under HSC 1522, the child shall not be placed in the home unless a criminal records exemption has been granted by the county based on substantial and convincing evidence to support a reasonable belief that the person with the criminal conviction is of such good character as to justify the placement and not present a risk of harm to the child. (WIC 309 (d)(3))

12) Requires a county to visit the home of a relative or any prospective guardian or any other person who is not a licensed or certified foster parent in order to ascertain the appropriateness of the placement prior to placing a child in the home. (WIC 361.4. (a))

13) Prohibits placement in the home of a relative or prospective guardian if the person has been convicted of a non-exemptible crime under HSC 1522, or until an exemption has been granted, per HSC 1522, if a conviction is exemptible. (WIC 361.4 (d))

14) Permits a county to issue a criminal record exemption only if that county has been granted permission by CDSS. To be granted permission, a county may file a request with CDSS seeking permission to establish a procedure to evaluate and grant appropriate individual criminal records exemptions, as defined. Requires a county to adhere to the exemption criteria in HSC 1522 and for CDSS to monitor county implementation of the county's exemption process and to conduct reviews of random samples of county exemptions. (WIC 361.4 (d) (2))

15) Requires CDSS, or a county in specified circumstances, to evaluate a request from an Indian tribe to exempt an exemptible crime under HSC 1522 and to allow placement into an Indian home the tribe has designated for placement. (WIC 361.4 (d)(4))

16) Establishes a resource family approval process in lieu of multiple processes to license foster homes, approve foster, relative and nonrelative families, and approve adoptive families. Requires those families be subject to background clearance and exemption processes established in WIC 1522. (WIC 16519.5 and WIC 16519.5 (d)(1))

This bill:

Restructures the background check approval process for foster, adoptive and resource families:

- 1) Adds families screened under the newly implemented resource family approval process to statutory requirements for background checks and exemptions.
- 2) Maintains the prohibition against placing a foster child in the home of a foster parent, resource family parent, relative, non-relative or other caregiver if any adult in the home has a felony conviction for child abuse or neglect, spousal abuse, crimes against a child, including child pornography, or for a crime involving violence, including rape, sexual assault, or homicide, or other specified violent felonies.
- 3) Adds a felony conviction for elder abuse to the list of non-exemptible crimes.
- 4) Requires that CDSS determine whether to grant an exemption to a foster care or resource family applicant if the applicant or anyone in the applicant's home has been convicted of any of the following:
 - a. Any felony or misdemeanor conviction for willful harm or injury to a child, as specified, sexual abuse or exploitation by a licensed professional, as specified, any offense involving child sexual abuse, assault, or exploitation, as defined, a misdemeanor offense of elder abuse, or any sex offense for which registration is required, as specified
 - b. Any misdemeanor conviction within the last five years.
 - c. Any felony conviction within the last seven years.
- 5) Requires CDSS, in determining whether to grant an exemption, consider the following:
 - a. The nature of the crime or crimes.
 - b. The period of time since the crime was committed.
 - c. The number of offenses.
 - d. Circumstances surrounding the commission of the crime indicating the likelihood of future criminal activity.
 - e. Activities since conviction, including employment, participation in therapy, education, or treatment.
 - f. Whether the person convicted has successfully completed probation or parole, obtained a certificate of rehabilitation, or been granted a pardon by the Governor.
 - g. Any character references or other evidence submitted by the applicant.
 - h. Whether the person convicted demonstrated honesty and truthfulness concerning the crime or crimes during the application and approval process and made reasonable efforts to assist the department in obtaining records and documents concerning the crime or crimes.
- 6) Creates a new category of presumptive exemptions, and requires CDSS to promptly request and obtain a statement from the person convicted of the crime regarding the circumstances surrounding the commission of the crime and to presumptively grant an exemption unless the department is in possession of substantial and convincing evidence to support a reasonable belief that the person convicted of the crime does not have the good character necessary to justify the issuance of an exemption.
- 7) Requires that presumptive exemptions be granted for any crime not falling into the specified non-exemptible or exemptible lists.
- 8) Exempts caregivers who already have obtained criminal exemptions from this process.

Requires a social worker, in considering placement of a detained child, to take the following actions:
- 9) Prohibits placement of a child in a home where someone has a non-exemptible crime.
- 10) Prohibits placement of a child in a home where someone has an exemptible crime until an exemption has been granted, with one exception.

11) Permits placement of a child pending a criminal records exemption for a relative or NREFM if the social worker determines the placement is in the best interest of the child and a party to the case does not object.

12) Permits placement in a home where someone has a criminal background if the crime falls into the category of presumptive exemption, as long as the department has requested and obtained a statement from the person with the criminal history about the nature of the crime.

13) Prohibits placement into a home where a crime falls into the presumptive category if the department is in possession of substantial and convincing evidence to support a reasonable belief that the person convicted of the crime does not have the good character necessary to justify the issuance of an exemption.

14) Prohibits issuance of a criminal record clearance into the home of an individual with an arrest for willful harm or injury to a child, a sex offense requiring registration, assault with a deadly weapon, or other specified crimes until an investigation has been completed into the arrest, and the county social worker and the court have considered the investigation results when determining whether the placement is in the best interests of the child.

Requires a county social worker in conducting a background check as a part of the new resource family approval process to take the following steps:

15) Deny approval to an applicant if someone in that home has been convicted of a non-exemptible crime, and delay approval until an exemption is granted if someone in the home has been convicted of an exemptible crime.

16) Approve exemptions and grant presumptive exemptions, if the county has been granted approval by CDSS to authorize exemptions.

Makes other changes:

17) Removes contingency language for federal funding from the requirement to background check families seeking adoption.

18) Requires CDSS to convene a stakeholder group to develop and implement, to the extent permissible under existing law, recommendations for streamlining the criminal exemption process for prospective employees in children's residential settings who have lived experiences that may benefit foster youth in care.

FISCAL IMPACT

This bill has not been analyzed by a fiscal committee.

BACKGROUND AND DISCUSSION

Purpose of the bill:

According to the author, California's current laws relating to the criminal history of a prospective foster or kinship caregiver are overly complex, unduly restrictive, and overlap with the 2008 enactment of the federal Adam Walsh Act. "This burdensome maze of regulations leaves foster youth to linger in shelters or foster homes awaiting placement," the author states. "Meanwhile, there are would-be foster parents who are disqualified due to a crime, such as a petty theft, that happened decades ago."

The bill maintains the list of crimes which automatically prohibit the placement of a child in a home, such as murder, rape, child abuse, and others, and adds elder abuse to the non-exemptible list. In considering whether a crime is exemptible, it relaxes the prohibition against placing a child in a home pending a criminal background exemption if the child is being placed with a relative or non-related extended family member, and the social worker determines the placement is in the best interest of the child, as long as a party to the case does not object.

Additionally, it creates a new category of crimes for which a presumptive exemption must be granted, unless the department is "in possession of substantial and convincing evidence to support a reasonable belief that the person convicted of the crime does not have the good character necessary to justify the issuance of an exemption." In granting a presumptive exemption, a social worker is required to obtain a statement from the person convicted of the crime regarding the circumstances surrounding the commission of the crime, and then issue the presumptive exemption, permitting placement of the child in the home. These crimes are generally older, and of a less serious nature than the non-exemptible and exemptible categories.

The bill additionally permits granting of exemptions for certain crimes, previously prohibited, if the conviction is for a misdemeanor crime.

Background:

State and federal[1] statutes require CDSS to perform background checks on applicants, licensees, adult residents, employees and some volunteers of community care facilities who have contact with clients. The Caregiver Background Check Bureau was established in 1992 to review criminal history information from state databases and the Federal Bureau of Investigation.

If someone has a criminal conviction or arrest for a crime that is exemptible on their RAP sheet, the Bureau must determine, based on circumstances surrounding the crime and more recent behavior, whether the person is of such character to be granted an exemption to the ban on criminal backgrounds. This process requires the state to get court files from those specific cases. Recent legislation grants counties the ability to investigate and issue foster care exemptions, upon receiving permission from the state.

In 2008, the Adam Walsh Act tied federal funding to the requirement to have procedures in place to conduct criminal background checks on prospective foster and adoptive parents. The Act, named after a 6-year-old Florida boy who was abducted from a mall and later found dead, requires states to include fingerprint-based checks of prospective foster and adoptive parents through a national crime information database before the prospective foster/adoptive parent may be finally approved for placement of a child.[2] It additionally creates a list of prohibited convictions, which substantially match California's existing list of prohibited crimes.

California Law

California's background check statute encompasses both the Adam Walsh Act requirements, and state prohibitions against placing individuals convicted of violent felonies into licensed caregiving situations, including foster care. The chart below identifies the categories of exemptions that are created by this bill. It should be noted that crimes in the non-exemptible category are consistent with existing statute.

Background Check Bill: Proposed Exemption Categories

Category A: Non-Review Defined in Section 1522 (g)(2)(A) Safety Code, (g) of the Offenses in Category A (2)(B) Health and Safety Code, may not be granted an exemption. Offenses listed in (C) Category B that are not otherwise covered by nonexemptible * Child abuse or under Category A may neglect be * Spousal abuse be granted an presumed exemptible. exemption. * Elder abuse Misdemeanor conviction for: * Crimes against a * Willful harm or child injury to a (including child child pornography) * Sexual abuse or * A crime involving exploitation by a violence licensed (including rape, sexual professional assault, homicide) * Any offense involving * Offenses described in child sexual abuse, subdivision (c) of Sec assault, or exploitation 667.5 of the Penal Code * Elder Abuse but not including other Any conviction for: physical assault and * Any offense for which sex battery offender registration is * Physical assault, requirebattery, or drug- or alcohol- * A misdemeanor within related offenses in the last the last five years five years. * A felony within the last five years Backlog and controversy

The Community Care Licensing Division at CDSS has struggled for many years to process criminal exemptions in a timely manner. The process of obtaining court documents on old cases and from distant jurisdictions or other states can be slow, as can the process of identifying and obtaining information on self-disclosed crimes, or crime which are incompletely reported in the state's criminal databases.

In 2003, a Bureau of State Audits report noted inconsistencies in background checks and specifically reported that investigators had not looked into self-disclosed crimes to evaluate whether a criminal pattern existed. Meanwhile, a backlog was growing. In 2009, CDSS requested funding to provide additional investigators to clear a growing backlog of cases.[3] The Legislative Analyst's Office (LAO) noted that over the previous three years, there had been a 17 percent increase in the overall number of criminal arrest records submitted to the Caregiver Background Check Bureau for review. The number of subsequent crime arrest records that warrant investigation by the bureau increased by 60 percent, the LAO reported. As a result of this increase in workload, CDSS estimated there was existing backlog of about 1,400 individuals who required review, investigation, or analysis by the bureau.

In 2011, in response to a threatened lawsuit over the backlog, CDSS changed policy to enable providers to allow applicants to begin work before the criminal clearance process was completed. But after news reports and legislative

criticism over that practice, it was reversed in 2014, with CDSS pledging to find other ways to expedite the process.

CDSS receives about 300,000 fingerprint submissions annually for all licensing applications. Approximately 270,000 of those applicants have no criminal background and are cleared for licensure. Approximately 30,000 applicants have criminal history that prohibits them from being present in a licensed facility. Of those, about 40 percent are granted exemptions, the rest are denied exemption or the case is closed. About 55 percent of those exemptions are granted using a simplified exemption process, which permits CDSS to grant the exemption without reviewing original case file documents in cases where there is only one misdemeanor conviction for a nonviolent crime.

Bureau of State Audits report

On March 14, the state Auditor released a report, "California Department of Social Services: Its Caregiver Background Check Bureau Lacks Criminal History Information It Needs to Protect Vulnerable Populations in Licensed Care Facilities." The report found, among other things, that CDSS and the Department of Justice (DOJ) had significant delays in processing information required to complete the exemption processes. The Auditor's findings included:

* CDSS policies inappropriately direct staff to ignore convictions for relatively minor crimes known as infractions and assume that, if CDSS does not have an individual's criminal history self-disclosure form, then the individual does not have any convictions.

* DOJ does not always provide Social Services with criminal history information within the 14-day time frame required by state law. Further, DOJ has incomplete criminal history information because it is not receiving all arrest and conviction information from the courts and law enforcement agencies. As a result, the CDSS background checks can be delayed or may not consider an individual's complete criminal history.

* In 2016 DOJ stopped providing CDSS with sentencing information because state law does not explicitly require that it share this information. It also did not forward information about certain convictions because it believed it was not authorized to share that information. However, this information is valuable for CDSS in deciding whether to allow an individual with a criminal history to be present in a licensed facility,

Continuum of Care Reform Efforts

CDSS is in the process of implementing a substantial reform within the child welfare system. The Continuum of Care Reform effort, established in statute by AB 403 (Stone, Chapter 773, Statutes of 2015), envisions new models of care for foster youth, including more intensive services, providing needed treatment and services in homes rather than in group homes, and a significant decrease in reliance on group homes. As a result, CDSS the county welfare directors and advocates say there is a significantly increased need for foster families, relatives and NREFMs to care for children, as they leave group care.

Resource Family Approval (RFA) program

The RFA Program replaces existing processes for licensing or certifying foster family homes, approving relatives and NREFMs as caregivers, and approving legal guardians and adoptive families. It combines elements of each of these processes into a single approval standard, regardless of the child's case plan. The state hopes to eliminate the duplication of existing processes such as background checks and streamline the placement process for children.

Components of the new RFA process include a review of the home environment, background checks of adults in the home, training topics and a new psychosocial assessment of the family, which is designed to provide the caseworker and court with a broad picture of that family's life. As with existing law, an expedited process is considered for family members and NREFMs who step forward to take a child, but a background clearance is still required prior to placement.

RFA was enacted by legislation sponsored by the County Welfare Directors Association in 2007, expanded through SB 1013 (Budget and Fiscal Review, Chapter 35, Statutes of 2012), and made statewide by passage of AB 403 (Stone, Chapter 773, Statutes of 2015) the continuum of care reform bill. Counties began using the new RFA process January 1, 2017.

Related legislation:

SB 1201 (Mitchell, 2016) was substantially similar to this bill. It would have prohibited a child from being placed in the a home with a person who has been convicted of a felony conviction for specified crimes, and would have required the county social worker and the court to consider the criminal history in determining whether the placement is in the best interests of the child if the criminal records check indicates that the person has been convicted of any other crime, as specified. The bill was held in the Assembly Appropriations Committee.

SB 942 (Liu, 2016) would have required that criminal records checks be conducted within a specified timeframe, and would have required various hearings if the county fails to meet those timeframes. It authorized placement of a child in a home in which an exemption is pending under circumstances in which the county is found to have abused its discretion. It was held in the Assembly Appropriations Committee.

AB 1997 (Stone, Chapter 612, Statutes of 2016) was a substantial cleanup bill for the Continuum of Care Reform effort, including some modifications to the RFA process.

AB 403 (Stone, Chapter 773, Statutes of 2015) enacted the Continuum of Care Reform and expanded resource family homes statewide.

AB 1764 (Hall, Chapter 765, Statutes of 2014) expanded the preference to place a child with relatives or NREFM from the period of time immediately prior to the child's initial detention to hearing to include additional time after that hearing.

COMMENTS

While this bill generally seeks to streamline the beleaguered background check process, it specifically targets delays to relative placements for children in foster care. State and federal statute cite a priority for children to be placed with relatives whenever possible, yet those placements may be delayed weeks or months, or longer, if a relative has a criminal conviction, advocates say. This bill would permit placement into the homes of relatives pending that process.

For years, CDSS has struggled to provide timely and thorough background clearances for individuals requiring exemptions. Complicating the exemption process is the requirement to review original case files from historic crimes, which may mean obtaining old files from distant locations, including other states. The state then weighs the facts of those cases with more recent information about the applicant in determining whether an exemption is warranted. A recent state audit of the Caregiver Background Check Bureau at CDSS outlined shortcomings in information received from RAP sheets.

By placing consideration of the criminal exemption into the Resource Family Approval process, it gives the state or county social worker more flexibility to consider the criminal history in context of other factors.

POSITIONS

Support:

Alliance for Children's Rights (Co-Sponsor)

Children's Law Center (Co-Sponsor)

County Welfare Director's Association (Co-Sponsor)

American Civil Liberties Union of California

Children's Advocacy Institute

Oppose:

None.

[1] The Adam Walsh Act (P.L. 109-248)

[2] http://www.aphsa.org/content/dam/AAICPC/PDF%20DOC/Home%20page/Summary-Adam_Walsh_Act.pdf

[3] "Workload Increase in Subsequent Criminal Arrest Investigations," Legislative Analysts Office, 2009-10

Recommendation(s)/Next Step(s):

CONSIDER recommending to the Board of Supervisors, on Consent, a position of "Support" on SB 213 (Mitchell): Placement of Children: Criminal Records Check, as recommended by Kathy Gallagher, Director of Employment & Human Services.

Attachments

No file(s) attached.



Contra Costa County Board of Supervisors

Subcommittee Report

LEGISLATION COMMITTEE

10.

Meeting Date: 04/10/2017
Subject: SB 282 (Wiener): CalFresh and CalWORKs
Submitted For: LEGISLATION COMMITTEE,
Department: County Administrator
Referral No.: 2017-18
Referral Name: SB 282 (Wiener): CalFresh and CalWORKs
Presenter: Susan Jeong **Contact:** L. DeLaney, 925-335-1097

Referral History:

SB 282 (Wiener): CalFresh and CalWORKs was referred to the Legislation Committee by the Director of Employment & Human Services. The bill is supported by CSAC (see letter of support, Attachment A). Although the bill is not directly aligned with a policy in the Board's adopted 2017 State Platform, it aligns well with EHSD's emerging programmatic innovations as it relates to CalFresh Employment and Training Programming.

Referral Update:

SB 282 (Wiener): CalFresh and CalWORKs requires the State Department of Social Services to issue an annual letter providing guidance that lists which counties or regions are eligible to participate in the Restaurant Meals Program and certain instructions. Includes subsidized employment as a CalFresh Employment and Training program component that a county may offer. Provides for the use of EBT cards, employment services for noncustodial parents, and the expenditure of certain funds.

Last Amend: 03/15/2017
Disposition: Pending
Committee: [Senate Appropriations Committee](#)
Hearing: [04/17/2017 10:00 am, John L. Burton Hearing Room \(4203\)](#)

The text of the bill can be found here: http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB282
2017 CA S 282: Bill Analysis - 03/24/2017 - Senate Hum Srvcs Committee, Hearing Date 03/28/2017

SENATE COMMITTEE ON HUMAN SERVICES

Senator Wiener, Chair

2017 - 2018 Regular

Bill No: SB 282 Author: Wiener Version: March 15, 2017 Hearing Date: March 28, 2017 Urgency: No Fiscal: Yes Consultant: Taryn Smith

Subject: CalFresh and CalWORKs

SUMMARY

The Reducing Hunger Among Vulnerable Californians Act of 2017 will:

- 1) Authorize a county to provide employment services to a noncustodial parent of a child receiving benefits under the California Work Opportunity and Responsibility to Kids (CalWORKs) program,
- 2) Codify in state law the CalFresh Restaurant Meals Program (RMP) and establish requirements for the California Department of Social Services (CDSS) to implement the RMP, and
- 3) Require CDSS to seek a federal waiver that would allow counties participating in CalFresh Employment and Training (E&T) to offer subsidized employment to able bodied adults without dependents (ABAWDs).

Existing law:

CalWORKs

- 1) Establishes the federal Temporary Assistance for Needy Families (TANF) program, which permits states to implement the program under a state plan. (42 USC Section 601 et seq.)
- 2) Establishes in state law the California Work Opportunity and Responsibility to Kids (CalWORKs) program to provide cash assistance and other social services for low-income families through the federal TANF program. Under CalWORKs, each county provides assistance through a combination of state, county and federal TANF funds. (WIC 10530)
- 3) Requires a recipient of CalWORKs benefits to participate in welfare-to-work activities as a condition of eligibility for aid and requires that necessary supportive services be available to participants in welfare-to-work activities, including child care, as specified. (WIC 11320 et seq)
- 4) Requires CDSS to develop an allocation methodology to distribute funding for expanded subsidized employment programs for CalWORKs recipients, or recipients who have exceeded the 48-month time limit, and authorizes the allocated funds to be utilized to cover all expenditures related to the operational costs of the program. (WIC 11322.64)

CalFresh

- 5) Establishes in federal law the Supplemental Nutrition Assistance Program (SNAP) within the US Department of Agriculture (USDA) to promote the general welfare and to safeguard the health and wellbeing of the nation's population by raising the levels of nutrition among low-income households. It establishes SNAP eligibility requirements, including income that is at or below 130 percent of the federal poverty level and is determined to be a substantial limiting factor in permitting a recipient to obtain a more nutritious diet (7 CFR 271.1; 7 CFR 273.9)
- 6) Establishes work requirements and exemptions for the federal SNAP E&T program. (7 CFR 273.7)
- 7) Establishes the Restaurant Meals Program under SNAP to allow eligible homeless, disabled or elderly recipients to purchase hot, prepared food from participating restaurants. (7 CFR 2020)
- 8) Limits ABAWDs to 3 months of CalFresh benefits in a 3-year period unless that participant has met specified work participation requirements. (7 CFR 273.24)
- 9) Establishes in California statute the CalFresh program to administer the provisions of federal SNAP benefits to low-income families and individuals meeting specified criteria. (WIC 18900 et seq.)
- 10) Establishes in the Electronic Benefits Transfer (EBT) Act a system for the distribution and use of public assistance benefits, such as CalFresh, and requires EBT access to be provided through automated teller machines (ATMs), point-of-sale devices and other devices that accept EBT transactions. (WIC 10065 et seq.)
- 11) Directs CDSS to annually seek a federal waiver of the three month ABAWD time limit, and provides that an eligible county is included in this waiver unless the county declines to participate in the waiver request. (WIC 18926(a))
- 12) Establishes the CalFresh Employment and Training program (CalFresh E&T) to assist members of CalFresh households in gaining skills, training, work, or experience that will increase their ability to obtain regular employment. (WIC 18926.5. (a))
- 13) Requires that a California county that elects to participate in CalFresh E&T screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the program. Requires that an individual be deferred from a mandatory placement in the CalFresh E&T program for a number of specified reasons, including residence in a federally determined work surplus area. (WIC 18926.5(b))

This bill:

- 1) Shall be known, and may be cited, as the Reducing Hunger Among Vulnerable Californians Act of 2017.
- 2) Permits a county to provide employment services to a noncustodial parent from its CalWORKs single allocation funds.
- 3) permits a county to use existing funds for the CalWORKs expanded subsidized employment program to provide employment services for noncustodial parents of children receiving benefits under the CalWORKs program.
- 4) Requires CDSS to issue an annual all-county letter providing guidance that lists which counties or regions are eligible to

participate in the RMP because they meet the federal requirements to do so.

- 5) Requires that the all-county letter shall include instructions for how a county may choose to participate in RMP or appeal a noneligible determination by CDSS.
- 6) Requires CDSS to design the EBT system to automatically and upon issuance of an EBT card, allow all CalFresh recipients who are eligible for RMP to utilize their benefits in all restaurants that have been approved to participate in RMP.
- 7) Except for direct farm purchasing programs or where otherwise not required at a certified farmer's market, prohibits a restaurant from operating as an RMP vendor unless the restaurant permits customers to make in-store purchases, maintains a current public health license, and complies with all federal, state, and local health and safety laws, regulations, and ordinances, as specified.
- 8) Defines "in-store purchase" means any purchase that is not delivered to the purchaser.
- 9) Permits a county that elects to participate in RMP to determine the number, type, and location of restaurants the county may choose to include as vendors to align with county administrative capacity or other factors, including, but not limited to, location of participating restaurants and recipient demand.
- 10) Adds subsidized employment for ABAWDs, as defined, to the list of components that a county may offer under CalFresh E&T.
- 11) Requires CDSS to seek a federal waiver that would allow 50-percent federal reimbursement for eligible CalFresh E&T activities to be used to provide a wage subsidy for ABAWD participants in counties that do not participate in the waiver of the ABAWD time limit.
- 12) Requires CDSS to include a provision in the waiver request to allow CalFresh E&T participants in the subsidized employment program to remain eligible for CalFresh benefits for up to six months following the date their first subsidized paycheck was issued, even if their income or assets otherwise exceed CalFresh eligibility limits during the six-month period.

FISCAL IMPACT

This bill has not yet been analyzed by a fiscal committee.

BACKGROUND AND DISCUSSION

Purpose of the bill:

Despite having the fastest rate of job growth in the country, there are still some Californians who are unemployed or under-employed, according to the author. Many of these out-of-work Californians experience homelessness and struggle to prevent hunger with real job prospects further and further out of reach as each day passes, per the author.

According to the author, the Reducing Hunger Among Vulnerable Californians Act of 2017 seeks to address the multiple, often overlapping, challenges of hunger, joblessness and homelessness for low income Californians. This package of targeted program improvements will increase access to prepared food for low income homeless, elderly or disabled Californians and create job opportunities for low-income Californians who are childless or non-custodial parents, per the author, as follows:

- * Two-thirds of CalWORKs cases are headed by a single parent. Non-custodial parents of children in poverty often fall behind in their child support payments because they, too, are struggling to get by. This bill will allow counties to provide employment services to a non-custodial parent of a child who is receiving CalWORKs benefits. The author states that this will increase probability that the parent will make child support payments and potentially enhance involvement with the child.
- * Subsidized employment is a proven practice that helps low-wage workers to find employment, but California counties are not currently authorized to use CalFresh E&T funds to support subsidized employment for ABAWDs, per the author. AB 282 will require California to seek a waiver from the USDA that would allow the state to use federal CalFresh E&T funds to support a subsidized employment program for ABAWDs, according to the author.
- * Federal law allows states and counties to participate in CalFresh RMP. However, some counties are stymied in implementing the program because the program rules have not been codified in state law, which leaves open some important questions about county control of the program, per the author. Currently, only eight California counties participate in RMP. SB 282 will address this issue by providing structure in state law around the RMP.

Anti-Poverty Programs

Despite the recent economic recovery, poverty continues to be a problem in California. According to the official poverty measure, nearly 6 million (15.3 percent) Californians lived in poverty in 2015{1}. According to the supplemental poverty

measure, a more refined measure that takes into account cost of food, clothing and shelter and utilities and other factors, 8 million (20.6 percent) Californians lived in poverty in 2015. {2} Two of California's prominent anti-poverty programs, CalWORKs and CalFresh, are described below.

CalWORKs

The CalWORKs program provides monthly income assistance and employment-related services aimed at moving children out of poverty and helping families meet basic needs. CalWORKs components include education, employment and training programs. The CalWORKs program is funded with a mix of federal TANF money, state, and county funds. CDSS is the designated state agency with responsibility for program supervision at the state level. The counties are responsible for administering the caseloads at the local level.

In order to be eligible for CalWORKs, families must meet income and asset tests of no more than \$2,250 in savings (\$3,250 where the assistance unit includes at least one member who is disabled or aged 60 or older), excluding education and retirement plans plus one car worth \$9,500 or less or that was received as a gift or family transfer or donation. In addition, children must be deprived of parental support and care due to the incapacity, death or absence of a parent or unemployment of the principal wage-earner. Persons fleeing to avoid prosecution, custody or confinement after conviction of a felony are not eligible for CalWORKs.

The average monthly cash grant for a family of three on CalWORKs (one parent and two children) in Fiscal Year 2016-17 is estimated at \$514, and the maximum monthly grant amount for a family of three, if the family has no other income and lives in a high-cost county, is \$714. According to recent data from the DSS, approximately 485,850 families rely on CalWORKs. Nearly 60% of cases include children under 6 years old. Two-thirds of CalWORKs cases are headed by a single parent.

Adult benefits in the CalWORKs program are contingent upon participation in welfare-to-work activities, which can include job finding, job training, educational pursuits, subsidized employment or unsubsidized employment, as defined and within specific parameters.

CalFresh

The CalFresh program provides qualified low-income households with EBT cards which are used to purchase food and seeds or plants that grow food for human consumption. CalFresh is California's version of the federal SNAP program. It is administered by CDSS at the state level. California's 58 counties are responsible for administering the program at the local level. CalFresh benefits are 100% federally funded and national eligibility standards and benefit levels are established by the federal government.

To participate in CalFresh, households must meet certain income-eligibility standards. Generally, households must have gross income below 130% of the federal poverty level (FPL), which is \$26,208 for a family of three, and net income (after certain deductions) at or below 100% FPL, which is \$20,160 for a family of three. A household with an elderly person or a person who is receiving certain types of disability payments only has to meet the net income test. CalFresh benefit levels are based on the household size and income after certain deductions. The average monthly CalFresh benefit in FY 2016-17 is projected at \$293 per household and \$140 per person.

California's EBT system automates the delivery, redemption, and reconciliation of public assistance benefits such as CalWORKs and CalFresh. EBT cards function like a bank-issued ATM cards. EBT cardholders can slide the card through a point-of-sale device, or use the card at an ATM. California EBT cards can be used at more than 15,000 businesses and over 54,000 ATMs in California. Unlike other types of benefits that may be accessed through an EBT card, CalFresh benefits cannot be withdrawn as cash.

Non-Custodial Parents

Studies have shown that non-custodial parents face significant barrier to paying regular child support because many are poor themselves and have a variety of financial challenges. For example:

- * 41 percent of low-income, non-custodial fathers had been unemployed for at least one year.
- * 2.5 million non-custodial fathers lived in poverty and had a limited ability to pay child support.
- * 78 percent of non-custodial parents whose income was less than \$10,000 per year paid less than half of their current support during the year. However, once incomes exceeded \$10,000 per year compliance with orders increased. {3}
- * About 3.5 million non-custodial fathers, almost one-third of all non-resident fathers are poor.
- * Among poor non-custodial fathers about 1 million pay child support, despite their poverty status, the remaining 2.5 million default on their child support orders. {4}

The CalWORKs' Welfare to Work (WTW) program is designed to assist welfare recipients prepare for employment. All WTW participants receive an orientation to the program and an appraisal of their education and employment background. Initially, most individuals receive assistance in finding a job. Additional employment-related services are provided based on an individual's education and work history. Individuals may be assigned to unpaid work experience/preparation, vocational training placements, and adult education or community college programs.

Under subsidized employment programs, counties partner with private employers, non-profit organizations, and local public agencies to match low-income parents with employers in the community. Wages are partially subsidized while employers provide training and supervision. Currently, 45 counties participate in the CalWORKs Expanded Subsidized Employment programs, using TANF dollars.

This bill would provide employment services for non-custodial parents. Current law requires a parent receiving CalWORKs benefits to report the names of both parents, including a non-custodial parent, of a child receiving aid through the program. When appropriate, the state uses parental information to establish a child support collection case. In such cases, the child support payments are collected by the state. The parent who receives the child support will get the first \$50 of the child support payment. This money is called a "disregard" because it is not counted against the family's CalWORKs grant. The rest of the payment is used to reimburse the program for the cost of the CalWORKs benefit. If a non-custodial parent obtains an income level that causes the child support payment to surpass the family's CalWORKs grant, then the child's family can exit the CalWORKs program.

CalFresh Restaurant Meals Program (RMP)

Recognizing that some recipients of SNAP, or CalFresh in California, benefits do not have access to grocery stores or the tools necessary to prepare a hot meal, USDA has created the voluntary RMP to help expand food access to homeless, elderly or disabled individuals who do not have a place to store and cook food.

Under the RMP, counties authorize CalFresh recipients to receive restaurant meal benefits if recipients meet the criteria, which includes homelessness, being elderly or having a disability. Authorized RMP restaurants within participating counties may accept EBT payments from CalFresh recipients.

To participate in the RMP, counties must submit a proposal to CDSS. Once approved, counties can then enter into memorandums of understanding (MOUs) with restaurants located within the county. The MOU must contain a requirement that the restaurant offer low cost meals to these recipients. MOUs are also contingent on restaurants being authorized by USDA as a SNAP retailer. Participating restaurants generally serve fast food.

County participation in the RMP is voluntary. Currently, only Sacramento, Los Angeles, Alameda, San Francisco and Santa Clara counties operate RMPs. Counties have reported that if the program were codified and with clarification that counties could moderate growth of the program and target areas for the program, they would be more likely to participate.

Able-Bodied Adults Without Dependents (ABAWDs)

Federal law restricts the amount of time a childless, able-bodied adult can receive SNAP benefits to three months during any three-year time period unless they are working at least 20 hours per week. Because it can be difficult to meet these work requirements when jobs are scarce, the federal government offers waivers to eliminate time limits in areas with high unemployment, known as Labor Surplus Areas. Under such a waiver, an ABAWD is still subject to the same work requirements as other adults receiving food stamps, but they are no longer cut off from food aid if they can't find a job by the end of three months.

California has been operating under a series of statewide waivers for the ABAWD time limit since October 1, 2008. The most current statewide waiver will expire on August 31, 2018 and it is possible that another waiver may not be granted due to the improving economy.

Absent the waiver, some ABAWDs will be required to meet the weekly work requirements and subject them to the three month cut off, placing them in jeopardy of losing their food benefits. CDSS reports there are more than 450,000 ABAWDs in the CalFresh caseload in FY 2017-18 and that loss of the ABAWD waiver could result in 10,000 individuals being discontinued from CalFresh. Some estimates place the number of ABAWDs who could lose their food benefits well over 150,000.

According to the Center on Budget and Policy Priorities (CBPP), there is no single profile for the ABAWD population. About 45 percent are women and close to one-third are older than 40 years old. About 25 percent have less than a high school education, and half have only a high school diploma or GED. Many face multiple challenges to independence and self-sufficiency, including homelessness, physical and mental health limitations, language barriers, unstable employment histories, and criminal records. CBPP projects that six percent of ABAWDs who are likely to lose benefits are veterans.

Veterans who have served since September 2001 remain more likely than most to struggle with finding employment, with an unemployment rate of 9 percent.

The CalFresh E&T (also known as CFET) is a county optional program designed to improve employability and increase self-sufficiency of Non-Assistance CalFresh applicants and recipients. Non-Assistance CalFresh recipients receive CalFresh benefits but do not receive a monthly cash grant under the CalWORKs program. Each county has discretion to determine the range of services, as well as the rules governing mandatory and voluntary placements and exemptions. Thirty three counties currently participate in the CalFresh E&T.

CalFresh E&T provides skills and job training that includes job club, job search, workfare, vocational training and basic education. Participants are reimbursed for transportation and other ancillary costs needed to take part in CalFresh E&T. Those who are required to participate in E&T and fail to do so without good reason are temporarily ineligible for CalFresh benefits.

Under subsidized employment programs, counties partner with private employers, non-profit organizations, and local public agencies to match program participants with employers in the community. Wages are partially subsidized while employers provide training and supervision. Currently, 45 counties participate in the CalWORKs Expanded Subsidized Employment programs, using TANF dollars.

Subsidized employment has been shown to be an effective means for moving people out of public assistance. For example, the City and County of San Francisco's Human Services Agency found that 6 months after ending their subsidized employment placement, 65 percent of clients who had been on CalWORKs or General Assistance were no longer income eligible to receive cash assistance; average quarterly earnings of previously aided clients had more than doubled, compared to pre-subsidized employment earnings.

Current federal law is silent on allowing CalFresh funds to be spent on subsidized employment. However, there is precedence for using SNAP dollars to fund subsidized employment. Oregon has a program using SNAP benefits for subsidized employment. Oregon's Jobs PLUS program allows participants to choose to put their SNAP and TANF benefits toward subsidizing employment for a certain period. It also may help connect people with the labor market to increase their incomes by leveraging working family tax credits, like the Earned Income Tax Credit and Child Tax Credit, since wages paid under these programs qualify workers for these tax benefits.

Additionally, there are currently 10 SNAP-funded pilot projects designed to test innovative strategies and approaches that connect low-income households to good paying jobs. {6} Four of the pilots have subsidized employment as a program element, including one in Fresno County that will offer retention and training incentives to 3,400 participants. This pilot is currently underway and expected to be completed in August of 2017.

The bill's sponsors expect there will be an opportunity to expand the use of SNAP E&T for subsidized jobs programs through waivers of federal law.

Related legislation:

AB 1603 (Committee on Budget, Chapter 25, Statutes of 2016) streamlined the two former CalWORKs subsidized employment programs (the AB 98 program and the Expanded Subsidized Employment) in order to reduce the administrative burden and to help maximize utilization of the programs.

SB 904 (Hertzberg, 2016) would have required all eligible counties to be included in the federal waiver of the ABAWD time limitation and delete the authorization for the CDSS to implement this provision by all-county letters or similar instructions. This bill was held in the Senate Appropriations Committee.

SB 306 (Hertzberg, 2015) would have required all counties to participate in the CalFresh E&T program, and direct each county to provide a placement in the program for every ABAWD that requests one. SB 306 would have made other changes regarding CalFresh E&T and ABAWDs. The bill was held in Senate Appropriations Committee.

AB 74 (Committee on Budget, Chapter 21, Statutes of 2013), among other things, requires the CDSS, in consultation with counties, to develop an allocation methodology to distribute funding for expanded subsidized employment programs for CalWORKs recipients. Establishes a maintenance of effort to require counties that accept additional funding, pursuant to these provisions, to continue to expend no less than the aggregate amount of specified funds that the county expended for subsidized employment in the 2012-13 fiscal year.

SB 43 (Liu, Chapter 507, statutes of 2011) requires a county that elects to participate in the FSET program, which the bill designates as the CalFresh E&T program, to screen CalFresh work registrants to determine whether they will participate in, or be deferred from, the CalFresh E&T program, and describes the criteria for deferral. The bill authorized CalFresh recipients who are deferred from mandatory participation in the CalFresh E&T program to voluntarily participate and made other changes

to CalFresh E&T.

SB 68 (Senate Budget and Fiscal Review, Chapter 78, Statutes of 2005) made it mandatory, to the extent permitted by federal law, for CDSS to seek a federal waiver of the three month limitation on SNAP benefits for ABAWDs. SB 68 gave counties the option of choosing not to accept the waiver, thereby refusing federal money for food assistance.

POSITIONS

Support:

Equality California (Sponsor)

CCWRO/Western Center on Law and Poverty/CWDA/

City and County of San Francisco Human Services Agency (Co-Sponsors)

Bay Area Legal Aid

California Association of Food Banks

California Catholic Conference

California State Association of Counties

California Women's Law Center

Courage Campaign

Food Bank of Contra Costa & Solano County

St. Anthony's Foundation

Oppose:

None.

1 <https://www.census.gov/content/dam/Census/library/publications/2016/demo/acsbr15-01.pdf>

2 <https://www.census.gov/content/dam/Census/library/publications/2016/demo/p60-258.pdf>

3 http://raymarshallcenter.org/files/2005/07/NCP_Choices_Final_Sep_03_2009.pdf

4 https://www.brookings.edu/wp-content/uploads/2012/04/mincy_paper.pdf

5 <http://www.cbpp.org/research/food-assistance/who-are-the-low-income-childless-adults-facing-the-loss-of-snap-in-2016>

6 <https://www.fns.usda.gov/sites/default/files/snap/SNAP-ET-Pilot-Summaries.pdf>

Recommendation(s)/Next Step(s):

CONSIDER recommending a position of "Support" to the Board of Supervisors on Consent for SB 282 (Wiener): CalFresh and CalWORKs, as recommended by the Director of EHSD.

Attachments

Attachment A: CSAC Support Letter



March 22, 2017

1100 K Street
Suite 101
Sacramento
California
95814

Telephone
916.327.7500

Facsimile
916.441.5507

The Honorable Scott D. Wiener
Chair, Senate Human Services Committee
State Capitol, Room 4066
Sacramento, CA 95814

**Re: SB 282 (Wiener) – CalFresh
As Amended on March 15, 2017 – SUPPORT
Set for Hearing on March 28, 2017 – Senate Human Services Committee**

Dear Senator Wiener:

The California State Association of Counties (CSAC) is pleased to SUPPORT your SB 282, which would increase access to prepared food for low income homeless, elderly, or disabled Californians while creating real job opportunities for childless homeless adults.

Despite California having the fastest overall rate of job growth in the country, many Californians remain unemployed or under-employed and hungry. They have limited access to publicly funded assistance while real job prospects move further and further out of reach. SB 282 will increase access to jobs and reduce hunger among these vulnerable adults by:

- Requiring the Department of Social Services to seek a federal waiver that would allow counties participating in the CalFresh Employment and Training program to offer subsidized employment to able-bodied adults without dependents
- Codifying the CalFresh Restaurant Meals Program (RMP) and clarifying that counties can target the program to certain regions or food retailers

It is for these reasons that CSAC supports SB 282 and respectfully requests your “Aye” vote to increase access to jobs and reduce hunger in vulnerable adults. Should you or your staff have additional questions about our position, please do not hesitate to contact me at (916) 327-7500 ext. 509 or dbaker@counties.org.

Sincerely,

DeAnn Baker
CSAC Deputy Executive Director, Legislative Affairs

cc: The Honorable Scott Wiener, Member, California State Senate
Honorable Members, Senate Human Services Committee
Taryn Smith, Consultant, Senate Human Services Committee
Cathy Senderling-McDonald, Deputy Executive Director, County Welfare Directors Association of California