



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

June 17, 2005

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From: David E. Janssen
Chief Administrative Officer

SACRAMENTO UPDATE

State Budget Action

Late Wednesday, the State Senate voted on the FY 2005-06 Budget Bill, **SB 77**, but it failed by a partisan vote of 25 to 13. Reconsideration was granted for SB 77. Senate Pro Tem Don Perata and Minority Leader Senator Dick Ackerman pledged that they would continue to work together in an effort to reach a budget agreement in the near future. Our Sacramento Advocates report that there are no Big-5 meetings scheduled, however, there are some staff-to-staff discussions underway.

County-Interest Child Welfare Legislation

A number of bills affecting child welfare are under consideration by the Legislature. Four of these measures would appear to have workload and financial implications and are discussed below. All have been referred to the Department of Children and Family Services (DCFS) for analysis.

AB 1412 (Leno), as amended on May 27, 2005, would add a requirement that social workers ask foster children ages 10 and older, who have been in foster care for six months or more, about individuals who are important in their lives. Additionally, the bill mandates that social workers give children who are 12 years of age or older the right to participate in the development and review of their case plans and state their preference for residential placement. This requirement is to be phased-in over a period of time. These new mandates are subject to appropriation through the budget process.

Existing law requires county social workers to ask foster children who are 10 years old or older, who have been residing in group homes for at least six months, to identify important adults in their lives. Social workers are mandated to report to the court on their efforts to assist children in maintaining those relationships. AB 1412 would expand social workers' responsibilities to include every child 10 years of age or older, regardless of where they live. AB 1412 would increase social workers' workload

significantly by requiring that an adult be identified, and have his/her background cleared for appropriateness to serve as a supportive adult for a new, larger category of children, rather than only for those children residing in group homes.

The Child Welfare Directors Association (CWDA) supports AB 1412 as amended to include additional funding to go along with the additional workload responsibilities. AB 1412 is sponsored by the California Youth Connection and supported by the Youth Law Center, the National Center for Youth Law and others.

AB 1412 passed the Assembly on June 1, 2005 by a vote of 54 to 25 and proceeded to the Senate. AB 1412 was assigned to the Senate Committees on Human Services and the Judiciary on June 9, 2005, where it awaits consideration.

AB 1638 (Nava), as amended on April 7, 2005, would require that if a foster parent has acted as a child's caregiver for more than one year, and states the intent to adopt the child to a licensed adoption agency, the petition to adopt must be approved within 90 days of the termination of parental rights or within 90 days of the statement of intent to adopt, whichever is later. In addition, it grants certain exceptions to this requirement when the proposed adoption is opposed by the child or a county welfare department.

Under existing law, if the court finds that termination of parental rights would not be detrimental to the child, the county welfare department is mandated to make efforts to locate an appropriate adoptive family for the child within a period not to exceed 180 days. AB 1638 seeks to expedite the adoption process for foster parents who have been the caretakers of a child for at least one year, and express the intent to adopt the child. This bill requires that the adoption be finalized within 90 days of (a) the foster parent's statement of intention to adopt, or (b) the appeal rights of the natural parent(s) have been exhausted.

CWDA indicates that this bill would impose significant costs by increasing the need to hire specialized adoptions workers to work on expedited adoptions. Additionally, the adoption process is a complex interaction among the social services agencies, the courts, and children and families involved; therefore imposing a 90 day deadline to approve the adoption petition is highly unrealistic. CWDA indicates that a 120-day finalization timeframe that begins after the home study has been completed is more adequate, but this timeframe should be flexible enough to provide for unforeseen circumstances that might arise during the complex and multi-agency adoption process.

AB 1638 is supported by the Children's Advocacy Institute, and the Family Law Section of the State Bar of California. There is no known opposition. This bill is currently in the Appropriations Committee suspense file.

SB 218 (Scott), as amended on June 2, 2005, would provide that if a child is living with a caretaker who has been designated by the court as a "prospective adoptive parent", the court can be authorized to designate a current caretaker as prospective adoptive

parent if the child has lived with the caretaker for at least six months, the caretaker has expressed a commitment to adopt the child, and the caretaker has taken at least one step to facilitate the adoption. Further, this bill would provide that a child living in the home of a designated adoptive parent may only be removed from that home after a noticed hearing in which the court finds that removal from the home is in the child's best interest.

Under existing law, child welfare agencies, or licensed adoption agencies are responsible for the custody and supervision of the child and entitled to the exclusive care and control of him/her at all times. Accordingly, the child welfare agency determines if and when a child may be removed from a caretaker's home. The author of the bill contends that this exclusive care and control of the child gives unchecked authority to the child welfare agencies. This bill would prevent the removal of a child from the caretaker's home by the child welfare agency, if the caretaker has been designated as a prospective adoptive parent.

CWDA, the California State Association of Counties (CSAC) and the Service Employees International Union oppose this bill unless it is limited to providing notice and an opportunity for a hearing only to those who have already been designated as prospective adoptive parents. The California Association of Adoption Agencies opposes the bill despite that proposed amendment, indicating that the decision as to the best family for a child should remain with the adoption agency and its professional social work staff.

SB 218 passed the Senate by a vote of 40 to 0, and proceeded to the Assembly. The Assembly Judiciary Committee heard the bill on June 7, 2005, where it passed by a vote of 9 to 0, and was re-referred to the Assembly Appropriations Committee where it awaits consideration.

SB 726 (Florez), as amended on May 17, 2005, would enact "Adams Law", requiring a court, when ordering the removal of a child from his/her home, to determine if there is a parent of the child with whom the child was not living and who desires to assume custody, to place the child with that parent, unless the court finds that the placement would be detrimental to the safety, protection, or well-being of the child. In addition, it authorizes the court to order social workers to conduct a home visit within 3 months of placing a child with a non-custodial parent, and to file a report with the court in regards to the home visit. Additionally, SB 726 would require a social worker to provide a Caregiver Information Form to caregivers for purposes of providing information regarding a non-custodial parent.

Existing law provides that the court must place a child with a non-offending parent, and that placing the child would not be detrimental to his/her safety or well being. Additionally, it provides that the court may order post-reunification services as it deems appropriate for each individual case.

CWDA indicates that this bill would impose costly new requirements upon counties, and has asked that the bill be amended to delete new requirements for additional social worker visits and reports, or that these requirements be funded with an appropriation. DCFS indicates concern about protection of the rights of the non-offending parent. The department does not have a position on this bill.

This bill is supported by the Junior Leagues of California, and is opposed by the County Welfare Directors Association of California, the Judicial Council of California, and the Children's Law Center of Los Angeles.

SB 726 passed the Senate May 31, 2005 by a vote of 38 to 0 and was referred to the Assembly Committees on Judiciary and Human Services.

Pursuit of County Position on Legislation

SB 869 (Bowen), as amended on May 27, 2005, would establish the Nurse-Family Partnership Program and require the California Department of Health Services to make grants available to counties for the provision of voluntary visiting nurse services to first-time pregnant, low-income mothers, their children and their families. It would appropriate to the Department any increase in Federal Child Abuse Prevention and Treatment Act dollars allocated to the State during FY 2004-05, and any increase in funding from this source allocated to the State in subsequent years, for the purposes of this bill.

The County's Department of Health Services (DHS) has participated in the Nurse-Family Partnership (NFP), a Federal pilot project administered by the U.S. Department of Justice, since 1997 when the Department was selected as one of six sites to pilot the program. The NFP provides educational, health and other resources that are intended to reduce drug and alcohol abuse, smoking, and criminal and delinquent activity. Although the program has demonstrated remarkable results in improved birth outcomes, increased childhood immunization rates, reduced subsequent pregnancy, and prevention of child abuse and criminal behaviors, it struggles to maintain funding. SB 869 would provide a source of additional funding to maintain and enhance the program.

DHS recommends that the County support SB 869 because it would assist the Department to continue to provide the full scope of services under the NFP Program, and further reduce health, mental health and societal costs in Los Angeles County, and we concur. Consistent with current Board policy to support increased funding for public health activities including: immunizations, tuberculosis, maternal and child health, family planning, sexually transmitted disease, childhood lead poisoning prevention, injury and violence prevention, food safety and chronic disease programs, **our Sacramento Advocates will support SB 869.**

SB 869 is sponsored by the author and supported by the American Nurses Association of California, Attorney General Bill Lockyer, California Association for Health Services at Home, California Conference of Local Health Department of Nursing Directors, California Maternal, Child and Adolescent Health Directors, California Nurses Association, California State University Bakersfield Department of Nursing, Children's Law Center of Los Angeles, Fight Crime: Invest in Kids, First 5 - Kern County, Kern County Department of Public Health Nursing Division, Riverside County Department of Public Health, Southern California Public Health Association, and Ventura County Department of Public Health. There is no registered opposition. SB 869 is scheduled for hearing on June 21, 2005 in the Assembly Health Committee.

Status of County-Interest Legislation

County-sponsored AJR 22 (Bass), calling upon Congress and the President to enact an exemption to the Family Educational Rights and Privacy Act (FERPA) so that schools may share student records with child death review teams, was approved by the Assembly on June 15, 2005 by a vote of 78 to 0. This measure now awaits assignment to a Senate policy committee.

County-sponsored SB 116 (Dutton), which would repeal the sunset clause for the Safely Surrendered Baby Program, passed the Assembly Public Safety Committee on June 14, 2005 by a vote of 6 to 0, and now moves to the Assembly Judiciary Committee.

County-supported SB 258 (Chesbro), which would require the State Department of Mental Health to establish a working group to develop recommendations to improve the quality of residential care facilities for adults with mental illness, passed the Assembly Health Committee on June 14, 2005 by a vote of 10 to 4, and now proceeds to the Assembly Appropriations Committee.

We will continue to keep you advised.

DEJ:GK
MAL:JF:RM:MS:ib

c: Executive Officer, Board of Supervisors
County Counsel
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All Department Heads
Legislative Strategist
Coalition of County Unions
California Contract Cities Association
Independent Cities Association
League of California Cities
City Managers Associations
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