

SENATE JUDICIARY COMMITTEE
Senator Thomas Umberg, Chair
2023-2024 Regular Session

AB 448 (Juan Carrillo)
Version: March 21, 2023
Hearing Date: July 11, 2023
Fiscal: Yes
Urgency: No
AWM

SUBJECT

Juveniles: relative placement: family finding

DIGEST

This bill requires social workers to conduct an investigation to locate family members or members of a child's tribe for a child who is a dependent or ward of the juvenile court immediately, but in no case in fewer than 30 days, and requires social workers to include information about their ongoing efforts to locate family members or members of the child's tribe in its reports to the court.

EXECUTIVE SUMMARY

Research shows that a child taken from the custody of their parent, guardian, or Indian custodian will suffer fewer negative outcomes if they are placed with a trusted relative or other person with whom they have a family-like relationship rather than a stranger. To this end, when a child is taken to custody and declared a dependent of the juvenile court, State policy requires the social worker to take specific efforts to locate a relative, as defined, who may serve as a caregiver for the child.

This bill is intended to expedite and provide better oversight over the efforts to find a relative or extended family member placement for a child or, in the case of a nonminor dependent, relatives or extended family members who may provide support. The bill clarifies that attempts to find relatives and extended family members should begin immediately, but no later than 30 days after the child's removal from their parents' or guardians' custody; requires a social worker to document their efforts, and in the case of an Indian child, active efforts, as defined, to locate relatives for a potential placement; and requires the social worker to report those efforts for the court and the court to consider those efforts at status hearings. The author has agreed to minor amendments to clarify the efforts that must be made for a nonminor dependent.

This bill is sponsored by the Children's Law Center of California and is supported by All Of Us Or None Orange County, the Alliance for Children's Rights, the California Alliance of Caregivers, the California Tribal Families Coalition, Children's Legal Services of San Diego, the Dependency Advocacy Center, Dependency Legal Services, John Burton Advocates for Youth, Juvenile Court Judges of California, Los Angeles Dependency Lawyers, Inc., Public Counsel, Starting Over, Inc., and The Law Offices of Dale S. Wilson There is no known opposition. The Senate Human Services Committee passed this bill with a vote of 5-0.

PROPOSED CHANGES TO THE LAW

Existing law:

- 1) Establishes the Indian Child Welfare Act of 1978 (ICWA), which requires states to establish specific adoption preferences for a child who is a member of a federally recognized Indian tribe, or who is eligible to be a member and is the child of a member of a federally recognized Indian tribe, and to make specified efforts to notify the child's tribe when an Indian child is placed in foster care. (25 U.S.C. §§ 1901 et seq.)
- 2) Establishes specific state statutes to implement ICWA's protections for Indian children in the juvenile court system, which include:
 - a) Defining "active efforts" as affirmative, active, thorough and timely efforts intended primarily to maintain or reunite an Indian child with their family; to the maximum extent possible, active efforts shall be provided in a manner consistent with the prevailing social and cultural conditions and way of life of the Indian child's tribe and shall be conducted in partnership with the Indian child and the Indian child's parents, extended family members, Indian custodians, and tribe.
 - b) Imposing an affirmative duty on the court, county welfare department, and probation department to inquire whether a child, for whom a petition to make the child a dependent or ward of the juvenile court has been, or may be, filed, is or may be an Indian child.
 - c) Providing notice to an Indian child's parents and tribe that the child is involved in proceedings that may culminate in an order for foster care placement, termination of parental rights, preadoptive placement, or adoptive placement, as specified, and prohibiting any such proceeding until 10 days after the notice was received.
 - d) Granting the child's Indian tribe and Indian custodian the right to intervene at any point in an Indian child custody proceeding. (Welf. & Inst. Code, §§ 224-224.6, 361.7.)

- 3) Establishes the juvenile court, which is intended to provide for the protection and safety of the public and minors falling under its jurisdiction. (Welf. & Inst. Code, §§ 202, 245.)
- 4) Provides that a child may become a dependent of the juvenile court and be removed from the custody of their parent or guardian¹ on the basis of enumerated forms of abuse or neglect. (Welf. Inst. Code, § 300(a)-(j).)
- 5) Provides that the purpose of the juvenile court and the dependency system is to provide the 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. This safety, protection, and physical and emotional well-being may include the provision of a full array of social and health services to help the child and family and to prevent the reabuse of children. (Welf. & Inst. Code, § 300.2.)
- 6) Authorizes, if certain imminent risks to a child are present, a child to be taken into emergency custody without a warrant, and requires the child to be delivered to the custody of a social worker; in such cases, the social worker must take certain steps, including immediately investigating the circumstances of the child and the facts surrounding the child being taken into custody and attempt to maintain the child with their family through the provision of services.
 - a) The child must be immediately released to their parent, Indian custodian, or relative unless specified conditions are met.
 - b) If a relative, an extended family member of an Indian child, or a nonrelative extended family member is available and requests emergency placement, the county welfare department must initiate an assessment of the requesting party's suitability for emergency placement and the child may be placed with that person if the home is approved. (Welf. & Inst. Code, §§ 305, 309.)
- 7) Provides that, if the child is removed from their parent's custody after being taken into emergency custody in 6), the social worker must conduct, within 30 days, an investigation to identify and locate all grandparents, parents of a sibling of the child, if the parent has legal custody of the sibling, adult siblings, other adult relatives of the child, as defined, and, if there is reason to know that the child is an Indian child, any extended family members. The social worker must provide any person so located of specified information, including information regarding the child's removal, how to become a resource family, and contact information for the child. (Welf. & Inst. Code, § 309(e).)
- 8) Requires, at the initial petition hearing on a petition to make a child a dependent of the juvenile court following the child's removal from the custody of their parent or

¹ Going forward, this analysis uses "parent" to include "guardian."

Indian custodian, the social worker to report to the court on why the child was removed from custody, the need, if any, for continued detention, the available services and the referral methods to those services that could facilitate the return of the child to the custody of the child's parents or Indian custodian, and whether there are any relatives who are able and willing to take temporary physical custody of the child. If it is known or there is reason to know the child is an Indian child, the social worker must include additional specified information. (Welf. & Inst. Code, § 319.)

- 9) Requires a court, after finding that a child is a dependent of the juvenile court, to hear evidence on the question of the proper disposition of the child; as part of this determination, the court must receive in evidence a social study or evaluation made by the child's social worker or court-appointed child advocate that sets forth specified information, including whether the child can be returned to their parent's custody, the relationships between the child and any identified family members, information relating to the child's siblings, and, for an Indian child, whether tribal customary adoption may be appropriate. (Welf. & Inst. Code, §§ 358, 358.1.)
- 10) Requires the juvenile court to review the status of every dependent child in foster care periodically, and no less frequently than every six months, at which point the court shall consider the child's placement and other enumerated factors. (Welf. & Inst. Code, § 366.)
- 11) Requires every supplemental report filed for a review hearing under 10) to include a factual discussion of specified subjects, including the recommended plan for the child and information about the child's health and education. (Welf. & Inst. Code, § 366.1)
- 12) Provides that a child is within the jurisdiction and may be adjudged a ward of the juvenile court if the child:
 - a) Is between the ages of 12 and 17, inclusive, and persistently or habitually refuses to obey the reasonable and proper orders or directions of their parents or custodian, or is beyond the control of that person, or has violated specified laws or has a specified number of trancies, is within the jurisdiction of the juvenile court and may be adjudged a ward. (Welf. & Inst. Code, § 601.)
 - b) Is between the ages of 12 and 17, inclusive, and violates any state or federal law or local or county ordinance defining crime. (Welf. & Inst. Code, § 601(a).)
 - c) Is under 12 years of age and is alleged to have committed specified serious violent crimes. (Welf. & Inst. Code, § 602(b).)
- 13) Authorizes a peace officer to take temporary custody of a minor if they have reasonable cause for believing the minor is a person who qualifies as a ward of the juvenile court under 12), if the child has violated an order of the juvenile court or escaped from a commitment ordered by the juvenile court, or is found in any street

or public place and suffering from a sickness or injury which requires remedial care. (Welf. & Inst. Code, § 625.)

- 14) Requires a probation officer, after accepting custody of a minor taken into custody pursuant to 13), to immediately investigate the circumstances of the minor and the facts surrounding their being taken into custody, and to immediately release the minor to the custody of their parent or responsible relative unless it can be demonstrated that continuance in the home is not in the child's best interest and other specified conditions exist. (Welf. & Inst. Code, § 628.)
- 15) Requires, if the probation officer has reason to believe that the child detained under 13) is at risk of entering foster care placement, to conduct, within 30 days, an investigation to identify and locate all grandparents, parents of a sibling of the child, if the parent has legal custody of the sibling, adult siblings, other adult relatives of the child, as defined, and, if there is reason to know that the child is an Indian child, any extended family members. The probation officer must provide any person so located of specified information, including information regarding the child's removal, how to become a resource family, and contact information for the child. (Welf. & Inst. Code, § 628(d)(2).)

This bill:

- 1) Requires a social worker or probation officer, when making the initial investigation to locate family members after a child has been taken into temporary custody without a warrant, to conduct the investigation immediately, but no later than 30 days after the child has been taken into custody.
- 2) Requires the social worker's report presented at the initial petition hearing to document the social worker's efforts, and in the case of an Indian child, active efforts, of the efforts by the social worker to locate any relatives who are able and willing to take temporary custody of the child and the names of those relatives.
- 3) Requires each social study or evaluation made by a social worker or court-appointed child advocate to be submitted in connection with an initial disposition hearing to set forth the efforts, and in the case of an Indian child, the active efforts, made by the social worker to locate any relatives who are able and willing to take temporary custody of the child and the names of those relatives.
- 4) Requires the juvenile court, at six-month review hearings for a child or a nonminor dependent in out-of-home care, to consider whether the social worker has continued efforts, and in the case of an Indian child, continued active efforts, to locate any relatives who are able and willing to take temporary physical custody of the child and the names of those relatives.

- 5) Requires each supplemental report filed in connection with a six-month review hearing to include, for a child or nonminor dependent who does not reside with their parents, relatives, or an Indian custodian, to set forth the continued efforts, and in the case of an Indian child, the active efforts, that the social worker has made to locate any relatives who are able and willing to take temporary custody of the child.
- 6) Requires a probation officer, after taking physical custody of a child who was detained as a possible ward of the court, to document their efforts, and in the case of an Indian child, active efforts, and the results, of their efforts to locate any relatives who are able and willing to take temporary physical custody of the child and the names of those relatives.

COMMENTS

1. Author's comment

According to the author:

It is estimated that in California, there are nearly 60,000 children in foster care, and nearly 50 percent are Latino. Children in foster care have experienced abuse, neglect, and other adverse childhood experiences that can negatively impact their health. In fact, according to statistics, half of all kids in foster care have endured four or more adverse childhood experiences. However, young people can and do recover from trauma, reunite with family members, and thrive because researchers found that children placed with relatives were more likely to remain in their same neighborhood, be placed with siblings, and have consistent contact with their birth parents than other children in foster care.

A 2008 study in the Archives of Pediatric and Adolescent Medicine found that children placed into kinship care had fewer behavioral problems three years after placement than children placed into foster care. AB 448 will build upon California's work to connect youth in foster care with family. By requiring documentation of family finding efforts in court reports, all parties involved in the child welfare case (attorneys, judicial officers) will have the information necessary to facilitate meaningful and ongoing connections between the youth and their family.

2. A brief overview of the juvenile court and the dependency process

The overarching goal of dependency proceedings is to safeguard the welfare of California's children.² Welfare and Institutions Code section 300 sets forth the circumstances that can bring a child within the jurisdiction of the juvenile dependency

² *In re Josiah Z.* (2005) 36 Cal.4th 664, 673.

court. “ ‘Although the harm or risk of harm to the child [for jurisdictional purposes] must generally be the result of an act, omission or inability of one of the parents or guardians, the central focus of dependency jurisdiction is clearly on the child rather than the parent.’ ”³

As explained by the California Supreme Court:

Dependency proceedings span up to four stages: jurisdiction, disposition, reunification, and permanency. At the jurisdictional stage, the juvenile court determines whether to declare a child a dependent of the court because the child is suffering, or at risk of suffering, significant harm. At the dispositional stage, the court decides if the child can be returned to, or must be removed from, a parent’s custody. During the reunification stage, qualifying parents are offered services to address the causes that led to the loss of custody. Finally, if the child cannot be safely returned to the parent within a statutorily specified timeframe, the juvenile court proceeds to the permanency stage, where it either terminates parental rights and places the child up for adoption or it selects another permanent plan, such as placement with a guardian or in long-term foster care. Throughout the proceedings, the juvenile court is instructed to pay careful attention to the well-being of the child, the efforts of the parent, and the services provided by the state to ensure that cases proceed to this final stage only when necessary.⁴

The child’s social worker maintains an active role throughout the process and is required to provide the court with reports about the status of the case in advance of the six-month review hearings.⁵ The social worker is also tasked with making efforts to identify and locate any relatives of the child, to determine whether they are willing and able to take custody of the child on a temporary or, if parental rights are ultimately terminated, permanent basis.⁶ Additionally, if the social worker knows or has reason to know that the child is an Indian child within the meaning of ICWA, the social worker must attempt to locate any relatives and the child’s tribe and provide them with notice of the proceedings and make active efforts to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.⁷

The juvenile court also has jurisdictions over wards of the court, who are children who have persistent behavioral issues or have committed specified crimes.⁸ Wards of the court are considered part of the juvenile justice system, and the Senate Public Safety

³ *In re R.T.*, 3 Cal.5th 622, 626.

⁴ *Michael G. v. Superior Court of Orange County* (2023) 14 Cal.5th 609, 624 (internal citations omitted).

⁵ E.g., Welf. & Inst. Code, §§ 309, 319, 358.

⁶ *Id.*, §§ 309, 358.1.

⁷ *Id.*, §§ 224.1, 224.3, 361.7.

⁸ *Id.*, §§ 601, 602.

Committee has jurisdiction over matters relating to wards. There is overlap between the provisions relating to dependents and wards, however, when a potential ward has been taken into emergency custody: in such a case, if the probation officer with temporary custody believes the child might need to be placed into the foster care system, the officer is required to conduct the same initial investigation into possible placements for the child as the social worker makes when a potential dependent is taken into custody.⁹

3. California's foster population and the importance of family and tribal placements

The child welfare system is intended to achieve a delicate balance of values, including “protecting children from harm, preserving family ties, and avoiding unnecessary intrusion into family life.”¹⁰ The overarching goal of dependency proceedings is to safeguard the welfare of California's children.¹¹ As of January 2023, over 51,000 children and young adults were in foster care in California; the population has generally hovered around 60,000.¹² Black and Indigenous children are dramatically overrepresented in the foster care system, with rates of 19.7 and 16.3 children in care per 1,000 children, respectively.¹³

Despite the stated goal of protecting children, research shows “that foster care leads to poor human capital formation and a host of undesirable outcomes.”¹⁴ The very first step of the process – removing a child from their parent's custody – can lead to short- and long-term harms, including PTSD and substance abuse issues.¹⁵ Foster children in California move placements, on average, 3.46 times every 1,000 days;¹⁶ multiple placements are associated with attachment difficulties, decreased academic performance, and externalizing and internalizing behavioral problems.¹⁷ And outcomes

⁹ *Id.*, § 628.

¹⁰ *In re R.T.* (2017) 3 Cal.5th 622, 638.

¹¹ *In re Josiah Z.* (2005) 36 Cal.4th 664, 673.

¹² California Child Welfare Indicators Project, University of California at Berkeley, Report: Children in Foster Care, CWS/CMS 2023 Quarter 1 Extract (retrieved Jul. 7, 2023), available at <https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/s>. All links in this analysis are current as of July 7, 2023.

¹³ California Child Welfare Indicators Project, University of California at Berkeley, Report: Children in Foster Care by Ethnic Group, CWS/CMS 2023 Quarter 1 Extract (retrieved Jul. 7, 2023), available at <https://ccwip.berkeley.edu/childwelfare/reports/InCareRates/MTSG/r/rts/s>. Latino children are in care at a rate of 5.8 children per 1,000; white children are in care at a rate of 3.6 children per 1,000; children of Asian and Pacific Islander descent are in care at a rate of .9 children per 1,000. (*Ibid.*) There rate for multiracial children is set at 0, which may reflect a data collection issue. (*Ibid.*)

¹⁴ Lovett & Xue, *Family First of the Kindness of Strangers? Foster Care Placements and Adult Outcomes*, Labour Economics (Feb. 22, 2021), p. 1.

¹⁵ E.g., Trivedi, *The Harm of Child Removal*, 43 N.Y.U. Rev. of Law & Social Change 523, 526, 528-532. (2019).

¹⁶ California Child Welfare Indicators Project, University of California at Berkeley, Report: Children in Foster Care by Placement Stability, CWS/CMS 2023 Quarter 1 Extract (retrieved Jul. 7, 2023), available at <https://ccwip.berkeley.edu/childwelfare/reports/P5/MTSG/r/Fed/1>.

¹⁷ McConnell, et al., *Changes in Placement among Children in Foster Care: A Longitudinal Study of Child and Case Influences*, Soc. Serv. Rev., 80(3) (Sept. 2006), p. 399.

for adults who have left the foster care system are bleak: a survey conducted by the University of Chicago's Chapin Hall found that more than 25 percent of former foster youth in California reported experiencing at least one night of homelessness in the past two years, while nearly 30 percent said they had couch surfed by staying with friends because they lacked housing;¹⁸ in the mid-2000s, 70 percent of California's prison inmates had been foster children at some point in their lives.¹⁹

One factor that has been shown to reduce negative experiences and outcomes for foster and former foster children is the placement of children in kinship placements, rather than in traditional foster placements with strangers.²⁰ "Compared to children that were placed in traditional foster care, former foster youth that were placed in kinship care are more likely to be employed or in school, less likely to be incarcerated, less likely to be homeless and less likely to receive social welfare benefits."²¹

For Indigenous children, federal and state law and state policy also require social workers and county welfare departments to make "active efforts" to locate members of the child's family and members of the child's tribe and grants placement preferences to members of the child's tribe and other tribes.²² This policy, implemented in the 1970s with the passage of ICWA, was "a direct response to the mass removal of Indian children from their families during the 1950s, 1960s, and 1970s by state officials and private parties," which "was only the latest iteration of a much older policy of removing Indian children from their families."²³ These efforts "had devastating effects on children and parents alike" and "presented an existential threat to the continued vitality of tribes."²⁴ The United States Supreme Court recently upheld ICWA's placement preferences,²⁵ which allows this State to continue its policies that recognize that "[i]t is in the best interest of an Indian child that the child's membership or citizenship in the child's Indian tribe and connection to the tribal community be encouraged and protected."²⁶

4. This bill increases the efforts that must be made to locate potential relative placements and the court's oversight over those efforts

Consistent with the state's policy of encouraging relative placements whenever possible and consistent with the child's best interest, this bill makes several changes to provide

¹⁸ Courtney, et al., *Findings from the California Youth Transitions to Adulthood Study (CalYOUTH): Conditions of youth at age 23* (2020) Chapin Hall at the University of Chicago, pp. 18-19, available at https://www.chapinhall.org/wp-content/uploads/CY_YT_RE1020.pdf.

¹⁹ Lovett & Xue, *supra*, at p. 1.

²⁰ *Id.* at p. 3.

²¹ *Ibid.*

²² 25 U.S.C. § 1915; Welf. & Inst. Code, §§ 224.1, 361.31.

²³ *Haaland v. Brackeen* (Jun. 15, 2023), 143 S.Ct. 1609, 1641 (conc. opn. of Gorsuch, J.)

²⁴ *Ibid.*

²⁵ *Id.* at p. 1623 (maj. opn. of Barrett, J.)

²⁶ Welf. & Inst. Code, § 224.

more clarity into the steps a social worker (or, for a potential ward, a probation officer) has taken to locate family members who might be willing and able to take physical custody of the child. Specifically, the bill requires the following:

- When a child is removed from the custody of their parent, the social worker must immediately, and not later than 30 days after the removal, conduct an investigation to identify and locate all grandparents, parents of a sibling of the child (if the parent has legal custody of the sibling), adult siblings, other adult relatives of the child, including any other adult relatives suggested by the parents; and, if the social worker knows or has reason to know the child is an Indian child, the immediate investigation must also attempt to locate any extended family members, as defined in ICWA.
- The social worker must document their efforts, and in the case of an Indian child, the active efforts, and results of those efforts by the social worker to locate any relatives who are able and willing to take temporary physical custody of the child, and the names of any relatives who are able and willing to take temporary physical custody of the child prior to the initial hearing and subsequent review hearings.
- At each status hearing, the court must review, among other matters already required by law, the following: for children and nonminor dependents in out-of-home care: whether the social worker has continued efforts and in the case of an Indian child, the active efforts, to locate any relatives who are able and willing to take physical custody of the child and the names of any relatives who are able and willing to take temporary physical custody of the child and the results of those efforts. The author has agreed to amendments to clarify that, for a nonminor dependent, the relatives or extended family members would be asked to provide support, not take custody of the nonminor dependent.
- Upon delivery to the probation officer of a minor who has been taken into temporary custody as probation-involved youth, when the probation officer has reason to believe that the minor is at risk of entering foster care placement, the probation officer must immediately, and not later than 30 days after the detention, conduct an investigation to identify and locate all grandparents, adult siblings, and other relatives of the child, including any other adult relatives suggested by the parents, and, if it is known or there is reason to know the child is an Indian child, any extended family members. As used in this section, “sibling” means a person related to the identified child by blood, adoption, or affinity through a common legal or biological parent.

5. Amendments

As noted above, the author has agreed to minor amendments to clarify the scope of the social worker’s inquiry when the dependent is a nonminor dependent. Nonminor dependents generally retain their right, as legal adults, to live alone or outside the custody of another adult,²⁷ so any relatives or extended family members located by a

²⁷ *Id.*, § 303(d).

social worker would likely be in a position to provide family support, including a place to live, without legally taking custody of the nonminor dependent.

6. Arguments in support

According to the Children's Law Center of California, the sponsor of the bill:

Numerous nationwide studies have documented the poor outcomes of children and youth who are removed from their homes and placed into the child welfare system. Children involved with the child welfare system have increased rates of chronic health problems, developmental delays and disabilities, mental health needs, and substance abuse problems.

Studies have also demonstrated the significant benefit to children in the child welfare system that are placed with relatives rather than with strangers in foster homes or in group care. A 2008 study in the Archives of Pediatric and Adolescent Medicine found that children placed into kinship care had fewer behavioral problems three years after placement than children who were placed into foster care. This study also noted that a large body of research acknowledges the evidence that children in kinship care are less likely to change placements, benefiting from increased placement stability and better outcomes. Researchers also found that children placed with relatives were more likely to remain in their same neighborhood, be placed with siblings, and have consistent contact with their birth parents than other children in foster care.

Delay in relative engagement often means that the relative will not be selected as placement for the child. Fact-finding hearings can sometimes take months to complete, with placement decisions at times taking over a year. During this time, the child will be living with a family and developing strong connections to that family all while a relative may have a home ready and waiting for the child. AB 448 seeks to avoid these unnecessary delays by ensuring all parties involved in the child welfare case (attorneys, judicial officers) will have the information necessary to facilitate meaningful and ongoing connections between the youth and their family.

SUPPORT

Children's Law Center of California (sponsor)
All Of Us Or None Orange County
Alliance for Children's Rights
California Alliance of Caregivers
California Tribal Families Coalition
Children's Legal Services of San Diego
Dependency Advocacy Center

Dependency Legal Services
John Burton Advocates for Youth
Juvenile Court Judges of California
Los Angeles Dependency Lawyers, Inc.
Public Counsel
Starting Over, Inc.
The Law Offices of Dale S. Wilson

OPPOSITION

None known

RELATED LEGISLATION

Pending Legislation:

SB 824 (Ashby, 2023) expands the Department of Social Services' (DSS) authority to grant an exemption to restrictions on a person serving as a resource family for a specific child when that person has a criminal conviction, to permit DSS to grant an exception to a person who is an extended family member or a nonrelative extended family member, provided that DSS finds the exemption is justified and other specified conditions are met. AB 824 is pending before the Assembly Appropriations Committee.

SB 578 (Ashby, 2023) requires a social worker to report on, and a juvenile court to consider, the potential harms to a child when considering whether to remove a child from their parent or guardian's custody. SB 578 is pending before the Assembly Human Services Committee.

AB 81 (Ramos, 2023) existing requirements under ICWA to state law and declares that specified relevant provisions addressing the rights of Indian children under state law shall be known as the California Indian Child Welfare Act. AB 81 is pending before this Committee and is set to be heard on the same day as this bill.

Prior Legislation:

SB 354 (Skinner, Ch. 687, Stats. 2021) among other things, authorized a juvenile court to order the placement of a child with a relative, regardless of the status of any criminal exemption or resource family approval, if the court finds that the placement does not pose a risk to the health and safety of the child.

AB 686 (Waldron, Ch. 434, Stats. 2019) required, when a tribe does not exercise its right to approve a home for a specific dependent Indian child, the county and foster family agency to apply prevailing social and cultural standards of the Indian community when approving a resource family for that child.

PRIOR VOTES:

Senate Human Services Committee (Ayes 5, Noes 0)
Assembly Floor (Ayes 79, Noes 0)
Assembly Appropriations Committee (Ayes 15, Noes 0)
Assembly Judiciary Committee (Ayes 9, Noes 0)
Assembly Human Services Committee (Ayes 8, Noes 0)
