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April 23, 2024

The Honorable Buffy Wicks  
Chair, Assembly Appropriations Committee  
Hon. Committee Members  
1021 O Street, Suite 8220  
Sacramento, CA 95814

**RE: AB 3217 (BRYAN) –SPONSORSHIP AND SUPPORT**

Dear Chair Wicks .and Honorable Committee Members:

The Children's Advocacy Institute at the University of San Diego School of Law respectfully asks for your support for AB 3217 (Bryan). Against a backdrop of (i) vast discrepancies in how successfully counties place foster children with family members, (ii) the documented and enduring benefits for children of being placed with their family, and (iii) the disproportionate number of children of color in foster care, AB 3217 is properly viewed in part as a civil rights bill as well as a child welfare bill. Based on these factors, the very least we can do is regularly have a conversation about how, within existing resources, counties might through best practices improve the rates by which they place traumatized foster children with their family members, as modestly proposed by this measure.

**COST: AB 3217 (BRYAN)**

The costs of this bill should be zero or immediately adjacent to zero.

AB 3217's approach to addressing the disparities between counties when it comes to maybe the most important thing we can do for abused or neglected foster children – placing them with their family -- is simply to require county decision-makers in counties that are below the statewide average in placing children with family members not to forget about the topic; one of urgent importance to traumatized children. To this end, the bill merely requires that:

- Each county *once a year* check online (e.g., this site <https://ccwip.berkeley.edu/childwelfare/reports/Allegation/MTSG/r/ab636/s>) to see how their family finding rates compare to the statewide average,
- county welfare directors or their designees of counties that are below the statewide average in placing foster children with relatives just *once a year* communicate with three of their colleagues at the better performing counties to compare notes and best practices – something that could be done through three emails, three phone calls, or at a conference, and
- the boards of supervisors of counties with rates less than the statewide average *once a year* to place their performance on an agenda for public discussion.

Experts tell us that these three simple steps ensuring the issue is raised at high levels just once a year will result in abused or neglected children, wherever they happen to live, having the same chance of living not just with a family, but *their* family. This will particularly benefit California's children and families of color.

**BACKGROUND; PLACING FOSTER CHILDREN WITH THEIR FAMILY MEMBERS IS VITALLY IMPORTANT BUT COUNTIES VARY DRAMATICALLY IN DOING SO.**

Black children in California make up 5% of the population.<sup>1</sup> Astonishingly, in California, 21% of the children in foster care are Black.<sup>2</sup> Thus, the degree to which counties successfully secure futures for the children they have removed from the care of their parents is a civil rights as well as child welfare issue.

Placing foster children with family members should be among the most important priorities in child welfare. The evidence is unambiguous that placing already-traumatized children with familiar and supportive family members leads to far better outcomes than placing these children with strangers:

Placement with kin caregivers when children cannot live safely with their parents can minimize the trauma of removal. When children are removed they often lose everything they know—their parents, their home, their siblings, friends, school, pets, etc. Placing a child with family diminishes this loss. Additionally, relatives often are willing to take large sibling groups, live in the same neighborhood therefore allowing for continuity of school and community, and provide the comfort of living with someone the child knows and shares a relationship with.<sup>3</sup>

Indeed, the benefits of placing children with kin extend into adulthood:

The connection to family or another supportive adult is critical for older youth. Research shows it is key for youth to have permanent, emotionally sustaining and committed relationships to reach self-sufficiency and to reduce the risk of negative outcomes such as homelessness and criminal involvement. A key recommendation from the Evan B. Donaldson Adoption Institute report *Never Too Old: Achieving Permanency and Sustaining Connections for Older Youth in Foster Care* was to increase efforts to recruit, support and utilize relatives by promoting kinship

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<sup>1</sup> <https://www.kidsdata.org/export/pdf?dem=13>

<sup>2</sup> <https://www.kidsdata.org/topic/22/foster-in-care-race/table#fmt=19&loc=2,127,347,1763,331,348,336,171,321,345,357,332,324,369,358,362,360,337,327,364,356,217,353,328,354,323,352,320,339,334,365,343,330,367,344,355,366,368,265,349,361,4,273,59,370,326,333,322,341,338,350,342,329,325,359,351,363,340,335&tf=108&ch=7,11,8,10,9,44&sortColumnId=0&sortType=asc> (59,172/12,866)

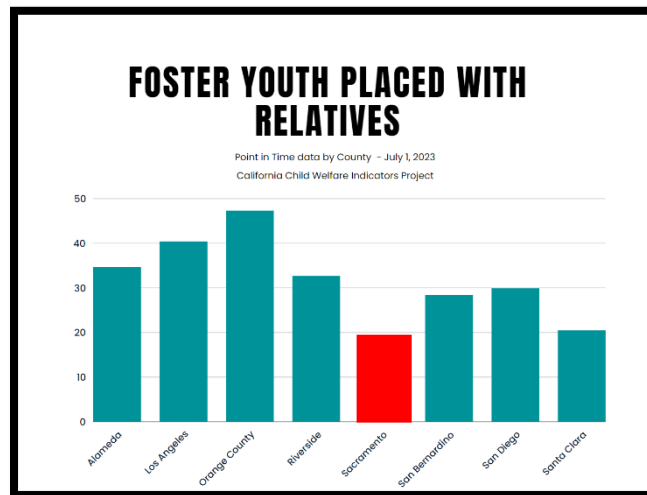
<sup>3</sup> [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/)

adoption and subsidized guardianship, and explore subsidized guardianship and adoption.<sup>4</sup>

“New research suggests that kinship care [] can improve academic outcomes and long-term success for children in out-of-home care.”<sup>5</sup>

For these many reasons, California law repeatedly and uniformly instructs counties to strive to place children with relatives or nonrelative extended family members (NREFM). (*See, e.g., Welfare & Institutions Code, §§ 309(e), 358(b)(2), 361.3(a), 11391*).

Even though neither a family’s love for children nor the laws mandating family finding vary by California geography, county family finding results are, to coin a phrase, all over the map. The most comprehensive public source of data on California’s foster care system is the Berkeley California Child Welfare Indicators Project (CCWIP).<sup>6</sup> According to the CCWIP, on July 1, 2023, 32.7% of California foster children were placed with a relative or NREFM. Another data set, found in a report published by *The Imprint* entitled *Who Cares: A National Count of Foster Homes and Families*,<sup>7</sup> shows that in 2020, 34% of all foster youth in California were living with relatives. The CCWIP also provides point-in-time data on foster care placements by County.<sup>8</sup> The chart below<sup>9</sup> provides a comparison of major county data regarding the percentage of foster youth placed with relatives.



<sup>4</sup> [https://www.americanbar.org/groups/public\\_interest/child\\_law/resources/child\\_law\\_practiceonline/child\\_law\\_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/](https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-36/july-aug-2017/kinship-care-is-better-for-children-and-families/)

<sup>5</sup> <https://www.childtrends.org/publications/kinship-care-supports-the-academic-performance-of-children>

<sup>6</sup> Webster, D., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Wiegmann, W., Saika, G., Courtney, M., Eastman, A.L., Hammond, I., Gomez, A., Sunaryo, E., Guo, S., Agarwal, A., Berwick, H., Hoerl, C., Yee, H., Gonzalez, A., Ensele, P., Nevin, J., & Guinan, B. (2023). <https://ccwip.berkeley.edu/childwelfare/reports/Allegation/MTSG/r/ab636/s>

<sup>7</sup> The Imprint, *Who Cares: A National Count of Foster Homes and Families*, (2022), <https://www.fostercarecapacity.com/>.

<sup>8</sup> Webster, D., Lee, S., Dawson, W., Magruder, J., Exel, M., Cuccaro-Alamin, S., Putnam-Hornstein, E., Wiegmann, W., Saika, G., Courtney, M., Eastman, A.L., Hammond, I., Gomez, A., Sunaryo, E., Guo, S., Agarwal, A., Berwick, H., Hoerl, C., Yee, H., Gonzalez, A., Ensele, P., Nevin, J., & Guinan, B. (2023). <https://ccwip.berkeley.edu/childwelfare/reports/Allegation/MTSG/r/ab636/s>

<sup>9</sup> Data from California Child Welfare Indicator Project (CCWIP), at <https://ccwip.berkeley.edu/childwelfare/reports/Allegation/MTSG/r/ab636/s>.

As the Departments of Social Services, Health Care Services, Education, and Developmental Services acknowledged in January of 2023, “[a]cross the state, family-finding practices and outcomes are highly varied.”<sup>10</sup> Why? Because counties operationalize state mandates differently.

**Changes in Practices within Existing Resources Can Change Lives.**

Modest best practice-inspired changes in operations can increase the number of family placements within existing resources. For example, Los Angeles County implemented the Upfront Family Finding project, first in two offices then more broadly. As explained by a report authored by the Departments of Social Services, Health Care Services, Education, and Developmental Services:

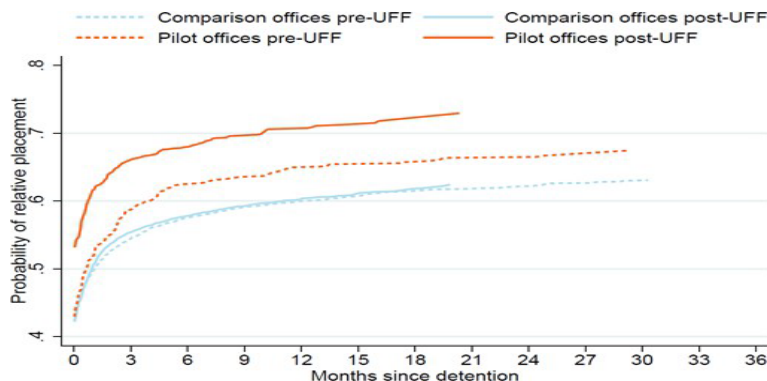
In Los Angeles County a model of upfront family finding (UFF) was piloted. The program involved dedicated permanency partner social workers that perform intensive searches and documentation review for potential relatives and NREFMs, interview and engage relatives and age-appropriate children, provide education and assistance regarding court and licensure processes, and link relatives and children to community-based organizations.<sup>11</sup>

Or, as researchers from *Child Trends* described it:

Prior to [ ] UFF pilot, Los Angeles County’s Department of Children and Family Services (DCFS) focused its family finding efforts on children in care for long periods of time. With the UFF pilot, which started in October 2016, two local offices (Glendora and Santa Fe Springs) conducted family finding when children were first removed from their home, assigning cases to specialized workers who were part of the Permanency Partners Program (P3).

The results of this first phase? Increases in family placements:

**Figure 1.** Probability of relative placement over time, Glendora and Santa Fe Springs pre- and post-UFF, all newly detained children



“The UFF pilot program met its goal of increasing relative placements and engaging more relatives to provide support to children. The program led to greater emphasis on identifying relatives for

<sup>10</sup> <https://www.chhs.ca.gov/wp-content/uploads/2023/02/AB-2083-Multiyear-Plan-for-Increasing-Capacity.pdf> at p. 44

<sup>11</sup> Ibid.

placement and other supports, and the results suggest that children’s likelihood of being placed with relatives increased.”<sup>12</sup>

These results were confirmed by *Child Trends* in phase 2:

- “UFF was associated with an increase in the likelihood that a child placed with relatives would be adopted or have a finalized guardianship.”
- “UFF did not adversely affect child safety.”
- “Prioritizing the identification and engagement of relatives at the initial stages of a case encouraged caseworkers to think creatively about how to engage relatives and what types of support relatives can provide to the child. The specialized workers were able to engage relatives and build rapport with families; this progress will serve to strengthen the relationship between local DCFS offices and the communities they serve, benefitting all children and families.”<sup>13</sup>

Or, as concluded in the report authored by the aforementioned four Departments:

**This [UFF] program resulted in a significant increase in first placement with relatives, increased the number of relatives identified for each child, and led to increased relative connection and involvement with the child.**<sup>14</sup>

So, what did Los Angeles County do, specifically? Two things, mostly:

1. Individual county child welfare staff at every level regularly get together and simply talk exclusively about family finding, including their rates of success. “From the onset, at each meeting, offices reported the percentage of children who were being placed into relative care and discussions often centered on how to increase these placement rates. . . . Special attention was given to ensuring proper representation of staff in all areas of the family finding process.”

**“This has resulted in a culture change where the inclusion of extended family in the case planning activities is highly valued.”**<sup>15</sup>

2. Family finding is front loaded whereby efforts to locate family – including fathers – begins immediately when it looks like a child will be detained out of their home:

These offices start looking for relatives when a case first comes to the attention of social services. If the office knows a judge is issuing a protective custody warrant, social workers immediately start to canvass for relatives and non-relative-extended-

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<sup>12</sup> Kate Welti, Alexandria Wilkins, Esther Gross, and Karin Malm Evaluation of Los Angeles County’s Upfront Family Finding Pilot, *Child Trends* (2018) Executive Summary <https://www.childtrends.org/publications/evaluation-of-los-angeles-countys-upfront-family-finding-pilot>

<sup>13</sup> Kate Welti, Alexandria Wilkins, and Karin Malm, Evaluation of Los Angeles County’s Upfront Family Finding Program | Phase 2, *Child Trends* (2021) Executive Summary <https://www.childtrends.org/publications/evaluation-of-los-angeles-countys-upfront-family-finding-program-phase-2>

<sup>14</sup> <https://www.chhs.ca.gov/wp-content/uploads/2023/02/AB-2083-Multiyear-Plan-for-Increasing-Capacity.pdf> at p. 44 (emphasis supplied)

<sup>15</sup> Quotes are from Los Angeles County Executive Briefing Upfront Family Finding and Engagement Progress Report May 15, 2017, p. 2. (Emphasis added)

family members (NREFMs) such as family friends, god-parents, and similar close family friends). The office uses a search engine called Family Finding to identify and locate “lost” relatives. They also do a better job of finding “non-offending” fathers, as this identifies both fathers and their extended families as possible placements. After all, fathers provide on average 50% of a child’s relatives.<sup>16</sup>

**The results are astounding with some County offices reporting family placement rates as high as 86%<sup>17</sup>**

**The State Has Made a Significant Investment in Family Finding through the Center for Excellence in Family Finding, Engagement and Support.**

“The Budget Act of 2022 allocated \$150 million General Fund [] in one-time funding, available for expenditure through June 30, 2027” to establish “the Excellence in Family Finding, Engagement, and Support (EFFES) Program ... through the establishment of The Center for Excellence in Family Finding, Engagement, and Support.”<sup>18</sup> “The funded activities shall include any of the following activities described in WIC Section 16546.5(e):

- (1) Training of staff on family finding and engagement practices, and models (e.g., Cultural Brokers, Upfront Family Finding, Wendy’s Wonderful Kids) approved by CDSS, in consultation with counties, stakeholders, and the advisory committee. Approved practices and models will be posted on an ongoing basis on the Center for Excellence website and specific tools, resources, trainings, and consultants will be available through the Center for Excellence to support counties in implementing approved practices and models.
- (2) Staffing and tools to identify, locate, and engage persons related to the child by blood or marriage, identification, and engagement of other family-like relationships, and in the case of an Indian child, to make active efforts to engage with the tribe to determine the child’s extended family members, as defined in WIC section 224.1.1.”<sup>19</sup>
- (3) Outreach and engagement of the child and family team members and all other current and prior service providers, case managers, and other connections to the foster child, to identify and engage possible family and family-like connections.
- (4) Plan development and case management for the child, family, and family-like connections to identify and address any barriers to establishing or reestablishing positive, loving, and supportive relationships. ...

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<sup>16</sup> Edwards, Judge Leon, *Juvenile & Family Court Journal*, Relative Placement: The Best Answer for Our Foster Care System, p. 61.

<sup>17</sup>Conversation with Ret. Judge Michael Nash, Executive Director, Los Angeles County Office of Child Protection, March 27, 2024.

<sup>18</sup> CALIFORNIA DEPARTMENT OF SOCIAL SERVICES EXECUTIVE SUMMARY ALL COUNTY LETTER NO. 23-12, p. 1. The Center can be found here: <https://humanservices.ucdavis.edu/center-for-excellence-family-finding/about>

<sup>19</sup> Id, at p.2.

(5) Implementation of model programs, strategies, or promising practices identified by the department in consultation with Tribes, CWDA, CPOC, and child and youth advocacy organizations. ...”<sup>20</sup>

However, there is no requirement they participate in the program. Counties are permitted to opt-into the program’s funding with a fifty percent funding match. But, for free, a county can access the best practices and related information available through the program, although no county is required to.<sup>21</sup> For example, there are over ten seminars scheduled for 2024.<sup>22</sup> As of the date of this letter it is unknown to the undersigned how many counties have opted-in.

Please support AB 3217 (Bryan). A regular conversation about what more can be done to promote placing traumatized children with their family is not too much to require.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ed Howard', is written over a light yellow rectangular highlight.

ED HOWARD  
Senior Counsel, Children’s Advocacy Institute

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<sup>20</sup> Id. at p.3.

<sup>21</sup> <https://humanservices.ucdavis.edu/center-for-excellence-family-finding/about#log>

<sup>22</sup> <https://humanservices.ucdavis.edu/center-for-excellence-family-finding-engagement>