

**HELP SUPPORT THE FOSTER CARE AND CIVIL RIGHTS AGENDA:
TOOLS FOR SUPPORTING AB 3145 & 3217 (BRYAN)**

Bills Supported by:

AB 3217:

Children's Advocacy Institute, University of San Diego School of Law
Black Women Organized for Political Action
Black Youth Leadership Project
Children Now
Dependency Legal Services
Justice2Jobs Coalition
NAACP, Merced Chapter

AB 3145:

Black Women Organized for Political Action
Black Youth Leadership Project
Children's Advocacy Institute, University of San Diego School of Law
Children's Institute
Culver City Democratic Club
Dependency Legal Services San Diego
Just in Time for Foster Youth
Justice2Jobs Coalition
Santa Monica Democratic Club

BELOW FIND:

- **SAMPLE LETTER:** and where to email it.
- **SAMPLE EMAIL FOR INDIVIDUALS IN SENATE DISTRICT 14** in support and where to email it.
- **SAMPLE PHONE CALL FOR INDIVIDUALS IN SENATE DISTRICT 14** in support and the number to call.

SAMPLE LETTER:

EMAIL WHEN DONE TO:

eh4@sbcglobal.net and katiegonzalez@sandiego.edu

Insert LOGO

July 1, 2024

The Hon. Anna Caballero
Chair, Senate Appropriations Committee
Hon. Committee Members
1020 N Street, Room 104
Sacramento, CA 95817

ABs 3217 AND 3145 (BRYAN) – SUPPORT

Dear Chair Caballero and Honorable Committee Members:

[Name of organization] is pleased to support families and civil rights by supporting ABs 3145 (the “Foster Care Justice through Meaningful Help for Parents Act” and 3217 (the “Justice Through Placing Foster Children with Families Act”), both authored by Assemblymember Bryan.

The Assembly Appropriations Committee projected only minor costs for each bill: AB 3217 (“Ongoing General Fund costs, likely less than \$25,000 annually statewide ...”), AB 3145 (“low hundreds of thousands of dollars annually”).

AB 3217 & 3145: It Is a Civil Rights Issue

Black children in California make up 5% of the population.¹ Astonishingly, in California, 21% of the children in foster care are Black.² Thus, the frequency with which county child welfare programs safely keep families together is a civil rights as well as a child welfare issue, affecting our Black families disproportionately.

But, if a child cannot safely be returned to their home, then ensuring the child is placed with family and relatives is, for the same reason, likewise a civil rights issue, affecting our Black families

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

² [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 \(59,172/12,866\)](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))

disproportionately. This is especially true in light of uncontradicted data showing that foster children by every measure fare far better throughout their lives if placed with loving family members.

**SUCCESSFULLY PLACING FOSTER CHILDREN WITH THEIR
LOVING FAMILIES SHOULD BE AN ONGOING HIGH PRIORITY IN
EVERY COUNTY.**

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.³

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.⁴

Furthermore, research suggests that kinship care can improve academic outcomes and long-term success for children in out-of-home care.”⁵

Yet, even though California law repeatedly and uniformly instructs counties to strive to place children with relatives or nonrelative extended family members (NREFM),⁶ the success rates of counties placing foster children with family members are all over the map. According to the Senate Human Services Committee:

[C]ounty placement rates ... vary from 12.6% in Stanislaus County to 50.2% in Orange County. The counties with the highest placement rates are: Orange County 50.2%; San

³ 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/

⁴ 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/

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

⁶ See, e.g., Welfare & Institutions Code, §§ 309(e), 358(b)(2), 361.3(a), 11391

Benito 50%; and Ventura 44.4%. Calculating the average family placement rate from the Indicators Project website, noting 11 counties did not have the relevant data available, came to 30.85%. Counties below that average rate are:

Stanislaus 12.6%	Del Norte 19.8%	Sutter 21.9%	Fresno 25.8%	Sonoma 27.4%
Tehama 13.3%	Monterey 19.9%	Santa Clara 22.5%	Yolo 26.2%	Calaveras 28.3%
Yuba 13.8%	Siskiyou 21.2%	Sacramento 23.6%	Butte 26.5%	Tulare 28.6%
Mendocino 17.6%	San Mateo 21.7%	Contra Costa 23.8%	Madera 27.1%	Kern 29.6%

AB 3217: Isn’t Keeping Children with Families Worth a Conversation?

AB 3217 modestly requires counties to do just three things:

- Once a year check publicly available data on a public state-affiliated website to identify the statewide average of counties placing foster children with families.
- If a county falls below the average, the county must just once reach out to the state-funded Center for Excellence in Family Finding, Engagement, and Support, which exists to promote county family finding best practices, to see if there are best practices it could use to improve.
- Agendize the county’s family finding performance just once at a county Board of Supervisors meeting.

That’s the whole bill. It only ensures that the issue of keeping children with their families not be ignored if a county is performing at a less-than-average rate compared to its peers. And, given the impact of this decision on families and children of color, this is not too much to ask.

SUCCESSFULLY RETURNING FOSTER CHILDREN WITH THEIR LOVING PARENTS DEPENDS ON WHETHER THE PARENTS OBTAIN THE HELP THEY NEED AND DESERVE.

Once a family is involved in child welfare, the decision of whether to return a child home is made by a judge in dependency court. In dependency court, whether parents will be able to reunify with their children or whether their parental rights will be terminated hinges to a large degree on compliance with a case plan that includes services designed to address the issues placing children at risk of abuse or neglect. These services are provided by the county and can range from parenting

classes to drug counseling to mental health treatment — whatever services are reasonably needed to ensure safe reunification.

If parents do not, in the opinion of the service provider, successfully complete their services, the parent’s legal rights as a parent are at risk of being terminated, and the family will be forever ruptured.

It all hinges on the services.

But, a bombshell investigative report published by *The Los Angeles Times* reveals that we have no factual basis for concluding that the millions of dollars we spend on services to help families reunify with their children actually help those families. As *The Los Angeles Times* revealed:

The state does not ensure that parent education programs [in dependency proceedings] meet any sort of standards, allows parents facing abuse allegations to take classes that experts have deemed low quality, and cannot provide research evidence for half the programs listed in a state-funded database meant to act as a key tool for local officials to ensure child safety.

As *The Los Angeles Times* further confirms:

California’s approach has some leading experts stunned.

“Why would you send a family to a parenting class that either you know is not effective or you have no evidence that it is? That doesn’t make a lot of sense,” said Amy Dworsky, a nationally recognized researcher at Chapin Hall at the University of Chicago, a policy research institution with a focus on child welfare.

“I don’t think it’s too much to demand that when families are being referred to services that we have some sense that those services are effective.”⁷

How can this happen? Loopholes. When you hire a contractor to work on your home, you don’t just want to know if they provide the normal contracting services. You also want to know whether the individual contractor you are hiring is any good at providing those services.

Amazingly, California law does not require counties to make such an inquiry. The law only requires that the “services” that are provided be “reasonable and meritorious.”⁸ State law does not require counties to inquire about whether the providers of those services are each and every one of them individually qualified or successful at the job we are hiring them to do.

State law provides some quantitative measures for evaluating the success of county service programs, but (i) the metric refers to the county’s program *as a whole* and does not mandate

⁷<https://www.latimes.com/california/story/2024-01-04/california-child-abuse-parenting-classes-unregulated>

⁸ Welfare and Institutions Code § 16500.5.

scrutiny for individual service providers and (ii) the metrics conceal problems by describing avoiding catastrophic program failure to be the same as “success.”

On the latter point (ii), here is an example. For a county’s program to be deemed “successful” under current law, at least 60% of children receiving services must remain in their home one year after the termination of services.⁹

But, if nearly 40% of the time children returned home are not only involved again with child welfare but within a year once again physically removed from the home we just returned them to, something is wrong. But the statute under current law dubs this result to be a “success,” stripping county decision-makers of any reason to look into the matter further.

AB 3145: Ensuring The Most Basic Due Diligence is Done on the Quality of the Services Provided to Struggling Families.

AB 3145 (Bryan) requires only that counties do the bare minimum when it comes to ensuring parents might actually be helped by service providers, an issue of particular importance to the Black parents and children and other communities of color who are disproportionately involved in child welfare systems. To this end, the bill does two main things:

- Simply requires counties to check into the qualifications and outcomes of each provider.
- Supplements the “success” measure described above with one far better designed to detect problems. It proposes that a county track whether, during the first year after services are terminated, no more than 25% of children whose parents or guardian received services are children who meet any of specified circumstances, including removal from the physical custody of their parents or guardians. The bill would also add, among other standards, 2 years after termination of the services, that no more than 10% of the children meet any of those circumstances.

As with AB 3217, no outcomes are prescribed, no decision-controlling mandates are decreed. AB 3145 merely requires *points of inquiry*. It ensures basic and common-sense due diligence. Nothing more, but nothing less, given the stakes for families and children.

Please support the Foster Care Justice through Meaningful Help for Parents Act” (AB 3145) and Justice Through Placing Foster Children with Families Act (AB 3217).

Sincerely,

PDF SIGNATURE

Title

Organization

⁹ Welfare and Institutions Code § 16500.5(c)(5): “The program in each county shall be deemed successful if it meets the following standards: (D) During the first year after services are terminated: (i) At least 60 percent of the children receiving services remain at home one year after services are terminated.”

SAMPLE EMAIL FOR INDIVIDUALS IN SENATE DISTRICT 14

TO: Anna.Caballero@sen.ca.gov

Anna.Velazquez@sen.ca.gov

Paloma.Elizalde@sen.ca.gov

FROM: YOUR EMAIL ADDRESS

SUBJECT: District Support for Foster Care Justice

Dear Senator Caballero:

My name is [REDACTED] and I live/work [CHOOSE ONE] in your Senate District at [REDACTED] INSERT ADDRESS.

I support ABs 3145 and 3217 (Bryan) for three reasons: (1) because foster children are literally our own children – children of the state – and their interests should come first; (2) the most important thing we can do for foster children is safely reunite them with family and these bills inexpensively promote that compassionate result; and (3) people of color – Black children and parents especially – are disproportionately involved in child welfare, making protecting families not just child welfare priority, but a civil rights issue.

Please, Senator, support these modest bills.

Thank you,

YOUR NAME

SAMPLE PHONE CALL
For Individuals in Senate District 14

NUMBER TO CALL: (916) 651-4014

OR, IF NO ANSWER OR BUSY: (559) 264-3070, (209) 726-5495

CONTENT OF PHONE CALL:

My name is _____ and I live/work [CHOOSE ONE] in your Senate District at
_____ **INSERT CITY**

I support ABs 3145 and 3217 because they will both help children, especially children and families of color.

I hope the Senator will support these bills, too.