

AB 1954 (Cooley) - Keeping Families Together As Introduced 1/17/20

Bill Summary

AB 1954 ensures that the federal and state preference for placing children who must be removed from their homes due to allegations of abuse or neglect with relatives is given judicious prioritization; relatives are provided with a timely opportunity to be considered by the court once they have requested placement; and that capacity alone cannot be the basis to deny placements of siblings together into a relative's home.

Background

Children who are placed in foster care are more successful and less traumatized when placed in the care of kin: Studies reveal that relative foster care, when available, provides significant benefits because of the emotional and social connection present as a result of the pre-existing relationship between the child in foster care and relative caregiver. The same is true for placement with siblings, providing continued familial connections.

Existing Law

Title IV-E of the Social Security Act provides states federal reimbursement for a part of the cost of providing foster care, adoption assistance, and kinship guardianship assistance on behalf of each child who meets federal eligibility criteria (as described in 42 U.S.C. §§ 672 and 673).

As a condition of receiving federal funds, states are required to give preference to relative placements. Welf. & Inst. Code §§ 361.3; 309(e) clearly states California's preference for placement with a relative.

When a child is removed from the physical custody of his or her parents, preferential consideration shall be given to a request by a relative of the child for placement of the child, regardless of the relative's immigration status. For purposes of this section:

- 'Preferential consideration' means that the relative seeking placement shall be the first placement to be considered and investigated.
- 'Relative' means an adult who is related to the child by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words

'great,' 'great-great,' or 'grand,' or the spouse of any of these persons, even if the marriage was terminated by death or dissolution.

Further, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351) amended federal law to require that title IV-E agencies make reasonable efforts to place siblings removed from their home in the same foster care, adoption, or guardianship placement or, if that is not possible, facilitate visits or ongoing contacts for siblings that cannot be placed together, unless it is contrary to the safety or well-being of any of the siblings to do so.

The Problem

While relatives are the preferred placement for children removed from their homes following allegations of abuse or neglect, barriers can exist to placing children in relatives' homes including resistance to placing additional siblings.

Details of the Bill

AB 1954 will directly support relatives and the children in their care by:

- establishing a time frame by which courts must consider a request by a relative to for placement of a child;
- clarifying that emergency placements into a relative's home can occur any time a placement change is being considered, and
- clarifying that siblings should be provided an opportunity to reside together in the home of a relative as long as basic health and safety standards are met and placement with that relative is in the best interest of the child.

Support

Alliance for Children's Rights (**Co-sponsor**)
Children's Law Center of California (**Co-sponsor**)

For More Information

Amanda Kirchener, Legislative Director
Office of Assemblyman Ken Cooley
State Capitol, Rm. 3013
(916) 319-2008
Amanda.Kirchener@asm.ca.gov