



Senator Holly J. Mitchell

SB 213 Expanding Foster Child Placements

ISSUE

SB 213 will reduce unnecessary delays in relative placements for children in foster care and would expand the availability of placements by repealing redundant state criminal history restrictions and streamlining the process by which a prospective caregiver's criminal history is reviewed.

THIS BILL

This bill will address needless impediments to appropriate relative and foster care placements by:

1. Aligning the list of non-exemptible crimes with those required by federal law, and
2. Improving the exemption process by creating a "simplified" exemption for minor crimes.

These changes do not compromise child safety. California law will continue to prohibit – without any discretion to make exemptions – placement with any person with a serious or violent felony conviction (no matter how long ago), or with an assault, battery, or drug-related felony conviction within the past 5 years.

Furthermore, the 2015 enactment of AB 403 requires state-wide implementation of the Resource Family Approval (RFA) process. Under RFA, all foster and relative homes are required to undergo a "psychosocial assessment," which includes a thorough consideration of the homes, including any criminal history of the caregiver or household members.

BACKGROUND

Current laws relating to the criminal history of a prospective foster or kinship caregiver are overly broad and restrictive. Several lists of crimes have been deemed "non-exemptible," and with the 2008 enactment of the federal Adam

Walsh Act, California added overlapping federal rules on top of the existing state rules – creating a complex maze of restrictions. Furthermore, for all other crimes in which any household member has been convicted – no matter how minor, how long ago or how unrelated to child safety – an exemption must be granted to approve the home.

The burdensome exemption process has a very detrimental impact on children. Too many foster youth linger in shelters or foster homes awaiting placement with loving and familiar relatives. In addition, there are would-be foster parents who are disqualified for a crime such as petty theft that happen decades ago.

SUPPORT

Alliance for Children's Rights (Sponsor)
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County Welfare Directors Association of California (Sponsor)
Public Counsel's Children's Rights Project (Sponsor)
Chief Probation Officers of California
Five Acres - The Boys' and Girls' Aid Society of Los Angeles County
John Burton Advocates for Youth
Junior League of Fresno
Junior League of Orange County
Junior Leagues of California State Public Affairs Committee
Los Angeles County Board of Supervisors
National Association of Social Workers – California Chapter
San Francisco Human Services Agency

FOR MORE INFORMATION

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