

# Senate Bill 354

## Relative Placement

Senator Nancy Skinner, D-Berkeley

### THIS BILL

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Children do far better when they are living with family members or relatives rather than in institutional or non-familial foster care settings. Research suggests that children housed with family members or relatives have better attachments to their caregivers and suffer fewer behavioral and educational challenges.

Since 2015, California has worked toward implementing Continuum of Care Reform recommendations, emphasizing home-based family placements of foster children whenever possible and reducing the use of congregate care.

SB 354 seeks to remove barriers and create more opportunities in the foster care system for children to be housed with relative and non-relative extended family member caregivers regardless of a prior criminal conviction, provided that the conviction does not endanger the child.

### ISSUE

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The state of California has over 60,000 children in the foster care system, and these children are disproportionately from Black and brown families. According to the Child Welfare Indicators Project, Black and Latinx children are 2.8 and 1.22 times more likely to have contact with the foster care system than their white counterparts. This, coupled with a history of mass incarceration in the United States, has led to children of system-impacted families facing many barriers to being reunited with their parents or relatives. Further, if a child is placed with a non-relative foster parent at any point in their lives, being reunited with their family becomes even more challenging.

Current law still contains significant barriers to children staying with parents or relatives, or being reunited with them, and this is especially so if the caring and capable adult seeking custody has a prior criminal conviction.

Under current law and practice, even relatives whose prior conviction is in the distant past or for a non-violent crime, face barriers to caring for their family member. These barriers remain in place despite an adult relative receiving a certificate of rehabilitation that signifies having gone years without an interaction with law enforcement. Even in the instances when a relative with a prior conviction is granted custody of a child, it is not without undergoing a prolonged appeals process. A process which leaves a child in a temporary home, subjecting them to the trauma of being separated from their family.

### SOLUTION

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SB 354 seeks to remove barriers to children being placed with family members instead of a non-family caregiver or in congregate care by:

- Ensuring that any existing relationship between a relative/non-relative extended family member (NREFM) caregiver and a child is considered in decisions regarding home approval and placement.
- Addressing obstacles causing placement delays or denials for prospective relative/NREFM caregivers by:
  - Waiving income requirements when appropriate and supporting relatives in accessing necessary supplies, such as cribs, car seats and booster seats
  - Broadening the list of convictions that qualify for exemptions and simplified exemptions
  - Clarifying the court shall use its independent judgement in placement decisions
- Requiring the Dept. of Social Services to provide a report to the Legislature detailing the impact of criminal history on Resource Family Approval.

## **SUPPORT**

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A New Way of Life Re-Entry Project (Co-Sponsor)  
Legal Services for Prisoners with Children (Co-Sponsor)  
Starting Over, Inc. FREE Project (Co-Sponsor)  
ACLU California  
Alliance for Boys and Men of Color  
Alliance for Children's Rights  
Alliance of Relative Caregivers  
Anti-Recidivism Coalition  
AOUON Orange County  
California Coalition for Women Prisoners  
California Families Against Solitary Confinement (CFASC)  
California Welfare Directors Association  
Californians for Safety and Justice  
Center for Employment Opportunities  
Children's Law Center  
Communities United for Restorative Youth Justice (CURYJ)  
Community Legal Services in East Palo Alto  
CURE California  
Dependency Legal Services  
East Bay Family Defenders  
Ella Baker Center for Human Rights  
Fathers and Families of San Joaquin  
Fresno Barrios Unidos  
Hillsides  
Initiate Justice  
Legal Aid at Work  
Los Angeles Dependency Lawyers Inc.  
Re:Store Justice  
Rubicon Programs  
San Francisco District Attorney's Office  
San Francisco Public Defender  
Sigma Beta Xi, Inc./SBX Youth & Family Services  
Silicon Valley De-Bug  
St. Joseph's Family Center  
The Mentoring Center  
The Place4Grace  
Time for Change Foundation  
UC Berkeley's Underground Scholars Initiative (USI)  
Universalist Unitarian Church of Riverside  
Vista Del Mar Child and Family Services  
Young Women's Freedom Center

## **CONTACT**

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