

Senate Bill 354

Relative Placement

Senator Nancy Skinner, D-Berkeley

THIS BILL

Children that are able to live with family members or relatives do far better than children 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

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, even if the relatives prior conviction was in the distant past or was for a non-violent crime.

These barriers remain in place despite circumstances such as when the adult relative receives a certificate of rehabilitation that signifies having gone years without an interaction with law enforcement. And even when a relative with a prior conviction is granted custody of a child, they must undergo a prolonged appeals process, which can leave a child in a temporary home and subject the child to the trauma of being separated from their family.

SOLUTION

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 Child Welfare Council to provide a report to the Legislature detailing the impact of criminal history on Resource Family Approvals

SUPPORT

Alliance for Children's Rights (co-sponsor)
A New Way of Life Re-entry Project (co-sponsor)
Children's Law Center (co-sponsor)
County Welfare Directors Association of California (co-sponsor)
Legal Services for Prisoners with Children (co-sponsor)
Starting Over, Inc. (co-sponsor)
Underground Scholars Initiative at UC Riverside (co-sponsor)

ACLU California
All of Us or None Orange County
All of Us or None Riverside
Alliance for Boys and Men of Color
Anti-Recidivism Coalition
Asian Americans Advancing Justice - California
California Coalition for Women Prisoners
California Families Against Solitary Confinement (CFASC)
California State PTA
California United for a Responsible Budget (CURB)
Californians for Safety and Justice
Center for Employment Opportunities
Children's Defense Fund-California
Communities United for Restorative Youth Justice (CURYJ)
CURE California
East Bay Community Law Center
East Bay Family Defenders
Ella Baker Center for Human Rights
Family Reunification, Equity, and Empowerment (FREE) Project
Fathers and Families of San Joaquin
Fresno Barrios Unidos
Hillsides
If/When/How: Lawyering for Reproductive Justice
Initiate Justice
Inland Empire Fair Chance Coalition
John Burton Advocates for Youth
Judicial Council of California
Junior League of San Diego
Legal Aid at Work
Los Angeles Dependency Lawyers Inc.
National Center for Youth Law
Public Counsel
Re:Store Justice
Religious Coalition for Reproductive Choice California
Root & Rebound
Rubicon Programs
San Francisco District Attorney's Office
San Francisco Human Services Agency
San Francisco Public Defender
SEIU California
Showing up for Racial Justice (SURJ) Contra Costa
Sigma Beta Xi, Inc.
The Harriet Buhai Center for Family Law
The Place4Grace
Time for Change Foundation
Universalist Unitarian Church of Riverside
Vista Del Mar Child and Family Services
Women's Foundation California
Young Women's Freedom Center

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