


**REPORT OF THE
CHIEF LEGISLATIVE ANALYST**

DATE: June 16, 2016

TO: Honorable Members of the Rules, Elections, Intergovernmental Relations, and
Neighborhoods Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 15-0002-S173
Assignment No: 16-06-0492

SUBJECT: Resolution (Harris-Dawson–Wesson) to SUPPORT AB 1067 as amended (Gipson)

CLA RECOMMENDATION: Adopt Resolution (Harris-Dawson–Wesson) to include in the City’s 2015-2016 State Legislative Program, SUPPORT for AB 1067 as amended (Gipson), which would convene a working group to consider modifications and updates to the Foster Youth Bill of Rights statute, and develop standardized information about the specified rights for dissemination.

SUMMARY

Resolution (Harris-Dawson–Wesson), introduced May 13, 2016, reports that the current Foster Youth Bill of Rights statute does not provide for uniform dissemination of the rights to foster youth, and there is no clear process of accountability when youth are not provided with this information. According to the Resolution, foster care minors and non-minors who are unaware of or do not understand their rights are less likely to receive the protection, resources, and support of the State. Per the Resolution, currently pending before the State Assembly is a bill, AB 1067 as amended (Gipson), which would require the State Department of Social Services (DSS) to convene a working group to make recommendations to the Legislature for: revising the Foster Youth Bill of Rights; standardizing information about the specified rights and methods for its dissemination; and developing measurements and improvements to the degree to which foster youth are adequately informed of their rights. Therefore, the Resolution requests that the City support AB 1067 as amended (Gipson), which would require DDS to convene such a working group.

BACKGROUND

The State’s County-based child welfare system is designed to protect the well-being of children at risk of abuse and neglect by providing a broad array of services to families, or by arranging temporary or permanent placement of the child. It has been reported that in 2015, approximately 63,000 children were under the custody of the State’s child welfare system. California’s Foster Youth Bill of Rights was established in 2001 with the passage of AB 899 (Liu), thereby codifying the rights of foster youth into one statute. Additional rights have been added to AB 899, making the current list of 27 enumerated rights. Although most of the Foster Youth Bill of Rights is consistent with the rights provided by the Office of the State Foster Care Ombudsperson (FCO), it has come to light that many foster youth remain unaware of their rights to the protection, resources, and support of the State.

In its most recent report, the FCO states that it has received 271 complaints of personal rights violations. Most of the complaints came from foster youth living in group homes, and reported disrespectful treatment by staff or inadequate food and clothing. To add, the lack of awareness of foster youth rights has made foster youth especially vulnerable to serious harm, such as that arising from the prescription of psychotropic drugs at a rate five times higher than non-foster children.

AB 1067 as amended (Gipson) seeks to create a working group to update the existing Foster Care Bill of Rights statute, which was enacted 15 years ago. The bill would require the State Department of Social Services to convene a working group composed of all of the following: the Office of the State FCO; County Welfare Directors Association of California; Chief Probation Officers of California; County Behavioral Health Directors Association of California; current and former foster youth; foster parents and caregivers; foster children advocacy groups; foster care provider associations; and any other interested parties.

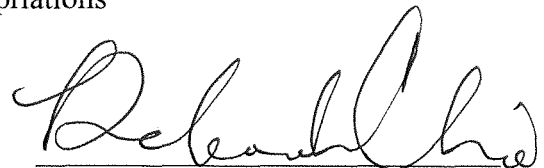
The bill would require the working group to: (1) by January 1, 2018, make recommendations to the Legislature for revising the Foster Youth Bill of Rights statute; (2) by July 1, 2018, develop standardized information regarding the revised rights; (3) by July 1, 2018, develop recommendations on methods for its dissemination; and (4) by July 1, 2018, develop recommendations for measuring and improving the degree to which foster youth are adequately informed of their rights.

The bill would also add new requirements for the social worker or probation officer to provide additional notification of foster youth rights at each placement change, and document in the case plan that the foster child has been informed of their rights and provided a written copy. In addition, the bill would require that the care provider and the child and family team, if applicable, be notified of the foster child's rights as well.

The bill is supported by the California Youth Connection (Co-Sponsor); American Academy of Pediatrics; Aspiranet; Children Now; Families Now; County Behavioral Health Directors Association; County Welfare Directors Association of California; Humboldt County Department of Health and Human Services; Humboldt County Transition Age Youth Collaboration; John Burton Foundation for Children Without Homes; National Center for Youth Law; and the Office of the Attorney General Kamala Harris.

BILL STATUS

2/26/15	Introduced
3/16/15	Referred to Assembly Committee on Human Services
1/13/16	Referred to Assembly Committee on Appropriations
2/4/16	Referred to Senate Committee on Human Services
5/10/16	Referred to Senate Committee on Appropriations



Deborah Choi
Analyst

RESOLUTION RULES, ELECTIONS & INTERGOVERNMENTAL RELATIONS

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, the current list of rights for minors and non-minors in foster care includes 27 enumerated rights, including the right to live in a safe, healthy and comfortable home with respect; be free from physical, sexual, emotional, or other abuse, or corporal punishment; receive adequate and healthy food and clothing; and receive medical, dental, vision, and mental health services; and

WHEREAS, although most of these rights are consistent with those provided by the Office of the State Foster Care Ombudsperson, it has been reported that there is no uniform dissemination of this information, nor is there a clear process of accountability when youth are not provided with this information; and

WHEREAS, if foster care minors and non-minors are unaware of or do not understand their rights, they are less likely to receive the protection, resources, and support of the State; and

WHEREAS, this has allowed the prescription of psychotropic drugs to nearly 25 percent of adolescents in California's foster care system at a rate five times higher than non-foster children, subjecting them to the serious harm that these drugs can have in the form of diabetes, violent and suicidal behavior, and even brain shrinkage; and

WHEREAS, currently pending before the State Assembly is a bill, AB 1067, as amended (Gipson), which would require the State Department of Social Services to convene a working group to make recommendations to the Legislature for revising the Foster Youth Bill of Rights, standardizing information about the specified rights and methods for its dissemination, and developing measurements and improvements to the degree to which foster youth are adequately informed of their rights; and


WHEREAS, there are more than 63,000 children and youth in the State's Child Welfare Services system; and

WHEREAS, the City has demonstrated its commitment to foster care youth in its Comprehensive Homelessness Strategy;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2015-2016 State Legislative Program SUPPORT for AB 1067, as amended (Gipson), which would require the State Department of Social Services (DSS) to convene a working group to make recommendations to the Legislature for revising the Foster Youth Bill of Rights and to develop standardized information about the specified rights for dissemination and educational purposes.

PRESENTED BY: 
MARQUEECE HARRIS-DAWSON
Councilmember, 8th District

SECONDED BY: 


MAY 13 2016

ORIGINAL