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AB-2083 Foster youth: trauma-informed system of care. (2017-2018)

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Assembly Bill No. 2083

CHAPTER 815

An act to add Section 16521.6 to the Welfare and Institutions Code, relating to foster youth.

[Approved by Governor September 27, 2018. Filed with Secretary of State September 27, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2083, Cooley. Foster youth: trauma-informed system of care.

Existing law, commonly known as Continuum of Care Reform (CCR), states the intent of the Legislature in adopting CCR to improve California's child welfare system and its outcomes by using specified measures, including an increase in the use of home-based family care. Existing law, as part of CCR, provides for the implementation of the resource family approval process, which replaces the multiple processes for licensing foster family homes, certifying foster homes by foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

As part of the resource family approval process, a county is responsible for, among other things, ensuring that a resource family applicant completes specified training that includes certain courses, including one regarding the effects of trauma and child abuse and neglect on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect. Existing law also establishes an intensive services foster care program, developed by the State Department of Social Services, that provides specialized programs to serve children with specific needs, and requires training for that program to include, among other things, information relating to working with children who have experienced trauma.

This bill would state the intent of the Legislature in adopting the bill to build upon the current CCR implementation effort by, among other things, developing a coordinated, timely, and trauma-informed system-of-care approach for children and youth in foster care who have experienced severe trauma. The bill would require each county to develop and implement a memorandum of understanding, as specified, setting forth the roles and responsibilities of agencies and other entities that serve children and youth in foster care who have experienced severe trauma.

This bill would require the memorandum of understanding (MOU) to include, at a minimum, provisions addressing, among other things, the establishment and operation of an interagency leadership team and an interagency placement committee. The bill would authorize members of the team, to the extent permitted by federal law, to disclose to, and exchange with, one another information or a writing that may be designated as confidential under state law if certain conditions are met, and would make any discussion concerning the disclosed or exchanged information or writing during a team meeting confidential and not open to public inspection. The bill would require members of an interagency placement committee, child abuse multidisciplinary personnel team, or child and family team, as defined, that is convened for the purpose of implementing the MOU, to comply with applicable statutory confidentiality provisions for that committee or team.

By creating new duties for county officials relating to foster care services, the bill would impose a state-mandated local program.

This bill would require the Secretary of California Health and Human Services and the Superintendent of Public Instruction, no later than June 1, 2019, to establish a joint interagency resolution team, consisting of representatives from specified state departments, whose primary roles would be to develop guidance and provide support and technical assistance to counties with regard to those children and youth and the memoranda of understanding, as specified. The bill would also require the team, no later than January 1, 2020, in consultation with specified entities and persons, to review the placement and service options available to county child welfare agencies and county probation departments for those children and youth, to develop and submit recommendations to the Legislature, regarding identified gaps in placement, needed services, and a centralized process for services, as specified, and, no later than June 1, 2020, to develop a multiyear plan for increasing the capacity and delivery of trauma-informed care to foster children and youth served by short-term residential therapeutic programs and other foster care and behavioral health providers. The bill would authorize the joint interagency resolution team, to the extent permitted by federal law, to disclose to, and exchange with, one another information or a writing that may be designated as confidential under state law, if certain conditions are met, and would make any discussion concerning the disclosed or exchanged information or writing during a team or committee meeting shall be confidential and shall not be open to public inspection.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. It is the intent of the Legislature in adopting this act to build upon the current Continuum of Care Reform implementation effort by developing a coordinated, timely, and trauma-informed system-of-care approach for children and youth in foster care who have experienced severe trauma, implementing related memoranda of understanding on the county level, and establishing a joint interagency resolution team on the state level to assist counties in serving those children and youth.

SEC. 2. Section 16521.6 is added to the Welfare and Institutions Code, to read:

16521.6. To ensure that coordinated, timely, and trauma-informed services are provided to children and youth in foster care who have experienced severe trauma, all of the following shall be met:

(a) (1) Each county shall develop and implement a memorandum of understanding setting forth the roles and responsibilities of agencies and other entities that serve children and youth in foster care who have experienced severe trauma. Participants in the development and implementation of the memorandum of understanding shall include, but not be limited to, all of the following:

- (A) The county child welfare agency.
- (B) The county probation department.
- (C) The county behavioral health departments.
- (D) The county office of education.
- (E) The regional center or centers that serve children and youth with developmental disabilities in the county.
- (F) Foster care or other child welfare advocacy groups, as deemed appropriate by the organizations that will be parties to the memorandum, serving in an advisory capacity.

(2) The memorandum of understanding shall include, at a minimum, provisions addressing all of the following:

- (A) Establishment and operation of an interagency leadership team.
- (B) Establishment and operation of an interagency placement committee, as defined in Section 4096.
- (C) Commitment to implementation of an integrated core practice model.
- (D) Processes for screening, assessment, and entry to care.

- (E) Processes for child and family teaming and universal service planning.
- (F) Alignment and coordination of transportation and other foster youth services.
- (G) Recruitment and management of resource families and delivery of therapeutic foster care services.
- (H) Information and data sharing agreements.
- (I) Staff recruitment, training, and coaching.
- (J) Financial resource management and cost sharing.
- (K) Dispute resolution.

(3) (A) Members of the interagency leadership team described in subparagraph (A) of paragraph (2), may, to the extent permitted by federal law, and subject to the limitations described in subparagraph (B), disclose to, and exchange with, one another information or a writing that may be designated as confidential under state law if the member of the team having that information or writing reasonably believes it is generally relevant to the identification, reduction, or elimination of barriers to services for, or to placement of, children and youth in foster care or to improve provision of those services or those placements.

(B) Members of the interagency leadership team who receive disclosed or exchanged information or a writing pursuant to subparagraph (A) shall destroy or return that information or writing once the purposes for which it was disclosed or exchanged are satisfied. The information or writing shall be used only for the purposes described in subparagraph (A). Any information or writing disclosed or exchanged pursuant to subparagraph (A) shall be confidential and shall not be open to public inspection, unless the information or writing is aggregated and deidentified in a manner that prevents the identification of an individual who is a subject of that information or writing. Any discussion concerning the disclosed or exchanged information or writing during a team meeting shall be confidential and shall not be open to public inspection.

(C) Members of an interagency placement committee, as defined in Section 4096, child abuse multidisciplinary personnel team, as defined in Section 18961.7, or child and family team, as defined in paragraph (4) of subdivision (a) of Section 16501, that is convened for the purpose of implementing the provisions of the memorandum of understanding developed pursuant to this subdivision shall comply with applicable statutory confidentiality provisions for that committee or team. Members of teams convened for purposes of implementing the memorandum of understanding shall comply with applicable records retention policies for their respective agencies or programs.

(4) To the extent possible, the implementation of the memorandum of understanding shall utilize existing processes and structures within and across the respective organizations that are parties to it.

(b) (1) (A) No later than June 1, 2019, the Secretary of California Health and Human Services and the Superintendent of Public Instruction shall establish a joint interagency resolution team consisting of representatives from the State Department of Social Services, the State Department of Health Care Services, the State Department of Developmental Services, and the State Department of Education.

(B) (i) The primary roles of the joint interagency resolution team shall be to develop guidance to counties, county offices of education, and regional centers with regard to developing the memoranda of understanding required by this section, to support the implementation of those memoranda of understanding, and to provide technical assistance to counties to identify and secure the appropriate level of services to meet the needs of children and youth in foster care who have experienced severe trauma.

(ii) The agencies shall ensure that a process is developed for counties and partner agencies that are parties to the memorandum of understanding to request interdepartmental technical assistance from the joint interagency resolution team.

(2) (A) No later than January 1, 2020, the joint interagency resolution team, in consultation with county agencies, service providers, and advocates for children and resource families, shall review the placement and service options available to county child welfare agencies and county probation departments for children and youth in foster care who have experienced severe trauma and shall develop and submit recommendations to the Legislature addressing any identified gaps in placement types or availability, needed services to resource families, or other identified issues.

(B) A report submitted to the Legislature pursuant to this paragraph shall be submitted in compliance with Section 9795 of the Government Code.

(3) No later than June 1, 2020, the joint interagency resolution team, in consultation with county agencies, service providers, behavioral health professionals, schools of social work, and advocates for children and resource families, shall develop a

multiyear plan for increasing the capacity and delivery of trauma-informed care to children and youth in foster care served by short-term residential therapeutic programs and other foster care and behavioral health providers.

(4) (A) Members of the joint interagency resolution team described in this subdivision may, to the extent permitted by federal law, and subject to the limitations described in subparagraph (B), disclose to, and exchange with, one another information or a writing that may be designated as confidential under state law if the member of the team or committee having that information or writing reasonably believes it is generally relevant to the identification, reduction, or elimination of barriers to services for, or to placement of, children and youth in foster care or to improve provision of those services or those placements.

(B) Members of the joint interagency resolution team who receive disclosed or exchanged information, or a writing, pursuant to subparagraph (A), shall destroy or return that information or writing once the purposes for which it was disclosed or exchanged are satisfied. The information or writing shall be used only for the purposes described in subparagraph (A). Any information or writing disclosed or exchanged pursuant to subparagraph (A) shall be confidential and shall not be open to public inspection, unless the information or writing is aggregated and deidentified in a manner that prevents the identification of an individual who is a subject of that information or writing. Any discussion concerning the disclosed or exchanged information or writing during a team meeting shall be confidential and shall not be open to public inspection.

SEC. 3. The Legislature finds and declares that Section 2 of this act, which adds Section 16521.6 to the Welfare and Institutions Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that in order to protect the privacy of children and youth in foster care, it is necessary that any discussion, during a meeting by a county interagency leadership team or joint interagency resolution team that is established pursuant to this act, concerning information or a writing disclosed or exchanged pursuant to this act by a member of the team or committee, be confidential.

SEC. 4. To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.