



SB 824 – Foster Care Extended Family Placement Act
Keeping children in foster care with their families and communities.

SUMMARY

SB 824 expands the authority of the California Department of Social Services (CDSS) to grant criminal record exemptions to include non-relative extended family members (NREFMs), and in the case of an Indian child, extended family members of a foster child. This bill ensures that individuals with criminal histories are no longer automatically disqualified from being foster parents, so long as there are no health and safety risks to the child.

Additionally, the bill makes tribally-approved foster homes, NREFMs, and EFMs eligible for funding through the state-funded Kinship Guardianship Assistance Payment Program if the caregiver decides to become a guardian or adopt the foster child.

BACKGROUND

Existing law requires applicants for foster care, resource family applicants, resource family home applicants, tribally approved home applicants, and certain other adults living in households where a foster child will be living, to undergo criminal background checks. If the applicant or another adult living in the applicant's household has a criminal record, they must obtain a clearance or exemption before being permitted to foster a child.

The Department of Social Services (DSS) grants criminal exemptions unless the previous conviction is violent or relates to crimes against children, and if the court finds that the placement does not pose a risk to the health and safety of the child.

SB 354 (Skinner, 2021) removed barriers to children being placed with family members by ensuring that any relationship between a relative caregiver and a child is considered for placement. It also broadened the list of criminal conviction requirements for a parent or guardian who qualifies for a criminal record exemption. SB 824 expands these efforts by additionally authorizing DSS, or other approving entity, to grant a criminal exemption to a NREFM or EFM, in the case of an Indian child.

THE PROBLEM

California has over 60,000 children in the foster care system — disproportionately from Black and Brown families.¹ Black children make up 5% of the child population, yet account for 18% of children in foster care. Additionally, the percentage of Native American youth in foster care are four times higher than the amount of Native American youth in California entirely.²

Kinship care better maintains ties between youth and family and friends, which is vital for children to transition into adulthood. Foster children in kinship care are more likely to be employed or enrolled in higher education by age 21 and less likely to need public assistance, experience homelessness, or be incarcerated compared to children who have been placed in non-kin foster care.

California's placement and approval processes exclude far too many individuals that are fit and willing to care for children but do not fit within the legal definition of a "relative." The barriers to placement, especially those related to criminal history, disproportionately impact communities of color. Ensuring that loved ones can foster a child in their time of need is essential to the child's safety, stability, and well-being.³

THE SOLUTION

SB 824 builds on the changes made to relative placement and approval processes in SB 354 (Skinner, 2021) by:

- Clarifying the child welfare agency and court's authority to place foster youth with NREFMs, and EFMs in the case of an Indian child, with a criminal history when there are no child safety concerns;
- Ensuring placements with NREFMs and EFMs, in the case of an Indian child, are eligible for ongoing funding if the caregiver seeks to become a guardian or adopt.

¹ <https://www.clccal.org/resources/foster-care-facts/>

² <https://lao.ca.gov/handouts/socservices/2022/CWS-Analysis-Questions-030922.pdf>

³ Lovett, Nicholas and Xue, Yuhan, Family First or the Kindness of Strangers? Foster Care Placements and Adult Outcomes. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3116459

SUPPORT

- County Welfare Directors Association of California (co-sponsor)
- Children's Law Center of California (co-sponsor)
- California Tribal Families Coalition (co-sponsor)
- Alliance for Children's Rights (co-sponsor)
- Legal Services for Prisoners with Children (co-sponsor)
- A New Way of Life Reentry Project (co-sponsor)
- Underground Scholars at UC Riverside (co-sponsor)
- Starting Over, Inc. (co-sponsor)
- Smart Justice California
- Sycamores
- Riverside All of Us or None
- California Lawyers Association – Family Law Section
- Public Counsel
- Sacramento County Board of Supervisors
- California Alliance of Caregivers
- Los Angeles Dependency Lawyers
- Communities United for Restorative Youth Justice
- East Bay Family Defenders
- Seneca Family of Agencies
- Root & Rebound
- ACLU California Action

FOR MORE INFORMATION

Lesley Beltran Brizuela, *Policy Analyst*
Lesley.Brizela@sen.ca.gov | Phone: (916) 651-4008