



**SB 824 – Foster Care Extended Family Placement Act**

*Keeping children in foster care with their families and communities.*

**SUMMARY**

SB 824 will allow more children to be placed with a non-relative extended family member (NREFM), or in the case of an Indian child, an extended family member (EFM). Specifically, this bill removes a barrier for NREFMs and EFMs with a criminal history to be considered as a foster care placement for kin when it is safe for a child.

This bill extends exemptions for tribally-approved foster homes, NREFMs, and EFMs. This bill also ensures that relatives, NREFMs and EFMs are eligible for funding through the state-funded Kinship Guardianship Assistance Payment Program should the caregiver decide 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.<sup>1</sup> 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.<sup>2</sup>

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, be homeless, 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.<sup>3</sup>

**THE SOLUTION**

SB 824 builds on the changes made to relative placement and approval processes by 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.

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

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

<sup>3</sup> 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](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3116459)

## **SUPPORT**

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### Sponsors:

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- Alliance for Children's Rights
- Legal Services for Prisoners with Children
- A New Way of Life Reentry Project
- Underground Scholars at UC Riverside
- Starting Over, Inc.

### **FOR MORE INFORMATION**

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