

SUBCOMMITTEE NO. 3

Agenda

Senator Richard Pan, Chair
Senator William W. Monning
Senator Jeff Stone



May 16, 2018
10:30 am or Upon Call of the Chair
Room 4203, State Capitol

PART A

Consultant: Theresa Pena

ISSUES FOR DISCUSSION

5180	Department of Social Services – Child Welfare Services	
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ISSUES FOR DISCUSSION**5180 DEPARTMENT OF SOCIAL SERVICES – CHILD WELFARE SERVICES (CWS)****Issue 1: CCR: Caregiver Emergency Assistance Payments (Issue 417-MR) and TBL: Long-Term Funding Solution**

May Revision. The Administration requests an increase of \$13,363,000 federal Temporary Assistance for Needy Families (TANF) funds for counties to support up to six months of emergency assistance (EA) payments prior to resource family approval (RFA) beginning July 1, 2018, and up to three months of EA payments beginning July 1, 2019.

Earlier this year, it came to light that the RFA process was taking as long as six months – far beyond the goal of 90 days. Due to the fact that many families are going unpaid, the Legislature and the Administration included a short-term fix for families in an urgency bill, AB 110 (Committee on Budget), Chapter 8, Statutes of 2018. This provides at least 90 days of payments to be made to caregivers who already have a child placed in their homes on an emergency basis while RFA approval is pending. The fix is only in place through the end of June 2018.

The Administration intends to continue using EA TANF payments, similar to AB 110, for the purposes of paying families while they wait for RFA approval. This differs from the AB 110 approach, which also used Approved Relative Caregiver (ARC) funding for relative caregivers and non-related extended family members (NREFMs). This bill also includes a provision for a caregiver, who is currently receiving interim funding pursuant to AB 110, to continue such payments, for a period no longer than a combined total of six months, or until the RFA application is approved or denied, whichever is sooner.

Questions.

1. DSS: Please provide an overview of the proposal.
2. DSS: How does this proposed long-term solution differ from AB 110?
3. DSS: Please respond to stakeholder concerns raised in this agenda.
4. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Comment and Recommendation. Hold open for further discussion. Counties raise concerns that the Administration is proposing to eliminate all of the state General Fund that is currently providing payments to relatives and NREFMs through the ARC program, resulting in a cost shift to counties and an unfunded mandate that triggers Proposition 30 concerns. Under the terms of Proposition 30, counties may choose not to perform this new requirement, making this solution optional and potentially leaving families at risk of not being paid when pending under the RFA process. Other advocates raise concerns that it is unclear what happens to a family if still not approved within the timelines outlined and the county can no longer access EA funds. As trailer bill language is still forthcoming, it is difficult to know whether some concerns raised by advocates and stakeholders will be addressed or not.

Issue 2: TBL: Federal Compliance: Indian Child Welfare Act Child Custody Proceedings

May Revision. The Administration proposes trailer bill language to align state law with the minimum standards of the Federal Indian Child Welfare Act's (ICWA) Final Rule, which, among other things, specifies a tribe's exclusive jurisdiction over child custody proceedings involving an Indian Child and clarifies notification requirements. The department notes that codification of the Final Rule is consistent with previous ICWA compliance efforts.

Questions.

1. DSS: Please provide an overview of the proposal.
2. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Comment and Recommendation. Hold open.

Issue 3: TBL: Tribal/State Title IV-E Agreement Start-Up Allocation

May Revision. The Administration proposes trailer bill language to provide start-up funds, from existing allocations and funding, for tribes who have executed Tribal/State Title IV-E Agreements to provide child welfare service programs. The funding would be available for the first three years of implementation of their agreement.

Recently, a tribe expressed interest in implementing their Title IV-E Agreements to be used for start-up funds that will provide tribes with the ability to reasonably establish their child welfare programs in accordance with their agreement.

Questions.

1. DSS: Please provide an overview of the proposal.
2. LAO: Please provide any comments, concerns, or recommendations you may have regarding this proposal.

Staff Comment and Recommendation. Hold open.