



Keeping Siblings in Foster Care Together

(AB 743 – Portantino)

Background

- Studies show that maintaining sibling relationships is critical to foster children's emotional stability. Yet many children in foster care in California are separated from one or more of their siblings either from the outset of the dependency case or as the case moves forward.
- For many foster children already suffering the trauma of the circumstances that brought their family into the child welfare system, along with the additional trauma of being removed from their homes, being placed with siblings is a critical lifeline that provides emotional support.
- In keeping with our state's promise to 'parent' these vulnerable children, our obligation goes beyond their physical safety; we must do everything we can to nurture their emotional well-being and give them every available opportunity to be connected to the people they love and are closest to.
- As the child's advocate, the child's attorney is uniquely positioned to work with all parties involved to ensure that wherever possible and appropriate the siblings are able to stay together.

The Problem

- Current law requires the child welfare department to notify the child's attorney 'as soon as possible' when a decision has been made to move a child to a new placement, but does not require the notification to occur within any prescribed timeframe.
- Current law does not require the child welfare department to notify the attorney for the *sibling* of a child being removed from a placement where the two children are placed together.
- Current statutory language requiring the child welfare department to make efforts to place siblings together does not comport with the "reasonable efforts" requirement mandated by the "Fostering Connections to Success Act" (P.L. 110-351).

The Solution – AB 743 requires that:

- This important legislation will require that absent an emergency, the child welfare department is to notify the child's attorney of a planned separation of siblings ten days *before* the actual change occurs, and that in the event there is more than one attorney representing the siblings, each attorney is notified.



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- AB 743 will also add a clearly defined timeframe to the current requirement that the attorney for any child being replaced only be notified of the change 'as soon as possible'.
- This bill will also bring California in compliance with the federal mandate of P.L. 110-351 with regard to the requirement to make reasonable efforts to place siblings together at the outset of the case.

Fiscal Impact:

- This bill will incur only minimal cost, if any cost at all. Under current law the social worker is required to provide notice of any placement change - to include name, address and phone number - *after* the placement change has occurred. Under AB 743, if the placement change does involve the separation of siblings, the social worker is expected to provide notice *prior* to the placement change. In the event that this is not possible, notice is to be provided immediately following the replacement. Thus, there is no change in workload or actual number of placement change notices generated.
- In situations where the contemplated placement change will also result in siblings being separated, AB 743 does add a requirement that the sibling's attorney be notified of the anticipated change, even if their client is not the subject of the placement change. These amendments will cause more siblings to remain placed together, thus preserving the relationship that for many children is the single longest lasting and most stable relationship they have.
- This bill's potential for savings will significantly, if not completely, offset the cost. Placement changes are expensive, both in terms of social worker time, paperwork, and additional actual funds distributed, such as a replacement clothing allowance and the costs connected to arranging for sibling visits.
- In terms of the actual number of new notices which will be generated as a result of passage of AB 743, while the numbers fluctuate between counties, in Los Angeles County, less than 6% of all cases will be impacted, and in Sacramento County, less than 2.2% will be impacted.