

AB 388: What Group Home Staff Need to Know

Beginning **January 1, 2015**, a new law (AB 388) takes effect. This new law is specifically intended to reduce the frequency of law enforcement involvement and delinquency petitions arising from incidents at group homes. AB 388 requires data reporting and collection of law enforcement contacts, provides oversight to prevent the reliance on the justice system as the sole means of behavior management in group homes, and implements equitable detention standards for foster youth.

Here's what you need to know:

- **DATA on licensing complaints and law enforcement contacts at group homes will be published annually and made available to all interested parties.** Group homes are required to report all incidents that result in law enforcement contact including the type of contact and the result of the contact to the California Department of Social Services (the "Department"). At least every six months the facility will provide the Department's Community Care Licensing Division ("CCL") with a follow-up report regarding any incident involving law enforcement contact.
- **INSPECTIONS of facilities with high numbers of law enforcement contacts will occur at least annually.** CCL will be required to do a comprehensive annual inspection visit to any group home that exceeds the threshold rate (established by the Department) of law enforcement calls. The resulting inspection report will be distributed to the Department's Children and Family Services Division, and any other public agency that has certified the facility's program, including the State Department of Health Services responsible for certifying the mental health service component in RCL 13/14 group homes.
- **PERFORMANCE STANDARDS & OUTCOME MEASURES will be developed by the Department in consultation with other stakeholders.** The standards and measures will require group homes to implement programs and services to minimize law enforcement contact and delinquency petition filings arising from incidents at group homes. Programming could include individualized behavior management programs, emergency intervention plans, and conflict resolution processes.
- **NEW DETENTION STANDARDS for foster youth who are referred to court on delinquency charges will be implemented.** These standards will ensure that foster youth are not penalized with detention because they do not have a parent to whom they can be released. Detention cannot be based on the lack of a suitable placement, or a youth's status as a dependent. If the court orders the minor released, the court shall also order the child welfare department to place the minor.

Here's what you can to do:

- **Talk to the group home about reporting DATA on law enforcement contact. Find out if your group home knows about AB 388 and if it plans to make any policy changes or clarifications.** Make sure you know what the system is for recording and reporting law enforcement contacts.
- **Reduce the amount of LAW ENFORCEMENT CONTACT at the group home where you work.** Review your group home's behavior management policies and procedures, emergency intervention plan and emergency policies and procedures so you know when you should call the police. Request more trainings on how to manage/deescalate situations that may lead you to call the police. Find out if your group home knows about AB 388 and if it plans to make any policy changes or clarifications.
- **Help Develop PERFORMANCE STANDARDS to ensure that the group home is minimizing police contact for their residents.** Talk to your group home to make sure group home staff has input in the stakeholder process or contact the Department directly to find out about the stakeholder process and how you can participate.

If you have any questions CONTACT Cat McCulloch at The Youth Law Center: 200 Pine Street, Suite 300 San Francisco, CA 94102 (415) 543-3379 ext. 3921 E-Mail: cmcculloch@ylc.org