

AB 388: What Social Workers Need to Know

Beginning **January 1, 2015**, a new law (AB 388) takes effect to bolster the rights of foster youth. This new law is specifically intended to prevent unnecessary police involvement in group homes and reduce the use of locked detention before trial for foster youth.

Here is what you can do for your clients if they are arrested:

- **DETENTION IN JUVENILE HALL cannot be based on lack of placement.** Neither the minor's 300 status, the child welfare department's inability to provide a placement, nor the unsuitability of the minor's current placement may be the basis of the delinquency court's decision to detain. If the court orders the minor released, the court shall also order the child welfare department to place the minor. Meaning, if detention is not required, you should immediately pick-up your dependent client from juvenile hall and place him or her into a foster care setting.
- **241.1 RECOMMENDATIONS may consider the minor's known behavioral issues.** If the offense occurred while the child was under the supervision of a foster home, group home, or other residential facility, then the probation and child welfare departments may consider whether the conduct was within the scope of behaviors the placement was intended to manage or treat. You can consider whether the service providers/placement was supposed to manage the behavior at issue before recommending delinquency supervision. At a minimum, you should weigh the following questions: Were appropriate services provided? Were plans for behavioral intervention followed? Was the needs and service plan followed?

Here is what you can do for all of your clients:

- **KNOW THE NUMBERS of police calls and licensing complaints at the group homes where your clients are placed.** Group homes are now required to report all incidents resulting in law enforcement contact, and this data, along with information of licensing complaints, must be published and made available by the California Department of Social Services (the "Department") to child welfare departments for placement purposes. Before placing a youth in a group home or reviewing a youth's placement, review all licensing information available through the Department and ask group homes about their behavior management, emergency intervention and use of law enforcement policies and practices.
- **HELP MODIFY 241.1 PROTOCOLS in your county to include additional safeguards for foster youth.** These safeguards may include arrest notification to dependency attorneys and the child welfare department, timelines and procedures for release of dependent minors in custody, and nondiscrimination provisions ensuring equitable treatment of dependents who are detained in secure confinement.
- **HELP DEVELOP PERFORMANCE STANDARDS to ensure that group homes are minimizing police contact for their residents.** By January 1, 2016, the Department, in consultation with other stakeholders, including advocates for foster youth, must develop performance standards and outcome measures for group homes to reduce law enforcement contact and delinquency petitions arising from incidents at group homes. Find out your agency's plan to insure social worker input in the stakeholder process or contact the Department to find out about the stakeholder process.

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