



AB 2005 – Improving Out-of-State Foster Care Placement Decision-Making for California Youth

California Assembly Bill 2005 Fact Sheet

What will AB 2005 accomplish? AB 2005 will bring greater clarity, consistency, and care to the out-of-state foster care placement process for youth who are under the supervision of probation. In particular, it will require that juvenile court orders for placement in out-of-state facilities be based on clear and convincing evidence that the out-of-state residential facility or program is the most appropriate and in the best interests of the minor and that in-state facilities or programs have been considered and are unavailable or inadequate to meet the needs and best interests of the minor.

What problem does AB 2005 address? Despite the serious risks involved, placements of California foster youth in out-of-state facilities by probation have been on the rise, jumping from 32 of 3,764 (0.85%) overall probation placements in group homes on 1/1/06 to 248 out of 1,930 (12.8%) on 1/1/16 – a 15-fold increase. In some counties, these out-of-state placements have recently accounted for 20+, 30+, and even 40+% of all group home placements by probation. The evidence is clear that these placements are being used too much, with harmful results, and often when there were better options closer to home. AB 2005 will ensure that these placements are more carefully limited to cases in which there is good reason to believe that a particular program is right for the individual child and only after a diligent effort to meet the child's needs in state.

What are the downsides of out-of-state placements for children under probation supervision? Research has shown that taking system-involved youth away from their home communities often has devastating long-term impacts. Placement far from home impedes critical links to family and community supports and sharply limits family participation in therapeutic and rehabilitative processes that are key to future health and success. Distant placements also make it harder for youth to reconnect with school and work when they come back home. They can heighten the risk of re-offending, and have even been linked to poorer health. Even for youth with special needs or vulnerabilities, like those who have been commercially sexually exploited, there is no evidence they are helped by isolation. Programs showing promising results are those that enable these youth and others like them to be supported locally in healing, pursuing education and meaningful work, and developing strengths that allow them to resist being pulled back into harmful situations.

Are there ever times when it is better to send a youth to an out-of-state program? How will AB 2005 affect those placements? There can be times when an out-of-state placement is most appropriate and in the best

interests of an individual child and in-state programs are inadequate or unavailable. AB 2005 will allow, and will in no way impede, these placements.

Probation officers already have hard jobs. Will AB 2005 make their jobs harder? AB 2005 adds no new burdens for probation officers. The bill does not add any substantive or procedural requirements that are not already in the law. The bill merely requires courts to make sure that existing requirements have been met. Careful, thoughtful adherence to the case-planning requirements of Welfare & Institutions Code (WIC) Section 706.6 (and Section 737, where applicable) will itself generate the evidence needed to show a court that an out-of-state placement should be ordered.

Will AB 2005 limit placement options? Not at all. It will remain the case that any out-of-state residential care facility may serve as a foster care placement as long as the Department of Social Services has certified that the facility meets California's licensure standards or granted a waiver to a specific licensing standard upon a finding that there is no adverse impact on health or safety. WIC § 727.1(b); Family Code § 7911.1.

Why isn't certification enough to protect our youth? There is no one-size-fits-all foster care placement. Certification is necessary but not sufficient to know that a placement is a good match for a given child. Also, certification is no guarantee against harm – Youth Law Center has received reports of California youth suffering serious physical and emotional abuse and deterioration from lack of adequate care in out-of-state facilities.

How will the bill affect the time youth spend in juvenile halls, waiting to be placed? AB 2005 should reduce the wait time. Placing a youth in a residential program outside California requires compliance with the Interstate Compact on the Placement of Children, which involves multi-layered, time-consuming, bureaucratic processes that delay placement. As unnecessary and ill-matched out-of-state placements are minimized under AB 2005, youth should move to placement faster.

Will AB 2005 make probation choose a far-away in-state placement over an out-of-state placement that is closer to home? No, proximity to home would be a strong factor in favor of an otherwise appropriate out-of-state placement. But the reality is that most certified out-of-state facilities are as far away as Florida, Iowa, Michigan, Nebraska, New Hampshire, Pennsylvania, Texas, Utah, Virginia, Wisconsin, and Wyoming. Even the few in neighboring states are far from home for virtually all youth who are placed there.