AB 2664 – Fair Family Reunification Timelines

SUMMARY

Families involved in the child welfare system are entitled to reunification services, except in a limited set of circumstances. Assembly Bill 2664 reaffirms pre-existing statute that these families are entitled to these services on a fair timeline, giving parents proper time to reunite with their child.

BACKGROUND

When children are removed from their families and placed in foster care, child welfare agencies are required to help reunify families by providing reunification services, except in a limited number of statutory exceptions. Parents are given the opportunity to fix the problems that led to the removal of their children before their parental rights are permanently terminated and children are eligible for adoption. Parents that are struggling with substance use are given access to treatment programs and drug court. Other parents are given mental health care, parenting classes, and other vital services.

Dependency court runs on strict timelines. These parents are given only a limited amount of time, sometimes as little as six months, to reunify with the children before there is a request to initiate the termination of their parental rights. For most families, the maximum amount of time to reunify with children in foster care is 18-months.

PROBLEM

A recent appellate case (*In re Damian L.* (2023) 90 Cal. App. 5th 357) suggested that families could be timed out of reunification services, despite never actually receiving these services, because of a temporary removal. Children removed temporarily at detention, but returned shortly afterwards, could be treated the same as children removed at the dispositional hearing. Temporary removal hearings and dispositional hearings can happen months apart, meaning that parents are losing vital time to reunify with their children if their reunification clocks start at the temporary removal hearing, per *In re Damian L*.

As a result, a parent could be "out of time" of an opportunity to reunify with their children, without ever receiving the full protections and help of the reunification process. Their children could have been in foster care for a matter of days but treated as if they had been in foster care for 18-months and permanently removed from their parents. This recent interpretation is contrary to decades of best practices and harmful to our state's goal of safely keeping families together.

This also presents a significant due process problem for non-custodial parents. These parents could be ineligible for reunification services based on the timeline, despite never being eligible because the child was placed in the home of the custodial parent. This result would be in direct contradiction of statute, which confers a right to reunification for all presumed parents— custodial and non-custodial— not subject to the "by-pass" provisions.

SOLUTION

AB 2664 amends the code to affirm that the timeline for reunification services is triggered by the removal order and the actual order for reunification, both of which are made at the dispositional hearing.

This is a cost-effective solution because it adds no new requirements to child welfare agencies. Instead, it simply reaffirms the current practices throughout the state prior to the *Damian L*. opinion.

SUPPORT

Children's Law Center (Co-Sponsor)
Dependency Legal Services (Co-Sponsor)
Los Angeles Dependency Lawyers (Co-Sponsor)

FOR MORE INFORMATION

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