



ASSEMBLY MEMBER — DISTRICT 44

Nick Schultz

AB 2478: Kinship Family Approval

Summary:

AB 2478 strengthens California's commitment to placing children with family and other trusted adults when they cannot safely remain at home. Building on direction previously enacted by the legislature in AB 2830 (Rivas), the bill implements a streamlined Kinship Family Approval pathway, clarifies emergency placement rules, and extends the eligibility of limited criminal record exemptions to a wider range of kin so that children can be placed quickly with safe caregivers familiar to them. By reducing administrative delays and strengthening family-first placement policies, AB 2478 helps ensure that children entering foster care can remain connected to the people and communities that matter most to them.

Background:

California currently has more than 37,000 children in foster care,¹ disproportionately from Black and Brown families. Black children are three times more likely than white children to be in foster care, while Native American youth appear in foster care at nearly three times the rate of their white peers. Barriers to placement with family and trusted adults disproportionately affect these communities and are further compounded by criminal history restrictions, which reflect the long-term impacts of discriminatory arrest and prosecution practices.

To help address these barriers, the state has embraced a kin-first culture, defined by the California Department of Social Services (CDSS) as "as an environment in which systems serving children and families adopt policies and practices that prioritize keeping children safely at home

whenever possible and, when removal is necessary, placing them with family or trusted adults who can maintain connections to community, culture, and tribe".² Kinship care is when a child is cared for full-time by a relative or non-relative extended family member (NREFM). A NREFM is defined by the CDSS as "an adult caregiver who has an established familial relationship with a relative of the child or a familial or mentoring relationship with the child".

Research consistently shows that children placed with familiar caregivers experience better outcomes, including greater placement and educational stability, higher likelihood of reuniting with siblings, and improved mental and behavioral health.³ Youth in kinship placements are more likely to be employed or enrolled in higher education by age 21 and are less likely to experience homelessness and incarceration.

When California approved the Resource Family Approval (RFA) process in 2011, the goal was to unify a previous patchwork system of foster care approval processes. Currently, all foster care applicants are subject to the same RFA process regardless of their relationship with the child.

However, this standardized process can subject kin caregivers to unnecessary administrative barriers that create undue delays, which sometimes prevent children from being placed with kin altogether. The RFA was largely designed for licensed foster parents and does not fully reflect the needs of relatives and other trusted adults who step forward during a family crisis.

¹ California Child Welfare Indicators Project.

<https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/1>.

² California Department of Social Services. Center for Excellence in Family Finding and Engagement.

<https://www.cdss.ca.gov/inforesources/cdss-programs/foster-care/center-for-excellence/faqs>.

³ American Bar Association. Creating a Kin-First Culture.

https://www.americanbar.org/groups/public_interest/child_law/resources/child_law_practiceonline/child_law_practice/vol-36/july-aug-2017/creating-a-kin-first-culture-#:~:text=Despite%20the%20strong%20value%20of,cultures%20that%20truly%20value%20kin.

To address these unacceptable delays and promote the resounding benefits of kinship care, the legislature enacted AB 2830 (Rivas) to direct the CDSS to develop policy improvements to strengthen kinship placement pathways.

AB 2478 follows through on these improvements by creating the Kinship Family Approval (KFA) pathway, a streamlined approval framework for kin caregivers. This pathway is designed specifically to recognize that caregivers with pre-existing meaningful relationships with a child should not face unnecessary regulatory barriers designed for traditional foster homes.

The creation of this pathway will enable Title IV-E agencies to claim Title IV-E federal dollars for a separate approval standard that is consistent with updated federal regulations. The bill also directs the CDSS to evaluate the implementation of the KFA to ensure effective rollout.

AB 2478 additionally clarifies that courts may authorize placement with safe caregivers even when approval or exemption processes are still pending, provided the court determines that the placement does not pose a risk to the child's health and safety.

SB 354 (Skinner) in 2021 fortified kin-first culture by addressing application barriers against otherwise safe prospective caregivers due to their criminal record. Existing law requires that foster care applicants and all adults residing in their household must undergo a criminal background check, and the CDSS grants limited exemptions for prior convictions that do not pose a risk to the health and safety of the child. SB 354 selectively broadened this list of criminal record exemption requirements for relatives but did not include the broader definition of kin caregivers.

AB 2478 further removes these barriers against kinship placement by extending this limited criminal record exemption process to NREFMs, extended family members (EFMs), tribally-approved foster homes, and tribal NREFMs. The KFA maintains the RFA's original purpose of ensuring safety and stability in a caregiver's home by preserving these existing child safety safeguards and background checks.

This bill will also reduce delays by clarifying the timeline for these background checks following emergency placements, allowing these limited criminal record clearances to transfer across placements when appropriate.

Through the creation of the KFA and these other process improvements, California can further fortify its kin-first culture to promote best practices and keep vulnerable youth connected to their cultures and communities.

AB 2478:

- Creates a streamlined KFA pathway to approve a relative, nonrelative extended family member (NREFMs), or extended family member of an Indian child;
- Reduces regulatory barriers and administrative delays for kinship caregivers, maximizing kin placements that are most beneficial to a child;
- Maintains stringent child safety safeguards, including pre-existing background checks and an individualized criminal record exemption review process;
- Expands the limited criminal record exemption process to include NREFMs, extended family members, and tribally-approved foster homes; and,
- Allows Title IV-E agencies utilizing the KFA process to claim Title IV-E federal dollars for a separate approval standard.

Sponsors:

- Alliance for Children's Rights (Co-Sponsor)
- Children's Law Center of California (Co-Sponsor)
- Children's Legal Services of San Diego (Co-Sponsor)
- County Welfare Directors Association of California (Co-Sponsor)

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