

Print on Letterhead

Submit the letter to leg.unit@gov.ca.gov and copy Amy.Ho@asm.ca.gov and mccormickj@clccal.org

September 11, 2024

The Honorable Gavin Newsom
Governor of California
1021 O Street, Suite 9000 Capitol Swing Space
Sacramento, CA 95814

RE: AB 2664 (Bryan) - Request for Signature

Dear Governor Newsom:

[Organization name] is proud to support AB 2664 (Bryan), which ensures that families with child welfare cases receive a fair opportunity to reunify. This bill is a technical fix to clarify the date a child enters foster care when determining the reunification timeline for a family.

[Insert organization's background and/or any specific stories or cases to emphasize the need for this bill.]

The Adoptions and Safe Families Act (ASFA) created a federal statutory scheme of timelines to ensure that children do not languish in foster care. Under these guidelines, families that are ordered into reunification services are given a very limited period of time to complete their case plan to remedy the problems that resulted in child welfare intervention and to provide a safe home for their children. California has enacted its own timelines, often providing more stringent requirements than the federal standards, to ensure that children are either returned swiftly to their parents or provided with another permanent plan for their childhood. The Welfare and Institutions Code (WIC) specifically outlines calculations for each of the status review hearings during the reunification period (6-month, 12-month, and 18-month), all three of which are calculated differently but are expressly outlined in the code.

Unfortunately, a recent appellate court case has called this scheme into question. In *re* Damian L (90 Cal. App. 5th 357), the court found that children removed at detention but returned to their parent shortly after at the dispositional hearing, were subject to the same timeline constraints as children who continued to be in foster care after a removal order and an order for reunification.

This recent holding presents several problems. First, it treats children living at home with their parent as if they continue to languish in foster care. This legal fiction may require courts to start looking for permanency options, including termination of parental rights and adoption, based on compliance with foster care timelines for children residing in the home of the parents until a subsequent removal. A child could have been in foster care for less than 60 days but considered "timed out" of reunification for the purpose of the timeline at a subsequent removal.

Moreover, it presents a significant due process problem for non-custodial parents. Those parents could be ineligible for reunification services based on the timeline, even though they had never been offered assistance by the county child welfare department. Their children could be removed and they could immediately face the termination of their parental rights, without being offered a single service to reunify.

Lastly, we believe that this bill will affect a very limited number of families and as such should have no costs attached. In re Damian L is an outlier, and until this opinion, the consensus around the state did not apply this interpretation of the law.

For these reasons, [Organization name] respectfully requests your signature on AB 2664.

Sincerely,

[Name]

[Title]

cc: ASM Bryan