



July 6, 2023

The Honorable Thomas Umberg  
Chair, Senate Judiciary Committee  
1021 O Street, Room 6530  
Sacramento, CA 95814

**RE: AB 426 (JACKSON): Residential foster care facilities: temporary management.  
As Amended June 28, 2023— OPPOSE  
Set for Hearing July 11, 2023 in Senate Judiciary Committee**

Dear Senator Umberg:

On behalf of the California State Association of Counties (CSAC), Urban Counties of California (UCC), and Rural County Representatives of California (RCRC) we are writing in respectful opposition to Assembly Bill 426 (Jackson).

While well-intentioned, AB 426 is the wrong approach to addressing the significant issues currently facing the child welfare system. As has been publicly reported for more than a year now, the lack of treatment options for complex needs youth is resulting in counties utilizing unlicensed facilities such as offices and hotel rooms in lieu of licensed alternatives. This is not the situation any county wants, but it is what counties face when there are not enough appropriate licensed settings – either family based or congregate – who will accept our children and youth for placement and provide them with the treatment and services they desperately need.

Since the passage and implementation of the Continuum of Care Reform (CCR) in 2015, counties have been at the forefront of transforming California’s child welfare system. Even prior to CCR, the use of congregate care options had dropped significantly across the state, making California a leader in this area compared to many other states. Since 2015, however, residential, treatment-based options for foster youth with the most severe needs have become difficult to access. California has lost over 1,000 treatment beds from former group homes that were unable, or chose not to, convert to short-term residential therapy placements or were affected by other state and federal changes. While counties have shifted to alternatives such as intensive family finding services and increased use of family-based care, as well as resource family recruitment, it is often extremely difficult to find appropriate treatment settings for foster youth who need a short-term but highly intensive therapeutic care. This need is especially acute amongst older foster youth with cooccurring issues such as substance use disorders, developmental disabilities, health conditions and mental health treatment needs.

California is not alone in struggling with options for youth with the most complex needs. Other states report a similar crisis. Our organizations have consistently advocated for legislative proposals and budget investments that would address the underlying issues by expanding placement options and services to complex needs youth. AB 426, while well intentioned, does nothing to address the underlying

issue that leads counties to have foster youth in unlicensed placements. AB 426 would allow the state, which has little to no experience in the direct care of youth, to place a “temporary manager” over a residential foster care facility and fine county staff. Allowing the state to take over a facility, does nothing to address the underlying root cause of why these youth are at such facilities in the first place – the severe lack of more appropriate, service-rich, community-based treatment options for foster youth. Were the state to come into a facility as a “temporary manager,” it would still face all of these issues and, due to its lack of knowledge of direct care, likely struggle even more to arrange necessary services and supports for these youth. Rather than a recipe for success, this bill is a recipe for even more harm to youth who have already suffered significant trauma and likely numerous placement moves and staffing changes over their time in foster care.

Further, the state, which licenses all foster care placements, is well aware of the struggles counties have had in placing complex needs youth, due to the fact that counties engage regularly with the Department of Social Services (CDSS), Department of Health Care Services and Department of Developmental Services, both at the leadership level and on staff-level technical assistance calls when foster youth are in such facilities and in unlicensed care. CDSS regularly engages counties in established processes to address any licensing violations and does not hesitate to place counties on corrective action plans when they are required to address any licensing deficiencies. The level of attention being paid to this issue is significant on the state’s part. Unfortunately, true solutions have not yet been identified but work continues to do so.

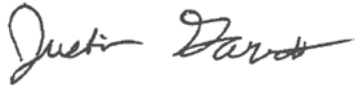
In short, AB 426 is not that solution. The bill would allow the state to take over a facility regardless of any other established process, or failure of that process, based on only the state’s documentation of deficiencies in the facility. The proposal would inappropriately and drastically change the state and county lines of responsibility, thus undermining the counties’ statutory and historic role in the administration of the child welfare program with oversight by the State.

The measure would also allow the state to impose civil penalties on a person that fails to “locate appropriate placements for all of the foster children and youth residing in an unlicensed facility within 60 days after receiving the formal statement of allegations.” It is unclear whether the term person is meant to refer to social workers, child welfare agency directors, county supervisors, or all of the above. Certainly, such a provision will only add to the challenges we have locally in recruiting and retaining child welfare staff and managers.

While we understand the urge to address the inappropriate use of unlicensed facilities or concerns with licensed county facilities such as shelters, allowing the state to unilaterally decide to take over a facility while failing to address any of the other underlying provider and placement shortages and assess civil penalties, does nothing to fix the reality of foster youth staying in hotels, conference rooms, or juvenile justice facilities. All it will do is shift the burden from the counties to the state, which is simply not equipped to administer programs and facilities on the ground.

For the reasons outlined above, CSAC, UCC, and RCRC respectfully oppose AB 426. Should you have any questions regarding our position, please do not hesitate to have your staff contact our organizations.

Sincerely,



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cc: The Honorable Corey Jackson, MSW, DSW, Member, California State Assembly  
Members and Consultants, Senate Judiciary Committee