

DRAFT FOR CONSIDERATION
Executive Order – Child Welfare Provisions

WHEREAS on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

WHEREAS child welfare cases operate under strict timelines and failure to comply with timelines can result in termination of parental rights; and

WHEREAS family visitation and sibling visitation is essential to reunification efforts of children and families; and

WHEREAS families caring for children in foster care and those who exited foster care to permanence need continuous funding during the time that the Stay at Home Order is in place to ensure the stability of the placement and to meet the basic needs of the youth in their care; and

WHEREAS the extended foster care program provides critical supports and benefits to young adults that should not be denied to youth due to court closures or failure to meet participation criteria as a result of layoffs or school closures; and

WHEREAS it is critical that families be approved to care for children in need of out of home care in as expedited manner as possible; and

WHEREAS under the provisions of Government Code Section 8571, I find that strict compliance with various statutes specified in this order would prevent, hinder, or delay appropriate actions to mitigate the effects of COVID-19 pandemic while also ensuring that children at risk of abuse or neglect as well as those children who are under the care and custody of the state receive appropriate supports and services.

NOW, THEREFORE, I, GAVIN NEWSOM, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following Order to become effective immediately:

IT IS HEREBY ORDERED that Aid to Families with Dependent Children-Foster Care (AFDC-FC) benefits paid pursuant to Welfare and Institutions Code 11460 and 11461 and Approved Relative Caregiver (ARC) benefits paid pursuant to Welfare and Institutions Code 11461.3 shall be continued without interruption as long as the child remains in the home from the period of time when the Stay at Home Order was enacted, March 19, 2020, until ninety (90) days after the Stay at Home Order is lifted.

This document was developed by a broad Alliance for Children’s Rights-led coalition, including representatives of county welfare directors, minors’ attorneys, parents’ counsel, and child welfare advocates. For more information, please contact Angie Schwartz at A.Schwartz@KIDS-ALLIANCE.ORG.

IT IS HEREBY ORDERED that the provisions of Welfare and Institutions Code 11461.36 pertaining to resource family approval timelines and termination of emergency caregiver funding if the resource family applicant is denied should be waived as long as the child remains in the home from the period of time when the Stay at Home Order was enacted, March 19, 2020, until ninety (90) days after the Stay at Home Order is lifted.

IT IS HEREBY ORDERED that discontinuances for Adoption Assistance Program and Kinship Assistance Program shall be suspended effective the date of this order, to the extent it is not inconsistent with federal law and the ability to maintain Medi-Cal coverage, through June 30, 2020.

IT IS HEREBY ORDERED that the timelines set forth in Welfare and Institutions Code sections 361.5, 366.21(e), 366.21(f), 366.21(g)(1)(2) and (4), 366.22 and 366.26 shall be extended for the amount of time equal to the time from when the Stay at Home Order was enacted, March 19, 2020, until sixty (60) days after the Stay at Home Order is lifted.

IT IS HEREBY ORDERED that Welfare and Institutions Code section 11403, requiring a non-minor to meet certain participation criteria to be eligible for extended foster care, is waived from the time the Stay at Home Order was enacted, March 19, 2020, until six (6) months after the Stay at Home Order is lifted, such that jurisdiction pursuant to WIC 391 cannot be terminated unless the non-minor does not wish to remain subject to dependency jurisdiction.

IT IS HEREBY ORDERED that any of the non-safety Resource Family Approval requirements included in Welfare and Institutions Code section 16519.5 are permitted to be waived by a county on a case-by-case basis when approving relatives and non-related extended family members and annual Resource Family Approval reassessments are suspended from the time the Stay at Home Order was enacted, March 19, 2020, until six (6) months after the Stay at Home Order is lifted.

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