October 1, 2024

Kim Johnson
Director
California Department of Social Services
744 P. Street
Sacramento, CA 95814

Dear Director Johnson,

Thank you for your letter of September 30th.

As you indicate in your letter, "FFAs must follow closure requirement enumerated in the Foster Family Agencies Interim Licensing Standards and may utilize waivers offered by DCSS to transfer the families more expeditiously." You fault NIAC for identifying that such waivers for more expeditious transfers could be less rigorous. However, this is a reasonable concern for various reasons. For example, California Health and Safety Code 1517.2(b)(1) requires a "reference check" of a potential resource family "to determine whether it is safe and appropriate...." This safeguard may now be waived to "facilitate the expedient transfer of a resource family approval...." Obviously, waiving a reference check intended to ensure the safety of a foster child presents safety concerns. Are you suggesting that the purpose of AB 2496 was either not to in any way change the transfer process or to make it even more robust?

We and the hundreds of other organizations that supported the initial proposed language, are painfully aware of how these cases are currently adjudicated in our courts. If a jury can award tens of millions of dollars against an FFA, who followed every standard required of them under the law, simply because a series of questions by a prospective foster parent was answered fully, but out of numerical order, we have every expectation that any standards that are designed to expedite the transfer process will be used to demonstrate that those standards were the cause of the harm to the child—no matter how tenuous the connection.

Under the present law, without written State of California assurances that the state will defend and indemnify all FFAs for any transfers made under the Foster Family Agencies Interim Licensing Standards, we respectfully decline your request to rescind our update.

Sincerely,

Pamela Davis
President/CEO