

REPORT OF THE CHIEF LEGISLATIVE ANALYST

DATE: September 20, 2022

TO: Honorable Members of the Rules, Elections, and Intergovernmental Relations Committee

FROM: Sharon M. Tso 
Chief Legislative Analyst

Council File No: 22-0002-S88
Assignment No: 22-06-0367

SUBJECT: AB 1794 - Postadoption Sibling Contact Agreements

CLA RECOMMENDATION: Adopt Resolution (Harris-Dawson – Bonin) to include in the City’s 2021-2022 State Legislative Program SUPPORT for AB 1794 (Gipson), which would facilitate the execution of a postadoption sibling contact agreement when parental rights are terminated and the court orders a dependent child to be placed for adoption; and would facilitate a petition to be made to the juvenile court to reinstate parental rights when an adoption is no longer a permanent plan.

SUMMARY

On June 1, 2022, the Resolution (Harris-Dawson – Bonin) was introduced in support for AB 1794 (Gipson), which would facilitate the execution of a postadoption sibling contact agreement when parental rights are terminated and the court orders a dependent child to be placed for adoption; and would facilitate a petition to be made to the juvenile court to reinstate parental rights when an adoption is no longer a permanent plan. The Resolution states that when parental rights are terminated many children adopted through the welfare system lose connection to their biological families, especially their siblings.

Under existing law, a postadoption sibling contact agreement may be executed. The Resolution states that AB 1794 seeks to address the gaps and inconsistencies in the current laws surrounding siblings who are separated by adoption and postadoption contact. In some cases adoptions fail and the bill would provide a procedure to reinstate previously terminated rights to the biological parents. Therefore, the Resolution recommends support for AB 1794 in order to facilitate these options and ensure the well-being of dependent children.

BACKGROUND

Existing law provides that a child may be adjudged to be a dependent of the juvenile court because of abuse or neglect. The California child welfare system is designed to provide for the protection of children who are subject to or at risk of abuse or neglect. When children have been temporarily separated from their parents by the child welfare system, the desired outcome is to reunite children with their parents, when appropriate. However, too often children who are or have been involved in the child welfare system, can lose all contact with their birth parents and their siblings. Research shows that sibling relationships are critically important not only in childhood but over the course of a lifetime. Siblings form a child’s first peer group as they spend more time with them than with anyone else.

Under existing law, a postadoption sibling contact agreement may be executed. A postadoption contact agreement is a voluntary agreement between the birth relatives and the adoptive parents explaining the future contact that may occur between birth relatives. Currently, the most contact that a postadoption contact agreement can offer to a sibling who has not had a preexisting relationship with the child is the sharing of information.

AB 1794 (Gipson) seeks to expand postadoption contact between siblings by allowing a postadoption contact agreement to include actual contact with siblings, even if the siblings do not have a preexisting relationship with the child. The bill also requires the county child welfare agency placing a dependent child up for adoption to convene a meeting with the child, the child's siblings, the prospective adoptive parents, and a facilitator to execute a postadoption sibling contact agreement after termination of parental rights and prior to finalization of the adoption.

While keeping children with their parents is the goal of the child welfare system, sometimes parental rights have to be terminated and children may be placed into other permanency options, including adoption, guardianship, or long-term foster care. Under existing law, there are limited cases when terminated parental rights may be reinstated. Reinstating parental rights in appropriate cases helps ensure children are not left as legal orphans, with their birth parents' rights terminated, and with no adoptive family. This bill allows for the reinstatement of parental rights in appropriate cases by expanding the provisions and creating additional situations when parental rights may be reinstated.

DEPARTMENTS NOTIFIED

Community Investment for Families

BILL STATUS – AB 1794

02/03/22 Introduced

02/10/22 Referred to Committee on Judiciary and Committee on Human Services

03/17/22 Re-referred to Committee on Judiciary and Committee on Human Services

05/26/22 Ordered to the Senate

05/27/22 Referred to Committee on Rules

08/31/22 Ordered to the Assembly for concurrence

09/13/22 Presented to the Governor



Xochitl Ramirez
Analyst

SMT:xr

Attachment: 1. Resolution

RESOLUTION

WHEREAS, any official position of the City of Los Angeles with respect to legislation, rules, regulations or policies proposed to or pending before a local, state or federal governmental body or agency must have first been adopted in the form of a Resolution by the City Council with the concurrence of the Mayor; and

WHEREAS, under existing law a child may be adjudged to be a dependent by the juvenile court because of abuse or neglect; and

WHEREAS, when parental rights are terminated many children adopted through the welfare system lose connection to their biological families, especially their siblings; and

WHEREAS, these connections to their biological families can be vital to a child's life; and

WHEREAS, under existing law a postadoption sibling contact agreement may be executed; and

WHEREAS, AB 1794 (Gipson) addresses the gaps and inconsistencies in the implementation of current laws surrounding siblings who are separated by adoption and postadoption contact; and

WHEREAS, in some cases adoptions fail and AB 1794 would provide a procedure to reinstate previously terminated rights to the biological parents;

NOW, THEREFORE, BE IT RESOLVED, with the concurrence of the Mayor, that by the adoption of this Resolution, the City of Los Angeles hereby includes in its 2021-2022 State Legislative Program SUPPORT for Assembly Bill 1794 (Gipson), which would facilitate the execution of a postadoption sibling contact agreement when parental rights are terminated and the court orders a dependent child to be placed for adoption; and would facilitate a petition to be made to the juvenile court to reinstate parental rights when an adoption is no longer a permanent plan.

PRESENTED BY:

MARQUEECE HARRIS-DAWSON
Councilmember, 8th District

SECONDED BY:

[Signature]

JUN 01 2022

~~MAY 31 2022~~

kat

[Signature]

ORIGINAL