

AB 458 FACT SHEET

THE CALIFORNIA FOSTER CARE NON-DISCRIMINATION ACT



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THE CALIFORNIA FOSTER CARE NON-DISCRIMINATION ACT

AB 458, the Foster Care Non-Discrimination Act, was signed into law on September 6, 2003 and went into effect on January 1, 2004. AB 458 prohibits discrimination in the California foster care system on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. Because training is crucial to enable service providers to fulfill their responsibilities to provide safe and nondiscriminatory care, placement, and services to foster children, AB 458 also mandates initial and ongoing training for all group home administrators, foster parents, and department licensing personnel.

This law is the first of its kind in the United States to explicitly include protections for lesbian, gay, bisexual, transgender, and questioning (LGBTQ) youth and adults involved with the foster care system.

SPECIFICALLY, THE LAW PROVIDES:

- All foster children¹ and all adults engaged in the provision of care and services to foster children² have a right to fair and equal access to all available services, placement, care, treatment and benefits.
- All foster children³ and all adults engaged in the provision of care and services to foster children⁴ have a right not to be subjected to discrimination or harassment on the basis of actual or perceived sexual orientation or gender identity.
- Adds these rights and protections to the California Foster Child List of Rights.
- All group home administrators,⁵ foster parents,⁶ and department licensing personnel⁷ must receive initial and ongoing training on the right of a foster child to have fair and equal access to all available services and to not be subjected to harassment or discrimination based on their actual or perceived sexual orientation or gender identity.
- All community college districts that provide orientation and training to relative caregivers must make available to relative and extended family caregivers orientation and training courses that cover the right of a foster child to have fair and equal access to all available services, placement, care, treatment, and benefits and the right of foster youth not to be subjected to discrimination or harassment on the basis of actual or perceived sexual orientation or gender identity.⁸

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FOSTER CARE NON-DISCRIMINATION ACT

ENDNOTES

¹ Cal. Welfare & Inst. Code § 16001.9(a)(22).

² Cal. Welfare & Inst. Code § 16013(a).

³ Cal. Welfare & Inst. Code § 16001.9(a)(22).

⁴ Cal. Welfare & Inst. Code § 16013(a).

⁵ Cal. Health & Safety Code § 1522.41(c)(1)(H). Failure to comply with this section shall constitute cause for revocation of the license of the facility. Cal. Health & Safety Code § 1522.41(b)(3)

⁶ Cal. Health & Safety Code § 1529.2(b)(3)(F); § 1529.2(b)(4)(F).

⁷ Cal. Health & Safety Code § 1563(c)(5).

⁸ Cal. Welfare & Inst. Code § 16003(a)(1).

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YOUTH PROJECT has been advocating for LGBTQ youth in schools, foster care, juvenile justice settings, and the mental health system since 1993. The Project provides direct, free legal information to youth, legal advocates, and activists through a toll-free line; advocates for policies that protect and support LGBTQ youth in these different arenas; and litigates cases that are creating new legal protections for youth in schools, foster care, juvenile justice, and other settings.

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