



SENATOR SHANNON GROVE
SENATE DISTRICT 12

SB 1043 (Grove)
Accountability In Children's Treatment (ACT)

SUMMARY

SB 1043 will create more transparency at the Department of Social Services by requiring the Department to create a dashboard on their website to publish the use of restraints and seclusion rooms in Short-Term Residential Therapeutic Programs (STRTPs).

EXISTING LAW

Existing law reclassified treatment facilities and the transition from the use of group homes for children to the use of short-term residential treatment centers. Current law also prohibits the placement of foster youth, non-minor dependents, and wards of the court in out-of-state residential facilities.

Existing law requires the State Department of State Hospitals, the State Department of Developmental Services and the State Department of Social Services to post on the internet information regarding the use of restraints and seclusion rooms in multiple facilities such as community care facilities. They are also required to post the number of incidents, serious injuries and deaths caused by the use of restraints and seclusion rooms.

STRTP facilities are to provide an oral and written description of incidents involving restraints or seclusion rooms to the patient involved, or, according to the patient's preference, their foster parent, guardian, or designated representative. At a minimum, both descriptions must include the actions taken during the incident, the rationale for the actions, the personnel approving the actions, the personnel implementing the actions, and the duration of the incident.

PROBLEM

California has already made great strides to address the abuse that has occurred in the "troubled-teen" industry. However, there is still a need to strengthen laws and provide more transparency to the public to ensure children are safe. In recent years, laws have been

passed in an effort to phase out the use of group homes and sending California kids to out-of-state facilities.

In 2015, AB 403 (Stone, Ch. 773) changed the state's foster care system by reducing the number of youth living in group homes. The law aimed to increase the number of foster families and reserve group home placements for those who needed special mental health services. This bill was a monumental step in the right direction, and was the beginning of a much larger change in the foster care system.

From 2015 to 2020, California sent more than 1,240 foster kids and youth offenders with severe mental and behavioral health conditions to out-of-state for-profit facilities, where many endured violence, abuse and mistreatment. As a result, AB 808 (Stone, 2021), which later was included in budget bill AB 153, banned the placement of children in out-of-state residential facilities.

Now, many of these teens are being sent to short-term residential therapeutic programs. These facilities are able to restrain a child or put them into a seclusion room when the facility operator believes the child is a danger to themselves or others. Despite there being a requirement for the Department of Social Services to post these incidents online, the reports have not been posted.

When it comes to California's children, we need to ensure appropriate measures are being utilized to safeguard their health and safety. The use of restraints and seclusion rooms require transparency and accountability in order to protect our most vulnerable.

THE SOLUTION

SB 1043 will require the State Department of Social Services to create a dashboard by January 1st, 2026 for STRTPs that displays data on the use of restraints and



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seclusion rooms. Specifically the information on the dashboard will include:

- The number of deaths that occur while persons are in seclusion or behavioral restraints, or where it is reasonable to assume that a death was proximately related to the use of seclusion or behavioral restraints
- The number of serious injuries sustained by persons while in seclusion or subject to behavioral restraints
- The number of serious injuries sustained by staff that occur during the use of seclusion or behavioral restraints
- The number of incidents of seclusion
- The number of incidents of use of behavioral restraints
- The duration of time spent per incident in seclusion
- The duration of time spent per incident subject to behavioral restraints
- The number of times an involuntary emergency medication is used to control behavior, as defined by the State Department of State Hospitals

SB 1043 will also require each STRTP facility to provide a copy of the written description of the incident to the Department of Social Services which will be included on the dashboard, excluding any identifying information of the individuals, patient and facility staff involved.

The information on the dashboard will be updated on a quarterly basis to keep the public informed in a timely manner.

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