

AMENDED IN ASSEMBLY MAY 1, 2001
AMENDED IN ASSEMBLY MARCH 28, 2001
CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 899

Introduced by Assembly Member Liu
(Coauthors: Assembly Members Aroner, *Bates*, Calderon, Chavez, Firebaugh, *Goldberg*, Steinberg, Strom-Martin, and Washington)
(Coauthors: Senators *Kuehl*, Romero, and Scott)

February 23, 2001

An act to add Section 1530.91 to the Health and Safety Code, and to amend Section 16164 of, and to add Sections 27, 355.1, and 16001.9 to, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 899, as amended, Liu. Rights of foster children.

Existing law establishes procedures for the placement of certain children in foster care.

Existing law provides for licensing of facilities that provide foster care for children.

Existing law requires the State Department of Social Services to license defined community care facilities, including facilities that provide foster care services for children, and to adopt regulations for this purpose. Under existing law, violation of the community care licensing provisions or related regulations adopted by the department is a misdemeanor.

This bill would require those facilities to make certain information regarding the rights of children in foster care available to those children. By changing the definition of a crime, this bill would result in a state-mandated local program.

This bill would ~~state~~ *set forth* the policy of the state ~~with respect to the rights of~~ *that* children placed in foster care *have certain rights*, and would require social workers and facilities providing social services for children in foster care to provide those children with information regarding those rights.

To the extent this bill would increase the responsibilities of counties in the administration of the provision of foster care benefits for children, this bill would result in a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1530.91 is added to the Health and
 2 Safety Code, to read:
 3 1530.91. (a) Except as provided in subdivision (b) any
 4 facility licensed to provide foster care for children pursuant to this
 5 chapter shall provide each schoolage child and his or her
 6 authorized representative, as defined in regulations adopted by the
 7 department, who is placed in foster care with an age-appropriate
 8 orientation that includes an explanation of the rights of the child,
 9 as specified in Section 16001.9 of the Welfare and Institutions
 10 Code, and addresses the child’s questions and concerns.



1 (b) Any facility licensed to provide foster care for six or more
2 children pursuant to this chapter shall post a listing of a foster
3 child's rights specified in Section 16001.9 of the Welfare and
4 Institutions Code. The office of the State Foster Care Ombudsman
5 shall design posters and provide the posters to each facility subject
6 to this subdivision. *The posters shall include the telephone number*
7 *of the State Foster Care Ombudsman.*

8 SEC. 2. Section 27 is added to the Welfare and Institutions
9 Code, to read:

10 27. Each agency and department responsible for listing in
11 regulations the rights ~~and responsibilities~~ of children under this
12 division shall incorporate the rights ~~and responsibilities~~ of foster
13 children, as listed Section 16001.9, in the list.

14 SEC. 3. Section 355.1 is added to the Welfare and Institutions
15 Code, to read:

16 355.1. Prior to every status review hearing pursuant to
17 Section 366.21, the child's social worker shall inform a foster child
18 of his or her rights ~~and responsibilities~~ as a foster child specified
19 in Section 16001.9. Information on the child's rights shall be
20 provided in an age-appropriate manner. If the social worker is
21 unable to personally inform the child of his or her rights, the social
22 worker shall ensure that the child's attorney or court appointed
23 special advocate has informed the child of his or her rights.

24 SEC. 4. Section 16001.9 is added to the Welfare and
25 Institutions Code, to read:

26 16001.9. ~~The Legislature finds and declares that it~~ *It is the*
27 *policy of the state to strive to ensure that that all children in foster*
28 *care shall have the following rights:*

29 (a) To live in a safe, healthy, and comfortable home where he
30 or she is treated with respect.

31 (b) To be free from physical, sexual, or mental abuse.

32 (c) To receive adequate and healthy food, adequate clothing,
33 and a reasonable allowance.

34 (d) To receive medical, dental, and ~~psychiatric care~~ *mental*
35 *health services.*

36 (e) To be free of the administration of medication or chemical
37 substances, unless authorized by a physician.

38 (f) To contact family members, social workers, attorneys,
39 California Youth Connection supporters, Court Appointed Special
40 Advocates (CASA), and probation officers.



- 1 (g) To visit and contact brothers and sisters, unless prohibited
2 by court order.
- 3 (h) To contact the Community Care Licensing Division of the
4 State Department of Social Services or the Foster Care
5 Ombudsman regarding violations of rights, to speak to
6 representatives of these offices confidentially, and to be free from
7 threats or punishment for making complaints.
- 8 (i) To make and receive confidential telephone calls and send
9 and receive unopened mail, unless prohibited by court order.
- 10 (j) To attend religious services and activities of his or her
11 choice.
- 12 (k) To maintain a bank account and manage personal income,
13 unless prohibited by the case plan.
- 14 (l) To not be locked in any room, building, or facility premises.
- 15 (m) To attend school and participate in extracurricular,
16 cultural, and neighborhood activities.
- 17 (n) To work and develop job skills.
- 18 (o) To have social contacts with people outside of the foster
19 care system, such as teachers, church members, mentors, and
20 friends.
- 21 (p) To attend Independent Living Program classes and
22 activities if he or she meets age requirements.
- 23 (q) To attend court hearings and speak to the judge.
- 24 (r) To have storage space for private use.
- 25 (s) To review his or her own case plan if he or she is over 12
26 years of age and to receive information about his or her
27 out-of-home placement and case plan, including being told of
28 changes to the plan.
- 29 ~~(t)~~
- 30 (t) To be free from unreasonable searches of personal
31 belongings.
- 32 SEC. 5. Section 16164 of the Welfare and Institutions Code
33 is amended to read:
- 34 16164. (a) The Office of the State Foster Care
35 Ombudsperson shall do all of the following:
- 36 (1) Disseminate information on the rights of children and youth
37 in foster care and the services provided by the office. The rights of
38 children and youths in foster care are listed in Section 16001.9.
39 The information shall include notification that conversations with
40 the office may not be confidential.



1 (2) Investigate and attempt to resolve complaints made by or on
2 behalf of children placed in foster care, related to their care,
3 placement, or services.

4 (3) Decide, in its discretion, whether to investigate a complaint,
5 or refer complaints to another agency for investigation.

6 (4) Upon rendering a decision to investigate a complaint from
7 a complainant, notify the complainant of the intention to
8 investigate. If the office declines to investigate a complaint or
9 continue an investigation, the office shall notify the complainant
10 of the reason for the action of the office.

11 (5) Update the complainant on the progress of the investigation
12 and notify the complainant of the final outcome.

13 (6) Document the number, source, origin, location, and nature
14 of complaints.

15 (7) Compile and make available to the Legislature all data
16 collected over the course of the year including, but not limited to,
17 the number of contacts to the toll-free telephone number, the
18 number of complaints made, the number of investigations
19 performed by the office, the number of referrals made, and the
20 number of unresolved complaints.

21 (8) Have access to any record of a state or local agency that is
22 necessary to carry out his or her responsibilities, and may meet or
23 communicate with any foster child in his or her placement or
24 elsewhere.

25 (b) The office may establish, in consultation with a committee
26 of interested individuals, regional or local foster care
27 ombudsperson offices for the purposes of expediting
28 investigations and resolving complaints, subject to appropriations
29 in the annual Budget Act.

30 SEC. 6. No reimbursement is required by this act pursuant to
31 Section 6 of Article XIII B of the California Constitution for
32 certain costs that may be incurred by a local agency or school
33 district because in that regard this act creates a new crime or
34 infraction, eliminates a crime or infraction, or changes the penalty
35 for a crime or infraction, within the meaning of Section 17556 of
36 the Government Code, or changes the definition of a crime within
37 the meaning of Section 6 of Article XIII B of the California
38 Constitution.

39 However, notwithstanding Section 17610 of the Government
40 Code, if the Commission on State Mandates determines that this



1 act contains other costs mandated by the state, reimbursement to
2 local agencies and school districts for those costs shall be made
3 pursuant to Part 7 (commencing with Section 17500) of Division
4 4 of Title 2 of the Government Code. If the statewide cost of the
5 claim for reimbursement does not exceed one million dollars
6 (\$1,000,000), reimbursement shall be made from the State
7 Mandates Claims Fund.

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