

AMENDED IN SENATE AUGUST 28, 2001

AMENDED IN SENATE JULY 18, 2001

AMENDED IN SENATE JULY 9, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

AMENDED IN ASSEMBLY MAY 1, 2001

AMENDED IN ASSEMBLY MARCH 28, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

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**ASSEMBLY BILL**

**No. 899**

**Introduced by Assembly Member Liu**

**(Coauthors: Assembly Members Aroner, Bates, Calderon, Chavez,  
Firebaugh, Goldberg, Koretz, Steinberg, Strom-Martin,  
Washington, and Wiggins)**

(Coauthors: Senators Kuehl, Romero, and Scott)

February 23, 2001

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An act to add Section 1530.91 to the Health and Safety Code, and to amend Sections 16164 and 16501.1 of, and to add Sections 27 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 that provide foster care services for children 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 set forth the policy of the state 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. It is the intent of the Legislature that the rights
- 2 of children in out-of-home placement are not infringed upon, and
- 3 when a foster child’s rights conflict with the health or safety of the
- 4 child or others, the Legislature urges counties and foster care



1 providers to find a way to preserve the child's rights in a manner  
2 that maintains the health and safety of the child and others.

3 SEC. 1.5. Section 1530.91 is added to the Health and Safety  
4 Code, to read:

5 1530.91. (a) Except as provided in subdivision (b) any care  
6 provider that provides foster care for children pursuant to this  
7 chapter shall provide each schoolage child and his or her  
8 authorized representative, as defined in regulations adopted by the  
9 department, who is placed in foster care, with an age- and  
10 developmentally appropriate orientation that includes an  
11 explanation of the rights of the child, as specified in Section  
12 16001.9 of the Welfare and Institutions Code, and addresses the  
13 child's questions and concerns.

14 (b) Any facility licensed to provide foster care for six or more  
15 children pursuant to this chapter shall post a listing of a foster  
16 child's rights specified in Section 16001.9 of the Welfare and  
17 Institutions Code. The office of the State Foster Care ~~Ombudsman~~  
18 *Ombudsperson* shall design posters and provide the posters to each  
19 facility subject to this subdivision. The posters shall include the  
20 telephone number of the State Foster Care ~~Ombudsman~~  
21 *Ombudsperson*.

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

24 27. Each agency and department responsible for listing in  
25 regulations the rights of children under this division shall  
26 incorporate the rights of foster children, as listed in Section  
27 16001.9 on the list.

28 SEC. 3. Section 16001.9 is added to the Welfare and  
29 Institutions Code, to read:

30 16001.9. (a) It is the policy of the state that all children in  
31 foster care shall have the following rights:

32 ~~(a)~~

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

35 ~~(b)~~

36 (2) To be free from physical, sexual, emotional, or other abuse,  
37 or corporal punishment.

38 ~~(c)~~

39 (3) To receive adequate and healthy food, adequate clothing,  
40 ~~and a reasonable~~ *and, for youth in group homes, an allowance.*



- 1     ~~(d)~~
- 2     (4) To receive medical, dental, vision, and mental health
- 3     services.
- 4     ~~(e)~~
- 5     (5) To be free of the administration of medication or chemical
- 6     substances, unless authorized by a physician.
- 7     ~~(f)~~
- 8     (6) To contact family members, *unless prohibited by court*
- 9     *order; and* social workers, attorneys, ~~California Youth Connection~~
- 10    *foster youth advocates and* supporters, Court Appointed Special
- 11    Advocates (CASA), and probation officers.
- 12    ~~(g)~~
- 13    (7) To visit and contact brothers and sisters, unless prohibited
- 14    by court order.
- 15    ~~(h)~~
- 16    (8) To contact the Community Care Licensing Division of the
- 17    State Department of Social Services or the *State Foster Care*
- 18    ~~Ombudsman~~ *Ombudsperson* regarding violations of rights, to
- 19    speak to representatives of these offices confidentially, and to be
- 20    free from threats or punishment for making complaints.
- 21    ~~(i)~~
- 22    (9) To make and receive confidential telephone calls and send
- 23    and receive unopened mail, unless prohibited by court order.
- 24    ~~(j)~~
- 25    (10) To attend religious services and activities of his or her
- 26    choice.
- 27    ~~(k)~~
- 28    (11) To maintain a *an emancipation* bank account and manage
- 29    personal income, consistent with the child’s age and
- 30    developmental level, unless prohibited by the case plan.
- 31    ~~(l)~~
- 32    (12) To not be locked in any room, building, or facility
- 33    premises, unless placed in a community treatment facility.
- 34    ~~(m)~~
- 35    (13) To attend school and participate in extracurricular,
- 36    cultural, and personal enrichment activities, consistent with the
- 37    child’s age and developmental level.
- 38    ~~(n)~~
- 39    (14) To work and develop job skills at an age-appropriate level
- 40    that is consistent with state law.



- 1 ~~(o)~~  
2 (15) To have social contacts with people outside of the foster  
3 care system, such as teachers, church members, mentors, and  
4 friends.  
5 ~~(p)~~  
6 (16) To attend Independent Living Program classes and  
7 activities if he or she meets age requirements.  
8 ~~(q)~~  
9 (17) To attend court hearings and speak to the judge.  
10 ~~(r)~~  
11 (18) To have storage space for private use.  
12 ~~(s)~~  
13 (19) To review his or her own case plan if he or she is over 12  
14 years of age and to receive information about his or her  
15 out-of-home placement and case plan, including being told of  
16 changes to the plan.  
17 ~~(t)~~  
18 (20) To be free from unreasonable searches of personal  
19 belongings.  
20 ~~(u)~~  
21 (21) *To confidentiality of all juvenile court records consistent*  
22 *with existing law.*  
23 (b) Nothing in this section shall be interpreted to require a  
24 foster care provider to take any action that would impair the health  
25 and safety of children in out-of-home placement.  
26 SEC. 4. Section 16164 of the Welfare and Institutions Code  
27 is amended to read:  
28 16164. (a) The Office of the State Foster Care  
29 Ombudsperson shall do all of the following:  
30 (1) Disseminate information on the rights of children and youth  
31 in foster care and the services provided by the office. The rights of  
32 children and youths in foster care are listed in Section 16001.9.  
33 The information shall include notification that conversations with  
34 the office may not be confidential.  
35 (2) Investigate and attempt to resolve complaints made by or on  
36 behalf of children placed in foster care, related to their care,  
37 placement, or services.  
38 (3) Decide, in its discretion, whether to investigate a complaint,  
39 or refer complaints to another agency for investigation.



1 (4) Upon rendering a decision to investigate a complaint from  
2 a complainant, notify the complainant of the intention to  
3 investigate. If the office declines to investigate a complaint or  
4 continue an investigation, the office shall notify the complainant  
5 of the reason for the action of the office.

6 (5) Update the complainant on the progress of the investigation  
7 and notify the complainant of the final outcome.

8 (6) Document the number, source, origin, location, and nature  
9 of complaints.

10 (7) Compile and make available to the Legislature all data  
11 collected over the course of the year including, but not limited to,  
12 the number of contacts to the toll-free telephone number, the  
13 number of complaints made, the number of investigations  
14 performed by the office, the number of referrals made, and the  
15 number of unresolved complaints.

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

20 (b) The office may establish, in consultation with a committee  
21 of interested individuals, regional or local foster care  
22 ombudsperson offices for the purposes of expediting  
23 investigations and resolving complaints, subject to appropriations  
24 in the annual Budget Act.

25 (c) (1) The office, in consultation with the ~~California Youth~~  
26 ~~Connection~~, California Welfare Directors Association, Chief  
27 Probation Officers of California, ~~California Alliance of Child and~~  
28 ~~Family Services~~, ~~California Foster Parents Association~~, ~~California~~  
29 ~~Association of Children's Facilities~~ *foster youth advocate and*  
30 *support groups, groups representing children, families, foster*  
31 *parents, children's facilities*, and other interested parties, shall  
32 develop, no later than July 1, 2002, standardized information  
33 explaining the rights specified in Section 16001.9. The  
34 information shall be developed in an age-appropriate manner, and  
35 shall reflect any relevant licensing requirements with respect to  
36 foster care providers' responsibilities to adequately supervise  
37 children in care.

38 (2) The office, counties, foster care providers, and others may  
39 use the information developed in paragraph (1) in carrying out  
40 their responsibilities to inform foster children and youth of their



1 rights pursuant to Section 1530.91 of the Health and Safety Code,  
2 Sections 27 and 16501.1, and this section.

3 ~~SEC. 5. Section 16501.1 of the Welfare and Institutions Code~~  
4 ~~is amended to read:~~

5 ~~16501.1. (a) The Legislature finds and declares that the~~  
6 ~~foundation and central unifying tool in child welfare services is the~~  
7 ~~case plan.~~

8 ~~(b) The Legislature further finds and declares that a case plan~~  
9 ~~ensures that the child receives protection and safe and proper care~~  
10 ~~and case management, and that services are provided to the child~~  
11 ~~and parents or other caretakers as appropriate in order to improve~~  
12 ~~conditions in the parent's home, to facilitate the safe return of the~~  
13 ~~child to a safe home or the permanent placement of the child, and~~  
14 ~~to address the needs of the child while in foster care. A case plan~~  
15 ~~shall be based upon the principles of this section and shall~~  
16 ~~document that a preplacement assessment of the service needs of~~  
17 ~~the child and family, and preplacement preventive services, have~~  
18 ~~been provided, and that reasonable efforts to prevent out-of-home~~  
19 ~~placement have been made. In determining the reasonable services~~  
20 ~~to be offered or provided, the child's health and safety shall be the~~  
21 ~~paramount concerns. Reasonable services shall be offered or~~  
22 ~~provided to make it possible for a child to return to a safe home~~  
23 ~~environment, unless, pursuant to subdivisions (b) and (c) of~~  
24 ~~Section 361.5, the court determines that reunification services~~  
25 ~~shall not be provided. If reasonable services are not ordered, or are~~  
26 ~~terminated, reasonable efforts shall be made to place the child in~~  
27 ~~a timely manner in accordance with the permanent plan and to~~  
28 ~~complete all steps necessary to finalize the permanent placement~~  
29 ~~of the child.~~

30 ~~(c) When out-of-home placement is used to attain case plan~~  
31 ~~goals, the decision regarding choice of placement shall be based~~  
32 ~~upon selection of a safe setting that is the least restrictive or most~~  
33 ~~familylike and the most appropriate setting that is available and in~~  
34 ~~close proximity to the parent's home, consistent with the selection~~  
35 ~~of the environment best suited to meet the child's special needs and~~  
36 ~~best interest, or both. The selection shall consider, in order of~~  
37 ~~priority, placement with relatives, tribal members, and foster~~  
38 ~~family, group care, and residential treatment pursuant to Section~~  
39 ~~7950 of the Family Code.~~



1 ~~(d) A written case plan shall be completed within 30 days of the~~  
2 ~~initial removal of the child or of the in-person response required~~  
3 ~~under subdivision (f) of Section 16501 if the child has not been~~  
4 ~~removed from his or her home, or by the date of the dispositional~~  
5 ~~hearing pursuant to Section 358, whichever occurs first. The case~~  
6 ~~plan shall be updated, as the service needs of the child and family~~  
7 ~~dictate. At a minimum, the case plan shall be updated in~~  
8 ~~conjunction with each status review hearing conducted pursuant~~  
9 ~~to Section 366.21, and the hearing conducted pursuant to Section~~  
10 ~~366.26, but no less frequently than once every six months. Each~~  
11 ~~updated case plan shall include a description of the services that~~  
12 ~~have been provided to the child under the plan and an evaluation~~  
13 ~~of the appropriateness and effectiveness of those services.~~

14 ~~(e) The child welfare services case plan shall be comprehensive~~  
15 ~~enough to meet the juvenile court dependency proceedings~~  
16 ~~requirements pursuant to Article 6 (commencing with Section~~  
17 ~~300) of Chapter 2 of Part 1 of Division 2.~~

18 ~~(f) The case plan shall be developed as follows:~~

19 ~~(1) The case plan shall be based upon an assessment of the~~  
20 ~~circumstances that required child welfare services intervention.~~

21 ~~(2) The case plan shall identify specific goals and the~~  
22 ~~appropriateness of the planned services in meeting those goals.~~

23 ~~(3) The case plan shall identify the original allegations of abuse~~  
24 ~~or neglect, as defined in Article 2.5 (commencing with Section~~  
25 ~~11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the~~  
26 ~~conditions cited as the basis for declaring the child a dependent of~~  
27 ~~the court pursuant to Section 300, or all of these, and the other~~  
28 ~~precipitating incidents that led to child welfare services~~  
29 ~~intervention.~~

30 ~~(4) The case plan shall include a description of the schedule of~~  
31 ~~the social worker contacts with the child and the family or other~~  
32 ~~caretakers. The frequency of these contacts shall be in accordance~~  
33 ~~with regulations adopted by the State Department of Social~~  
34 ~~Services. If the child has been placed in foster care out of state, the~~  
35 ~~county social worker or a social worker on the staff of the social~~  
36 ~~service agency in the state in which the child has been placed shall~~  
37 ~~visit the child in a foster family home or the home of a relative at~~  
38 ~~least every 12 months and submit a report to the court on each visit.~~  
39 ~~For children in out-of-state group home facilities, visits shall be~~  
40 ~~conducted at least monthly, pursuant to Section 16516.5. At least~~



1 ~~once every six months, at the time of a regularly scheduled social~~  
2 ~~worker contact with the foster child, the child's social worker shall~~  
3 ~~inform the child of his or her rights as a foster child, as specified~~  
4 ~~in Section 16001.9. The social worker shall provide the~~  
5 ~~information to the child in a manner appropriate to the age of the~~  
6 ~~child.~~

7 ~~(5) When out of home services are used, the frequency of~~  
8 ~~contact between the natural parents or legal guardians and the child~~  
9 ~~shall be specified in the case plan. The frequency of those contacts~~  
10 ~~shall reflect overall case goals, and consider other principles~~  
11 ~~outlined in this section.~~

12 ~~(6) When out of home placement is made, the case plan shall~~  
13 ~~include provisions for the development and maintenance of sibling~~  
14 ~~relationships as specified in subdivisions (b), (c), and (d) of~~  
15 ~~Section 16002. If appropriate, when siblings who are dependents~~  
16 ~~of the juvenile court are not placed together, the social worker for~~  
17 ~~each child, if different, shall communicate with each of the other~~  
18 ~~social workers and ensure that the child's siblings are informed of~~  
19 ~~significant life events that occur within their extended family.~~  
20 ~~Unless it has been determined that it is inappropriate in a particular~~  
21 ~~case to keep siblings informed of significant life events that occur~~  
22 ~~within the extended family, the social worker shall determine the~~  
23 ~~appropriate means and setting for disclosure of this information to~~  
24 ~~the child commensurate with the child's age and emotional~~  
25 ~~well-being. These significant life events shall include, but shall not~~  
26 ~~be limited to, the following:~~

27 ~~(A) The death of an immediate relative.~~

28 ~~(B) The birth of a sibling.~~

29 ~~(C) Significant changes regarding a dependent child, unless the~~  
30 ~~child objects to the sharing of the information with his or her~~  
31 ~~siblings, including changes in placement, major medical or mental~~  
32 ~~health diagnoses, treatments, or hospitalizations, arrests, and~~  
33 ~~changes in the permanent plan.~~

34 ~~(7) When out of home placement is made in a foster family~~  
35 ~~home, group home or other child care institution that is either a~~  
36 ~~substantial distance from the home of the child's parent or out of~~  
37 ~~state, the case plan shall specify the reasons why that placement is~~  
38 ~~in the best interest of the child. When an out of state group home~~  
39 ~~placement is recommended or made, the case plan shall, in~~



1 addition, specify compliance with Section 7911.1 of the Family  
2 Code.

3 ~~(8) When out-of-home services are used, or when parental~~  
4 ~~rights have been terminated and the case plan is placement for~~  
5 ~~adoption, the case plan shall include a recommendation regarding~~  
6 ~~the appropriateness of unsupervised visitation between the child~~  
7 ~~and any of the child's siblings. This recommendation shall include~~  
8 ~~a statement regarding the child's and the siblings' willingness to~~  
9 ~~participate in unsupervised visitation. If the case plan includes a~~  
10 ~~recommendation for unsupervised sibling visitation, the plan shall~~  
11 ~~also note that information necessary to accomplish this visitation~~  
12 ~~has been provided to the child or to the child's siblings.~~

13 ~~(9) When out-of-home services are used and the goal is~~  
14 ~~reunification, the case plan shall describe the services to be~~  
15 ~~provided to assist in reunification and the services to be provided~~  
16 ~~concurrently to achieve legal permanency if efforts to reunify fail.~~  
17 ~~The plan shall also consider the importance of developing and~~  
18 ~~maintaining sibling relationships pursuant to Section 16002.~~

19 ~~(10) When out-of-home services are used, the child has been in~~  
20 ~~care for at least 12 months, and the goal is not adoptive placement,~~  
21 ~~the case plan shall include documentation of the compelling reason~~  
22 ~~or reasons why termination of parental rights is not in the child's~~  
23 ~~best interest. A determination completed or updated within the~~  
24 ~~past 12 months by the department when it is acting as an adoption~~  
25 ~~agency or by a licensed adoption agency that it is unlikely that the~~  
26 ~~child will be adopted, or that one of the conditions described in~~  
27 ~~paragraph (1) of subdivision (c) of Section 366.26 applies, shall be~~  
28 ~~deemed a compelling reason.~~

29 ~~(11) (A) Parents and legal guardians shall have an opportunity~~  
30 ~~to review the case plan, sign it whenever possible, and then shall~~  
31 ~~receive a copy of the plan. In any voluntary service or placement~~  
32 ~~agreement, the parents or legal guardians shall be required to~~  
33 ~~review and sign the case plan. Whenever possible, parents and~~  
34 ~~legal guardians shall participate in the development of the case~~  
35 ~~plan.~~

36 ~~(B) Parents and legal guardians shall be advised that, pursuant~~  
37 ~~to Section 1228.1 of the Evidence Code, neither their signature on~~  
38 ~~the child welfare services case plan nor their acceptance of any~~  
39 ~~services prescribed in the child welfare services case plan shall~~  
40 ~~constitute an admission of guilt or be used as evidence against the~~



1 parent or legal guardian in a court of law. However, they shall also  
2 be advised that the parent's or guardian's failure to cooperate,  
3 except for good cause, in the provision of services specified in the  
4 child welfare services case plan may be used in any hearing held  
5 pursuant to Section 366.21 or 366.22 as evidence.

6 (12) The case plan shall be included in the court report and shall  
7 be considered by the court at the initial hearing and each review  
8 hearing. Modifications to the case plan made during the period  
9 between review hearings need not be approved by the court if the  
10 casework supervisor for that case determines that the  
11 modifications further the goals of the plan.

12 (13) When the case plan has as its goal for the child a permanent  
13 plan of adoption or placement in another permanent home, it shall  
14 include documentation of the steps the agency is taking to find an  
15 adoptive family or other permanent living arrangements for the  
16 child; to place the child with an adoptive family, an appropriate  
17 and willing relative, a legal guardian, or in another planned  
18 permanent living arrangement; and to finalize the adoption or legal  
19 guardianship. At a minimum, the documentation shall include  
20 child specific recruitment efforts, such as the use of state, regional,  
21 and national adoption exchanges, including electronic exchange  
22 systems, when the child has been freed for adoption.

23 (g) If the court finds, after considering the case plan, that  
24 unsupervised sibling visitation is appropriate and has been  
25 consented to, the court shall order that the child or the child's  
26 siblings, and the child's prospective adoptive parents, if  
27 applicable, be provided with information necessary to accomplish  
28 this visitation. Nothing in this section shall be construed to require  
29 or prohibit the social worker's facilitation, transportation, or  
30 supervision of visits between the child and his or her siblings.

31 (h) The case plan documentation on sibling placements  
32 required under this section shall not require modification of  
33 existing case plan forms until the Child Welfare Services Case  
34 Management System is implemented on a statewide basis.

35 (i) The department, in consultation with the County Welfare  
36 Directors Association and other advocates, shall develop  
37 standards and guidelines for a model relative placement search and  
38 assessment process based on the criteria established in Section  
39 361.3. These guidelines shall be incorporated in the training



1 ~~described in Section 16206. These model standards and guidelines~~  
2 ~~shall be developed by March 1, 1999.~~

3 *SEC. 5. Section 16501.1 of the Welfare and Institutions Code*  
4 *is amended to read:*

5 16501.1. (a) The Legislature finds and declares that the  
6 foundation and central unifying tool in child welfare services is the  
7 case plan.

8 (b) The Legislature further finds and declares that a case plan  
9 ensures that the child receives protection and safe and proper care  
10 and case management, and that services are provided to the child  
11 and parents or other caretakers as appropriate in order to improve  
12 conditions in the parent's home, to facilitate the safe return of the  
13 child to a safe home or the permanent placement of the child, and  
14 to address the needs of the child while in foster care. A case plan  
15 shall be based upon the principles of this section and shall  
16 document that a preplacement assessment of the service needs of  
17 the child and family, and preplacement preventive services, have  
18 been provided, and that reasonable efforts to prevent out-of-home  
19 placement have been made. In determining the reasonable services  
20 to be offered or provided, the child's health and safety shall be the  
21 paramount concerns. Reasonable services shall be offered or  
22 provided to make it possible for a child to return to a safe home  
23 environment, unless, pursuant to subdivisions (b) and (e) of  
24 Section 361.5, the court determines that reunification services  
25 shall not be provided. If reasonable services are not ordered, or are  
26 terminated, reasonable efforts shall be made to place the child in  
27 a timely manner in accordance with the permanent plan and to  
28 complete all steps necessary to finalize the permanent placement  
29 of the child.

30 (c) When out-of-home placement is used to attain case plan  
31 goals, the decision regarding choice of placement shall be based  
32 upon selection of a safe setting that is the least restrictive or most  
33 familylike and the most appropriate setting that is available and in  
34 close proximity to the parent's home, consistent with the selection  
35 of the environment best suited to meet the child's special needs and  
36 best interest, or both. The selection shall consider, in order of  
37 priority, placement with relatives, tribal members, and foster  
38 family, group care, and residential treatment pursuant to Section  
39 7950 of the Family Code.



1 (d) A written case plan shall be completed within 30 days of the  
2 initial removal of the child or of the in-person response required  
3 under subdivision (f) of Section 16501 if the child has not been  
4 removed from his or her home, or by the date of the dispositional  
5 hearing pursuant to Section 358, whichever occurs first. The case  
6 plan shall be updated, as the service needs of the child and family  
7 dictate. At a minimum, the case plan shall be updated in  
8 conjunction with each status review hearing conducted pursuant  
9 to Section 366.21, and the hearing conducted pursuant to Section  
10 366.26, but no less frequently than once every six months. Each  
11 updated case plan shall include a description of the services that  
12 have been provided to the child under the plan and an evaluation  
13 of the appropriateness and effectiveness of those services.

14 (e) The child welfare services case plan shall be comprehensive  
15 enough to meet the juvenile court dependency proceedings  
16 requirements pursuant to Article 6 (commencing with Section  
17 300) of Chapter 2 of Part 1 of Division 2.

18 (f) The case plan shall be developed as follows:

19 (1) The case plan shall be based upon an assessment of the  
20 circumstances that required child welfare services intervention.

21 (2) The case plan shall identify specific goals and the  
22 appropriateness of the planned services in meeting those goals.

23 (3) The case plan shall identify the original allegations of abuse  
24 or neglect, as defined in Article 2.5 (commencing with Section  
25 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the  
26 conditions cited as the basis for declaring the child a dependent of  
27 the court pursuant to Section 300, or all of these, and the other  
28 precipitating incidents that led to child welfare services  
29 intervention.

30 (4) The case plan shall include a description of the schedule of  
31 the social worker contacts with the child and the family or other  
32 caretakers. The frequency of these contacts shall be in accordance  
33 with regulations adopted by the State Department of Social  
34 Services. If the child has been placed in foster care out of state, the  
35 county social worker or a social worker on the staff of the social  
36 service agency in the state in which the child has been placed shall  
37 visit the child in a foster family home or the home of a relative at  
38 least every 12 months and submit a report to the court on each visit.  
39 For children in out-of-state group home facilities, visits shall be  
40 conducted at least monthly, pursuant to Section 16516.5. *At least*



1 *once every six months, at the time of a regularly scheduled social*  
2 *worker contact with the foster child, the child's social worker shall*  
3 *inform the child of his or her rights as a foster child, as specified*  
4 *in Section 16001.9. The social worker shall provide the*  
5 *information to the child in a manner appropriate to the age or*  
6 *developmental level of the child.*

7 (5) When out-of-home services are used, the frequency of  
8 contact between the natural parents or legal guardians and the child  
9 shall be specified in the case plan. The frequency of those contacts  
10 shall reflect overall case goals, and consider other principles  
11 outlined in this section.

12 (6) When out-of-home placement is made, the case plan shall  
13 include provisions for the development and maintenance of sibling  
14 relationships as specified in subdivisions (b), (c), and (d) of  
15 Section 16002. If appropriate, when siblings who are dependents  
16 of the juvenile court are not placed together, the social worker for  
17 each child, if different, shall communicate with each of the other  
18 social workers and ensure that the child's siblings are informed of  
19 significant life events that occur within their extended family.  
20 Unless it has been determined that it is inappropriate in a particular  
21 case to keep siblings informed of significant life events that occur  
22 within the extended family, the social worker shall determine the  
23 appropriate means and setting for disclosure of this information to  
24 the child commensurate with the child's age and emotional  
25 well-being. These significant life events shall include, but shall not  
26 be limited to, the following:

27 (A) The death of an immediate relative.

28 (B) The birth of a sibling.

29 (C) Significant changes regarding a dependent child, unless the  
30 child objects to the sharing of the information with his or her  
31 siblings, including changes in placement, major medical or mental  
32 health diagnoses, treatments, or hospitalizations, arrests, and  
33 changes in the permanent plan.

34 (7) When out-of-home placement is made in a foster family  
35 home, group home or other child care institution that is either a  
36 substantial distance from the home of the child's parent or out of  
37 state, the case plan shall specify the reasons why that placement is  
38 in the best interest of the child. When an out-of-state group home  
39 placement is recommended or made, the case plan shall, in



1 addition, specify compliance with Section 7911.1 of the Family  
2 Code.

3 (8) When out-of-home services are used, or when parental  
4 rights have been terminated and the case plan is placement for  
5 adoption, the case plan shall include a recommendation regarding  
6 the appropriateness of unsupervised visitation between the child  
7 and any of the child's siblings. This recommendation shall include  
8 a statement regarding the child's and the siblings' willingness to  
9 participate in unsupervised visitation. If the case plan includes a  
10 recommendation for unsupervised sibling visitation, the plan shall  
11 also note that information necessary to accomplish this visitation  
12 has been provided to the child or to the child's siblings.

13 (9) When out-of-home services are used and the goal is  
14 reunification, the case plan shall describe the services to be  
15 provided to assist in reunification and the services to be provided  
16 concurrently to achieve legal permanency if efforts to reunify fail.  
17 The plan shall also consider the importance of developing and  
18 maintaining sibling relationships pursuant to Section 16002.

19 (10) When out-of-home services are used, the child has been in  
20 care for at least 12 months, and the goal is not adoptive placement,  
21 the case plan shall include documentation of the compelling reason  
22 or reasons why termination of parental rights is not in the child's  
23 best interest. A determination completed or updated within the  
24 past 12 months by the department when it is acting as an adoption  
25 agency or by a licensed adoption agency that it is unlikely that the  
26 child will be adopted, or that one of the conditions described in  
27 paragraph (1) of subdivision (c) of Section 366.26 applies, shall be  
28 deemed a compelling reason.

29 (11) (A) Parents and legal guardians shall have an opportunity  
30 to review the case plan, sign it whenever possible, and then shall  
31 receive a copy of the plan. In any voluntary service or placement  
32 agreement, the parents or legal guardians shall be required to  
33 review and sign the case plan. Whenever possible, parents and  
34 legal guardians shall participate in the development of the case  
35 plan.

36 (B) Parents and legal guardians shall be advised that, pursuant  
37 to Section 1228.1 of the Evidence Code, neither their signature on  
38 the child welfare services case plan nor their acceptance of any  
39 services prescribed in the child welfare services case plan shall  
40 constitute an admission of guilt or be used as evidence against the



1 parent or legal guardian in a court of law. However, they shall also  
2 be advised that the parent's or guardian's failure to cooperate,  
3 except for good cause, in the provision of services specified in the  
4 child welfare services case plan may be used in any hearing held  
5 pursuant to Section 366.21 or 366.22 as evidence.

6 (12) The case plan shall be included in the court report and shall  
7 be considered by the court at the initial hearing and each review  
8 hearing. Modifications to the case plan made during the period  
9 between review hearings need not be approved by the court if the  
10 casework supervisor for that case determines that the  
11 modifications further the goals of the plan. When out-of-home  
12 services are used with the goal of family reunification, the case  
13 plan shall consider and describe the application of subdivision (b)  
14 of Section 11203.

15 (13) When the case plan has as its goal for the child a permanent  
16 plan of adoption or placement in another permanent home, it shall  
17 include documentation of the steps the agency is taking to find an  
18 adoptive family or other permanent living arrangements for the  
19 child; to place the child with an adoptive family, an appropriate  
20 and willing relative, a legal guardian, or in another planned  
21 permanent living arrangement; and to finalize the adoption or legal  
22 guardianship. At a minimum, the documentation shall include  
23 child specific recruitment efforts, such as the use of state, regional,  
24 and national adoption exchanges, including electronic exchange  
25 systems, when the child has been freed for adoption.

26 (g) If the court finds, after considering the case plan, that  
27 unsupervised sibling visitation is appropriate and has been  
28 consented to, the court shall order that the child or the child's  
29 siblings, and the child's prospective adoptive parents, if  
30 applicable, be provided with information necessary to accomplish  
31 this visitation. Nothing in this section shall be construed to require  
32 or prohibit the social worker's facilitation, transportation, or  
33 supervision of visits between the child and his or her siblings.

34 (h) The case plan documentation on sibling placements  
35 required under this section shall not require modification of  
36 existing case plan forms until the Child Welfare Services Case  
37 Management System is implemented on a statewide basis.

38 (i) The department, in consultation with the County Welfare  
39 Directors Association and other advocates, shall develop  
40 standards and guidelines for a model relative placement search and



1 assessment process based on the criteria established in Section  
2 361.3. These guidelines shall be incorporated in the training  
3 described in Section 16206. These model standards and guidelines  
4 shall be developed by March 1, 1999.

5 SEC. 6. No reimbursement is required by this act pursuant to  
6 Section 6 of Article XIII B of the California Constitution for  
7 certain costs that may be incurred by a local agency or school  
8 district because in that regard this act creates a new crime or  
9 infraction, eliminates a crime or infraction, or changes the penalty  
10 for a crime or infraction, within the meaning of Section 17556 of  
11 the Government Code, or changes the definition of a crime within  
12 the meaning of Section 6 of Article XIII B of the California  
13 Constitution.

14 However, notwithstanding Section 17610 of the Government  
15 Code, if the Commission on State Mandates determines that this  
16 act contains other costs mandated by the state, reimbursement to  
17 local agencies and school districts for those costs shall be made  
18 pursuant to Part 7 (commencing with Section 17500) of Division  
19 4 of Title 2 of the Government Code. If the statewide cost of the  
20 claim for reimbursement does not exceed one million dollars  
21 (\$1,000,000), reimbursement shall be made from the State  
22 Mandates Claims Fund.

