

AMENDED IN ASSEMBLY MARCH 25, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 2795

Introduced by Assembly Member Wolk

February 20, 2004

An act to amend Sections ~~16501.1~~ *11404*, *16051.1*, and 16506 of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2795, as amended, Wolk. Child welfare services: case plan: family maintenance services.

(1) Existing law declares that the foundation and central unifying tool in child welfare services is the case plan. A written case plan is required to be completed within 30 days of the initial removal of a child or an in-person emergency response by a county welfare department.

This bill would extend the time period for completion of a written case plan to a maximum of 60 days, effective ~~30~~ *90* days after the date that the State Department of Social Services gives counties written notice that necessary changes have been made to the Child Welfare Services Case Management System to account for the new timeframe for completion of the case plan *and would make conforming changes*.

(2) Existing law requires family maintenance services to be provided or arranged for by county welfare department staff, in order to maintain a child in his or her own home. Existing law identifies the categories of families to which these services are available, and provides that the services are limited to 6 months. Existing law authorizes the extension of these services for one 6-month period, if it

can be shown that the objectives of the service plan can be achieved within that time.

This bill would authorize multiple 6-month extensions of family maintenance services, if it can be shown that the objectives of the service plan can be achieved within that time, and provided within the county’s allocation.

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

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

1 SECTION 1. *Section 11404 of the Welfare and Institutions*
2 *Code is amended to read:*

3 11404. (a) Except as provided in Section 11405, a child is not
4 eligible for AFDC-FC unless responsibility for placement and care
5 of the child is with the county welfare department or Indian tribe
6 that entered into an agreement pursuant to Section 10553.1, the
7 county probation department which has an agreement with the
8 county welfare department, or a licensed public adoption agency,
9 licensed private adoption agency or the department.

10 (b) In order for the child to be eligible for AFDC-FC, the
11 agency with responsibility for the child’s placement and care shall
12 in accordance with departmental regulations:

13 (1) For children removed after October 1, 1983, document that
14 it provided preplacement preventive services to the child prior to
15 the child’s placement in foster care, and document why provisions
16 of these services were not successful in maintaining the child in his
17 or her home, unless it is documented that these services were not
18 provided due to:

19 (A) Either the voluntary relinquishment of the child by one or
20 both parents or court action declaring a child free from the custody
21 and control of one or both parents.

22 (B) The child’s residence with a nonrelated legal guardian.

23 (2) Develop a written assessment of the reasons necessitating
24 the child’s placement in foster care and the treatment needs of the
25 child while in foster care to be updated by the agency no less
26 frequently than once every six months. Where the child is a parent
27 who has a child living with him or her in the same eligible facility,
28 the assessment shall also address the needs of his or her child.



1 (3) Develop a case plan for the child within ~~30~~ *a maximum of*
2 *60 days of placement the initial removal of the child or of the*
3 *in-person response under subdivision (f) of Section 16501.*

4 (4) Ensure that services are provided to return the child to his
5 or her own home or establish an alternative permanent placement
6 for the child if return home is not possible or is inappropriate.

7 SEC. 2. Section 16501.1 of the Welfare and Institutions Code
8 is amended to read:

9 16501.1. (a) (1) The Legislature finds and declares that the
10 foundation and central unifying tool in child welfare services is the
11 case plan.

12 (2) The Legislature further finds and declares that a case plan
13 ensures that the child receives protection and safe and proper care
14 and case management, and that services are provided to the child
15 and parents or other caretakers, as appropriate, in order to improve
16 conditions in the parent's home, to facilitate the safe return of the
17 child to a safe home or the permanent placement of the child, and
18 to address the needs of the child while in foster care.

19 (b) (1) A case plan shall be based upon the principles of this
20 section and shall document that a preplacement assessment of the
21 service needs of the child and family, and preplacement preventive
22 services, have been provided, and that reasonable efforts to
23 prevent out-of-home placement have been made.

24 (2) In determining the reasonable services to be offered or
25 provided, the child's health and safety shall be the paramount
26 concerns.

27 (3) Reasonable services shall be offered or provided to make it
28 possible for a child to return to a safe home environment, unless,
29 pursuant to subdivisions (b) and (e) of Section 361.5, the court
30 determines that reunification services shall not be provided.

31 (4) If reasonable services are not ordered, or are terminated,
32 reasonable efforts shall be made to place the child in a timely
33 manner in accordance with the permanent plan and to complete all
34 steps necessary to finalize the permanent placement of the child.

35 (c) (1) If out-of-home placement is used to attain case plan
36 goals, the decision regarding choice of placement shall be based
37 upon selection of a safe setting that is the least restrictive or most
38 familylike and the most appropriate setting that is available and in
39 close proximity to the parent's home, proximity to the child's
40 school, consistent with the selection of the environment best suited



1 to meet the child's special needs and best interests, or both. The
2 selection shall consider, in order of priority, placement with
3 relatives, tribal members, and foster family, group care, and
4 residential treatment pursuant to Section 7950 of the Family Code.

5 (2) In addition to the requirements of paragraph (1), and taking
6 into account other statutory considerations regarding placement,
7 the selection of the most appropriate home that will meet the
8 child's special needs and best interests shall also promote
9 educational stability by taking into consideration proximity to the
10 child's school attendance area.

11 (d) A written case plan shall be completed within a maximum
12 of 60 days of the initial removal of the child or of the in-person
13 response required under subdivision (f) of Section 16501 if the
14 child has not been removed from his or her home, or by the date
15 of the dispositional hearing pursuant to Section 358, whichever
16 occurs first. The case plan shall be updated, as the service needs
17 of the child and family dictate. At a minimum, the case plan shall
18 be updated in conjunction with each status review hearing
19 conducted pursuant to Section 366.21, and the hearing conducted
20 pursuant to Section 366.26, but no less frequently than once every
21 six months. Each updated case plan shall include a description of
22 the services that have been provided to the child under the plan and
23 an evaluation of the appropriateness and effectiveness of those
24 services.

25 (1) It is the intent of the Legislature that extending the
26 maximum time available for preparing a written case plan from 30
27 to 60 days will afford caseworkers time to actively engage
28 families, and to solicit and integrate into the case plan the input of
29 the child and the child's family, as well as the input of relatives and
30 other interested parties.

31 (2) The extension of the maximum time available for preparing
32 a written case plan from 30 to 60 days shall be effective ~~30~~ 90 days
33 after the date that the department gives counties written notice that
34 necessary changes have been made to the Child Welfare Services
35 Case Management System to account for the 60-day timeframe for
36 preparing a written case plan.

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



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

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

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

6 (3) The case plan shall identify the original allegations of abuse
7 or neglect, as defined in Article 2.5 (commencing with Section
8 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
9 conditions cited as the basis for declaring the child a dependent of
10 the court pursuant to Section 300, or all of these, and the other
11 precipitating incidents that led to child welfare services
12 intervention.

13 (4) The case plan shall include a description of the schedule of
14 the social worker contacts with the child and the family or other
15 caretakers. The frequency of these contacts shall be in accordance
16 with regulations adopted by the State Department of Social
17 Services. If the child has been placed in foster care out of state, the
18 county social worker or a social worker on the staff of the social
19 services agency in the state in which the child has been placed shall
20 visit the child in a foster family home or the home of a relative at
21 least every 12 months and submit a report to the court on each visit.
22 For children in out-of-state group home facilities, visits shall be
23 conducted at least monthly, pursuant to Section 16516.5. At least
24 once every six months, at the time of a regularly scheduled social
25 worker contact with the foster child, the child's social worker shall
26 inform the child of his or her rights as a foster child, as specified
27 in Section 16001.9. The social worker shall provide the
28 information to the child in a manner appropriate to the age or
29 developmental level of the child.

30 (5) (A) When out-of-home services are used, the frequency of
31 contact between the natural parents or legal guardians and the child
32 shall be specified in the case plan. The frequency of those contacts
33 shall reflect overall case goals, and consider other principles
34 outlined in this section.

35 (B) Information regarding any court-ordered visitation
36 between the child and the natural parents or legal guardians, and
37 the terms and conditions needed to facilitate the visits while
38 protecting the safety of the child, shall be provided to the child's
39 out-of-home caregiver as soon as possible after the court order is
40 made.



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

16 (A) The death of an immediate relative.

17 (B) The birth of a sibling.

18 (C) Significant changes regarding a dependent child, unless the
19 child objects to the sharing of the information with his or her
20 siblings, including changes in placement, major medical or mental
21 health diagnoses, treatments, or hospitalizations, arrests, and
22 changes in the permanent plan.

23 (7) If out-of-home placement is made in a foster family home,
24 group home or other child care institution that is either a
25 substantial distance from the home of the child's parent or out of
26 state, the case plan shall specify the reasons why that placement is
27 in the best interest of the child. When an out-of-state group home
28 placement is recommended or made, the case plan shall, in
29 addition, specify compliance with Section 7911.1 of the Family
30 Code.

31 (8) (A) If out-of-home services are used, or if parental rights
32 have been terminated and the case plan is placement for adoption,
33 the case plan shall include a recommendation regarding the
34 appropriateness of unsupervised visitation between the child and
35 any of the child's siblings. This recommendation shall include a
36 statement regarding the child's and the siblings' willingness to
37 participate in unsupervised visitation. If the case plan includes a
38 recommendation for unsupervised sibling visitation, the plan shall
39 also note that information necessary to accomplish this visitation
40 has been provided to the child or to the child's siblings.



1 (B) Information regarding the schedule and frequency of the
2 visits between the child and siblings, as well as any court-ordered
3 terms and conditions needed to facilitate the visits while protecting
4 the safety of the child, shall be provided to the child’s out-of-home
5 caregiver as soon as possible after the court order is made.

6 (9) If out-of-home services are used and the goal is
7 reunification, the case plan shall describe the services to be
8 provided to assist in reunification and the services to be provided
9 concurrently to achieve legal permanency if efforts to reunify fail.
10 The plan shall also consider the importance of developing and
11 maintaining sibling relationships pursuant to Section 16002, and
12 the desire and willingness of the caregiver to provide legal
13 permanency for the child if reunification is unsuccessful.

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

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

31 (B) Parents and legal guardians shall be advised that, pursuant
32 to Section 1228.1 of the Evidence Code, neither their signature on
33 the child welfare services case plan nor their acceptance of any
34 services prescribed in the child welfare services case plan shall
35 constitute an admission of guilt or be used as evidence against the
36 parent or legal guardian in a court of law. However, they shall also
37 be advised that the parent’s or guardian’s failure to cooperate,
38 except for good cause, in the provision of services specified in the
39 child welfare services case plan may be used in any hearing held
40 pursuant to Section 366.21 or 366.22 as evidence.



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

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

21 (14) When appropriate, for a child who is 16 years of age or
22 older, the case plan shall include a written description of the
23 programs and services that will help the child prepare for the
24 transition from foster care to independent living. The case plan
25 shall be developed with the child and individuals identified as
26 important to the child, and shall include steps the agency is taking
27 to ensure that the child has a connection to a caring adult.

28 (g) If the court finds, after considering the case plan, that
29 unsupervised sibling visitation is appropriate and has been
30 consented to, the court shall order that the child or the child's
31 siblings, the child's current caregiver, and the child's prospective
32 adoptive parents, if applicable, be provided with information
33 necessary to accomplish this visitation. This section does not
34 require or prohibit the social worker's facilitation, transportation,
35 or supervision of visits between the child and his or her siblings.

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



1 (i) When a child who is 10 years of age or older has been in
2 out-of-home placement in a group home for six months or longer
3 from the date the child entered foster care, the case plan shall
4 include an identification of individuals, other than the child's
5 siblings, who are important to the child and actions necessary to
6 maintain the child's relationship with those individuals, provided
7 that those relationships are in the best interest of the child. The
8 social worker shall ask every child who is 10 years of age or older
9 who is not placed in a group home to identify any individuals other
10 than the child's siblings who are important to the child, and may
11 ask any child who is younger than 10 years of age to provide that
12 information, as appropriate. The social worker shall make efforts
13 to identify other individuals who are important to the child,
14 consistent with the child's best interests.

15 (j) The child's caregiver shall be provided a copy of a plan
16 outlining the child's needs and services.

17 (k) The department, in consultation with the County Welfare
18 Directors Association and other advocates, shall develop
19 standards and guidelines for a model relative placement search and
20 assessment process based on the criteria established in Section
21 361.3. These guidelines shall be incorporated in the training
22 described in Section 16206. These model standards and guidelines
23 shall be developed by March 1, 1999.

24 ~~SEC. 2.—~~

25 *SEC. 3.* Section 16506 of the Welfare and Institutions Code is
26 amended to read:

27 16506. Family maintenance services shall be provided or
28 arranged for by county welfare department staff in order to
29 maintain the child in his or her own home. These services shall be
30 limited to six months, and may be extended in periods of
31 six-month increments if it can be shown that the objectives of the
32 service plan can be achieved within the extended time periods, and
33 provided within the county's allocation. Family maintenance
34 services shall be available without regard to income and shall only
35 be provided to any of the following:

36 (a) Families whose child or children have been adjudicated a
37 dependent of the court under Section 300, and where the court has
38 ordered the county welfare department to supervise while the child
39 remains in the child's home.



1 (b) Families whose child is in potential danger of abuse,
2 neglect, or exploitation, who are willing to accept services and
3 participate in corrective efforts, and where it is safe for the child
4 to remain in the child's home only with the provision of services.

5 (c) Families in which the child is in the care of a previously
6 noncustodial parent, under the supervision of the juvenile court.

7 (d) Family maintenance services shall be provided to any
8 individual and child who are referred pursuant to Section 11254
9 and who are not placed in foster care and who meet any of the
10 criteria of subdivision (b) of Section 11254. The services shall be
11 provided until the individual reaches 18 years of age.

