

ASSEMBLY BILL

No. 1412

Introduced by Assembly Member Leno

February 22, 2005

An act to amend Sections 366, 366.1, 366.21, 366.22, 366.26, 366.3, and 16501.1 of the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1412, as introduced, Leno. Dependent children: out-of-home placements.

Existing law requires the juvenile court to conduct periodic status review hearings, and, in certain cases, to terminate the parental rights to, and to order a permanent plan of adoption or legal guardianship for, a dependent child of the juvenile court. Existing law also requires social workers to prepare various reports, including a case plan, regarding the child in connection with these hearings, and to make efforts to maintain relationships between the child and specified individuals who are important to the child. Several of these provisions apply specifically to a child who is 10 years of age or older who is placed in a group home for 6 months or longer from the date the child entered foster care.

This bill would revise those provisions to apply to a child who is 10 years of age or older and who has been in an out-of-home placement. By expanding the class of children to whom these provisions would apply, the bill would impose additional duties on social workers, thereby imposing 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.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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 366 of the Welfare and Institutions
2 Code is amended to read:
3 366. (a) (1) The status of every dependent child in foster care
4 shall be reviewed periodically as determined by the court but no
5 less frequently than once every six months, as calculated from
6 the date of the original dispositional hearing, until the hearing
7 described in Section 366.26 is completed. The court shall
8 consider the safety of the child and shall determine all of the
9 following:
10 (A) The continuing necessity for and appropriateness of the
11 placement.
12 (B) The extent of the agency’s compliance with the case plan
13 in making reasonable efforts to return the child to a safe home
14 and to complete any steps necessary to finalize the permanent
15 placement of the child, including efforts to maintain relationships
16 between a child who is 10 years of age or older ~~who is placed in~~
17 ~~a group home~~ *and who has been in an out-of-home placement* for
18 six months or longer ~~from the date the child entered foster care,~~
19 and individuals other than the child’s siblings who are important
20 to the child, consistent with the child’s best interests.
21 (C) Whether there should be any limitation on the right of the
22 parent or guardian to make educational decisions for the child.
23 That limitation shall be specifically addressed in the court order
24 and may not exceed those necessary to protect the child.
25 Whenever the court specifically limits the right of the parent or
26 guardian to make educational decisions for the child, the court
27 shall at the same time appoint a responsible adult to make
28 educational decisions for the child pursuant to Section 361.

1 (D) (i) Whether the child has other siblings under the court's
2 jurisdiction, and, if any siblings exist, all of the following:

3 (I) The nature of the relationship between the child and his or
4 her siblings.

5 (II) The appropriateness of developing or maintaining the
6 sibling relationships pursuant to Section 16002.

7 (III) If the siblings are not placed together in the same home,
8 why the siblings are not placed together and what efforts are
9 being made to place the siblings together, or why those efforts
10 are not appropriate.

11 (IV) If the siblings are not placed together, the frequency and
12 nature of the visits between siblings.

13 (V) The impact of the sibling relationships on the child's
14 placement and planning for legal permanence.

15 (VI) The continuing need to suspend sibling interaction, if
16 applicable, pursuant to subdivision (c) of Section 16002.

17 (ii) The factors the court may consider in making a
18 determination regarding the nature of the child's sibling
19 relationships may include, but are not limited to, whether the
20 siblings were raised together in the same home, whether the
21 siblings have shared significant common experiences or have
22 existing close and strong bonds, whether either sibling expresses
23 a desire to visit or live with his or her sibling, as applicable, and
24 whether ongoing contact is in the child's best emotional interests.

25 (E) The extent of progress which has been made toward
26 alleviating or mitigating the causes necessitating placement in
27 foster care.

28 (2) The court shall project a likely date by which the child may
29 be returned to and safely maintained in the home or placed for
30 adoption, legal guardianship, or in another planned permanent
31 living arrangement.

32 (b) Subsequent to the hearing, periodic reviews of each child
33 in foster care shall be conducted pursuant to the requirements of
34 Sections 366.3 and 16503.

35 (c) If the child has been placed out of state, each review
36 described in subdivision (a) and any reviews conducted pursuant
37 to Sections 366.3 and 16503 shall also address whether the
38 out-of-state placement continues to be the most appropriate
39 placement selection and in the best interests of the child.

1 (d) A child may not be placed in an out-of-state group home,
2 or remain in an out-of-state group home, unless the group home
3 is in compliance with Section 7911.1 of the Family Code.

4 SEC. 2. Section 366.1 of the Welfare and Institutions Code is
5 amended to read:

6 366.1. Each supplemental report required to be filed pursuant
7 to Section 366 shall include, but not be limited to, a factual
8 discussion of each of the following subjects:

9 (a) Whether the county welfare department social worker has
10 considered child protective services, as defined in Chapter 5
11 (commencing with Section 16500) of Part 4 of Division 9, as a
12 possible solution to the problems at hand, and has offered those
13 services to qualified parents, if appropriate under the
14 circumstances.

15 (b) What plan, if any, for the return and maintenance of the
16 child in a safe home is recommended to the court by the county
17 welfare department social worker.

18 (c) Whether the subject child appears to be a person who is
19 eligible to be considered for further court action to free the child
20 from parental custody and control.

21 (d) What actions, if any, have been taken by the parent to
22 correct the problems that caused the child to be made a
23 dependent child of the court.

24 (e) If the parent or guardian is unwilling or unable to
25 participate in making an educational decision for his or her child,
26 or if other circumstances exist that compromise the ability of the
27 parent or guardian to make educational decisions for the child,
28 the county welfare department or social worker shall consider
29 whether the right of the parent or guardian to make educational
30 decisions for the child should be limited. If the supplemental
31 report makes that recommendation, the report shall identify
32 whether there is a responsible adult available to make educational
33 decisions for the child pursuant to Section 361.

34 (f) (1) Whether the child has any siblings under the court's
35 jurisdiction, and, if any siblings exist, all of the following:

36 (A) The nature of the relationship between the child and his or
37 her siblings.

38 (B) The appropriateness of developing or maintaining the
39 sibling relationships pursuant to Section 16002.

1 (C) If the siblings are not placed together in the same home,
2 why the siblings are not placed together and what efforts are
3 being made to place the siblings together, or why those efforts
4 are not appropriate.

5 (D) If the siblings are not placed together, the frequency and
6 nature of the visits between siblings.

7 (E) The impact of the sibling relationships on the child's
8 placement and planning for legal permanence.

9 (2) The factual discussion shall include a discussion of
10 indicators of the nature of the child's sibling relationships,
11 including, but not limited to, whether the siblings were raised
12 together in the same home, whether the siblings have shared
13 significant common experiences or have existing close and
14 strong bonds, whether either sibling expresses a desire to visit or
15 live with his or her sibling, as applicable, and whether ongoing
16 contact is in the child's best emotional interests.

17 (g) Whether a child who is 10 years of age or older ~~who is~~
18 ~~placed in a group home and who has been in an out-of-home~~
19 ~~placement for six months or longer from the date the child~~
20 ~~entered foster care~~ has relationships with individuals other than
21 the child's siblings that are important to the child, consistent with
22 the child's best interests, and actions taken to maintain those
23 relationships. The social worker shall ask every child who is 10
24 years of age or older ~~who is placed in a group home and who has~~
25 ~~been in an out-of-home placement for six months or longer from~~
26 ~~the date the child entered foster care~~ to identify any individuals
27 other than the child's siblings who are important to the child,
28 consistent with the child's best interest. The social worker may
29 ask any other child to provide that information, as appropriate.

30 SEC. 3. Section 366.21 of the Welfare and Institutions Code
31 is amended to read:

32 366.21. (a) Every hearing conducted by the juvenile court
33 reviewing the status of a dependent child shall be placed on the
34 appearance calendar. The court shall advise all persons present at
35 the hearing of the date of the future hearing and of their right to
36 be present and represented by counsel.

37 (b) Except as provided in Sections 294 and 295, notice of the
38 hearing shall be provided pursuant to Section 293.

39 (c) At least 10 calendar days prior to the hearing, the social
40 worker shall file a supplemental report with the court regarding

1 the services provided or offered to the parent or legal guardian to
2 enable him or her to assume custody and the efforts made to
3 achieve legal permanence for the child if efforts to reunify fail,
4 including, but not limited to, efforts to maintain relationships
5 between a child who is 10 years of age or older and has been in
6 out-of-home placement ~~in a group home~~ for six months or longer
7 ~~from the date the child entered foster care~~ and individuals who
8 are important to the child, consistent with the child's best
9 interests; the progress made; and, where relevant, the prognosis
10 for return of the child to the physical custody of his or her parent
11 or legal guardian; and shall make his or her recommendation for
12 disposition. If the child is a member of a sibling group described
13 in paragraph (3) of subdivision (a) of Section 361.5, the report
14 and recommendation may also take into account those factors
15 described in subdivision (e) relating to the child's sibling group.
16 If the recommendation is not to return the child to a parent or
17 legal guardian, the report shall specify why the return of the child
18 would be detrimental to the child. The social worker shall
19 provide the parent or legal guardian, counsel for the child, and
20 any court-appointed child advocate with a copy of the report,
21 including his or her recommendation for disposition, at least 10
22 calendar days prior to the hearing. In the case of a child removed
23 from the physical custody of his or her parent or legal guardian,
24 the social worker shall, at least 10 calendar days prior to the
25 hearing, provide a summary of his or her recommendation for
26 disposition to any foster parents, relative caregivers, and certified
27 foster parents who have been approved for adoption by the State
28 Department of Social Services when it is acting as an adoption
29 agency in counties that are not served by a county adoption
30 agency or by a licensed county adoption agency, community care
31 facility, or foster family agency having the physical custody of
32 the child.

33 (d) Prior to any hearing involving a child in the physical
34 custody of a community care facility or a foster family agency
35 that may result in the return of the child to the physical custody
36 of his or her parent or legal guardian, or in adoption or the
37 creation of a legal guardianship, the facility or agency shall file
38 with the court a report containing its recommendation for
39 disposition. Prior to the hearing involving a child in the physical
40 custody of a foster parent, a relative caregiver, or a certified

1 foster parent who has been approved for adoption by the State
2 Department of Social Services when it is acting as an adoption
3 agency or by a licensed adoption agency, the foster parent,
4 relative caregiver, or the certified foster parent who has been
5 approved for adoption by the State Department of Social Services
6 when it is acting as an adoption agency in counties that are not
7 served by a county adoption agency or by a licensed county
8 adoption agency, may file with the court a report containing his
9 or her recommendation for disposition. The court shall consider
10 the report and recommendation filed pursuant to this subdivision
11 prior to determining any disposition.

12 (e) At the review hearing held six months after the initial
13 dispositional hearing, the court shall order the return of the child
14 to the physical custody of his or her parent or legal guardian
15 unless the court finds, by a preponderance of the evidence, that
16 the return of the child to his or her parent or legal guardian would
17 create a substantial risk of detriment to the safety, protection, or
18 physical or emotional well-being of the child. The social worker
19 shall have the burden of establishing that detriment. The failure
20 of the parent or legal guardian to participate regularly and make
21 substantive progress in court-ordered treatment programs shall be
22 prima facie evidence that return would be detrimental. In making
23 its determination, the court shall review and consider the social
24 worker's report and recommendations and the report and
25 recommendations of any child advocate appointed pursuant to
26 Section 356.5; and shall consider the efforts or progress, or both,
27 demonstrated by the parent or legal guardian and the extent to
28 which he or she availed himself or herself to services provided.

29 Whether or not the child is returned to a parent or legal
30 guardian, the court shall specify the factual basis for its
31 conclusion that the return would be detrimental or would not be
32 detrimental. The court also shall make appropriate findings
33 pursuant to subdivision (a) of Section 366; and, where relevant,
34 shall order any additional services reasonably believed to
35 facilitate the return of the child to the custody of his or her parent
36 or legal guardian. The court shall also inform the parent or legal
37 guardian that if the child cannot be returned home by the
38 12-month permanency hearing, a proceeding pursuant to Section
39 366.26 may be instituted. This section does not apply in a case

1 where, pursuant to Section 361.5, the court has ordered that
2 reunification services shall not be provided.

3 If the child was under the age of three years on the date of the
4 initial removal, or is a member of a sibling group described in
5 paragraph (3) of subdivision (a) of Section 361.5, and the court
6 finds by clear and convincing evidence that the parent failed to
7 participate regularly and make substantive progress in a
8 court-ordered treatment plan, the court may schedule a hearing
9 pursuant to Section 366.26 within 120 days. If, however, the
10 court finds there is a substantial probability that the child, who
11 was under the age of three years on the date of initial removal or
12 is a member of a sibling group described in paragraph (3) of
13 subdivision (a) of Section 361.5, may be returned to his or her
14 parent or legal guardian within six months or that reasonable
15 services have not been provided, the court shall continue the case
16 to the 12-month permanency hearing.

17 For the purpose of placing and maintaining a sibling group
18 together in a permanent home, the court, in making its
19 determination to schedule a hearing pursuant to Section 366.26
20 for some or all members of a sibling group, as described in
21 paragraph (3) of subdivision (a) of Section 361.5, shall review
22 and consider the social worker's report and recommendations.
23 Factors the report shall address, and the court shall consider, may
24 include, but need not be limited to, whether the sibling group was
25 removed from parental care as a group, the closeness and
26 strength of the sibling bond, the ages of the siblings, the
27 appropriateness of maintaining the sibling group together, the
28 detriment to the child if sibling ties are not maintained, the
29 likelihood of finding a permanent home for the sibling group,
30 whether the sibling group is currently placed together in a
31 preadoptive home or has a concurrent plan goal of legal
32 permanency in the same home, the wishes of each child whose
33 age and physical and emotional condition permits a meaningful
34 response, and the best interest of each child in the sibling group.
35 The court shall specify the factual basis for its finding that it is in
36 the best interest of each child to schedule a hearing pursuant to
37 Section 366.26 in 120 days for some or all of the members of the
38 sibling group.

39 If the child was removed initially under subdivision (g) of
40 Section 300 and the court finds by clear and convincing evidence

1 that the whereabouts of the parent are still unknown, or the
2 parent has failed to contact and visit the child, the court may
3 schedule a hearing pursuant to Section 366.26 within 120 days. If
4 the court finds by clear and convincing evidence that the parent
5 has been convicted of a felony indicating parental unfitness, the
6 court may schedule a hearing pursuant to Section 366.26 within
7 120 days.

8 If the child had been placed under court supervision with a
9 previously noncustodial parent pursuant to Section 361.2, the
10 court shall determine whether supervision is still necessary. The
11 court may terminate supervision and transfer permanent custody
12 to that parent, as provided for by paragraph (1) of subdivision (b)
13 of Section 361.2.

14 In all other cases, the court shall direct that any reunification
15 services previously ordered shall continue to be offered to the
16 parent or legal guardian pursuant to the time periods set forth in
17 subdivision (a) of Section 361.5, provided that the court may
18 modify the terms and conditions of those services.

19 If the child is not returned to his or her parent or legal
20 guardian, the court shall determine whether reasonable services
21 that were designed to aid the parent or legal guardian in
22 overcoming the problems that led to the initial removal and the
23 continued custody of the child have been provided or offered to
24 the parent or legal guardian. The court shall order that those
25 services be initiated, continued, or terminated.

26 (f) The permanency hearing shall be held no later than 12
27 months after the date the child entered foster care, as that date is
28 determined pursuant to subdivision (a) of Section 361.5. At the
29 permanency hearing, the court shall determine the permanent
30 plan for the child, which shall include a determination of whether
31 the child will be returned to the child's home and, if so, when,
32 within the time limits of subdivision (a) of Section 361.5. The
33 court shall order the return of the child to the physical custody of
34 his or her parent or legal guardian unless the court finds, by a
35 preponderance of the evidence, that the return of the child to his
36 or her parent or legal guardian would create a substantial risk of
37 detriment to the safety, protection, or physical or emotional
38 well-being of the child. The social worker shall have the burden
39 of establishing that detriment. The court shall also determine
40 whether reasonable services that were designed to aid the parent

1 or legal guardian to overcome the problems that led to the initial
2 removal and continued custody of the child have been provided
3 or offered to the parent or legal guardian. For each youth 16
4 years of age and older, the court shall also determine whether
5 services have been made available to assist him or her in making
6 the transition from foster care to independent living. The failure
7 of the parent or legal guardian to participate regularly and make
8 substantive progress in court-ordered treatment programs shall be
9 prima facie evidence that return would be detrimental. In making
10 its determination, the court shall review and consider the social
11 worker's report and recommendations and the report and
12 recommendations of any child advocate appointed pursuant to
13 Section 356.5, shall consider the efforts or progress, or both,
14 demonstrated by the parent or legal guardian and the extent to
15 which he or she availed himself or herself of services provided,
16 and shall make appropriate findings pursuant to subdivision (a)
17 of Section 366.

18 Whether or not the child is returned to his or her parent or legal
19 guardian, the court shall specify the factual basis for its decision.
20 If the child is not returned to a parent or legal guardian, the court
21 shall specify the factual basis for its conclusion that the return
22 would be detrimental. The court also shall make a finding
23 pursuant to subdivision (a) of Section 366.

24 (g) If the time period in which the court-ordered services were
25 provided has met or exceeded the time period set forth in
26 paragraph (1), (2), or (3) of subdivision (a) of Section 361.5, as
27 appropriate, and a child is not returned to the custody of a parent
28 or legal guardian at the permanency hearing held pursuant to
29 subdivision (f), the court shall do one of the following:

30 (1) Continue the case for up to six months for a permanency
31 review hearing, provided that the hearing shall occur within 18
32 months of the date the child was originally taken from the
33 physical custody of his or her parent or legal guardian. The court
34 shall continue the case only if it finds that there is a substantial
35 probability that the child will be returned to the physical custody
36 of his or her parent or legal guardian and safely maintained in the
37 home within the extended period of time or that reasonable
38 services have not been provided to the parent or legal guardian.
39 For the purposes of this section, in order to find a substantial
40 probability that the child will be returned to the physical custody

1 of his or her parent or legal guardian and safely maintained in the
2 home within the extended period of time, the court shall be
3 required to find all of the following:

4 (A) That the parent or legal guardian has consistently and
5 regularly contacted and visited with the child.

6 (B) That the parent or legal guardian has made significant
7 progress in resolving problems that led to the child's removal
8 from the home.

9 (C) The parent or legal guardian has demonstrated the capacity
10 and ability both to complete the objectives of his or her treatment
11 plan and to provide for the child's safety, protection, physical
12 and emotional well-being, and special needs.

13 For purposes of this subdivision, the court's decision to
14 continue the case based on a finding or substantial probability
15 that the child will be returned to the physical custody of his or
16 her parent or legal guardian is a compelling reason for
17 determining that a hearing held pursuant to Section 366.26 is not
18 in the best interests of the child.

19 The court shall inform the parent or legal guardian that if the
20 child cannot be returned home by the next permanency review
21 hearing, a proceeding pursuant to Section 366.26 may be
22 instituted. The court may not order that a hearing pursuant to
23 Section 366.26 be held unless there is clear and convincing
24 evidence that reasonable services have been provided or offered
25 to the parent or legal guardian.

26 (2) Order that a hearing be held within 120 days, pursuant to
27 Section 366.26, but only if the court does not continue the case to
28 the permanency planning review hearing and there is clear and
29 convincing evidence that reasonable services have been provided
30 or offered to the parents or legal guardians.

31 (3) Order that the child remain in long-term foster care, but
32 only if the court finds by clear and convincing evidence, based
33 upon the evidence already presented to it, including a
34 recommendation by the State Department of Social Services
35 when it is acting as an adoption agency in counties that are not
36 served by a county adoption agency or by a licensed county
37 adoption agency, that there is a compelling reason for
38 determining that a hearing held pursuant to Section 366.26 is not
39 in the best interest of the child because the child is not a proper
40 subject for adoption and has no one willing to accept legal

1 guardianship. For purposes of this section, a recommendation by
2 the State Department of Social Services when it is acting as an
3 adoption agency in counties that are not served by a county
4 adoption agency or by a licensed county adoption agency that
5 adoption is not in the best interest of the child shall constitute a
6 compelling reason for the court's determination. That
7 recommendation shall be based on the present circumstances of
8 the child and may not preclude a different recommendation at a
9 later date if the child's circumstances change.

10 If the court orders that a child who is 10 years of age or older
11 remain in long-term foster care ~~at a group home~~, the court shall
12 determine whether the agency has made reasonable efforts to
13 maintain the child's relationships with individuals other than the
14 child's siblings who are important to the child, consistent with
15 the child's best interests, and may make any appropriate order to
16 ensure that those relationships are maintained.

17 (h) In any case in which the court orders that a hearing
18 pursuant to Section 366.26 shall be held, it shall also order the
19 termination of reunification services to the parent or legal
20 guardian. The court shall continue to permit the parent or legal
21 guardian to visit the child pending the hearing unless it finds that
22 visitation would be detrimental to the child. The court shall make
23 any other appropriate orders to enable the child to maintain
24 relationships with individuals, other than the child's siblings,
25 who are important to the child, consistent with the child's best
26 interests.

27 (i) Whenever a court orders that a hearing pursuant to Section
28 366.26 shall be held, it shall direct the agency supervising the
29 child and the licensed county adoption agency, or the State
30 Department of Social Services when it is acting as an adoption
31 agency in counties that are not served by a county adoption
32 agency, to prepare an assessment that shall include:

33 (1) Current search efforts for an absent parent or parents or
34 legal guardians.

35 (2) A review of the amount of and nature of any contact
36 between the child and his or her parents or legal guardians and
37 other members of his or her extended family since the time of
38 placement. Although the extended family of each child shall be
39 reviewed on a case-by-case basis, "extended family" for the

1 purpose of this paragraph shall include, but not be limited to, the
2 child’s siblings, grandparents, aunts, and uncles.

3 (3) An evaluation of the child’s medical, developmental,
4 scholastic, mental, and emotional status.

5 (4) A preliminary assessment of the eligibility and
6 commitment of any identified prospective adoptive parent or
7 legal guardian, particularly the caretaker, to include a social
8 history including screening for criminal records and prior
9 referrals for child abuse or neglect, the capability to meet the
10 child’s needs, and the understanding of the legal and financial
11 rights and responsibilities of adoption and guardianship. If a
12 proposed guardian is a relative of the minor, and the relative was
13 assessed for foster care placement of the minor prior to January
14 1, 1998, the assessment shall also consider, but need not be
15 limited to, all of the factors specified in subdivision (a) of
16 Section 361.3.

17 (5) The relationship of the child to any identified prospective
18 adoptive parent or legal guardian, the duration and character of
19 the relationship, the motivation for seeking adoption or
20 guardianship, and a statement from the child concerning
21 placement and the adoption or guardianship, unless the child’s
22 age or physical, emotional, or other condition precludes his or
23 her meaningful response, and if so, a description of the condition.

24 (6) A description of efforts to be made to identify a
25 prospective adoptive parent or legal guardian, including, but not
26 limited to, child specific recruitment and listing on an adoption
27 exchange.

28 (7) An analysis of the likelihood that the child will be adopted
29 if parental rights are terminated.

30 (j) If, at any hearing held pursuant to Section 366.26, a
31 guardianship is established for the minor with a relative, and
32 juvenile court dependency is subsequently dismissed, the relative
33 shall be eligible for aid under the Kin-GAP program as provided
34 in Article 4.5 (commencing with Section 11360) of Chapter 2 of
35 Part 3 of Division 9.

36 (k) As used in this section, “relative” means an adult who is
37 related to the minor by blood, adoption, or affinity within the
38 fifth degree of kinship, including stepparents, stepsiblings, and
39 all relatives whose status is preceded by the words “great,”

1 “great-great,” or “grand,” or the spouse of any of those persons
2 even if the marriage was terminated by death or dissolution.

3 (l) For purposes of this section, evidence of any of the
4 following circumstances may not, in and of itself, be deemed a
5 failure to provide or offer reasonable services:

6 (1) The child has been placed with a foster family that is
7 eligible to adopt a child, or has been placed in a preadoptive
8 home.

9 (2) The case plan includes services to make and finalize a
10 permanent placement for the child if efforts to reunify fail.

11 (3) Services to make and finalize a permanent placement for
12 the child, if efforts to reunify fail, are provided concurrently with
13 services to reunify the family.

14 SEC. 4. Section 366.22 of the Welfare and Institutions Code
15 is amended to read:

16 366.22. (a) When a case has been continued pursuant to
17 paragraph (1) of subdivision (g) of Section 366.21, the
18 permanency review hearing shall occur within 18 months after
19 the date the child was originally removed from the physical
20 custody of his or her parent or legal guardian. The court shall
21 order the return of the child to the physical custody of his or her
22 parent or legal guardian unless the court finds, by a
23 preponderance of the evidence, that the return of the child to his
24 or her parent or legal guardian would create a substantial risk of
25 detriment to the safety, protection, or physical or emotional
26 well-being of the child. The social worker shall have the burden
27 of establishing that detriment. The failure of the parent or legal
28 guardian to participate regularly and make substantive progress
29 in court-ordered treatment programs shall be prima facie
30 evidence that return would be detrimental. In making its
31 determination, the court shall review and consider the social
32 worker’s report and recommendations and the report and
33 recommendations of any child advocate appointed pursuant to
34 Section 356.5; shall consider the efforts or progress, or both,
35 demonstrated by the parent or legal guardian and the extent to
36 which he or she availed himself or herself of services provided;
37 and shall make appropriate findings pursuant to subdivision (a)
38 of Section 366.

39 Whether or not the child is returned to his or her parent or legal
40 guardian, the court shall specify the factual basis for its decision.

1 If the child is not returned to a parent or legal guardian, the court
2 shall specify the factual basis for its conclusion that return would
3 be detrimental.

4 If the child is not returned to a parent or legal guardian at the
5 permanency review hearing, the court shall order that a hearing
6 be held pursuant to Section 366.26 in order to determine whether
7 adoption, guardianship, or long-term foster care is the most
8 appropriate plan for the child. However, if the court finds by
9 clear and convincing evidence, based on the evidence already
10 presented to it, including a recommendation by the State
11 Department of Social Services when it is acting as an adoption
12 agency in counties that are not served by a county adoption
13 agency or by a licensed county adoption agency, that there is a
14 compelling reason, as described in paragraph (2) of subdivision
15 (g) of Section 366.21, for determining that a hearing held under
16 Section 366.26 is not in the best interest of the child because the
17 child is not a proper subject for adoption and has no one willing
18 to accept legal guardianship, then the court may, only under these
19 circumstances, order that the child remain in foster care. If the
20 court orders that a child who is 10 years of age or older remain in
21 long-term foster care ~~at a group home for six months or longer~~
22 ~~from the date the child entered foster care~~, the court shall
23 determine whether the agency has made reasonable efforts to
24 maintain the child's relationships with individuals other than the
25 child's siblings who are important to the child, consistent with
26 the child's best interests, and may make any appropriate order to
27 ensure that those relationships are maintained. The hearing shall
28 be held no later than 120 days from the date of the permanency
29 review hearing. The court shall also order termination of
30 reunification services to the parent or legal guardian. The court
31 shall continue to permit the parent or legal guardian to visit the
32 child unless it finds that visitation would be detrimental to the
33 child. The court shall determine whether reasonable services
34 have been offered or provided to the parent or legal guardian. For
35 purposes of this subdivision, evidence of any of the following
36 circumstances shall not, in and of themselves, be deemed a
37 failure to provide or offer reasonable services:

38 (1) The child has been placed with a foster family that is
39 eligible to adopt a child, or has been placed in a preadoptive
40 home.

- 1 (2) The case plan includes services to make and finalize a
2 permanent placement for the child if efforts to reunify fail.
- 3 (3) Services to make and finalize a permanent placement for
4 the child, if efforts to reunify fail, are provided concurrently with
5 services to reunify the family.
- 6 (b) Whenever a court orders that a hearing pursuant to Section
7 366.26 shall be held, it shall direct the agency supervising the
8 child and the licensed county adoption agency, or the State
9 Department of Social Services when it is acting as an adoption
10 agency in counties that are not served by a county adoption
11 agency, to prepare an assessment that shall include:
- 12 (1) Current search efforts for an absent parent or parents.
- 13 (2) A review of the amount of and nature of any contact
14 between the child and his or her parents and other members of
15 his or her extended family since the time of placement. Although
16 the extended family of each child shall be reviewed on a
17 case-by-case basis, “extended family” for the purposes of this
18 paragraph shall include, but not be limited to, the child’s siblings,
19 grandparents, aunts, and uncles.
- 20 (3) An evaluation of the child’s medical, developmental,
21 scholastic, mental, and emotional status.
- 22 (4) A preliminary assessment of the eligibility and
23 commitment of any identified prospective adoptive parent or
24 legal guardian, particularly the caretaker, to include a social
25 history including screening for criminal records and prior
26 referrals for child abuse or neglect, the capability to meet the
27 child’s needs, and the understanding of the legal and financial
28 rights and responsibilities of adoption and guardianship. If a
29 proposed legal guardian is a relative of the minor, and the
30 relative was assessed for foster care placement of the minor prior
31 to January 1, 1998, the assessment shall also consider, but need
32 not be limited to, all of the factors specified in subdivision (a) of
33 Section 361.3.
- 34 (5) The relationship of the child to any identified prospective
35 adoptive parent or legal guardian, the duration and character of
36 the relationship, the motivation for seeking adoption or legal
37 guardianship, and a statement from the child concerning
38 placement and the adoption or legal guardianship, unless the
39 child’s age or physical, emotional, or other condition precludes

1 his or her meaningful response, and if so, a description of the
2 condition.

3 (6) An analysis of the likelihood that the child will be adopted
4 if parental rights are terminated.

5 (c) This section shall become operative January 1, 1999. If at
6 any hearing held pursuant to Section 366.26, a legal guardianship
7 is established for the minor with a relative, and juvenile court
8 dependency is subsequently dismissed, the relative shall be
9 eligible for aid under the Kin-GAP program as provided in
10 Article 4.5 (commencing with Section 11360) of Chapter 2 of
11 Part 3 of Division 9.

12 (d) As used in this section, “relative” means an adult who is
13 related to the child by blood, adoption, or affinity within the fifth
14 degree of kinship, including stepparents, stepsiblings, and all
15 relatives whose status is preceded by the words “great,”
16 “great-great,” or “grand,” or the spouse of any of those persons
17 even if the marriage was terminated by death or dissolution.

18 SEC. 5. Section 366.26 of the Welfare and Institutions Code
19 is amended to read:

20 366.26. (a) This section applies to children who are adjudged
21 dependent children of the juvenile court pursuant to subdivision
22 (c) of Section 360. The procedures specified herein are the
23 exclusive procedures for conducting these hearings; Part 2
24 (commencing with Section 3020) of Division 8 of the Family
25 Code is not applicable to these proceedings. Section 8714.7 of
26 the Family Code is applicable and available to all dependent
27 children meeting the requirements of that section, if the
28 postadoption contact agreement has been entered into
29 voluntarily. For children who are adjudged dependent children of
30 the juvenile court pursuant to subdivision (c) of Section 360, this
31 section and Sections 8604, 8605, 8606, and 8700 of the Family
32 Code and Chapter 5 (commencing with Section 7660) of Part 3
33 of Division 12 of the Family Code specify the exclusive
34 procedures for permanently terminating parental rights with
35 regard to, or establishing legal guardianship of, the child while
36 the child is a dependent child of the juvenile court.

37 (b) At the hearing, that shall be held in juvenile court for all
38 children who are dependents of the juvenile court, the court, in
39 order to provide stable, permanent homes for these children, shall
40 review the report as specified in Section 361.5, 366.21, or

1 366.22, shall indicate that the court has read and considered it,
2 shall receive other evidence that the parties may present, and then
3 shall make findings and orders in the following order of
4 preference:

5 (1) Terminate the rights of the parent or parents and order that
6 the child be placed for adoption and, upon the filing of a petition
7 for adoption in the juvenile court, order that a hearing be set. The
8 court shall proceed with the adoption after the appellate rights of
9 the natural parents have been exhausted.

10 (2) On making a finding under paragraph (3) of subdivision
11 (c), identify adoption as the permanent placement goal and order
12 that efforts be made to locate an appropriate adoptive family for
13 the child within a period not to exceed 180 days.

14 (3) Appoint a legal guardian for the child and order that letters
15 of guardianship issue.

16 (4) Order that the child be placed in long-term foster care,
17 subject to the periodic review of the juvenile court under Section
18 366.3.

19 In choosing among the above alternatives the court shall
20 proceed pursuant to subdivision (c).

21 (c) (1) If the court determines, based on the assessment
22 provided as ordered under subdivision (i) of Section 366.21 or
23 subdivision (b) of Section 366.22, and any other relevant
24 evidence, by a clear and convincing standard, that it is likely the
25 child will be adopted, the court shall terminate parental rights and
26 order the child placed for adoption. The fact that the child is not
27 yet placed in a preadoptive home nor with a relative or foster
28 family who is prepared to adopt the child, shall not constitute a
29 basis for the court to conclude that it is not likely the child will
30 be adopted. A finding under subdivision (b) or paragraph (1) of
31 subdivision (e) of Section 361.5 that reunification services shall
32 not be offered, under subdivision (e) of Section 366.21 that the
33 whereabouts of a parent have been unknown for six months or
34 that the parent has failed to visit or contact the child for six
35 months or that the parent has been convicted of a felony
36 indicating parental unfitness, or, under Section 366.21 or 366.22,
37 that the court has continued to remove the child from the custody
38 of the parent or guardian and has terminated reunification
39 services, shall constitute a sufficient basis for termination of
40 parental rights unless the court finds a compelling reason for

1 determining that termination would be detrimental to the child
2 due to one or more of the following circumstances:

3 (A) The parents or guardians have maintained regular
4 visitation and contact with the child and the child would benefit
5 from continuing the relationship.

6 (B) A child 12 years of age or older objects to termination of
7 parental rights.

8 (C) The child is placed in a residential treatment facility,
9 adoption is unlikely or undesirable, and continuation of parental
10 rights will not prevent finding the child a permanent family
11 placement if the parents cannot resume custody when residential
12 care is no longer needed.

13 (D) The child is living with a relative or foster parent who is
14 unable or unwilling to adopt the child because of exceptional
15 circumstances, that do not include an unwillingness to accept
16 legal or financial responsibility for the child, but who is willing
17 and capable of providing the child with a stable and permanent
18 environment and the removal of the child from the physical
19 custody of his or her relative or foster parent would be
20 detrimental to the emotional well-being of the child. This
21 subparagraph does not apply to any child who is living with a
22 nonrelative and who is either (i) under six years of age or (ii) a
23 member of a sibling group where at least one child is under six
24 years of age and the siblings are, or should be, permanently
25 placed together.

26 (E) There would be substantial interference with a child's
27 sibling relationship, taking into consideration the nature and
28 extent of the relationship, including, but not limited to, whether
29 the child was raised with a sibling in the same home, whether the
30 child shared significant common experiences or has existing
31 close and strong bonds with a sibling, and whether ongoing
32 contact is in the child's best interest, including the child's
33 long-term emotional interest, as compared to the benefit of legal
34 permanence through adoption.

35 If the court finds that termination of parental rights would be
36 detrimental to the child pursuant to subparagraph (A), (B), (C),
37 (D), or (E), it shall state its reasons in writing or on the record.

38 (2) The court shall not terminate parental rights if at each and
39 every hearing at which the court was required to consider
40 reasonable efforts or services, the court has found that reasonable

1 efforts were not made or that reasonable services were not
2 offered or provided.

3 (3) If the court finds that termination of parental rights would
4 not be detrimental to the child pursuant to paragraph (1) and that
5 the child has a probability for adoption but is difficult to place for
6 adoption and there is no identified or available prospective
7 adoptive parent, the court may identify adoption as the
8 permanent placement goal and without terminating parental
9 rights, order that efforts be made to locate an appropriate
10 adoptive family for the child within a period not to exceed 180
11 days. During this 180-day period, the public agency responsible
12 for seeking adoptive parents for each child shall, to the extent
13 possible, ask each child who is 10 years of age or older ~~who is~~
14 ~~placed in a group home for six months or longer from the date~~
15 ~~the child entered foster care~~, to identify any individuals, other
16 than the child's siblings, who are important to the child, in order
17 to identify potential adoptive parents. The public agency may ask
18 any other child to provide that information, as appropriate.
19 During the 180-day period, the public agency shall, to the extent
20 possible, contact other private and public adoption agencies
21 regarding the availability of the child for adoption. During the
22 180-day period, the public agency shall conduct the search for
23 adoptive parents in the same manner as prescribed for children in
24 Sections 8708 and 8709 of the Family Code. At the expiration of
25 this period, another hearing shall be held and the court shall
26 proceed pursuant to paragraph (1) or (3) of subdivision (b). For
27 purposes of this section, a child may only be found to be difficult
28 to place for adoption if there is no identified or available
29 prospective adoptive parent for the child because of the child's
30 membership in a sibling group, or the presence of a diagnosed
31 medical, physical, or mental handicap, or the child is the age of
32 seven years or more.

33 (4) (A) If the court finds that adoption of the child or
34 termination of parental rights is not in the best interest of the
35 child, because one of the conditions in subparagraph (A), (B),
36 (C), (D), or (E) of paragraph (1) or in paragraph (2) applies, the
37 court shall either order that the present caretakers or other
38 appropriate persons shall become legal guardians of the child or
39 order that the child remain in long-term foster care. Legal
40 guardianship shall be considered before long-term foster care, if

1 it is in the best interests of the child and if a suitable guardian can
2 be found. A child who is 10 years of age or older ~~who is placed~~
3 ~~in a group home for six months or longer from the date the child~~
4 ~~entered foster care~~, shall be asked to identify any individuals,
5 other than the child's siblings, who are important to the child, in
6 order to identify potential guardians. The agency may ask any
7 other child to provide that information, as appropriate.

8 (B) If the child is living with a relative or a foster parent who
9 is willing and capable of providing a stable and permanent
10 environment, but not willing to become a legal guardian, the
11 child shall not be removed from the home if the court finds the
12 removal would be seriously detrimental to the emotional
13 well-being of the child because the child has substantial
14 psychological ties to the relative caretaker or foster parents.

15 (C) The court shall also make an order for visitation with the
16 parents or guardians unless the court finds by a preponderance of
17 the evidence that the visitation would be detrimental to the
18 physical or emotional well-being of the child.

19 (5) If the court finds that the child should not be placed for
20 adoption, that legal guardianship shall not be established, and
21 that there are no suitable foster parents except exclusive-use
22 homes available to provide the child with a stable and permanent
23 environment, the court may order the care, custody, and control
24 of the child transferred from the county welfare department to a
25 licensed foster family agency. The court shall consider the
26 written recommendation of the county welfare director regarding
27 the suitability of the transfer. The transfer shall be subject to
28 further court orders.

29 The licensed foster family agency shall place the child in a
30 suitable licensed or exclusive-use home that has been certified by
31 the agency as meeting licensing standards. The licensed foster
32 family agency shall be responsible for supporting the child and
33 providing appropriate services to the child, including those
34 services ordered by the court. Responsibility for the support of
35 the child shall not, in and of itself, create liability on the part of
36 the foster family agency to third persons injured by the child.
37 Those children whose care, custody, and control are transferred
38 to a foster family agency shall not be eligible for foster care
39 maintenance payments or child welfare services, except for
40 emergency response services pursuant to Section 16504.

1 (d) The proceeding for the appointment of a guardian for a
2 child who is a dependent of the juvenile court shall be in the
3 juvenile court. If the court finds pursuant to this section that legal
4 guardianship is the appropriate permanent plan, it shall appoint
5 the legal guardian and issue letters of guardianship. The
6 assessment prepared pursuant to subdivision (g) of Section 361.5,
7 subdivision (i) of Section 366.21, and subdivision (b) of Section
8 366.22 shall be read and considered by the court prior to the
9 appointment, and this shall be reflected in the minutes of the
10 court. The person preparing the assessment may be called and
11 examined by any party to the proceeding.

12 (e) The proceeding for the adoption of a child who is a
13 dependent of the juvenile court shall be in the juvenile court if
14 the court finds pursuant to this section that adoption is the
15 appropriate permanent plan and the petition for adoption is filed
16 in the juvenile court. Upon the filing of a petition for adoption,
17 the juvenile court shall order that an adoption hearing be set. The
18 court shall proceed with the adoption after the appellate rights of
19 the natural parents have been exhausted. The full report required
20 by Section 8715 of the Family Code shall be read and considered
21 by the court prior to the adoption and this shall be reflected in the
22 minutes of the court. The person preparing the report may be
23 called and examined by any party to the proceeding. It is the
24 intent of the Legislature, pursuant to this subdivision, to give
25 potential adoptive parents the option of filing in the juvenile
26 court the petition for the adoption of a child who is a dependent
27 of the juvenile court. Nothing in this section is intended to
28 prevent the filing of a petition for adoption in any other court as
29 permitted by law, instead of in the juvenile court.

30 (f) At the beginning of any proceeding pursuant to this section,
31 if the child or the parents are not being represented by previously
32 retained or appointed counsel, the court shall proceed as follows:
33 (1) In accordance with subdivision (c) of Section 317, if a
34 child before the court is without counsel, the court shall appoint
35 counsel unless the court finds that the child would not benefit
36 from the appointment of counsel. The court shall state on the
37 record its reasons for that finding.

38 (2) If a parent appears without counsel and is unable to afford
39 counsel, the court shall appoint counsel for the parent, unless this
40 representation is knowingly and intelligently waived. The same

1 counsel shall not be appointed to represent both the child and his
2 or her parent. The public defender or private counsel may be
3 appointed as counsel for the parent.

4 (3) Private counsel appointed under this section shall receive a
5 reasonable sum for compensation and expenses, the amount of
6 which shall be determined by the court. The amount shall be paid
7 by the real parties in interest, other than the child, in any
8 proportions the court deems just. However, if the court finds that
9 any of the real parties in interest are unable to afford counsel, the
10 amount shall be paid out of the general fund of the county.

11 (g) The court may continue the proceeding for not to exceed
12 30 days as necessary to appoint counsel, and to enable counsel to
13 become acquainted with the case.

14 (h) (1) At all proceedings under this section, the court shall
15 consider the wishes of the child and shall act in the best interests
16 of the child.

17 (2) In accordance with Section 349, the child shall be present
18 in court if the child or the child's counsel so requests or the court
19 so orders. If the child is 10 years of age or older and is not
20 present at a hearing held pursuant to this section, the court shall
21 determine whether the minor was properly notified of his or her
22 right to attend the hearing and inquire as to the reason why the
23 child is not present.

24 (3) (A) The testimony of the child may be taken in chambers
25 and outside the presence of the child's parent or parents, if the
26 child's parent or parents are represented by counsel, the counsel
27 is present, and any of the following circumstances exist:

28 (i) The court determines that testimony in chambers is
29 necessary to ensure truthful testimony.

30 (ii) The child is likely to be intimidated by a formal courtroom
31 setting.

32 (iii) The child is afraid to testify in front of his or her parent or
33 parents.

34 (B) After testimony in chambers, the parent or parents of the
35 child may elect to have the court reporter read back the testimony
36 or have the testimony summarized by counsel for the parent or
37 parents.

38 (C) The testimony of a child also may be taken in chambers
39 and outside the presence of the guardian or guardians of a child
40 under the circumstances specified in this subdivision.

1 (i) Any order of the court permanently terminating parental
2 rights under this section shall be conclusive and binding upon the
3 child, upon the parent or parents and upon all other persons who
4 have been served with citation by publication or otherwise as
5 provided in this chapter. After making the order, the court shall
6 have no power to set aside, change, or modify it, but nothing in
7 this section shall be construed to limit the right to appeal the
8 order.

9 (j) If the court, by order or judgment, declares the child free
10 from the custody and control of both parents, or one parent if the
11 other does not have custody and control, the court shall at the
12 same time order the child referred to the State Department of
13 Social Services or a licensed adoption agency for adoptive
14 placement by the agency. However, a petition for adoption may
15 not be granted until the appellate rights of the natural parents
16 have been exhausted. The State Department of Social Services or
17 licensed adoption agency shall be responsible for the custody and
18 supervision of the child and shall be entitled to the exclusive care
19 and control of the child at all times until a petition for adoption is
20 granted. With the consent of the agency, the court may appoint a
21 guardian of the child, who shall serve until the child is adopted.

22 (k) Notwithstanding any other provision of law, the
23 application of any person who, as a relative caretaker or foster
24 parent, has cared for a dependent child for whom the court has
25 approved a permanent plan for adoption, or who has been freed
26 for adoption, shall be given preference with respect to that child
27 over all other applications for adoptive placement if the agency
28 making the placement determines that the child has substantial
29 emotional ties to the relative caretaker or foster parent and
30 removal from the relative caretaker or foster parent would be
31 seriously detrimental to the child's emotional well-being.

32 As used in this subdivision, "preference" means that the
33 application shall be processed and, if satisfactory, the family
34 study shall be completed before the processing of the application
35 of any other person for the adoptive placement of the child.

36 (l) (1) An order by the court that a hearing pursuant to this
37 section be held is not appealable at any time unless all of the
38 following applies:

39 (A) A petition for extraordinary writ review was filed in a
40 timely manner.

1 (B) The petition substantively addressed the specific issues to
2 be challenged and supported that challenge by an adequate
3 record.

4 (C) The petition for extraordinary writ review was summarily
5 denied or otherwise not decided on the merits.

6 (2) Failure to file a petition for extraordinary writ review
7 within the period specified by rule, to substantively address the
8 specific issues challenged, or to support that challenge by an
9 adequate record shall preclude subsequent review by appeal of
10 the findings and orders made pursuant to this section.

11 (3) The Judicial Council shall adopt rules of court, effective
12 January 1, 1995, to ensure all of the following:

13 (A) A trial court, after issuance of an order directing a hearing
14 pursuant to this section be held, shall advise all parties of the
15 requirement of filing a petition for extraordinary writ review as
16 set forth in this subdivision in order to preserve any right to
17 appeal in these issues. This notice shall be made orally to a party
18 if the party is present at the time of the making of the order or by
19 first-class mail by the clerk of the court to the last known address
20 of a party not present at the time of the making of the order.

21 (B) The prompt transmittal of the records from the trial court
22 to the appellate court.

23 (C) That adequate time requirements for counsel and court
24 personnel exist to implement the objective of this subdivision.

25 (D) That the parent or guardian, or their trial counsel or other
26 counsel, is charged with the responsibility of filing a petition for
27 extraordinary writ relief pursuant to this subdivision.

28 (4) The intent of this subdivision is to do both of the
29 following:

30 (A) Make every reasonable attempt to achieve a substantive
31 and meritorious review by the appellate court within the time
32 specified in Sections 366.21 and 366.22 for holding a hearing
33 pursuant to this section.

34 (B) Encourage the appellate court to determine all writ
35 petitions filed pursuant to this subdivision on their merits.

36 (5) This subdivision shall only apply to cases in which an
37 order to set a hearing pursuant to this section is issued on or after
38 January 1, 1995.

39 (m) Except for subdivision (j), this section shall also apply to
40 minors adjudged wards pursuant to Section 727.31.

1 SEC. 6. Section 366.3 of the Welfare and Institutions Code is
2 amended to read:

3 366.3. (a) If a juvenile court orders a permanent plan of
4 adoption or legal guardianship pursuant to Section 360 or 366.26,
5 the court shall retain jurisdiction over the child until the child is
6 adopted or the legal guardianship is established, except as
7 provided for in Section 366.29. The status of the child shall be
8 reviewed every six months to ensure that the adoption or legal
9 guardianship is completed as expeditiously as possible. When the
10 adoption of the child has been granted, the court shall terminate
11 its jurisdiction over the child. Following establishment of a legal
12 guardianship, the court may continue jurisdiction over the child
13 as a dependent child of the juvenile court or may terminate its
14 dependency jurisdiction and retain jurisdiction over the child as a
15 ward of the legal guardianship, as authorized by Section 366.4.
16 If, however, a relative of the child is appointed the legal guardian
17 of the child and the child has been placed with the relative for at
18 least 12 months, the court shall, except if the relative guardian
19 objects, or upon a finding of exceptional circumstances,
20 terminate its dependency jurisdiction and retain jurisdiction over
21 the child as a ward of the guardianship, as authorized by Section
22 366.4. Following a termination of parental rights the parent or
23 parents shall not be a party to, or receive notice of, any
24 subsequent proceedings regarding the child.

25 (b) If the court has dismissed dependency jurisdiction
26 following the establishment of a legal guardianship, or no
27 dependency jurisdiction attached because of the granting of a
28 legal guardianship pursuant to Section 360, and the legal
29 guardianship is subsequently revoked or otherwise terminated,
30 the county department of social services or welfare department
31 shall notify the juvenile court of this fact. The court may vacate
32 its previous order dismissing dependency jurisdiction over the
33 child.

34 Notwithstanding Section 1601 of the Probate Code, the
35 proceedings to terminate a legal guardianship that has been
36 granted pursuant to Section 360 or 366.26 shall be held in the
37 juvenile court, unless the termination is due to the emancipation
38 or adoption of the child. Prior to the hearing on a petition to
39 terminate legal guardianship pursuant to this paragraph, the court
40 shall order the county department of social services or welfare

1 department to prepare a report, for the court's consideration, that
2 shall include an evaluation of whether the child could safely
3 remain in the legal guardian's home, without terminating the
4 legal guardianship, if services were provided to the child or legal
5 guardian. If applicable, the report shall also identify
6 recommended services to maintain the legal guardianship and set
7 forth a plan for providing those services. If the petition to
8 terminate legal guardianship is granted, the juvenile court may
9 resume dependency jurisdiction over the child, and may order the
10 county department of social services or welfare department to
11 develop a new permanent plan, which shall be presented to the
12 court within 60 days of the termination. If no dependency
13 jurisdiction has attached, the social worker shall make any
14 investigation he or she deems necessary to determine whether the
15 child may be within the jurisdiction of the juvenile court, as
16 provided in Section 328.

17 Unless the parental rights of the child's parent or parents have
18 been terminated, they shall be notified that the legal guardianship
19 has been revoked or terminated and shall be entitled to
20 participate in the new permanency planning hearing. The court
21 shall try to place the child in another permanent placement. At
22 the hearing, the parents may be considered as custodians but the
23 child shall not be returned to the parent or parents unless they
24 prove, by a preponderance of the evidence, that reunification is
25 the best alternative for the child. The court may, if it is in the best
26 interests of the child, order that reunification services again be
27 provided to the parent or parents.

28 (c) If, following the establishment of a legal guardianship, the
29 county welfare department becomes aware of changed
30 circumstances that indicate adoption may be an appropriate plan
31 for the child, the department shall so notify the court. The court
32 may vacate its previous order dismissing dependency jurisdiction
33 over the child and order that a hearing be held pursuant to
34 Section 366.26 to determine whether adoption or continued legal
35 guardianship is the most appropriate plan for the child. The
36 hearing shall be held no later than 120 days from the date of the
37 order. If the court orders that a hearing shall be held pursuant to
38 Section 366.26, the court shall direct the agency supervising the
39 child and the licensed county adoption agency, or the State
40 Department of Social Services if it is acting as an adoption

1 agency in counties that are not served by a county adoption
2 agency, to prepare an assessment under subdivision (b) of
3 Section 366.22.

4 (d) If the child is in a placement other than the home of a legal
5 guardian and jurisdiction has not been dismissed, the status of the
6 child shall be reviewed at least every six months. The review of
7 the status of a child for whom the court has ordered parental
8 rights terminated and who has been ordered placed for adoption
9 shall be conducted by the court. The review of the status of a
10 child for whom the court has not ordered parental rights
11 terminated and who has not been ordered placed for adoption
12 may be conducted by the court or an appropriate local agency.
13 The court shall conduct the review under the following
14 circumstances:

15 (1) Upon the request of the child's parents or legal guardians.

16 (2) Upon the request of the child.

17 (3) It has been 12 months since a hearing held pursuant to
18 Section 366.26 or an order that the child remain in long-term
19 foster care pursuant to Section 366.21, 366.22, 366.26, or
20 subdivision (g).

21 (4) It has been 12 months since a review was conducted by the
22 court.

23 The court shall determine whether or not reasonable efforts to
24 make and finalize a permanent placement for the child have been
25 made.

26 (e) Except as provided in subdivision (f), at the review held
27 every six months pursuant to subdivision (d), the reviewing body
28 shall inquire about the progress being made to provide a
29 permanent home for the child, shall consider the safety of the
30 child, and shall determine all of the following:

31 (1) The continuing necessity for and appropriateness of the
32 placement.

33 (2) Identification of individuals other than the child's siblings
34 who are important to a child who is 10 years of age or older ~~who~~
35 ~~is in out-of-home placement in a group home for six months or~~
36 ~~longer from the date the child entered foster care and has been in~~
37 ~~out-of-home placement for six months or longer,~~ and actions
38 necessary to maintain the child's relationship with those
39 individuals, provided that those relationships are in the best
40 interest of the child. The social worker shall ask every child who

1 is 10 years of age or older ~~who is placed in a group home and~~
2 *who has been in out-of-home placement* for six months or longer
3 ~~from the date the child entered foster care~~ to identify individuals
4 other than the child's siblings who are important to the child, and
5 may ask any other child to provide that information, as
6 appropriate. The social worker shall make efforts to identify
7 other individuals who are important to the child, consistent with
8 the child's best interests.

9 (3) The continuing appropriateness and extent of compliance
10 with the permanent plan for the child, including efforts to
11 maintain relationships between a child who is 10 years of age or
12 older and *who has been in out-of-home placement in a group*
13 ~~home~~ for six months or longer ~~from the date the child entered~~
14 ~~foster care~~ and individuals who are important to the child and
15 efforts to identify a prospective adoptive parent or legal guardian,
16 including, but not limited to, child specific recruitment efforts
17 and listing on an adoption exchange.

18 (4) The extent of the agency's compliance with the child
19 welfare services case plan in making reasonable efforts to return
20 the child to a safe home and to complete whatever steps are
21 necessary to finalize the permanent placement of the child.

22 (5) Whether there should be any limitation on the right of the
23 parent or guardian to make educational decisions for the child.
24 That limitation shall be specifically addressed in the court order
25 and may not exceed what is necessary to protect the child. If the
26 court specifically limits the right of the parent or guardian to
27 make educational decisions for the child, the court shall at the
28 same time appoint a responsible adult to make educational
29 decisions for the child pursuant to Section 361.

30 (6) The adequacy of services provided to the child. The court
31 shall consider the progress in providing the information and
32 documents to the child, as described in Section 391. The court
33 shall also consider the need for, and progress in providing, the
34 assistance and services described in paragraphs (3) and (4) of
35 subdivision (b) of Section 391.

36 (7) The extent of progress the parents or legal guardians have
37 made toward alleviating or mitigating the causes necessitating
38 placement in foster care.

39 (8) The likely date by which the child may be returned to and
40 safely maintained in the home, placed for adoption, legal

1 guardianship, or in another planned permanent living
2 arrangement.

3 (9) Whether the child has any siblings under the court's
4 jurisdiction, and, if any siblings exist, all of the following:

5 (A) The nature of the relationship between the child and his or
6 her siblings.

7 (B) The appropriateness of developing or maintaining the
8 sibling relationships pursuant to Section 16002.

9 (C) If the siblings are not placed together in the same home,
10 why the siblings are not placed together and what efforts are
11 being made to place the siblings together, or why those efforts
12 are not appropriate.

13 (D) If the siblings are not placed together, the frequency and
14 nature of the visits between siblings.

15 (E) The impact of the sibling relationships on the child's
16 placement and planning for legal permanence.

17 The factors the court may consider as indicators of the nature
18 of the child's sibling relationships include, but are not limited to,
19 whether the siblings were raised together in the same home,
20 whether the siblings have shared significant common experiences
21 or have existing close and strong bonds, whether either sibling
22 expresses a desire to visit or live with his or her sibling, as
23 applicable, and whether ongoing contact is in the child's best
24 emotional interests.

25 (10) For a child who is 16 years of age or older, the services
26 needed to assist the child to make the transition from foster care
27 to independent living.

28 The reviewing body shall determine whether or not reasonable
29 efforts to make and finalize a permanent placement for the child
30 have been made.

31 Each licensed foster family agency shall submit reports for
32 each child in its care, custody, and control to the court
33 concerning the continuing appropriateness and extent of
34 compliance with the child's permanent plan, the extent of
35 compliance with the case plan, and the type and adequacy of
36 services provided to the child.

37 Unless their parental rights have been permanently terminated,
38 the parent or parents of the child are entitled to receive notice of,
39 and participate in, those hearings. It shall be presumed that
40 continued care is in the best interests of the child, unless the

1 parent or parents prove, by a preponderance of the evidence, that
2 further efforts at reunification are the best alternative for the
3 child. In those cases, the court may order that further
4 reunification services to return the child to a safe home
5 environment be provided to the parent or parents for a period not
6 to exceed six months.

7 (f) At the review conducted by the court and held at least
8 every six months, regarding a child for whom the court has
9 ordered parental rights terminated and who has been ordered
10 placed for adoption, the county welfare department shall prepare
11 and present to the court a report describing the following:

12 (1) The child's present placement.

13 (2) The child's current physical, mental, emotional, and
14 educational status.

15 (3) If the child has not been placed with a prospective adoptive
16 parent or guardian, identification of individuals, other than the
17 child's siblings, who are important to the child and actions
18 necessary to maintain the child's relationship with those
19 individuals, provided that those relationships are in the best
20 interest of the child. The agency shall ask every child who is 10
21 years of age or older to identify any individuals who are
22 important to him or her, consistent with the child's best interest,
23 and may ask any child who is younger than 10 years of age to
24 provide that information as appropriate. The agency shall make
25 efforts to identify other individuals who are important to the
26 child.

27 (4) Whether the child has been placed with a prospective
28 adoptive parent or parents.

29 (5) Whether an adoptive placement agreement has been signed
30 and filed.

31 (6) If the child has not been placed with a prospective adoptive
32 parent or parents, the efforts made to identify an appropriate
33 prospective adoptive parent or legal guardian, including, but not
34 limited to, child specific recruitment efforts and listing on an
35 adoption exchange.

36 (7) Whether the final adoption order should include provisions
37 for postadoptive sibling contact pursuant to Section 366.29.

38 (8) The progress of the search for an adoptive placement if one
39 has not been identified.

1 (9) Any impediments to the adoption or the adoptive
2 placement.

3 (10) The anticipated date by which the child will be adopted,
4 or placed in an adoptive home.

5 (11) The anticipated date by which an adoptive placement
6 agreement will be signed.

7 (12) Recommendations for court orders that will assist in the
8 placement of the child for adoption or in the finalization of the
9 adoption.

10 The court shall determine whether or not reasonable efforts to
11 make and finalize a permanent placement for the child have been
12 made.

13 The court shall make appropriate orders to protect the stability
14 of the child and to facilitate and expedite the permanent
15 placement and adoption of the child.

16 (g) At the review held pursuant to subdivision (d) for a child in
17 long-term foster care, the court shall consider all permanency
18 planning options for the child including whether the child should
19 be returned to the home of the parent, placed for adoption, or
20 appointed a legal guardian, or, if compelling reasons exist for
21 finding that none of the foregoing options are in the best interest
22 of the child, whether the child should be placed in another
23 planned permanent living arrangement. The court shall order that
24 a hearing be held pursuant to Section 366.26 unless it determines
25 by clear and convincing evidence, that there is a compelling
26 reason for determining that a hearing held pursuant to Section
27 366.26 is not in the best interest of the child because the child is
28 being returned to the home of the parent, the child is not a proper
29 subject for adoption, or no one is willing to accept legal
30 guardianship. If the licensed county adoption agency, or the
31 department when it is acting as an adoption agency in counties
32 that are not served by a county adoption agency, has determined
33 it is unlikely that the child will be adopted or one of the
34 conditions described in paragraph (1) of subdivision (c) of
35 Section 366.26 applies, that fact shall constitute a compelling
36 reason for purposes of this subdivision. Only upon that
37 determination may the court order that the child remain in foster
38 care, without holding a hearing pursuant to Section 366.26.

39 (h) If, as authorized by subdivision (g), the court orders a
40 hearing pursuant to Section 366.26, the court shall direct the

1 agency supervising the child and the licensed county adoption
2 agency, or the State Department of Social Services when it is
3 acting as an adoption agency in counties that are not served by a
4 county adoption agency, to prepare an assessment as provided for
5 in subdivision (i) of Section 366.21 or subdivision (b) of Section
6 366.22. A hearing held pursuant to Section 366.26 shall be held
7 no later than 120 days from the date of the 12-month review at
8 which it is ordered, and at that hearing the court shall determine
9 whether adoption, legal guardianship, or long-term foster care is
10 the most appropriate plan for the child.

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

13 16501.1. (a) (1) The Legislature finds and declares that the
14 foundation and central unifying tool in child welfare services is
15 the case plan.

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

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

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

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

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

1 (c) (1) If out-of-home placement is used to attain case plan
2 goals, the decision regarding choice of placement shall be based
3 upon selection of a safe setting that is the least restrictive or most
4 familylike and the most appropriate setting that is available and
5 in close proximity to the parent's home, proximity to the child's
6 school, consistent with the selection of the environment best
7 suited to meet the child's special needs and best interests, or
8 both. The selection shall consider, in order of priority, placement
9 with relatives, tribal members, and foster family, group care, and
10 residential treatment pursuant to Section 7950 of the Family
11 Code.

12 (2) In addition to the requirements of paragraph (1), and taking
13 into account other statutory considerations regarding placement,
14 the selection of the most appropriate home that will meet the
15 child's special needs and best interests shall also promote
16 educational stability by taking into consideration proximity to the
17 child's school attendance area.

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

32 (1) It is the intent of the Legislature that extending the
33 maximum time available for preparing a written case plan from
34 30 to 60 days will afford caseworkers time to actively engage
35 families, and to solicit and integrate into the case plan the input
36 of the child and the child's family, as well as the input of
37 relatives and other interested parties.

38 (2) The extension of the maximum time available for
39 preparing a written case plan from the 30 to 60 days shall be
40 effective 90 days after the date that the department gives counties

1 written notice that necessary changes have been made to the
2 Child Welfare Services Case Management System to account for
3 the 60-day timeframe for preparing a written case plan.

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

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

9 (1) The case plan shall be based upon an assessment of the
10 circumstances that required child welfare services intervention.
11 *The child shall be involved in developing the case plan as age,*
12 *and developmentally, appropriate.*

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

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

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

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

6 (B) Information regarding any court-ordered visitation
7 between the child and the natural parents or legal guardians, and
8 the terms and conditions needed to facilitate the visits while
9 protecting the safety of the child, shall be provided to the child's
10 out-of-home caregiver as soon as possible after the court order is
11 made.

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

34 (7) If out-of-home placement is made in a foster family home,
35 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
38 is in the best interest of the child. When an out-of-state group
39 home 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) (A) If out-of-home services are used, or if parental rights
4 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
8 include a statement regarding the child's and the siblings'
9 willingness to participate in unsupervised visitation. If the case
10 plan includes a recommendation for unsupervised sibling
11 visitation, the plan shall also note that information necessary to
12 accomplish this visitation has been provided to the child or to the
13 child's siblings.

14 (B) Information regarding the schedule and frequency of the
15 visits between the child and siblings, as well as any court-ordered
16 terms and conditions needed to facilitate the visits while
17 protecting the safety of the child, shall be provided to the child's
18 out-of-home caregiver as soon as possible after the court order is
19 made.

20 (9) If out-of-home services are used and the goal is
21 reunification, the case plan shall describe the services to be
22 provided to assist in reunification and the services to be provided
23 concurrently to achieve legal permanency if efforts to reunify
24 fail. The plan shall also consider the importance of developing
25 and maintaining sibling relationships pursuant to Section 16002,
26 and the desire and willingness of the caregiver to provide legal
27 permanency for the child if reunification is unsuccessful.

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

38 (11) (A) Parents and legal guardians shall have an opportunity
39 to review the case plan, and to sign it whenever possible, and
40 then shall receive a copy of the plan. In any voluntary service or

1 placement agreement, the parents or legal guardians shall be
2 required to review and sign the case plan. Whenever possible,
3 parents and legal guardians shall participate in the development
4 of the case plan.

5 (B) Parents and legal guardians shall be advised that, pursuant
6 to Section 1228.1 of the Evidence Code, neither their signature
7 on the child welfare services case plan nor their acceptance of
8 any services prescribed in the child welfare services case plan
9 shall constitute an admission of guilt or be used as evidence
10 against the parent or legal guardian in a court of law. However,
11 they shall also be advised that the parent's or guardian's failure
12 to cooperate, except for good cause, in the provision of services
13 specified in the child welfare services case plan may be used in
14 any hearing held pursuant to Section 366.21 or 366.22 as
15 evidence.

16 (12) The case plan shall be included in the court report and
17 shall be considered by the court at the initial hearing and each
18 review hearing. Modifications to the case plan made during the
19 period between review hearings need not be approved by the
20 court if the casework supervisor for that case determines that the
21 modifications further the goals of the plan. If out-of-home
22 services are used with the goal of family reunification, the case
23 plan shall consider and describe the application of subdivision (b)
24 of Section 11203.

25 (13) If the case plan has as its goal for the child a permanent
26 plan of adoption or placement in another permanent home, it
27 shall include documentation of the steps the agency is taking to
28 find an adoptive family or other permanent living arrangements
29 for the child; to place the child with an adoptive family, an
30 appropriate and willing relative, a legal guardian, or in another
31 planned permanent living arrangement; and to finalize the
32 adoption or legal guardianship. At a minimum, the
33 documentation shall include child specific recruitment efforts,
34 such as the use of state, regional, and national adoption
35 exchanges, including electronic exchange systems, when the
36 child has been freed for adoption.

37 (14) When appropriate, for a child who is 16 years of age or
38 older, the case plan shall include a written description of the
39 programs and services that will help the child, consistent with the
40 child's best interests, prepare for the transition from foster care to

1 independent living. The case plan shall be developed with the
2 child and individuals identified as important to the child, and
3 shall include steps the agency is taking to ensure that the child
4 has a connection to a caring adult.

5 (g) If the court finds, after considering the case plan, that
6 unsupervised sibling visitation is appropriate and has been
7 consented to, the court shall order that the child or the child's
8 siblings, the child's current caregiver, and the child's prospective
9 adoptive parents, if applicable, be provided with information
10 necessary to accomplish this visitation. This section does not
11 require or prohibit the social worker's facilitation, transportation,
12 or supervision of visits between the child and his or her siblings.

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

17 (i) When a child who is 10 years of age or older *and who* has
18 been in out-of-home placement ~~in a group home~~ for six months
19 or longer ~~from the date the child entered foster care~~, the case plan
20 shall include an identification of individuals, other than the
21 child's siblings, who are important to the child and actions
22 necessary to maintain the child's relationship with those
23 individuals, provided that those relationships are in the best
24 interest of the child. The social worker shall ask every child who
25 is 10 years of age or older ~~who is placed in a group home~~ *and*
26 *who has been in out-of-home placement* for six months or longer
27 ~~from the date the child entered foster care~~ to identify individuals
28 other than the child's siblings who are important to the child, and
29 may ask any other child to provide that information, as
30 appropriate. The social worker shall make efforts to identify
31 other individuals who are important to the child, consistent with
32 the child's best interests.

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

35 (k) 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
38 and assessment process based on the criteria established in
39 Section 361.3. These guidelines shall be incorporated in the

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

3 SEC. 8. If the Commission on State Mandates determines that
4 this act contains costs mandated by the state, reimbursement to
5 local agencies and school districts for those costs shall be made
6 pursuant to Part 7 (commencing with Section 17500) of Division
7 4 of Title 2 of the Government Code.

O