

ASSEMBLY BILL

No. 2651

Introduced by Assembly Member Aghazarian

February 22, 2008

An act to amend Section 16000 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 2651, as introduced, Aghazarian. Foster care.

Existing law declares the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, and to remove the child from the custody of his or her parents only when necessary for the child's welfare or for the safety and protection of the public. Under existing law, when a child is removed from the physical custody of his or her parents, preferential consideration is given whenever possible to the placement of the child with a relative.

This bill would make technical, nonsubstantive changes to existing law relating to the out-of-home placement of a child removed from the custody of his or her parents.

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

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

- 1 SECTION 1. Section 16000 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 16000. (a) It is the intent of the Legislature to preserve and
- 4 strengthen a child's family ties whenever possible, removing the
- 5 child from the custody of his or her parents only when necessary

1 for his or her welfare or for the safety and protection of the public.
 2 If a child is removed from the physical custody of his or her
 3 parents, preferential consideration shall be given whenever possible
 4 to the placement of the child with ~~the~~ a relative as required by
 5 Section 7950 of the Family Code. If the child is removed from his
 6 or her own family, it is the purpose of this chapter to secure *for*
 7 *the child*, as nearly as possible ~~for the child~~, the custody, care, and
 8 discipline equivalent to that which should have been given to the
 9 child by his or her parents. It is further the intent of the Legislature
 10 to reaffirm its commitment to children who are in out-of-home
 11 placement to live in the least restrictive, most familylike setting
 12 and to live as close to the child's family as possible pursuant to
 13 subdivision (c) of Section 16501.1. Family reunification services
 14 shall be provided for expeditious reunification of the child with
 15 his or her family, as required by law. If reunification is not possible
 16 or likely, a permanent alternative shall be developed.

17 (b) It is further the intent of the Legislature to ensure that all
 18 pupils in foster care and those who are homeless, as defined by
 19 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
 20 Sec. 11301 et seq.), have the opportunity to meet the challenging
 21 state pupil academic achievement standards to which all pupils
 22 are held. In fulfilling their responsibilities to pupils in foster care,
 23 educators, county placing agencies, care providers, advocates, and
 24 the juvenile courts, shall work together to maintain stable school
 25 placements and to ensure that each pupil is placed in the least
 26 restrictive educational programs, and has access to the academic
 27 resources, services, and extracurricular and enrichment activities
 28 that are available to all pupils. In all instances, educational and
 29 school placement decisions ~~must~~ *shall* be based on the best interests
 30 of the child.