

ASSEMBLY BILL

No. 1067

Introduced by Assembly Member Brownley

February 27, 2009

An act to amend Section 358.1 of the Welfare and Institutions Code, relating to children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1067, as introduced, Brownley. Children in foster care: school proximity and travel costs.

Existing law declares the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, removing the child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. Existing law includes various provisions relating to the provision of appropriate placement and other services for children in foster care. When placement is determined for a child who has been adjudged a dependent of the juvenile court, existing law requires a social study or evaluation to be made by a social worker or child advocate appointed by the court. Existing law requires the child's case plan to include a health and education summary, which, among other components, is required to include assurances that the placement takes into account proximity to the school in which the child is enrolled at the time of placement.

This bill would specify the social study or evaluation of a dependent child of the juvenile court to address whether the proposed placement takes school proximity into account.

This bill also would require the State Department of Social Services to take all necessary actions to maximize eligibility for available federal

funding for reasonable travel costs for children in foster care, in accordance with a specified provision of federal law.

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

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

- 1 SECTION 1. Section 358.1 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 358.1. Each social study or evaluation made by a social worker
- 4 or child advocate appointed by the court, required to be received
- 5 in evidence pursuant to Section 358, shall include, but not be
- 6 limited to, a factual discussion of each of the following subjects:
- 7 (a) Whether the county welfare department or social worker has
- 8 considered child protective services, as defined in Chapter 5
- 9 (commencing with Section 16500) of Part 4 of Division 9, as a
- 10 possible solution to the problems at hand, and has offered these
- 11 services to qualified parents if appropriate under the circumstances.
- 12 (b) What plan, if any, for return of the child to his or her parents
- 13 and for achieving legal permanence for the child if efforts to reunify
- 14 fail, is recommended to the court by the county welfare department
- 15 or probation officer.
- 16 (c) Whether the best interests of the child will be served by
- 17 granting reasonable visitation rights with the child to his or her
- 18 grandparents, in order to maintain and strengthen the child’s family
- 19 relationships.
- 20 (d) (1) Whether the child has siblings under the court’s
- 21 jurisdiction, and, if any siblings exist, all of the following:
- 22 (A) The nature of the relationship between the child and his or
- 23 her siblings.
- 24 (B) The appropriateness of developing or maintaining the sibling
- 25 relationships pursuant to Section 16002.
- 26 (C) If the siblings are not placed together in the same home,
- 27 why the siblings are not placed together and what efforts are being
- 28 made to place the siblings together, or why those efforts are not
- 29 appropriate.
- 30 (D) If the siblings are not placed together, the frequency and
- 31 nature of the visits between siblings.
- 32 (E) The impact of the sibling relationships on the child’s
- 33 placement and planning for legal permanence.

1 (2) The factual discussion shall include a discussion of indicators
2 of the nature of the child’s sibling relationships, including, but not
3 limited to, whether the siblings were raised together in the same
4 home, whether the siblings have shared significant common
5 experiences or have existing close and strong bonds, whether either
6 sibling expresses a desire to visit or live with his or her sibling, as
7 applicable, and whether ongoing contact is in the child’s best
8 emotional interest.

9 (e) If the parent or guardian is unwilling or unable to participate
10 in making an educational decision for his or her child, or if other
11 circumstances exist that compromise the ability of the parent or
12 guardian to make educational decisions for the child, the county
13 welfare department or social worker shall consider whether the
14 right of the parent or guardian to make educational decisions for
15 the child should be limited. If the study or evaluation makes that
16 recommendation, it shall identify whether there is a responsible
17 adult available to make educational decisions for the child pursuant
18 to Section 361.

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

22 (g) Whether the parent has been advised of his or her option to
23 participate in adoption planning, including the option to enter into
24 a postadoption contact agreement as described in Section 8714.7
25 of the Family Code, and to voluntarily relinquish the child for
26 adoption if an adoption agency is willing to accept the
27 relinquishment.

28 (h) The appropriateness of any relative placement pursuant to
29 Section 361.3. However, this consideration may not be cause for
30 continuance of the dispositional hearing.

31 (i) Whether the caregiver desires, and is willing, to provide legal
32 permanency for the child if reunification is unsuccessful.

33 (j) *Whether a child’s proposed placement takes into account*
34 *proximity to the school in which the child is enrolled at the time*
35 *of placement.*

36 SEC. 2. The State Department of Social Services shall take all
37 necessary actions to maximize eligibility for available federal
38 funding for reasonable travel costs for children in foster care, in

- 1 accordance with subsection 4 of Section 675 of Title 42 of the
- 2 United States Code.

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