

AMENDED IN ASSEMBLY AUGUST 12, 2010

AMENDED IN ASSEMBLY JUNE 24, 2010

AMENDED IN SENATE MARCH 8, 2010

SENATE BILL

No. 945

Introduced by Senator Liu

(Principal coauthor: Assembly Member Jones)

February 3, 2010

An act to *amend Section 16501.1 of, and to add Section 607.5 to, the Welfare and Institutions Code, relating to children.*

LEGISLATIVE COUNSEL'S DIGEST

SB 945, as amended, Liu. Juvenile court jurisdiction: services and benefits.

Existing law provides that a minor may be adjudged a dependent child or a ward of the juvenile court under specified circumstances. Existing law authorizes the court to place a minor who has been removed from the custody of his or her parent or guardian in foster care, among other placements. Existing law provides for the termination of the juvenile court jurisdiction when the minor reaches a specified age.

Existing law authorizes the State Department of Social Services to develop statewide standards for the implementation and administration of the Independent Living Program. Existing ~~regulation specifies regulations specify~~ eligibility requirements for the Independent Living Program, and ~~requires require~~ county social workers and probation officers to determine eligibility for the program in conjunction with the preparation of a Transitional Independent Living Plan. ~~Existing regulations require~~ *An existing regulation requires* county social workers and probation officers to ensure that foster or probation youth are given

appropriate information about the opportunity to participate in the Independent Living Program.

This bill would require a probation officer or parole officer, whenever the juvenile court terminates jurisdiction over a ward, or upon release of a ward from a facility that is not a foster care facility, to provide to the person a written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs, and information that informs the person of the availability of, ~~and~~ assistance to enable the ward to apply for, and gain acceptance into, federal and state programs that provide independent living services and benefits to former foster children for which the person is or may be eligible. The bill would make related findings and declarations.

By imposing additional duties upon probation officers, this bill would create a state-mandated local program.

Existing law establishes that a case plan, which is required to be adopted by the county for each child receiving child welfare services, is the foundation and central unifying tool in child welfare services. Existing law requires that a case plan include information about a parent’s incarceration in a jail or prison during the time that a minor child of that parent is involved in dependency care.

This bill would delete duplicative provisions of that law.

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. The Legislature finds and declares all of the
- 2 following:
- 3 (a) ~~“Dual status” children are children who are simultaneously~~
- 4 ~~designated as dependents and wards of the juvenile court.~~
- 5 (b)

1 (a) There are instances where ~~these children~~ *former foster youth*
2 *who have also been designated wards of the juvenile court* remain
3 in juvenile justice confinement beyond their sentence because there
4 is no available foster care housing or placement for them.

5 (e)

6 (b) As a result, ~~dual status~~ *these children* are sometimes released
7 from the juvenile justice system instead of the dependency system
8 when they age out at 18 years of age.

9 (d)

10 (c) In order to prevent ~~dual status children~~ *former foster youth*
11 *who have a history of involvement with the criminal justice system*
12 from committing criminal offenses as adults and to encourage their
13 academic success, it is incumbent upon the Legislature to remove
14 barriers that deter achievement.

15 (e)

16 (d) A significant barrier to the success of ~~former dual status~~
17 ~~children~~ *members of this population* is that they are often not
18 properly informed of their eligibility for existing independent living
19 programs, coupled with the difficulty of proving that they are
20 former foster children in order to qualify for these programs.

21 SEC. 2. Section 607.5 is added to the Welfare and Institutions
22 Code, to read:

23 607.5. (a) Notwithstanding any other provision of law,
24 whenever the juvenile court terminates jurisdiction over a ward
25 *who has also been designated a dependent of the court*, or upon
26 release of a ward from a facility that is not a foster care facility, a
27 probation officer or parole officer shall provide the person with,
28 *at a minimum*, all of the following:

29 (1) A written notice stating that the person is a former foster
30 child and may be eligible for the services and benefits that are
31 available to a former foster child through public and private
32 programs, including, but not limited to, any independent living
33 program for former foster children. Providing the proof of
34 dependency and wardship document ~~required by~~ *described in*
35 ~~All-County Letter 07-33 and Chapter 31-236~~ *Section 31-525.6 of*
36 *Chapter 31-500* of Division 31 of the State Department of Social
37 Services Manual of Policies and Procedures, as it ~~exists~~ *existed*
38 on January 1, 2010, shall satisfy this requirement.

39 (2) Existing information ~~required by~~ *Chapter described in*
40 *Section 31-525.61 of Chapter 31-500 of Division 31 of the State*

1 Department of Social Services Manual of Policies and Procedures,
2 as it existed on January 1, 2010, that informs the person of the
3 availability of, ~~and~~ assistance to enable the person to apply for,
4 and gain acceptance into, federal and state programs that provide
5 benefits to former foster children, including, but not limited to,
6 financial assistance, housing, and educational resources; for which
7 he or she may be eligible.

8 (3) Existing information ~~required by Chapter~~ *described in*
9 *Section 31-525.61 of Chapter 31-500 of Division 31 of the State*
10 *Department of Social Services Manual of Policies and Procedures,*
11 *as it existed on January 1, 2010, that informs the person of the*
12 *availability of, ~~and~~ assistance to enable the person to apply for,*
13 *and gain acceptance into, federal and state programs that provide*
14 *independent living services to youth 16 years of age and over* *who*
15 *may be eligible for services.*

16 (b) This section shall apply to any ward who was previously
17 adjudged a dependent child of the court pursuant to Section 300
18 or a child who at any time has been placed in foster care pursuant
19 to Section 727.

20 (c) Nothing in this section shall be interpreted to alter or amend
21 the obligations of probation ~~officer~~ *officers* under current law.

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

24 16501.1. (a) (1) The Legislature finds and declares that the
25 foundation and central unifying tool in child welfare services is
26 the case plan.

27 (2) The Legislature further finds and declares that a case plan
28 ensures that the child receives protection and safe and proper care
29 and case management, and that services are provided to the child
30 and parents or other caretakers, as appropriate, in order to improve
31 conditions in the parent's home, to facilitate the safe return of the
32 child to a safe home or the permanent placement of the child, and
33 to address the needs of the child while in foster care.

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

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

4 ~~(3) (A) In determining the reasonable services to be offered or~~
5 ~~provided~~ *Upon a determination pursuant to paragraph (1) of*
6 *subdivision (e) of Section 361.5 that reasonable services will be*
7 *offered to a parent who is incarcerated in a county jail or state*
8 *prison, the case plan shall include information, to the extent*
9 *possible, about a parent's incarceration in a county jail or the state*
10 *prison during the time that a minor child of that parent is involved*
11 *in dependency care. Once a consistent data entry field or fields*
12 *have been designated in the statewide child welfare database, social*
13 *workers shall make reasonable efforts to collect and update*
14 *necessary data regarding a child's incarcerated parent or parents.*

15 ~~(B) In order to further the goals of this paragraph, the Legislature~~
16 ~~encourages the State Department of Social Services to consult with~~
17 ~~the county welfare directors regarding the best way to incorporate~~
18 ~~the information specified in subparagraph (A) as a required field~~
19 ~~in the statewide database. The Legislature also encourages the~~
20 ~~Department of Justice, the Department of Corrections and~~
21 ~~Rehabilitation, county welfare departments, and county sheriffs~~
22 ~~to develop protocols for facilitating the exchange of information~~
23 ~~regarding the location and sentencing of the incarcerated parent~~
24 ~~or parents of a minor child who is in dependency care.~~

25 ~~(C) Nothing in this paragraph shall be interpreted to require the~~
26 ~~department to create a new dedicated field in the statewide database~~
27 ~~for incorporating the information specified in subparagraph (A).~~

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

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

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

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

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

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

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

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

38 (e) The child welfare services case plan shall be comprehensive
39 enough to meet the juvenile court dependency proceedings

1 requirements pursuant to Article 6 (commencing with Section 300)
2 of Chapter 2 of Part 1 of Division 2.

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

4 (1) The case plan shall be based upon an assessment of the
5 circumstances that required child welfare services intervention.
6 The child shall be involved in developing the case plan as age and
7 developmentally appropriate.

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

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

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

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

39 (B) Information regarding any court-ordered visitation between
40 the child and the natural parents or legal guardians, and the terms

1 and conditions needed to facilitate the visits while protecting the
2 safety of the child, shall be provided to the child's out-of-home
3 caregiver as soon as possible after the court order is made.

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

19 (A) The death of an immediate relative.

20 (B) The birth of a sibling.

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

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

34 (8) Effective January 1, 2010, a case plan shall ensure the
35 educational stability of the child while in foster care and shall
36 include both of the following:

37 (A) An assurance that the placement takes into account the
38 appropriateness of the current educational setting and the proximity
39 to the school in which the child is enrolled at the time of placement.

1 (B) An assurance that the placement agency has coordinated
2 with appropriate local educational agencies to ensure that the child
3 remains in the school in which the child is enrolled at the time of
4 placement, or, if remaining in that school is not in the best interests
5 of the child, assurances by the placement agency and the local
6 educational agency to provide immediate and appropriate
7 enrollment in a new school and to provide all of the child's
8 educational records to the new school.

9 (9) (A) If out-of-home services are used, or if parental rights
10 have been terminated and the case plan is placement for adoption,
11 the case plan shall include a recommendation regarding the
12 appropriateness of unsupervised visitation between the child and
13 any of the child's siblings. This recommendation shall include a
14 statement regarding the child's and the siblings' willingness to
15 participate in unsupervised visitation. If the case plan includes a
16 recommendation for unsupervised sibling visitation, the plan shall
17 also note that information necessary to accomplish this visitation
18 has been provided to the child or to the child's siblings.

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

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

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

1 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
2 be deemed a compelling reason.

3 (12) (A) Parents and legal guardians shall have an opportunity
4 to review the case plan, and to sign it whenever possible, and then
5 shall receive a copy of the plan. In any voluntary service or
6 placement agreement, the parents or legal guardians shall be
7 required to review and sign the case plan. Whenever possible,
8 parents and legal guardians shall participate in the development
9 of the case plan.

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

20 (13) A child shall be given a meaningful opportunity to
21 participate in the development of the case plan and state his or her
22 preference for foster care placement. A child who is 12 years of
23 age or older and in a permanent placement shall also be given the
24 opportunity to review the case plan, sign the case plan, and receive
25 a copy of the case plan.

26 (14) The case plan shall be included in the court report and shall
27 be considered by the court at the initial hearing and each review
28 hearing. Modifications to the case plan made during the period
29 between review hearings need not be approved by the court if the
30 casework supervisor for that case determines that the modifications
31 further the goals of the plan. If out-of-home services are used with
32 the goal of family reunification, the case plan shall consider and
33 describe the application of subdivision (b) of Section 11203.

34 (15) If the case plan has as its goal for the child a permanent
35 plan of adoption or placement in another permanent home, it shall
36 include a statement of the child's wishes regarding their permanent
37 placement plan and an assessment of those stated wishes. The
38 agency shall also include documentation of the steps the agency
39 is taking to find an adoptive family or other permanent living
40 arrangements for the child; to place the child with an adoptive

1 family, an appropriate and willing relative, a legal guardian, or in
2 another planned permanent living arrangement; and to finalize the
3 adoption or legal guardianship. At a minimum, the documentation
4 shall include child-specific recruitment efforts, such as the use of
5 state, regional, and national adoption exchanges, including
6 electronic exchange systems, when the child has been freed for
7 adoption.

8 (16) (A) When appropriate, for a child who is 16 years of age
9 or older, the case plan shall include a written description of the
10 programs and services that will help the child, consistent with the
11 child's best interests, prepare for the transition from foster care to
12 independent living. The case plan shall be developed with the child
13 and individuals identified as important to the child, and shall
14 include steps the agency is taking to ensure that the child has a
15 connection to a caring adult.

16 (B) During the 90-day period prior to the participant attaining
17 18 years of age or older as the state may elect under Section
18 475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social
19 Security Act, whether during that period foster care maintenance
20 payments are being made on the child's behalf or the child is
21 receiving benefits or services under Section 477 (42 U.S.C. Sec.
22 677) of the federal Social Security Act, a caseworker or other
23 appropriate agency staff or probation officer and other
24 representatives of the participant, as appropriate, must address, in
25 the written transitional independent living plan, that is personalized
26 at the direction of the child, information as detailed as the
27 participant elects that shall include, but not be limited to, options
28 regarding housing, health insurance, education, local opportunities
29 for mentors and continuing support services, and workforce
30 supports and employment services.

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

39 (h) The case plan documentation on sibling placements required
40 under this section shall not require modification of existing case

1 plan forms until the Child Welfare Services Case Management
2 System is implemented on a statewide basis.

3 (i) When a child who is 10 years of age or older and who has
4 been in out-of-home placement for six months or longer, the case
5 plan shall include an identification of individuals, other than the
6 child's siblings, who are important to the child and actions
7 necessary to maintain the child's relationship with those
8 individuals, provided that those relationships are in the best interest
9 of the child. The social worker shall ask every child who is 10
10 years of age or older and who has been in out-of-home placement
11 for six months or longer to identify individuals other than the
12 child's siblings who are important to the child, and may ask any
13 other child to provide that information, as appropriate. The social
14 worker shall make efforts to identify other individuals who are
15 important to the child, consistent with the child's best interests.

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

18 (k) On or before June 30, 2008, the department, in consultation
19 with the County Welfare Directors Association and other
20 advocates, shall develop a comprehensive plan to ensure that 90
21 percent of foster children are visited by their caseworkers on a
22 monthly basis by October 1, 2011, and that the majority of the
23 visits occur in the residence of the child. The plan shall include
24 any data reporting requirements necessary to comply with the
25 provisions of the federal Child and Family Services Improvement
26 Act of 2006 (Public Law 109-288).

27 (l) The implementation and operation of the amendments to
28 subdivision (i) enacted at the 2005–06 Regular Session shall be
29 subject to appropriation through the budget process and by phase,
30 as provided in Section 366.35.

31 ~~SEC. 3.~~

32 *SEC. 4.* If the Commission on State Mandates determines that
33 this act contains costs mandated by the state, reimbursement to
34 local agencies and school districts for those costs shall be made
35 pursuant to Part 7 (commencing with Section 17500) of Division
36 4 of Title 2 of the Government Code.

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2 **CORRECTIONS:**
3 **Text—Page 3.**
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