

AMENDED IN ASSEMBLY AUGUST 24, 2010

AMENDED IN ASSEMBLY AUGUST 20, 2010

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 regulations specify eligibility requirements for the Independent Living Program, and require county social workers and probation officers to determine eligibility for the program in conjunction with the preparation of a Transitional

Independent Living Plan. 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 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 bill also would incorporate additional changes in Section 16501.1 of the Welfare and Institutions Code proposed by AB 12 and SB 1353, to be operative only if this bill and one or both of the other bills are chaptered and become effective on or before January 1, 2011, and this bill is chaptered last.

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) There are instances where former foster youth who have
4 also been designated wards of the juvenile court remain in juvenile
5 justice confinement beyond their sentence because there is no
6 available foster care housing or placement for them.

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

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

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

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

22 607.5. (a) Notwithstanding any other provision of law,
23 whenever the juvenile court terminates jurisdiction over a ward
24 who has also been designated a dependent of the court, or upon
25 release of a ward from a facility that is not a foster care facility, a
26 probation officer or parole officer shall provide the person with,
27 at a minimum, all of the following:

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

1 (2) Existing information described in Section 31-525.61 of
2 Chapter 31-500 of Division 31 of the State Department of Social
3 Services Manual of Policies and Procedures, as it existed on
4 January 1, 2010, that informs the person of the availability of
5 assistance to enable the person to apply for, and gain acceptance
6 into, federal and state programs that provide benefits to former
7 foster children, including, but not limited to, financial assistance,
8 housing, and educational resources for which he or she may be
9 eligible.

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

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

22 (c) Nothing in this section shall be interpreted to alter or amend
23 the obligations of probation officers under current law.

24 SEC. 3. Section 16501.1 of the Welfare and Institutions Code
25 is amended to read:

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

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

36 (b) (1) A case plan shall be based upon the principles of this
37 section and shall document that a preplacement assessment of the
38 service needs of the child and family, and preplacement preventive
39 services, have been provided, and that reasonable efforts to prevent
40 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) Upon a determination pursuant to paragraph (1) of
5 subdivision (e) of Section 361.5 that reasonable services will be
6 offered to a parent who is incarcerated in a county jail or state
7 prison, the case plan shall include information, to the extent
8 possible, about a parent's incarceration in a county jail or the state
9 prison during the time that a minor child of that parent is involved
10 in dependency care.

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

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

19 (c) (1) If out-of-home placement is used to attain case plan
20 goals, the decision regarding choice of placement shall be based
21 upon selection of a safe setting that is the least restrictive or most
22 familylike and the most appropriate setting that is available and
23 in close proximity to the parent's home, proximity to the child's
24 school, consistent with the selection of the environment best suited
25 to meet the child's special needs and best interests, or both. The
26 selection shall consider, in order of priority, placement with
27 relatives, tribal members, and foster family, group care, and
28 residential treatment pursuant to Section 7950 of the Family Code.

29 (2) In addition to the requirements of paragraph (1), and taking
30 into account other statutory considerations regarding placement,
31 the selection of the most appropriate home that will meet the child's
32 special needs and best interests shall also promote educational
33 stability by taking into consideration proximity to the child's school
34 attendance area.

35 (d) A written case plan shall be completed within a maximum
36 of 60 days of the initial removal of the child or of the in-person
37 response required under subdivision (f) of Section 16501 if the
38 child has not been removed from his or her home, or by the date
39 of the dispositional hearing pursuant to Section 358, whichever
40 occurs first. The case plan shall be updated as the service needs

1 of the child and family dictate. At a minimum, the case plan shall
2 be updated in conjunction with each status review hearing
3 conducted pursuant to Section 366.21, and the hearing conducted
4 pursuant to Section 366.26, but no less frequently than once every
5 six months. Each updated case plan shall include a description of
6 the services that have been provided to the child under the plan
7 and an evaluation of the appropriateness and effectiveness of those
8 services.

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

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

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

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

26 (1) The case plan shall be based upon an assessment of the
27 circumstances that required child welfare services intervention.
28 The child shall be involved in developing the case plan as age and
29 developmentally appropriate.

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

32 (3) The case plan shall identify the original allegations of abuse
33 or neglect, as defined in Article 2.5 (commencing with Section
34 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
35 conditions cited as the basis for declaring the child a dependent of
36 the court pursuant to Section 300, or all of these, and the other
37 precipitating incidents that led to child welfare services
38 intervention.

39 (4) The case plan shall include a description of the schedule of
40 the social worker contacts with the child and the family or other

1 caretakers. The frequency of these contacts shall be in accordance
2 with regulations adopted by the State Department of Social
3 Services. If the child has been placed in foster care out of state,
4 the county social worker or a social worker on the staff of the
5 social services agency in the state in which the child has been
6 placed shall visit the child in a foster family home or the home of
7 a relative, consistent with federal law and in accordance with the
8 department's approved state plan. For children in out-of-state group
9 home facilities, visits shall be conducted at least monthly, pursuant
10 to Section 16516.5. At least once every six months, at the time of
11 a regularly scheduled social worker contact with the foster child,
12 the child's social worker shall inform the child of his or her rights
13 as a foster child, as specified in Section 16001.9. The social worker
14 shall provide the information to the child in a manner appropriate
15 to the age or developmental level of the child.

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

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

26 (6) When out-of-home placement is made, the case plan shall
27 include provisions for the development and maintenance of sibling
28 relationships as specified in subdivisions (b), (c), and (d) of Section
29 16002. If appropriate, when siblings who are dependents of the
30 juvenile court are not placed together, the social worker for each
31 child, if different, shall communicate with each of the other social
32 workers and ensure that the child's siblings are informed of
33 significant life events that occur within their extended family.
34 Unless it has been determined that it is inappropriate in a particular
35 case to keep siblings informed of significant life events that occur
36 within the extended family, the social worker shall determine the
37 appropriate means and setting for disclosure of this information
38 to the child commensurate with the child's age and emotional
39 well-being. These significant life events shall include, but shall
40 not be limited to, the following:

1 (A) The death of an immediate relative.
2 (B) The birth of a sibling.
3 (C) Significant changes regarding a dependent child, unless the
4 child objects to the sharing of the information with his or her
5 siblings, including changes in placement, major medical or mental
6 health diagnoses, treatments, or hospitalizations, arrests, and
7 changes in the permanent plan.

8 (7) If out-of-home placement is made in a foster family home,
9 group home, or other child care institution that is either a
10 substantial distance from the home of the child's parent or out of
11 state, the case plan shall specify the reasons why that placement
12 is in the best interest of the child. When an out-of-state group home
13 placement is recommended or made, the case plan shall, in
14 addition, specify compliance with Section 7911.1 of the Family
15 Code.

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

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

22 (B) An assurance that the placement agency has coordinated
23 with appropriate local educational agencies to ensure that the child
24 remains in the school in which the child is enrolled at the time of
25 placement, or, if remaining in that school is not in the best interests
26 of the child, assurances by the placement agency and the local
27 educational agency to provide immediate and appropriate
28 enrollment in a new school and to provide all of the child's
29 educational records to the new school.

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

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

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

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

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

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

1 child welfare services case plan may be used in any hearing held
2 pursuant to Section 366.21 or 366.22 as evidence.

3 (13) A child shall be given a meaningful opportunity to
4 participate in the development of the case plan and state his or her
5 preference for foster care placement. A child who is 12 years of
6 age or older and in a permanent placement shall also be given the
7 opportunity to review the case plan, sign the case plan, and receive
8 a copy of the case plan.

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

17 (15) If the case plan has as its goal for the child a permanent
18 plan of adoption or placement in another permanent home, it shall
19 include a statement of the child's wishes regarding their permanent
20 placement plan and an assessment of those stated wishes. The
21 agency shall also include documentation of the steps the agency
22 is taking to find an adoptive family or other permanent living
23 arrangements for the child; to place the child with an adoptive
24 family, an appropriate and willing relative, a legal guardian, or in
25 another planned permanent living arrangement; and to finalize the
26 adoption or legal guardianship. At a minimum, the documentation
27 shall include child-specific recruitment efforts, such as the use of
28 state, regional, and national adoption exchanges, including
29 electronic exchange systems, when the child has been freed for
30 adoption.

31 (16) (A) When appropriate, for a child who is 16 years of age
32 or older, the case plan shall include a written description of the
33 programs and services that will help the child, consistent with the
34 child's best interests, prepare for the transition from foster care to
35 independent living. The case plan shall be developed with the child
36 and individuals identified as important to the child, and shall
37 include steps the agency is taking to ensure that the child has a
38 connection to a caring adult.

39 (B) During the 90-day period prior to the participant attaining
40 18 years of age or older as the state may elect under Section

1 475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social
2 Security Act, whether during that period foster care maintenance
3 payments are being made on the child's behalf or the child is
4 receiving benefits or services under Section 477 (42 U.S.C. Sec.
5 677) of the federal Social Security Act, a caseworker or other
6 appropriate agency staff or probation officer and other
7 representatives of the participant, as appropriate, must address, in
8 the written transitional independent living plan, that is personalized
9 at the direction of the child, information as detailed as the
10 participant elects that shall include, but not be limited to, options
11 regarding housing, health insurance, education, local opportunities
12 for mentors and continuing support services, and workforce
13 supports and employment services.

14 (g) If the court finds, after considering the case plan, that
15 unsupervised sibling visitation is appropriate and has been
16 consented to, the court shall order that the child or the child's
17 siblings, the child's current caregiver, and the child's prospective
18 adoptive parents, if applicable, be provided with information
19 necessary to accomplish this visitation. This section does not
20 require or prohibit the social worker's facilitation, transportation,
21 or supervision of visits between the child and his or her siblings.

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

26 (i) When a child who is 10 years of age or older and who has
27 been in out-of-home placement for six months or longer, the case
28 plan shall include an identification of individuals, other than the
29 child's siblings, who are important to the child and actions
30 necessary to maintain the child's relationship with those
31 individuals, provided that those relationships are in the best interest
32 of the child. The social worker shall ask every child who is 10
33 years of age or older and who has been in out-of-home placement
34 for six months or longer to identify individuals other than the
35 child's siblings who are important to the child, and may ask any
36 other child to provide that information, as appropriate. The social
37 worker shall make efforts to identify other individuals who are
38 important to the child, consistent with the child's best interests.

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

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

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

14 SEC. 3.1. ~~Section 16501.1 of the Welfare and Institutions Code~~
15 is amended to read:

16 ~~16501.1. (a) (1) The Legislature finds and declares that the~~
17 ~~foundation and central unifying tool in child welfare services is~~
18 ~~the case plan.~~

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

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

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

34 (3) Upon a determination pursuant to paragraph (1) of
35 subdivision (e) of Section 361.5 that reasonable services will be
36 offered to a parent who is incarcerated in a county jail or state
37 prison, the case plan shall include information, to the extent
38 possible, about a parent's incarceration in a county jail or the state
39 prison during the time that a minor child of that parent is involved
40 in dependency care.

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

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

9 (e) (1) If out-of-home placement is used to attain case plan
10 goals, the decision regarding choice of placement shall be based
11 upon selection of a safe setting that is the least restrictive or most
12 familylike and the most appropriate setting that is available and
13 in close proximity to the parent's home, proximity to the child's
14 school, consistent with the selection of the environment best suited
15 to meet the child's special needs and best interests, or both. The
16 selection shall consider, in order of priority, placement with
17 relatives, tribal members, and foster family, group care, and
18 residential treatment pursuant to Section 7950 of the Family Code.
19 On or after January 1, 2012, for a nonminor dependent, as defined
20 in subdivision (v) of Section 11400, who is receiving AFDC-FC
21 benefits up to 21 years of age pursuant to Section 11403, in
22 addition to the above requirements, the selection of the placement,
23 including a supervised independent living setting, as described in
24 Section 11400, shall also be based upon the developmental needs
25 of young adults by providing opportunities to have incremental
26 responsibilities that prepare a nonminor dependent to transition to
27 independent living. When a nonminor dependent is placed in a
28 group home, the case plan shall also specify why that placement
29 is necessary for the nonminor dependent's transition to independent
30 living.

31 (2) In addition to the requirements of paragraph (1), and taking
32 into account other statutory considerations regarding placement,
33 the selection of the most appropriate home that will meet the child's
34 special needs and best interests shall also promote educational
35 stability by taking into consideration proximity to the child's school
36 attendance area.

37 (d) A written case plan shall be completed within a maximum
38 of 60 days of the initial removal of the child or of the in-person
39 response required under subdivision (f) of Section 16501 if the
40 child has not been removed from his or her home, or by the date

1 of the dispositional hearing pursuant to Section 358, whichever
2 occurs first. The case plan shall be updated, as the service needs
3 of the child and family dictate. At a minimum, the case plan shall
4 be updated in conjunction with each status review hearing
5 conducted pursuant to Section 366.21, and the hearing conducted
6 pursuant to Section 366.26, but no less frequently than once every
7 six months. Each updated case plan shall include a description of
8 the services that have been provided to the child under the plan
9 and an evaluation of the appropriateness and effectiveness of those
10 services.

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

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

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

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

28 (1) The case plan shall be based upon an assessment of the
29 circumstances that required child welfare services intervention.
30 The child shall be involved in developing the case plan as age and
31 developmentally appropriate.

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

34 (3) The case plan shall identify the original allegations of abuse
35 or neglect, as defined in Article 2.5 (commencing with Section
36 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
37 conditions cited as the basis for declaring the child a dependent of
38 the court pursuant to Section 300, or all of these, and the other
39 precipitating incidents that led to child welfare services
40 intervention.

1 (4) The case plan shall include a description of the schedule of
2 the social worker contacts with the child and the family or other
3 caretakers. The frequency of these contacts shall be in accordance
4 with regulations adopted by the State Department of Social
5 Services. If the child has been placed in foster care out of state,
6 the county social worker or a social worker on the staff of the
7 social services agency in the state in which the child has been
8 placed shall visit the child in a foster family home or the home of
9 a relative, consistent with federal law and in accordance with the
10 department's approved state plan. For children in out-of-state group
11 home facilities, visits shall be conducted at least monthly, pursuant
12 to Section 16516.5. At least once every six months, at the time of
13 a regularly scheduled social worker contact with the foster child,
14 the child's social worker shall inform the child of his or her rights
15 as a foster child, as specified in Section 16001.9. The social worker
16 shall provide the information to the child in a manner appropriate
17 to the age or developmental level of the child.

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

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

28 (6) When out-of-home placement is made, the case plan shall
29 include provisions for the development and maintenance of sibling
30 relationships as specified in subdivisions (b), (c), and (d) of Section
31 16002. If appropriate, when siblings who are dependents of the
32 juvenile court are not placed together, the social worker for each
33 child, if different, shall communicate with each of the other social
34 workers and ensure that the child's siblings are informed of
35 significant life events that occur within their extended family.
36 Unless it has been determined that it is inappropriate in a particular
37 case to keep siblings informed of significant life events that occur
38 within the extended family, the social worker shall determine the
39 appropriate means and setting for disclosure of this information
40 to the child commensurate with the child's age and emotional

1 well-being. These significant life events shall include, but shall
2 not be limited to, the following:

- 3 (A) The death of an immediate relative.
4 (B) The birth of a sibling.

5 (C) Significant changes regarding a dependent child, unless the
6 child objects to the sharing of the information with his or her
7 siblings, including changes in placement, major medical or mental
8 health diagnoses, treatments, or hospitalizations, arrests, and
9 changes in the permanent plan.

10 (7) If out-of-home placement is made in a foster family home,
11 group home, or other child care institution that is either a
12 substantial distance from the home of the child's parent or out of
13 state, the case plan shall specify the reasons why that placement
14 is in the best interest of the child. When an out-of-state group home
15 placement is recommended or made, the case plan shall, in
16 addition, specify compliance with Section 7911.1 of the Family
17 Code.

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

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

24 (B) An assurance that the placement agency has coordinated
25 with appropriate local educational agencies to ensure that the child
26 remains in the school in which the child is enrolled at the time of
27 placement, or, if remaining in that school is not in the best interests
28 of the child, assurances by the placement agency and the local
29 educational agency to provide immediate and appropriate
30 enrollment in a new school and to provide all of the child's
31 educational records to the new school.

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

1 also note that information necessary to accomplish this visitation
2 has been provided to the child or to the child's siblings.

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

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

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

27 (12) (A) Parents and legal guardians shall have an opportunity
28 to review the case plan, and to sign it whenever possible, and then
29 shall receive a copy of the plan. In any voluntary service or
30 placement agreement, the parents or legal guardians shall be
31 required to review and sign the case plan. Whenever possible,
32 parents and legal guardians shall participate in the development
33 of the case plan. Commencing January 1, 2012, for nonminor
34 dependents, as defined in subdivision (v) of Section 11400, who
35 are receiving AFDC-FC up to 21 years of age pursuant to Section
36 11403, the case plan shall be developed with, and signed by, the
37 nonminor.

38 (B) Parents and legal guardians shall be advised that, pursuant
39 to Section 1228.1 of the Evidence Code, neither their signature on
40 the child welfare services case plan nor their acceptance of any

1 services prescribed in the child welfare services case plan shall
2 constitute an admission of guilt or be used as evidence against the
3 parent or legal guardian in a court of law. However, they shall also
4 be advised that the parent's or guardian's failure to cooperate,
5 except for good cause, in the provision of services specified in the
6 child welfare services case plan may be used in any hearing held
7 pursuant to Section 366.21 or 366.22 as evidence.

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

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

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

36 (16) (A) When appropriate, for a child who is 16 years of age
37 or older and, commencing January 1, 2012, for a nonminor
38 dependent, 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, and whether the youth has an in-progress
2 application pending for Title XVI Supplemental Security Income
3 benefits or for Special Juvenile Immigration Status or other
4 applicable application for legal residency and an active dependency
5 case is required for that application. When appropriate, for a
6 nonminor dependent, the case plan shall include a written
7 description of the program and services that will help the nonminor
8 dependent, consistent with his or her best interests, to prepare for
9 transition from foster care and assist the youth in meeting the
10 eligibility criteria set forth in Section 11403. If applicable, the case
11 plan shall describe the individualized supervision provided in the
12 supervised independent living setting as defined, in subdivision
13 (w) of Section 11400. The case plan shall be developed with the
14 child or nonminor dependent and individuals identified as important
15 to the child or nonminor dependent, and shall include steps the
16 agency is taking to ensure that the child or nonminor dependent
17 achieves permanence, including maintaining or obtaining
18 permanent connections to caring and committed adults.

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

35 (g) If the court finds, after considering the case plan, that
36 unsupervised sibling visitation is appropriate and has been
37 consented to, the court shall order that the child or the child's
38 siblings, the child's current caregiver, and the child's prospective
39 adoptive parents, if applicable, be provided with information
40 necessary to accomplish this visitation. This section does not

1 require or prohibit the social worker's facilitation, transportation,
2 or supervision of visits between the child and his or her siblings.

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

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

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

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

31 (l) The implementation and operation of the amendments to
32 subdivision (i) enacted at the 2005-06 Regular Session shall be
33 subject to appropriation through the budget process and by phase,
34 as provided in Section 366.35.

35 SEC. 3.1. Section 16501.1 of the Welfare and Institutions Code
36 is amended to read:

37 16501.1. (a) (1) The Legislature finds and declares that the
38 foundation and central unifying tool in child welfare services is
39 the case plan.

1 (2) The Legislature further finds and declares that a case plan
2 ensures that the child receives protection and safe and proper care
3 and case management, and that services are provided to the child
4 and parents or other caretakers, as appropriate, in order to improve
5 conditions in the parent's home, to facilitate the safe return of the
6 child to a safe home or the permanent placement of the child, and
7 to address the needs of the child while in foster care.

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

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

16 (3) ~~(A) In determining the reasonable services to be offered or~~
17 ~~provided, Upon a determination pursuant to paragraph (1) of~~
18 ~~subdivision (e) of Section 361.5 that reasonable services will be~~
19 ~~offered to a parent who is incarcerated in a county jail or state~~
20 ~~prison, the case plan shall include information, to the extent~~
21 ~~possible, about a parent's incarceration in a county jail or the state~~
22 ~~prison during the time that a minor child of that parent is involved~~
23 ~~in dependency care. Once a consistent data entry field or fields~~
24 ~~have been designated in the statewide child welfare database, social~~
25 ~~workers shall make reasonable efforts to collect and update~~
26 ~~necessary data regarding a child's incarcerated parent or parents.~~

27 ~~(B) In order to further the goals of this paragraph, the Legislature~~
28 ~~encourages the State Department of Social Services to consult with~~
29 ~~the county welfare directors regarding the best way to incorporate~~
30 ~~the information specified in subparagraph (A) as a required field~~
31 ~~in the statewide database. The Legislature also encourages the~~
32 ~~Department of Justice, the Department of Corrections and~~
33 ~~Rehabilitation, county welfare departments, and county sheriffs~~
34 ~~to develop protocols for facilitating the exchange of information~~
35 ~~regarding the location and sentencing of the incarcerated parent~~
36 ~~or parents of a minor child who is in dependency care.~~

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

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

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

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

19 *On or after January 1, 2012, for a nonminor dependent, as defined
20 in subdivision (v) of Section 11400, who is receiving AFDC-FC
21 benefits up to 21 years of age pursuant to Section 11403, in
22 addition to the above requirements, the selection of the placement,
23 including a supervised independent living setting, as described in
24 Section 11400, shall also be based upon the developmental needs
25 of young adults by providing opportunities to have incremental
26 responsibilities that prepare a nonminor dependent to transition
27 to independent living. If admission to, or continuation in, a group
28 home placement is being considered for a nonminor dependent,
29 the group home placement approval decision shall include a
30 youth-driven, team-based case planning process, as defined by the
31 department, in consultation with stakeholders. The case plan shall
32 consider the full range of placement options, and shall specify why
33 admission to, or continuation in, a group home placement is the
34 best alternative available at the time to meet the special needs or
35 well-being of the nonminor dependent, and how the placement will
36 contribute to the nonminor dependent's transition to independent
37 living. The case plan shall specify the treatment strategies that
38 will be used to prepare the nonminor dependent for discharge to
39 a less restrictive and more family-like setting, including a target
40 date for discharge from the group home placement. The placement*

1 shall be reviewed and updated on a regular, periodic basis to
2 ensure that continuation in the group home remains in the best
3 interests of the nonminor dependent and that progress is being
4 made in achieving case plan goals leading to independent living.
5 The group home placement planning process shall begin as soon
6 as it becomes clear to the county welfare department or probation
7 office that a foster child in group home placement is likely to
8 remain in group home placement on his or her 18th birthday, in
9 order to expedite the transition to a less restrictive and more
10 family-like setting if he or she becomes a nonminor dependent.
11 The case planning process shall include informing the youth of all
12 of his or her options, including, but not limited to, admission to
13 or continuation in a group home placement. Consideration for
14 continuation of existing group home placement for a nonminor
15 dependent under 19 years of age may include the need to stay in
16 the same placement in order to complete high school. After a
17 nonminor dependent either completes high school or attains his
18 or her 19th birthday, whichever is earlier, continuation in or
19 admission to a group home is prohibited unless the nonminor
20 dependent satisfies the conditions of paragraph (5) of subdivision
21 (b) of Section 11403, and group home placement functions as a
22 short-term transition to the appropriate system of care.

23 (2) In addition to the requirements of paragraph (1), and taking
24 into account other statutory considerations regarding placement,
25 the selection of the most appropriate home that will meet the child's
26 special needs and best interests shall also promote educational
27 stability by taking into consideration proximity to the child's school
28 attendance area.

29 (d) A written case plan shall be completed within a maximum
30 of 60 days of the initial removal of the child or of the in-person
31 response required under subdivision (f) of Section 16501 if the
32 child has not been removed from his or her home, or by the date
33 of the dispositional hearing pursuant to Section 358, whichever
34 occurs first. The case plan shall be updated, as the service needs
35 of the child and family dictate. At a minimum, the case plan shall
36 be updated in conjunction with each status review hearing
37 conducted pursuant to Section 366.21, and the hearing conducted
38 pursuant to Section 366.26, but no less frequently than once every
39 six months. Each updated case plan shall include a description of
40 the services that have been provided to the child under the plan

1 and an evaluation of the appropriateness and effectiveness of those
2 services.

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

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

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

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

20 (1) The case plan shall be based upon an assessment of the
21 circumstances that required child welfare services intervention.
22 The child shall be involved in developing the case plan as age and
23 developmentally appropriate.

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

26 (3) The case plan shall identify the original allegations of abuse
27 or neglect, as defined in Article 2.5 (commencing with Section
28 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
29 conditions cited as the basis for declaring the child a dependent of
30 the court pursuant to Section 300, or all of these, and the other
31 precipitating incidents that led to child welfare services
32 intervention.

33 (4) The case plan shall include a description of the schedule of
34 the social worker contacts with the child and the family or other
35 caretakers. The frequency of these contacts shall be in accordance
36 with regulations adopted by the State Department of Social
37 Services. If the child has been placed in foster care out of state,
38 the county social worker or a social worker on the staff of the
39 social services agency in the state in which the child has been
40 placed shall visit the child in a foster family home or the home of

1 a relative, consistent with federal law and in accordance with the
2 department's approved state plan. For children in out-of-state group
3 home facilities, visits shall be conducted at least monthly, pursuant
4 to Section 16516.5. At least once every six months, at the time of
5 a regularly scheduled social worker contact with the foster child,
6 the child's social worker shall inform the child of his or her rights
7 as a foster child, as specified in Section 16001.9. The social worker
8 shall provide the information to the child in a manner appropriate
9 to the age or developmental level of the child.

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

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

20 (6) When out-of-home placement is made, the case plan shall
21 include provisions for the development and maintenance of sibling
22 relationships as specified in subdivisions (b), (c), and (d) of Section
23 16002. If appropriate, when siblings who are dependents of the
24 juvenile court are not placed together, the social worker for each
25 child, if different, shall communicate with each of the other social
26 workers and ensure that the child's siblings are informed of
27 significant life events that occur within their extended family.
28 Unless it has been determined that it is inappropriate in a particular
29 case to keep siblings informed of significant life events that occur
30 within the extended family, the social worker shall determine the
31 appropriate means and setting for disclosure of this information
32 to the child commensurate with the child's age and emotional
33 well-being. These significant life events shall include, but shall
34 not be limited to, the following:

35 (A) The death of an immediate relative.
36 (B) The birth of a sibling.

37 (C) Significant changes regarding a dependent child, unless the
38 child objects to the sharing of the information with his or her
39 siblings, including changes in placement, major medical or mental

1 health diagnoses, treatments, or hospitalizations, arrests, and
2 changes in the permanent plan.

3 (7) If out-of-home placement is made in a foster family home,
4 group home, or other child care institution that is either a
5 substantial distance from the home of the child's parent or out of
6 state, the case plan shall specify the reasons why that placement
7 is in the best interest of the child. When an out-of-state group home
8 placement is recommended or made, the case plan shall, in
9 addition, specify compliance with Section 7911.1 of the Family
10 Code.

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

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

17 (B) An assurance that the placement agency has coordinated
18 with appropriate local educational agencies to ensure that the child
19 remains in the school in which the child is enrolled at the time of
20 placement, or, if remaining in that school is not in the best interests
21 of the child, assurances by the placement agency and the local
22 educational agency to provide immediate and appropriate
23 enrollment in a new school and to provide all of the child's
24 educational records to the new school.

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

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

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

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

20 (12) (A) Parents and legal guardians shall have an opportunity
21 to review the case plan, and to sign it whenever possible, and then
22 shall receive a copy of the plan. In any voluntary service or
23 placement agreement, the parents or legal guardians shall be
24 required to review and sign the case plan. Whenever possible,
25 parents and legal guardians shall participate in the development
26 of the case plan. *Commencing January 1, 2012, for nonminor*
27 *dependents, as defined in subdivision (v) of Section 11400, who*
28 *are receiving AFDC-FC up to 21 years of age pursuant to Section*
29 *11403, the case plan shall be developed with, and signed by, the*
30 *nonminor.*

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

1 (13) A child shall be given a meaningful opportunity to
2 participate in the development of the case plan and state his or her
3 preference for foster care placement. A child who is 12 years of
4 age or older and in a permanent placement shall also be given the
5 opportunity to review the case plan, sign the case plan, and receive
6 a copy of the case plan.

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

15 (15) If the case plan has as its goal for the child a permanent
16 plan of adoption or placement in another permanent home, it shall
17 include a statement of the child's wishes regarding their permanent
18 placement plan and an assessment of those stated wishes. The
19 agency shall also include documentation of the steps the agency
20 is taking to find an adoptive family or other permanent living
21 arrangements for the child; to place the child with an adoptive
22 family, an appropriate and willing relative, a legal guardian, or in
23 another planned permanent living arrangement; and to finalize the
24 adoption or legal guardianship. At a minimum, the documentation
25 shall include child-specific recruitment efforts, such as the use of
26 state, regional, and national adoption exchanges, including
27 electronic exchange systems, when the child has been freed for
28 adoption. *If the plan is for kinship guardianship, the case plan*
29 *shall document how the child meets the kinship guardianship*
30 *eligibility requirements.*

31 (16) (A) When appropriate, for a child who is 16 years of age
32 or older *and, commencing January 1, 2012, for a nonminor*
33 *dependent*, the case plan shall include a written description of the
34 programs and services that will help the child, consistent with the
35 child's best interests, prepare for the transition from foster care to
36 independent living, *and whether the youth has an in-progress*
37 *application pending for Title XVI Supplemental Security Income*
38 *benefits or for Special Juvenile Immigration Status or other*
39 *applicable application for legal residency and an active*
40 *dependency case is required for that application. When*

1 *appropriate, for a nonminor dependent, the case plan shall include*
2 *a written description of the program and services that will help*
3 *the nonminor dependent, consistent with his or her best interests,*
4 *to prepare for transition from foster care and assist the youth in*
5 *meeting the eligibility criteria set forth in Section 11403. If*
6 *applicable, the case plan shall describe the individualized*
7 *supervision provided in the supervised independent living setting*
8 *as defined, in subdivision (w) of Section 11400.* The case plan shall
9 be developed with the child *or nonminor dependent* and individuals
10 identified as important to the child *or nonminor dependent*, and
11 shall include steps the agency is taking to ensure that the child ~~has~~
12 ~~a connection to a caring adult~~ *or nonminor dependent achieves*
13 *permanence, including maintaining or obtaining permanent*
14 *connections to caring and committed adults.*

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

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

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

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

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

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

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

33 SEC. 3.2. Section 16501.1 of the Welfare and Institutions Code
34 is amended to read:

35 16501.1. (a) (1) The Legislature finds and declares that the
36 foundation and central unifying tool in child welfare services is
37 the case plan.

38 (2) The Legislature further finds and declares that a case plan
39 ensures that the child receives protection and safe and proper care
40 and case management, and that services are provided to the child

1 and parents or other caretakers, as appropriate, in order to improve
2 conditions in the parent's home, to facilitate the safe return of the
3 child to a safe home or the permanent placement of the child, and
4 to address the needs of the child while in foster care.

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

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

13 (3) Upon a determination pursuant to paragraph (1) of
14 subdivision (e) of Section 361.5 that reasonable services will be
15 offered to a parent who is incarcerated in a county jail or state
16 prison, the case plan shall include information, to the extent
17 possible, about a parent's incarceration in a county jail or the state
18 prison during the time that a minor child of that parent is involved
19 in dependency care.

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

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

28 (c) (1) If out-of-home placement is used to attain case plan
29 goals, the decision regarding choice of placement shall be based
30 upon selection of a safe setting that is the least restrictive or most
31 family like and the most appropriate setting that is available and
32 in close proximity to the parent's home, proximity to the child's
33 school, and consistent with the selection of the environment best
34 suited to meet the child's special needs and best interests. The
35 selection shall consider, in order of priority, placement with
36 relatives, tribal members, and foster family, group care, and
37 residential treatment pursuant to Section 7950 of the Family Code.

38 (2) In addition to the requirements of paragraph (1), and taking
39 into account other statutory considerations regarding placement,
40 the selection of the most appropriate home that will meet the child's

1 special needs and best interests shall also promote educational
2 stability by taking into consideration proximity to the child's school
3 of origin, and school attendance area, the number of school
4 transfers the child has previously experienced, and the child's
5 school matriculation schedule, in addition to other indicators of
6 educational stability that the Legislature hereby encourages the
7 State Department of Social Services and the State Department of
8 Education to develop.

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

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

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

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

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

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

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

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

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

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

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

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

16 (A) The death of an immediate relative.

17 (B) The birth of a sibling.

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

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

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

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

37 (B) An assurance that the placement agency has coordinated
38 with the person holding the right to make educational decisions
39 for the child and appropriate local educational agencies to ensure
40 that the child remains in the school in which the child is enrolled

1 at the time of placement or, if remaining in that school is not in
2 the best interests of the child, assurances by the placement agency
3 and the local educational agency to provide immediate and
4 appropriate enrollment in a new school and to provide all of the
5 child's educational records to the new school.

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

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

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

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

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

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

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

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

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

1 adoption or legal guardianship. At a minimum, the documentation
2 shall include child-specific recruitment efforts, such as the use of
3 state, regional, and national adoption exchanges, including
4 electronic exchange systems, when the child has been freed for
5 adoption.

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

14 (B) During the 90-day period prior to the participant attaining
15 18 years of age or older as the state may elect under Section
16 475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social
17 Security Act, whether during that period foster care maintenance
18 payments are being made on the child's behalf or the child is
19 receiving benefits or services under Section 477 (42 U.S.C. Sec.
20 677) of the federal Social Security Act, a caseworker or other
21 appropriate agency staff or probation officer and other
22 representatives of the participant, as appropriate, must address, in
23 the written transitional independent living plan, that is personalized
24 at the direction of the child, information as detailed as the
25 participant elects that shall include, but not be limited to, options
26 regarding housing, health insurance, education, local opportunities
27 for mentors and continuing support services, and workforce
28 supports and employment services.

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

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

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

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

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

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

29 SEC. 3.3. ~~Seetion 16501.1 of the Welfare and Institutions Code~~
30 is amended to read:

31 ~~16501.1. (a) (1) The Legislature finds and declares that the~~
32 ~~foundation and central unifying tool in child welfare services is~~
33 ~~the case plan.~~

34 ~~(2) The Legislature further finds and declares that a case plan~~
35 ~~ensures that the child receives protection and safe and proper care~~
36 ~~and case management, and that services are provided to the child~~
37 ~~and parents or other caretakers, as appropriate, in order to improve~~
38 ~~conditions in the parent's home, to facilitate the safe return of the~~
39 ~~child to a safe home or the permanent placement of the child, and~~
40 ~~to address the needs of the child while in foster care.~~

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

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

9 (3) (A) Upon a determination pursuant to paragraph (1) of
10 subdivision (e) of Section 361.5 that reasonable services will be
11 offered to a parent who is incarcerated in a county jail or state
12 prison, the case plan shall include information, to the extent
13 possible, about a parent's incarceration in a county jail or the state
14 prison during the time that a minor child of that parent is involved
15 in dependency care.

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

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

24 (e) (1) If out-of-home placement is used to attain case plan
25 goals, the decision regarding choice of placement shall be based
26 upon selection of a safe setting that is the least restrictive or most
27 family like and the most appropriate setting that is available and
28 in close proximity to the parent's home, proximity to the child's
29 school, and consistent with the selection of the environment best
30 suited to meet the child's special needs and best interests. The
31 selection shall consider, in order of priority, placement with
32 relatives, tribal members, and foster family, group care, and
33 residential treatment pursuant to Section 7950 of the Family Code.
34 On or after January 1, 2012, for a nonminor dependent, as defined
35 in subdivision (v) of Section 11400, who is receiving AFDC-FC
36 benefits up to 21 years of age pursuant to Section 11403, in
37 addition to the above requirements, the selection of the placement,
38 including a supervised independent living setting, as described in
39 Section 11400, shall also be based upon the developmental needs
40 of young adults by providing opportunities to have incremental

1 responsibilities that prepare a nonminor dependent to transition to
2 independent living. When a nonminor dependent is placed in a
3 group home, the case plan shall also specify why that placement
4 is necessary for the nonminor dependent's transition to independent
5 living.

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 of origin, and school attendance area, the number of school
12 transfers the child has previously experienced, and the child's
13 school matriculation schedule, in addition to other indicators of
14 educational stability that the Legislature hereby encourages the
15 State Department of Social Services and the State Department of
16 Education to develop.

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

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

37 (2) The extension of the maximum time available for preparing
38 a written case plan from the 30 to 60 days shall be effective 90
39 days after the date that the department gives counties written notice
40 that necessary changes have been made to the Child Welfare

1 Services Case Management System to account for the 60-day
2 timeframe for preparing a written case plan.

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

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

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

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

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

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

38 (5) (A) When out-of-home services are used, the frequency of
39 contact between the natural parents or legal guardians and the child
40 shall be specified in the case plan. The frequency of those contacts

1 shall reflect overall case goals, and consider other principles
2 outlined in this section.

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

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

23 (A) The death of an immediate relative.

24 (B) The birth of a sibling.

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

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

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

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

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

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

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

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

37 (11) If out-of-home services are used, the child has been in care
38 for at least 12 months, and the goal is not adoptive placement, the
39 case plan shall include documentation of the compelling reason
40 or reasons why termination of parental rights is not in the child's

1 best interest. A determination completed or updated within the
2 past 12 months by the department when it is acting as an adoption
3 agency or by a licensed adoption agency that it is unlikely that the
4 child will be adopted, or that one of the conditions described in
5 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
6 be deemed a compelling reason.

7 (12) (A) Parents and legal guardians shall have an opportunity
8 to review the case plan, and to sign it whenever possible, and then
9 shall receive a copy of the plan. In a voluntary service or placement
10 agreement, the parents or legal guardians shall be required to
11 review and sign the case plan. Whenever possible, parents and
12 legal guardians shall participate in the development of the case
13 plan. Commencing January 1, 2012, for nonminor dependents, as
14 defined in subdivision (v) of Section 11400, who are receiving
15 AFDC-FC up to 21 years of age pursuant to Section 11403, the
16 case plan shall be developed with, and signed by, the nonminor.

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

27 (13) A child shall be given a meaningful opportunity to
28 participate in the development of the case plan and state his or her
29 preference for foster care placement. A child who is 12 years of
30 age or older and in a permanent placement shall also be given the
31 opportunity to review the case plan, sign the case plan, and receive
32 a copy of the case plan.

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

1 (15) If the case plan has as its goal for the child a permanent
2 plan of adoption or placement in another permanent home, it shall
3 include a statement of the child's wishes regarding their permanent
4 placement plan and an assessment of those stated wishes. The
5 agency shall also include documentation of the steps the agency
6 is taking to find an adoptive family or other permanent living
7 arrangements for the child; to place the child with an adoptive
8 family, an appropriate and willing relative, a legal guardian, or in
9 another planned permanent living arrangement; and to finalize the
10 adoption or legal guardianship. At a minimum, the documentation
11 shall include child specific recruitment efforts, such as the use of
12 state, regional, and national adoption exchanges, including
13 electronic exchange systems, when the child has been freed for
14 adoption.

15 (16) (A) When appropriate, for a child who is 16 years of age
16 or older and, commencing January 1, 2012, for a nonminor
17 dependent, the case plan shall include a written description of the
18 programs and services that will help the child, consistent with the
19 child's best interests, prepare for the transition from foster care to
20 independent living, and whether the youth has an in-progress
21 application pending for Title XVI Supplemental Security Income
22 benefits or for Special Juvenile Immigration Status or other
23 applicable application for legal residency and an active dependency
24 case is required for that application. When appropriate, for a
25 nonminor dependent, the case plan shall include a written
26 description of the program and services that will help the nonminor
27 dependent, consistent with his or her best interests, to prepare for
28 transition from foster care and assist the youth in meeting the
29 eligibility criteria set forth in Section 11403. If applicable, the case
30 plan shall describe the individualized supervision provided in the
31 supervised independent living setting as defined, in subdivision
32 (w) of Section 11400. The case plan shall be developed with the
33 child or nonminor dependent and individuals identified as important
34 to the child or nonminor dependent, and shall include steps the
35 agency is taking to ensure that the child or nonminor dependent
36 achieves permanence, including maintaining or obtaining
37 permanent connections to caring and committed adults.

38 (B) During the 90-day period prior to the participant attaining
39 18 years of age or older as the state may elect under Section
40 475(8)(B)(iii) (42 U.S.C. See. 675(8)(B)(iii)) of the federal Social

1 Security Act, whether during that period foster care maintenance
2 payments are being made on the child's behalf or the child is
3 receiving benefits or services under Section 477 (42 U.S.C. See.
4 677) of the federal Social Security Act, a caseworker or other
5 appropriate agency staff or probation officer and other
6 representatives of the participant, as appropriate, shall provide the
7 youth or nonminor with assistance and support in developing the
8 written transitional independent living plan, that is personalized
9 at the direction of the child, information as detailed as the
10 participant elects that shall include, but not be limited to, options
11 regarding housing, health insurance, education, local opportunities
12 for mentors and continuing support services, and workforce
13 supports and employment services.

14 (g) If the court finds, after considering the case plan, that
15 unsupervised sibling visitation is appropriate and has been
16 consented to, the court shall order that the child or the child's
17 siblings, the child's current caregiver, and the child's prospective
18 adoptive parents, if applicable, be provided with information
19 necessary to accomplish this visitation. This section does not
20 require or prohibit the social worker's facilitation, transportation,
21 or supervision of visits between the child and his or her siblings.

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

26 (i) When a child who is 10 years of age or older and who has
27 been in out-of-home placement for six months or longer, the case
28 plan shall include an identification of individuals, other than the
29 child's siblings, who are important to the child and actions
30 necessary to maintain the child's relationship with those
31 individuals, provided that those relationships are in the best interest
32 of the child. The social worker shall ask every child who is 10
33 years of age or older and who has been in out-of-home placement
34 for six months or longer to identify individuals other than the
35 child's siblings who are important to the child, and may ask any
36 other child to provide that information, as appropriate. The social
37 worker shall make efforts to identify other individuals who are
38 important to the child, consistent with the child's best interests.

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

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

10 (l) The implementation and operation of the amendments to
11 subdivision (i) enacted at the 2005-06 Regular Session shall be
12 subject to appropriation through the budget process and by phase,
13 as provided in Section 366.35.

14 SEC. 4. If the Commission on State Mandates determines that
15 this act contains costs mandated by the state, reimbursement to
16 local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

19 SEC. 3.3. *Section 16501.1 of the Welfare and Institutions Code*
20 *is amended to read:*

21 16501.1. (a) (1) The Legislature finds and declares that the
22 foundation and central unifying tool in child welfare services is
23 the case plan.

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

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

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

39 (3) (A) In determining the reasonable services to be offered or
40 provided, Upon a determination pursuant to paragraph (1) of

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

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

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

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

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

31 (c) (1) If out-of-home placement is used to attain case plan
32 goals, the decision regarding choice of placement shall be based
33 upon selection of a safe setting that is the least restrictive or most
34 familylike family like and the most appropriate setting that is
35 available and in close proximity to the parent's home, proximity
36 to the child's school, and consistent with the selection of the
37 environment best suited to meet the child's special needs and best
38 interests, or both. The selection shall consider, in order of priority,
39 placement with relatives, tribal members, and foster family, group
40 care, and residential treatment pursuant to Section 7950 of the

1 Family Code. *On or after January 1, 2012, for a nonminor*
2 *dependent, as defined in subdivision (v) of Section 11400, who is*
3 *receiving AFDC-FC benefits up to 21 years of age pursuant to*
4 *Section 11403, in addition to the above requirements, the selection*
5 *of the placement, including a supervised independent living setting,*
6 *as described in Section 11400, shall also be based upon the*
7 *developmental needs of young adults by providing opportunities*
8 *to have incremental responsibilities that prepare a nonminor*
9 *dependent to transition to independent living. If admission to, or*
10 *continuation in, a group home placement is being considered for*
11 *a nonminor dependent, the group home placement approval*
12 *decision shall include a youth-driven, team-based case planning*
13 *process, as defined by the department, in consultation with*
14 *stakeholders. The case plan shall consider the full range of*
15 *placement options, and shall specify why admission to, or*
16 *continuation in, a group home placement is the best alternative*
17 *available at the time to meet the special needs or well-being of the*
18 *nonminor dependent, and how the placement will contribute to the*
19 *nonminor dependent's transition to independent living. The case*
20 *plan shall specify the treatment strategies that will be used to*
21 *prepare the nonminor dependent for discharge to a less restrictive*
22 *and more family-like setting, including a target date for discharge*
23 *from the group home placement. The placement shall be reviewed*
24 *and updated on a regular, periodic basis to ensure that*
25 *continuation in the group home remains in the best interests of the*
26 *nonminor dependent and that progress is being made in achieving*
27 *case plan goals leading to independent living. The group home*
28 *placement planning process shall begin as soon as it becomes*
29 *clear to the county welfare department or probation office that a*
30 *foster child in group home placement is likely to remain in group*
31 *home placement on his or her 18th birthday, in order to expedite*
32 *the transition to a less restrictive and more family-like setting if*
33 *he or she becomes a nonminor dependent. The case planning*
34 *process shall include informing the youth of all of his or her*
35 *options, including, but not limited to, admission to or continuation*
36 *in a group home placement. Consideration for continuation of*
37 *existing group home placement for a nonminor dependent under*
38 *19 years of age may include the need to stay in the same placement*
39 *in order to complete high school. After a nonminor dependent*
40 *either completes high school or attains his or her 19th birthday,*

1 *whichever is earlier, continuation in or admission to a group home*
2 *is prohibited unless the nonminor dependent satisfies the conditions*
3 *of paragraph (5) of subdivision (b) of Section 11403, and group*
4 *home placement functions as a short-term transition to the*
5 *appropriate system of care.*

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 of origin, and school attendance area, the number~~
12 ~~of school transfers the child has previously experienced, and the~~
13 ~~child's school matriculation schedule, in addition to other~~
14 ~~indicators of educational stability that the Legislature hereby~~
15 ~~encourages the State Department of Social Services and the State~~
16 ~~Department of Education to develop.~~

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

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

37 (2) The extension of the maximum time available for preparing
38 a written case plan from the 30 to 60 days shall be effective 90
39 days after the date that the department gives counties written notice
40 that necessary changes have been made to the Child Welfare

1 Services Case Management System to account for the 60-day
2 timeframe for preparing a written case plan.

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

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

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

10 The child shall be involved in developing the case plan as age and
11 developmentally appropriate.

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

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

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

38 (5) (A) When out-of-home services are used, the frequency of
39 contact between the natural parents or legal guardians and the child
40 shall be specified in the case plan. The frequency of those contacts

1 shall reflect overall case goals, and consider other principles
2 outlined in this section.

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

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

23 (A) The death of an immediate relative.

24 (B) The birth of a sibling.

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

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

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

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

4 (B) An assurance that the placement agency has coordinated
5 with *the person holding the right to make educational decisions*
6 *for the child and* appropriate local educational agencies to ensure
7 that the child remains in the school in which the child is enrolled
8 at the time of placement; or, if remaining in that school is not in
9 the best interests of the child, assurances by the placement agency
10 and the local educational agency to provide immediate and
11 appropriate enrollment in a new school and to provide all of the
12 child's educational records to the new school.

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

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

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

37 (11) If out-of-home services are used, the child has been in care
38 for at least 12 months, and the goal is not adoptive placement, the
39 case plan shall include documentation of the compelling reason
40 or reasons why termination of parental rights is not in the child's

1 best interest. A determination completed or updated within the
2 past 12 months by the department when it is acting as an adoption
3 agency or by a licensed adoption agency that it is unlikely that the
4 child will be adopted, or that one of the conditions described in
5 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
6 be deemed a compelling reason.

7 (12) (A) Parents and legal guardians shall have an opportunity
8 to review the case plan, and to sign it whenever possible, and then
9 shall receive a copy of the plan. In ~~any~~ a voluntary service or
10 placement agreement, the parents or legal guardians shall be
11 required to review and sign the case plan. Whenever possible,
12 parents and legal guardians shall participate in the development
13 of the case plan. *Commencing January 1, 2012, for nonminor*
14 *dependents, as defined in subdivision (v) of Section 11400, who*
15 *are receiving AFDC-FC up to 21 years of age pursuant to Section*
16 *11403, the case plan shall be developed with, and signed by, the*
17 *nonminor.*

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

28 (13) A child shall be given a meaningful opportunity to
29 participate in the development of the case plan and state his or her
30 preference for foster care placement. A child who is 12 years of
31 age or older and in a permanent placement shall also be given the
32 opportunity to review the case plan, sign the case plan, and receive
33 a copy of the case plan.

34 (14) The case plan shall be included in the court report and shall
35 be considered by the court at the initial hearing and each review
36 hearing. Modifications to the case plan made during the period
37 between review hearings need not be approved by the court if the
38 casework supervisor for that case determines that the modifications
39 further the goals of the plan. If out-of-home services are used with

1 the goal of family reunification, the case plan shall consider and
2 describe the application of subdivision (b) of Section 11203.

3 (15) If the case plan has as its goal for the child a permanent
4 plan of adoption or placement in another permanent home, it shall
5 include a statement of the child's wishes regarding their permanent
6 placement plan and an assessment of those stated wishes. The
7 agency shall also include documentation of the steps the agency
8 is taking to find an adoptive family or other permanent living
9 arrangements for the child; to place the child with an adoptive
10 family, an appropriate and willing relative, a legal guardian, or in
11 another planned permanent living arrangement; and to finalize the
12 adoption or legal guardianship. At a minimum, the documentation
13 shall include child-specific recruitment efforts, such as the use of
14 state, regional, and national adoption exchanges, including
15 electronic exchange systems, when the child has been freed for
16 adoption. *If the plan is for kinship guardianship, the case plan
17 shall document how the child meets the kinship guardianship
18 eligibility requirements.*

19 (16) (A) When appropriate, for a child who is 16 years of age
20 or older *and, commencing January 1, 2012, for a nonminor*
21 *dependent*, the case plan shall include a written description of the
22 programs and services that will help the child, consistent with the
23 child's best interests, prepare for the transition from foster care to
24 independent living, *and whether the youth has an in-progress*
25 *application pending for Title XVI Supplemental Security Income*
26 *benefits or for Special Juvenile Immigration Status or other*
27 *applicable application for legal residency and an active*
28 *dependency case is required for that application. When*
29 *appropriate, for a nonminor dependent, the case plan shall include*
30 *a written description of the program and services that will help*
31 *the nonminor dependent, consistent with his or her best interests,*
32 *to prepare for transition from foster care and assist the youth in*
33 *meeting the eligibility criteria set forth in Section 11403. If*
34 *applicable, the case plan shall describe the individualized*
35 *supervision provided in the supervised independent living setting*
36 *as defined, in subdivision (w) of Section 11400.* The case plan shall
37 be developed with the child *or nonminor dependent* and individuals
38 identified as important to the child *or nonminor dependent*, and
39 shall include steps the agency is taking to ensure that the child ~~has~~
40 ~~a-eonnection to a caring adult~~ *or nonminor dependent achieves*

1 permanence, including maintaining or obtaining permanent
2 connections to caring and committed adults.

3 (B) During the 90-day period prior to the participant attaining
4 18 years of age or older as the state may elect under Section
5 475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social
6 Security Act, whether during that period foster care maintenance
7 payments are being made on the child's behalf or the child is
8 receiving benefits or services under Section 477 (42 U.S.C. Sec.
9 677) of the federal Social Security Act, a caseworker or other
10 appropriate agency staff or probation officer and other
11 representatives of the participant, as appropriate, ~~must address, in~~
~~the written transitional independent living shall provide the youth~~
~~or nonminor with assistance and support in developing the written~~
~~90-day transition plan~~, that is personalized at the direction of the
15 child, information as detailed as the participant elects that shall
16 include, but not be limited to, options regarding housing, health
17 insurance, education, local opportunities for mentors and
18 continuing support services, and workforce supports and
19 employment services.

20 (g) If the court finds, after considering the case plan, that
21 unsupervised sibling visitation is appropriate and has been
22 consented to, the court shall order that the child or the child's
23 siblings, the child's current caregiver, and the child's prospective
24 adoptive parents, if applicable, be provided with information
25 necessary to accomplish this visitation. This section does not
26 require or prohibit the social worker's facilitation, transportation,
27 or supervision of visits between the child and his or her siblings.

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

32 (i) When a child who is 10 years of age or older and who has
33 been in out-of-home placement for six months or longer, the case
34 plan shall include an identification of individuals, other than the
35 child's siblings, who are important to the child and actions
36 necessary to maintain the child's relationship with those
37 individuals, provided that those relationships are in the best interest
38 of the child. The social worker shall ask every child who is 10
39 years of age or older and who has been in out-of-home placement
40 for six months or longer to identify individuals other than the

1 child's siblings who are important to the child, and may ask any
2 other child to provide that information, as appropriate. The social
3 worker shall make efforts to identify other individuals who are
4 important to the child, consistent with the child's best interests.

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

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

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

20 **SEC. 5.**

21 **SEC. 4.** (a) Section 3.1 of this bill incorporates amendments
22 to Section 16501.1 of the Welfare and Institutions Code proposed
23 by both this bill and AB 12. It shall only become operative if (1)
24 both bills are enacted and become effective on or before January
25 1, 2011, (2) each bill amends Section 16501.1 of the Welfare and
26 Institutions Code, and (3) SB 1353 is not enacted or as enacted
27 does not amend that section, and (4) this bill is enacted after AB
28 12, in which case Sections 3, 3.2, and 3.3 of this bill shall not
29 become operative.

30 (b) Section 3.2 of this bill incorporates amendments to Section
31 16501.1 of the Welfare and Institutions Code proposed by both
32 this bill and SB 1353. It shall only become operative if (1) both
33 bills are enacted and become effective on or before January 1,
34 2011, (2) each bill amends Section 16501.1 of the Welfare and
35 Institutions Code, (3) AB 12 is not enacted or as enacted does not
36 amend that section, and (4) this bill is enacted after SB 1353, in
37 which case Sections 3, 3.1, and 3.3 of this bill shall not become
38 operative.

39 (c) Section 3.3 of this bill incorporates amendments to Section
40 16501.1 of the Welfare and Institutions Code proposed by this bill,

1 AB 12, and SB 1353. It shall only become operative if (1) all three
2 bills are enacted and become effective on or before January 1,
3 2011, (2) all three bills amend Section 16501.1 of the Welfare and
4 Institutions Code, and (3) this bill is enacted after AB 12 and SB
5 1353, in which case Sections 3, 3.1, and 3.2 of this bill shall not
6 become operative.

7 *SEC. 5. If the Commission on State Mandates determines that
8 this act contains costs mandated by the state, reimbursement to
9 local agencies and school districts for those costs shall be made
10 pursuant to Part 7 (commencing with Section 17500) of Division
11 4 of Title 2 of the Government Code.*