

Introduced by Senator WrightFebruary 19, 2010

An act to amend Sections 48850 and 48853.5 of the Education Code, and to amend Sections 16001.9, 16010, and 16501.1 of the Welfare and Institutions Code, relating to education.

LEGISLATIVE COUNSEL'S DIGEST

SB 1353, as introduced, Wright. Education: foster youth.

(1) Existing law expresses the Legislature's intent that all pupils in foster care who are homeless, as defined, have a meaningful opportunity to meet the pupil academic achievement standards to which all pupils are held. Educators and specified juvenile justice entities must work together to maintain school placements and educational programs and resources, as specified. In all instances, educational and school placement decisions must be based on the best interests of the child.

This bill would indicate that the "best interests of the child" includes, but is not limited to, minimal disruptions to school attendance and educational stability, as specified.

(2) Existing law requires each local educational agency to designate a staff person as the educational liaison for specified foster children to assist them in specified educational actions such as transferring to a new school. If the liaison, consulting with the foster child and the person holding the right to make educational decisions for the foster child agree that the best interests of the foster child would be served by the child transferring schools, the child is required to immediately be enrolled in the new school.

This bill would require the liaison to consult with the county placing agency in making transfer decisions and require that minimal educational disruption result from the transfer in order for a transfer to take place.

Because this bill would require local entities to perform additional duties, this bill would impose a state-mandated local program.

(3) Existing law provides that all children in foster care shall have specified rights, including the right to attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.

This bill would require foster children to enjoy this right with minimal disruptions to school attendance and educational stability, as specified.

(4) Existing law requires that when a child is placed in foster care, as specified, the case plan for each child must include a summary of the health and education information or records of the child. This summary is required to include specified material, including assurances that the placement in foster care takes into account the proximity to the school in which the child is enrolled at the time of placement.

This bill would, in addition, require the summary to contain assurances that all efforts are made to eliminate or reduce the need for transfer from the school of origin during the academic year, semester, or term of instruction when a foster child's placement is changed.

Because this bill would require local entities to perform additional duties, this bill would impose a state-mandated local program.

(5) Existing law provides that if a foster child is placed out-of-home the decision regarding choice of placement must be based upon specified factors, including proximity to the children's school.

This bill would instead provide that an educational placement factor is that it will not result in a transfer from the school of origin during the academic year, semester, or term of instruction.

Existing law provides that a case plan for a foster child shall include an assurance that the placement takes into account the appropriateness of the current educational setting and the proximity of home to the school in which the child is enrolled at the time of placement.

This bill would also require that a case plan for a foster child include an assurance that all efforts were made to eliminate or reduce the need for transfer from the school of origin during the academic year, semester, or term of instruction as a result of the placement.

Because this bill would require local entities to perform additional duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

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

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

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

1 SECTION 1. The Legislature finds and declares all of the
2 following:
3 (a) In 2008, 463,000 children were in foster care nationwide,
4 with California serving 67,323 children in foster care. Compton
5 Unified School District (CUSD) provides educational services to
6 1,265 pupils in foster care, 43 percent of which are in elementary
7 school, 22 percent in middle school, and 35 percent in high school.
8 (b) Education is one of the most important factors in a child's
9 ability to support himself or herself as an independent adult after
10 leaving foster care. Adults with a high school diploma earn almost
11 \$10,000 more on average than those without, according to recent
12 United States Census Bureau statistics. A high school diploma was
13 once the minimal requirement to obtain decent employment, but
14 a bachelor's degree has become crucial to entering the workforce
15 in the 21st Century. Numerous reports have found that advanced
16 education improves a person's quality of life as evidenced by lower
17 unemployment, better health, longer life, safer and more satisfying
18 employment, and higher social status.
19 (c) Children in foster care are disproportionately transient. Over
20 one-third experience five or more school changes during their time
21 in foster care, which significantly compromises academic
22 performance. Each school transfer results in an average loss of
23 four to six months of educational attainment. As a result, pupils
24 in foster care fail courses and repeat grades more frequently than
25 their peers, have lower grade point averages and standardized test
26 scores, and graduate high school at a rate 20 percent lower than
27 pupils who are not in foster care. They are 55 percent more likely
28 to drop out or 10 percent more likely to be incarcerated than the
29 54 percent to graduate high school.
30 (d) It is in the pupil's best interests that they experience minimal
31 disruptions to school attendance and educational stability caused

1 by transfers outside of the school of origin. Where school transfers
2 are necessary, caregivers, county placing agencies, foster care
3 agencies, liaisons, and other adults making decisions regarding
4 residential placement and school transfers, should make a diligent
5 effort to avoid, delay, or postpone transfers that would likely result
6 in the pupil transferring schools during the academic school year,
7 semester, or term.

8 (e) Existing law grants children in foster care the right to
9 continue attending the school of origin at the initial detention or
10 placement, or any subsequent change in placement, for the
11 remainder of the academic year. However, the liaison may
12 recommend that the foster child's right to attend the school of
13 origin be waived and the pupil transferred to a school closer to the
14 new residential placement.

15 (f) Existing law provides that if the liaison and person making
16 educational decisions for the foster child agree that the best
17 interests of the foster child would best be served by his or her
18 transfer to a school other than the school of origin, the foster child
19 would immediately be enrolled in the new school. In determining
20 the child's best interest, existing law does not encourage
21 consideration of the long-term impacts of multiple school transfers
22 during the academic year.

23 (g) As a result, foster children in California experience a
24 disproportionately high transience rate. In Compton, 514 of the
25 district's 1,265 pupils in foster care are transient as a result of
26 school transfers. Foster children who are pupils in CUSD are
27 removed from the school of origin during the school year 47
28 percent of the time and are placed in a new school during the school
29 year 85 percent of the time. Placements that result in school
30 transfers prioritize factors other than educational impact, and the
31 pupils ultimately suffer.

32 SEC. 2. Section 48850 of the Education Code is amended to
33 read:

34 48850. (a) (1) It is the intent of the Legislature to ensure that
35 all pupils in foster care and those who are homeless as defined by
36 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
37 Sec. 11301 et seq.) have a meaningful opportunity to meet the
38 challenging state pupil academic achievement standards to which
39 all pupils are held. In fulfilling their responsibilities to these pupils,
40 educators, county placing agencies, care providers, advocates, and

1 the juvenile courts shall work together to maintain stable school
2 placements and to ensure that each pupil is placed in the least
3 restrictive educational programs, and has access to the academic
4 resources, services, and extracurricular and enrichment activities
5 that are available to all pupils, including, but not necessarily limited
6 to, interscholastic sports administered by the California
7 Interscholastic Federation. In all instances, educational and school
8 placement decisions must be based on the best interests of the
9 child. *For purposes of this section, the “best interests of the child”*
10 *shall include, but not be limited to, minimal disruptions to school*
11 *attendance and educational stability caused by transfers outside*
12 *of the school of origin during the academic year, semester, or term*
13 *of instruction.*

14 (2) A foster child who changes residences pursuant to a court
15 order or decision of a child welfare worker shall be immediately
16 deemed to meet all residency requirements for participation in
17 interscholastic sports or other extracurricular activities.

18 (b) Every county office of education shall make available to
19 agencies that place children in licensed children’s institutions
20 information on educational options for children residing in licensed
21 children’s institutions within the jurisdiction of the county office
22 of education for use by the placing agencies in assisting parents
23 and foster children to choose educational placements.

24 (c) For purposes of individuals with exceptional needs residing
25 in licensed children’s institutions, making a copy of the annual
26 service plan, prepared pursuant to subdivision (b) of Section 56205,
27 available to those special education local plan areas that have
28 revised their local plans pursuant to Section 56836.03 shall meet
29 the requirements of subdivision (b).

30 SEC. 3. Section 48853.5 of the Education Code is amended to
31 read:

32 48853.5. (a) This section applies to ~~any~~ a foster child who has
33 been removed from his or her home pursuant to Section 309 of the
34 Welfare and Institutions Code, is the subject of a petition filed
35 under Section 300 or 602 of the Welfare and Institutions Code, or
36 has been removed from his or her home and is the subject of a
37 petition filed under Section 300 or 602 of the Welfare and
38 Institutions Code.

39 (b) Each local educational agency shall designate a staff person
40 as the educational liaison for foster children. In a school district

1 that operates a foster children services program pursuant to Chapter
2 11.3 (commencing with Section 42920) of Part 24 of *Division 3*,
3 the educational liaison shall be affiliated with the local foster
4 children services program. The liaison shall do all of the following:

5 (1) Ensure and facilitate the proper educational placement,
6 enrollment in school, and checkout from school of foster children.

7 (2) Assist foster children when transferring from one school to
8 another or from one school district to another in ensuring proper
9 transfer of credits, records, and grades.

10 (c) This section does not grant authority to the educational
11 liaison that supersedes the authority granted under state and federal
12 law to a parent or guardian retaining educational rights, a
13 responsible adult appointed by the court to represent the child
14 pursuant to Section 361 or 726 of the Welfare and Institutions
15 Code, a surrogate parent, or a foster parent exercising the authority
16 granted under Section 56055. The role of the educational liaison
17 is advisory with respect to placement decisions and determination
18 of school of origin.

19 (d) (1) At the initial detention or placement, or ~~any~~ a subsequent
20 change in placement of a foster child, the local educational agency
21 serving the foster child shall allow the foster child to continue his
22 or her education in the school of origin for the duration of the
23 academic school year.

24 (2) The liaison, in consultation with and the agreement of the
25 foster child and the person holding the right to make educational
26 decisions for the foster child may, in accordance with the foster
27 child's best interests, recommend that the foster child's right to
28 attend the school of origin be waived and the foster child be
29 enrolled in any public school that pupils living in the attendance
30 area in which the foster child resides are eligible to attend.

31 (3) Prior to making ~~any~~ a recommendation to move a foster
32 child from his or her school of origin, the liaison shall provide the
33 foster child and the person holding the right to make educational
34 decisions for the foster child with a written explanation stating the
35 basis for the recommendation and how this recommendation serves
36 the foster child's best interest.

37 (4) (A) If the liaison in consultation with the foster child ~~and~~,
38 the person holding the right to make educational decisions for the
39 foster child, *and the county placing agency* agree that the best
40 interests of the foster child would best be served by his or her

1 transfer to a school other than the school of origin, *and minimal*
2 *educational disruption would result from the transfer*, the foster
3 child shall immediately be enrolled in the new school.

4 (B) The new school shall immediately enroll the foster child
5 even if the foster child has outstanding fees, fines, textbooks, or
6 other items or moneys due to the school last attended or is unable
7 to produce records or clothing normally required for enrollment,
8 such as previous academic records, medical records, proof of
9 residency, other documentation, or school uniforms.

10 (C) The liaison for the new school shall, within two business
11 days of the foster child's request for enrollment, contact the school
12 last attended by the foster child to obtain all academic and other
13 records. All required records shall be provided to the new school
14 regardless of any outstanding fees, fines, textbooks, or other items
15 or moneys owed to the school last attended. The school liaison for
16 the school last attended shall provide all records to the new school
17 within two business days of receiving the request.

18 (5) If ~~any~~ a dispute arises regarding the request of a foster child
19 to remain in the school of origin, the foster child has the right to
20 remain in the school of origin pending resolution of the dispute.
21 The dispute shall be resolved in accordance with the existing
22 dispute resolution process available to any pupil served by the
23 local educational agency.

24 (6) The local educational agency and the county placing agency
25 are encouraged to collaborate to ensure maximum utilization of
26 available federal moneys, explore public-private partnerships, and
27 access ~~any~~ other funding sources to promote the well-being of
28 foster children through educational stability.

29 (e) For purposes of this section, "school of origin" means the
30 school that the foster child attended when permanently housed or
31 the school in which the foster child was last enrolled. If the school
32 the foster child attended when permanently housed is different
33 from the school in which the foster child was last enrolled, or if
34 there is some other school that the foster child attended with which
35 the foster child is connected and which the foster child attended
36 within the immediately preceding 15 months, the liaison, in
37 consultation with and the agreement of the foster child and the
38 person holding the right to make educational decisions for the
39 foster child, shall determine, in the best interests of the foster child,
40 the school that shall be deemed the school of origin.

1 (f) This section does not supersede other law governing the
2 educational placements in juvenile court schools, as defined by
3 Section 48645.1, by the juvenile court under Section 602 of the
4 Welfare and Institutions Code.

5 SEC. 4. Section 16001.9 of the Welfare and Institutions Code
6 is amended to read:

7 16001.9. (a) It is the policy of the state that all children in
8 foster care shall have the following rights:

9 (1) To live in a safe, healthy, and comfortable home where he
10 or she is treated with respect.

11 (2) To be free from physical, sexual, emotional, or other abuse,
12 or corporal punishment.

13 (3) To receive adequate and healthy food, adequate clothing,
14 and, for youth in group homes, an allowance.

15 (4) To receive medical, dental, vision, and mental health
16 services.

17 (5) To be free of the administration of medication or chemical
18 substances, unless authorized by a physician.

19 (6) To contact family members, unless prohibited by court order,
20 and social workers, attorneys, foster youth advocates and
21 supporters, Court Appointed Special Advocates (CASAs), and
22 probation officers.

23 (7) To visit and contact brothers and sisters, unless prohibited
24 by court order.

25 (8) To contact the Community Care Licensing Division of the
26 State Department of Social Services or the State Foster Care
27 Ombudsperson regarding violations of rights, to speak to
28 representatives of these offices confidentially, and to be free from
29 threats or punishment for making complaints.

30 (9) To make and receive confidential telephone calls and send
31 and receive unopened mail, unless prohibited by court order.

32 (10) To attend religious services and activities of his or her
33 choice.

34 (11) To maintain an emancipation bank account and manage
35 personal income, consistent with the child's age and developmental
36 level, unless prohibited by the case plan.

37 (12) To not be locked in ~~any~~ a room, building, or facility
38 premises, unless placed in a community treatment facility.

39 (13) To attend school and participate in extracurricular, cultural,
40 and personal enrichment activities, consistent with the child's age

1 and developmental level *with minimal disruptions to school*
2 *attendance and educational stability caused by transfers from the*
3 *school of origin during the academic year, semester, or term of*
4 *instruction.*

5 (14) To work and develop job skills at an age-appropriate level,
6 consistent with state law.

7 (15) To have social contacts with people outside of the foster
8 care system, such as teachers, church members, mentors, and
9 friends.

10 (16) To attend Independent Living Program classes and activities
11 if he or she meets age requirements.

12 (17) To attend court hearings and speak to the judge.

13 (18) To have storage space for private use.

14 (19) To be involved in the development of his or her own case
15 plan and plan for permanent placement.

16 (20) To review his or her own case plan and plan for permanent
17 placement, if he or she is 12 years of age or older and in a
18 permanent placement, and to receive information about his or her
19 out-of-home placement and case plan, including being told of
20 changes to the plan.

21 (21) To be free from unreasonable searches of personal
22 belongings.

23 (22) To confidentiality of all juvenile court records consistent
24 with existing law.

25 (23) To have fair and equal access to all available services,
26 placement, care, treatment, and benefits, and to not be subjected
27 to discrimination or harassment on the basis of actual or perceived
28 race, ethnic group identification, ancestry, national origin, color,
29 religion, sex, sexual orientation, gender identity, mental or physical
30 disability, or HIV status.

31 (24) At 16 years of age or older, to have access to existing
32 information regarding the educational options available, including,
33 but not limited to, the coursework necessary for vocational and
34 postsecondary educational programs, and information regarding
35 financial aid for postsecondary education.

36 (b) Nothing in this section shall be interpreted to require a foster
37 care provider to take any action that would impair the health and
38 safety of children in out-of-home placement.

39 (c) The State Department of Social Services and each county
40 welfare department are encouraged to work with the Student Aid

1 Commission, the University of California, the California State
2 University, and the California Community Colleges to receive
3 information pursuant to paragraph (23) of subdivision (a).

4 SEC. 5. Section 16010 of the Welfare and Institutions Code is
5 amended to read:

6 16010. (a) When a child is placed in foster care, the case plan
7 for each child recommended pursuant to Section 358.1 shall include
8 a summary of the health and education information or records,
9 including mental health information or records, of the child. The
10 summary may be maintained in the form of a health and education
11 passport, or a comparable format designed by the child protective
12 agency. The health and education summary shall include, but not
13 be limited to, the names and addresses of the child's health, dental,
14 and education providers, the child's grade level performance, the
15 child's school record, assurances that the child's placement in
16 foster care takes into account proximity to the school in which the
17 child is enrolled at the time of placement, *assurances that all efforts*
18 *are made to eliminate or reduce the need for transfer from the*
19 *school of origin during the academic year, semester, or term of*
20 *instruction when a foster child's placement is changed*, a record
21 of the child's immunizations and allergies, the child's known
22 medical problems, the child's current medications, past health
23 problems and hospitalizations, a record of the child's relevant
24 mental health history, the child's known mental health condition
25 and medications, and any other relevant mental health, dental,
26 health, and education information concerning the child determined
27 to be appropriate by the Director of Social Services. If any other
28 ~~provision of law~~ imposes more stringent information requirements,
29 then that section shall prevail.

30 (b) Additionally, ~~any~~ a court report or assessment required
31 pursuant to subdivision (g) of Section 361.5, Section 366.1,
32 subdivision (d) of Section 366.21, or subdivision (b) of Section
33 366.22 shall include a copy of the current health and education
34 summary described in subdivision (a).

35 (c) As soon as possible, but not later than 30 days after initial
36 placement of a child into foster care, the child protective agency
37 shall provide the caretaker with the child's current health and
38 education summary as described in subdivision (a). For each
39 subsequent placement, the child protective agency shall provide

1 the caretaker with a current summary as described in subdivision
2 (a) within 48 hours of the placement.

3 (d) (1) Notwithstanding Section 827 or any other ~~provision of~~
4 law, the child protective agency may disclose any information
5 described in this section to a prospective caretaker or caretakers
6 prior to placement of a child if all of the following requirements
7 are met:

8 (A) The child protective agency intends to place the child with
9 the prospective caretaker or caretakers.

10 (B) The prospective caretaker or caretakers are willing to
11 become the adoptive parent or parents of the child.

12 (C) The prospective caretaker or caretakers have an approved
13 adoption assessment or home study, a foster family home license,
14 certification by a licensed foster family agency, or approval
15 pursuant to the requirements in Sections 361.3 and 361.4.

16 (2) In addition to the information required to be provided under
17 this section, the child protective agency may disclose to the
18 prospective caretaker specified in paragraph (1), placement history
19 or underlying source documents that are provided to adoptive
20 parents pursuant to subdivisions (a) and (b) of Section 8706 of the
21 Family Code.

22 (e) The child's caretaker shall be responsible for obtaining and
23 maintaining accurate and thorough information from physicians
24 and educators for the child's summary as described in subdivision
25 (a) during the time that the child is in the care of the caretaker. On
26 each required visit, the child protective agency or its designee
27 family foster agency shall inquire of the caretaker whether there
28 is any new information that should be added to the child's summary
29 as described in subdivision (a). The child protective agency shall
30 update the summary with ~~such~~ *the* information as appropriate, but
31 not later than the next court date or within 48 hours of a change
32 in placement. The child protective agency or its designee family
33 foster agency shall take all necessary steps to assist the caretaker
34 in obtaining relevant health and education information for the
35 child's health and education summary as described in subdivision
36 (a).

37 (f) At the initial hearing, the court shall direct each parent to
38 provide to the child protective agency complete medical, dental,
39 mental health, and educational information, and medical
40 background, of the child and of the child's mother and the child's

1 biological father if known. The Judicial Council shall create a form
2 for the purpose of obtaining health and education information from
3 the child's parents or guardians at the initial hearing. The court
4 shall determine at the hearing held pursuant to Section 358 whether
5 the medical, dental, mental health, and educational information
6 has been provided to the child protective agency.

7 SEC. 6. Section 16501.1 of the Welfare and Institutions Code
8 is amended to read:

9 16501.1. (a) (1) The Legislature finds and declares that the
10 foundation and central unifying tool in child welfare services is
11 the case plan.

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

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

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

27 (3) (A) In determining the reasonable services to be offered or
28 provided, the case plan shall include information, to the extent
29 possible, about a parent's incarceration in a county jail or the state
30 prison during the time that a minor child of that parent is involved
31 in dependency care. Once a consistent data entry field or fields
32 have been designated in the statewide child welfare database, social
33 workers shall make reasonable efforts to collect and update
34 necessary data regarding a child's incarcerated parent or parents.

35 (B) In order to further the goals of this paragraph, the Legislature
36 encourages the State Department of Social Services to consult with
37 the county welfare directors regarding the best way to incorporate
38 the information specified in subparagraph (A) as a required field
39 in the statewide database. The Legislature also encourages the
40 Department of Justice, the Department of Corrections and

1 Rehabilitation, county welfare departments, and county sheriffs
2 to develop protocols for facilitating the exchange of information
3 regarding the location and sentencing of the incarcerated parent
4 or parents of a minor child who is in dependency care.

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

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

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

16 (c) (1) If out-of-home placement is used to attain case plan
17 goals, the decision regarding choice of placement shall be based
18 upon selection of a safe setting that is the least restrictive or most
19 familylike and the most appropriate setting that is available and
20 in close proximity to the parent's home, ~~proximity to the child's~~
21 ~~school~~ *will not result in a transfer from the school of origin during*
22 *the academic year, semester, or term of instruction*, consistent
23 with the selection of the environment best suited to meet the child's
24 special needs and best interests, or both. The selection shall
25 consider, in order of priority, placement with relatives, tribal
26 members, and foster family, group care, and residential treatment
27 pursuant to Section 7950 of the Family Code.

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

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

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

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

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

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

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

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

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

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

38 (4) The case plan shall include a description of the schedule of
39 the social worker contacts with the child and the family or other
40 caretakers. The frequency of these contacts shall be in accordance

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

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

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

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

40 (A) The death of an immediate relative.

1 (B) The birth of a sibling.

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

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

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

18 (A) An assurance that the placement takes into account the
19 appropriateness of the current educational setting and the proximity
20 to the school in which the child is enrolled at the time of placement,
21 *and that all efforts were made to eliminate or reduce the need for*
22 *transfer from the school of origin during the academic year,*
23 *semester, or term of instruction as a result of the 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~~ a 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.

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

1 except for good cause, in the provision of services specified in the
2 child welfare services case plan may be used in any hearing held
3 pursuant to Section 366.21 or 366.22 as evidence.

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

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

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

32 (16) (A) When appropriate, for a child who is 16 years of age
33 or older, 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. The case plan shall be developed with the child
37 and individuals identified as important to the child, and shall
38 include steps the agency is taking to ensure that the child has a
39 connection to a caring adult.

1 (B) During the 90-day period prior to the participant attaining
2 18 years of age or older as the state may elect under Section
3 475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social
4 Security Act, whether during that period foster care maintenance
5 payments are being made on the child’s behalf or the child is
6 receiving benefits or services under Section 477 (42 U.S.C. Sec.
7 677) of the federal Social Security Act, a caseworker or other
8 appropriate agency staff or probation officer and other
9 representatives of the participant, as appropriate, must address, in
10 the written transitional independent living plan, that is personalized
11 at the direction of the child, information as detailed as the
12 participant elects that shall include, but not be limited to, options
13 regarding housing, health insurance, education, local opportunities
14 for mentors and continuing support services, and workforce
15 supports and employment services.

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

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

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

1 (j) The child’s caregiver shall be provided a copy of a plan
2 outlining the child’s needs and services.

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

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

16 SEC. 7. If the Commission on State Mandates determines that
17 this act contains costs mandated by the state, reimbursement to
18 local agencies and school districts for those costs shall be made
19 pursuant to Part 7 (commencing with Section 17500) of Division
20 4 of Title 2 of the Government Code.