

AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1353

Introduced by Senator Wright

February 19, 2010

An act to amend ~~Sections~~ *Section* 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 amended, 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)~~

~~(3) 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)~~

~~(4) 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~~ *the proximity of the child's school as an indicator of the best interests of the child with respect to educational stability.*

~~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 provide 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~~ *this assurance is an indicator of the best interests of the child with respect to educational stability.*

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

1 in foster care fail courses and repeat grades more frequently than
2 their peers, have lower grade point averages and standardized test
3 scores, and graduate high school at a rate 20 percent lower than
4 pupils who are not in foster care. They are 55 percent more likely
5 to drop out or 10 percent more likely to be incarcerated than the
6 54 percent to graduate high school.

7 (d) It is in the pupil's best interests that they experience minimal
8 disruptions to school attendance and educational stability caused
9 by transfers outside of the school of origin. Where school transfers
10 are necessary, caregivers, county placing agencies, foster care
11 agencies, liaisons, and other adults making decisions regarding
12 residential placement and school transfers, should make a diligent
13 effort to avoid, delay, or postpone transfers that would likely result
14 in the pupil transferring schools during the academic school year,
15 semester, or term.

16 (e) Existing law grants children in foster care the right to
17 continue attending the school of origin at the initial detention or
18 placement, or any subsequent change in placement, for the
19 remainder of the academic year. However, the liaison may
20 recommend that the foster child's right to attend the school of
21 origin be waived and the pupil transferred to a school closer to the
22 new residential placement.

23 (f) Existing law provides that if the liaison and person making
24 educational decisions for the foster child agree that the best
25 interests of the foster child would best be served by his or her
26 transfer to a school other than the school of origin, the foster child
27 would immediately be enrolled in the new school. In determining
28 the child's best interest, existing law does not encourage
29 consideration of the long-term impacts of multiple school transfers
30 during the academic year.

31 (g) As a result, foster children in California experience a
32 disproportionately high transience rate. In Compton, 514 of the
33 district's 1,265 pupils in foster care are transient as a result of
34 school transfers. Foster children who are pupils in CUSD are
35 removed from the school of origin during the school year 47
36 percent of the time and are placed in a new school during the school
37 year 85 percent of the time. Placements that result in school
38 transfers prioritize factors other than educational impact, and the
39 pupils ultimately suffer.

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

3 48850. (a) (1) It is the intent of the Legislature to ensure that
4 all pupils in foster care and those who are homeless as defined by
5 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
6 Sec. 11301 et seq.) have a meaningful opportunity to meet the
7 challenging state pupil academic achievement standards to which
8 all pupils are held. In fulfilling their responsibilities to these pupils,
9 educators, county placing agencies, care providers, advocates, and
10 the juvenile courts shall work together to maintain stable school
11 placements and to ensure that each pupil is placed in the least
12 restrictive educational programs, and has access to the academic
13 resources, services, and extracurricular and enrichment activities
14 that are available to all pupils, including, but not necessarily limited
15 to, interscholastic sports administered by the California
16 Interscholastic Federation. In all instances, educational and school
17 placement decisions must be based on the best interests of the
18 child. For purposes of this section, the “best interests of the child”
19 shall include, but not be limited to, minimal disruptions to school
20 attendance and educational stability caused by transfers outside
21 of the school of origin during the academic year, semester, or term
22 of instruction.

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

27 (b) Every county office of education shall make available to
28 agencies that place children in licensed children’s institutions
29 information on educational options for children residing in licensed
30 children’s institutions within the jurisdiction of the county office
31 of education for use by the placing agencies in assisting parents
32 and foster children to choose educational placements.

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

39 ~~SEC. 3. Section 48853.5 of the Education Code is amended to~~
40 ~~read:~~

1 ~~48853.5. (a) This section applies to a foster child who has~~
2 ~~been removed from his or her home pursuant to Section 309 of the~~
3 ~~Welfare and Institutions Code, is the subject of a petition filed~~
4 ~~under Section 300 or 602 of the Welfare and Institutions Code, or~~
5 ~~has been removed from his or her home and is the subject of a~~
6 ~~petition filed under Section 300 or 602 of the Welfare and~~
7 ~~Institutions Code.~~

8 ~~(b) Each local educational agency shall designate a staff person~~
9 ~~as the educational liaison for foster children. In a school district~~
10 ~~that operates a foster children services program pursuant to Chapter~~
11 ~~11.3 (commencing with Section 42920) of Part 24 of Division 3,~~
12 ~~the educational liaison shall be affiliated with the local foster~~
13 ~~children services program. The liaison shall do all of the following:~~

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

16 ~~(2) Assist foster children when transferring from one school to~~
17 ~~another or from one school district to another in ensuring proper~~
18 ~~transfer of credits, records, and grades.~~

19 ~~(c) This section does not grant authority to the educational~~
20 ~~liaison that supersedes the authority granted under state and federal~~
21 ~~law to a parent or guardian retaining educational rights, a~~
22 ~~responsible adult appointed by the court to represent the child~~
23 ~~pursuant to Section 361 or 726 of the Welfare and Institutions~~
24 ~~Code, a surrogate parent, or a foster parent exercising the authority~~
25 ~~granted under Section 56055. The role of the educational liaison~~
26 ~~is advisory with respect to placement decisions and determination~~
27 ~~of school of origin.~~

28 ~~(d) (1) At the initial detention or placement, or a subsequent~~
29 ~~change in placement of a foster child, the local educational agency~~
30 ~~servicing the foster child shall allow the foster child to continue his~~
31 ~~or her education in the school of origin for the duration of the~~
32 ~~academic school year.~~

33 ~~(2) The liaison, in consultation with and the agreement of the~~
34 ~~foster child and the person holding the right to make educational~~
35 ~~decisions for the foster child may, in accordance with the foster~~
36 ~~child's best interests, recommend that the foster child's right to~~
37 ~~attend the school of origin be waived and the foster child be~~
38 ~~enrolled in any public school that pupils living in the attendance~~
39 ~~area in which the foster child resides are eligible to attend.~~

1 ~~(3) Prior to making a recommendation to move a foster child~~
2 ~~from his or her school of origin, the liaison shall provide the foster~~
3 ~~child and the person holding the right to make educational decisions~~
4 ~~for the foster child with a written explanation stating the basis for~~
5 ~~the recommendation and how this recommendation serves the~~
6 ~~foster child's best interest.~~

7 ~~(4) (A) If the liaison in consultation with the foster child, the~~
8 ~~person holding the right to make educational decisions for the~~
9 ~~foster child, and the county placing agency agree that the best~~
10 ~~interests of the foster child would best be served by his or her~~
11 ~~transfer to a school other than the school of origin, and minimal~~
12 ~~educational disruption would result from the transfer, the foster~~
13 ~~child shall immediately be enrolled in the new school.~~

14 ~~(B) The new school shall immediately enroll the foster child~~
15 ~~even if the foster child has outstanding fees, fines, textbooks, or~~
16 ~~other items or moneys due to the school last attended or is unable~~
17 ~~to produce records or clothing normally required for enrollment,~~
18 ~~such as previous academic records, medical records, proof of~~
19 ~~residency, other documentation, or school uniforms.~~

20 ~~(C) The liaison for the new school shall, within two business~~
21 ~~days of the foster child's request for enrollment, contact the school~~
22 ~~last attended by the foster child to obtain all academic and other~~
23 ~~records. All required records shall be provided to the new school~~
24 ~~regardless of any outstanding fees, fines, textbooks, or other items~~
25 ~~or moneys owed to the school last attended. The school liaison for~~
26 ~~the school last attended shall provide all records to the new school~~
27 ~~within two business days of receiving the request.~~

28 ~~(5) If a dispute arises regarding the request of a foster child to~~
29 ~~remain in the school of origin, the foster child has the right to~~
30 ~~remain in the school of origin pending resolution of the dispute.~~
31 ~~The dispute shall be resolved in accordance with the existing~~
32 ~~dispute resolution process available to any pupil served by the~~
33 ~~local educational agency.~~

34 ~~(6) The local educational agency and the county placing agency~~
35 ~~are encouraged to collaborate to ensure maximum utilization of~~
36 ~~available federal moneys, explore public-private partnerships, and~~
37 ~~access other funding sources to promote the well-being of foster~~
38 ~~children through educational stability.~~

39 ~~(e) For purposes of this section, "school of origin" means the~~
40 ~~school that the foster child attended when permanently housed or~~

1 the school in which the foster child was last enrolled. If the school
2 the foster child attended when permanently housed is different
3 from the school in which the foster child was last enrolled, or if
4 there is some other school that the foster child attended with which
5 the foster child is connected and which the foster child attended
6 within the immediately preceding 15 months, the liaison, in
7 consultation with and the agreement of the foster child and the
8 person holding the right to make educational decisions for the
9 foster child, shall determine, in the best interests of the foster child,
10 the school that shall be deemed the school of origin.

11 ~~(f) This section does not supersede other law governing the~~
12 ~~educational placements in juvenile court schools, as defined by~~
13 ~~Section 48645.1, by the juvenile court under Section 602 of the~~
14 ~~Welfare and Institutions Code.~~

15 ~~SEC. 4.~~

16 *SEC. 3.* Section 16001.9 of the Welfare and Institutions Code
17 is amended to read:

18 16001.9. (a) It is the policy of the state that all children in
19 foster care shall have the following rights:

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

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

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

26 (4) To receive medical, dental, vision, and mental health
27 services.

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

30 (6) To contact family members, unless prohibited by court order,
31 and social workers, attorneys, foster youth advocates and
32 supporters, Court Appointed Special Advocates (CASAs), and
33 probation officers.

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

36 (8) To contact the Community Care Licensing Division of the
37 State Department of Social Services or the State Foster Care
38 Ombudsperson regarding violations of rights, to speak to
39 representatives of these offices confidentially, and to be free from
40 threats or punishment for making complaints.

- 1 (9) To make and receive confidential telephone calls and send
2 and receive unopened mail, unless prohibited by court order.
- 3 (10) To attend religious services and activities of his or her
4 choice.
- 5 (11) To maintain an emancipation bank account and manage
6 personal income, consistent with the child's age and developmental
7 level, unless prohibited by the case plan.
- 8 (12) To not be locked in a room, building, or facility premises,
9 unless placed in a community treatment facility.
- 10 (13) To attend school and participate in extracurricular, cultural,
11 and personal enrichment activities, consistent with the child's age
12 and developmental level with minimal disruptions to school
13 attendance and educational stability caused by transfers from the
14 school of origin during the academic year, semester, or term of
15 instruction.
- 16 (14) To work and develop job skills at an age-appropriate level,
17 consistent with state law.
- 18 (15) To have social contacts with people outside of the foster
19 care system, such as teachers, church members, mentors, and
20 friends.
- 21 (16) To attend Independent Living Program classes and activities
22 if he or she meets age requirements.
- 23 (17) To attend court hearings and speak to the judge.
- 24 (18) To have storage space for private use.
- 25 (19) To be involved in the development of his or her own case
26 plan and plan for permanent placement.
- 27 (20) To review his or her own case plan and plan for permanent
28 placement, if he or she is 12 years of age or older and in a
29 permanent placement, and to receive information about his or her
30 out-of-home placement and case plan, including being told of
31 changes to the plan.
- 32 (21) To be free from unreasonable searches of personal
33 belongings.
- 34 (22) To confidentiality of all juvenile court records consistent
35 with existing law.
- 36 (23) To have fair and equal access to all available services,
37 placement, care, treatment, and benefits, and to not be subjected
38 to discrimination or harassment on the basis of actual or perceived
39 race, ethnic group identification, ancestry, national origin, color,

1 religion, sex, sexual orientation, gender identity, mental or physical
2 disability, or HIV status.

3 (24) At 16 years of age or older, to have access to existing
4 information regarding the educational options available, including,
5 but not limited to, the coursework necessary for vocational and
6 postsecondary educational programs, and information regarding
7 financial aid for postsecondary education.

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

11 (c) The State Department of Social Services and each county
12 welfare department are encouraged to work with the Student Aid
13 Commission, the University of California, the California State
14 University, and the California Community Colleges to receive
15 information pursuant to paragraph (23) of subdivision (a).

16 ~~SEC. 5.~~

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

19 16010. (a) When a child is placed in foster care, the case plan
20 for each child recommended pursuant to Section 358.1 shall include
21 a summary of the health and education information or records,
22 including mental health information or records, of the child. The
23 summary may be maintained in the form of a health and education
24 passport, or a comparable format designed by the child protective
25 agency. The health and education summary shall include, but not
26 be limited to, the names and addresses of the child’s health, dental,
27 and education providers, the child’s grade level performance, the
28 child’s school record, assurances that the child’s placement in
29 foster care takes into account proximity to the school in which the
30 child is enrolled at the time of placement, ~~assurances that all efforts~~
31 ~~are made to eliminate or reduce the need for transfer from the~~
32 ~~school of origin during the academic year, semester, or term of~~
33 ~~instruction when a foster child’s placement is changed, a record~~
34 *as an indicator of the best interests of the child with respect to*
35 *educational stability, a record* of the child’s immunizations and
36 allergies, the child’s known medical problems, the child’s current
37 medications, past health problems and hospitalizations, a record
38 of the child’s relevant mental health history, the child’s known
39 mental health condition and medications, and any other relevant
40 mental health, dental, health, and education information concerning

1 the child determined to be appropriate by the Director of Social
2 Services. If any other law imposes more stringent information
3 requirements, then that section shall prevail.

4 (b) Additionally, a court report or assessment required pursuant
5 to subdivision (g) of Section 361.5, Section 366.1, subdivision (d)
6 of Section 366.21, or subdivision (b) of Section 366.22 shall
7 include a copy of the current health and education summary
8 described in subdivision (a).

9 (c) As soon as possible, but not later than 30 days after initial
10 placement of a child into foster care, the child protective agency
11 shall provide the caretaker with the child's current health and
12 education summary as described in subdivision (a). For each
13 subsequent placement, the child protective agency shall provide
14 the caretaker with a current summary as described in subdivision
15 (a) within 48 hours of the placement.

16 (d) (1) Notwithstanding Section 827 or any other law, the child
17 protective agency may disclose any information described in this
18 section to a prospective caretaker or caretakers prior to placement
19 of a child if all of the following requirements are met:

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

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

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

28 (2) In addition to the information required to be provided under
29 this section, the child protective agency may disclose to the
30 prospective caretaker specified in paragraph (1), placement history
31 or underlying source documents that are provided to adoptive
32 parents pursuant to subdivisions (a) and (b) of Section 8706 of the
33 Family Code.

34 (e) The child's caretaker shall be responsible for obtaining and
35 maintaining accurate and thorough information from physicians
36 and educators for the child's summary as described in subdivision
37 (a) during the time that the child is in the care of the caretaker. On
38 each required visit, the child protective agency or its designee
39 family foster agency shall inquire of the caretaker whether there
40 is any new information that should be added to the child's summary

1 as described in subdivision (a). The child protective agency shall
2 update the summary with the information as appropriate, but not
3 later than the next court date or within 48 hours of a change in
4 placement. The child protective agency or its designee family
5 foster agency shall take all necessary steps to assist the caretaker
6 in obtaining relevant health and education information for the
7 child's health and education summary as described in subdivision
8 (a).

9 (f) At the initial hearing, the court shall direct each parent to
10 provide to the child protective agency complete medical, dental,
11 mental health, and educational information, and medical
12 background, of the child and of the child's mother and the child's
13 biological father if known. The Judicial Council shall create a form
14 for the purpose of obtaining health and education information from
15 the child's parents or guardians at the initial hearing. The court
16 shall determine at the hearing held pursuant to Section 358 whether
17 the medical, dental, mental health, and educational information
18 has been provided to the child protective agency.

19 ~~SEC. 6.~~

20 *SEC. 5.* Section 16501.1 of the Welfare and Institutions Code
21 is amended to read:

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

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

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

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

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

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

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

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

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

30 (c) (1) If out-of-home placement is used to attain case plan
31 goals, the decision regarding choice of placement shall be based
32 upon selection of a safe setting that is the least restrictive or most
33 family like and the most appropriate setting that is available and
34 in close proximity to the parent’s home, ~~will not result in a transfer~~
35 ~~from the school of origin during the academic year, semester, or~~
36 ~~term of instruction, consistent~~ *proximity to the child’s school as*
37 *an indicator of the best interests of the child with respect to*
38 *educational stability, consistent* with the selection of the
39 environment best suited to meet the child’s special needs and best
40 interests, or both. The selection shall consider, in order of priority,

1 placement with relatives, tribal members, and foster family, group
2 care, and residential treatment pursuant to Section 7950 of the
3 Family Code.

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

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

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

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

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

40 (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 ~~and that all efforts were made to eliminate or reduce the need for~~
38 ~~transfer from the school of origin during the academic year,~~
39 ~~semester, or term of instruction as a result of the placement. as an~~

1 *indicator of the best interests of the child with respect to*
2 *educational stability.*

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

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

21 (B) Information regarding the schedule and frequency of the
22 visits between the child and siblings, as well as any court-ordered
23 terms and conditions needed to facilitate the visits while protecting
24 the 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 (10) If out-of-home services are used and the goal is
27 reunification, the case plan shall describe the services to be
28 provided to assist in reunification and the services to be provided
29 concurrently to achieve legal permanency if efforts to reunify fail.
30 The plan shall also consider in-state and out-of-state placements,
31 the importance of developing and maintaining sibling relationships
32 pursuant to Section 16002, and the desire and willingness of the
33 caregiver to provide legal permanency for the child if reunification
34 is unsuccessful.

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

1 agency or by a licensed adoption agency that it is unlikely that the
2 child will be adopted, or that one of the conditions described in
3 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
4 be deemed a compelling reason.

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

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

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

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

36 (15) If the case plan has as its goal for the child a permanent
37 plan of adoption or placement in another permanent home, it shall
38 include a statement of the child's wishes regarding their permanent
39 placement plan and an assessment of those stated wishes. The
40 agency shall also include documentation of the steps the agency

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

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

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

33 (g) If the court finds, after considering the case plan, that
34 unsupervised sibling visitation is appropriate and has been
35 consented to, the court shall order that the child or the child's
36 siblings, the child's current caregiver, and the child's prospective
37 adoptive parents, if applicable, be provided with information
38 necessary to accomplish this visitation. This section does not
39 require or prohibit the social worker's facilitation, transportation,
40 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. 7.~~

34 *SEC. 6.* If the Commission on State Mandates determines that
35 this act contains costs mandated by the state, reimbursement to
36 local agencies and school districts for those costs shall be made
37 pursuant to Part 7 (commencing with Section 17500) of Division
38 4 of Title 2 of the Government Code.

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