

AMENDED IN SENATE APRIL 5, 2010

AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1353

Introduced by Senator Wright

February 19, 2010

An act to amend Section 48850 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~~ *define* "best interests of the child" ~~includes, but is not limited to, minimal disruptions to school attendance and educational stability, as specified~~ *for purposes of that provision*.

~~(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)~~

(2) 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. *The bill also would make conforming changes.*

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

~~(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 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 provide that 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

(3) *If out-of-home placement is used to attain case plan goals, existing law requires the decision regarding choice of placement to be based upon selection of a safe setting that is the least restrictive or most family like and the most appropriate setting that is available in close proximity to the parent's home, to the child's school, or both.*

This bill instead would require a safe setting that is the least restrictive or most family like and the most appropriate setting that is available in close proximity to the parent's home, promotes educational stability by its location in or near the child's school attendance area, and provides an opportunity to delay any necessary school transfers to the summer or normal matriculation schedule.

The

(4) 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

1 performance. Each school transfer results in an average loss of
2 four to six months of educational attainment. As a result, pupils
3 in foster care fail courses and repeat grades more frequently than
4 their peers, have lower grade point averages and standardized test
5 scores, and graduate high school at a rate 20 percent lower than
6 pupils who are not in foster care. They are 55 percent more likely
7 to drop out or 10 percent more likely to be incarcerated than the
8 54 percent to graduate high school.

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

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

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

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

1 transfers prioritize factors other than educational impact, and the
2 pupils ultimately suffer.

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

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

26 (A) *Minimal disruptions to school attendance and educational*
27 *stability that may be achieved by timing school transfers, as*
28 *deemed to be necessary in accordance with the law, during the*
29 *summer or normal matriculation schedule.*

30 (B) *The opportunity to be educated in the least restrictive*
31 *educational setting necessary to achieve academic progress.*

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

36 (b) Every county office of education shall make available to
37 agencies that place children in licensed children’s institutions
38 information on educational options for children residing in licensed
39 children’s institutions within the jurisdiction of the county office

1 of education for use by the placing agencies in assisting parents
2 and foster children to choose educational placements.

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

9 SEC. 3. Section 16001.9 of the Welfare and Institutions Code
10 is amended to read:

11 16001.9. (a) It is the policy of the state that all children in
12 foster care shall have the following rights:

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

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

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

19 (4) To receive medical, dental, vision, and mental health
20 services.

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

23 (6) To contact family members, unless prohibited by court order,
24 and social workers, attorneys, foster youth advocates and
25 supporters, Court Appointed Special Advocates (CASAs), and
26 probation officers.

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

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

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

36 (10) To attend religious services and activities of his or her
37 choice.

38 (11) To maintain an emancipation bank account and manage
39 personal income, consistent with the child’s age and developmental
40 level, unless prohibited by the case plan.

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

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

4 (c) The State Department of Social Services and each county
5 welfare department are encouraged to work with the Student Aid
6 Commission, the University of California, the California State
7 University, and the California Community Colleges to receive
8 information pursuant to paragraph (23) of subdivision (a).

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

11 16010. (a) When a child is placed in foster care, the case plan
12 for each child recommended pursuant to Section 358.1 shall include
13 a summary of the health and education information or records,
14 including mental health information or records, of the child. The
15 summary may be maintained in the form of a health and education
16 passport, or a comparable format designed by the child protective
17 agency. The health and education summary shall include, but not
18 be limited to, the names and addresses of the child's health, dental,
19 and education providers, the child's grade level performance, the
20 child's school record, assurances that the child's placement in
21 foster care takes into account proximity to the school in which the
22 child is enrolled at the time of placement as an indicator of the
23 best interests of the child with respect to educational stability, a
24 record of the child's immunizations and allergies, the child's known
25 medical problems, the child's current medications, past health
26 problems and hospitalizations, a record of the child's relevant
27 mental health history, the child's known mental health condition
28 and medications, and any other relevant mental health, dental,
29 health, and education information concerning the child determined
30 to be appropriate by the Director of Social Services. If any other
31 law imposes more stringent information requirements, then that
32 section shall prevail.

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

38 (c) As soon as possible, but not later than 30 days after initial
39 placement of a child into foster care, the child protective agency
40 shall provide the caretaker with the child's current health and

1 education summary as described in subdivision (a). For each
2 subsequent placement, the child protective agency shall provide
3 the caretaker with a current summary as described in subdivision
4 (a) within 48 hours of the placement.

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

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

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

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

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

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

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

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

8 SEC. 5. Section 16501.1 of the Welfare and Institutions Code
9 is amended to read:

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

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

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

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

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

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

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

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

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

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

17 (c) (1) If out-of-home placement is used to attain case plan
18 goals, the decision regarding choice of placement shall be based
19 upon selection of a safe setting that is the least restrictive or most
20 family like and the most appropriate setting that is available and
21 in close proximity to the parent's home, ~~proximity to the child's~~
22 ~~school as an indicator of the best interests of the child with respect~~
23 ~~to educational stability~~ *that promotes educational stability by its*
24 *location in or near the child's school attendance area, and that*
25 *provides an opportunity to delay any necessary school transfers*
26 *to the summer or normal matriculation schedule, consistent with*
27 the selection of the environment best suited to meet the child's
28 special needs and best interests, or both. The selection shall
29 consider, in order of priority, placement with relatives, tribal
30 members, and foster family, group care, and residential treatment
31 pursuant to Section 7950 of the Family Code.

32 (2) In addition to the requirements of paragraph (1), and taking
33 into account other statutory considerations regarding placement,
34 the selection of the most appropriate home that will meet the child's
35 special needs and best interests shall also promote educational
36 stability by taking into consideration proximity to the child's school
37 ~~attendance area.~~ *and the child's school matriculation schedule, in*
38 *addition to other indicators of educational stability that the*
39 *Legislature hereby encourages the State Department of Social*
40 *Services and the State Department of Education to develop.*

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

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

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

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

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

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

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

38 (3) The case plan shall identify the original allegations of abuse
39 or neglect, as defined in Article 2.5 (commencing with Section
40 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the

1 conditions cited as the basis for declaring the child a dependent of
2 the court pursuant to Section 300, or all of these, and the other
3 precipitating incidents that led to child welfare services
4 intervention.

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

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

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

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

1 case to keep siblings informed of significant life events that occur
2 within the extended family, the social worker shall determine the
3 appropriate means and setting for disclosure of this information
4 to the child commensurate with the child's age and emotional
5 well-being. These significant life events shall include, but shall
6 not be limited to, the following:

7 (A) The death of an immediate relative.

8 (B) The birth of a sibling.

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

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

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

25 (A) An assurance that the placement takes into account the
26 appropriateness of the current educational setting and the proximity
27 to the school in which the child is enrolled at the time of placement
28 as an indicator of the best interests of the child with respect to
29 educational stability.

30 (B) An assurance that the placement agency has coordinated
31 with appropriate local educational agencies to ensure that the child
32 remains in the school in which the child is enrolled at the time of
33 placement *for at least the remainder of the school year during*
34 *which the placement is made*, or, if remaining in that school is not
35 in the best interests of the child, assurances by the placement
36 agency and the local educational agency to provide immediate and
37 appropriate enrollment in a new school and to provide all of the
38 child's educational records to the new school.

39 (9) (A) If out-of-home services are used, or if parental rights
40 have been terminated and the case plan is placement for adoption,

1 the case plan shall include a recommendation regarding the
2 appropriateness of unsupervised visitation between the child and
3 any of the child's siblings. This recommendation shall include a
4 statement regarding the child's and the siblings' willingness to
5 participate in unsupervised visitation. If the case plan includes a
6 recommendation for unsupervised sibling visitation, the plan shall
7 also note that information necessary to accomplish this visitation
8 has been provided to the child or to the child's siblings.

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

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

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

33 (12) (A) Parents and legal guardians shall have an opportunity
34 to review the case plan, and to sign it whenever possible, and then
35 shall receive a copy of the plan. In a voluntary service or placement
36 agreement, the parents or legal guardians shall be required to
37 review and sign the case plan. Whenever possible, parents and
38 legal guardians shall participate in the development of the case
39 plan.

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

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

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

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

39 (16) (A) When appropriate, for a child who is 16 years of age
40 or older, the case plan shall include a written description of the

1 programs and services that will help the child, consistent with the
2 child’s best interests, prepare for the transition from foster care to
3 independent living. The case plan shall be developed with the child
4 and individuals identified as important to the child, and shall
5 include steps the agency is taking to ensure that the child has a
6 connection to a caring adult.

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

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

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

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

1 years of age or older and who has been in out-of-home placement
2 for six months or longer to identify individuals other than the
3 child’s siblings who are important to the child, and may ask any
4 other child to provide that information, as appropriate. The social
5 worker shall make efforts to identify other individuals who are
6 important to the child, consistent with the child’s best interests.

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

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

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

22 SEC. 6. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.