

AMENDED IN SENATE APRIL 22, 2010

AMENDED IN SENATE APRIL 5, 2010

AMENDED IN SENATE MARCH 22, 2010

**SENATE BILL**

**No. 1353**

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**Introduced by Senator Wright**  
*(Coauthor: Senator Romero)*

February 19, 2010

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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 define "best interests of the child" for purposes of that provision.

~~(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.~~

~~(3)~~

(2) 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, among other things, 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.

~~(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-no*.  
 State-mandated local program: *yes-no*.

*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~~ *whom* are in
- 7 elementary school, 22 percent in middle school, and 35 percent in
- 8 high school.

1 (b) Education is one of the most important factors in a child's  
2 ability to support himself or herself as an independent adult after  
3 leaving foster care. Adults with a high school diploma earn almost  
4 \$10,000 more on average than those without, according to recent  
5 United States Census Bureau statistics. A high school diploma was  
6 once the minimal requirement to obtain decent employment, but  
7 a bachelor's degree has become crucial to entering the workforce  
8 in the 21st century. Numerous reports have found that advanced  
9 education improves a person's quality of life as evidenced by lower  
10 unemployment, better health, longer life, safer and more satisfying  
11 employment, and higher social status.

12 (c) Children in foster care are disproportionately transient. Over  
13 one-third experience five or more school changes during their time  
14 in foster care, which significantly compromises academic  
15 performance. Each school transfer results in an average loss of  
16 four to six months of educational attainment. As a result, pupils  
17 in foster care fail courses and repeat grades more frequently than  
18 their peers, have lower grade point averages and standardized test  
19 scores, and graduate high school at a rate 20 percent lower than  
20 pupils who are not in foster care. They are 55 percent more likely  
21 to drop out or 10 percent more likely to be incarcerated than the  
22 54 percent to graduate high school.

23 (d) It is in the ~~pupil's~~ *pupils'* best interests that they experience  
24 minimal disruptions to school attendance and educational stability  
25 caused by transfers outside of the school of origin. Where school  
26 transfers are necessary, caregivers, county placing agencies, foster  
27 care agencies, liaisons, and other adults making decisions regarding  
28 residential placement and school transfers, should make a diligent  
29 effort to avoid, delay, or postpone transfers that would likely result  
30 in the pupil transferring schools during the academic school year,  
31 semester, or term.

32 (e) Existing law grants children in foster care the right to  
33 continue attending the school of origin at the initial detention or  
34 placement, or any subsequent change in placement, for the  
35 remainder of the academic year. However, the liaison may  
36 recommend that the foster child's right to attend the school of  
37 origin be waived and the pupil transferred to a school closer to the  
38 new residential placement.

39 (f) Existing law provides that if the liaison and person making  
40 educational decisions for the foster child agree that the best

1 interests of the foster child would best be served by his or her  
2 transfer to a school other than the school of origin, the foster child  
3 would immediately be enrolled in the new school. In determining  
4 the child's best interest, existing law does not encourage  
5 consideration of the long-term impacts of multiple school transfers  
6 during the academic year.

7 (g) As a result, foster children in California experience a  
8 disproportionately high transience rate. In Compton, 514 of the  
9 district's 1,265 pupils in foster care are transient as a result of  
10 school transfers. Foster children who are pupils in CUSD are  
11 removed from the school of origin during the school year 47  
12 percent of the time and are placed in a new school during the school  
13 year 85 percent of the time. Placements that result in school  
14 transfers prioritize factors other than educational impact, and the  
15 pupils ultimately suffer.

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

18 48850. (a) (1) It is the intent of the Legislature to ensure that  
19 all pupils in foster care and those who are homeless as defined by  
20 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.  
21 Sec. 11301 et seq.) have a meaningful opportunity to meet the  
22 challenging state pupil academic achievement standards to which  
23 all pupils are held. In fulfilling their responsibilities to these pupils,  
24 educators, county placing agencies, care providers, advocates, and  
25 the juvenile courts shall work together to maintain stable school  
26 placements and to ensure that each pupil is placed in the least  
27 restrictive educational programs, and has access to the academic  
28 resources, services, and extracurricular and enrichment activities  
29 that are available to all pupils, including, but not necessarily limited  
30 to, interscholastic sports administered by the California  
31 Interscholastic Federation. In all instances, educational and school  
32 placement decisions must be based on the best interests of the  
33 child. For purposes of this section, the "best interests of the child"  
34 shall include, but not be limited to, both of the following:

35 (A) Minimal disruptions to school attendance and educational  
36 stability that may be achieved by timing school transfers, as  
37 deemed to be necessary in accordance with the law, during the  
38 summer or normal matriculation schedule.

39 (B) The opportunity to be educated in the least restrictive  
40 educational setting necessary to achieve academic progress.

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

5 (b) Every county office of education shall make available to  
6 agencies that place children in licensed children's institutions  
7 information on educational options for children residing in licensed  
8 children's institutions within the jurisdiction of the county office  
9 of education for use by the placing agencies in assisting parents  
10 and foster children to choose educational placements.

11 (c) For purposes of individuals with exceptional needs residing  
12 in licensed children's institutions, making a copy of the annual  
13 service plan, prepared pursuant to subdivision (b) of Section 56205,  
14 available to those special education local plan areas that have  
15 revised their local plans pursuant to Section 56836.03 shall meet  
16 the requirements of subdivision (b).

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

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

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

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

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

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

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

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

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

37 (8) To contact the Community Care Licensing Division of the  
38 State Department of Social Services or the State Foster Care  
39 Ombudsperson regarding violations of rights, to speak to

1 representatives of these offices confidentially, and to be free from  
2 threats or punishment for making complaints.

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

5 (10) To attend religious services and activities of his or her  
6 choice.

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

10 (12) To not be locked in a room, building, or facility premises,  
11 unless placed in a community treatment facility.

12 (13) To attend school and participate in extracurricular, cultural,  
13 and personal enrichment activities, consistent with the child's age  
14 and developmental level with minimal disruptions to school  
15 attendance and educational stability caused by transfers from the  
16 school of origin during the academic year, semester, or term of  
17 instruction.

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

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

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

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

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

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

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

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

36 (22) To confidentiality of all juvenile court records consistent  
37 with existing law.

38 (23) To have fair and equal access to all available services,  
39 placement, care, treatment, and benefits, and to not be subjected  
40 to discrimination or harassment on the basis of actual or perceived

1 race, ethnic group identification, ancestry, national origin, color,  
2 religion, sex, sexual orientation, gender identity, mental or physical  
3 disability, or HIV status.

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

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

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

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 as an indicator of the  
31 best interests of the child with respect to educational stability, a  
32 record of the child's immunizations and allergies, the child's known  
33 medical problems, the child's current medications, past health  
34 problems and hospitalizations, a record of the child's relevant  
35 mental health history, the child's known mental health condition  
36 and medications, and any other relevant mental health, dental,  
37 health, and education information concerning the child determined  
38 to be appropriate by the Director of Social Services. If any other  
39 law imposes more stringent information requirements, then that  
40 section shall prevail.

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

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

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

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

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

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

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

31 (e) The child's caretaker shall be responsible for obtaining and  
32 maintaining accurate and thorough information from physicians  
33 and educators for the child's summary as described in subdivision  
34 (a) during the time that the child is in the care of the caretaker. On  
35 each required visit, the child protective agency or its designee  
36 family foster agency shall inquire of the caretaker whether there  
37 is any new information that should be added to the child's summary  
38 as described in subdivision (a). The child protective agency shall  
39 update the summary with the information as appropriate, but not  
40 later than the next court date or within 48 hours of a change in



1 placement. The child protective agency or its designee family  
2 foster agency shall take all necessary steps to assist the caretaker  
3 in obtaining relevant health and education information for the  
4 child's health and education summary as described in subdivision  
5 (a).

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

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

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

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

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

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

36 (3) (A) In determining the reasonable services to be offered or  
37 provided, the case plan shall include information, to the extent  
38 possible, about a parent's incarceration in a county jail or the state  
39 prison during the time that a minor child of that parent is involved  
40 in dependency care. Once a consistent data entry field or fields

1 have been designated in the statewide child welfare database, social  
2 workers shall make reasonable efforts to collect and update  
3 necessary data regarding a child's incarcerated parent or parents.

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

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

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

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

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

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

1 special needs and best interests shall also promote educational  
2 stability by taking into consideration proximity to the child’s school  
3 and the child’s school matriculation schedule, in addition to other  
4 indicators of educational stability that the Legislature hereby  
5 encourages the State Department of Social Services and the State  
6 Department of Education to develop.

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

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

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

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

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

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

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

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

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

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

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

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

39 (6) When out-of-home placement is made, the case plan shall  
40 include provisions for the development and maintenance of sibling

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

14 (A) The death of an immediate relative.

15 (B) The birth of a sibling.

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

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

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

32 (A) An assurance that the placement takes into account the  
33 appropriateness of the current educational setting and the proximity  
34 to the school in which the child is enrolled at the time of placement  
35 as an indicator of the best interests of the child with respect to  
36 educational stability.

37 (B) An assurance that the placement agency has coordinated  
38 with appropriate local educational agencies to ensure that the child  
39 remains in the school in which the child is enrolled at the time of  
40 placement for at least the remainder of the school year during

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

29 ~~SEC. 6. If the Commission on State Mandates determines that~~  
30 ~~this act contains costs mandated by the state, reimbursement to~~  
31 ~~local agencies and school districts for those costs shall be made~~  
32 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
33 ~~4 of Title 2 of the Government Code.~~

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