

AMENDED IN ASSEMBLY JUNE 21, 2010

AMENDED IN SENATE APRIL 22, 2010

AMENDED IN SENATE APRIL 5, 2010

AMENDED IN SENATE MARCH 22, 2010

SENATE BILL

No. 1353

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

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

(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, 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 setting that is available in close proximity to the parent’s home, promotes educational stability by *considering* its location in or near the child’s school *of origin or* attendance area, and provides an opportunity to delay any necessary school transfers to the summer or normal matriculation schedule.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: 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 whom 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~~ *is* crucial to entering the workforce
15 in the 21st century. Numerous reports have found that advanced
16 education improves a person’s quality of life as evidenced by lower
17 unemployment, better health, longer life, safer and more satisfying
18 employment, and higher social status.

19 (c) Children in foster care are disproportionately transient. Over
20 one-third experience five or more school changes during their time
21 in foster care, which significantly compromises academic
22 performance. Each school transfer results in an average loss of
23 four to six months of educational attainment. As a result, pupils
24 in foster care fail courses and repeat grades more frequently than
25 their peers, have lower grade point averages and standardized test
26 scores, and graduate high school at a rate 20 percent lower than
27 pupils who are not in foster care. They are 55 percent more likely
28 to drop out or 10 percent more likely to be incarcerated than the
29 54 percent to graduate high school.

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

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

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

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

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

36 48850. (a) (1) It is the intent of the Legislature to ensure that
37 all pupils in foster care and those who are homeless as defined by
38 the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.
39 Sec. 11301 et seq.) have a meaningful opportunity to meet the
40 challenging state pupil academic achievement standards to which

1 all pupils are held. In fulfilling their responsibilities to these pupils,
2 educators, county placing agencies, care providers, advocates, and
3 the juvenile courts shall work together to maintain stable school
4 placements and to ensure that each pupil is placed in the least
5 restrictive educational programs, and has access to the academic
6 resources, services, and extracurricular and enrichment activities
7 that are available to all pupils, including, but not necessarily limited
8 to, interscholastic sports administered by the California
9 Interscholastic Federation. In all instances, educational and school
10 placement decisions must be based on the best interests of the
11 child. For purposes of this section, the “best interests of the child”
12 shall include, but not be limited to, both of the following:

13 ~~(A) Minimal disruptions to school attendance and educational~~
14 ~~stability that may be achieved by timing school transfers, as~~
15 ~~deemed to be necessary in accordance with the law, during the~~
16 ~~summer or normal matriculation schedule: child and shall consider,~~
17 ~~among other factors:~~

18 *(A) Educational stability by allowing the child to remain in the*
19 *school of origin by avoiding school transfers that occur outside*
20 *of the normal matriculation schedule of the child’s school of origin,*
21 *unless the transfer provides educational benefits to the child.*

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

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

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

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

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

3 16001.9. (a) It is the policy of the state that all children in
4 foster care shall have the following rights:

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

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

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

11 (4) To receive medical, dental, vision, and mental health
12 services.

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

15 (6) To contact family members, unless prohibited by court order,
16 and social workers, attorneys, foster youth advocates and
17 supporters, Court Appointed Special Advocates (CASAs), and
18 probation officers.

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

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

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

28 (10) To attend religious services and activities of his or her
29 choice.

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

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

35 (13) To attend school and participate in extracurricular, cultural,
36 and personal enrichment activities, consistent with the child's age
37 and developmental level with minimal disruptions to school
38 attendance and educational stability caused by transfers ~~from the~~
39 ~~school of origin during the academic year, semester, or term of~~
40 ~~instruction.~~

- 1 (14) To work and develop job skills at an age-appropriate level,
2 consistent with state law.
- 3 (15) To have social contacts with people outside of the foster
4 care system, such as teachers, church members, mentors, and
5 friends.
- 6 (16) To attend Independent Living Program classes and activities
7 if he or she meets age requirements.
- 8 (17) To attend court hearings and speak to the judge.
- 9 (18) To have storage space for private use.
- 10 (19) To be involved in the development of his or her own case
11 plan and plan for permanent placement.
- 12 (20) To review his or her own case plan and plan for permanent
13 placement, if he or she is 12 years of age or older and in a
14 permanent placement, and to receive information about his or her
15 out-of-home placement and case plan, including being told of
16 changes to the plan.
- 17 (21) To be free from unreasonable searches of personal
18 belongings.
- 19 (22) To confidentiality of all juvenile court records consistent
20 with existing law.
- 21 (23) To have fair and equal access to all available services,
22 placement, care, treatment, and benefits, and to not be subjected
23 to discrimination or harassment on the basis of actual or perceived
24 race, ethnic group identification, ancestry, national origin, color,
25 religion, sex, sexual orientation, gender identity, mental or physical
26 disability, or HIV status.
- 27 (24) At 16 years of age or older, to have access to existing
28 information regarding the educational options available, including,
29 but not limited to, the coursework necessary for vocational and
30 postsecondary educational programs, and information regarding
31 financial aid for postsecondary education.
- 32 (b) Nothing in this section shall be interpreted to require a foster
33 care provider to take any action that would impair the health and
34 safety of children in out-of-home placement.
- 35 (c) The State Department of Social Services and each county
36 welfare department are encouraged to work with the Student Aid
37 Commission, the University of California, the California State
38 University, and the California Community Colleges to receive
39 information pursuant to paragraph (23) of subdivision (a).

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

3 16010. (a) When a child is placed in foster care, the case plan
4 for each child recommended pursuant to Section 358.1 shall include
5 a summary of the health and education information or records,
6 including mental health information or records, of the child. The
7 summary may be maintained in the form of a health and education
8 passport, or a comparable format designed by the child protective
9 agency. The health and education summary shall include, but not
10 be limited to, the names and addresses of the child's health, dental,
11 and education providers, the child's grade level performance, the
12 child's school record, assurances that the child's placement in
13 foster care takes into account proximity to the school in which the
14 child is enrolled at the time of placement ~~as an indicator of the~~
15 ~~best interests of the child with respect to educational stability, a,~~
16 *the number of school transfers the child has already experienced,*
17 *the child's educational progress,* a record of the child's
18 immunizations and allergies, the child's known medical problems,
19 the child's current medications, past health problems and
20 hospitalizations, a record of the child's relevant mental health
21 history, the child's known mental health condition and medications,
22 and any other relevant mental health, dental, health, and education
23 information concerning the child determined to be appropriate by
24 the Director of Social Services. If any other law imposes more
25 stringent information requirements, then that section shall prevail.

26 (b) Additionally, a court report or assessment required pursuant
27 to subdivision (g) of Section 361.5, Section 366.1, subdivision (d)
28 of Section 366.21, or subdivision (b) of Section 366.22 shall
29 include a copy of the current health and education summary
30 described in subdivision (a).

31 (c) As soon as possible, but not later than 30 days after initial
32 placement of a child into foster care, the child protective agency
33 shall provide the caretaker with the child's current health and
34 education summary as described in subdivision (a). For each
35 subsequent placement, the child protective agency shall provide
36 the caretaker with a current summary as described in subdivision
37 (a) within 48 hours of the placement.

38 (d) (1) Notwithstanding Section 827 or any other law, the child
39 protective agency may disclose any information described in this

1 section to a prospective caretaker or caretakers prior to placement
2 of a child if all of the following requirements are met:
3 (A) The child protective agency intends to place the child with
4 the prospective caretaker or caretakers.
5 (B) The prospective caretaker or caretakers are willing to
6 become the adoptive parent or parents of the child.
7 (C) The prospective caretaker or caretakers have an approved
8 adoption assessment or home study, a foster family home license,
9 certification by a licensed foster family agency, or approval
10 pursuant to the requirements in Sections 361.3 and 361.4.
11 (2) In addition to the information required to be provided under
12 this section, the child protective agency may disclose to the
13 prospective caretaker specified in paragraph (1), placement history
14 or underlying source documents that are provided to adoptive
15 parents pursuant to subdivisions (a) and (b) of Section 8706 of the
16 Family Code.
17 (e) The child’s caretaker shall be responsible for obtaining and
18 maintaining accurate and thorough information from physicians
19 and educators for the child’s summary as described in subdivision
20 (a) during the time that the child is in the care of the caretaker. On
21 each required visit, the child protective agency or its designee
22 family foster agency shall inquire of the caretaker whether there
23 is any new information that should be added to the child’s summary
24 as described in subdivision (a). The child protective agency shall
25 update the summary with the information as appropriate, but not
26 later than the next court date or within 48 hours of a change in
27 placement. The child protective agency or its designee family
28 foster agency shall take all necessary steps to assist the caretaker
29 in obtaining relevant health and education information for the
30 child’s health and education summary as described in subdivision
31 (a).
32 (f) At the initial hearing, the court shall direct each parent to
33 provide to the child protective agency complete medical, dental,
34 mental health, and educational information, and medical
35 background, of the child and of the child’s mother and the child’s
36 biological father if known. The Judicial Council shall create a form
37 for the purpose of obtaining health and education information from
38 the child’s parents or guardians at the initial hearing. The court
39 shall determine at the hearing held pursuant to Section 358 whether

1 the medical, dental, mental health, and educational information
2 has been provided to the child protective agency.

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

5 16501.1. (a) (1) The Legislature finds and declares that the
6 foundation and central unifying tool in child welfare services is
7 the case plan.

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

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

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

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

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

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

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

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

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

26 (2) In addition to the requirements of paragraph (1), and taking
27 into account other statutory considerations regarding placement,
28 the selection of the most appropriate home that will meet the child's
29 special needs and best interests shall also promote educational
30 stability by taking into consideration proximity to the child's school
31 *of origin, and school attendance area, the number of school*
32 *transfers the child has previously experienced, and the child's*
33 *school matriculation schedule, in addition to other indicators of*
34 *educational stability that the Legislature hereby encourages the*
35 *State Department of Social Services and the State Department of*
36 *Education to develop. If a school transfer is deemed necessary in*
37 *accordance with the law, the decision regarding the placement*
38 *shall consider whether the placement does both of the following:*

39 (A) *Promotes educational stability by its location in or near the*
40 *child's school of origin or school attendance area.*

1 (B) Provides an opportunity to avoid school transfers or, at a
2 minimum, delays any necessary school transfers to the summer or
3 normal matriculation schedule.

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

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

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

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

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

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

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

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

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

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

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

35 (6) When out-of-home placement is made, the case plan shall
36 include provisions for the development and maintenance of sibling
37 relationships as specified in subdivisions (b), (c), and (d) of Section
38 16002. If appropriate, when siblings who are dependents of the
39 juvenile court are not placed together, the social worker for each
40 child, if different, shall communicate with each of the other social

1 workers and ensure that the child's siblings are informed of
2 significant life events that occur within their extended family.
3 Unless it has been determined that it is inappropriate in a particular
4 case to keep siblings informed of significant life events that occur
5 within the extended family, the social worker shall determine the
6 appropriate means and setting for disclosure of this information
7 to the child commensurate with the child's age and emotional
8 well-being. These significant life events shall include, but shall
9 not be limited to, the following:

10 (A) The death of an immediate relative.

11 (B) The birth of a sibling.

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

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

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

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

33 (B) An assurance that the placement agency has coordinated
34 with appropriate local educational agencies to ensure that the child
35 remains in the school in which the child is enrolled at the time of
36 ~~placement for at least the remainder of the school year during~~
37 ~~which the placement is made,~~ *placement* or, if remaining in that
38 school is not in the best interests of the child, assurances by the
39 placement agency and the local educational agency to provide

1 immediate and appropriate enrollment in a new school and to
2 provide all of the child's educational records to the new school.

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

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

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

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

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

1 review and sign the case plan. Whenever possible, parents and
2 legal guardians shall participate in the development of the case
3 plan.

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

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

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

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

1 electronic exchange systems, when the child has been freed for
2 adoption.

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

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

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

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

38 (i) When a child who is 10 years of age or older and who has
39 been in out-of-home placement for six months or longer, the case
40 plan shall include an identification of individuals, other than the

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

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

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

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

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