

AMENDED IN ASSEMBLY AUGUST 2, 2010

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; *and* 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 is
13 crucial to entering the workforce in the 21st century. Numerous
14 reports have found that advanced education improves a person's
15 quality of life as evidenced by lower unemployment, better health,
16 longer life, safer and more satisfying employment, and higher
17 social status.

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

12 ~~(A) Educational stability by allowing the child to remain in the~~
13 ~~school of origin by avoiding school transfers that occur outside of~~
14 ~~the normal matriculation schedule of the child's school of origin,~~
15 ~~unless the transfer provides educational benefits to the child.~~

16 ~~(B) The factors, educational stability and the opportunity to be~~
17 ~~educated in the least restrictive educational setting necessary to~~
18 ~~achieve academic progress.~~

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

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

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

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

37 16001.9. (a) It is the policy of the state that all children in
38 foster care shall have the following rights:

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

- 1 (2) To be free from physical, sexual, emotional, or other abuse,
2 or corporal punishment.
- 3 (3) To receive adequate and healthy food, adequate clothing,
4 and, for youth in group homes, an allowance.
- 5 (4) To receive medical, dental, vision, and mental health
6 services.
- 7 (5) To be free of the administration of medication or chemical
8 substances, unless authorized by a physician.
- 9 (6) To contact family members, unless prohibited by court order,
10 and social workers, attorneys, foster youth advocates and
11 supporters, Court Appointed Special Advocates (CASAs), and
12 probation officers.
- 13 (7) To visit and contact brothers and sisters, unless prohibited
14 by court order.
- 15 (8) To contact the Community Care Licensing Division of the
16 State Department of Social Services or the State Foster Care
17 Ombudsperson regarding violations of rights, to speak to
18 representatives of these offices confidentially, and to be free from
19 threats or punishment for making complaints.
- 20 (9) To make and receive confidential telephone calls and send
21 and receive unopened mail, unless prohibited by court order.
- 22 (10) To attend religious services and activities of his or her
23 choice.
- 24 (11) To maintain an emancipation bank account and manage
25 personal income, consistent with the child's age and developmental
26 level, unless prohibited by the case plan.
- 27 (12) To not be locked in a room, building, or facility premises,
28 unless placed in a community treatment facility.
- 29 (13) To attend school and participate in extracurricular, cultural,
30 and personal enrichment activities, consistent with the child's age
31 and developmental level with minimal disruptions to school
32 attendance and educational stability ~~caused by transfers~~.
- 33 (14) To work and develop job skills at an age-appropriate level,
34 consistent with state law.
- 35 (15) To have social contacts with people outside of the foster
36 care system, such as teachers, church members, mentors, and
37 friends.
- 38 (16) To attend Independent Living Program classes and activities
39 if he or she meets age requirements.
- 40 (17) To attend court hearings and speak to the judge.

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

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

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

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

11 (22) To confidentiality of all juvenile court records consistent
12 with existing law.

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

19 (24) At 16 years of age or older, to have access to existing
20 information regarding the educational options available, including,
21 but not limited to, the coursework necessary for vocational and
22 postsecondary educational programs, and information regarding
23 financial aid for postsecondary education.

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

27 (c) The State Department of Social Services and each county
28 welfare department are encouraged to work with the Student Aid
29 Commission, the University of California, the California State
30 University, and the California Community Colleges to receive
31 information pursuant to paragraph (23) of subdivision (a).

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

34 16010. (a) When a child is placed in foster care, the case plan
35 for each child recommended pursuant to Section 358.1 shall include
36 a summary of the health and education information or records,
37 including mental health information or records, of the child. The
38 summary may be maintained in the form of a health and education
39 passport, or a comparable format designed by the child protective
40 agency. The health and education summary shall include, but not

1 be limited to, the names and addresses of the child’s health, dental,
2 and education providers, the child’s grade level performance, the
3 child’s school record, assurances that the child’s placement in
4 foster care takes into account proximity to the school in which the
5 child is enrolled at the time of placement, the number of school
6 transfers the child has already experienced, the child’s educational
7 progress, *as demonstrated by factors, including, but not limited*
8 *to, academic proficiency scores, credits earned toward graduation,*
9 a record of the child’s immunizations and allergies, the child’s
10 known medical problems, the child’s current medications, past
11 health problems and hospitalizations, a record of the child’s
12 relevant mental health history, the child’s known mental health
13 condition and medications, and any other relevant mental health,
14 dental, health, and education information concerning the child
15 determined to be appropriate by the Director of Social Services.
16 If any other law imposes more stringent information requirements,
17 then that section shall prevail.

18 (b) Additionally, a court report or assessment required pursuant
19 to subdivision (g) of Section 361.5, Section 366.1, subdivision (d)
20 of Section 366.21, or subdivision (b) of Section 366.22 shall
21 include a copy of the current health and education summary
22 described in subdivision (a).

23 (c) As soon as possible, but not later than 30 days after initial
24 placement of a child into foster care, the child protective agency
25 shall provide the caretaker with the child’s current health and
26 education summary as described in subdivision (a). For each
27 subsequent placement, the child protective agency shall provide
28 the caretaker with a current summary as described in subdivision
29 (a) within 48 hours of the placement.

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

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

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

38 (C) The prospective caretaker or caretakers have an approved
39 adoption assessment or home study, a foster family home license,

1 certification by a licensed foster family agency, or approval
2 pursuant to the requirements in Sections 361.3 and 361.4.

3 (2) In addition to the information required to be provided under
4 this section, the child protective agency may disclose to the
5 prospective caretaker specified in paragraph (1), placement history
6 or underlying source documents that are provided to adoptive
7 parents pursuant to subdivisions (a) and (b) of Section 8706 of the
8 Family Code.

9 (e) The child's caretaker shall be responsible for obtaining and
10 maintaining accurate and thorough information from physicians
11 and educators for the child's summary as described in subdivision
12 (a) during the time that the child is in the care of the caretaker. On
13 each required visit, the child protective agency or its designee
14 family foster agency shall inquire of the caretaker whether there
15 is any new information that should be added to the child's summary
16 as described in subdivision (a). The child protective agency shall
17 update the summary with the information as appropriate, but not
18 later than the next court date or within 48 hours of a change in
19 placement. The child protective agency or its designee family
20 foster agency shall take all necessary steps to assist the caretaker
21 in obtaining relevant health and education information for the
22 child's health and education summary as described in subdivision
23 (a).

24 (f) At the initial hearing, the court shall direct each parent to
25 provide to the child protective agency complete medical, dental,
26 mental health, and educational information, and medical
27 background, of the child and of the child's mother and the child's
28 biological father if known. The Judicial Council shall create a form
29 for the purpose of obtaining health and education information from
30 the child's parents or guardians at the initial hearing. The court
31 shall determine at the hearing held pursuant to Section 358 whether
32 the medical, dental, mental health, and educational information
33 has been provided to the child protective agency.

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

36 16501.1. (a) (1) The Legislature finds and declares that the
37 foundation and central unifying tool in child welfare services is
38 the case plan.

39 (2) The Legislature further finds and declares that a case plan
40 ensures that the child receives protection and safe and proper care

1 and case management, and that services are provided to the child
2 and parents or other caretakers, as appropriate, in order to improve
3 conditions in the parent’s home, to facilitate the safe return of the
4 child to a safe home or the permanent placement of the child, and
5 to address the needs of the child while in foster care.

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

11 (2) In determining the reasonable services to be offered or
12 provided, the child’s health and safety shall be the paramount
13 concerns.

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

22 (B) In order to further the goals of this paragraph, the Legislature
23 encourages the State Department of Social Services to consult with
24 the county welfare directors regarding the best way to incorporate
25 the information specified in subparagraph (A) as a required field
26 in the statewide database. The Legislature also encourages the
27 Department of Justice, the Department of Corrections and
28 Rehabilitation, county welfare departments, and county sheriffs
29 to develop protocols for facilitating the exchange of information
30 regarding the location and sentencing of the incarcerated parent
31 or parents of a minor child who is in dependency care.

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

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

39 (5) If reasonable services are not ordered, or are terminated,
40 reasonable efforts shall be made to place the child in a timely

1 manner in accordance with the permanent plan and to complete
2 all steps necessary to finalize the permanent placement of the child.

3 (c) (1) If out-of-home placement is used to attain case plan
4 goals, the decision regarding choice of placement shall be based
5 upon selection of a safe setting that is the least restrictive or most
6 family like and the most appropriate setting that is available and
7 in close proximity to the parent's home, proximity to the child's
8 school, and consistent with the selection of the environment best
9 suited to meet the child's special needs and best interests. The
10 selection shall consider, in order of priority, placement with
11 relatives, tribal members, and foster family, group care, and
12 residential treatment pursuant to Section 7950 of the Family Code.

13 (2) In addition to the requirements of paragraph (1), and taking
14 into account other statutory considerations regarding placement,
15 the selection of the most appropriate home that will meet the child's
16 special needs and best interests shall also promote educational
17 stability by taking into consideration proximity to the child's school
18 of origin, and school attendance area, the number of school
19 transfers the child has previously experienced, and the child's
20 school matriculation schedule, in addition to other indicators of
21 educational stability that the Legislature hereby encourages the
22 State Department of Social Services and the State Department of
23 Education to develop. ~~If a school transfer is deemed necessary in~~
24 ~~accordance with the law, the decision regarding the placement~~
25 ~~shall consider whether the placement does both of the following:~~
26 *Education to develop.*

27 ~~(A) Promotes educational stability by its location in or near the~~
28 ~~child's school of origin or school attendance area.~~

29 ~~(B) Provides an opportunity to avoid school transfers or, at a~~
30 ~~minimum, delays any necessary school transfers to the summer or~~
31 ~~normal matriculation schedule.~~

32 (d) A written case plan shall be completed within a maximum
33 of 60 days of the initial removal of the child or of the in-person
34 response required under subdivision (f) of Section 16501 if the
35 child has not been removed from his or her home, or by the date
36 of the dispositional hearing pursuant to Section 358, whichever
37 occurs first. The case plan shall be updated as the service needs
38 of the child and family dictate. At a minimum, the case plan shall
39 be updated in conjunction with each status review hearing
40 conducted pursuant to Section 366.21, and the hearing conducted

1 pursuant to Section 366.26, but no less frequently than once every
2 six months. Each updated case plan shall include a description of
3 the services that have been provided to the child under the plan
4 and an evaluation of the appropriateness and effectiveness of those
5 services.

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

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

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

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

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

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

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

36 (4) The case plan shall include a description of the schedule of
37 the social worker contacts with the child and the family or other
38 caretakers. The frequency of these contacts shall be in accordance
39 with regulations adopted by the State Department of Social
40 Services. If the child has been placed in foster care out of state,

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

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

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

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

38 (A) The death of an immediate relative.

39 (B) The birth of a sibling.

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

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

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

17 (A) An assurance that the placement takes into account the
18 appropriateness of the current educational setting and the proximity
19 to the school in which the child is enrolled at the time of placement.

20 (B) An assurance that the placement agency has coordinated
21 *with the person holding the right to make educational decisions*
22 *for the child and* appropriate local educational agencies to ensure
23 that the child remains in the school in which the child is enrolled
24 at the time of placement or, if remaining in that school is not in
25 the best interests of the child, assurances by the placement agency
26 and the local educational agency to provide immediate and
27 appropriate enrollment in a new school and to provide all of the
28 child's educational records to the new school.

29 (9) (A) If out-of-home services are used, or if parental rights
30 have been terminated and the case plan is placement for adoption,
31 the case plan shall include a recommendation regarding the
32 appropriateness of unsupervised visitation between the child and
33 any of the child's siblings. This recommendation shall include a
34 statement regarding the child's and the siblings' willingness to
35 participate in unsupervised visitation. If the case plan includes a
36 recommendation for unsupervised sibling visitation, the plan shall
37 also note that information necessary to accomplish this visitation
38 has been provided to the child or to the child's siblings.

39 (B) Information regarding the schedule and frequency of the
40 visits between the child and siblings, as well as any court-ordered

1 terms and conditions needed to facilitate the visits while protecting
2 the safety of the child, shall be provided to the child's out-of-home
3 caregiver as soon as possible after the court order is made.

4 (10) If out-of-home services are used and the goal is
5 reunification, the case plan shall describe the services to be
6 provided to assist in reunification and the services to be provided
7 concurrently to achieve legal permanency if efforts to reunify fail.
8 The plan shall also consider in-state and out-of-state placements,
9 the importance of developing and maintaining sibling relationships
10 pursuant to Section 16002, and the desire and willingness of the
11 caregiver to provide legal permanency for the child if reunification
12 is unsuccessful.

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

23 (12) (A) Parents and legal guardians shall have an opportunity
24 to review the case plan, and to sign it whenever possible, and then
25 shall receive a copy of the plan. In a voluntary service or placement
26 agreement, the parents or legal guardians shall be required to
27 review and sign the case plan. Whenever possible, parents and
28 legal guardians shall participate in the development of the case
29 plan.

30 (B) Parents and legal guardians shall be advised that, pursuant
31 to Section 1228.1 of the Evidence Code, neither their signature on
32 the child welfare services case plan nor their acceptance of any
33 services prescribed in the child welfare services case plan shall
34 constitute an admission of guilt or be used as evidence against the
35 parent or legal guardian in a court of law. However, they shall also
36 be advised that the parent's or guardian's failure to cooperate,
37 except for good cause, in the provision of services specified in the
38 child welfare services case plan may be used in any hearing held
39 pursuant to Section 366.21 or 366.22 as evidence.

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

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

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

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

37 (B) During the 90-day period prior to the participant attaining
38 18 years of age or older as the state may elect under Section
39 475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social
40 Security Act, whether during that period foster care maintenance

1 payments are being made on the child's behalf or the child is
2 receiving benefits or services under Section 477 (42 U.S.C. Sec.
3 677) of the federal Social Security Act, a caseworker or other
4 appropriate agency staff or probation officer and other
5 representatives of the participant, as appropriate, must address, in
6 the written transitional independent living plan, that is personalized
7 at the direction of the child, information as detailed as the
8 participant elects that shall include, but not be limited to, options
9 regarding housing, health insurance, education, local opportunities
10 for mentors and continuing support services, and workforce
11 supports and employment services.

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

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

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

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

39 (k) On or before June 30, 2008, the department, in consultation
40 with the County Welfare Directors Association and other

1 advocates, shall develop a comprehensive plan to ensure that 90
2 percent of foster children are visited by their caseworkers on a
3 monthly basis by October 1, 2011, and that the majority of the
4 visits occur in the residence of the child. The plan shall include
5 any data reporting requirements necessary to comply with the
6 provisions of the federal Child and Family Services Improvement
7 Act of 2006 (Public Law 109-288).

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

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