

AMENDED IN ASSEMBLY MARCH 21, 2011

AMENDED IN ASSEMBLY MARCH 15, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 181

Introduced by Assembly Members ~~Beall~~ and Portantino and Beall

(Principal coauthor: Senator Steinberg)

(Coauthors: Assembly Members Ammiano, Blumenfield, Brownley, Carter, Chesbro, Dickinson, Fong, Galgiani, Gordon, Huffman, Ma, Skinner, and Swanson)

(Coauthors: Senators Correa, Evans, Price, and Vargas)

January 24, 2011

An act to amend Section 16164 of, and to add Section 16001.10 to, the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 181, as amended, ~~Beall~~ *Portantino*. Foster youth: mental health bill of rights.

Existing law provides that, when a child is removed from his or her family by the juvenile court, placement of the child in foster care should secure, as nearly as possible, the custody, care, and discipline equivalent to that which should have been given the child by his or her parents. Existing law provides enumerated rights for children who are placed in foster care. Existing law establishes the Office of the State Foster Care Ombudsperson to disseminate specified information, including the stated rights of foster youth, and to investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services.

This bill would enumerate rights for foster youth relating to mental health services. The bill would require the office, in consultation with various entities, to develop, no later than July 1, 2012, standardized information explaining the rights specified and to distribute this information to foster youth.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 16001.10 is added to the Welfare and
2 Institutions Code, to read:
3 16001.10. (a) It is the policy of the state that all children in
4 foster care and transition-age foster youth shall have the following
5 rights relating to mental health services:
6 (1) To receive needed mental health services.
7 (2) To interview a therapist prior to commencing treatment.
8 (3) To discontinue psychotropic medication, as deemed
9 appropriate by a physician, if the youth experiences potentially
10 dangerous side effects.
11 (4) To be presented with mental health options, including, but
12 not limited to, holistic or natural approaches, mentoring, peer
13 counseling, therapy, and medication.
14 (5) To continue services with their therapist or counselor for at
15 least one year when their residential placement changes or as long
16 as it is in the best interest of the youth, as determined by a court.
17 (6) To be evaluated by a medical professional.
18 (7) To have mental health services provided outside of the place
19 of residence, if the child wishes.
20 (8) To be provided with information on how to seek mental
21 health services in their county of residence, or to have this
22 information provided to the child's caregiver, depending on the
23 age of the child.
24 (9) To gain access to personal mental health records.
25 (10) Consistent with other state laws, to be guaranteed the
26 protection of confidentiality when interacting with mental health
27 professionals, unless the youth is deemed at risk of harming himself
28 or herself or others, and when reporting suspected child abuse to
29 the child protection agency.

1 (11) To be given age-appropriate information on drug
2 interactions if prescribed more than one medication.

3 (12) To receive timely mental health services in the county of
4 residence and not to be denied services based on the child's county
5 of origin.

6 (13) To refuse mental health treatment at any time unless
7 deemed medically necessary by the court.

8 (b) The Office of the State Foster Care Ombudsperson, in
9 consultation with the State Department of Mental Health, the State
10 Department of Social Services, the State Department of Health
11 Care Services, foster youth advocacy and support groups,
12 representatives of county child welfare agencies, and groups
13 representing children, families, foster parents, and children's
14 facilities, and other interested parties, shall develop, no later than
15 July 1, 2012, standardized information explaining the rights
16 specified in this section. The information shall be presented in an
17 age-appropriate manner and shall reflect any relevant licensing
18 requirements and medical information laws.

19 SEC. 2. Section 16164 of the Welfare and Institutions Code is
20 amended to read:

21 16164. (a) The Office of the State Foster Care Ombudsperson
22 shall do all of the following:

23 (1) Disseminate information on the rights of children and youth
24 in foster care and the services provided by the office. The rights
25 of children and youths in foster care are listed in Sections 16001.9
26 and 16001.10. The information shall include notification that
27 conversations with the office may not be confidential.

28 (2) Investigate and attempt to resolve complaints made by or
29 on behalf of children placed in foster care, related to their care,
30 placement, or services.

31 (3) Decide, in its discretion, whether to investigate a complaint,
32 or refer complaints to another agency for investigation.

33 (4) Upon rendering a decision to investigate a complaint from
34 a complainant, notify the complainant of the intention to
35 investigate. If the office declines to investigate a complaint or
36 continue an investigation, the office shall notify the complainant
37 of the reason for the action of the office.

38 (5) Update the complainant on the progress of the investigation
39 and notify the complainant of the final outcome.

1 (6) Document the number, source, origin, location, and nature
2 of complaints.

3 (7) (A) Compile and make available to the Legislature all data
4 collected over the course of the year, including, but not limited to,
5 the number of contacts to the toll-free telephone number, the
6 number of complaints made, including the type and source of those
7 complaints, the number of investigations performed by the office,
8 the trends and issues that arose in the course of investigating
9 complaints, the number of referrals made, and the number of
10 pending complaints.

11 (B) Present this compiled data, on an annual basis, at appropriate
12 child welfare conferences, forums, and other events, as determined
13 by the department, that may include presentations to, but are not
14 limited to, representatives of the Legislature, the County Welfare
15 Directors Association, child welfare organizations, children's
16 advocacy groups, consumer and service provider organizations,
17 and other interested parties.

18 (C) It is the intent of the Legislature that representatives of the
19 organizations described in subparagraph (B) consider this data in
20 the development of any recommendations offered toward
21 improving the child welfare system.

22 (D) The compiled data shall be posted so that it is available to
23 the public on the existing Internet Web site of the State Foster Care
24 Ombudsperson.

25 (8) Have access to any record of a state or local agency that is
26 necessary to carry out his or her responsibilities. Representatives
27 of the office may meet or communicate with any foster child in
28 his or her placement or elsewhere.

29 (b) The office may establish, in consultation with a committee
30 of interested individuals, regional or local foster care ombudsperson
31 offices for the purposes of expediting investigations and resolving
32 complaints, subject to appropriations in the annual Budget Act.

33 (c) (1) The office, in consultation with the California Welfare
34 Directors Association, Chief Probation Officers of California,
35 foster youth advocate and support groups, groups representing
36 children, families, foster parents, children's facilities, and other
37 interested parties, shall develop, no later than July 1, 2002,
38 standardized information explaining the rights specified in Section
39 16001.9. The information shall be developed in an age-appropriate
40 manner, and shall reflect any relevant licensing requirements with

1 respect to foster care providers' responsibilities to adequately
2 supervise children in care.

3 (2) The office, counties, foster care providers, and others may
4 use the information developed in paragraph (1) in carrying out
5 their responsibilities to inform foster children and youth of their
6 rights pursuant to Section 1530.91 of the Health and Safety Code,
7 Sections 27 and 16501.1, and this section.

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