

AMENDED IN SENATE JUNE 30, 2011

AMENDED IN ASSEMBLY APRIL 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1147

Introduced by Assembly Member Yamada

February 18, 2011

An act to amend Section 366.1 of the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1147, as amended, Yamada. Dependent children: status reports. ~~The Teen Parents in Foster Care Act~~

Existing law sets forth ways in which families of dependent minor parents may be preserved, by assisting these parents in raising their children as well as participating in school and extracurricular activities.

Existing law requires a court to review the status of a dependent child no less than once every 6 months, and requires the county welfare department or social worker to file a supplemental report that addresses specified subjects, including whether the social worker has considered child protective services as a possible solution to the problems at hand, and has offered those services to qualified parents.

This bill would additionally require, if the dependent child in foster care is also a parent, the supplemental report to specifically set forth the age and developmentally appropriate services that were provided to the minor parent to allow him or her to provide a permanent and safe home for the child, ~~eonsistent with the Teen Parents in Foster Care Act as specified~~. By imposing this additional reporting requirement on

county welfare departments, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 366.1 of the Welfare and Institutions
2 Code is amended to read:

3 366.1. Each supplemental report required to be filed pursuant
4 to Section 366 shall include, but not be limited to, a factual
5 discussion of each of the following subjects:

6 (a) Whether the county welfare department social worker has
7 considered child protective services, as defined in Chapter 5
8 (commencing with Section 16500) of Part 4 of Division 9, as a
9 possible solution to the problems at hand, and has offered those
10 services to qualified parents, if appropriate under the circumstances.

11 (b) What plan, if any, for the return and maintenance of the
12 child in a safe home is recommended to the court by the county
13 welfare department social worker.

14 (c) Whether the subject child appears to be a person who is
15 eligible to be considered for further court action to free the child
16 from parental custody and control.

17 (d) What actions, if any, have been taken by the parent to correct
18 the problems that caused the child to be made a dependent child
19 of the court.

20 (e) If the parent or guardian is unwilling or unable to participate
21 in making an educational decision for his or her child, or if other
22 circumstances exist that compromise the ability of the parent or
23 guardian to make educational decisions for the child, the county
24 welfare department or social worker shall consider whether the
25 right of the parent or guardian to make educational decisions for
26 the child should be limited. If the supplemental report makes that

1 recommendation, the report shall identify whether there is a
2 responsible adult available to make educational decisions for the
3 child pursuant to Section 361.

4 (f) (1) Whether the child has any siblings under the court's
5 jurisdiction, and, if any siblings exist, all of the following:

6 (A) The nature of the relationship between the child and his or
7 her siblings.

8 (B) The appropriateness of developing or maintaining the sibling
9 relationships pursuant to Section 16002.

10 (C) If the siblings are not placed together in the same home,
11 why the siblings are not placed together and what efforts are being
12 made to place the siblings together, or why those efforts are not
13 appropriate.

14 (D) If the siblings are not placed together, the frequency and
15 nature of the visits between siblings.

16 (E) The impact of the sibling relationships on the child's
17 placement and planning for legal permanence.

18 (2) The factual discussion shall include a discussion of indicators
19 of the nature of the child's sibling relationships, including, but not
20 limited to, whether the siblings were raised together in the same
21 home, whether the siblings have shared significant common
22 experiences or have existing close and strong bonds, whether either
23 sibling expresses a desire to visit or live with his or her sibling, as
24 applicable, and whether ongoing contact is in the child's best
25 emotional interests.

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

37 (h) If the dependent child in foster care is a minor parent, as
38 defined in subdivision (f) of Section 16002.5, the supplemental
39 report shall specifically set forth the age and developmentally
40 appropriate services that were provided to the minor parent to

1 allow him or her to provide a safe home for the child, consistent
2 ~~with the Teen Parents in Foster Care Act (Ch. 841, Stats. 2004)~~:
3 *with Section 16002.5.*

4 (i) The implementation and operation of the amendments to
5 subdivision (g) enacted at the 2005–06 Regular Session shall be
6 subject to appropriation through the budget process and by phase,
7 as provided in Section 366.35.

8 SEC. 2. If the Commission on State Mandates determines that
9 this act contains costs mandated by the state, reimbursement to
10 local agencies and school districts for those costs shall be made
11 pursuant to Part 7 (commencing with Section 17500) of Division
12 4 of Title 2 of the Government Code.