

AMENDED IN SENATE APRIL 17, 2012
AMENDED IN SENATE MARCH 21, 2012

SENATE BILL

No. 1048

Introduced by Senator Liu

February 7, 2012

An act to amend Sections 362 and 727 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 1048, as amended, Liu. Juveniles.

Existing law authorizes the juvenile court to join in a juvenile court proceeding any governmental agency or private service provider that the court determines has failed to meet a legal obligation to provide services to a child who is the subject of a dependency proceeding, and to join any governmental agency the court determines has failed to meet a legal obligation to provide services to a minor who is the subject of a delinquency proceeding.

This bill would authorize the court, at any time after a petition has been filed, to join in a juvenile court proceeding any governmental agency, private service provider, or individual, as specified, that the court determines has failed to meet a legal obligation to provide services to a child who is the subject of a dependency proceeding, a minor who is the subject of a delinquency proceeding, a nonminor person over whom the juvenile court has retained dependency or delinquency jurisdiction, or a nonminor dependent, as defined.

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. Section 362 of the Welfare and Institutions Code
2 is amended to read:

3 362. (a) If a child is adjudged a dependent child of the court
4 on the ground that the child is a person described by Section 300,
5 the court may make any and all reasonable orders for the care,
6 supervision, custody, conduct, maintenance, and support of the
7 child, including medical treatment, subject to further order of the
8 court.

9 (b) (1) To facilitate coordination and cooperation among
10 agencies, the court may, at any time after a petition has been filed,
11 after giving notice and an opportunity to be heard, join in the
12 juvenile court proceedings any agency that the court determines
13 has failed to meet a legal obligation to provide services to a child
14 for whom a petition has been filed under Section 300, to a
15 nonminor, as described in Section 303, or to a nonminor dependent,
16 as defined in subdivision ~~(b)~~ (v) of Section 11400, regardless of
17 the status of the adjudication. In any proceeding in which an agency
18 is joined, the court shall not impose duties upon the agency beyond
19 those mandated by law. Nothing in this section shall prohibit
20 agencies that have received notice of the hearing on joinder from
21 meeting prior to the hearing to coordinate services.

22 (2) The court has no authority to order services unless it has
23 been determined through the administrative process of an agency
24 that has been joined as a party, that the child, nonminor, or
25 nonminor dependent is eligible for those services. With respect to
26 mental health assessment, treatment, and case management services
27 pursuant to Chapter 26.5 (commencing with Section 7570) of
28 Division 7 of Title 1 of the Government Code, the court's
29 determination shall be limited to whether the agency has complied
30 with that chapter.

31 (3) For the purposes of this subdivision, "agency" means any
32 governmental agency or any private service provider or individual
33 that receives federal, state, or local governmental funding or
34 reimbursement for providing services directly to a child, nonminor,
35 or nonminor dependent.

36 (c) If a child is adjudged a dependent child of the court, on the
37 ground that the child is a person described by Section 300, and the
38 court orders that a parent or guardian shall retain custody of the

1 child subject to the supervision of the social worker, the parents
2 or guardians shall be required to participate in child welfare
3 services or services provided by an appropriate agency designated
4 by the court.

5 (d) The juvenile court may direct any reasonable orders to the
6 parents or guardians of the child who is the subject of any
7 proceedings under this chapter as the court deems necessary and
8 proper to carry out this section, including orders to appear before
9 a county financial evaluation officer. That order may include a
10 direction to participate in a counseling or education program,
11 including, but not limited to, a parent education and parenting
12 program operated by a community college, school district, or other
13 appropriate agency designated by the court. A foster parent or
14 relative with whom the child is placed may be directed to
15 participate in such a program in cases in which the court deems
16 participation is appropriate and in the child's best interest. The
17 program in which a parent or guardian is required to participate
18 shall be designed to eliminate those conditions that led to the
19 court's finding that the child is a person described by Section 300.

20 (e) If a child is adjudged a dependent child of the court, the
21 juvenile court may direct any reasonable orders to the parents or
22 guardians of the child who is the subject of any proceedings under
23 this chapter to ensure the child's regular school attendance and to
24 make reasonable efforts to obtain educational services necessary
25 to meet the specific needs of the child.

26 SEC. 2. Section 727 of the Welfare and Institutions Code is
27 amended to read:

28 727. (a) (1) If a minor is adjudged a ward of the court on the
29 ground that he or she is a person described by Section 601 or 602,
30 the court may make any reasonable orders for the care, supervision,
31 custody, conduct, maintenance, and support of the minor, including
32 medical treatment, subject to further order of the court.

33 (2) In the discretion of the court, a ward may be ordered to be
34 on probation without supervision of the probation officer. The
35 court, in so ordering, may impose on the ward any and all
36 reasonable conditions of behavior as may be appropriate under
37 this disposition. A minor who has been adjudged a ward of the
38 court on the basis of the commission of any of the offenses
39 described in subdivision (b) or paragraph (2) of subdivision (d) of
40 Section 707, Section 459 of the Penal Code, or subdivision (a) of

1 Section 11350 of the Health and Safety Code, shall not be eligible
2 for probation without supervision of the probation officer. A minor
3 who has been adjudged a ward of the court on the basis of the
4 commission of any offense involving the sale or possession for
5 sale of a controlled substance, except misdemeanor offenses
6 involving marijuana, as specified in Chapter 2 (commencing with
7 Section 11053) of Division 10 of the Health and Safety Code, or
8 of an offense in violation of Section 32625 of the Penal Code, shall
9 be eligible for probation without supervision of the probation
10 officer only when the court determines that the interests of justice
11 would best be served and states reasons on the record for that
12 determination.

13 (3) In all other cases, the court shall order the care, custody, and
14 control of the minor to be under the supervision of the probation
15 officer who may place the minor in any of the following:

16 (A) The approved home of a relative or the approved home of
17 a nonrelative, extended family member, as defined in Section
18 362.7. If a decision has been made to place the minor in the home
19 of a relative, the court may authorize the relative to give legal
20 consent for the minor's medical, surgical, and dental care and
21 education as if the relative caretaker were the custodial parent of
22 the minor.

23 (B) A suitable licensed community care facility.

24 (C) With a foster family agency to be placed in a suitable
25 licensed foster family home or certified family home which has
26 been certified by the agency as meeting licensing standards.

27 (D) (i) Every minor adjudged a ward of the juvenile court who
28 is residing in a placement as defined in subparagraphs (A) to (C),
29 inclusive, shall be entitled to participate in age-appropriate
30 extracurricular, enrichment, and social activities. No state or local
31 regulation or policy may prevent, or create barriers to, participation
32 in those activities. Each state and local entity shall ensure that
33 private agencies that provide foster care services to wards have
34 policies consistent with this section and that those agencies promote
35 and protect the ability of wards to participate in age-appropriate
36 extracurricular, enrichment, and social activities. A group home
37 administrator, a facility manager, or his or her responsible designee,
38 and a caregiver, as defined in paragraph (1) of subdivision (a) of
39 Section 362.04, shall use a reasonable and prudent parent standard,
40 as defined in paragraph (2) of subdivision (a) of Section 362.04,

in determining whether to give permission for a minor residing in foster care to participate in extracurricular, enrichment, and social activities. A group home administrator, a facility manager, or his or her responsible designee, and a caregiver shall take reasonable steps to determine the appropriateness of the activity taking into consideration the minor's age, maturity, and developmental level.

(ii) A group home administrator or a facility manager, or his or her responsible designee, is encouraged to consult with social work or treatment staff members who are most familiar with the ~~child~~ *minor* at the group home in applying and using the reasonable and prudent parent standard.

(b) (1) To facilitate coordination and cooperation among agencies, the court may, at any time after a petition has been filed, after giving notice and an opportunity to be heard, join in the juvenile court proceedings any agency that the court determines has failed to meet a legal obligation to provide services to a minor, for whom a petition has been filed under Section 601 or 602, to a nonminor, as described in Section 303, or to a nonminor dependent, as defined in subdivision ~~(b)~~ (v) of Section 11400. In any proceeding in which an agency is joined, the court shall not impose duties upon the agency beyond those mandated by law. *The purpose of joinder under this section is to ensure the delivery and coordination of legally mandated services to the minor. The joinder shall not be maintained for any other purpose.* Nothing in this section shall prohibit agencies that have received notice of the hearing on joinder from meeting prior to the hearing to coordinate services.

(2) The court has no authority to order services unless it has been determined through the administrative process of an agency that has been joined as a party, that the minor, nonminor, or nonminor dependent is eligible for those services. With respect to mental health assessment, treatment, and case management services pursuant to Chapter 26.5 (commencing with Section 7570) of Division 7 of Title 1 of the Government Code, the court's determination shall be limited to whether the agency has complied with that chapter.

(3) For the purposes of this subdivision, "agency" means any governmental agency or any private service provider or individual that receives federal, state, or local governmental funding or

1 reimbursement for providing services directly to a child, nonminor,
2 or nonminor dependent.

3 (c) If a minor has been adjudged a ward of the court on the
4 ground that he or she is a person described in Section 601 or 602,
5 and the court finds that notice has been given in accordance with
6 Section 661, and if the court orders that a parent or guardian shall
7 retain custody of that minor either subject to or without the
8 supervision of the probation officer, the parent or guardian may
9 be required to participate with that minor in a counseling or
10 education program including, but not limited to, parent education
11 and parenting programs operated by community colleges, school
12 districts, or other appropriate agencies designated by the court.

13 (d) The juvenile court may direct any reasonable orders to the
14 parents and guardians of the minor who is the subject of any
15 proceedings under this chapter as the court deems necessary and
16 proper to carry out subdivisions (a), (b), and (c) including orders
17 to appear before a county financial evaluation officer, to ensure
18 the minor's regular school attendance, and to make reasonable
19 efforts to obtain appropriate educational services necessary to meet
20 the needs of the minor.

21 If counseling or other treatment services are ordered for the
22 minor, the parent, guardian, or foster parent shall be ordered to
23 participate in those services, unless participation by the parent,
24 guardian, or foster parent is deemed by the court to be inappropriate
25 or potentially detrimental to the minor.