

AMENDED IN ASSEMBLY AUGUST 24, 2012

AMENDED IN ASSEMBLY AUGUST 20, 2012

AMENDED IN ASSEMBLY JULY 3, 2012

AMENDED IN SENATE APRIL 10, 2012

SENATE BILL

No. 1521

Introduced by Senator Liu

February 24, 2012

An act to amend Sections 361.5, 10618.6, 16206, 16501.1, and 16601 of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

SB 1521, as amended, Liu. Child welfare services.

Existing federal law, the original Child Abuse Prevention and Treatment Act of 1974 (CAPTA), provided assistance to states to develop child abuse and neglect identification and prevention programs. Existing federal law, the CAPTA Reauthorization Act of 2010 and the Child and Family Services Improvement and Innovation Act, among other provisions, provide funding for child abuse and neglect prevention and other child and family services programs, and require the amendment of applicable state plans.

Under existing law, except under specified circumstances, whenever a child is removed from a parent's or guardian's custody, the juvenile court is required to order the social worker to provide designated child welfare services, including family reunification services, to the child and the child's mother and statutorily presumed father or guardians. Existing law does not require provision of family reunification services, in cases in which the court has made one or more specified findings regarding the qualifications of the parent or guardian.

This bill would include as a situation when family reunification would not be required when a parent has been required by the court to be registered on a sex offender registry under a specified federal law.

Existing law requires a county welfare department to request a consumer disclosure, pursuant to federal law, on behalf of a youth in a foster care placement in the county, when the youth reaches his or her 16th birthday, in order to ascertain whether the youth has been the victim of identity theft, as specified. Existing law suspends implementation of these provisions until July 1, 2013.

This bill would revise and expand these consumer disclosure and identity theft provisions, by including nonminor dependents and requiring assistance to be given by the county welfare department, county probation department, or the State Department of Social Services, as specified, on an annual basis while a child or nonminor dependent is under the jurisdiction of the juvenile court. The bill would require information relating to the yearly consumer credit report to be included in the youth's or nonminor dependent's case plan, as specified. By increasing county duties, the bill would impose a state-mandated local program.

Existing law requires the State Department of Social Services to select and award a grant to a private nonprofit or public entity for the purpose of establishing a statewide multipurpose child welfare training program. Existing law requires the training program, among other duties, to annually assess the program's performance and forward it to the department for an evaluation and report to the Legislative Analyst.

This bill would revise the assessment procedures for the child welfare training program, including specifically requiring the assessment of the training program in each county, and by eliminating the requirement to report to the Legislative Analyst. This bill also would revise the required contents of the assessment.

This bill would revise the requirements for the number and location of monthly caseworker visits for foster children. The bill would require the State Department of Social Services and county welfare and probation departments to collect and provide data reporting requirements necessary to comply with specified federal law.

Existing law defines various terms for purposes of the administration by the State Department of Social Services of federal Promoting Safe and Stable Families funds, including certain family support services, and family reunification services. Counties that choose to utilize these

federal funds are required to establish a local planning body and develop county plans as required by the department.

This bill would expand the definitions of these services to include specified mentoring activities, support groups, and other services and activities to facilitate access and visitation of children with their parents and siblings.

This bill would incorporate additional changes in Sections 361.5 and 16501.1 of the Welfare and Institutions Code proposed by AB 1712 and SB 1064 that would become operative only if either or both of these bills are chaptered and become effective on or before January 1, 2013, and this bill is chaptered last.

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 361.5 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 361.5. (a) Except as provided in subdivision (b), or when the
- 4 parent has voluntarily relinquished the child and the relinquishment
- 5 has been filed with the State Department of Social Services, or
- 6 upon the establishment of an order of guardianship pursuant to
- 7 Section 360, whenever a child is removed from a parent's or
- 8 guardian's custody, the juvenile court shall order the social worker
- 9 to provide child welfare services to the child and the child's mother
- 10 and statutorily presumed father or guardians. Upon a finding and
- 11 declaration of paternity by the juvenile court or proof of a prior
- 12 declaration of paternity by any court of competent jurisdiction, the
- 13 juvenile court may order services for the child and the biological
- 14 father, if the court determines that the services will benefit the
- 15 child.
- 16 (1) Family reunification services, when provided, shall be
- 17 provided as follows:

1 (A) Except as otherwise provided in subparagraph (C), for a
2 child who, on the date of initial removal from the physical custody
3 of his or her parent or guardian, was three years of age or older,
4 court-ordered services shall be provided beginning with the
5 dispositional hearing and ending 12 months after the date the child
6 entered foster care as provided in Section 361.49, unless the child
7 is returned to the home of the parent or guardian.

8 (B) For a child who, on the date of initial removal from the
9 physical custody of his or her parent or guardian, was under three
10 years of age, court-ordered services shall be provided for a period
11 of six months from the dispositional hearing as provided in
12 subdivision (e) of Section 366.21, but no longer than 12 months
13 from the date the child entered foster care as provided in Section
14 361.49 unless the child is returned to the home of the parent or
15 guardian.

16 (C) For the purpose of placing and maintaining a sibling group
17 together in a permanent home should reunification efforts fail, for
18 a child in a sibling group whose members were removed from
19 parental custody at the same time, and in which one member of
20 the sibling group was under three years of age on the date of initial
21 removal from the physical custody of his or her parent or guardian,
22 court-ordered services for some or all of the sibling group may be
23 limited as set forth in subparagraph (B). For the purposes of this
24 paragraph, “a sibling group” shall mean two or more children who
25 are related to each other as full or half siblings.

26 (2) Any motion to terminate court-ordered reunification services
27 prior to the hearing set pursuant to subdivision (f) of Section 366.21
28 for a child described by subparagraph (A) of paragraph (1), or
29 prior to the hearing set pursuant to subdivision (e) of Section
30 366.21 for a child described by subparagraph (B) or (C) of
31 paragraph (1), shall be made pursuant to the requirements set forth
32 in subdivision (c) of Section 388. A motion to terminate
33 court-ordered reunification services shall not be required at the
34 hearing set pursuant to subdivision (e) of Section 366.21 if the
35 court finds by clear and convincing evidence one of the following:

36 (A) That the child was removed initially under subdivision (g)
37 of Section 300 and the whereabouts of the parent are still unknown.

38 (B) That the parent has failed to contact and visit the child.

39 (C) That the parent has been convicted of a felony indicating
40 parental unfitness.

(3) Notwithstanding subparagraphs (A), (B), and (C) of paragraph (1), court-ordered services may be extended up to a maximum time period not to exceed 18 months after the date the child was originally removed from physical custody of his or her parent or guardian if it can be shown, at the hearing held pursuant to subdivision (f) of Section 366.21, that the permanent plan for the child is that he or she will be returned and safely maintained in the home within the extended time period. The court shall extend the time period only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or guardian within the extended time period or that reasonable services have not been provided to the parent or guardian. In determining whether court-ordered services may be extended, the court shall consider the special circumstances of an incarcerated or institutionalized parent or parents, or parent or parents court-ordered to a residential substance abuse treatment program, including, but not limited to, barriers to the parent's or guardian's access to services and ability to maintain contact with his or her child. The court shall also consider, among other factors, good faith efforts that the parent or guardian has made to maintain contact with the child. If the court extends the time period, the court shall specify the factual basis for its conclusion that there is a substantial probability that the child will be returned to the physical custody of his or her parent or guardian within the extended time period. The court also shall make findings pursuant to subdivision (a) of Section 366 and subdivision (e) of Section 358.1.

When counseling or other treatment services are ordered, the parent or guardian shall be ordered to participate in those services, unless the parent's or guardian's participation is deemed by the court to be inappropriate or potentially detrimental to the child, or unless a parent or guardian is incarcerated and the corrections facility in which he or she is incarcerated does not provide access to the treatment services ordered by the court. Physical custody of the child by the parents or guardians during the applicable time period under subparagraph (A), (B), or (C) of paragraph (1) shall not serve to interrupt the running of the period. If at the end of the applicable time period, a child cannot be safely returned to the care and custody of a parent or guardian without court supervision, but the child clearly desires contact with the parent or guardian,

1 the court shall take the child's desire into account in devising a
2 permanency plan.

3 In cases where the child was under three years of age on the date
4 of the initial removal from the physical custody of his or her parent
5 or guardian or is a member of a sibling group as described in
6 subparagraph (C) of paragraph (1), the court shall inform the parent
7 or guardian that the failure of the parent or guardian to participate
8 regularly in any court-ordered treatment programs or to cooperate
9 or avail himself or herself of services provided as part of the child
10 welfare services case plan may result in a termination of efforts
11 to reunify the family after six months. The court shall inform the
12 parent or guardian of the factors used in subdivision (e) of Section
13 366.21 to determine whether to limit services to six months for
14 some or all members of a sibling group as described in
15 subparagraph (C) of paragraph (1).

16 (4) Notwithstanding paragraph (3), court-ordered services may
17 be extended up to a maximum time period not to exceed 24 months
18 after the date the child was originally removed from physical
19 custody of his or her parent or guardian if it is shown, at the hearing
20 held pursuant to subdivision (b) of Section 366.22, that the
21 permanent plan for the child is that he or she will be returned and
22 safely maintained in the home within the extended time period.
23 The court shall extend the time period only if it finds that it is in
24 the child's best interest to have the time period extended and that
25 there is a substantial probability that the child will be returned to
26 the physical custody of his or her parent or guardian who is
27 described in subdivision (b) of Section 366.22 within the extended
28 time period, or that reasonable services have not been provided to
29 the parent or guardian. If the court extends the time period, the
30 court shall specify the factual basis for its conclusion that there is
31 a substantial probability that the child will be returned to the
32 physical custody of his or her parent or guardian within the
33 extended time period. The court also shall make findings pursuant
34 to subdivision (a) of Section 366 and subdivision (e) of Section
35 358.1.

36 When counseling or other treatment services are ordered, the
37 parent or guardian shall be ordered to participate in those services,
38 in order for substantial probability to be found. Physical custody
39 of the child by the parents or guardians during the applicable time
40 period under subparagraph (A), (B), or (C) of paragraph (1) shall

1 not serve to interrupt the running of the period. If at the end of the
2 applicable time period, the child cannot be safely returned to the
3 care and custody of a parent or guardian without court supervision,
4 but the child clearly desires contact with the parent or guardian,
5 the court shall take the child's desire into account in devising a
6 permanency plan.

7 Except in cases where, pursuant to subdivision (b), the court
8 does not order reunification services, the court shall inform the
9 parent or parents of Section 366.26 and shall specify that the
10 parent's or parents' parental rights may be terminated.

11 (b) Reunification services need not be provided to a parent or
12 guardian described in this subdivision when the court finds, by
13 clear and convincing evidence, any of the following:

14 (1) That the whereabouts of the parent or guardian is unknown.
15 A finding pursuant to this paragraph shall be supported by an
16 affidavit or by proof that a reasonably diligent search has failed
17 to locate the parent or guardian. The posting or publication of
18 notices is not required in that search.

19 (2) That the parent or guardian is suffering from a mental
20 disability that is described in Chapter 2 (commencing with Section
21 7820) of Part 4 of Division 12 of the Family Code and that renders
22 him or her incapable of utilizing those services.

23 (3) That the child or a sibling of the child has been previously
24 adjudicated a dependent pursuant to any subdivision of Section
25 300 as a result of physical or sexual abuse, that following that
26 adjudication the child had been removed from the custody of his
27 or her parent or guardian pursuant to Section 361, that the child
28 has been returned to the custody of the parent or guardian from
29 whom the child had been taken originally, and that the child is
30 being removed pursuant to Section 361, due to additional physical
31 or sexual abuse.

32 (4) That the parent or guardian of the child has caused the death
33 of another child through abuse or neglect.

34 (5) That the child was brought within the jurisdiction of the
35 court under subdivision (e) of Section 300 because of the conduct
36 of that parent or guardian.

37 (6) That the child has been adjudicated a dependent pursuant
38 to any subdivision of Section 300 as a result of severe sexual abuse
39 or the infliction of severe physical harm to the child, a sibling, or
40 a half sibling by a parent or guardian, as defined in this subdivision,

1 and the court makes a factual finding that it would not benefit the
2 child to pursue reunification services with the offending parent or
3 guardian.

4 A finding of severe sexual abuse, for the purposes of this
5 subdivision, may be based on, but is not limited to, sexual
6 intercourse, or stimulation involving genital-genital, oral-genital,
7 anal-genital, or oral-anal contact, whether between the parent or
8 guardian and the child or a sibling or half sibling of the child, or
9 between the child or a sibling or half sibling of the child and
10 another person or animal with the actual or implied consent of the
11 parent or guardian; or the penetration or manipulation of the
12 child's, sibling's, or half sibling's genital organs or rectum by any
13 animate or inanimate object for the sexual gratification of the
14 parent or guardian, or for the sexual gratification of another person
15 with the actual or implied consent of the parent or guardian.

16 A finding of the infliction of severe physical harm, for the
17 purposes of this subdivision, may be based on, but is not limited
18 to, deliberate and serious injury inflicted to or on a child's body
19 or the body of a sibling or half sibling of the child by an act or
20 omission of the parent or guardian, or of another individual or
21 animal with the consent of the parent or guardian; deliberate and
22 torturous confinement of the child, sibling, or half sibling in a
23 closed space; or any other torturous act or omission that would be
24 reasonably understood to cause serious emotional damage.

25 (7) That the parent is not receiving reunification services for a
26 sibling or a half sibling of the child pursuant to paragraph (3), (5),
27 or (6).

28 (8) That the child was conceived by means of the commission
29 of an offense listed in Section 288 or 288.5 of the Penal Code, or
30 by an act committed outside of this state that, if committed in this
31 state, would constitute one of those offenses. This paragraph only
32 applies to the parent who committed the offense or act.

33 (9) That the child has been found to be a child described in
34 subdivision (g) of Section 300; that the parent or guardian of the
35 child willfully abandoned the child, and the court finds that the
36 abandonment itself constituted a serious danger to the child; or
37 that the parent or other person having custody of the child
38 voluntarily surrendered physical custody of the child pursuant to
39 Section 1255.7 of the Health and Safety Code. For the purposes
40 of this paragraph, "serious danger" means that without the

1 intervention of another person or agency, the child would have
2 sustained severe or permanent disability, injury, illness, or death.
3 For purposes of this paragraph, “willful abandonment” shall not
4 be construed as actions taken in good faith by the parent without
5 the intent of placing the child in serious danger.

6 (10) That the court ordered termination of reunification services
7 for any siblings or half siblings of the child because the parent or
8 guardian failed to reunify with the sibling or half sibling after the
9 sibling or half sibling had been removed from that parent or
10 guardian pursuant to Section 361 and that parent or guardian is
11 the same parent or guardian described in subdivision (a) and that,
12 according to the findings of the court, this parent or guardian has
13 not subsequently made a reasonable effort to treat the problems
14 that led to removal of the sibling or half sibling of that child from
15 that parent or guardian.

16 (11) That the parental rights of a parent over any sibling or half
17 sibling of the child had been permanently severed, and this parent
18 is the same parent described in subdivision (a), and that, according
19 to the findings of the court, this parent has not subsequently made
20 a reasonable effort to treat the problems that led to removal of the
21 sibling or half sibling of that child from the parent.

22 (12) That the parent or guardian of the child has been convicted
23 of a violent felony, as defined in subdivision (c) of Section 667.5
24 of the Penal Code.

25 (13) That the parent or guardian of the child has a history of
26 extensive, abusive, and chronic use of drugs or alcohol and has
27 resisted prior court-ordered treatment for this problem during a
28 three-year period immediately prior to the filing of the petition
29 that brought that child to the court’s attention, or has failed or
30 refused to comply with a program of drug or alcohol treatment
31 described in the case plan required by Section 358.1 on at least
32 two prior occasions, even though the programs identified were
33 available and accessible.

34 (14) That the parent or guardian of the child has advised the
35 court that he or she is not interested in receiving family
36 maintenance or family reunification services or having the child
37 returned to or placed in his or her custody and does not wish to
38 receive family maintenance or reunification services.

39 The parent or guardian shall be represented by counsel and shall
40 execute a waiver of services form to be adopted by the Judicial

1 Council. The court shall advise the parent or guardian of any right
2 to services and of the possible consequences of a waiver of
3 services, including the termination of parental rights and placement
4 of the child for adoption. The court shall not accept the waiver of
5 services unless it states on the record its finding that the parent or
6 guardian has knowingly and intelligently waived the right to
7 services.

8 (15) That the parent or guardian has on one or more occasions
9 willfully abducted the child or child's sibling or half sibling from
10 his or her placement and refused to disclose the child's or child's
11 sibling's or half sibling's whereabouts, refused to return physical
12 custody of the child or child's sibling or half sibling to his or her
13 placement, or refused to return physical custody of the child or
14 child's sibling or half sibling to the social worker.

15 (16) That the parent or guardian has been required by the court
16 to be registered on a sex offender registry under the federal Adam
17 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.
18 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the
19 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.
20 Sec. 5106a(2)(B)(xvi)(VI)).

21 (c) In deciding whether to order reunification in any case in
22 which this section applies, the court shall hold a dispositional
23 hearing. The social worker shall prepare a report that discusses
24 whether reunification services shall be provided. When it is alleged,
25 pursuant to paragraph (2) of subdivision (b), that the parent is
26 incapable of utilizing services due to mental disability, the court
27 shall order reunification services unless competent evidence from
28 mental health professionals establishes that, even with the provision
29 of services, the parent is unlikely to be capable of adequately caring
30 for the child within the time limits specified in subdivision (a).

31 The court shall not order reunification for a parent or guardian
32 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),
33 (13), (14), (15), or (16) of subdivision (b) unless the court finds,
34 by clear and convincing evidence, that reunification is in the best
35 interest of the child.

36 In addition, the court shall not order reunification in any situation
37 described in paragraph (5) of subdivision (b) unless it finds that,
38 based on competent testimony, those services are likely to prevent
39 reabuse or continued neglect of the child or that failure to try
40 reunification will be detrimental to the child because the child is

1 closely and positively attached to that parent. The social worker
2 shall investigate the circumstances leading to the removal of the
3 child and advise the court whether there are circumstances that
4 indicate that reunification is likely to be successful or unsuccessful
5 and whether failure to order reunification is likely to be detrimental
6 to the child.

7 The failure of the parent to respond to previous services, the fact
8 that the child was abused while the parent was under the influence
9 of drugs or alcohol, a past history of violent behavior, or testimony
10 by a competent professional that the parent's behavior is unlikely
11 to be changed by services are among the factors indicating that
12 reunification services are unlikely to be successful. The fact that
13 a parent or guardian is no longer living with an individual who
14 severely abused the child may be considered in deciding that
15 reunification services are likely to be successful, provided that the
16 court shall consider any pattern of behavior on the part of the parent
17 that has exposed the child to repeated abuse.

18 (d) If reunification services are not ordered pursuant to
19 paragraph (1) of subdivision (b) and the whereabouts of a parent
20 become known within six months of the out-of-home placement
21 of the child, the court shall order the social worker to provide
22 family reunification services in accordance with this subdivision.

23 (e) (1) If the parent or guardian is incarcerated or
24 institutionalized, the court shall order reasonable services unless
25 the court determines, by clear and convincing evidence, those
26 services would be detrimental to the child. In determining
27 detriment, the court shall consider the age of the child, the degree
28 of parent-child bonding, the length of the sentence, the length and
29 nature of the treatment, the nature of the crime or illness, the degree
30 of detriment to the child if services are not offered and, for children
31 10 years of age or older, the child's attitude toward the
32 implementation of family reunification services, the likelihood of
33 the parent's discharge from incarceration or institutionalization
34 within the reunification time limitations described in subdivision
35 (a), and any other appropriate factors. In determining the content
36 of reasonable services, the court shall consider the particular
37 barriers to an incarcerated or otherwise institutionalized parent's
38 access to those court-mandated services and ability to maintain
39 contact with his or her child, and shall document this information
40 in the child's case plan. Reunification services are subject to the

1 applicable time limitations imposed in subdivision (a). Services
2 may include, but shall not be limited to, all of the following:

3 (A) Maintaining contact between the parent and child through
4 collect telephone calls.

5 (B) Transportation services, where appropriate.

6 (C) Visitation services, where appropriate.

7 (D) Reasonable services to extended family members or foster
8 parents providing care for the child if the services are not
9 detrimental to the child.

10 An incarcerated parent may be required to attend counseling,
11 parenting classes, or vocational training programs as part of the
12 reunification service plan if actual access to these services is
13 provided. The social worker shall document in the child's case
14 plan the particular barriers to an incarcerated or institutionalized
15 parent's access to those court-mandated services and ability to
16 maintain contact with his or her child.

17 (2) The presiding judge of the juvenile court of each county
18 may convene representatives of the county welfare department,
19 the sheriff's department, and other appropriate entities for the
20 purpose of developing and entering into protocols for ensuring the
21 notification, transportation, and presence of an incarcerated or
22 institutionalized parent at all court hearings involving proceedings
23 affecting the child pursuant to Section 2625 of the Penal Code.
24 The county welfare department shall utilize the prisoner locator
25 system developed by the Department of Corrections and
26 Rehabilitation to facilitate timely and effective notice of hearings
27 for incarcerated parents.

28 (3) Notwithstanding any other provision of law, if the
29 incarcerated parent is a woman seeking to participate in the
30 community treatment program operated by the Department of
31 Corrections and Rehabilitation pursuant to Chapter 4.8
32 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter
33 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal
34 Code, the court shall determine whether the parent's participation
35 in a program is in the child's best interest and whether it is suitable
36 to meet the needs of the parent and child.

37 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
38 (8), (9), (10), (11), (12), (13), (14), (15), or (16) of subdivision (b)
39 or paragraph (1) of subdivision (e), does not order reunification
40 services, it shall, at the dispositional hearing, that shall include a

permanency hearing, determine if a hearing under Section 366.26 shall be set in order to determine whether adoption, guardianship, or long-term foster care, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption, is the most appropriate plan for the child, and shall consider in-state and out-of-state placement options. If the court so determines, it shall conduct the hearing pursuant to Section 366.26 within 120 days after the dispositional hearing. However, the court shall not schedule a hearing so long as the other parent is being provided reunification services pursuant to subdivision (a). The court may continue to permit the parent to visit the child unless it finds that visitation would be detrimental to the child.

(g) (1) Whenever a court orders that a hearing shall be held pursuant to Section 366.26, including, when, in consultation with the child's tribe, tribal customary adoption is recommended, it shall direct the agency supervising the child and the county adoption agency, or the State Department of Social Services when it is acting as an adoption agency, to prepare an assessment that shall include:

(A) Current search efforts for an absent parent or parents and notification of a noncustodial parent in the manner provided for in Section 291.

(B) A review of the amount of and nature of any contact between the child and his or her parents and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purpose of this subparagraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(C) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian, including a prospective tribal customary adoptive parent, particularly the caretaker, to include a social history, including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor, the assessment shall also consider, but need not be limited to, all of

1 the factors specified in subdivision (a) of Section 361.3 and in
2 Section 361.4. As used in this subparagraph, “relative” means an
3 adult who is related to the minor by blood, adoption, or affinity
4 within the fifth degree of kinship, including stepparents,
5 stepsiblings, and all relatives whose status is preceded by the words
6 “great,” “great-great,” or “grand,” or the spouse of any of those
7 persons even if the marriage was terminated by death or
8 dissolution.

9 (E) The relationship of the child to any identified prospective
10 adoptive parent or guardian, including a prospective tribal
11 customary parent, the duration and character of the relationship,
12 the degree of attachment of the child to the prospective relative
13 guardian or adoptive parent, the relative’s or adoptive parent’s
14 strong commitment to caring permanently for the child, the
15 motivation for seeking adoption or guardianship, a statement from
16 the child concerning placement and the adoption or guardianship,
17 and whether the child over 12 years of age has been consulted
18 about the proposed relative guardianship arrangements, unless the
19 child’s age or physical, emotional, or other condition precludes
20 his or her meaningful response, and if so, a description of the
21 condition.

22 (F) An analysis of the likelihood that the child will be adopted
23 if parental rights are terminated.

24 (G) In the case of an Indian child, in addition to subparagraphs
25 (A) to (F), inclusive, an assessment of the likelihood that the child
26 will be adopted, when, in consultation with the child’s tribe, a
27 tribal customary adoption, as defined in Section 366.24, is
28 recommended. If tribal customary adoption is recommended, the
29 assessment shall include an analysis of both of the following:

30 (i) Whether tribal customary adoption would or would not be
31 detrimental to the Indian child and the reasons for reaching that
32 conclusion.

33 (ii) Whether the Indian child cannot or should not be returned
34 to the home of the Indian parent or Indian custodian and the reasons
35 for reaching that conclusion.

36 (2) (A) A relative caregiver’s preference for legal guardianship
37 over adoption, if it is due to circumstances that do not include an
38 unwillingness to accept legal or financial responsibility for the
39 child, shall not constitute the sole basis for recommending removal

1 of the child from the relative caregiver for purposes of adoptive
2 placement.

3 (B) A relative caregiver shall be given information regarding
4 the permanency options of guardianship and adoption, including
5 the long-term benefits and consequences of each option, prior to
6 establishing legal guardianship or pursuing adoption.

7 (h) If, at any hearing held pursuant to Section 366.26, a
8 guardianship is established for the minor with an approved relative
9 caregiver and juvenile court dependency is subsequently dismissed,
10 the minor shall be eligible for aid under the Kin-GAP Program as
11 provided for in Article 4.5 (commencing with Section 11360) or
12 Article 4.7 (commencing with Section 11385) of Chapter 2, as
13 applicable.

14 (i) In determining whether reunification services will benefit
15 the child pursuant to paragraph (6) or (7) of subdivision (b), the
16 court shall consider any information it deems relevant, including
17 the following factors:

18 (1) The specific act or omission comprising the severe sexual
19 abuse or the severe physical harm inflicted on the child or the
20 child's sibling or half sibling.

21 (2) The circumstances under which the abuse or harm was
22 inflicted on the child or the child's sibling or half sibling.

23 (3) The severity of the emotional trauma suffered by the child
24 or the child's sibling or half sibling.

25 (4) Any history of abuse of other children by the offending
26 parent or guardian.

27 (5) The likelihood that the child may be safely returned to the
28 care of the offending parent or guardian within 12 months with no
29 continuing supervision.

30 (6) Whether or not the child desires to be reunified with the
31 offending parent or guardian.

32 (j) When the court determines that reunification services will
33 not be ordered, it shall order that the child's caregiver receive the
34 child's birth certificate in accordance with Sections 16010.4 and
35 16010.5. Additionally, when the court determines that reunification
36 services will not be ordered, it shall order, when appropriate, that
37 a child who is 16 years of age or older receive his or her birth
38 certificate.

39 (k) The court shall read into the record the basis for a finding
40 of severe sexual abuse or the infliction of severe physical harm

1 under paragraph (6) of subdivision (b), and shall also specify the
2 factual findings used to determine that the provision of
3 reunification services to the offending parent or guardian would
4 not benefit the child.

5 *SEC. 1.1. Section 361.5 of the Welfare and Institutions Code*
6 *is amended to read:*

7 361.5. (a) Except as provided in subdivision (b), or when the
8 parent has voluntarily relinquished the child and the relinquishment
9 has been filed with the State Department of Social Services, or
10 upon the establishment of an order of guardianship pursuant to
11 Section 360, *or when a court adjudicates a petition under Section*
12 *329 to modify the court's jurisdiction from delinquency jurisdiction*
13 *to dependency jurisdiction pursuant to subparagraph (A) of*
14 *paragraph (2) of subdivision (b) of Section 607.2 and the parents*
15 *or guardian of the ward have had reunification services terminated*
16 *under the delinquency jurisdiction*, whenever a child is removed
17 from a parent's or guardian's custody, the juvenile court shall order
18 the social worker to provide child welfare services to the child and
19 the child's mother and statutorily presumed father or guardians.
20 Upon a finding and declaration of paternity by the juvenile court
21 or proof of a prior declaration of paternity by any court of
22 competent jurisdiction, the juvenile court may order services for
23 the child and the biological father, if the court determines that the
24 services will benefit the child.

25 (1) Family reunification services, when provided, shall be
26 provided as follows:

27 (A) Except as otherwise provided in subparagraph (C), for a
28 child who, on the date of initial removal from the physical custody
29 of his or her parent or guardian, was three years of age or older,
30 court-ordered services shall be provided beginning with the
31 dispositional hearing and ending 12 months after the date the child
32 entered foster care ~~as defined~~ *provided* in Section 361.49, unless
33 the child is returned to the home of the parent or guardian.

34 (B) For a child who, on the date of initial removal from the
35 physical custody of his or her parent or guardian, was under three
36 years of age, court-ordered services shall be provided for a period
37 of six months from the dispositional hearing as provided in
38 subdivision (e) of Section 366.21, but no longer than 12 months
39 from the date the child entered foster care ~~as defined~~ *provided* in

1 Section 361.49 unless the child is returned to the home of the parent
2 or guardian.

3 (C) For the purpose of placing and maintaining a sibling group
4 together in a permanent home should reunification efforts fail, for
5 a child in a sibling group whose members were removed from
6 parental custody at the same time, and in which one member of
7 the sibling group was under three years of age on the date of initial
8 removal from the physical custody of his or her parent or guardian,
9 court-ordered services for some or all of the sibling group may be
10 limited as set forth in subparagraph (B). For the purposes of this
11 paragraph, “a sibling group” shall mean two or more children who
12 are related to each other as full or half siblings.

13 (2) Any motion to terminate court-ordered reunification services
14 prior to the hearing set pursuant to subdivision (f) of Section 366.21
15 for a child described by subparagraph (A) of paragraph (1), or
16 prior to the hearing set pursuant to subdivision (e) of Section
17 366.21 for a child described by subparagraph (B) or (C) of
18 paragraph (1), shall be made pursuant to the requirements set forth
19 in subdivision (c) of Section 388. A motion to terminate
20 court-ordered reunification services shall not be required at the
21 hearing set pursuant to subdivision (e) of Section 366.21 if the
22 court finds by clear and convincing evidence one of the following:

23 (A) That the child was removed initially under subdivision (g)
24 of Section 300 and the whereabouts of the parent are still unknown.

25 (B) That the parent has failed to contact and visit the child.

26 (C) That the parent has been convicted of a felony indicating
27 parental unfitness.

28 (3) Notwithstanding subparagraphs (A), (B), and (C) of
29 paragraph (1), court-ordered services may be extended up to a
30 maximum time period not to exceed 18 months after the date the
31 child was originally removed from physical custody of his or her
32 parent or guardian if it can be shown, at the hearing held pursuant
33 to subdivision (f) of Section 366.21, that the permanent plan for
34 the child is that he or she will be returned and safely maintained
35 in the home within the extended time period. The court shall extend
36 the time period only if it finds that there is a substantial probability
37 that the child will be returned to the physical custody of his or her
38 parent or guardian within the extended time period or that
39 reasonable services have not been provided to the parent or
40 guardian. In determining whether court-ordered services may be

1 extended, the court shall consider the special circumstances of an
2 incarcerated or institutionalized parent or parents, or parent or
3 parents court-ordered to a residential substance abuse treatment
4 program, including, but not limited to, barriers to the parent's or
5 guardian's access to services and ability to maintain contact with
6 his or her child. The court shall also consider, among other factors,
7 good faith efforts that the parent or guardian has made to maintain
8 contact with the child. If the court extends the time period, the
9 court shall specify the factual basis for its conclusion that there is
10 a substantial probability that the child will be returned to the
11 physical custody of his or her parent or guardian within the
12 extended time period. The court also shall make findings pursuant
13 to subdivision (a) of Section 366 and subdivision (e) of Section
14 358.1.

15 When counseling or other treatment services are ordered, the
16 parent or guardian shall be ordered to participate in those services,
17 unless the parent's or guardian's participation is deemed by the
18 court to be inappropriate or potentially detrimental to the child, or
19 unless a parent or guardian is incarcerated and the corrections
20 facility in which he or she is incarcerated does not provide access
21 to the treatment services ordered by the court. Physical custody of
22 the child by the parents or guardians during the applicable time
23 period under subparagraph (A), (B), or (C) of paragraph (1) shall
24 not serve to interrupt the running of the period. If at the end of the
25 applicable time period, a child cannot be safely returned to the
26 care and custody of a parent or guardian without court supervision,
27 but the child clearly desires contact with the parent or guardian,
28 the court shall take the child's desire into account in devising a
29 permanency plan.

30 In cases where the child was under three years of age on the date
31 of the initial removal from the physical custody of his or her parent
32 or guardian or is a member of a sibling group as described in
33 subparagraph (C) of paragraph (1), the court shall inform the parent
34 or guardian that the failure of the parent or guardian to participate
35 regularly in any court-ordered treatment programs or to cooperate
36 or avail himself or herself of services provided as part of the child
37 welfare services case plan may result in a termination of efforts
38 to reunify the family after six months. The court shall inform the
39 parent or guardian of the factors used in subdivision (e) of Section
40 366.21 to determine whether to limit services to six months for

1 some or all members of a sibling group as described in
2 subparagraph (C) of paragraph (1).

3 (4) Notwithstanding paragraph (3), court-ordered services may
4 be extended up to a maximum time period not to exceed 24 months
5 after the date the child was originally removed from physical
6 custody of his or her parent or guardian if it is shown, at the hearing
7 held pursuant to subdivision (b) of Section 366.22, that the
8 permanent plan for the child is that he or she will be returned and
9 safely maintained in the home within the extended time period.
10 The court shall extend the time period only if it finds that it is in
11 the child's best interest to have the time period extended and that
12 there is a substantial probability that the child will be returned to
13 the physical custody of his or her parent or guardian who is
14 described in subdivision (b) of Section 366.22 within the extended
15 time period, or that reasonable services have not been provided to
16 the parent or guardian. If the court extends the time period, the
17 court shall specify the factual basis for its conclusion that there is
18 a substantial probability that the child will be returned to the
19 physical custody of his or her parent or guardian within the
20 extended time period. The court also shall make findings pursuant
21 to subdivision (a) of Section 366 and subdivision (e) of Section
22 358.1.

23 When counseling or other treatment services are ordered, the
24 parent or guardian shall be ordered to participate in those services,
25 in order for substantial probability to be found. Physical custody
26 of the child by the parents or guardians during the applicable time
27 period under subparagraph (A), (B), or (C) of paragraph (1) shall
28 not serve to interrupt the running of the period. If at the end of the
29 applicable time period, the child cannot be safely returned to the
30 care and custody of a parent or guardian without court supervision,
31 but the child clearly desires contact with the parent or guardian,
32 the court shall take the child's desire into account in devising a
33 permanency plan.

34 Except in cases where, pursuant to subdivision (b), the court
35 does not order reunification services, the court shall inform the
36 parent or parents of Section 366.26 and shall specify that the
37 parent's or parents' parental rights may be terminated.

38 (b) Reunification services need not be provided to a parent or
39 guardian described in this subdivision when the court finds, by
40 clear and convincing evidence, any of the following:

1 (1) That the whereabouts of the parent or guardian is unknown.
2 A finding pursuant to this paragraph shall be supported by an
3 affidavit or by proof that a reasonably diligent search has failed
4 to locate the parent or guardian. The posting or publication of
5 notices is not required in that search.

6 (2) That the parent or guardian is suffering from a mental
7 disability that is described in Chapter 2 (commencing with Section
8 7820) of Part 4 of Division 12 of the Family Code and that renders
9 him or her incapable of utilizing those services.

10 (3) That the child or a sibling of the child has been previously
11 adjudicated a dependent pursuant to any subdivision of Section
12 300 as a result of physical or sexual abuse, that following that
13 adjudication the child had been removed from the custody of his
14 or her parent or guardian pursuant to Section 361, that the child
15 has been returned to the custody of the parent or guardian from
16 whom the child had been taken originally, and that the child is
17 being removed pursuant to Section 361, due to additional physical
18 or sexual abuse.

19 (4) That the parent or guardian of the child has caused the death
20 of another child through abuse or neglect.

21 (5) That the child was brought within the jurisdiction of the
22 court under subdivision (e) of Section 300 because of the conduct
23 of that parent or guardian.

24 (6) That the child has been adjudicated a dependent pursuant
25 to any subdivision of Section 300 as a result of severe sexual abuse
26 or the infliction of severe physical harm to the child, a sibling, or
27 a half sibling by a parent or guardian, as defined in this subdivision,
28 and the court makes a factual finding that it would not benefit the
29 child to pursue reunification services with the offending parent or
30 guardian.

31 A finding of severe sexual abuse, for the purposes of this
32 subdivision, may be based on, but is not limited to, sexual
33 intercourse, or stimulation involving genital-genital, oral-genital,
34 anal-genital, or oral-anal contact, whether between the parent or
35 guardian and the child or a sibling or half sibling of the child, or
36 between the child or a sibling or half sibling of the child and
37 another person or animal with the actual or implied consent of the
38 parent or guardian; or the penetration or manipulation of the
39 child's, sibling's, or half sibling's genital organs or rectum by any
40 animate or inanimate object for the sexual gratification of the

parent or guardian, or for the sexual gratification of another person with the actual or implied consent of the parent or guardian.

A finding of the infliction of severe physical harm, for the purposes of this subdivision, may be based on, but is not limited to, deliberate and serious injury inflicted to or on a child's body or the body of a sibling or half sibling of the child by an act or omission of the parent or guardian, or of another individual or animal with the consent of the parent or guardian; deliberate and torturous confinement of the child, sibling, or half sibling in a closed space; or any other torturous act or omission that would be reasonably understood to cause serious emotional damage.

(7) That the parent is not receiving reunification services for a sibling or a half sibling of the child pursuant to paragraph (3), (5), or (6).

(8) That the child was conceived by means of the commission of an offense listed in Section 288 or 288.5 of the Penal Code, or by an act committed outside of this state that, if committed in this state, would constitute one of those offenses. This paragraph only applies to the parent who committed the offense or act.

(9) That the child has been found to be a child described in subdivision (g) of Section 300; that the parent or guardian of the child willfully abandoned the child, and the court finds that the abandonment itself constituted a serious danger to the child; or that the parent or other person having custody of the child voluntarily surrendered physical custody of the child pursuant to Section 1255.7 of the Health and Safety Code. For the purposes of this paragraph, "serious danger" means that without the intervention of another person or agency, the child would have sustained severe or permanent disability, injury, illness, or death. For purposes of this paragraph, "willful abandonment" shall not be construed as actions taken in good faith by the parent without the intent of placing the child in serious danger.

(10) That the court ordered termination of reunification services for any siblings or half siblings of the child because the parent or guardian failed to reunify with the sibling or half sibling after the sibling or half sibling had been removed from that parent or guardian pursuant to Section 361 and that parent or guardian is the same parent or guardian described in subdivision (a) and that, according to the findings of the court, this parent or guardian has not subsequently made a reasonable effort to treat the problems

1 that led to removal of the sibling or half sibling of that child from
2 that parent or guardian.

3 (11) That the parental rights of a parent over any sibling or half
4 sibling of the child had been permanently severed, and this parent
5 is the same parent described in subdivision (a), and that, according
6 to the findings of the court, this parent has not subsequently made
7 a reasonable effort to treat the problems that led to removal of the
8 sibling or half sibling of that child from the parent.

9 (12) That the parent or guardian of the child has been convicted
10 of a violent felony, as defined in subdivision (c) of Section 667.5
11 of the Penal Code.

12 (13) That the parent or guardian of the child has a history of
13 extensive, abusive, and chronic use of drugs or alcohol and has
14 resisted prior court-ordered treatment for this problem during a
15 three-year period immediately prior to the filing of the petition
16 that brought that child to the court's attention, or has failed or
17 refused to comply with a program of drug or alcohol treatment
18 described in the case plan required by Section 358.1 on at least
19 two prior occasions, even though the programs identified were
20 available and accessible.

21 (14) That the parent or guardian of the child has advised the
22 court that he or she is not interested in receiving family
23 maintenance or family reunification services or having the child
24 returned to or placed in his or her custody and does not wish to
25 receive family maintenance or reunification services.

26 The parent or guardian shall be represented by counsel and shall
27 execute a waiver of services form to be adopted by the Judicial
28 Council. The court shall advise the parent or guardian of any right
29 to services and of the possible consequences of a waiver of
30 services, including the termination of parental rights and placement
31 of the child for adoption. The court shall not accept the waiver of
32 services unless it states on the record its finding that the parent or
33 guardian has knowingly and intelligently waived the right to
34 services.

35 (15) That the parent or guardian has on one or more occasions
36 willfully abducted the child or child's sibling or half sibling from
37 his or her placement and refused to disclose the child's or child's
38 sibling's or half sibling's whereabouts, refused to return physical
39 custody of the child or child's sibling or half sibling to his or her

placement, or refused to return physical custody of the child or child's sibling or half sibling to the social worker.

(16) *That the parent or guardian has been required by the court to be registered on a sex offender registry under the federal Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec. 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C. Sec. 5106a(2)(B)(xvi)(VI)).*

(c) In deciding whether to order reunification in any case in which this section applies, the court shall hold a dispositional hearing. The social worker shall prepare a report that discusses whether reunification services shall be provided. When it is alleged, pursuant to paragraph (2) of subdivision (b), that the parent is incapable of utilizing services due to mental disability, the court shall order reunification services unless competent evidence from mental health professionals establishes that, even with the provision of services, the parent is unlikely to be capable of adequately caring for the child within the time limits specified in subdivision (a).

The court shall not order reunification for a parent or guardian described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12), (13), (14), ~~(15)~~, or ~~(15)~~ (16) of subdivision (b) unless the court finds, by clear and convincing evidence, that reunification is in the best interest of the child.

In addition, the court shall not order reunification in any situation described in paragraph (5) of subdivision (b) unless it finds that, based on competent testimony, those services are likely to prevent reabuse or continued neglect of the child or that failure to try reunification will be detrimental to the child because the child is closely and positively attached to that parent. The social worker shall investigate the circumstances leading to the removal of the child and advise the court whether there are circumstances that indicate that reunification is likely to be successful or unsuccessful and whether failure to order reunification is likely to be detrimental to the child.

The failure of the parent to respond to previous services, the fact that the child was abused while the parent was under the influence of drugs or alcohol, a past history of violent behavior, or testimony by a competent professional that the parent's behavior is unlikely to be changed by services are among the factors indicating that reunification services are unlikely to be successful. The fact that

1 a parent or guardian is no longer living with an individual who
2 severely abused the child may be considered in deciding that
3 reunification services are likely to be successful, provided that the
4 court shall consider any pattern of behavior on the part of the parent
5 that has exposed the child to repeated abuse.

6 (d) If reunification services are not ordered pursuant to
7 paragraph (1) of subdivision (b) and the whereabouts of a parent
8 become known within six months of the out-of-home placement
9 of the child, the court shall order the social worker to provide
10 family reunification services in accordance with this subdivision.

11 (e) (1) If the parent or guardian is incarcerated or
12 institutionalized, the court shall order reasonable services unless
13 the court determines, by clear and convincing evidence, those
14 services would be detrimental to the child. In determining
15 detriment, the court shall consider the age of the child, the degree
16 of parent-child bonding, the length of the sentence, the length and
17 nature of the treatment, the nature of the crime or illness, the degree
18 of detriment to the child if services are not offered and, for children
19 10 years of age or older, the child's attitude toward the
20 implementation of family reunification services, the likelihood of
21 the parent's discharge from incarceration or institutionalization
22 within the reunification time limitations described in subdivision
23 (a), and any other appropriate factors. In determining the content
24 of reasonable services, the court shall consider the particular
25 barriers to an incarcerated or otherwise institutionalized parent's
26 access to those court-mandated services and ability to maintain
27 contact with his or her child, and shall document this information
28 in the child's case plan. Reunification services are subject to the
29 applicable time limitations imposed in subdivision (a). Services
30 may include, but shall not be limited to, all of the following:

31 (A) Maintaining contact between the parent and child through
32 collect telephone calls.

33 (B) Transportation services, where appropriate.

34 (C) Visitation services, where appropriate.

35 (D) Reasonable services to extended family members or foster
36 parents providing care for the child if the services are not
37 detrimental to the child.

38 An incarcerated parent may be required to attend counseling,
39 parenting classes, or vocational training programs as part of the
40 reunification service plan if actual access to these services is

1 provided. The social worker shall document in the child's case
2 plan the particular barriers to an incarcerated or institutionalized
3 parent's access to those court-mandated services and ability to
4 maintain contact with his or her child.

5 (2) The presiding judge of the juvenile court of each county
6 may convene representatives of the county welfare department,
7 the sheriff's department, and other appropriate entities for the
8 purpose of developing and entering into protocols for ensuring the
9 notification, transportation, and presence of an incarcerated or
10 institutionalized parent at all court hearings involving proceedings
11 affecting the child pursuant to Section 2625 of the Penal Code.
12 The county welfare department shall utilize the prisoner locator
13 system developed by the Department of Corrections and
14 Rehabilitation to facilitate timely and effective notice of hearings
15 for incarcerated parents.

16 (3) Notwithstanding any other provision of law, if the
17 incarcerated parent is a woman seeking to participate in the
18 community treatment program operated by the Department of
19 Corrections and Rehabilitation pursuant to Chapter 4.8
20 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter
21 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal
22 Code, the court shall determine whether the parent's participation
23 in a program is in the child's best interest and whether it is suitable
24 to meet the needs of the parent and child.

25 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
26 (8), (9), (10), (11), (12), (13), (14), ~~(15)~~ ~~(16)~~ of subdivision
27 (b) or paragraph (1) of subdivision (e), does not order reunification
28 services, it shall, at the dispositional hearing, that shall include a
29 permanency hearing, determine if a hearing under Section 366.26
30 shall be set in order to determine whether adoption, guardianship,
31 or long-term foster care, or in the case of an Indian child, in
32 consultation with the child's tribe, tribal customary adoption, is
33 the most appropriate plan for the child, and shall consider in-state
34 and out-of-state placement options. If the court so determines, it
35 shall conduct the hearing pursuant to Section 366.26 within 120
36 days after the dispositional hearing. However, the court shall not
37 schedule a hearing so long as the other parent is being provided
38 reunification services pursuant to subdivision (a). The court may
39 continue to permit the parent to visit the child unless it finds that
40 visitation would be detrimental to the child.

(g) (1) Whenever a court orders that a hearing shall be held pursuant to Section 366.26, including, when, in consultation with the child's tribe, tribal customary adoption is recommended, it shall direct the agency supervising the child and the county adoption agency, or the State Department of Social Services when it is acting as an adoption agency, to prepare an assessment that shall include:

(A) Current search efforts for an absent parent or parents and notification of a noncustodial parent in the manner provided for in Section 291.

(B) A review of the amount of and nature of any contact between the child and his or her parents and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purpose of this subparagraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(C) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian, including a prospective tribal customary adoptive parent, particularly the caretaker, to include a social history, including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3 and in Section 361.4. As used in this subparagraph, "relative" means an adult who is related to the minor by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of those persons even if the marriage was terminated by death or dissolution. *If the proposed permanent plan is guardianship with an approved relative caregiver for a minor eligible for aid under the Kin-GAP Program, as provided for in Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9, "relative"*

1 *as used in this section has the same meaning as “relative” as*
2 *defined in subdivision (c) of Section 11391.*

3 (E) The relationship of the child to any identified prospective
4 adoptive parent or guardian, including a prospective tribal
5 customary parent, the duration and character of the relationship,
6 the degree of attachment of the child to the prospective relative
7 guardian or adoptive parent, the relative’s or adoptive parent’s
8 strong commitment to caring permanently for the child, the
9 motivation for seeking adoption or guardianship, a statement from
10 the child concerning placement and the adoption or guardianship,
11 and whether the child over 12 years of age has been consulted
12 about the proposed relative guardianship arrangements, unless the
13 child’s age or physical, emotional, or other condition precludes
14 his or her meaningful response, and if so, a description of the
15 condition.

16 (F) An analysis of the likelihood that the child will be adopted
17 if parental rights are terminated.

18 (G) In the case of an Indian child, in addition to subparagraphs
19 (A) to (F), inclusive, an assessment of the likelihood that the child
20 will be adopted, when, in consultation with the child’s tribe, a
21 tribal customary adoption, as defined in Section 366.24, is
22 recommended. If tribal customary adoption is recommended, the
23 assessment shall include an analysis of both of the following:

24 (i) Whether tribal customary adoption would or would not be
25 detrimental to the Indian child and the reasons for reaching that
26 conclusion.

27 (ii) Whether the Indian child cannot or should not be returned
28 to the home of the Indian parent or Indian custodian and the reasons
29 for reaching that conclusion.

30 (2) (A) A relative caregiver’s preference for legal guardianship
31 over adoption, if it is due to circumstances that do not include an
32 unwillingness to accept legal or financial responsibility for the
33 child, shall not constitute the sole basis for recommending removal
34 of the child from the relative caregiver for purposes of adoptive
35 placement.

36 (B) A relative caregiver shall be given information regarding
37 the permanency options of guardianship and adoption, including
38 the long-term benefits and consequences of each option, prior to
39 establishing legal guardianship or pursuing adoption. *If the*
40 *proposed permanent plan is guardianship with an approved*

1 *relative caregiver for a minor eligible for aid under the Kin-GAP*
2 *Program, as provided in Article 4.7 (commencing with Section*
3 *11385) of Chapter 2 of Part 3 of Division 9, the relative caregiver*
4 *shall be informed about the terms and conditions of the negotiated*
5 *agreement pursuant to Section 11387 and shall agree to its*
6 *execution prior to the hearing held pursuant to Section 366.26. A*
7 *copy of the executed negotiated agreement shall be attached to*
8 *the assessment.*

9 (h) If, at any hearing held pursuant to Section 366.26, a
10 guardianship is established for the minor with an approved relative
11 caregiver and juvenile court dependency is subsequently dismissed,
12 the minor shall be eligible for aid under the Kin-GAP Program as
13 provided for in Article 4.5 (commencing with Section 11360) or
14 Article 4.7 (commencing with Section 11385) of Chapter ~~2~~, *2 of*
15 *Part 3 of Division 9*, as applicable.

16 (i) In determining whether reunification services will benefit
17 the child pursuant to paragraph (6) or (7) of subdivision (b), the
18 court shall consider any information it deems relevant, including
19 the following factors:

20 (1) The specific act or omission comprising the severe sexual
21 abuse or the severe physical harm inflicted on the child or the
22 child's sibling or half sibling.

23 (2) The circumstances under which the abuse or harm was
24 inflicted on the child or the child's sibling or half sibling.

25 (3) The severity of the emotional trauma suffered by the child
26 or the child's sibling or half sibling.

27 (4) Any history of abuse of other children by the offending
28 parent or guardian.

29 (5) The likelihood that the child may be safely returned to the
30 care of the offending parent or guardian within 12 months with no
31 continuing supervision.

32 (6) Whether or not the child desires to be reunified with the
33 offending parent or guardian.

34 (j) When the court determines that reunification services will
35 not be ordered, it shall order that the child's caregiver receive the
36 child's birth certificate in accordance with Sections 16010.4 and
37 16010.5. Additionally, when the court determines that reunification
38 services will not be ordered, it shall order, when appropriate, that
39 a child who is 16 years of age or older receive his or her birth
40 certificate.

1 (k) The court shall read into the record the basis for a finding
2 of severe sexual abuse or the infliction of severe physical harm
3 under paragraph (6) of subdivision (b), and shall also specify the
4 factual findings used to determine that the provision of
5 reunification services to the offending parent or guardian would
6 not benefit the child.

7 *SEC. 1.2. Section 361.5 of the Welfare and Institutions Code*
8 *is amended to read:*

9 361.5. (a) Except as provided in subdivision (b), or when the
10 parent has voluntarily relinquished the child and the relinquishment
11 has been filed with the State Department of Social Services, or
12 upon the establishment of an order of guardianship pursuant to
13 Section 360, whenever a child is removed from a parent's or
14 guardian's custody, the juvenile court shall order the social worker
15 to provide child welfare services to the child and the child's mother
16 and statutorily presumed father or guardians. Upon a finding and
17 declaration of paternity by the juvenile court or proof of a prior
18 declaration of paternity by any court of competent jurisdiction, the
19 juvenile court may order services for the child and the biological
20 father, if the court determines that the services will benefit the
21 child.

22 (1) Family reunification services, when provided, shall be
23 provided as follows:

24 (A) Except as otherwise provided in subparagraph (C), for a
25 child who, on the date of initial removal from the physical custody
26 of his or her parent or guardian, was three years of age or older,
27 court-ordered services shall be provided beginning with the
28 dispositional hearing and ending 12 months after the date the child
29 entered foster care as ~~defined~~ *provided* in Section 361.49, unless
30 the child is returned to the home of the parent or guardian.

31 (B) For a child who, on the date of initial removal from the
32 physical custody of his or her parent or guardian, was under three
33 years of age, court-ordered services shall be provided for a period
34 of six months from the dispositional hearing as provided in
35 subdivision (e) of Section 366.21, but no longer than 12 months
36 from the date the child entered foster care as ~~defined~~ *provided* in
37 Section 361.49 unless the child is returned to the home of the parent
38 or guardian.

39 (C) For the purpose of placing and maintaining a sibling group
40 together in a permanent home should reunification efforts fail, for

1 a child in a sibling group whose members were removed from
2 parental custody at the same time, and in which one member of
3 the sibling group was under three years of age on the date of initial
4 removal from the physical custody of his or her parent or guardian,
5 court-ordered services for some or all of the sibling group may be
6 limited as set forth in subparagraph (B). For the purposes of this
7 paragraph, “a sibling group” shall mean two or more children who
8 are related to each other as full or half siblings.

9 (2) Any motion to terminate court-ordered reunification services
10 prior to the hearing set pursuant to subdivision (f) of Section 366.21
11 for a child described by subparagraph (A) of paragraph (1), or
12 prior to the hearing set pursuant to subdivision (e) of Section
13 366.21 for a child described by subparagraph (B) or (C) of
14 paragraph (1), shall be made pursuant to the requirements set forth
15 in subdivision (c) of Section 388. A motion to terminate
16 court-ordered reunification services shall not be required at the
17 hearing set pursuant to subdivision (e) of Section 366.21 if the
18 court finds by clear and convincing evidence one of the following:

19 (A) That the child was removed initially under subdivision (g)
20 of Section 300 and the whereabouts of the parent are still unknown.

21 (B) That the parent has failed to contact and visit the child.

22 (C) That the parent has been convicted of a felony indicating
23 parental unfitness.

24 (3) Notwithstanding subparagraphs (A), (B), and (C) of
25 paragraph (1), court-ordered services may be extended up to a
26 maximum time period not to exceed 18 months after the date the
27 child was originally removed from physical custody of his or her
28 parent or guardian if it can be shown, at the hearing held pursuant
29 to subdivision (f) of Section 366.21, that the permanent plan for
30 the child is that he or she will be returned and safely maintained
31 in the home within the extended time period. The court shall extend
32 the time period only if it finds that there is a substantial probability
33 that the child will be returned to the physical custody of his or her
34 parent or guardian within the extended time period or that
35 reasonable services have not been provided to the parent or
36 guardian. In determining whether court-ordered services may be
37 extended, the court shall consider the special circumstances of an
38 incarcerated or institutionalized parent or parents, ~~or~~ parent or
39 parents court-ordered to a residential substance abuse treatment
40 program, *or a parent who has been arrested and issued an*

1 *immigration hold, detained by the United States Department of*
 2 *Homeland Security, or deported to his or her country of origin,*
 3 including, but not limited to, barriers to the parent's or guardian's
 4 access to services and ability to maintain contact with his or her
 5 child. The court shall also consider, among other factors, good
 6 faith efforts that the parent or guardian has made to maintain
 7 contact with the child. If the court extends the time period, the
 8 court shall specify the factual basis for its conclusion that there is
 9 a substantial probability that the child will be returned to the
 10 physical custody of his or her parent or guardian within the
 11 extended time period. The court also shall make findings pursuant
 12 to subdivision (a) of Section 366 and subdivision (e) of Section
 13 358.1.

14 When counseling or other treatment services are ordered, the
 15 parent or guardian shall be ordered to participate in those services,
 16 unless the parent's or guardian's participation is deemed by the
 17 court to be inappropriate or potentially detrimental to the child, or
 18 unless a parent or guardian is incarcerated *or detained by the United*
 19 *States Department of Homeland Security* and the corrections
 20 facility in which he or she is incarcerated does not provide access
 21 to the treatment services ordered by the court, *or has been deported*
 22 *to his or her country of origin and services ordered by the court*
 23 *are not accessible in that country.* Physical custody of the child
 24 by the parents or guardians during the applicable time period under
 25 subparagraph (A), (B), or (C) of paragraph (1) shall not serve to
 26 interrupt the running of the *time* period. If at the end of the
 27 applicable time period, a child cannot be safely returned to the
 28 care and custody of a parent or guardian without court supervision,
 29 but the child clearly desires contact with the parent or guardian,
 30 the court shall take the child's desire into account in devising a
 31 permanency plan.

32 In cases where the child was under three years of age on the date
 33 of the initial removal from the physical custody of his or her parent
 34 or guardian or is a member of a sibling group as described in
 35 subparagraph (C) of paragraph (1), the court shall inform the parent
 36 or guardian that the failure of the parent or guardian to participate
 37 regularly in any court-ordered treatment programs or to cooperate
 38 or avail himself or herself of services provided as part of the child
 39 welfare services case plan may result in a termination of efforts
 40 to reunify the family after six months. The court shall inform the

1 parent or guardian of the factors used in subdivision (e) of Section
2 366.21 to determine whether to limit services to six months for
3 some or all members of a sibling group as described in
4 subparagraph (C) of paragraph (1).

5 (4) Notwithstanding paragraph (3), court-ordered services may
6 be extended up to a maximum time period not to exceed 24 months
7 after the date the child was originally removed from physical
8 custody of his or her parent or guardian if it is shown, at the hearing
9 held pursuant to subdivision (b) of Section 366.22, that the
10 permanent plan for the child is that he or she will be returned and
11 safely maintained in the home within the extended time period.
12 The court shall extend the time period only if it finds that it is in
13 the child's best interest to have the time period extended and that
14 there is a substantial probability that the child will be returned to
15 the physical custody of his or her parent or guardian who is
16 described in subdivision (b) of Section 366.22 within the extended
17 time period, or that reasonable services have not been provided to
18 the parent or guardian. If the court extends the time period, the
19 court shall specify the factual basis for its conclusion that there is
20 a substantial probability that the child will be returned to the
21 physical custody of his or her parent or guardian within the
22 extended time period. The court also shall make findings pursuant
23 to subdivision (a) of Section 366 and subdivision (e) of Section
24 358.1.

25 When counseling or other treatment services are ordered, the
26 parent or guardian shall be ordered to participate in those services,
27 in order for substantial probability to be found. Physical custody
28 of the child by the parents or guardians during the applicable time
29 period under subparagraph (A), (B), or (C) of paragraph (1) shall
30 not serve to interrupt the running of the *time* period. If at the end
31 of the applicable time period, the child cannot be safely returned
32 to the care and custody of a parent or guardian without court
33 supervision, but the child clearly desires contact with the parent
34 or guardian, the court shall take the child's desire into account in
35 devising a permanency plan.

36 Except in cases where, pursuant to subdivision (b), the court
37 does not order reunification services, the court shall inform the
38 parent or parents of Section 366.26 and shall specify that the
39 parent's or parents' parental rights may be terminated.

1 (b) Reunification services need not be provided to a parent or
2 guardian described in this subdivision when the court finds, by
3 clear and convincing evidence, any of the following:

4 (1) That the whereabouts of the parent or guardian is unknown.
5 A finding pursuant to this paragraph shall be supported by an
6 affidavit or by proof that a reasonably diligent search has failed
7 to locate the parent or guardian. The posting or publication of
8 notices is not required in that search.

9 (2) That the parent or guardian is suffering from a mental
10 disability that is described in Chapter 2 (commencing with Section
11 7820) of Part 4 of Division 12 of the Family Code and that renders
12 him or her incapable of utilizing those services.

13 (3) That the child or a sibling of the child has been previously
14 adjudicated a dependent pursuant to any subdivision of Section
15 300 as a result of physical or sexual abuse, that following that
16 adjudication the child had been removed from the custody of his
17 or her parent or guardian pursuant to Section 361, that the child
18 has been returned to the custody of the parent or guardian from
19 whom the child had been taken originally, and that the child is
20 being removed pursuant to Section 361, due to additional physical
21 or sexual abuse.

22 (4) That the parent or guardian of the child has caused the death
23 of another child through abuse or neglect.

24 (5) That the child was brought within the jurisdiction of the
25 court under subdivision (e) of Section 300 because of the conduct
26 of that parent or guardian.

27 (6) That the child has been adjudicated a dependent pursuant
28 to any subdivision of Section 300 as a result of severe sexual abuse
29 or the infliction of severe physical harm to the child, a sibling, or
30 a half sibling by a parent or guardian, as defined in this subdivision,
31 and the court makes a factual finding that it would not benefit the
32 child to pursue reunification services with the offending parent or
33 guardian.

34 A finding of severe sexual abuse, for the purposes of this
35 subdivision, may be based on, but is not limited to, sexual
36 intercourse, or stimulation involving genital-genital, oral-genital,
37 anal-genital, or oral-anal contact, whether between the parent or
38 guardian and the child or a sibling or half sibling of the child, or
39 between the child or a sibling or half sibling of the child and
40 another person or animal with the actual or implied consent of the

1 parent or guardian; or the penetration or manipulation of the
2 child's, sibling's, or half sibling's genital organs or rectum by any
3 animate or inanimate object for the sexual gratification of the
4 parent or guardian, or for the sexual gratification of another person
5 with the actual or implied consent of the parent or guardian.

6 A finding of the infliction of severe physical harm, for the
7 purposes of this subdivision, may be based on, but is not limited
8 to, deliberate and serious injury inflicted to or on a child's body
9 or the body of a sibling or half sibling of the child by an act or
10 omission of the parent or guardian, or of another individual or
11 animal with the consent of the parent or guardian; deliberate and
12 torturous confinement of the child, sibling, or half sibling in a
13 closed space; or any other torturous act or omission that would be
14 reasonably understood to cause serious emotional damage.

15 (7) That the parent is not receiving reunification services for a
16 sibling or a half sibling of the child pursuant to paragraph (3), (5),
17 or (6).

18 (8) That the child was conceived by means of the commission
19 of an offense listed in Section 288 or 288.5 of the Penal Code, or
20 by an act committed outside of this state that, if committed in this
21 state, would constitute one of those offenses. This paragraph only
22 applies to the parent who committed the offense or act.

23 (9) That the child has been found to be a child described in
24 subdivision (g) of Section 300; that the parent or guardian of the
25 child willfully abandoned the child, and the court finds that the
26 abandonment itself constituted a serious danger to the child; or
27 that the parent or other person having custody of the child
28 voluntarily surrendered physical custody of the child pursuant to
29 Section 1255.7 of the Health and Safety Code. For the purposes
30 of this paragraph, "serious danger" means that without the
31 intervention of another person or agency, the child would have
32 sustained severe or permanent disability, injury, illness, or death.
33 For purposes of this paragraph, "willful abandonment" shall not
34 be construed as actions taken in good faith by the parent without
35 the intent of placing the child in serious danger.

36 (10) That the court ordered termination of reunification services
37 for any siblings or half siblings of the child because the parent or
38 guardian failed to reunify with the sibling or half sibling after the
39 sibling or half sibling had been removed from that parent or
40 guardian pursuant to Section 361 and that parent or guardian is

1 the same parent or guardian described in subdivision (a) and that,
2 according to the findings of the court, this parent or guardian has
3 not subsequently made a reasonable effort to treat the problems
4 that led to removal of the sibling or half sibling of that child from
5 that parent or guardian.

6 (11) That the parental rights of a parent over any sibling or half
7 sibling of the child had been permanently severed, and this parent
8 is the same parent described in subdivision (a), and that, according
9 to the findings of the court, this parent has not subsequently made
10 a reasonable effort to treat the problems that led to removal of the
11 sibling or half sibling of that child from the parent.

12 (12) That the parent or guardian of the child has been convicted
13 of a violent felony, as defined in subdivision (c) of Section 667.5
14 of the Penal Code.

15 (13) That the parent or guardian of the child has a history of
16 extensive, abusive, and chronic use of drugs or alcohol and has
17 resisted prior court-ordered treatment for this problem during a
18 three-year period immediately prior to the filing of the petition
19 that brought that child to the court's attention, or has failed or
20 refused to comply with a program of drug or alcohol treatment
21 described in the case plan required by Section 358.1 on at least
22 two prior occasions, even though the programs identified were
23 available and accessible.

24 (14) That the parent or guardian of the child has advised the
25 court that he or she is not interested in receiving family
26 maintenance or family reunification services or having the child
27 returned to or placed in his or her custody and does not wish to
28 receive family maintenance or reunification services.

29 The parent or guardian shall be represented by counsel and shall
30 execute a waiver of services form to be adopted by the Judicial
31 Council. The court shall advise the parent or guardian of any right
32 to services and of the possible consequences of a waiver of
33 services, including the termination of parental rights and placement
34 of the child for adoption. The court shall not accept the waiver of
35 services unless it states on the record its finding that the parent or
36 guardian has knowingly and intelligently waived the right to
37 services.

38 (15) That the parent or guardian has on one or more occasions
39 willfully abducted the child or child's sibling or half sibling from
40 his or her placement and refused to disclose the child's or child's

1 sibling's or half sibling's whereabouts, refused to return physical
2 custody of the child or child's sibling or half sibling to his or her
3 placement, or refused to return physical custody of the child or
4 child's sibling or half sibling to the social worker.

5 *(16) That the parent or guardian has been required by the court*
6 *to be registered on a sex offender registry under the federal Adam*
7 *Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.*
8 *16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the Child*
9 *Abuse Prevention and Treatment Act of 2006 (42 U.S.C. Sec.*
10 *5106a(2)(B)(xvi)(VI)).*

11 (c) In deciding whether to order reunification in any case in
12 which this section applies, the court shall hold a dispositional
13 hearing. The social worker shall prepare a report that discusses
14 whether reunification services shall be provided. When it is alleged,
15 pursuant to paragraph (2) of subdivision (b), that the parent is
16 incapable of utilizing services due to mental disability, the court
17 shall order reunification services unless competent evidence from
18 mental health professionals establishes that, even with the provision
19 of services, the parent is unlikely to be capable of adequately caring
20 for the child within the time limits specified in subdivision (a).

21 The court shall not order reunification for a parent or guardian
22 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),
23 (13), (14), (15), or ~~(15)~~ (16) of subdivision (b) unless the court
24 finds, by clear and convincing evidence, that reunification is in
25 the best interest of the child.

26 In addition, the court shall not order reunification in any situation
27 described in paragraph (5) of subdivision (b) unless it finds that,
28 based on competent testimony, those services are likely to prevent
29 reabuse or continued neglect of the child or that failure to try
30 reunification will be detrimental to the child because the child is
31 closely and positively attached to that parent. The social worker
32 shall investigate the circumstances leading to the removal of the
33 child and advise the court whether there are circumstances that
34 indicate that reunification is likely to be successful or unsuccessful
35 and whether failure to order reunification is likely to be detrimental
36 to the child.

37 The failure of the parent to respond to previous services, the fact
38 that the child was abused while the parent was under the influence
39 of drugs or alcohol, a past history of violent behavior, or testimony
40 by a competent professional that the parent's behavior is unlikely

to be changed by services are among the factors indicating that reunification services are unlikely to be successful. The fact that a parent or guardian is no longer living with an individual who severely abused the child may be considered in deciding that reunification services are likely to be successful, provided that the court shall consider any pattern of behavior on the part of the parent that has exposed the child to repeated abuse.

(d) If reunification services are not ordered pursuant to paragraph (1) of subdivision (b) and the whereabouts of a parent become known within six months of the out-of-home placement of the child, the court shall order the social worker to provide family reunification services in accordance with this subdivision.

(e) (1) If the parent or guardian is ~~incarcerated or institutionalized~~, *incarcerated, institutionalized, or detained by the United States Department of Homeland Security, or has been deported to his or her country of origin*, the court shall order reasonable services unless the court determines, by clear and convincing evidence, those services would be detrimental to the child. In determining detriment, the court shall consider the age of the child, the degree of parent-child bonding, the length of the sentence, the length and nature of the treatment, the nature of the crime or illness, the degree of detriment to the child if services are not offered and, for children 10 years of age or older, the child's attitude toward the implementation of family reunification services, the likelihood of the parent's discharge from ~~incarceration or institutionalization~~ *incarceration, institutionalization, or detention* within the reunification time limitations described in subdivision (a), and any other appropriate factors. In determining the content of reasonable services, the court shall consider the particular barriers to an ~~incarcerated or otherwise institutionalized~~ *incarcerated, institutionalized, detained, or deported* parent's access to those court-mandated services and ability to maintain contact with his or her child, and shall document this information in the child's case plan. Reunification services are subject to the applicable time limitations imposed in subdivision (a). Services may include, but shall not be limited to, all of the following:

(A) Maintaining contact between the parent and child through collect telephone calls.

(B) Transportation services, where appropriate.

(C) Visitation services, where appropriate.

1 (D) Reasonable services to extended family members or foster
2 parents providing care for the child if the services are not
3 detrimental to the child.

4 An incarcerated *or detained* parent may be required to attend
5 counseling, parenting classes, or vocational training programs as
6 part of the reunification service plan if actual access to these
7 services is provided. The social worker shall document in the
8 child's case plan the particular barriers to an ~~incarcerated or~~
9 ~~institutionalized~~ incarcerated, institutionalized, or detained
10 parent's access to those court-mandated services and ability to
11 maintain contact with his or her child.

12 (E) *Reasonable efforts to assist parents who have been deported*
13 *to contact child welfare authorities in their country of origin, to*
14 *identify any available services that would substantially comply*
15 *with case plan requirements, to document the parents' participation*
16 *in those services, and to accept reports from local child welfare*
17 *authorities as to the parents' living situation, progress, and*
18 *participation in services.*

19 (2) The presiding judge of the juvenile court of each county
20 may convene representatives of the county welfare department,
21 the sheriff's department, and other appropriate entities for the
22 purpose of developing and entering into protocols for ensuring the
23 notification, transportation, and presence of an incarcerated or
24 institutionalized parent at all court hearings involving proceedings
25 affecting the child pursuant to Section 2625 of the Penal Code.
26 The county welfare department shall utilize the prisoner locator
27 system developed by the Department of Corrections and
28 Rehabilitation to facilitate timely and effective notice of hearings
29 for incarcerated parents.

30 (3) Notwithstanding any other provision of law, if the
31 incarcerated parent is a woman seeking to participate in the
32 community treatment program operated by the Department of
33 Corrections and Rehabilitation pursuant to Chapter 4.8
34 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter
35 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal
36 Code, the court shall determine whether the parent's participation
37 in a program is in the child's best interest and whether it is suitable
38 to meet the needs of the parent and child.

39 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
40 (8), (9), (10), (11), (12), (13), (14), (15), or ~~(15)~~ (16) of subdivision

(b) or paragraph (1) of subdivision (e), does not order reunification services, it shall, at the dispositional hearing, that shall include a permanency hearing, determine if a hearing under Section 366.26 shall be set in order to determine whether adoption, guardianship, or long-term foster care, or in the case of an Indian child, in consultation with the child's tribe, tribal customary adoption, is the most appropriate plan for the child, and shall consider in-state and out-of-state placement options. If the court so determines, it shall conduct the hearing pursuant to Section 366.26 within 120 days after the dispositional hearing. However, the court shall not schedule a hearing so long as the other parent is being provided reunification services pursuant to subdivision (a). The court may continue to permit the parent to visit the child unless it finds that visitation would be detrimental to the child.

(g) (1) Whenever a court orders that a hearing shall be held pursuant to Section 366.26, including, when, in consultation with the child's tribe, tribal customary adoption is recommended, it shall direct the agency supervising the child and the county adoption agency, or the State Department of Social Services when it is acting as an adoption agency, to prepare an assessment that shall include:

(A) Current search efforts for an absent parent or parents and notification of a noncustodial parent in the manner provided for in Section 291.

(B) A review of the amount of and nature of any contact between the child and his or her parents and other members of his or her extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purpose of this subparagraph shall include, but not be limited to, the child's siblings, grandparents, aunts, and uncles.

(C) An evaluation of the child's medical, developmental, scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian, including a prospective tribal customary adoptive parent, particularly the caretaker, to include a social history, including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and

guardianship. If a proposed guardian is a relative of the minor, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3 and in Section 361.4. As used in this subparagraph, “relative” means an adult who is related to the minor by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words “great,” “great-great,” or “grand,” or the spouse of any of those persons even if the marriage was terminated by death or dissolution.

(E) The relationship of the child to any identified prospective adoptive parent or guardian, including a prospective tribal customary parent, the duration and character of the relationship, the degree of attachment of the child to the prospective relative guardian or adoptive parent, the relative’s or adoptive parent’s strong commitment to caring permanently for the child, the motivation for seeking adoption or guardianship, a statement from the child concerning placement and the adoption or guardianship, and whether the child over 12 years of age has been consulted about the proposed relative guardianship arrangements, unless the child’s age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition.

(F) An analysis of the likelihood that the child will be adopted if parental rights are terminated.

(G) In the case of an Indian child, in addition to subparagraphs (A) to (F), inclusive, an assessment of the likelihood that the child will be adopted, when, in consultation with the child’s tribe, a tribal customary adoption, as defined in Section 366.24, is recommended. If tribal customary adoption is recommended, the assessment shall include an analysis of both of the following:

(i) Whether tribal customary adoption would or would not be detrimental to the Indian child and the reasons for reaching that conclusion.

(ii) Whether the Indian child cannot or should not be returned to the home of the Indian parent or Indian custodian and the reasons for reaching that conclusion.

(2) (A) A relative caregiver’s preference for legal guardianship over adoption, if it is due to circumstances that do not include an unwillingness to accept legal or financial responsibility for the

1 child, shall not constitute the sole basis for recommending removal
2 of the child from the relative caregiver for purposes of adoptive
3 placement.

4 (B) ~~A~~ *Regardless of his or her immigration status*, a relative
5 caregiver shall be given information regarding the permanency
6 options of guardianship and adoption, including the long-term
7 benefits and consequences of each option, prior to establishing
8 legal guardianship or pursuing adoption.

9 (h) If, at any hearing held pursuant to Section 366.26, a
10 guardianship is established for the minor with an approved relative
11 caregiver and juvenile court dependency is subsequently dismissed,
12 the minor shall be eligible for aid under the Kin-GAP Program as
13 provided for in Article 4.5 (commencing with Section 11360) or
14 Article 4.7 (commencing with Section 11385) of Chapter 2, as
15 applicable.

16 (i) In determining whether reunification services will benefit
17 the child pursuant to paragraph (6) or (7) of subdivision (b), the
18 court shall consider any information it deems relevant, including
19 the following factors:

20 (1) The specific act or omission comprising the severe sexual
21 abuse or the severe physical harm inflicted on the child or the
22 child's sibling or half sibling.

23 (2) The circumstances under which the abuse or harm was
24 inflicted on the child or the child's sibling or half sibling.

25 (3) The severity of the emotional trauma suffered by the child
26 or the child's sibling or half sibling.

27 (4) Any history of abuse of other children by the offending
28 parent or guardian.

29 (5) The likelihood that the child may be safely returned to the
30 care of the offending parent or guardian within 12 months with no
31 continuing supervision.

32 (6) Whether or not the child desires to be reunified with the
33 offending parent or guardian.

34 (j) When the court determines that reunification services will
35 not be ordered, it shall order that the child's caregiver receive the
36 child's birth certificate in accordance with Sections 16010.4 and
37 16010.5. Additionally, when the court determines that reunification
38 services will not be ordered, it shall order, when appropriate, that
39 a child who is 16 years of age or older receive his or her birth
40 certificate.

1 (k) The court shall read into the record the basis for a finding
2 of severe sexual abuse or the infliction of severe physical harm
3 under paragraph (6) of subdivision (b), and shall also specify the
4 factual findings used to determine that the provision of
5 reunification services to the offending parent or guardian would
6 not benefit the child.

7 *SEC. 1.3. Section 361.5 of the Welfare and Institutions Code*
8 *is amended to read:*

9 361.5. (a) Except as provided in subdivision (b), or when the
10 parent has voluntarily relinquished the child and the relinquishment
11 has been filed with the State Department of Social Services, or
12 upon the establishment of an order of guardianship pursuant to
13 Section 360, *or when a court adjudicates a petition under Section*
14 *329 to modify the court's jurisdiction from delinquency jurisdiction*
15 *to dependency jurisdiction pursuant to subparagraph (A) of*
16 *paragraph (2) of subdivision (b) of Section 607.2 and the parents*
17 *or guardian of the ward have had reunification services terminated*
18 *under the delinquency jurisdiction*, whenever a child is removed
19 from a parent's or guardian's custody, the juvenile court shall order
20 the social worker to provide child welfare services to the child and
21 the child's mother and statutorily presumed father or guardians.
22 Upon a finding and declaration of paternity by the juvenile court
23 or proof of a prior declaration of paternity by any court of
24 competent jurisdiction, the juvenile court may order services for
25 the child and the biological father, if the court determines that the
26 services will benefit the child.

27 (1) Family reunification services, when provided, shall be
28 provided as follows:

29 (A) Except as otherwise provided in subparagraph (C), for a
30 child who, on the date of initial removal from the physical custody
31 of his or her parent or guardian, was three years of age or older,
32 court-ordered services shall be provided beginning with the
33 dispositional hearing and ending 12 months after the date the child
34 entered foster care ~~as defined~~ *provided* in Section 361.49, unless
35 the child is returned to the home of the parent or guardian.

36 (B) For a child who, on the date of initial removal from the
37 physical custody of his or her parent or guardian, was under three
38 years of age, court-ordered services shall be provided for a period
39 of six months from the dispositional hearing as provided in
40 subdivision (e) of Section 366.21, but no longer than 12 months

1 from the date the child entered foster care as ~~defined~~ *provided* in
2 Section 361.49 unless the child is returned to the home of the parent
3 or guardian.

4 (C) For the purpose of placing and maintaining a sibling group
5 together in a permanent home should reunification efforts fail, for
6 a child in a sibling group whose members were removed from
7 parental custody at the same time, and in which one member of
8 the sibling group was under three years of age on the date of initial
9 removal from the physical custody of his or her parent or guardian,
10 court-ordered services for some or all of the sibling group may be
11 limited as set forth in subparagraph (B). For the purposes of this
12 paragraph, “a sibling group” shall mean two or more children who
13 are related to each other as full or half siblings.

14 (2) Any motion to terminate court-ordered reunification services
15 prior to the hearing set pursuant to subdivision (f) of Section 366.21
16 for a child described by subparagraph (A) of paragraph (1), or
17 prior to the hearing set pursuant to subdivision (e) of Section
18 366.21 for a child described by subparagraph (B) or (C) of
19 paragraph (1), shall be made pursuant to the requirements set forth
20 in subdivision (c) of Section 388. A motion to terminate
21 court-ordered reunification services shall not be required at the
22 hearing set pursuant to subdivision (e) of Section 366.21 if the
23 court finds by clear and convincing evidence one of the following:

24 (A) That the child was removed initially under subdivision (g)
25 of Section 300 and the whereabouts of the parent are still unknown.

26 (B) That the parent has failed to contact and visit the child.

27 (C) That the parent has been convicted of a felony indicating
28 parental unfitness.

29 (3) Notwithstanding subparagraphs (A), (B), and (C) of
30 paragraph (1), court-ordered services may be extended up to a
31 maximum time period not to exceed 18 months after the date the
32 child was originally removed from physical custody of his or her
33 parent or guardian if it can be shown, at the hearing held pursuant
34 to subdivision (f) of Section 366.21, that the permanent plan for
35 the child is that he or she will be returned and safely maintained
36 in the home within the extended time period. The court shall extend
37 the time period only if it finds that there is a substantial probability
38 that the child will be returned to the physical custody of his or her
39 parent or guardian within the extended time period or that
40 reasonable services have not been provided to the parent or

1 guardian. In determining whether court-ordered services may be
2 extended, the court shall consider the special circumstances of an
3 incarcerated or institutionalized parent or parents, ~~or~~ parent or
4 parents court-ordered to a residential substance abuse treatment
5 program, *or a parent who has been arrested and issued an*
6 *immigration hold, detained by the United States Department of*
7 *Homeland Security, or deported to his or her country of origin,*
8 including, but not limited to, barriers to the parent's or guardian's
9 access to services and ability to maintain contact with his or her
10 child. The court shall also consider, among other factors, good
11 faith efforts that the parent or guardian has made to maintain
12 contact with the child. If the court extends the time period, the
13 court shall specify the factual basis for its conclusion that there is
14 a substantial probability that the child will be returned to the
15 physical custody of his or her parent or guardian within the
16 extended time period. The court also shall make findings pursuant
17 to subdivision (a) of Section 366 and subdivision (e) of Section
18 358.1.

19 When counseling or other treatment services are ordered, the
20 parent or guardian shall be ordered to participate in those services,
21 unless the parent's or guardian's participation is deemed by the
22 court to be inappropriate or potentially detrimental to the child, or
23 unless a parent or guardian is incarcerated *or detained by the United*
24 *States Department of Homeland Security* and the corrections
25 facility in which he or she is incarcerated does not provide access
26 to the treatment services ordered by the court, *or has been deported*
27 *to his or her country of origin and services ordered by the court*
28 *are not accessible in that country.* Physical custody of the child
29 by the parents or guardians during the applicable time period under
30 subparagraph (A), (B), or (C) of paragraph (1) shall not serve to
31 interrupt the running of the *time* period. If at the end of the
32 applicable time period, a child cannot be safely returned to the
33 care and custody of a parent or guardian without court supervision,
34 but the child clearly desires contact with the parent or guardian,
35 the court shall take the child's desire into account in devising a
36 permanency plan.

37 In cases where the child was under three years of age on the date
38 of the initial removal from the physical custody of his or her parent
39 or guardian or is a member of a sibling group as described in
40 subparagraph (C) of paragraph (1), the court shall inform the parent

1 or guardian that the failure of the parent or guardian to participate
2 regularly in any court-ordered treatment programs or to cooperate
3 or avail himself or herself of services provided as part of the child
4 welfare services case plan may result in a termination of efforts
5 to reunify the family after six months. The court shall inform the
6 parent or guardian of the factors used in subdivision (e) of Section
7 366.21 to determine whether to limit services to six months for
8 some or all members of a sibling group as described in
9 subparagraph (C) of paragraph (1).

10 (4) Notwithstanding paragraph (3), court-ordered services may
11 be extended up to a maximum time period not to exceed 24 months
12 after the date the child was originally removed from physical
13 custody of his or her parent or guardian if it is shown, at the hearing
14 held pursuant to subdivision (b) of Section 366.22, that the
15 permanent plan for the child is that he or she will be returned and
16 safely maintained in the home within the extended time period.
17 The court shall extend the time period only if it finds that it is in
18 the child's best interest to have the time period extended and that
19 there is a substantial probability that the child will be returned to
20 the physical custody of his or her parent or guardian who is
21 described in subdivision (b) of Section 366.22 within the extended
22 time period, or that reasonable services have not been provided to
23 the parent or guardian. If the court extends the time period, the
24 court shall specify the factual basis for its conclusion that there is
25 a substantial probability that the child will be returned to the
26 physical custody of his or her parent or guardian within the
27 extended time period. The court also shall make findings pursuant
28 to subdivision (a) of Section 366 and subdivision (e) of Section
29 358.1.

30 When counseling or other treatment services are ordered, the
31 parent or guardian shall be ordered to participate in those services,
32 in order for substantial probability to be found. Physical custody
33 of the child by the parents or guardians during the applicable time
34 period under subparagraph (A), (B), or (C) of paragraph (1) shall
35 not serve to interrupt the running of the *time* period. If at the end
36 of the applicable time period, the child cannot be safely returned
37 to the care and custody of a parent or guardian without court
38 supervision, but the child clearly desires contact with the parent
39 or guardian, the court shall take the child's desire into account in
40 devising a permanency plan.

1 Except in cases where, pursuant to subdivision (b), the court
2 does not order reunification services, the court shall inform the
3 parent or parents of Section 366.26 and shall specify that the
4 parent's or parents' parental rights may be terminated.

5 (b) Reunification services need not be provided to a parent or
6 guardian described in this subdivision when the court finds, by
7 clear and convincing evidence, any of the following:

8 (1) That the whereabouts of the parent or guardian is unknown.
9 A finding pursuant to this paragraph shall be supported by an
10 affidavit or by proof that a reasonably diligent search has failed
11 to locate the parent or guardian. The posting or publication of
12 notices is not required in that search.

13 (2) That the parent or guardian is suffering from a mental
14 disability that is described in Chapter 2 (commencing with Section
15 7820) of Part 4 of Division 12 of the Family Code and that renders
16 him or her incapable of utilizing those services.

17 (3) That the child or a sibling of the child has been previously
18 adjudicated a dependent pursuant to any subdivision of Section
19 300 as a result of physical or sexual abuse, that following that
20 adjudication the child had been removed from the custody of his
21 or her parent or guardian pursuant to Section 361, that the child
22 has been returned to the custody of the parent or guardian from
23 whom the child had been taken originally, and that the child is
24 being removed pursuant to Section 361, due to additional physical
25 or sexual abuse.

26 (4) That the parent or guardian of the child has caused the death
27 of another child through abuse or neglect.

28 (5) That the child was brought within the jurisdiction of the
29 court under subdivision (e) of Section 300 because of the conduct
30 of that parent or guardian.

31 (6) That the child has been adjudicated a dependent pursuant
32 to any subdivision of Section 300 as a result of severe sexual abuse
33 or the infliction of severe physical harm to the child, a sibling, or
34 a half sibling by a parent or guardian, as defined in this subdivision,
35 and the court makes a factual finding that it would not benefit the
36 child to pursue reunification services with the offending parent or
37 guardian.

38 A finding of severe sexual abuse, for the purposes of this
39 subdivision, may be based on, but is not limited to, sexual
40 intercourse, or stimulation involving genital-genital, oral-genital,

1 anal-genital, or oral-anal contact, whether between the parent or
2 guardian and the child or a sibling or half sibling of the child, or
3 between the child or a sibling or half sibling of the child and
4 another person or animal with the actual or implied consent of the
5 parent or guardian; or the penetration or manipulation of the
6 child's, sibling's, or half sibling's genital organs or rectum by any
7 animate or inanimate object for the sexual gratification of the
8 parent or guardian, or for the sexual gratification of another person
9 with the actual or implied consent of the parent or guardian.

10 A finding of the infliction of severe physical harm, for the
11 purposes of this subdivision, may be based on, but is not limited
12 to, deliberate and serious injury inflicted to or on a child's body
13 or the body of a sibling or half sibling of the child by an act or
14 omission of the parent or guardian, or of another individual or
15 animal with the consent of the parent or guardian; deliberate and
16 torturous confinement of the child, sibling, or half sibling in a
17 closed space; or any other torturous act or omission that would be
18 reasonably understood to cause serious emotional damage.

19 (7) That the parent is not receiving reunification services for a
20 sibling or a half sibling of the child pursuant to paragraph (3), (5),
21 or (6).

22 (8) That the child was conceived by means of the commission
23 of an offense listed in Section 288 or 288.5 of the Penal Code, or
24 by an act committed outside of this state that, if committed in this
25 state, would constitute one of those offenses. This paragraph only
26 applies to the parent who committed the offense or act.

27 (9) That the child has been found to be a child described in
28 subdivision (g) of Section 300; that the parent or guardian of the
29 child willfully abandoned the child, and the court finds that the
30 abandonment itself constituted a serious danger to the child; or
31 that the parent or other person having custody of the child
32 voluntarily surrendered physical custody of the child pursuant to
33 Section 1255.7 of the Health and Safety Code. For the purposes
34 of this paragraph, "serious danger" means that without the
35 intervention of another person or agency, the child would have
36 sustained severe or permanent disability, injury, illness, or death.
37 For purposes of this paragraph, "willful abandonment" shall not
38 be construed as actions taken in good faith by the parent without
39 the intent of placing the child in serious danger.

1 (10) That the court ordered termination of reunification services
2 for any siblings or half siblings of the child because the parent or
3 guardian failed to reunify with the sibling or half sibling after the
4 sibling or half sibling had been removed from that parent or
5 guardian pursuant to Section 361 and that parent or guardian is
6 the same parent or guardian described in subdivision (a) and that,
7 according to the findings of the court, this parent or guardian has
8 not subsequently made a reasonable effort to treat the problems
9 that led to removal of the sibling or half sibling of that child from
10 that parent or guardian.

11 (11) That the parental rights of a parent over any sibling or half
12 sibling of the child had been permanently severed, and this parent
13 is the same parent described in subdivision (a), and that, according
14 to the findings of the court, this parent has not subsequently made
15 a reasonable effort to treat the problems that led to removal of the
16 sibling or half sibling of that child from the parent.

17 (12) That the parent or guardian of the child has been convicted
18 of a violent felony, as defined in subdivision (c) of Section 667.5
19 of the Penal Code.

20 (13) That the parent or guardian of the child has a history of
21 extensive, abusive, and chronic use of drugs or alcohol and has
22 resisted prior court-ordered treatment for this problem during a
23 three-year period immediately prior to the filing of the petition
24 that brought that child to the court's attention, or has failed or
25 refused to comply with a program of drug or alcohol treatment
26 described in the case plan required by Section 358.1 on at least
27 two prior occasions, even though the programs identified were
28 available and accessible.

29 (14) That the parent or guardian of the child has advised the
30 court that he or she is not interested in receiving family
31 maintenance or family reunification services or having the child
32 returned to or placed in his or her custody and does not wish to
33 receive family maintenance or reunification services.

34 The parent or guardian shall be represented by counsel and shall
35 execute a waiver of services form to be adopted by the Judicial
36 Council. The court shall advise the parent or guardian of any right
37 to services and of the possible consequences of a waiver of
38 services, including the termination of parental rights and placement
39 of the child for adoption. The court shall not accept the waiver of
40 services unless it states on the record its finding that the parent or

guardian has knowingly and intelligently waived the right to services.

(15) That the parent or guardian has on one or more occasions willfully abducted the child or child's sibling or half sibling from his or her placement and refused to disclose the child's or child's sibling's or half sibling's whereabouts, refused to return physical custody of the child or child's sibling or half sibling to his or her placement, or refused to return physical custody of the child or child's sibling or half sibling to the social worker.

(16) *That the parent or guardian has been required by the court to be registered on a sex offender registry under the federal Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec. 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C. Sec. 5106a(2)(B)(xvi)(VI)).*

(c) In deciding whether to order reunification in any case in which this section applies, the court shall hold a dispositional hearing. The social worker shall prepare a report that discusses whether reunification services shall be provided. When it is alleged, pursuant to paragraph (2) of subdivision (b), that the parent is incapable of utilizing services due to mental disability, the court shall order reunification services unless competent evidence from mental health professionals establishes that, even with the provision of services, the parent is unlikely to be capable of adequately caring for the child within the time limits specified in subdivision (a).

The court shall not order reunification for a parent or guardian described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), or ~~(15)~~ (16) of subdivision (b) unless the court finds, by clear and convincing evidence, that reunification is in the best interest of the child.

In addition, the court shall not order reunification in any situation described in paragraph (5) of subdivision (b) unless it finds that, based on competent testimony, those services are likely to prevent reabuse or continued neglect of the child or that failure to try reunification will be detrimental to the child because the child is closely and positively attached to that parent. The social worker shall investigate the circumstances leading to the removal of the child and advise the court whether there are circumstances that indicate that reunification is likely to be successful or unsuccessful

1 and whether failure to order reunification is likely to be detrimental
2 to the child.

3 The failure of the parent to respond to previous services, the fact
4 that the child was abused while the parent was under the influence
5 of drugs or alcohol, a past history of violent behavior, or testimony
6 by a competent professional that the parent's behavior is unlikely
7 to be changed by services are among the factors indicating that
8 reunification services are unlikely to be successful. The fact that
9 a parent or guardian is no longer living with an individual who
10 severely abused the child may be considered in deciding that
11 reunification services are likely to be successful, provided that the
12 court shall consider any pattern of behavior on the part of the parent
13 that has exposed the child to repeated abuse.

14 (d) If reunification services are not ordered pursuant to
15 paragraph (1) of subdivision (b) and the whereabouts of a parent
16 become known within six months of the out-of-home placement
17 of the child, the court shall order the social worker to provide
18 family reunification services in accordance with this subdivision.

19 (e) (1) If the parent or guardian is ~~incarcerated or~~
20 ~~institutionalized~~, *incarcerated, institutionalized, or detained by*
21 *the United States Department of Homeland Security, or has been*
22 *deported to his or her country of origin*, the court shall order
23 reasonable services unless the court determines, by clear and
24 convincing evidence, those services would be detrimental to the
25 child. In determining detriment, the court shall consider the age
26 of the child, the degree of parent-child bonding, the length of the
27 sentence, the length and nature of the treatment, the nature of the
28 crime or illness, the degree of detriment to the child if services are
29 not offered and, for children 10 years of age or older, the child's
30 attitude toward the implementation of family reunification services,
31 the likelihood of the parent's discharge from ~~incarceration or~~
32 ~~institutionalization~~ *incarceration, institutionalization, or detention*
33 within the reunification time limitations described in subdivision
34 (a), and any other appropriate factors. In determining the content
35 of reasonable services, the court shall consider the particular
36 barriers to an ~~incarcerated or otherwise institutionalized~~
37 *incarcerated, institutionalized, detained, or deported* parent's
38 access to those court-mandated services and ability to maintain
39 contact with his or her child, and shall document this information
40 in the child's case plan. Reunification services are subject to the

applicable time limitations imposed in subdivision (a). Services may include, but shall not be limited to, all of the following:

(A) Maintaining contact between the parent and child through collect telephone calls.

(B) Transportation services, where appropriate.

(C) Visitation services, where appropriate.

(D) Reasonable services to extended family members or foster parents providing care for the child if the services are not detrimental to the child.

An incarcerated or detained parent may be required to attend counseling, parenting classes, or vocational training programs as part of the reunification service plan if actual access to these services is provided. The social worker shall document in the child's case plan the particular barriers to an ~~incarcerated or institutionalized~~ incarcerated, institutionalized, or detained parent's access to those court-mandated services and ability to maintain contact with his or her child.

(E) Reasonable efforts to assist parents who have been deported to contact child welfare authorities in their country of origin, to identify any available services that would substantially comply with case plan requirements, to document the parents' participation in those services, and to accept reports from local child welfare authorities as to the parents' living situation, progress, and participation in services.

(2) The presiding judge of the juvenile court of each county may convene representatives of the county welfare department, the sheriff's department, and other appropriate entities for the purpose of developing and entering into protocols for ensuring the notification, transportation, and presence of an incarcerated or institutionalized parent at all court hearings involving proceedings affecting the child pursuant to Section 2625 of the Penal Code. The county welfare department shall utilize the prisoner locator system developed by the Department of Corrections and Rehabilitation to facilitate timely and effective notice of hearings for incarcerated parents.

(3) Notwithstanding any other provision of law, if the incarcerated parent is a woman seeking to participate in the community treatment program operated by the Department of Corrections and Rehabilitation pursuant to Chapter 4.8 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter

1 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal
2 Code, the court shall determine whether the parent's participation
3 in a program is in the child's best interest and whether it is suitable
4 to meet the needs of the parent and child.

5 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
6 (8), (9), (10), (11), (12), (13), (14), (15), or ~~(15)~~ (16) of subdivision
7 (b) or paragraph (1) of subdivision (e), does not order reunification
8 services, it shall, at the dispositional hearing, that shall include a
9 permanency hearing, determine if a hearing under Section 366.26
10 shall be set in order to determine whether adoption, guardianship,
11 or long-term foster care, or in the case of an Indian child, in
12 consultation with the child's tribe, tribal customary adoption, is
13 the most appropriate plan for the child, and shall consider in-state
14 and out-of-state placement options. If the court so determines, it
15 shall conduct the hearing pursuant to Section 366.26 within 120
16 days after the dispositional hearing. However, the court shall not
17 schedule a hearing so long as the other parent is being provided
18 reunification services pursuant to subdivision (a). The court may
19 continue to permit the parent to visit the child unless it finds that
20 visitation would be detrimental to the child.

21 (g) (1) Whenever a court orders that a hearing shall be held
22 pursuant to Section 366.26, including, when, in consultation with
23 the child's tribe, tribal customary adoption is recommended, it
24 shall direct the agency supervising the child and the county
25 adoption agency, or the State Department of Social Services when
26 it is acting as an adoption agency, to prepare an assessment that
27 shall include:

28 (A) Current search efforts for an absent parent or parents and
29 notification of a noncustodial parent in the manner provided for
30 in Section 291.

31 (B) A review of the amount of and nature of any contact between
32 the child and his or her parents and other members of his or her
33 extended family since the time of placement. Although the
34 extended family of each child shall be reviewed on a case-by-case
35 basis, "extended family" for the purpose of this subparagraph shall
36 include, but not be limited to, the child's siblings, grandparents,
37 aunts, and uncles.

38 (C) An evaluation of the child's medical, developmental,
39 scholastic, mental, and emotional status.

(D) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian, including a prospective tribal customary adoptive parent, particularly the caretaker, to include a social history, including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the child's needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section 361.3 and in Section 361.4. As used in this subparagraph, "relative" means an adult who is related to the minor by blood, adoption, or affinity within the fifth degree of kinship, including stepparents, stepsiblings, and all relatives whose status is preceded by the words "great," "great-great," or "grand," or the spouse of any of those persons even if the marriage was terminated by death or dissolution. *If the proposed permanent plan is guardianship with an approved relative caregiver for a minor eligible for aid under the Kin-GAP Program, as provided for in Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9, "relative" as used in this section has the same meaning as "relative" as defined in subdivision (c) of Section 11391.*

(E) The relationship of the child to any identified prospective adoptive parent or guardian, including a prospective tribal customary parent, the duration and character of the relationship, the degree of attachment of the child to the prospective relative guardian or adoptive parent, the relative's or adoptive parent's strong commitment to caring permanently for the child, the motivation for seeking adoption or guardianship, a statement from the child concerning placement and the adoption or guardianship, and whether the child over 12 years of age has been consulted about the proposed relative guardianship arrangements, unless the child's age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition.

(F) An analysis of the likelihood that the child will be adopted if parental rights are terminated.

(G) In the case of an Indian child, in addition to subparagraphs (A) to (F), inclusive, an assessment of the likelihood that the child will be adopted, when, in consultation with the child's tribe, a

1 tribal customary adoption, as defined in Section 366.24, is
2 recommended. If tribal customary adoption is recommended, the
3 assessment shall include an analysis of both of the following:

4 (i) Whether tribal customary adoption would or would not be
5 detrimental to the Indian child and the reasons for reaching that
6 conclusion.

7 (ii) Whether the Indian child cannot or should not be returned
8 to the home of the Indian parent or Indian custodian and the reasons
9 for reaching that conclusion.

10 (2) (A) A relative caregiver's preference for legal guardianship
11 over adoption, if it is due to circumstances that do not include an
12 unwillingness to accept legal or financial responsibility for the
13 child, shall not constitute the sole basis for recommending removal
14 of the child from the relative caregiver for purposes of adoptive
15 placement.

16 (B) *Regardless of his or her immigration status, a relative*
17 *caregiver shall be given information regarding the permanency*
18 *options of guardianship and adoption, including the long-term*
19 *benefits and consequences of each option, prior to establishing*
20 *legal guardianship or pursuing adoption. If the proposed permanent*
21 *plan is guardianship with an approved relative caregiver for a*
22 *minor eligible for aid under the Kin-GAP Program, as provided*
23 *for in Article 4.7 (commencing with Section 11385) of Chapter 2*
24 *of Part 3 of Division 9, the relative caregiver shall be informed*
25 *about the terms and conditions of the negotiated agreement*
26 *pursuant to Section 11387 and shall agree to its execution prior*
27 *to the hearing held pursuant to Section 366.26. A copy of the*
28 *executed negotiated agreement shall be attached to the assessment.*

29 (h) If, at any hearing held pursuant to Section 366.26, a
30 guardianship is established for the minor with an approved relative
31 caregiver and juvenile court dependency is subsequently dismissed,
32 the minor shall be eligible for aid under the Kin-GAP Program as
33 provided for in Article 4.5 (commencing with Section 11360) or
34 Article 4.7 (commencing with Section 11385) of Chapter-2, 2 of
35 *Part 3 of Division 9*, as applicable.

36 (i) In determining whether reunification services will benefit
37 the child pursuant to paragraph (6) or (7) of subdivision (b), the
38 court shall consider any information it deems relevant, including
39 the following factors:

1 (1) The specific act or omission comprising the severe sexual
2 abuse or the severe physical harm inflicted on the child or the
3 child's sibling or half sibling.

4 (2) The circumstances under which the abuse or harm was
5 inflicted on the child or the child's sibling or half sibling.

6 (3) The severity of the emotional trauma suffered by the child
7 or the child's sibling or half sibling.

8 (4) Any history of abuse of other children by the offending
9 parent or guardian.

10 (5) The likelihood that the child may be safely returned to the
11 care of the offending parent or guardian within 12 months with no
12 continuing supervision.

13 (6) Whether or not the child desires to be reunified with the
14 offending parent or guardian.

15 (j) When the court determines that reunification services will
16 not be ordered, it shall order that the child's caregiver receive the
17 child's birth certificate in accordance with Sections 16010.4 and
18 16010.5. Additionally, when the court determines that reunification
19 services will not be ordered, it shall order, when appropriate, that
20 a child who is 16 years of age or older receive his or her birth
21 certificate.

22 (k) The court shall read into the record the basis for a finding
23 of severe sexual abuse or the infliction of severe physical harm
24 under paragraph (6) of subdivision (b), and shall also specify the
25 factual findings used to determine that the provision of
26 reunification services to the offending parent or guardian would
27 not benefit the child.

28 SEC. 2. Section 10618.6 of the Welfare and Institutions Code
29 is amended to read:

30 10618.6. (a) When a child in a foster care placement reaches
31 his or her 16th birthday, and each year thereafter, while the child
32 is under the jurisdiction of the juvenile court, the county welfare
33 department, county probation department, or if an automated
34 process is available, the State Department of Social Services, shall
35 request a consumer credit disclosure from each of the three major
36 credit reporting agencies, pursuant to the free annual disclosure
37 provision of the federal Fair Credit Reporting Act, on the child's
38 behalf, notwithstanding any other law.

39 (b) For a nonminor dependent, the county welfare department
40 or county probation department shall assist the young adult, on a

1 yearly basis while the nonminor dependent is under the jurisdiction
2 of the juvenile court, with requesting the consumer credit disclosure
3 from each of the three major credit reporting agencies, pursuant
4 to the free annual disclosure provision of the federal Fair Credit
5 Reporting Act.

6 (c) The county social worker or county probation officer shall
7 ensure that the child or nonminor dependent receives assistance
8 with interpreting the consumer credit disclosure and resolving any
9 inaccuracies. The assistance may include, but is not limited to,
10 referring the youth to a governmental or nonprofit agency that
11 provides consumer credit services. Nothing in this section requires
12 the social worker or probation officer to be the individual providing
13 the direct assistance with interpreting the consumer credit
14 disclosure or resolving the inaccuracies.

15 (d) Notwithstanding any other law, in order to request a
16 consumer credit disclosure for youth described in subdivision (a),
17 the county welfare department, county probation department, or
18 if an automated process is available, the State Department of Social
19 Services is authorized to release necessary information to a credit
20 reporting agency.

21 SEC. 3. Section 16206 of the Welfare and Institutions Code is
22 amended to read:

23 16206. (a) The purpose of the program is to develop and
24 implement statewide coordinated training programs designed
25 specifically to meet the needs of county child protective services
26 social workers assigned emergency response, family maintenance,
27 family reunification, permanent placement, and adoption
28 responsibilities. It is the intent of the Legislature that the program
29 include training for other agencies under contract with county
30 welfare departments to provide child welfare services. In addition,
31 the program shall provide training programs for persons defined
32 as a mandated reporter pursuant to the Child Abuse and Neglect
33 Reporting Act, Article 2.5 (commencing with Section 11164) of
34 Chapter 2 of Title 1 of Part 4 of the Penal Code. The program shall
35 provide the services required in this section to the extent possible
36 within the total allocation. If allocations are insufficient, the
37 department, in consultation with the grantee or grantees and the
38 Child Welfare Training Advisory Board, shall prioritize the efforts
39 of the program, giving primary attention to the most urgently
40 needed services. County child protective services social workers

1 assigned emergency response responsibilities shall receive first
2 priority for training pursuant to this section.

3 (b) The training program shall provide practice-relevant training
4 for mandated child abuse reporters and all members of the child
5 welfare delivery system that will address critical issues affecting
6 the well-being of children, and shall develop curriculum materials
7 and training resources for use in meeting staff development needs
8 of mandated child abuse reporters and child welfare personnel in
9 public and private agency settings.

10 (c) The training provided pursuant to this section shall include
11 all of the following:

12 (1) Crisis intervention.

13 (2) Investigative techniques.

14 (3) Rules of evidence.

15 (4) Indicators of abuse and neglect.

16 (5) Assessment criteria, including the application of guidelines
17 for assessment of relatives for placement according to the criteria
18 described in Section 361.3.

19 (6) Intervention strategies.

20 (7) Legal requirements of child protection, including
21 requirements of child abuse reporting laws.

22 (8) Case management.

23 (9) Use of community resources.

24 (10) Information regarding the dynamics and effects of domestic
25 violence upon families and children, including indicators and
26 dynamics of teen dating violence.

27 (11) Posttraumatic stress disorder and the causes, symptoms,
28 and treatment of posttraumatic stress disorder in children.

29 (12) The importance of maintaining relationships with
30 individuals who are important to a child in out-of-home placement,
31 including methods to identify those individuals, consistent with
32 the child's best interests, including, but not limited to, asking the
33 child about individuals who are important, and ways to maintain
34 and support those relationships.

35 (13) The legal duties of a child protective services social worker,
36 in order to protect the legal rights and safety of children and
37 families from the initial time of contact during investigation
38 through treatment.

39 (d) The training provided pursuant to this section may also
40 include any or all of the following:

- 1 (1) Child development and parenting.
- 2 (2) Intake, interviewing, and initial assessment.
- 3 (3) Casework and treatment.
- 4 (4) Medical aspects of child abuse and neglect.
- 5 (e) The training program in each county shall assess the
- 6 program's performance at least annually and forward it to the State
- 7 Department of Social Services for an evaluation. The assessment
- 8 shall include, at a minimum, all of the following:
- 9 (1) Workforce data, including education, qualifications, and
- 10 demographics.
- 11 (2) The number of persons trained.
- 12 (3) The type of training provided.
- 13 (4) The degree to which the training is perceived by participants
- 14 as useful in practice.
- 15 (5) Any additional information or data deemed necessary by
- 16 the department for reporting, oversight, and monitoring purposes.
- 17 (f) The training program shall provide practice-relevant training
- 18 to county child protective services social workers who screen
- 19 referrals for child abuse or neglect and for all workers assigned to
- 20 provide emergency response, family maintenance, family
- 21 reunification, and permanent placement services. The training shall
- 22 be developed in consultation with the Child Welfare Training
- 23 Advisory Board and domestic violence victims' advocates and
- 24 other public and private agencies that provide programs for victims
- 25 of domestic violence or programs of intervention for perpetrators.
- 26 SEC. 4. Section 16501.1 of the Welfare and Institutions Code
- 27 is amended to read:
- 28 16501.1. (a) (1) The Legislature finds and declares that the
- 29 foundation and central unifying tool in child welfare services is
- 30 the case plan.
- 31 (2) The Legislature further finds and declares that a case plan
- 32 ensures that the child receives protection and safe and proper care
- 33 and case management, and that services are provided to the child
- 34 and parents or other caretakers, as appropriate, in order to improve
- 35 conditions in the parent's home, to facilitate the safe return of the
- 36 child to a safe home or the permanent placement of the child, and
- 37 to address the needs of the child while in foster care.
- 38 (b) (1) A case plan shall be based upon the principles of this
- 39 section and shall document that a preplacement assessment of the
- 40 service needs of the child and family, and preplacement preventive

1 services, have been provided, and that reasonable efforts to prevent
2 out-of-home placement have been made.

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

6 (3) Upon a determination pursuant to paragraph (1) of
7 subdivision (e) of Section 361.5 that reasonable services will be
8 offered to a parent who is incarcerated in a county jail or state
9 prison, the case plan shall include information, to the extent
10 possible, about a parent's incarceration in a county jail or the state
11 prison during the time that a minor child of that parent is involved
12 in dependency care.

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

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

21 (c) (1) If out-of-home placement is used to attain case plan
22 goals, the case plan shall include a description of the type of home
23 or institution in which the child is to be placed, and the reasons
24 for that placement decision. The decision regarding choice of
25 placement shall be based upon selection of a safe setting that is
26 the least restrictive or most family like and the most appropriate
27 setting that is available and in close proximity to the parent's home,
28 proximity to the child's school, and consistent with the selection
29 of the environment best suited to meet the child's special needs
30 and best interests. The selection shall consider, in order of priority,
31 placement with relatives, nonrelated extended family members,
32 tribal members, and foster family homes, certified homes of foster
33 family agencies, intensive treatment or multidimensional treatment
34 foster care homes, group care placements, such as group homes
35 and community treatment facilities, and residential treatment
36 pursuant to Section 7950 of the Family Code.

37 (2) If a group care placement is selected for a child, the case
38 plan shall indicate the needs of the child that necessitate this
39 placement, including the documentation required by subdivision
40 (c) of Section 11403, the plan for transitioning the child to a less

1 restrictive environment, and the projected timeline by which the
2 child will be transitioned to a less restrictive environment. This
3 section of the case plan shall be reviewed and updated at least
4 semiannually.

5 (3) On or after January 1, 2012, for a nonminor dependent, as
6 defined in subdivision (v) of Section 11400, who is receiving
7 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
8 in addition to the above requirements, the selection of the
9 placement, including a supervised independent living placement,
10 as described in subdivision (w) of Section 11400, shall also be
11 based upon the developmental needs of young adults by providing
12 opportunities to have incremental responsibilities that prepare a
13 nonminor dependent to transition to independent living. If
14 admission to, or continuation in, a group home placement is being
15 considered for a nonminor dependent, the group home placement
16 approval decision shall include a youth-driven, team-based case
17 planning process, as defined by the department, in consultation
18 with stakeholders. The case plan shall consider the full range of
19 placement options, and shall specify why admission to, or
20 continuation in, a group home placement is the best alternative
21 available at the time to meet the special needs or well-being of the
22 nonminor dependent, and how the placement will contribute to the
23 nonminor dependent's transition to independent living. The case
24 plan shall specify the treatment strategies that will be used to
25 prepare the nonminor dependent for discharge to a less restrictive
26 and more family-like setting, including a target date for discharge
27 from the group home placement. The placement shall be reviewed
28 and updated on a regular, periodic basis to ensure that continuation
29 in the group home remains in the best interests of the nonminor
30 dependent and that progress is being made in achieving case plan
31 goals leading to independent living. The group home placement
32 planning process shall begin as soon as it becomes clear to the
33 county welfare department or probation office that a foster child
34 in group home placement is likely to remain in group home
35 placement on his or her 18th birthday, in order to expedite the
36 transition to a less restrictive and more family-like setting if he or
37 she becomes a nonminor dependent. The case planning process
38 shall include informing the youth of all of his or her options,
39 including, but not limited to, admission to or continuation in a
40 group home placement. Consideration for continuation of existing

1 group home placement for a nonminor dependent under 19 years
2 of age may include the need to stay in the same placement in order
3 to complete high school. After a nonminor dependent either
4 completes high school or attains his or her 19th birthday, whichever
5 is earlier, continuation in or admission to a group home is
6 prohibited unless the nonminor dependent satisfies the conditions
7 of paragraph (5) of subdivision (b) of Section 11403, and group
8 home placement functions as a short-term transition to the
9 appropriate system of care. Treatment services provided by the
10 group home placement to the nonminor dependent to alleviate or
11 ameliorate the medical condition, as described in paragraph (5) of
12 subdivision (b) of Section 11403, shall not constitute the sole basis
13 to disqualify a nonminor dependent from the group home
14 placement.

15 (4) In addition to the requirements of paragraphs (1) to (3),
16 inclusive, and taking into account other statutory considerations
17 regarding placement, the selection of the most appropriate home
18 that will meet the child's special needs and best interests shall also
19 promote educational stability by taking into consideration
20 proximity to the child's school of origin, and school attendance
21 area, the number of school transfers the child has previously
22 experienced, and the child's school matriculation schedule, in
23 addition to other indicators of educational stability that the
24 Legislature hereby encourages the State Department of Social
25 Services and the State Department of Education to develop.

26 (d) A written case plan shall be completed within a maximum
27 of 60 days of the initial removal of the child or of the in-person
28 response required under subdivision (f) of Section 16501 if the
29 child has not been removed from his or her home, or by the date
30 of the dispositional hearing pursuant to Section 358, whichever
31 occurs first. The case plan shall be updated, as the service needs
32 of the child and family dictate. At a minimum, the case plan shall
33 be updated in conjunction with each status review hearing
34 conducted pursuant to Section 366.21, and the hearing conducted
35 pursuant to Section 366.26, but no less frequently than once every
36 six months. Each updated case plan shall include a description of
37 the services that have been provided to the child under the plan
38 and an evaluation of the appropriateness and effectiveness of those
39 services.

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

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

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

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

18 (1) The case plan shall be based upon an assessment of the
19 circumstances that required child welfare services intervention.
20 The child shall be involved in developing the case plan as age and
21 developmentally appropriate.

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

24 (3) The case plan shall identify the original allegations of abuse
25 or neglect, as defined in Article 2.5 (commencing with Section
26 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
27 conditions cited as the basis for declaring the child a dependent of
28 the court pursuant to Section 300, or all of these, and the other
29 precipitating incidents that led to child welfare services
30 intervention.

31 (4) The case plan shall include a description of the schedule of
32 the social worker contacts with the child and the family or other
33 caretakers. The frequency of these contacts shall be in accordance
34 with regulations adopted by the State Department of Social
35 Services. If the child has been placed in foster care out of state,
36 the county social worker or a social worker on the staff of the
37 social services agency in the state in which the child has been
38 placed shall visit the child in a foster family home or the home of
39 a relative, consistent with federal law and in accordance with the
40 department's approved state plan. For children in out-of-state group

1 home facilities, visits shall be conducted at least monthly, pursuant
2 to Section 16516.5. At least once every six months, at the time of
3 a regularly scheduled social worker contact with the foster child,
4 the child's social worker shall inform the child of his or her rights
5 as a foster child, as specified in Section 16001.9. The social worker
6 shall provide the information to the child in a manner appropriate
7 to the age or developmental level of the child.

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

13 (B) Information regarding any court-ordered visitation between
14 the child and the natural parents or legal guardians, and the terms
15 and conditions needed to facilitate the visits while protecting the
16 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 (6) When out-of-home placement is made, the case plan shall
19 include provisions for the development and maintenance of sibling
20 relationships as specified in subdivisions (b), (c), and (d) of Section
21 16002. If appropriate, when siblings who are dependents of the
22 juvenile court are not placed together, the social worker for each
23 child, if different, shall communicate with each of the other social
24 workers and ensure that the child's siblings are informed of
25 significant life events that occur within their extended family.
26 Unless it has been determined that it is inappropriate in a particular
27 case to keep siblings informed of significant life events that occur
28 within the extended family, the social worker shall determine the
29 appropriate means and setting for disclosure of this information
30 to the child commensurate with the child's age and emotional
31 well-being. These significant life events shall include, but shall
32 not be limited to, the following:

33 (A) The death of an immediate relative.

34 (B) The birth of a sibling.

35 (C) Significant changes regarding a dependent child, unless the
36 child objects to the sharing of the information with his or her
37 siblings, including changes in placement, major medical or mental
38 health diagnoses, treatments, or hospitalizations, arrests, and
39 changes in the permanent plan.

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

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

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

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

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

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

(10) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be

provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider in-state and out-of-state placements, the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

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

(12) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In a voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan. Commencing January 1, 2012, for nonminor dependents, as defined in subdivision (v) of Section 11400, who are receiving AFDC-FC up to 21 years of age pursuant to Section 11403, the transitional independent living case plan, as set forth in subdivision (y) of Section 11400, shall be developed with, and signed by, the nonminor.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held 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. If the plan is for kinship guardianship, the case plan shall
29 document how the child meets the kinship guardianship eligibility
30 requirements.

31 (16) (A) When appropriate, for a child who is 16 years of age
32 or older and, commencing January 1, 2012, for a nonminor
33 dependent, the case plan shall include a written description of the
34 programs and services that will help the child, consistent with the
35 child's best interests, prepare for the transition from foster care to
36 independent living, and whether the youth has an in-progress
37 application pending for Title XVI Supplemental Security Income
38 benefits or for Special Juvenile Immigration Status or other
39 applicable application for legal residency and an active dependency
40 case is required for that application. When appropriate, for a

1 nonminor dependent, the case plan shall include a written
 2 description of the program and services that will help the nonminor
 3 dependent, consistent with his or her best interests, to prepare for
 4 transition from foster care and assist the youth in meeting the
 5 eligibility criteria set forth in Section 11403. If applicable, the case
 6 plan shall describe the individualized supervision provided in the
 7 supervised independent living setting as defined; in subdivision
 8 (w) of Section 11400. The case plan shall be developed with the
 9 child or nonminor dependent and individuals identified as important
 10 to the child or nonminor dependent, and shall include steps the
 11 agency is taking to ensure that the child or nonminor dependent
 12 achieves permanence, including maintaining or obtaining
 13 permanent connections to caring and committed adults.

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

31 (C) For youth 16 years of age or older, the case plan shall
 32 include documentation that a consumer credit report was requested
 33 annually from each of the three major credit reporting agencies at
 34 no charge to the youth and that any results were provided to the
 35 youth. For nonminor dependents, the case plan shall include
 36 documentation that the county assisted the nonminor dependent
 37 in obtaining his or her reports. The case plan shall include
 38 documentation of barriers, if any, to obtaining the credit reports.
 39 If the consumer credit report reveals any accounts, the case plan
 40 shall detail how the county ensured the youth received assistance

1 with interpreting the credit report and resolving any inaccuracies,
2 including any referrals made for the assistance.

3 (g) If the court finds, after considering the case plan, that
4 unsupervised sibling visitation is appropriate and has been
5 consented to, the court shall order that the child or the child's
6 siblings, the child's current caregiver, and the child's prospective
7 adoptive parents, if applicable, be provided with information
8 necessary to accomplish this visitation. This section does not
9 require or prohibit the social worker's facilitation, transportation,
10 or supervision of visits between the child and his or her siblings.

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

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

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

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

39 (l) The implementation and operation of the amendments to
40 subdivision (i) enacted at the 2005–06 Regular Session shall be

1 subject to appropriation through the budget process and by phase,
2 as provided in Section 366.35.

3 *SEC. 4.1. 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) Upon a determination pursuant to paragraph (1) of
24 subdivision (e) of Section 361.5 that reasonable services will be
25 offered to a parent who is incarcerated in a county jail or state
26 prison, the case plan shall include information, to the extent
27 possible, about a parent's incarceration in a county jail or the state
28 prison during the time that a minor child of that parent is involved
29 in dependency care.

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

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

38 (c) (1) If out-of-home placement is used to attain case plan
39 goals, the case plan shall include a description of the type of home
40 or institution in which the child is to be placed, and the reasons

1 for that placement decision. The decision regarding choice of
2 placement shall be based upon selection of a safe setting that is
3 the least restrictive or most family like and the most appropriate
4 setting that is available and in close proximity to the parent's home,
5 proximity to the child's school, and consistent with the selection
6 of the environment best suited to meet the child's special needs
7 and best interests. The selection shall consider, in order of priority,
8 placement with relatives, nonrelated extended family members,
9 tribal members, and foster family ~~homes~~, *homes*, certified homes
10 of foster family agencies, intensive treatment or multidimensional
11 treatment foster care homes, group care placements, such as group
12 homes and community treatment facilities, and residential treatment
13 pursuant to Section 7950 of the Family Code.

14 (2) If a group care placement is selected for a child, the case
15 plan shall indicate the needs of the child that necessitate this
16 placement, ~~including the documentation required by subdivision~~
17 ~~(c) of Section 11403, the~~ *the* plan for transitioning the child to a
18 less restrictive environment, and the projected timeline by which
19 the child will be transitioned to a less restrictive environment. This
20 section of the case plan shall be reviewed and updated at least
21 semiannually.

22 (3) On or after January 1, 2012, for a nonminor dependent, as
23 defined in subdivision (v) of Section 11400, who is receiving
24 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
25 in addition to the above requirements, the selection of the
26 placement, including a supervised independent living placement,
27 as described in subdivision (w) of Section 11400, shall also be
28 based upon the developmental needs of young adults by providing
29 opportunities to have incremental responsibilities that prepare a
30 nonminor dependent to transition to independent living. If
31 admission to, or continuation in, a group home placement is being
32 considered for a nonminor dependent, the group home placement
33 approval decision shall include a youth-driven, team-based case
34 planning process, as defined by the department, in consultation
35 with stakeholders. The case plan shall consider the full range of
36 placement options, and shall specify why admission to, or
37 continuation in, a group home placement is the best alternative
38 available at the time to meet the special needs or well-being of the
39 nonminor dependent, and how the placement will contribute to the
40 nonminor dependent's transition to independent living. The case

plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive and more family-like setting, including a target date for discharge from the group home placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to independent living. The group home placement planning process shall begin as soon as it becomes clear to the county welfare department or probation office that a foster child in group home placement is likely to remain in group home placement on his or her 18th birthday, in order to expedite the transition to a less restrictive and more family-like setting if he or she becomes a nonminor dependent. The case planning process shall include informing the youth of all of his or her options, including, but not limited to, admission to or continuation in a group home placement. Consideration for continuation of existing group home placement for a nonminor dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains his or her 19th birthday, whichever is earlier, continuation in or admission to a group home is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care. Treatment services provided by the group home placement to the nonminor dependent to alleviate or ameliorate the medical condition, as described in paragraph (5) of subdivision (b) of Section 11403, shall not constitute the sole basis to disqualify a nonminor dependent from the group home placement.

(4) In addition to the requirements of paragraphs (1) to (3), inclusive, and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school of origin, and school attendance area, the number of school transfers the child has previously experienced, and the child's school matriculation schedule, in addition to other indicators of educational stability that the

1 Legislature hereby encourages the State Department of Social
2 Services and the State Department of Education to develop.

3 (d) A written case plan shall be completed within a maximum
4 of 60 days of the initial removal of the child or of the in-person
5 response required under subdivision (f) of Section 16501 if the
6 child has not been removed from his or her home, or by the date
7 of the dispositional hearing pursuant to Section 358, whichever
8 occurs first. The case plan shall be updated, as the service needs
9 of the child and family dictate. At a minimum, the case plan shall
10 be updated in conjunction with each status review hearing
11 conducted pursuant to ~~Section 366.21, and Sections 364, 366,~~
12 ~~366.3, and 366.31, and~~ the hearing conducted pursuant to Section
13 366.26, but no less frequently than once every six months. Each
14 updated case plan shall include a description of the services that
15 have been provided to the child under the plan and an evaluation
16 of the appropriateness and effectiveness of those services.

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

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

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

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

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

38 (2) The case plan shall identify specific goals and the
39 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 (B) An assurance that the placement agency has coordinated
32 with the person holding the right to make educational decisions
33 for the child and appropriate local educational agencies to ensure
34 that the child remains in the school in which the child is enrolled
35 at the time of placement or, if remaining in that school is not in
36 the best interests of the child, assurances by the placement agency
37 and the local educational agency to provide immediate and
38 appropriate enrollment in a new school and to provide all of the
39 child's educational records to the new school.

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

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

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

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

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

1 plan. Commencing January 1, 2012, for nonminor dependents, as
2 defined in subdivision (v) of Section 11400, who are receiving
3 AFDC-FC or *CalWORKs* assistance up to 21 years of age pursuant
4 to Section 11403, the transitional independent living case plan, as
5 set forth in subdivision (y) of Section 11400, shall be developed
6 with, and signed by, the nonminor.

7 (B) Parents and legal guardians shall be advised that, pursuant
8 to Section 1228.1 of the Evidence Code, neither their signature on
9 the child welfare services case plan nor their acceptance of any
10 services prescribed in the child welfare services case plan shall
11 constitute an admission of guilt or be used as evidence against the
12 parent or legal guardian in a court of law. However, they shall also
13 be advised that the parent's or guardian's failure to cooperate,
14 except for good cause, in the provision of services specified in the
15 child welfare services case plan may be used in any hearing held
16 pursuant to Section ~~366.24~~ 366.21, 366.22, or ~~366.22~~ 366.25 as
17 evidence.

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

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

32 (15) If the case plan has as its goal for the child a permanent
33 plan of adoption or placement in another permanent home, it shall
34 include a statement of the child's wishes regarding their permanent
35 placement plan and an assessment of those stated wishes. The
36 agency shall also include documentation of the steps the agency
37 is taking to find an adoptive family or other permanent living
38 arrangements for the child; to place the child with an adoptive
39 family, an appropriate and willing relative, a legal guardian, or in
40 another planned permanent living arrangement; and to finalize the

adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. If the plan is for kinship guardianship, the case plan shall document how the child meets the kinship guardianship eligibility requirements.

(16) (A) When appropriate, for a child who is 16 years of age or older and, commencing January 1, 2012, for a nonminor dependent, the case plan shall include *the transitional independent living plan (TILP)*, a written description of the programs and services that will help the child, consistent with the child's best interests, prepare for the transition from foster care to independent living; ~~and~~ *and, in addition*, whether the youth has an in-progress application pending for Title XVI Supplemental Security Income benefits or for Special Immigrant Juvenile Immigration Status or other applicable application for legal residency and an active dependency case is required for that application. When appropriate, for a nonminor dependent, ~~the case plan shall include~~ *transitional independent living case plan, as described in subdivision (v) of Section 11400, shall include the TILP*, a written description of the ~~program~~ *programs* and services that will help the nonminor dependent, consistent with his or her best interests, to prepare for transition from foster care and assist the youth in meeting the eligibility criteria set forth in *paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403*. If applicable, the case plan shall describe the individualized supervision provided in the supervised independent living ~~setting placement as defined~~, *defined* in subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) ~~(42 U.S.C. Sec. 675(8)(B)(iii))~~ of the federal Social Security Act, *Act (42 U.S.C. Sec. 675(8)(B)(iii))*, whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under

1 Section 477 (~~42 U.S.C. Sec. 677~~) of the federal Social Security
2 ~~Act, Act~~ (42 U.S.C. Sec. 677), a caseworker or other appropriate
3 agency staff or probation officer and other representatives of the
4 participant, as appropriate, shall provide the youth or nonminor
5 with assistance and support in developing the written 90-day
6 transition plan, that is personalized at the direction of the child,
7 information as detailed as the participant elects that shall include,
8 but not be limited to, options regarding housing, health insurance,
9 education, local opportunities for mentors and continuing support
10 services, and workforce supports and employment services, a
11 power of attorney for health care and information regarding the
12 advance health care directive form.

13 *(C) For youth 16 years of age or older, the case plan shall*
14 *include documentation that a consumer credit report was requested*
15 *annually from each of the three major credit reporting agencies*
16 *at no charge to the youth and that any results were provided to*
17 *the youth. For nonminor dependents, the case plan shall include*
18 *documentation that the county assisted the nonminor dependent*
19 *in obtaining his or her reports. The case plan shall include*
20 *documentation of barriers, if any, to obtaining the credit reports.*
21 *If the consumer credit report reveals any accounts, the case plan*
22 *shall detail how the county ensured the youth received assistance*
23 *with interpreting the credit report and resolving any inaccuracies,*
24 *including any referrals made for the assistance.*

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

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

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

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

(j) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services. *The nominator dependent's caregiver shall be provided with a copy of the nonminor's TILP.*

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

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

SEC. 4.2. Section 16501.1 of the Welfare and Institutions Code is amended to read:

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

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

(b) (1) A case plan shall be based upon the principles of this section and shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive

1 services, have been provided, and that reasonable efforts to prevent
2 out-of-home placement have been made.

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

6 (3) Upon a determination pursuant to paragraph (1) of
7 subdivision (e) of Section 361.5 that reasonable services will be
8 offered to a parent who is incarcerated in a county jail or state
9 prison, ~~the detained by the United States Department of Homeland~~
10 ~~Security, or deported to his or her own country of origin, the case~~
11 plan shall include information, to the extent possible, about a
12 parent's incarceration in a county jail or the state ~~prison~~ *prison*,
13 ~~detention by the United States Department of Homeland Security,~~
14 ~~or deportation~~ during the time that a minor child of that parent is
15 involved in dependency care.

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

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

24 (c) (1) If out-of-home placement is used to attain case plan
25 goals, the case plan shall include a description of the type of home
26 or institution in which the child is to be placed, and the reasons
27 for that placement decision. The decision regarding choice of
28 placement shall be based upon selection of a safe setting that is
29 the least restrictive or most family like and the most appropriate
30 setting that is available and in close proximity to the parent's home,
31 proximity to the child's school, and consistent with the selection
32 of the environment best suited to meet the child's special needs
33 and best interests. The selection shall consider, in order of priority,
34 placement with relatives, nonrelated extended family members,
35 tribal members, and foster family ~~homes~~, *homes*, certified homes
36 of foster family agencies, intensive treatment or multidimensional
37 treatment foster care homes, group care placements, such as group
38 homes and community treatment facilities, and residential treatment
39 pursuant to Section 7950 of the Family Code.

1 (2) If a group care placement is selected for a child, the case
2 plan shall indicate the needs of the child that necessitate this
3 placement, including the documentation required by subdivision
4 (c) of Section 11403, the plan for transitioning the child to a less
5 restrictive environment, and the projected timeline by which the
6 child will be transitioned to a less restrictive environment. This
7 section of the case plan shall be reviewed and updated at least
8 semiannually.

9 (3) On or after January 1, 2012, for a nonminor dependent, as
10 defined in subdivision (v) of Section 11400, who is receiving
11 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
12 in addition to the above requirements, the selection of the
13 placement, including a supervised independent living placement,
14 as described in subdivision (w) of Section 11400, shall also be
15 based upon the developmental needs of young adults by providing
16 opportunities to have incremental responsibilities that prepare a
17 nonminor dependent to transition to independent living. If
18 admission to, or continuation in, a group home placement is being
19 considered for a nonminor dependent, the group home placement
20 approval decision shall include a youth-driven, team-based case
21 planning process, as defined by the department, in consultation
22 with stakeholders. The case plan shall consider the full range of
23 placement options, and shall specify why admission to, or
24 continuation in, a group home placement is the best alternative
25 available at the time to meet the special needs or well-being of the
26 nonminor dependent, and how the placement will contribute to the
27 nonminor dependent's transition to independent living. The case
28 plan shall specify the treatment strategies that will be used to
29 prepare the nonminor dependent for discharge to a less restrictive
30 and more family-like setting, including a target date for discharge
31 from the group home placement. The placement shall be reviewed
32 and updated on a regular, periodic basis to ensure that continuation
33 in the group home remains in the best interests of the nonminor
34 dependent and that progress is being made in achieving case plan
35 goals leading to independent living. The group home placement
36 planning process shall begin as soon as it becomes clear to the
37 county welfare department or probation office that a foster child
38 in group home placement is likely to remain in group home
39 placement on his or her 18th birthday, in order to expedite the
40 transition to a less restrictive and more family-like setting if he or

1 she becomes a nonminor dependent. The case planning process
2 shall include informing the youth of all of his or her options,
3 including, but not limited to, admission to or continuation in a
4 group home placement. Consideration for continuation of existing
5 group home placement for a nonminor dependent under 19 years
6 of age may include the need to stay in the same placement in order
7 to complete high school. After a nonminor dependent either
8 completes high school or attains his or her 19th birthday, whichever
9 is earlier, continuation in or admission to a group home is
10 prohibited unless the nonminor dependent satisfies the conditions
11 of paragraph (5) of subdivision (b) of Section 11403, and group
12 home placement functions as a short-term transition to the
13 appropriate system of care. Treatment services provided by the
14 group home placement to the nonminor dependent to alleviate or
15 ameliorate the medical condition, as described in paragraph (5) of
16 subdivision (b) of Section 11403, shall not constitute the sole basis
17 to disqualify a nonminor dependent from the group home
18 placement.

19 (4) In addition to the requirements of paragraphs (1) to (3),
20 inclusive, and taking into account other statutory considerations
21 regarding placement, the selection of the most appropriate home
22 that will meet the child's special needs and best interests shall also
23 promote educational stability by taking into consideration
24 proximity to the child's school of origin, and school attendance
25 area, the number of school transfers the child has previously
26 experienced, and the child's school matriculation schedule, in
27 addition to other indicators of educational stability that the
28 Legislature hereby encourages the State Department of Social
29 Services and the State Department of Education to develop.

30 (d) A written case plan shall be completed within a maximum
31 of 60 days of the initial removal of the child or of the in-person
32 response required under subdivision (f) of Section 16501 if the
33 child has not been removed from his or her home, or by the date
34 of the dispositional hearing pursuant to Section 358, whichever
35 occurs first. The case plan shall be updated, as the service needs
36 of the child and family dictate. At a minimum, the case plan shall
37 be updated in conjunction with each status review hearing
38 conducted pursuant to Section 366.21, and the hearing conducted
39 pursuant to Section 366.26, but no less frequently than once every
40 six months. Each updated case plan shall include a description of

1 the services that have been provided to the child under the plan
2 and an evaluation of the appropriateness and effectiveness of those
3 services.

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

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

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

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

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

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

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

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

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

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

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

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

36 (A) The death of an immediate relative.

37 (B) The birth of a sibling.

38 (C) Significant changes regarding a dependent child, unless the
39 child objects to the sharing of the information with his or her
40 siblings, including changes in placement, major medical or mental

1 health diagnoses, treatments, or hospitalizations, arrests, and
2 changes in the permanent plan.

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

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

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

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

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

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

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

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

20 (12) (A) Parents and legal guardians shall have an opportunity
21 to review the case plan, and to sign it whenever possible, and then
22 shall receive a copy of the plan. In a voluntary service or placement
23 agreement, the parents or legal guardians shall be required to
24 review and sign the case plan. Whenever possible, parents and
25 legal guardians shall participate in the development of the case
26 plan. Commencing January 1, 2012, for nonminor dependents, as
27 defined in subdivision (v) of Section 11400, who are receiving
28 AFDC-FC up to 21 years of age pursuant to Section 11403, the
29 transitional independent living case plan, as set forth in subdivision
30 (y) of Section 11400, shall be developed with, and signed by, the
31 nonminor.

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

1 child welfare services case plan may be used in any hearing held
2 pursuant to Section 366.21 or 366.22 as evidence.

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

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

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

33 (16) (A) When appropriate, for a child who is 16 years of age
34 or older and, commencing January 1, 2012, for a nonminor
35 dependent, the case plan shall include a written description of the
36 programs and services that will help the child, consistent with the
37 child's best interests, prepare for the transition from foster care to
38 independent living, and whether the youth has an in-progress
39 application pending for Title XVI Supplemental Security Income
40 benefits or for Special Juvenile Immigration Status or other

1 applicable application for legal residency and an active dependency
2 case is required for that application. When appropriate, for a
3 nonminor dependent, the case plan shall include a written
4 description of the program and services that will help the nonminor
5 dependent, consistent with his or her best interests, to prepare for
6 transition from foster care and assist the youth in meeting the
7 eligibility criteria set forth in Section 11403. If applicable, the case
8 plan shall describe the individualized supervision provided in the
9 supervised independent living setting as defined; in subdivision
10 (w) of Section 11400. The case plan shall be developed with the
11 child or nonminor dependent and individuals identified as important
12 to the child or nonminor dependent, and shall include steps the
13 agency is taking to ensure that the child or nonminor dependent
14 achieves permanence, including maintaining or obtaining
15 permanent connections to caring and committed adults.

16 (B) During the 90-day period prior to the participant attaining
17 18 years of age or older as the state may elect under Section
18 475(8)(B)(iii) ~~(42 U.S.C. Sec. 675(8)(B)(iii))~~ of the federal Social
19 Security Act, Act (42 U.S.C. Sec. 675(8)(B)(iii)), whether during
20 that period foster care maintenance payments are being made on
21 the child's behalf or the child is receiving benefits or services under
22 Section 477 ~~(42 U.S.C. Sec. 677)~~ of the federal Social Security
23 Act, Act (42 U.S.C. Sec. 677), a caseworker or other appropriate
24 agency staff or probation officer and other representatives of the
25 participant, as appropriate, shall provide the youth or nonminor
26 with assistance and support in developing the written 90-day
27 transition plan, that is personalized at the direction of the child,
28 information as detailed as the participant elects that shall include,
29 but not be limited to, options regarding housing, health insurance,
30 education, local opportunities for mentors and continuing support
31 services, and workforce supports and employment services, a
32 power of attorney for health care and information regarding the
33 advance health care directive form.

34 (C) *For youth 16 years of age or older, the case plan shall*
35 *include documentation that a consumer credit report was requested*
36 *annually from each of the three major credit reporting agencies*
37 *at no charge to the youth and that any results were provided to*
38 *the youth. For nonminor dependents, the case plan shall include*
39 *documentation that the county assisted the nonminor dependent*
40 *in obtaining his or her reports. The case plan shall include*

1 *documentation of barriers, if any, to obtaining the credit reports.*
2 *If the consumer credit report reveals any accounts, the case plan*
3 *shall detail how the county ensured the youth received assistance*
4 *with interpreting the credit report and resolving any inaccuracies,*
5 *including any referrals made for the assistance.*

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

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

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

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

33 (k) On or before June 30, 2008, the department, in consultation
34 with the County Welfare Directors Association of *California* and
35 other advocates, shall develop a comprehensive plan to ensure that
36 90 percent of foster children are visited by their caseworkers on a
37 monthly basis by October 1, 2011, and that the majority of the
38 visits occur in the residence of the child. The plan shall include
39 any data reporting requirements necessary to comply with the

1 provisions of the federal Child and Family Services Improvement
2 Act of 2006 (Public Law 109-288).

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

7 *SEC. 4.3. Section 16501.1 of the Welfare and Institutions Code*
8 *is amended to read:*

9 16501.1. (a) (1) The Legislature finds and declares that the
10 foundation and central unifying tool in child welfare services is
11 the case plan.

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

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

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

27 (3) Upon a determination pursuant to paragraph (1) of
28 subdivision (e) of Section 361.5 that reasonable services will be
29 offered to a parent who is incarcerated in a county jail or state
30 prison, ~~the detained by the United States Department of Homeland~~
31 ~~Security, or deported to his or her country of origin, the~~ case plan
32 shall include information, to the extent possible, about a parent's
33 incarceration in a county jail or the state ~~prison~~ *prison, detention*
34 *by the United States Department of Homeland Security, or*
35 *deportation* during the time that a minor child of that parent is
36 involved in dependency care.

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

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

(c) (1) If out-of-home placement is used to attain case plan goals, the case plan shall include a description of the type of home or institution in which the child is to be placed, and the reasons for that placement decision. The decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most family like and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, and consistent with the selection of the environment best suited to meet the child's special needs and best interests. The selection shall consider, in order of priority, placement with relatives, nonrelated extended family members, tribal members, and foster family ~~homes~~, *homes*, certified homes of foster family agencies, intensive treatment or multidimensional treatment foster care homes, group care placements, such as group homes and community treatment facilities, and residential treatment pursuant to Section 7950 of the Family Code.

(2) If a group care placement is selected for a child, the case plan shall indicate the needs of the child that necessitate this placement, ~~including the documentation required by subdivision (e) of Section 11403,~~ *the* the plan for transitioning the child to a less restrictive environment, and the projected timeline by which the child will be transitioned to a less restrictive environment. This section of the case plan shall be reviewed and updated at least semiannually.

(3) On or after January 1, 2012, for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is receiving AFDC-FC benefits up to 21 years of age pursuant to Section 11403, in addition to the above requirements, the selection of the placement, including a supervised independent living placement, as described in subdivision (w) of Section 11400, shall also be based upon the developmental needs of young adults by providing opportunities to have incremental responsibilities that prepare a nonminor dependent to transition to independent living. If admission to, or continuation in, a group home placement is being considered for a nonminor dependent, the group home placement approval decision shall include a youth-driven, team-based case

1 planning process, as defined by the department, in consultation
2 with stakeholders. The case plan shall consider the full range of
3 placement options, and shall specify why admission to, or
4 continuation in, a group home placement is the best alternative
5 available at the time to meet the special needs or well-being of the
6 nonminor dependent, and how the placement will contribute to the
7 nonminor dependent's transition to independent living. The case
8 plan shall specify the treatment strategies that will be used to
9 prepare the nonminor dependent for discharge to a less restrictive
10 and more family-like setting, including a target date for discharge
11 from the group home placement. The placement shall be reviewed
12 and updated on a regular, periodic basis to ensure that continuation
13 in the group home remains in the best interests of the nonminor
14 dependent and that progress is being made in achieving case plan
15 goals leading to independent living. The group home placement
16 planning process shall begin as soon as it becomes clear to the
17 county welfare department or probation office that a foster child
18 in group home placement is likely to remain in group home
19 placement on his or her 18th birthday, in order to expedite the
20 transition to a less restrictive and more family-like setting if he or
21 she becomes a nonminor dependent. The case planning process
22 shall include informing the youth of all of his or her options,
23 including, but not limited to, admission to or continuation in a
24 group home placement. Consideration for continuation of existing
25 group home placement for a nonminor dependent under 19 years
26 of age may include the need to stay in the same placement in order
27 to complete high school. After a nonminor dependent either
28 completes high school or attains his or her 19th birthday, whichever
29 is earlier, continuation in or admission to a group home is
30 prohibited unless the nonminor dependent satisfies the conditions
31 of paragraph (5) of subdivision (b) of Section 11403, and group
32 home placement functions as a short-term transition to the
33 appropriate system of care. Treatment services provided by the
34 group home placement to the nonminor dependent to alleviate or
35 ameliorate the medical condition, as described in paragraph (5) of
36 subdivision (b) of Section 11403, shall not constitute the sole basis
37 to disqualify a nonminor dependent from the group home
38 placement.

39 (4) In addition to the requirements of paragraphs (1) to (3),
40 inclusive, and taking into account other statutory considerations

1 regarding placement, the selection of the most appropriate home
2 that will meet the child's special needs and best interests shall also
3 promote educational stability by taking into consideration
4 proximity to the child's school of origin, and school attendance
5 area, the number of school transfers the child has previously
6 experienced, and the child's school matriculation schedule, in
7 addition to other indicators of educational stability that the
8 Legislature hereby encourages the State Department of Social
9 Services and the State Department of Education to develop.

10 (d) A written case plan shall be completed within a maximum
11 of 60 days of the initial removal of the child or of the in-person
12 response required under subdivision (f) of Section 16501 if the
13 child has not been removed from his or her home, or by the date
14 of the dispositional hearing pursuant to Section 358, whichever
15 occurs first. The case plan shall be updated, as the service needs
16 of the child and family dictate. At a minimum, the case plan shall
17 be updated in conjunction with each status review hearing
18 conducted pursuant to ~~Section 366.21, and Sections 364, 366,~~
19 ~~366.3, and 366.31,~~ and the hearing conducted pursuant to Section
20 366.26, but no less frequently than once every six months. Each
21 updated case plan shall include a description of the services that
22 have been provided to the child under the plan and an evaluation
23 of the appropriateness and effectiveness of those services.

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

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

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

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

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

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

7 (3) The case plan shall identify the original allegations of abuse
8 or neglect, as defined in Article 2.5 (commencing with Section
9 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
10 conditions cited as the basis for declaring the child a dependent of
11 the court pursuant to Section 300, or all of these, and the other
12 precipitating incidents that led to child welfare services
13 intervention.

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

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

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

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

(A) The death of an immediate relative.

(B) The birth of a sibling.

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

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

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

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

(B) An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled

1 at the time of placement or, if remaining in that school is not in
2 the best interests of the child, assurances by the placement agency
3 and the local educational agency to provide immediate and
4 appropriate enrollment in a new school and to provide all of the
5 child's educational records to the new school.

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

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

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

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

(12) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In a voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan. Commencing January 1, 2012, for nonminor dependents, as defined in subdivision (v) of Section 11400, who are receiving AFDC-FC or *CalWORKs* assistance up to 21 years of age pursuant to Section 11403, the transitional independent living case plan, as set forth in subdivision (y) of Section 11400, shall be developed with, and signed by, the nonminor.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to ~~Section 366.24~~ 366.21, 366.22, or ~~366.22~~ 366.25 as evidence.

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

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

(15) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include a statement of the child's wishes regarding their permanent

1 placement plan and an assessment of those stated wishes. The
2 agency shall also include documentation of the steps the agency
3 is taking to find an adoptive family or other permanent living
4 arrangements for the child; to place the child with an adoptive
5 family, an appropriate and willing relative, a legal guardian, or in
6 another planned permanent living arrangement; and to finalize the
7 adoption or legal guardianship. At a minimum, the documentation
8 shall include child-specific recruitment efforts, such as the use of
9 state, regional, and national adoption exchanges, including
10 electronic exchange systems, when the child has been freed for
11 adoption. If the plan is for kinship guardianship, the case plan shall
12 document how the child meets the kinship guardianship eligibility
13 requirements.

14 (16) (A) When appropriate, for a child who is 16 years of age
15 or older and, commencing January 1, 2012, for a nonminor
16 dependent, the case plan shall include *the transitional independent*
17 *living plan (TILP)* a written description of the programs and
18 services that will help the child, consistent with the child's best
19 interests, prepare for the transition from foster care to independent
20 living, ~~and~~ *and, in addition*, whether the youth has an in-progress
21 application pending for Title XVI Supplemental Security Income
22 benefits or for Special *Immigrant* Juvenile ~~Immigration~~ Status or
23 other applicable application for legal residency and an active
24 dependency case is required for that application. When appropriate,
25 for a nonminor dependent, ~~the case plan shall include~~ *transitional*
26 *independent living case plan, as described in subdivision (v) of*
27 *Section 11400, shall include the TILP*, a written description of the
28 ~~program~~ *programs* and services that will help the nonminor
29 dependent, consistent with his or her best interests, to prepare for
30 transition from foster care and assist the youth in meeting the
31 eligibility criteria set forth in *paragraphs (1) to (5), inclusive, of*
32 *subdivision (b) Section 11403*. If applicable, the case plan shall
33 describe the individualized supervision provided in the supervised
34 independent living ~~setting~~ *placement* as ~~defined~~, *defined* in
35 subdivision (w) of Section 11400. The case plan shall be developed
36 with the child or nonminor dependent and individuals identified
37 as important to the child or nonminor dependent, and shall include
38 steps the agency is taking to ensure that the child or nonminor
39 dependent achieves permanence, including maintaining or
40 obtaining permanent connections to caring and committed adults.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) ~~(42 U.S.C. Sec. 675(8)(B)(iii))~~ of the federal Social Security Act, ~~Act (42 U.S.C. Sec. 675(8)(B)(iii))~~, whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 ~~(42 U.S.C. Sec. 677)~~ of the federal Social Security Act, ~~Act (42 U.S.C. Sec. 677)~~, a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care and information regarding the advance health care directive form.

(C) For youth 16 years of age or older, the case plan shall include documentation that a consumer credit report was requested annually from each of the three major credit reporting agencies at no charge to the youth and that any results were provided to the youth. For nonminor dependents, the case plan shall include documentation that the county assisted the nonminor dependent in obtaining his or her reports. The case plan shall include documentation of barriers, if any, to obtaining the credit reports. If the consumer credit report reveals any accounts, the case plan shall detail how the county ensured the youth received assistance with interpreting the credit report and resolving any inaccuracies, including any referrals made for the assistance.

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

(h) The case plan documentation on sibling placements required under this section shall not require modification of existing case

1 plan forms until the Child Welfare Services Case Management
2 System is implemented on a statewide basis.

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

16 (j) The child's caregiver shall be provided a copy of a plan
17 outlining the child's needs and services. *The nonminor dependent's*
18 *caregiver shall be provided with a copy of the nonminor's TILP.*

19 (k) On or before June 30, 2008, the department, in consultation
20 with the County Welfare Directors Association of California and
21 other advocates, shall develop a comprehensive plan to ensure that
22 90 percent of foster children are visited by their caseworkers on a
23 monthly basis by October 1, 2011, and that the majority of the
24 visits occur in the residence of the child. The plan shall include
25 any data reporting requirements necessary to comply with the
26 provisions of the federal Child and Family Services Improvement
27 Act of 2006 (Public Law 109-288).

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

32 SEC. 5. Section 16601 of the Welfare and Institutions Code is
33 amended to read:

34 16601. For purposes of this part, the following terms shall have
35 the following meanings:

36 (a) "Adoption promotion and support services," as defined by
37 Section 431 of the federal Social Security Act (42 U.S.C. Sec.
38 629a), means services and activities designed to encourage more
39 adoptions out of the foster care system, when adoptions promote
40 the best interests of children, including activities such as

1 preadoptive and postadoptive services and activities designed to
2 expedite the adoption process and support adoptive families.

3 (b) “Family preservative services,” as defined by Section 431
4 of the federal Social Security Act (42 U.S.C. Sec. 629a), means
5 services for children and families designed to help families,
6 including adoptive and extended families, at risk or in crisis,
7 including all of the following:

8 (1) Services programs designed to help children return to
9 families from which they have been removed, where safe and
10 appropriate, or be placed for adoption or with a legal guardian, or,
11 if adoption or legal guardianship is determined not to be safe and
12 appropriate for the child, in some other planned, permanent living
13 arrangement.

14 (2) Preplacement preventive services programs, including, but
15 not limited to, intensive family preservation programs designed
16 to help children at risk of foster care placement remain safely with
17 their families.

18 (3) Service programs designed to provide followup care to
19 families to whom a child has been returned after a foster care
20 placement.

21 (4) Respite care of children to provide temporary relief for
22 parents and other caregivers, including, but not limited to, foster
23 parents.

24 (5) Services designed to improve parenting skills by reinforcing
25 parents’ confidence in their strengths and helping them to identify
26 where improvement is needed and to obtain assistance in improving
27 those skills with respect to matters such as child development,
28 family budgeting, coping with stress, health, and nutrition.

29 (6) Infant safe haven programs that provide a way for a parent
30 to safely relinquish a newborn infant at a safe haven designated
31 pursuant to state law.

32 (c) “Family support services,” as defined by Section 431 of the
33 federal Social Security Act (42 U.S.C. Sec. 629a), means
34 community-based services, including mentoring, to promote the
35 safety and well-being of children and families. This includes
36 services designed to increase the strength and stability of families,
37 including adoptive, foster, and extended families, to increase
38 parents’ confidence and competence in their parenting abilities,
39 to afford children a safe, stable, and supportive family environment,

1 to strengthen parental relationships and promote healthy marriages,
2 and otherwise to enhance child development.

3 (d) “Time-limited family reunification services,” as defined by
4 Section 431 of the federal Social Security Act (42 U.S.C. Sec.
5 629a), means the services and activities described in Section
6 629(a)(7) (B) of Title 42 of the United States Code that are
7 provided to a child that is removed from the child’s home and
8 placed in a foster family home or a child care institution and to
9 the parents or primary caregiver of the child, in order to facilitate
10 the reunification of the child safely and appropriately within a
11 timely fashion, but only during the 15-month period that begins
12 on the date that the child is considered to have entered foster care,
13 pursuant to Section 675(5)(F) of Title 42 of the United States Code.
14 This includes peer-to-peer mentoring and support groups for
15 parents and primary caregivers, as well as services and activities
16 to facilitate access to and visitation of children with parents and
17 siblings.

18 *SEC. 6. (a) Section 1.1 of this bill incorporates amendments*
19 *to Section 361.5 of the Welfare and Institutions Code proposed by*
20 *both this bill and Assembly Bill 1712. It shall only become*
21 *operative if (1) both bills are enacted and become effective on or*
22 *before January 1, 2013, (2) each bill amends Section 361.5 of the*
23 *Welfare and Institutions Code, (3) Senate Bill 1064 is not enacted*
24 *or as enacted does not amend that section, and (4) this bill is*
25 *enacted after Assembly Bill 1712, in which case Sections 1, 1.2,*
26 *and 1.3 of this bill shall not become operative.*

27 *(b) Section 1.2 of this bill incorporates amendments to Section*
28 *361.5 of the Welfare and Institutions Code proposed by both this*
29 *bill and Senate Bill 1064. It shall only become operative if (1) both*
30 *bills are enacted and become effective on or before January 1,*
31 *2013, (2) each bill amends Section 361.5 of the Welfare and*
32 *Institutions Code, (3) Assembly Bill 1712 is not enacted or as*
33 *enacted does not amend that section, and (4) this bill is enacted*
34 *after Senate Bill 1064, in which case Sections 1, 1.1, and 1.3 of*
35 *this bill shall not become operative.*

36 *(c) Section 1.3 of this bill incorporates amendments to Section*
37 *361.5 of the Welfare and Institutions Code proposed by this bill,*
38 *Assembly Bill 1712, and Senate Bill 1064. It shall only become*
39 *operative if (1) all three bills are enacted and become effective on*
40 *or before January 1, 2013, (2) all three bills amend Section 361.5*

1 of the Welfare and Institutions Code, and (3) this bill is enacted
2 after Assembly Bill 1712 and Senate Bill 1521, in which case
3 Sections 1, 1.1, and 1.2 of this bill shall not become operative.

4 SEC. 7. (a) Section 4.1 of this bill incorporates amendments
5 to Section 16501.1 of the Welfare and Institutions Code proposed
6 by both this bill and Assembly Bill 1712. It shall only become
7 operative if (1) both bills are enacted and become effective on or
8 before January 1, 2013, (2) each bill amends Section 16501.1 of
9 the Welfare and Institutions Code, (3) Senate Bill 1064 is not
10 enacted or as enacted does not amend that section, and (4) this
11 bill is enacted after Assembly Bill 1712, in which case Sections 4,
12 4.2, and 4.3 of this bill shall not become operative.

13 (b) Section 4.2 of this bill incorporates amendments to Section
14 16501.1 of the Welfare and Institutions Code proposed by both
15 this bill and Senate Bill 1064. It shall only become operative if (1)
16 both bills are enacted and become effective on or before January
17 1, 2013, (2) each bill amends Section 16501.1 of the Welfare and
18 Institutions Code, (3) Assembly Bill 1712 is not enacted or as
19 enacted does not amend that section, and (4) this bill is enacted
20 after Senate Bill 1064, in which case Sections 4, 4.1, and 4.3 of
21 this bill shall not become operative.

22 (c) Section 4.3 of this bill incorporates amendments to Section
23 16501.1 of the Welfare and Institutions Code proposed by this bill,
24 Assembly Bill 1712, and Senate Bill 1064. It shall only become
25 operative if (1) all three bills are enacted and become effective on
26 nor before January 1, 2013, (2) all three bills amend Section
27 16501.1 of the Welfare and Institutions Code, and (3) this bill is
28 enacted after Assembly Bill 1712 and Senate Bill 1521, in which
29 case Sections 4, 4.1, and 4.2 of this bill shall not become operative.

30 ~~SEC. 6.~~

31 SEC. 8. If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.