

AMENDED IN ASSEMBLY APRIL 24, 2014

AMENDED IN ASSEMBLY APRIL 9, 2014

AMENDED IN ASSEMBLY MARCH 25, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 1790

Introduced by Assembly Member Dickinson

February 18, 2014

An act to amend Section ~~8715~~ of, and to add Section 8715.5 to, the Family Code, and to amend Sections ~~361.5~~ and 16125 of the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1790, as amended, Dickinson. Foster children: mental health services.

Existing law provides for the Adoption Assistance Program, administered by the State Department of Social Services, which provides for the payment by the department and counties of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the circumstances of the family. Under existing law, the department, county adoption agency, or licensed adoption agency is required, among other duties, to provide the prospective adoptive family with information on the availability of mental health services through the Medi-Cal program or other programs. Existing law provides that a foster child whose adoption has become final and who is receiving or is eligible to receive Adoption Assistance Program assistance, including Medi-Cal, and whose foster care court supervision has been terminated, shall be provided medically necessary

specialty mental health services by the local mental health plan in the county of residence of his or her adoptive parents, as specified.

This bill would require the county mental health plan to take steps to increase the pool of specialty mental health providers who meet specified training ~~and~~ *or* experience criteria and are available to meet the needs of children formerly in foster care who have been adopted or placed with a guardian. The bill would require the ~~department~~ *State Department of Social Services* to convene a stakeholder group to recommend strategies and facilitate the development of processes relating to the education and training of these specialty mental health providers, *and to consult with the State Department of Health Care Services to ensure that these provisions are implemented in compliance with state and federal requirements governing the Medi-Cal program.*

To the extent that it would impose new duties on counties in connection with the provision of mental health services, this bill would impose a state-mandated local program.

~~Existing law requires the department, county adoption agency, or licensed adoption agency, whichever is a party to an adoption petition, to submit a full report of the facts of the case to the court. Existing law also requires that if the juvenile court sets a selection and implementation hearing for a dependent child, the county adoption agency or the department and the agency supervising the child prepare an assessment that addresses, among other things, the relationship of the child to any identified prospective adoptive parent or guardian.~~

~~This bill, commencing January 1, 2016, would require those entities to inform the prospective adoptive parents or prospective guardians about the importance of working with mental health providers who meet specified training and experience criteria, and to indicate in the report or assessment whether this information has been provided.~~

~~By requiring county adoption agencies and county child welfare agencies to provide this information, this bill would impose a state-mandated local program.~~

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

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

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

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

- 1 SECTION 1. (a) The Legislature finds and declares all of the
2 following:
- 3 (1) Despite the increase in the number of children achieving
4 permanence through adoption, placement of a child into a stable
5 and motivated family is not considered sufficient to compensate
6 for psychosocial problems related to prior trauma and chronic
7 maltreatment. As the number of adopted children with significant
8 developmental and emotional issues surrounding their adoption
9 experience has grown, the need has increased for child welfare
10 professionals and clinicians with an in-depth understanding of
11 adoption issues and the skills to work effectively with adoptive
12 persons and their families.
- 13 ~~(2) Adoption issues are not typically included in the education~~
14 ~~of psychologists and marriage and family therapists, and these~~
15 ~~issues are given relatively limited attention in the training of~~
16 ~~graduate level social workers.~~ Many textbooks for counseling
17 professionals have limited coverage of adoption. As a result, most
18 mental health practitioners and many child welfare professionals
19 lack knowledge about adoption and the issues that are unique to
20 adoptive families. Many mental health professionals, for example,
21 are unaware of the potential impact of adoption on clients. Given
22 the absence of education on adoption issues, it is not surprising
23 that many counselors report feeling unprepared to deal with
24 adoption related issues in their practice.
- 25 (3) The interest in developing specialized clinical training in
26 adoption has evolved over two decades as a result of the high
27 demand for postadoption services by families and the lack of local
28 mental health and post permanency supports that address the needs
29 of adoptive families.
- 30 (4) Adoption competence begins with a solid foundation of
31 knowledge and clinical skills gained through an approved graduate
32 program in psychiatry, psychology, social work, marriage and
33 family therapy, or counseling. Meeting the needs of individuals
34 and families touched by adoption also requires specialized training
35 in assessment, diagnosis, and intervention. At each phase of the

1 clinical process, therapists must be attuned to the complex array
2 of historical and contemporary factors impacting the lives of their
3 clients and, specifically, to the ways in which the adoption
4 experience can influence their identity, relationships, and
5 development.

6 (b) It is the intent of the Legislature in enacting this act to
7 increase stability of adoptive and guardianship families by
8 increasing the pool of adoption and permanency competent mental
9 health professionals.

10 SEC. 2. Section 8715 of the Family Code is amended to read:

11 8715. (a) ~~The department, county adoption agency, or licensed~~
12 ~~adoption agency, whichever is a party to, or joins in, the petition,~~
13 ~~shall submit a full report of the facts of the case to the court.~~

14 ~~(b) If the child has been adjudged to be a dependent of the~~
15 ~~juvenile court pursuant to Section 300 of the Welfare and~~
16 ~~Institutions Code, and has thereafter been freed for adoption by~~
17 ~~the juvenile court, the report required by this section shall describe~~
18 ~~whether the requirements of subdivision (e) of Section 16002 of~~
19 ~~the Welfare and Institutions Code have been completed and what,~~
20 ~~if any, plan exists for facilitation of postadoptive contact between~~
21 ~~the child who is the subject of the adoption petition and his or her~~
22 ~~siblings and half siblings.~~

23 ~~(c) If a petition for adoption has been filed with a postadoption~~
24 ~~contact agreement pursuant to Section 8616.5, the report shall~~
25 ~~address whether the postadoption contact agreement has been~~
26 ~~entered into voluntarily, and whether it is in the best interests of~~
27 ~~the child who is the subject of the petition.~~

28 ~~(d) Commencing January 1, 2016, the report required by this~~
29 ~~section shall describe whether the prospective adoptive parents~~
30 ~~have been provided with the information required by Section~~
31 ~~8715.5.~~

32 ~~(e) The department may also submit a report in those cases in~~
33 ~~which a county adoption agency, or licensed adoption agency is~~
34 ~~a party or joins in the adoption petition.~~

35 ~~(f) If a petitioner is a resident of a state other than California,~~
36 ~~an updated and current homestudy report, conducted and approved~~
37 ~~by a licensed adoption agency or other authorized resource in the~~
38 ~~state in which the petitioner resides, shall be reviewed and endorsed~~
39 ~~by the department, county adoption agency, or licensed adoption~~
40 ~~agency, if the standards and criteria established for a homestudy~~

1 report in the other state are substantially commensurate with the
2 homestudy standards and criteria established in California adoption
3 regulations:

4 SEC. 3. Section 8715.5 is added to the Family Code, to read:

5 8715.5. (a) Prior to the finalization of an adoption, the
6 department, county adoption agency, or licensed adoption agency
7 shall inform the adoptive parents about the importance of working
8 with mental health providers who have specialized adoption
9 training and experience, should they require those services in the
10 future. This information shall include the training and experience
11 criteria set forth in subdivision (d) of Section 16125 of the Welfare
12 and Institutions Code.

13 (b) This section shall become operative on January 1, 2016.

14 SEC. 4. Section 361.5 of the Welfare and Institutions Code is
15 amended to read:

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

34 (1) Family reunification services, when provided, shall be
35 provided as follows:

36 (A) Except as otherwise provided in subparagraph (C), for a
37 child who, on the date of initial removal from the physical custody
38 of his or her parent or guardian, was three years of age or older,
39 court-ordered services shall be provided beginning with the
40 dispositional hearing and ending 12 months after the date the child

1 entered foster care as provided in Section 361.49, unless the child
2 is returned to the home of the parent or guardian.

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

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

21 (2) Any motion to terminate court-ordered reunification services
22 prior to the hearing set pursuant to subdivision (f) of Section 366.21
23 for a child described by subparagraph (A) of paragraph (1), or
24 prior to the hearing set pursuant to subdivision (e) of Section
25 366.21 for a child described by subparagraph (B) or (C) of
26 paragraph (1), shall be made pursuant to the requirements set forth
27 in subdivision (c) of Section 388. A motion to terminate
28 court-ordered reunification services shall not be required at the
29 hearing set pursuant to subdivision (e) of Section 366.21 if the
30 court finds by clear and convincing evidence one of the following:

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

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

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

36 (3) Notwithstanding subparagraphs (A), (B), and (C) of
37 paragraph (1), court-ordered services may be extended up to a
38 maximum time period not to exceed 18 months after the date the
39 child was originally removed from physical custody of his or her
40 parent or guardian if it can be shown, at the hearing held pursuant

1 to subdivision (f) of Section 366.21, that the permanent plan for
2 the child is that he or she will be returned and safely maintained
3 in the home within the extended time period. The court shall extend
4 the time period only if it finds that there is a substantial probability
5 that the child will be returned to the physical custody of his or her
6 parent or guardian within the extended time period or that
7 reasonable services have not been provided to the parent or
8 guardian. In determining whether court-ordered services may be
9 extended, the court shall consider the special circumstances of an
10 incarcerated or institutionalized parent or parents, parent or parents
11 court-ordered to a residential substance abuse treatment program,
12 or a parent who has been arrested and issued an immigration hold,
13 detained by the United States Department of Homeland Security,
14 or deported to his or her country of origin, including, but not
15 limited to, barriers to the parent's or guardian's access to services
16 and ability to maintain contact with his or her child. The court
17 shall also consider, among other factors, good faith efforts that the
18 parent or guardian has made to maintain contact with the child. If
19 the court extends the time period, the court shall specify the factual
20 basis for its conclusion that there is a substantial probability that
21 the child will be returned to the physical custody of his or her
22 parent or guardian within the extended time period. The court also
23 shall make findings pursuant to subdivision (a) of Section 366 and
24 subdivision (e) of Section 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 unless the parent's or guardian's participation is deemed by the
28 court to be inappropriate or potentially detrimental to the child, or
29 unless a parent or guardian is incarcerated or detained by the United
30 States Department of Homeland Security and the corrections
31 facility in which he or she is incarcerated does not provide access
32 to the treatment services ordered by the court, or has been deported
33 to his or her country of origin and services ordered by the court
34 are not accessible in that country. Physical custody of the child by
35 the parents or guardians during the applicable time period under
36 subparagraph (A), (B), or (C) of paragraph (1) shall not serve to
37 interrupt the running of the time period. If at the end of the
38 applicable time period, a child cannot be safely returned to the
39 care and custody of a parent or guardian without court supervision,
40 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 time period. If at the end
2 of the applicable time period, the child cannot be safely returned
3 to the care and custody of a parent or guardian without court
4 supervision, but the child clearly desires contact with the parent
5 or guardian, the court shall take the child's desire into account in
6 devising a 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 (e) ~~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, institutionalized,
24 or detained by the United States Department of Homeland Security,
25 or has been deported to his or her country of origin, the court shall
26 order reasonable services unless the court determines, by clear and
27 convincing evidence, those services would be detrimental to the
28 child. In determining detriment, the court shall consider the age
29 of the child, the degree of parent-child bonding, the length of the
30 sentence, the length and nature of the treatment, the nature of the
31 crime or illness, the degree of detriment to the child if services are
32 not offered and, for children 10 years of age or older, the child's
33 attitude toward the implementation of family reunification services,
34 the likelihood of the parent's discharge from incarceration,
35 institutionalization, or detention within the reunification time
36 limitations described in subdivision (a), and any other appropriate
37 factors. In determining the content of reasonable services, the court
38 shall consider the particular barriers to an incarcerated,
39 institutionalized, detained, or deported parent's access to those
40 court-mandated services and ability to maintain contact with his

1 or her child, and shall document this information in the child's
2 case plan. Reunification services are subject to the applicable time
3 limitations imposed in subdivision (a). Services may include, but
4 shall not be limited to, all of the following:

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

7 (B) Transportation services, where appropriate.

8 (C) Visitation services, where appropriate.

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

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

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

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

38 (3) Notwithstanding any other law, if the incarcerated parent is
39 a woman seeking to participate in the community treatment
40 program operated by the Department of Corrections and

1 Rehabilitation pursuant to Chapter 4.8 (commencing with Section
2 1174) of Title 7 of Part 2 of, Chapter 4 (commencing with Section
3 3410) of Title 2 of Part 3 of, the Penal Code, the court shall
4 determine whether the parent's participation in a program is in the
5 child's best interest and whether it is suitable to meet the needs of
6 the parent and child.

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

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

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

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

1 ~~(C) An evaluation of the child’s medical, developmental,~~
2 ~~scholastic, mental, and emotional status.~~

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

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

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

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

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

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

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

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

32 (3) Commencing January 1, 2016, the entity preparing the
33 assessment shall inform the prospective adoptive parent or guardian
34 of the importance of working with mental health providers who
35 have specialized training and experience, as described in Section
36 16125, should the prospective adoptive parent or guardian require
37 those services in the future. The assessment shall indicate whether
38 this information was provided.

39 (h) If, at any hearing held pursuant to Section 366.26, a
40 guardianship is established for the minor with an approved relative

1 caregiver and juvenile court dependency is subsequently dismissed,
 2 the minor shall be eligible for aid under the Kin-GAP Program as
 3 provided for in Article 4.5 (commencing with Section 11360) or
 4 Article 4.7 (commencing with Section 11385) of Chapter 2 of Part
 5 3 of Division 9, as applicable.

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

10 (1) ~~The specific act or omission comprising the severe sexual~~
 11 ~~abuse or the severe physical harm inflicted on the child or the~~
 12 ~~child's sibling or half sibling.~~

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

15 (3) ~~The severity of the emotional trauma suffered by the child~~
 16 ~~or the child's sibling or half sibling.~~

17 (4) ~~Any history of abuse of other children by the offending~~
 18 ~~parent or guardian.~~

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

22 (6) ~~Whether or not the child desires to be reunified with the~~
 23 ~~offending parent or guardian.~~

24 (j) ~~When the court determines that reunification services will~~
 25 ~~not be ordered, it shall order that the child's caregiver receive the~~
 26 ~~child's birth certificate in accordance with Sections 16010.4 and~~
 27 ~~16010.5. Additionally, when the court determines that reunification~~
 28 ~~services will not be ordered, it shall order, when appropriate, that~~
 29 ~~a child who is 16 years of age or older receive his or her birth~~
 30 ~~certificate.~~

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

37 ~~SEC. 5.~~

38 *SEC. 2.* Section 16125 of the Welfare and Institutions Code is
 39 amended to read:

1 16125. A foster child whose adoption has become final, who
2 is receiving or is eligible to receive Adoption Assistance Program
3 assistance, including Medi-Cal, and whose foster care court
4 supervision has been terminated, shall be provided medically
5 necessary specialty mental health services by the local mental
6 health plan in the county of residence of his or her adoptive parents,
7 pursuant to all of the following:

8 (a) The host county mental health plan shall be responsible for
9 submitting the treatment authorization request (TAR) to the mental
10 health plan in the county of origin.

11 (b) The requesting public or private service provider shall
12 prepare the TAR.

13 (c) The county of origin shall retain responsibility for
14 authorization and reauthorization of services utilizing an expedited
15 TAR process.

16 (d) (1) The county mental health plan shall take steps to increase
17 the pool of specialty mental health providers who meet all of the
18 following training ~~and~~ *or* experience criteria and are available to
19 meet the needs of children formerly in foster care who have been
20 adopted or placed with a guardian:

21 (A) The mental health professional has completed the requisite
22 education and obtained all necessary licenses otherwise required
23 by law.

24 (B) The mental health professional has completed a minimum
25 of 48 hours of training from an evidence-informed post-graduate
26 adoption or permanency training program, continuing education
27 courses, or individual workshops. Topics covered in the curricula
28 shall be documented and shall include, at a minimum, all of the
29 following:

30 (i) Separation, grief, and loss.

31 (ii) Attachment.

32 (iii) Trauma and brain development.

33 (iv) Identity formation.

34 (v) Openness in adoption.

35 (vi) Impact of prenatal or postnatal exposure to drugs and
36 alcohol.

37 (vii) Adoptive family formation, integration, and developmental
38 stages.

39 (viii) Family constellation challenges in adoption, including the
40 birth family and the adoptive family.

1 (ix) Race, ethnicity, sexual orientation, gender identity, and
2 cultural competence.

3 (x) Tools for skilled practice.

4 (xi) Tools for adoptive parents, including, but not limited to,
5 decoding behaviors, how to mitigate impacts of trauma, and
6 recognizing behavioral and emotional challenges in context of life
7 histories.

8 (C) ~~A~~ *The mental health professional utilizes family-based,*
9 *strength-based, and evidence-based approach to working with*
10 *adoptive families and birth families.*

11 (D) ~~A~~ *The mental health professional utilizes developmental*
12 *and systemic approach to understanding and working with adoptive*
13 *and birth families.*

14 (E) ~~Demonstrated~~ *The mental health professional demonstrates*
15 *knowledge, clinical skills, and experience in treating individuals*
16 *with a history of abuse, neglect, or trauma.*

17 (F) ~~Demonstrated~~ *The mental health professional demonstrates*
18 *knowledge, clinical skills, and experience in working with adoptive*
19 *families and birth families.*

20 (2) ~~The department~~ *State Department of Social Services* shall
21 convene a stakeholder group comprised of adoptive parents,
22 representatives from the mental health and child welfare fields,
23 and others, as appropriate, to facilitate the development of a process
24 to approve curricula and determine criteria for trainers, and to
25 facilitate the establishment of a process by which mental health
26 practitioners document adoption and permanency training and
27 experience that satisfies the criteria set forth in paragraph (1). The
28 stakeholder group shall recommend a strategy to educate mental
29 health professionals working with adoptive and guardianship
30 families about the importance of obtaining training and experience
31 that will increase the pool of mental health professionals who can
32 meet the needs of children who were formerly in foster care and
33 are now in adoptive and guardianship families. *The stakeholder*
34 *group shall also consult with the State Department of Health Care*
35 *Services to ensure that this subdivision is implemented in*
36 *compliance with state and federal requirements governing the*
37 *Medi-Cal program.*

38 ~~SEC. 6.~~

39 *SEC. 3.* If the Commission on State Mandates determines that
40 this act contains costs mandated by the state, reimbursement to

1 local agencies and school districts for those costs shall be made
2 pursuant to Part 7 (commencing with Section 17500) of Division
3 4 of Title 2 of the Government Code.

O