

ASSEMBLY BILL

No. 1828

Introduced by Assembly Member Donnelly

February 18, 2014

An act to amend Section 16010 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 1828, as introduced, Donnelly. Foster children: health and education records.

Existing law requires, when a child is placed in foster care, the case plan to include a summary of the health and education information or records, including mental health information, of the child. Existing law requires a child protective agency to, as soon as possible, but not later than 30 days after initial placement of a child into foster care, provide the caregiver with the child's current health and education summary.

This bill would make technical, nonsubstantive changes to those provisions.

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

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

- 1 SECTION 1. Section 16010 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 16010. (a) When a child is placed in foster care, the case plan
- 4 for each child recommended pursuant to Section 358.1 shall include
- 5 a summary of the health and education information or records,
- 6 including mental health information or records, of the child. The

1 summary may be maintained in the form of a health and education
2 passport, or a comparable format designed by the child protective
3 agency. The health and education summary shall include, but not
4 be limited to, the names and addresses of the child's health, dental,
5 and education providers; the child's grade level performance; the
6 child's school record; assurances that the child's placement in
7 foster care takes into account proximity to the school in which the
8 child is enrolled at the time of placement; the number of school
9 transfers the child has already experienced; the child's educational
10 progress, as demonstrated by factors, including, but not limited
11 to, academic proficiency scores; credits earned toward graduation;
12 a record of the child's immunizations and allergies; the child's
13 known medical problems; the child's current medications, past
14 health problems, and hospitalizations; a record of the child's
15 relevant mental health history; the child's known mental health
16 condition and medications; and any other relevant mental health,
17 dental, health, and education information concerning the child
18 determined to be appropriate by the Director of Social Services.
19 The health and education summary may also include the name and
20 contact information for the educational liaison, as described in
21 subdivision (b) of Section 48853.5 of the Education Code, of the
22 child's local educational agency. If any other law imposes more
23 stringent information requirements, then that section shall prevail.

24 (b) Additionally, a court report or assessment required pursuant
25 to subdivision (g) of Section 361.5, Section 366.1, subdivision (d)
26 of Section 366.21, or subdivision (c) of Section 366.22 shall
27 include a copy of the current health and education summary
28 described in subdivision (a). With respect to a nonminor dependent,
29 as described in subdivision (v) of Section 11400, a copy of the
30 current health and education summary shall be included in the
31 court report only if and when the nonminor dependent consents in
32 writing to its inclusion.

33 (c) As soon as possible, but not later than 30 days after initial
34 placement of a child into foster care, the child protective agency
35 shall provide the caregiver with the child's current health and
36 education summary as described in subdivision (a). For each
37 subsequent placement of a child or nonminor dependent, the child
38 protective agency shall provide the caregiver with a current
39 summary as described in subdivision (a) within 48 hours of the
40 placement. With respect to a nonminor dependent, as described in

1 subdivision (v) of Section 11400, the social worker or probation
2 officer shall advise the young adult of the social worker's or
3 probation officer's obligation to provide the health and education
4 summary to the new caregiver and the court, and shall discuss with
5 the youth the benefits and liabilities of sharing that information.

6 (d) (1) Notwithstanding Section 827 or any other law, the child
7 protective agency may disclose any information described in this
8 section to a prospective caregiver or caregivers prior to placement
9 of a child if all of the following requirements are met:

10 (A) The child protective agency intends to place the child with
11 the prospective caregiver or caregivers.

12 (B) The prospective caregiver or caregivers are willing to
13 become the adoptive parent or parents of the child.

14 (C) The prospective caregiver or caregivers have an approved
15 adoption assessment or home study, a foster family home license,
16 certification by a licensed foster family agency, or approval
17 pursuant to the requirements in Sections 361.3 and 361.4.

18 (2) In addition to the information required to be provided under
19 this section, the child protective agency may disclose to the
20 prospective caregiver specified in paragraph (1), placement history
21 or underlying source documents that are provided to adoptive
22 parents pursuant to subdivisions (a) and (b) of Section 8706 of the
23 Family Code.

24 (e) The child's caregiver shall be responsible for obtaining and
25 maintaining accurate and thorough information from physicians
26 and educators for the child's ~~summary~~ *summary*, as described in
27 subdivision ~~(a)~~ (a), during the time that the child is in the care of
28 the caregiver. On each required visit, the child protective agency
29 or its designee family foster agency shall inquire of the caregiver
30 whether there is any new information that should be added to the
31 child's summary as described in subdivision (a). The child
32 protective agency shall update the summary with the information
33 as appropriate, but not later than the next court date or within 48
34 hours of a change in placement. The child protective agency or its
35 designee family foster agency shall take all necessary steps to
36 assist the caregiver in obtaining relevant health and education
37 information for the child's health and education summary as
38 described in subdivision (a). The caregiver of a nonminor
39 dependent, as described in subdivision (v) of Section 11400, is not
40 responsible for obtaining and maintaining the nonminor

1 dependent’s health and educational information, but may assist
2 the nonminor dependent with any recordkeeping that the nonminor
3 requests of the caregiver.

4 (f) At the initial hearing, the court shall direct each parent to
5 provide to the child protective agency complete medical, dental,
6 mental health, and educational information, and medical
7 background, of the child and of the child’s mother and the child’s
8 biological father if known. The Judicial Council shall create a form
9 for the purpose of obtaining health and education information from
10 the child’s parents or guardians at the initial hearing. The court
11 shall determine at the hearing held pursuant to Section 358 whether
12 the medical, dental, mental health, and educational information
13 has been provided to the child protective agency.