

Introduced by Senator YeeFebruary 20, 2013

An act to amend Sections 16516.5 and 16516.6 of the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

SB 342, as introduced, Yee. Foster children: social worker: visits.

Existing law requires that all foster children who are placed in group homes by county welfare departments or county probation departments be visited at least monthly by a county social worker or probation officer, and that each visit include a private discussion between the foster child and the county social worker or probation officer that is not held in the presence or immediate vicinity of the group home staff. Existing law also requires a county social worker or probation officer to make a regular visit with a child in any licensed, certified, or approved foster home, and requires that the visit include a private discussion between the foster child and the social worker or probation officer that is not held in the presence or immediate vicinity of the foster parent or caregiver.

This bill would require that the visits described above occur in the group home or foster home, respectively. The bill would also require the social worker or probation officer to advise the foster child that he or she has the right to request that the private discussion occur outside the group home or foster home. The bill would provide, however, that if a foster child requests to have a private discussion outside the group home or foster home, that private discussion outside the group home or foster home shall not replace the visit in the group home or foster home. By imposing additional duties on county employees, the bill would impose a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 16516.5 of the Welfare and Institutions
 2 Code is amended to read:
 3 16516.5. (a) Notwithstanding any other provision of law or
 4 regulation, all foster children *who are* placed in group homes by
 5 county welfare departments or county probation departments shall
 6 be visited *in the group home* at least monthly by a county social
 7 worker or probation officer. Each visit shall include a private
 8 discussion between the foster child and the county social worker
 9 or probation officer. The discussion shall not be held in the
 10 presence or immediate vicinity of the group home staff. *The social*
 11 *worker or probation officer shall advise the foster child that he or*
 12 *she has the right to request that the private discussion occur*
 13 *outside the group home. If a foster child requests to have a private*
 14 *discussion outside the group home, that private discussion outside*
 15 *the group home shall not replace the visit in the group home.* The
 16 contents of the private discussion shall not be disclosed to the
 17 group home staff, except that the social worker or probation officer
 18 may disclose information under any of the following circumstances:
 19 (1) The social worker or probation officer believes that the foster
 20 child may be in danger of harming himself or herself, or others.
 21 (2) The social worker or probation officer believes that
 22 disclosure is necessary to meet the needs of the child.
 23 (3) The child consents to disclosure of the information.
 24 (b) (1) Prior to the 2011–12 fiscal year, notwithstanding Section
 25 10101, the state shall pay 100 percent of the nonfederal costs
 26 associated with the monthly visitation requirement in subdivision
 27 (a) in excess of the minimum semiannual visits required under
 28 current regulations.

1 (2) Notwithstanding subdivision (b), beginning in the 2011–12
2 fiscal year, and for each fiscal year thereafter, funding and
3 expenditures for programs and activities under this section shall
4 be in accordance with the requirements provided in Sections 30025
5 and 30026.5 of the Government Code.

6 SEC. 2. Section 16516.6 of the Welfare and Institutions Code
7 is amended to read:

8 16516.6. When a county social worker or probation officer
9 makes a regular visit with a child in any licensed, certified, or
10 approved foster home, the visit shall *occur in the foster home and*
11 *shall* include a private discussion between the foster child and the
12 social worker or probation officer. The discussion shall not be held
13 in the presence or immediate vicinity of the foster parent or
14 caregiver. *The social worker or probation officer shall advise the*
15 *foster child that he or she has the right to request that the private*
16 *discussion occur outside the foster home. If a foster child requests*
17 *to have a private discussion outside the foster home, that private*
18 *discussion outside the foster home shall not replace the visit in the*
19 *foster home.* The contents of the private discussion shall not be
20 disclosed to the foster parent or caregiver, except that the social
21 worker or probation officer may disclose information under any
22 of the following circumstances:

- 23 (a) The social worker or probation officer believes that the foster
24 child may be in danger of harming himself or herself, or others.
- 25 (b) The social worker or probation officer believes that
26 disclosure is necessary to meet the needs of the child.
- 27 (c) The child consents to disclosure of the information.

28 SEC. 3. If the Commission on State Mandates determines that
29 this act contains costs mandated by the state, reimbursement to
30 local agencies and school districts for those costs shall be made
31 pursuant to Part 7 (commencing with Section 17500) of Division
32 4 of Title 2 of the Government Code.