

Introduced by Senator Yee

February 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 amended, 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 the* 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. *The bill would also provide that the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request.* 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 *monthly* visit shall include a
- 8 private discussion between the foster child and the county social
- 9 worker or probation officer. The *private* discussion shall not be
- 10 held in the presence or immediate vicinity of the group home staff.
- 11 The social worker or probation officer shall advise the foster child
- 12 that he or she has the right to request that the private discussion
- 13 occur outside the group home. If a foster child requests to have ~~a~~
- 14 *the* private discussion outside the group home, that private
- 15 discussion ~~outside the group home~~ shall not replace the visit in the
- 16 group home. *However, the social worker or probation officer shall*
- 17 *not be required to schedule an additional visit to accommodate*
- 18 *the request.* The contents of the private discussion shall not be
- 19 disclosed to the group home staff, except that the social worker or
- 20 probation officer may disclose information under any of the
- 21 following circumstances:
- 22 (1) The social worker or probation officer believes that the foster
- 23 child may be in danger of harming himself or herself, or others.

1 (2) The social worker or probation officer believes that
2 disclosure is necessary to meet the needs of the child.

3 (3) The child consents to disclosure of the information.

4 (b) (1) Prior to the 2011–12 fiscal year, notwithstanding Section
5 10101, the state shall pay 100 percent of the nonfederal costs
6 associated with the monthly visitation requirement in subdivision
7 (a) in excess of the minimum semiannual visits required under
8 current regulations.

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

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

16 16516.6. When a county social worker or probation officer
17 makes a regular visit with a child in any licensed, certified, or
18 approved foster home, the *regular* visit shall occur in the foster
19 home and shall include a private discussion between the foster
20 child and the social worker or probation officer. The *private*
21 discussion shall not be held in the presence or immediate vicinity
22 of the foster parent or caregiver. The social worker or probation
23 officer shall advise the foster child that he or she has the right to
24 request that the private discussion occur outside the foster home.
25 If a foster child requests to have ~~a~~ *the* private discussion outside
26 the foster home, that private discussion ~~outside the foster home~~
27 shall not replace the visit in the foster home. *However, the social*
28 *worker or probation officer shall not be required to schedule an*
29 *additional visit to accommodate the request.* The contents of the
30 private discussion shall not be disclosed to the foster parent or
31 caregiver, except that the social worker or probation officer may
32 disclose information under any of the following circumstances:

33 (a) The social worker or probation officer believes that the foster
34 child may be in danger of harming himself or herself, or others.

35 (b) The social worker or probation officer believes that
36 disclosure is necessary to meet the needs of the child.

37 (c) The child consents to disclosure of the information.

38 SEC. 3. If the Commission on State Mandates determines that
39 this act contains costs mandated by the state, reimbursement to
40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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