

Senate Bill No. 342

CHAPTER 492

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

[Approved by Governor October 2, 2013. Filed with
Secretary of State October 2, 2013.]

LEGISLATIVE COUNSEL'S DIGEST

SB 342, 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 location of monthly visits for each foster child who is placed in a group home or a licensed, certified, or approved foster home by a county welfare department or a county probation department comply with specified federal requirements. The bill would prohibit more than 2 consecutive monthly visits from being held outside the residence of the foster child and, if the visit does not occur in the place of residence, would require the social worker or probation officer to document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence. 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 the private discussion outside the group home or foster home, that private discussion 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.

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

SECTION 1. Section 16516.5 of the Welfare and Institutions Code is amended to read:

16516.5. (a) Notwithstanding any other law or regulation, all foster children who are placed in group homes by county welfare departments or county probation departments shall be visited at least monthly by a county social worker or probation officer. Each monthly visit shall include a private discussion between the foster child and the county social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the group home staff. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the group home. If a foster child requests to have the private discussion outside the group home, that private discussion shall not replace the visit in the group home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the group home staff, except that the social worker or probation officer may disclose information under any of the following circumstances:

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

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

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

(b) The location of monthly visits for each foster child who is placed in a group home by a county welfare department or a county probation department shall comply with federal requirements as described in Section 624(f)(2)(A) of Title 42 of the United States Code. No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

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

(2) Notwithstanding subdivision (b), beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the

requirements provided in Sections 30025 and 30026.5 of the Government Code.

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

16516.6. (a) When a county social worker or probation officer makes a regular visit with a child in any licensed, certified, or approved foster home, the regular visit shall include a private discussion between the foster child and the social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the foster parent or caregiver. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the foster home. If a foster child requests to have the private discussion outside the foster home, that private discussion shall not replace the visit in the foster home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the foster parent or caregiver, except that the social worker or probation officer may disclose information under any of the following circumstances:

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

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

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

(b) The location of monthly visits for each foster child who is placed in a licensed, certified, or approved foster home by a county welfare department or a county probation department shall comply with federal requirements as described in Section 624(f)(2)(A) of Title 42 of the United States Code. No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

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