

**Introduced by Senator Rubio**February 21, 2013

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An act to amend Section 366.1 of the Welfare and Institutions Code, relating to juveniles.

## LEGISLATIVE COUNSEL'S DIGEST

SB 522, as introduced, Rubio. Dependent children: supplemental reports: Supplemental Security Income benefits.

Existing federal law, the Social Security Act, provides for benefits for eligible beneficiaries, including Supplemental Security Income (SSI) benefits for, among others, blind and disabled children. The act authorizes a person or entity to be appointed as a representative payee for a beneficiary who cannot manage or direct the management of his or her money. Existing law requires a county to apply to become a child's representative payee for purposes of these federal benefits during the time the child is placed in foster care.

Existing law establishes the jurisdiction of the juvenile court, which is authorized to adjudge certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes, including the periodic review of the status of every dependent child in foster care, as determined by the court. Existing law requires a supplemental report, with specified contents, to be filed in connection with this review, as specified.

This bill would require the supplemental report to include information regarding whether the county has applied to become the child's representative payee for SSI benefits and whether the county, or any individual known to the county, has been appointed to serve as representative payee for a child who is receiving SSI benefits while in the county's custody.

By requiring counties to provide additional information in supplemental reports, 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. Section 366.1 of the Welfare and Institutions  
 2 Code is amended to read:  
 3 366.1. Each supplemental report required to be filed pursuant  
 4 to Section 366 shall include, but not be limited to, a factual  
 5 discussion of each of the following subjects:  
 6 (a) Whether the county welfare department social worker has  
 7 considered child protective services, as ~~defined~~ *described* in  
 8 Chapter 5 (commencing with Section 16500) of Part 4 of Division  
 9 9, as a possible solution to the problems at hand, and has offered  
 10 those services to qualified parents, if appropriate under the  
 11 circumstances.  
 12 (b) What plan, if any, for the return and maintenance of the  
 13 child in a safe home is recommended to the court by the county  
 14 welfare department social worker.  
 15 (c) Whether the subject child appears to be a person who is  
 16 eligible to be considered for further court action to free the child  
 17 from parental custody and control.  
 18 (d) What actions, if any, have been taken by the parent to correct  
 19 the problems that caused the child to be made a dependent child  
 20 of the court.  
 21 (e) If the parent or guardian is unwilling or unable to participate  
 22 in making an educational decision for his or her child, or if other  
 23 circumstances exist that compromise the ability of the parent or  
 24 guardian to make educational decisions for the child, the county  
 25 welfare department or social worker shall consider whether the

1 right of the parent or guardian to make educational decisions for  
2 the child should be limited. If the supplemental report makes that  
3 recommendation, the report shall identify whether there is a  
4 responsible adult available to make educational decisions for the  
5 child pursuant to Section 361.

6 (f) (1) Whether the child has any siblings under the court's  
7 jurisdiction, and, if any siblings exist, all of the following:

8 (A) The nature of the relationship between the child and his or  
9 her siblings.

10 (B) The appropriateness of developing or maintaining the sibling  
11 relationships pursuant to Section 16002.

12 (C) If the siblings are not placed together in the same home,  
13 why the siblings are not placed together and what efforts are being  
14 made to place the siblings together, or why those efforts are not  
15 appropriate.

16 (D) If the siblings are not placed together, the frequency and  
17 nature of the visits between siblings.

18 (E) The impact of the sibling relationships on the child's  
19 placement and planning for legal permanence.

20 (2) The factual discussion shall include a discussion of indicators  
21 of the nature of the child's sibling relationships, including, but not  
22 limited to, whether the siblings were raised together in the same  
23 home, whether the siblings have shared significant common  
24 experiences or have existing close and strong bonds, whether either  
25 sibling expresses a desire to visit or live with his or her sibling, as  
26 applicable, and whether ongoing contact is in the child's best  
27 emotional interests.

28 (g) Whether a child who is 10 years of age or older and who  
29 has been in an out-of-home placement for six months or longer  
30 has relationships with individuals other than the child's siblings  
31 that are important to the child, consistent with the child's best  
32 interests, and actions taken to maintain those relationships. The  
33 social worker shall ask every child who is 10 years of age or older  
34 and who has been in an out-of-home placement for six months or  
35 longer to identify any individuals other than the child's siblings  
36 who are important to the child, consistent with the child's best  
37 interest. The social worker may ask any other child to provide that  
38 information, as appropriate.

39 (h) The implementation and operation of the amendments to  
40 subdivision (g) enacted at the 2005-06 Regular Session shall be

1 subject to appropriation through the budget process and by phase,  
2 as provided in Section 366.35.

3 *(i) Whether the county has applied to become the child's*  
4 *representative payee for Supplemental Security Income (SSI)*  
5 *benefits and whether the county, or any other individual known to*  
6 *the county, has been appointed by the federal Social Security*  
7 *Administration to serve as representative payee for a child who is*  
8 *receiving SSI benefits while in the county's custody.*

9 SEC. 2. If the Commission on State Mandates determines  
10 that this act contains costs mandated by the state, reimbursement  
11 to local agencies and school districts for those costs shall be made  
12 pursuant to Part 7 (commencing with Section 17500) of Division  
13 4 of Title 2 of the Government Code.