

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN ASSEMBLY AUGUST 18, 2014

AMENDED IN SENATE APRIL 29, 2014

**SENATE BILL**

**No. 1099**

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**Introduced by Senator Steinberg**

**(Coauthors: Senators Anderson, Beall, Cannella, and Correa)**

(Coauthors: Assembly Members Achadjian, Bonta, Chávez, Chesbro, Frazier, Lowenthal, Medina, Nestande, Quirk, Weber, and Yamada)

February 19, 2014

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An act to amend Sections 358.1, 361.2, 362.1, 366, 366.1, 366.3, 388, 706.6, 778, and 16002 of the Welfare and Institutions Code, relating to children.

LEGISLATIVE COUNSEL'S DIGEST

SB 1099, as amended, Steinberg. Dependent children: wards of the juvenile court: sibling visitation.

(1) Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court in certain cases, including when the child is abused, a parent or guardian fails to adequately supervise or protect the child, as specified, or a parent or guardian fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law generally subjects any person under 18 years of age who commits a crime to the jurisdiction of the juvenile court, which may adjudge that person to be a ward of the court.

Existing law requires the responsible local agency to make a diligent effort in all out-of-home placements of dependent children to place siblings together in the same placement, and to develop and maintain sibling relationships.

This bill would extend that requirement to all out-of-home placements of wards in foster care. By imposing additional duties on local agencies, the bill would create a state-mandated local program.

(2) Existing law permits any person to petition the juvenile court to assert a sibling relationship with a dependent child or a child who is the subject of a petition for adjudication as a dependent child and make certain requests, including a request for visitation with the dependent child.

This bill would also authorize a dependent child or a nonminor dependent to request visitation with a sibling who is in the physical custody of a common legal or biological parent. The bill would authorize a court to grant those requests for visitation, unless it is determined by the court that visitation is contrary to the safety and well-being of any of the siblings.

This bill would authorize any person, including a ward, a transition dependent, or a nonminor dependent of the juvenile court, to petition the court to assert a relationship as a sibling and make certain requests, including a request for visitation, with a sibling who is, or is the subject of an adjudication as, a ward of the juvenile court, as specified. The bill would authorize a ward, transition dependent, or nonminor dependent to assert a relationship as a sibling and request visitation with a nondependent sibling who is in the physical custody of a common legal or biological parent. The bill would authorize a court to grant those requests for visitation, unless it is determined by the court that visitation is contrary to the safety and well-being of any of the siblings.

(3) Existing law requires, in order to maintain ties between the parent or guardian and any siblings and a child placed in foster care, an order placing a child in foster care and ordering reunification services to provide for visitation between the parent or guardian and the child and for visitation between any siblings and the child.

This bill would additionally require an order placing a child in foster care and ordering reunification services to provide for review of the reasons for any suspension of sibling visitation at each periodic review hearing and for a requirement that, in order for the suspension to continue, a court make a renewed finding that sibling interaction is contrary to the safety or well-being of either child.

(4) Existing law requires that the status of a dependent child in foster care be reviewed periodically, but no less frequently than once every 6 months. Existing law requires a court to determine specified information at that hearing, including whether the child has any siblings

under the court's jurisdiction, and, if any siblings exist and are not placed with the child, the frequency and nature of the visits between siblings.

Existing law requires a social worker or child advocate appointed by the court, when preparing certain social studies or evaluations, to include specified information, including whether the child has any siblings under the court's jurisdiction, and, if any siblings exist and are not placed with the child, the frequency and nature of the visits between siblings.

This bill would additionally require, if any siblings exist and are not placed with the child, the court to determine, and require a social worker or child advocate appointed by the court to include in those social studies or evaluations, whether any visits between the siblings are supervised or unsupervised, and if visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised, a description of the location and length of any visits, and any plan to increase visitation between siblings. By requiring county social workers to include additional information in certain social studies or evaluations, the bill would impose a state-mandated local program.

(5) Existing law requires, after a minor is adjudged to be a ward of the court, the court to hear evidence on the question of the proper disposition to be made of the minor. Existing law requires the probation officer to prepare a case plan if placement in foster care is recommended by the probation officer, or if the minor is already in foster care placement or pending placement. Existing law requires the probation officer to include, among other things, scheduled visits between the minor and his or her family and an explanation if no visits are made.

This bill would additionally require the probation officer to include specified information relating to the child's siblings. By imposing additional duties on probation officers, the bill would create a state-mandated local program.

*(6) This bill would incorporate additional changes to Sections 358.1 and 366.1 of the Welfare and Institutions Code, proposed by SB 977, that would become operative only if this bill and SB 977 are chaptered and become effective on or before January 1, 2015, and this bill is chaptered last. The bill would incorporate additional changes to Section 16002 of the Welfare and Institutions Code, proposed by SB 1460, that would become operative only if this bill and SB 1460 are chaptered and become effective on or before January 1, 2015, and this bill is*

chaptered last. The bill would also incorporate additional changes to Section 361.2 of the Welfare and Institutions Code, proposed by SB 977 and SB 1460, that would become operative only if this bill and either or both of those bills are chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.

(6)

(7) 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 358.1 of the Welfare and Institutions  
2 Code is amended to read:

3 358.1. Each social study or evaluation made by a social worker  
4 or child advocate appointed by the court, required to be received  
5 in evidence pursuant to Section 358, shall include, but not be  
6 limited to, a factual discussion of each of the following subjects:

7 (a) Whether the county welfare department or social worker has  
8 considered child protective services, as defined in Chapter 5  
9 (commencing with Section 16500) of Part 4 of Division 9, as a  
10 possible solution to the problems at hand, and has offered these  
11 services to qualified parents if appropriate under the circumstances.

12 (b) What plan, if any, for return of the child to his or her parents  
13 and for achieving legal permanence for the child if efforts to reunify  
14 fail, is recommended to the court by the county welfare department  
15 or probation officer.

16 (c) Whether the best interests of the child will be served by  
17 granting reasonable visitation rights with the child to his or her  
18 grandparents, in order to maintain and strengthen the child’s family  
19 relationships.

20 (d) (1) Whether the child has siblings under the court’s  
21 jurisdiction, and, if any siblings exist, all of the following:

- 1 (A) The nature of the relationship between the child and his or  
2 her siblings.
- 3 (B) The appropriateness of developing or maintaining the sibling  
4 relationships pursuant to Section 16002.
- 5 (C) If the siblings are not placed together in the same home,  
6 why the siblings are not placed together and what efforts are being  
7 made to place the siblings together, or why those efforts are not  
8 appropriate.
- 9 (D) If the siblings are not placed together, all of the following:  
10 (i) The frequency and nature of the visits between the siblings.  
11 (ii) If there are visits between the siblings, whether the visits  
12 are supervised or unsupervised. If the visits are supervised, a  
13 discussion of the reasons why the visits are supervised, and what  
14 needs to be accomplished in order for the visits to be unsupervised.  
15 (iii) If there are visits between the siblings, a description of the  
16 location and length of the visits.  
17 (iv) Any plan to increase visitation between the 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 interest.
- 28 (e) If the parent or guardian is unwilling or unable to participate  
29 in making an educational decision for his or her child, or if other  
30 circumstances exist that compromise the ability of the parent or  
31 guardian to make educational decisions for the child, the county  
32 welfare department or social worker shall consider whether the  
33 right of the parent or guardian to make educational decisions for  
34 the child should be limited. If the study or evaluation makes that  
35 recommendation, it shall identify whether there is a responsible  
36 adult available to make educational decisions for the child pursuant  
37 to Section 361.
- 38 (f) Whether the child appears to be a person who is eligible to  
39 be considered for further court action to free the child from parental  
40 custody and control.

1 (g) Whether the parent has been advised of his or her option to  
2 participate in adoption planning, including the option to enter into  
3 a postadoption contact agreement as described in Section 8616.5  
4 of the Family Code, and to voluntarily relinquish the child for  
5 adoption if an adoption agency is willing to accept the  
6 relinquishment.

7 (h) The appropriateness of any relative placement pursuant to  
8 Section 361.3. However, this consideration may not be cause for  
9 continuance of the dispositional hearing.

10 (i) Whether the caregiver desires, and is willing, to provide legal  
11 permanency for the child if reunification is unsuccessful.

12 (j) For an Indian child, in consultation with the Indian child's  
13 tribe, whether tribal customary adoption is an appropriate  
14 permanent plan for the child if reunification is unsuccessful.

15 (k) On and after the date that the director executes a declaration  
16 pursuant to Section 11217, whether the child has been placed in  
17 an approved relative's home under a voluntary placement  
18 agreement for a period not to exceed 180 days, the parent or  
19 guardian is not interested in additional family maintenance or  
20 family reunification services, and the relative desires and is willing  
21 to be appointed the child's legal guardian.

22 *SEC. 1.5. Section 358.1 of the Welfare and Institutions Code*  
23 *is amended to read:*

24 358.1. Each social study or evaluation made by a social worker  
25 or child advocate appointed by the court, required to be received  
26 in evidence pursuant to Section 358, shall include, but not be  
27 limited to, a factual discussion of each of the following subjects:

28 (a) Whether the county welfare department or social worker has  
29 considered ~~child~~ *either of the following:*

30 (1) *Child* protective services, as defined in Chapter 5  
31 (commencing with Section 16500) of Part 4 of Division 9, as a  
32 possible solution to the problems at hand, and has offered these  
33 services to qualified parents if appropriate under the circumstances.

34 (2) *Whether the child can be returned to the custody of his or*  
35 *her parent who is enrolled in a certified substance abuse treatment*  
36 *facility that allows a dependent child to reside with his or her*  
37 *parent.*

38 (b) What plan, if any, for return of the child to his or her parents  
39 and for achieving legal permanence for the child if efforts to reunify

1 fail, is recommended to the court by the county welfare department  
2 or probation officer.

3 (c) Whether the best interests of the child will be served by  
4 granting reasonable visitation rights with the child to his or her  
5 grandparents, in order to maintain and strengthen the child's family  
6 relationships.

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

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

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

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

17 (D) If the siblings are not placed together, ~~the frequency and~~  
18 ~~nature of the visits between siblings.~~ *all of the following:*

19 (i) *The frequency and nature of the visits between the siblings.*

20 (ii) *If there are visits between the siblings, whether the visits*  
21 *are supervised or unsupervised. If the visits are supervised, a*  
22 *discussion of the reasons why the visits are supervised, and what*  
23 *needs to be accomplished in order for the visits to be unsupervised.*

24 (iii) *If there are visits between the siblings, a description of the*  
25 *location and length of the visits.*

26 (iv) *Any plan to increase visitation between the siblings.*

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

29 (2) The factual discussion shall include a discussion of indicators  
30 of the nature of the child's sibling relationships, including, but not  
31 limited to, whether the siblings were raised together in the same  
32 home, whether the siblings have shared significant common  
33 experiences or have existing close and strong bonds, whether either  
34 sibling expresses a desire to visit or live with his or her sibling, as  
35 applicable, and whether ongoing contact is in the child's best  
36 emotional interest.

37 (e) If the parent or guardian is unwilling or unable to participate  
38 in making an educational decision for his or her child, or if other  
39 circumstances exist that compromise the ability of the parent or  
40 guardian to make educational decisions for the child, the county

1 welfare department or social worker shall consider whether the  
2 right of the parent or guardian to make educational decisions for  
3 the child should be limited. If the study or evaluation makes that  
4 recommendation, it shall identify whether there is a responsible  
5 adult available to make educational decisions for the child pursuant  
6 to Section 361.

7 (f) Whether the child appears to be a person who is eligible to  
8 be considered for further court action to free the child from parental  
9 custody and control.

10 (g) Whether the parent has been advised of his or her option to  
11 participate in adoption planning, including the option to enter into  
12 a postadoption contact agreement as described in Section ~~8714.7~~  
13 ~~8616.5~~ of the Family Code, and to voluntarily relinquish the child  
14 for adoption if an adoption agency is willing to accept the  
15 relinquishment.

16 (h) The appropriateness of any relative placement pursuant to  
17 Section 361.3. However, this consideration may not be cause for  
18 continuance of the dispositional hearing.

19 (i) Whether the caregiver desires, and is willing, to provide legal  
20 permanency for the child if reunification is unsuccessful.

21 (j) For an Indian child, in consultation with the Indian child’s  
22 tribe, whether tribal customary adoption is an appropriate  
23 permanent plan for the child if reunification is unsuccessful.

24 (k) On and after the date that the director executes a declaration  
25 pursuant to Section 11217, whether the child has been placed in  
26 an approved relative’s home under a voluntary placement  
27 agreement for a period not to exceed 180 days, the parent or  
28 guardian is not interested in additional family maintenance or  
29 family reunification services, and the relative desires and is willing  
30 to be appointed the child’s legal guardian.

31 SEC. 2. Section 361.2 of the Welfare and Institutions Code is  
32 amended to read:

33 361.2. (a) When a court orders removal of a child pursuant to  
34 Section 361, the court shall first determine whether there is a parent  
35 of the child, with whom the child was not residing at the time that  
36 the events or conditions arose that brought the child within the  
37 provisions of Section 300, who desires to assume custody of the  
38 child. If that parent requests custody, the court shall place the child  
39 with the parent unless it finds that placement with that parent would

1 be detrimental to the safety, protection, or physical or emotional  
2 well-being of the child.

3 (b) If the court places the child with that parent it may do any  
4 of the following:

5 (1) Order that the parent become legal and physical custodian  
6 of the child. The court may also provide reasonable visitation by  
7 the noncustodial parent. The court shall then terminate its  
8 jurisdiction over the child. The custody order shall continue unless  
9 modified by a subsequent order of the superior court. The order  
10 of the juvenile court shall be filed in any domestic relation  
11 proceeding between the parents.

12 (2) Order that the parent assume custody subject to the  
13 jurisdiction of the juvenile court and require that a home visit be  
14 conducted within three months. In determining whether to take  
15 the action described in this paragraph, the court shall consider any  
16 concerns that have been raised by the child's current caregiver  
17 regarding the parent. After the social worker conducts the home  
18 visit and files his or her report with the court, the court may then  
19 take the action described in paragraph (1), (3), or this paragraph.  
20 However, nothing in this paragraph shall be interpreted to imply  
21 that the court is required to take the action described in this  
22 paragraph as a prerequisite to the court taking the action described  
23 in either paragraph (1) or (3).

24 (3) Order that the parent assume custody subject to the  
25 supervision of the juvenile court. In that case the court may order  
26 that reunification services be provided to the parent or guardian  
27 from whom the child is being removed, or the court may order that  
28 services be provided solely to the parent who is assuming physical  
29 custody in order to allow that parent to retain later custody without  
30 court supervision, or that services be provided to both parents, in  
31 which case the court shall determine, at review hearings held  
32 pursuant to Section 366, which parent, if either, shall have custody  
33 of the child.

34 (c) The court shall make a finding either in writing or on the  
35 record of the basis for its determination under subdivisions (a) and  
36 (b).

37 (d) Part 6 (commencing with Section 7950) of Division 12 of  
38 the Family Code shall apply to the placement of a child pursuant  
39 to paragraphs (1) and (2) of subdivision (e).

- 1 (e) When the court orders removal pursuant to Section 361, the  
2 court shall order the care, custody, control, and conduct of the  
3 child to be under the supervision of the social worker who may  
4 place the child in any of the following:
- 5 (1) The home of a noncustodial parent as described in  
6 subdivision (a), regardless of the parent's immigration status.
- 7 (2) The approved home of a relative, regardless of the relative's  
8 immigration status.
- 9 (3) The approved home of a nonrelative extended family  
10 member as defined in Section 362.7.
- 11 (4) A foster home in which the child has been placed before an  
12 interruption in foster care, if that placement is in the best interest  
13 of the child and space is available.
- 14 (5) A suitable licensed community care facility, except a  
15 runaway and homeless youth shelter licensed by the State  
16 Department of Social Services pursuant to Section 1502.35 of the  
17 Health and Safety Code.
- 18 (6) With a foster family agency to be placed in a suitable  
19 licensed foster family home or certified family home which has  
20 been certified by the agency as meeting licensing standards.
- 21 (7) A home or facility in accordance with the federal Indian  
22 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).
- 23 (8) A child under six years of age may be placed in a community  
24 care facility licensed as a group home for children, or a temporary  
25 shelter care facility as defined in Section 1530.8 of the Health and  
26 Safety Code, only under any of the following circumstances:
- 27 (A) (i) When a case plan indicates that placement is for purposes  
28 of providing short term, specialized, and intensive treatment to the  
29 child, the case plan specifies the need for, nature of, and anticipated  
30 duration of this treatment, pursuant to paragraph (2) of subdivision  
31 (c) of Section 16501.1, the facility meets the applicable regulations  
32 adopted under Section 1530.8 of the Health and Safety Code and  
33 standards developed pursuant to Section 11467.1 of this code, and  
34 the deputy director or director of the county child welfare  
35 department or an assistant chief probation officer or chief probation  
36 officer of the county probation department has approved the case  
37 plan.
- 38 (ii) The short term, specialized, and intensive treatment period  
39 shall not exceed 120 days, unless the county has made progress  
40 toward or is actively working toward implementing the case plan

1 that identifies the services or supports necessary to transition the  
2 child to a family setting, circumstances beyond the county’s control  
3 have prevented the county from obtaining those services or  
4 supports within the timeline documented in the case plan, and the  
5 need for additional time pursuant to the case plan is documented  
6 by the caseworker and approved by a deputy director or director  
7 of the county child welfare department or an assistant chief  
8 probation officer or chief probation officer of the county probation  
9 department.

10 (iii) To the extent that placements pursuant to this paragraph  
11 are extended beyond an initial 120 days, the requirements of  
12 clauses (i) and (ii) shall apply to each extension. In addition, the  
13 deputy director or director of the county child welfare department  
14 or an assistant chief probation officer or chief probation officer of  
15 the county probation department shall approve the continued  
16 placement no less frequently than every 60 days.

17 (B) When a case plan indicates that placement is for purposes  
18 of providing family reunification services. In addition, the facility  
19 offers family reunification services that meet the needs of the  
20 individual child and his or her family, permits parents to have  
21 reasonable access to their children 24 hours a day, encourages  
22 extensive parental involvement in meeting the daily needs of their  
23 children, and employs staff trained to provide family reunification  
24 services. In addition, one of the following conditions exists:

25 (i) The child’s parent is also a ward of the court and resides in  
26 the facility.

27 (ii) The child’s parent is participating in a treatment program  
28 affiliated with the facility and the child’s placement in the facility  
29 facilitates the coordination and provision of reunification services.

30 (iii) Placement in the facility is the only alternative that permits  
31 the parent to have daily 24-hour access to the child in accordance  
32 with the case plan, to participate fully in meeting all of the daily  
33 needs of the child, including feeding and personal hygiene, and to  
34 have access to necessary reunification services.

35 (9) (A) A child who is 6 to 12 years of age, inclusive, may be  
36 placed in a community care facility licensed as a group home for  
37 children only when a case plan indicates that placement is for  
38 purposes of providing short term, specialized, and intensive  
39 treatment for the child, the case plan specifies the need for, nature  
40 of, and anticipated duration of this treatment, pursuant to paragraph

1 (2) of subdivision (c) of Section 16501.1, and is approved by the  
2 deputy director or director of the county child welfare department  
3 or an assistant chief probation officer or chief probation officer of  
4 the county probation department.

5 (B) The short term, specialized, and intensive treatment period  
6 shall not exceed six months, unless the county has made progress  
7 or is actively working toward implementing the case plan that  
8 identifies the services or supports necessary to transition the child  
9 to a family setting, circumstances beyond the county’s control  
10 have prevented the county from obtaining those services or  
11 supports within the timeline documented in the case plan, and the  
12 need for additional time pursuant to the case plan is documented  
13 by the caseworker and approved by a deputy director or director  
14 of the county child welfare department or an assistant chief  
15 probation officer or chief probation officer of the county probation  
16 department.

17 (C) To the extent that placements pursuant to this paragraph are  
18 extended beyond an initial six months, the requirements of  
19 subparagraphs (A) and (B) shall apply to each extension. In  
20 addition, the deputy director or director of the county child welfare  
21 department or an assistant chief probation officer or chief probation  
22 officer of the county probation department shall approve the  
23 continued placement no less frequently than every 60 days.

24 (10) Nothing in this subdivision shall be construed to allow a  
25 social worker to place any dependent child outside the United  
26 States, except as specified in subdivision (f).

27 (f) (1) A child under the supervision of a social worker pursuant  
28 to subdivision (e) shall not be placed outside the United States  
29 prior to a judicial finding that the placement is in the best interest  
30 of the child, except as required by federal law or treaty.

31 (2) The party or agency requesting placement of the child outside  
32 the United States shall carry the burden of proof and ~~must~~ shall  
33 show, by clear and convincing evidence, that placement outside  
34 the United States is in the best interest of the child.

35 (3) In determining the best interest of the child, the court shall  
36 consider, but not be limited to, the following factors:

- 37 (A) Placement with a relative.
- 38 (B) Placement of siblings in the same home.
- 39 (C) Amount and nature of any contact between the child and  
40 the potential guardian or caretaker.

1 (D) Physical and medical needs of the dependent child.

2 (E) Psychological and emotional needs of the dependent child.

3 (F) Social, cultural, and educational needs of the dependent  
4 child.

5 (G) Specific desires of any dependent child who is 12 years of  
6 age or older.

7 (4) If the court finds that a placement outside the United States  
8 is, by clear and convincing evidence, in the best interest of the  
9 child, the court may issue an order authorizing the social worker  
10 to make a placement outside the United States. A child subject to  
11 this subdivision shall not leave the United States prior to the  
12 issuance of the order described in this paragraph.

13 (5) For purposes of this subdivision, “outside the United States”  
14 shall not include the lands of any federally recognized American  
15 Indian tribe or Alaskan Natives.

16 (6) This subdivision shall not apply to the placement of a  
17 dependent child with a parent pursuant to subdivision (a).

18 (g) (1) If the child is taken from the physical custody of the  
19 child’s parent or guardian and unless the child is placed with  
20 relatives, the child shall be placed in foster care in the county of  
21 residence of the child’s parent or guardian in order to facilitate  
22 reunification of the family.

23 (2) In the event that there are no appropriate placements  
24 available in the parent’s or guardian’s county of residence, a  
25 placement may be made in an appropriate place in another county,  
26 preferably a county located adjacent to the parent’s or guardian’s  
27 community of residence.

28 (3) Nothing in this section shall be interpreted as requiring  
29 multiple disruptions of the child’s placement corresponding to  
30 frequent changes of residence by the parent or guardian. In  
31 determining whether the child should be moved, the social worker  
32 shall take into consideration the potential harmful effects of  
33 disrupting the placement of the child and the parent’s or guardian’s  
34 reason for the move.

35 (4) When it has been determined that it is necessary for a child  
36 to be placed in a county other than the child’s parent’s or guardian’s  
37 county of residence, the specific reason the out-of-county  
38 placement is necessary shall be documented in the child’s case  
39 plan. If the reason the out-of-county placement is necessary is the  
40 lack of resources in the sending county to meet the specific needs

1 of the child, those specific resource needs shall be documented in  
2 the case plan.

3 (5) When it has been determined that a child is to be placed out  
4 of county either in a group home or with a foster family agency  
5 for subsequent placement in a certified foster family home, and  
6 the sending county is to maintain responsibility for supervision  
7 and visitation of the child, the sending county shall develop a plan  
8 of supervision and visitation that specifies the supervision and  
9 visitation activities to be performed and specifies that the sending  
10 county is responsible for performing those activities. In addition  
11 to the plan of supervision and visitation, the sending county shall  
12 document information regarding any known or suspected dangerous  
13 behavior of the child that indicates the child may pose a safety  
14 concern in the receiving county. Upon implementation of the Child  
15 Welfare Services Case Management System, the plan of  
16 supervision and visitation, as well as information regarding any  
17 known or suspected dangerous behavior of the child, shall be made  
18 available to the receiving county upon placement of the child in  
19 the receiving county. If placement occurs on a weekend or holiday,  
20 the information shall be made available to the receiving county on  
21 or before the end of the next business day.

22 (6) When it has been determined that a child is to be placed out  
23 of county and the sending county plans that the receiving county  
24 shall be responsible for the supervision and visitation of the child,  
25 the sending county shall develop a formal agreement between the  
26 sending and receiving counties. The formal agreement shall specify  
27 the supervision and visitation to be provided the child, and shall  
28 specify that the receiving county is responsible for providing the  
29 supervision and visitation. The formal agreement shall be approved  
30 and signed by the sending and receiving counties prior to placement  
31 of the child in the receiving county. In addition, upon completion  
32 of the case plan, the sending county shall provide a copy of the  
33 completed case plan to the receiving county. The case plan shall  
34 include information regarding any known or suspected dangerous  
35 behavior of the child that indicates the child may pose a safety  
36 concern to the receiving county.

37 (h) Whenever the social worker must change the placement of  
38 the child and is unable to find a suitable placement within the  
39 county and must place the child outside the county, the placement  
40 shall not be made until he or she has served written notice on the

1 parent or guardian at least 14 days prior to the placement, unless  
2 the child's health or well-being is endangered by delaying the  
3 action or would be endangered if prior notice were given. The  
4 notice shall state the reasons which require placement outside the  
5 county. The parent or guardian may object to the placement not  
6 later than seven days after receipt of the notice and, upon objection,  
7 the court shall hold a hearing not later than five days after the  
8 objection and prior to the placement. The court shall order  
9 out-of-county placement if it finds that the child's particular needs  
10 require placement outside the county.

11 (i) Where the court has ordered removal of the child from the  
12 physical custody of his or her parents pursuant to Section 361, the  
13 court shall consider whether the family ties and best interest of the  
14 child will be served by granting visitation rights to the child's  
15 grandparents. The court shall clearly specify those rights to the  
16 social worker.

17 (j) Where the court has ordered removal of the child from the  
18 physical custody of his or her parents pursuant to Section 361, the  
19 court shall consider whether there are any siblings under the court's  
20 jurisdiction, or any nondependent siblings in the physical custody  
21 of a parent subject to the court's jurisdiction, the nature of the  
22 relationship between the child and his or her siblings, the  
23 appropriateness of developing or maintaining the sibling  
24 relationships pursuant to Section 16002, and the impact of the  
25 sibling relationships on the child's placement and planning for  
26 legal permanence.

27 (k) (1) When an agency has placed a child with a relative  
28 caregiver, a nonrelative extended family member, a licensed foster  
29 family home, or a group home, the agency shall ensure placement  
30 of the child in a home that, to the fullest extent possible, best meets  
31 the day-to-day needs of the child. A home that best meets the  
32 day-to-day needs of the child shall satisfy all of the following  
33 criteria:

34 (A) The child's caregiver is able to meet the day-to-day health,  
35 safety, and well-being needs of the child.

36 (B) The child's caregiver is permitted to maintain the least  
37 restrictive and most family-like environment that serves the  
38 day-to-day needs of the child.

1 (C) The child is permitted to engage in reasonable,  
2 age-appropriate day-to-day activities that promote the most  
3 family-like environment for the foster child.

4 (2) The foster child's caregiver shall use a reasonable and  
5 prudent parent standard, as defined in paragraph (2) of subdivision  
6 (a) of Section 362.04, to determine day-to-day activities that are  
7 age appropriate to meet the needs of the child. Nothing in this  
8 section shall be construed to permit a child's caregiver to permit  
9 the child to engage in day-to-day activities that carry an  
10 unreasonable risk of harm, or subject the child to abuse or neglect.

11 *SEC. 2.1. Section 361.2 of the Welfare and Institutions Code*  
12 *is amended to read:*

13 361.2. (a) When a court orders removal of a child pursuant to  
14 Section 361, the court shall first determine whether there is a parent  
15 of the child, with whom the child was not residing at the time that  
16 the events or conditions arose that brought the child within the  
17 provisions of Section 300, who desires to assume custody of the  
18 child. If that parent requests custody, the court shall place the child  
19 with the parent unless it finds that placement with that parent would  
20 be detrimental to the safety, protection, or physical or emotional  
21 well-being of the child. *The fact that the parent is enrolled in a*  
22 *certified substance abuse treatment facility that allows a dependent*  
23 *child to reside with his or her parent shall not be, for that reason*  
24 *alone, prima facie evidence that placement with that parent would*  
25 *be detrimental.*

26 (b) If the court places the child with that parent it may do any  
27 of the following:

28 (1) Order that the parent become legal and physical custodian  
29 of the child. The court may also provide reasonable visitation by  
30 the noncustodial parent. The court shall then terminate its  
31 jurisdiction over the child. The custody order shall continue unless  
32 modified by a subsequent order of the superior court. The order  
33 of the juvenile court shall be filed in any domestic relation  
34 proceeding between the parents.

35 (2) Order that the parent assume custody subject to the  
36 jurisdiction of the juvenile court and require that a home visit be  
37 conducted within three months. In determining whether to take  
38 the action described in this paragraph, the court shall consider any  
39 concerns that have been raised by the child's current caregiver  
40 regarding the parent. After the social worker conducts the home

1 visit and files his or her report with the court, the court may then  
2 take the action described in paragraph (1), (3), or this paragraph.  
3 However, nothing in this paragraph shall be interpreted to imply  
4 that the court is required to take the action described in this  
5 paragraph as a prerequisite to the court taking the action described  
6 in either paragraph (1) or (3).

7 (3) Order that the parent assume custody subject to the  
8 supervision of the juvenile court. In that case the court may order  
9 that reunification services be provided to the parent or guardian  
10 from whom the child is being removed, or the court may order that  
11 services be provided solely to the parent who is assuming physical  
12 custody in order to allow that parent to retain later custody without  
13 court supervision, or that services be provided to both parents, in  
14 which case the court shall determine, at review hearings held  
15 pursuant to Section 366, which parent, if either, shall have custody  
16 of the child.

17 (c) The court shall make a finding either in writing or on the  
18 record of the basis for its determination under subdivisions (a) and  
19 (b).

20 (d) Part 6 (commencing with Section 7950) of Division 12 of  
21 the Family Code shall apply to the placement of a child pursuant  
22 to paragraphs (1) and (2) of subdivision (e).

23 (e) When the court orders removal pursuant to Section 361, the  
24 court shall order the care, custody, control, and conduct of the  
25 child to be under the supervision of the social worker who may  
26 place the child in any of the following:

27 (1) The home of a noncustodial parent as described in  
28 subdivision (a), regardless of the parent's immigration status.

29 (2) The approved home of a relative, regardless of the relative's  
30 immigration status.

31 (3) The approved home of a nonrelative extended family  
32 member as defined in Section 362.7.

33 (4) A foster home in which the child has been placed before an  
34 interruption in foster care, if that placement is in the best interest  
35 of the child and space is available.

36 (5) A suitable licensed community care facility, except a  
37 runaway and homeless youth shelter licensed by the State  
38 Department of Social Services pursuant to Section 1502.35 of the  
39 Health and Safety Code.

1 (6) With a foster family agency to be placed in a suitable  
2 licensed foster family home or certified family home which has  
3 been certified by the agency as meeting licensing standards.

4 (7) A home or facility in accordance with the federal Indian  
5 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

6 (8) A child under ~~the age of~~ six years *of age* may be placed in  
7 a community care facility licensed as a group home for children,  
8 or a temporary shelter care facility as defined in Section 1530.8  
9 of the Health and Safety Code, only under any of the following  
10 circumstances:

11 (A) (i) When a case plan indicates that placement is for purposes  
12 of providing ~~short-term~~, *short term*, specialized, and intensive  
13 treatment to the child, the case plan specifies the need for, nature  
14 of, and anticipated duration of this treatment, pursuant to paragraph  
15 (2) of subdivision (c) of Section 16501.1, the facility meets the  
16 applicable regulations adopted under Section 1530.8 of the Health  
17 and Safety Code and standards developed pursuant to Section  
18 ~~11467.1~~, *11467.1 of this code*, and the deputy director or director  
19 of the county child welfare department or an assistant chief  
20 probation officer or chief probation officer of the county probation  
21 department has approved the case plan.

22 (ii) The short term, specialized, and intensive treatment period  
23 shall not exceed 120 days, unless the county has made progress  
24 toward or is actively working toward implementing the case plan  
25 that identifies the services or supports necessary to transition the  
26 child to a family setting, circumstances beyond the county's control  
27 have prevented the county from obtaining those services or  
28 supports within the timeline documented in the case plan, and the  
29 need for additional time pursuant to the case plan is documented  
30 by the caseworker and approved by a deputy director or director  
31 of the county child welfare department or an assistant chief  
32 probation officer or chief probation officer of the county probation  
33 department.

34 (iii) To the extent that placements pursuant to this paragraph  
35 are extended beyond an initial 120 days, the requirements of  
36 clauses (i) and (ii) shall apply to each extension. In addition, the  
37 deputy director or director of the county child welfare department  
38 or an assistant chief probation officer or chief probation officer of  
39 the county probation department shall approve the continued  
40 placement no less frequently than every 60 days.

1 (B) When a case plan indicates that placement is for purposes  
2 of providing family reunification services. In addition, the facility  
3 offers family reunification services that meet the needs of the  
4 individual child and his or her family, permits parents to have  
5 reasonable access to their children 24 hours a day, encourages  
6 extensive parental involvement in meeting the daily needs of their  
7 children, and employs staff trained to provide family reunification  
8 services. In addition, one of the following conditions exists:

9 (i) The child’s parent is also a ward of the court and resides in  
10 the facility.

11 (ii) The child’s parent is participating in a treatment program  
12 affiliated with the facility and the child’s placement in the facility  
13 facilitates the coordination and provision of reunification services.

14 (iii) Placement in the facility is the only alternative that permits  
15 the parent to have daily 24-hour access to the child in accordance  
16 with the case plan, to participate fully in meeting all of the daily  
17 needs of the child, including feeding and personal hygiene, and to  
18 have access to necessary reunification services.

19 (9) (A) A child who is 6 to 12 years of age, inclusive, may be  
20 placed in a community care facility licensed as a group home for  
21 children only when a case plan indicates that placement is for  
22 purposes of providing ~~short-term~~, *short term*, specialized, and  
23 intensive treatment for the child, the case plan specifies the need  
24 for, nature of, and anticipated duration of this treatment, pursuant  
25 to paragraph (2) of subdivision (c) of Section 16501.1, and is  
26 approved by the deputy director or director of the county child  
27 welfare department or an assistant chief probation officer or chief  
28 probation officer of the county probation department.

29 (B) The ~~short-term~~, *short term*, specialized, and intensive  
30 treatment period shall not exceed six months, unless the county  
31 has made progress or is actively working toward implementing  
32 the case plan that identifies the services or supports necessary to  
33 transition the child to a family setting, circumstances beyond the  
34 county’s control have prevented the county from obtaining those  
35 services or supports within the timeline documented in the case  
36 plan, and the need for additional time pursuant to the case plan is  
37 documented by the caseworker and approved by a deputy director  
38 or director of the county child welfare department or an assistant  
39 chief probation officer or chief probation officer of the county  
40 probation department.

1 (C) To the extent that placements pursuant to this paragraph are  
2 extended beyond an initial six months, the requirements of  
3 ~~subparagraph~~ *subparagraphs* (A) and (B) shall apply to each  
4 extension. In addition, the deputy director or director of the county  
5 child welfare department or an assistant chief probation officer or  
6 chief probation officer of the county probation department shall  
7 approve the continued placement no less frequently than every 60  
8 days.

9 (10) Nothing in this subdivision shall be construed to allow a  
10 social worker to place any dependent child outside the United  
11 States, except as specified in subdivision (f).

12 (f) (1) A child under the supervision of a social worker pursuant  
13 to subdivision (e) shall not be placed outside the United States  
14 prior to a judicial finding that the placement is in the best interest  
15 of the child, except as required by federal law or treaty.

16 (2) The party or agency requesting placement of the child outside  
17 the United States shall carry the burden of proof and ~~must~~ *shall*  
18 show, by clear and convincing evidence, that placement outside  
19 the United States is in the best interest of the child.

20 (3) In determining the best interest of the child, the court shall  
21 consider, but not be limited to, the following factors:

22 (A) Placement with a relative.

23 (B) Placement of siblings in the same home.

24 (C) Amount and nature of any contact between the child and  
25 the potential guardian or caretaker.

26 (D) Physical and medical needs of the dependent child.

27 (E) Psychological and emotional needs of the dependent child.

28 (F) Social, cultural, and educational needs of the dependent  
29 child.

30 (G) Specific desires of any dependent child who is 12 years of  
31 age or older.

32 (4) If the court finds that a placement outside the United States  
33 is, by clear and convincing evidence, in the best interest of the  
34 child, the court may issue an order authorizing the social worker  
35 to make a placement outside the United States. A child subject to  
36 this subdivision shall not leave the United States prior to the  
37 issuance of the order described in this paragraph.

38 (5) For purposes of this subdivision, “outside the United States”  
39 shall not include the lands of any federally recognized American  
40 Indian tribe or Alaskan Natives.

1 (6) This subdivision shall not apply to the placement of a  
2 dependent child with a parent pursuant to subdivision (a).

3 (g) (1) If the child is taken from the physical custody of the  
4 child's parent or guardian and unless the child is placed with  
5 relatives, the child shall be placed in foster care in the county of  
6 residence of the child's parent or guardian in order to facilitate  
7 reunification of the family.

8 (2) In the event that there are no appropriate placements  
9 available in the parent's or guardian's county of residence, a  
10 placement may be made in an appropriate place in another county,  
11 preferably a county located adjacent to the parent's or guardian's  
12 community of residence.

13 (3) Nothing in this section shall be interpreted as requiring  
14 multiple disruptions of the child's placement corresponding to  
15 frequent changes of residence by the parent or guardian. In  
16 determining whether the child should be moved, the social worker  
17 shall take into consideration the potential harmful effects of  
18 disrupting the placement of the child and the parent's or guardian's  
19 reason for the move.

20 (4) When it has been determined that it is necessary for a child  
21 to be placed in a county other than the child's parent's or guardian's  
22 county of residence, the specific reason the out-of-county  
23 placement is necessary shall be documented in the child's case  
24 plan. If the reason the out-of-county placement is necessary is the  
25 lack of resources in the sending county to meet the specific needs  
26 of the child, those specific resource needs shall be documented in  
27 the case plan.

28 (5) When it has been determined that a child is to be placed out  
29 of county either in a group home or with a foster family agency  
30 for subsequent placement in a certified foster family home, and  
31 the sending county is to maintain responsibility for supervision  
32 and visitation of the child, the sending county shall develop a plan  
33 of supervision and visitation that specifies the supervision and  
34 visitation activities to be performed and specifies that the sending  
35 county is responsible for performing those activities. In addition  
36 to the plan of supervision and visitation, the sending county shall  
37 document information regarding any known or suspected dangerous  
38 behavior of the child that indicates the child may pose a safety  
39 concern in the receiving county. Upon implementation of the Child  
40 Welfare Services Case Management System, the plan of

1 supervision and visitation, as well as information regarding any  
2 known or suspected dangerous behavior of the child, shall be made  
3 available to the receiving county upon placement of the child in  
4 the receiving county. If placement occurs on a weekend or holiday,  
5 the information shall be made available to the receiving county on  
6 or before the end of the next business day.

7 (6) When it has been determined that a child is to be placed out  
8 of county and the sending county plans that the receiving county  
9 shall be responsible for the supervision and visitation of the child,  
10 the sending county shall develop a formal agreement between the  
11 sending and receiving counties. The formal agreement shall specify  
12 the supervision and visitation to be provided the child, and shall  
13 specify that the receiving county is responsible for providing the  
14 supervision and visitation. The formal agreement shall be approved  
15 and signed by the sending and receiving counties prior to placement  
16 of the child in the receiving county. In addition, upon completion  
17 of the case plan, the sending county shall provide a copy of the  
18 completed case plan to the receiving county. The case plan shall  
19 include information regarding any known or suspected dangerous  
20 behavior of the child that indicates the child may pose a safety  
21 concern to the receiving county.

22 (h) Whenever the social worker must change the placement of  
23 the child and is unable to find a suitable placement within the  
24 county and must place the child outside the county, the placement  
25 shall not be made until he or she has served written notice on the  
26 parent or guardian at least 14 days prior to the placement, unless  
27 the child's health or well-being is endangered by delaying the  
28 action or would be endangered if prior notice were given. The  
29 notice shall state the reasons which require placement outside the  
30 county. The parent or guardian may object to the placement not  
31 later than seven days after receipt of the notice and, upon objection,  
32 the court shall hold a hearing not later than five days after the  
33 objection and prior to the placement. The court shall order  
34 out-of-county placement if it finds that the child's particular needs  
35 require placement outside the county.

36 (i) Where the court has ordered removal of the child from the  
37 physical custody of his or her parents pursuant to Section 361, the  
38 court shall consider whether the family ties and best interest of the  
39 child will be served by granting visitation rights to the child's

1 grandparents. The court shall clearly specify those rights to the  
2 social worker.

3 (j) Where the court has ordered removal of the child from the  
4 physical custody of his or her parents pursuant to Section 361, the  
5 court shall consider whether there are any siblings under the court's  
6 jurisdiction, *or any nondependent siblings in the physical custody*  
7 *of a parent subject to the court's jurisdiction*, the nature of the  
8 relationship between the child and his or her siblings, the  
9 appropriateness of developing or maintaining the sibling  
10 relationships pursuant to Section 16002, and the impact of the  
11 sibling relationships on the child's placement and planning for  
12 legal permanence.

13 (k) (1) When an agency has placed a child with a relative  
14 caregiver, a nonrelative extended family member, a licensed foster  
15 family home, or a group home, the agency shall ensure placement  
16 of the child in a home that, to the fullest extent possible, best meets  
17 the day-to-day needs of the child. A home that best meets the  
18 day-to-day needs of the child shall satisfy all of the following  
19 criteria:

20 (A) The child's caregiver is able to meet the day-to-day health,  
21 safety, and well-being needs of the child.

22 (B) The child's caregiver is permitted to maintain the least  
23 restrictive and most family-like environment that serves the  
24 day-to-day needs of the child.

25 (C) The child is permitted to engage in reasonable,  
26 age-appropriate day-to-day activities that promote the most  
27 family-like environment for the foster child.

28 (2) The foster child's caregiver shall use a reasonable and  
29 prudent parent standard, as defined in paragraph (2) of subdivision  
30 (a) of Section 362.04, to determine day-to-day activities that are  
31 ~~age-appropriate~~ *age appropriate* to meet the needs of the child.  
32 Nothing in this section shall be construed to permit a child's  
33 caregiver to permit the child to engage in day-to-day activities that  
34 carry an unreasonable risk of harm, or subject the child to abuse  
35 or neglect.

36 *SEC. 2.2. Section 361.2 of the Welfare and Institutions Code*  
37 *is amended to read:*

38 361.2. (a) When a court orders removal of a child pursuant to  
39 Section 361, the court shall first determine whether there is a parent  
40 of the child, with whom the child was not residing at the time that

1 the events or conditions arose that brought the child within the  
2 provisions of Section 300, who desires to assume custody of the  
3 child. If that parent requests custody, the court shall place the child  
4 with the parent unless it finds that placement with that parent would  
5 be detrimental to the safety, protection, or physical or emotional  
6 well-being of the child.

7 (b) If the court places the child with that parent it may do any  
8 of the following:

9 (1) Order that the parent become legal and physical custodian  
10 of the child. The court may also provide reasonable visitation by  
11 the noncustodial parent. The court shall then terminate its  
12 jurisdiction over the child. The custody order shall continue unless  
13 modified by a subsequent order of the superior court. The order  
14 of the juvenile court shall be filed in any domestic relation  
15 proceeding between the parents.

16 (2) Order that the parent assume custody subject to the  
17 jurisdiction of the juvenile court and require that a home visit be  
18 conducted within three months. In determining whether to take  
19 the action described in this paragraph, the court shall consider any  
20 concerns that have been raised by the child's current caregiver  
21 regarding the parent. After the social worker conducts the home  
22 visit and files his or her report with the court, the court may then  
23 take the action described in paragraph (1), (3), or this paragraph.  
24 However, nothing in this paragraph shall be interpreted to imply  
25 that the court is required to take the action described in this  
26 paragraph as a prerequisite to the court taking the action described  
27 in either paragraph (1) or (3).

28 (3) Order that the parent assume custody subject to the  
29 supervision of the juvenile court. In that case the court may order  
30 that reunification services be provided to the parent or guardian  
31 from whom the child is being removed, or the court may order that  
32 services be provided solely to the parent who is assuming physical  
33 custody in order to allow that parent to retain later custody without  
34 court supervision, or that services be provided to both parents, in  
35 which case the court shall determine, at review hearings held  
36 pursuant to Section 366, which parent, if either, shall have custody  
37 of the child.

38 (c) The court shall make a finding either in writing or on the  
39 record of the basis for its determination under subdivisions (a) and  
40 (b).

1 (d) Part 6 (commencing with Section 7950) of Division 12 of  
2 the Family Code shall apply to the placement of a child pursuant  
3 to paragraphs (1) and (2) of subdivision (e).

4 (e) When the court orders removal pursuant to Section 361, the  
5 court shall order the care, custody, control, and conduct of the  
6 child to be under the supervision of the social worker who may  
7 place the child in any of the following:

8 (1) The home of a noncustodial parent as described in  
9 subdivision (a), regardless of the parent's immigration status.

10 (2) The approved home of a relative, regardless of the relative's  
11 immigration status.

12 (3) The approved home of a nonrelative extended family  
13 member as defined in Section 362.7.

14 (4) *The approved home of a resource family as defined in*  
15 *Section 16519.5.*

16 ~~(4)~~

17 (5) A foster home in which the child has been placed before an  
18 interruption in foster care, if that placement is in the best interest  
19 of the child and space is available.

20 ~~(5)~~

21 (6) A suitable licensed community care facility, except a  
22 runaway and homeless youth shelter licensed by the State  
23 Department of Social Services pursuant to Section 1502.35 of the  
24 Health and Safety Code.

25 ~~(6)~~

26 (7) With a foster family agency to be placed in a suitable  
27 licensed foster family home or certified family home which has  
28 been certified by the agency as meeting licensing standards.

29 ~~(7)~~

30 (8) A home or facility in accordance with the federal Indian  
31 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

32 ~~(8)~~

33 (9) A child ~~under the age of~~ *of* six years *of age* may be placed in  
34 a community care facility licensed as a group home for children,  
35 or a temporary shelter care facility as defined in Section 1530.8  
36 of the Health and Safety Code, only under any of the following  
37 circumstances:

38 (A) (i) When a case plan indicates that placement is for purposes  
39 of providing ~~short-term~~, *short term*, specialized, and intensive  
40 treatment to the child, the case plan specifies the need for, nature

1 of, and anticipated duration of this treatment, pursuant to paragraph  
2 (2) of subdivision (c) of Section 16501.1, the facility meets the  
3 applicable regulations adopted under Section 1530.8 of the Health  
4 and Safety Code and standards developed pursuant to Section  
5 ~~11467.1~~, *11467.1 of this code*, and the deputy director or director  
6 of the county child welfare department or an assistant chief  
7 probation officer or chief probation officer of the county probation  
8 department has approved the case plan.

9 (ii) The short term, specialized, and intensive treatment period  
10 shall not exceed 120 days, unless the county has made progress  
11 toward or is actively working toward implementing the case plan  
12 that identifies the services or supports necessary to transition the  
13 child to a family setting, circumstances beyond the county's control  
14 have prevented the county from obtaining those services or  
15 supports within the timeline documented in the case plan, and the  
16 need for additional time pursuant to the case plan is documented  
17 by the caseworker and approved by a deputy director or director  
18 of the county child welfare department or an assistant chief  
19 probation officer or chief probation officer of the county probation  
20 department.

21 (iii) To the extent that placements pursuant to this paragraph  
22 are extended beyond an initial 120 days, the requirements of  
23 clauses (i) and (ii) shall apply to each extension. In addition, the  
24 deputy director or director of the county child welfare department  
25 or an assistant chief probation officer or chief probation officer of  
26 the county probation department shall approve the continued  
27 placement no less frequently than every 60 days.

28 (B) When a case plan indicates that placement is for purposes  
29 of providing family reunification services. In addition, the facility  
30 offers family reunification services that meet the needs of the  
31 individual child and his or her family, permits parents to have  
32 reasonable access to their children 24 hours a day, encourages  
33 extensive parental involvement in meeting the daily needs of their  
34 children, and employs staff trained to provide family reunification  
35 services. In addition, one of the following conditions exists:

36 (i) The child's parent is also a ward of the court and resides in  
37 the facility.

38 (ii) The child's parent is participating in a treatment program  
39 affiliated with the facility and the child's placement in the facility  
40 facilitates the coordination and provision of reunification services.

1 (iii) Placement in the facility is the only alternative that permits  
2 the parent to have daily 24-hour access to the child in accordance  
3 with the case plan, to participate fully in meeting all of the daily  
4 needs of the child, including feeding and personal hygiene, and to  
5 have access to necessary reunification services.

6 ~~(9)~~

7 (10) (A) A child who is 6 to 12 years of age, inclusive, may be  
8 placed in a community care facility licensed as a group home for  
9 children only when a case plan indicates that placement is for  
10 purposes of providing ~~short-term~~, *short term*, specialized, and  
11 intensive treatment for the child, the case plan specifies the need  
12 for, nature of, and anticipated duration of this treatment, pursuant  
13 to paragraph (2) of subdivision (c) of Section 16501.1, and is  
14 approved by the deputy director or director of the county child  
15 welfare department or an assistant chief probation officer or chief  
16 probation officer of the county probation department.

17 (B) The ~~short-term~~, *short term*, specialized, and intensive  
18 treatment period shall not exceed six months, unless the county  
19 has made progress or is actively working toward implementing  
20 the case plan that identifies the services or supports necessary to  
21 transition the child to a family setting, circumstances beyond the  
22 county's control have prevented the county from obtaining those  
23 services or supports within the timeline documented in the case  
24 plan, and the need for additional time pursuant to the case plan is  
25 documented by the caseworker and approved by a deputy director  
26 or director of the county child welfare department or an assistant  
27 chief probation officer or chief probation officer of the county  
28 probation department.

29 (C) To the extent that placements pursuant to this paragraph are  
30 extended beyond an initial six months, the requirements of  
31 ~~subparagraph~~ *subparagraphs* (A) and (B) shall apply to each  
32 extension. In addition, the deputy director or director of the county  
33 child welfare department or an assistant chief probation officer or  
34 chief probation officer of the county probation department shall  
35 approve the continued placement no less frequently than every 60  
36 days.

37 ~~(10)~~

38 (11) Nothing in this subdivision shall be construed to allow a  
39 social worker to place any dependent child outside the United  
40 States, except as specified in subdivision (f).

1 (f) (1) A child under the supervision of a social worker pursuant  
2 to subdivision (e) shall not be placed outside the United States  
3 prior to a judicial finding that the placement is in the best interest  
4 of the child, except as required by federal law or treaty.

5 (2) The party or agency requesting placement of the child outside  
6 the United States shall carry the burden of proof and ~~must~~ shall  
7 show, by clear and convincing evidence, that placement outside  
8 the United States is in the best interest of the child.

9 (3) In determining the best interest of the child, the court shall  
10 consider, but not be limited to, the following factors:

11 (A) Placement with a relative.

12 (B) Placement of siblings in the same home.

13 (C) Amount and nature of any contact between the child and  
14 the potential guardian or caretaker.

15 (D) Physical and medical needs of the dependent child.

16 (E) Psychological and emotional needs of the dependent child.

17 (F) Social, cultural, and educational needs of the dependent  
18 child.

19 (G) Specific desires of any dependent child who is 12 years of  
20 age or older.

21 (4) If the court finds that a placement outside the United States  
22 is, by clear and convincing evidence, in the best interest of the  
23 child, the court may issue an order authorizing the social worker  
24 to make a placement outside the United States. A child subject to  
25 this subdivision shall not leave the United States prior to the  
26 issuance of the order described in this paragraph.

27 (5) For purposes of this subdivision, “outside the United States”  
28 shall not include the lands of any federally recognized American  
29 Indian tribe or Alaskan Natives.

30 (6) This subdivision shall not apply to the placement of a  
31 dependent child with a parent pursuant to subdivision (a).

32 (g) (1) If the child is taken from the physical custody of the  
33 child’s parent or guardian and unless the child is placed with  
34 relatives, the child shall be placed in foster care in the county of  
35 residence of the child’s parent or guardian in order to facilitate  
36 reunification of the family.

37 (2) In the event that there are no appropriate placements  
38 available in the parent’s or guardian’s county of residence, a  
39 placement may be made in an appropriate place in another county,

1 preferably a county located adjacent to the parent's or guardian's  
2 community of residence.

3 (3) Nothing in this section shall be interpreted as requiring  
4 multiple disruptions of the child's placement corresponding to  
5 frequent changes of residence by the parent or guardian. In  
6 determining whether the child should be moved, the social worker  
7 shall take into consideration the potential harmful effects of  
8 disrupting the placement of the child and the parent's or guardian's  
9 reason for the move.

10 (4) When it has been determined that it is necessary for a child  
11 to be placed in a county other than the child's parent's or guardian's  
12 county of residence, the specific reason the out-of-county  
13 placement is necessary shall be documented in the child's case  
14 plan. If the reason the out-of-county placement is necessary is the  
15 lack of resources in the sending county to meet the specific needs  
16 of the child, those specific resource needs shall be documented in  
17 the case plan.

18 (5) When it has been determined that a child is to be placed out  
19 of county either in a group home or with a foster family agency  
20 for subsequent placement in a certified foster family home, and  
21 the sending county is to maintain responsibility for supervision  
22 and visitation of the child, the sending county shall develop a plan  
23 of supervision and visitation that specifies the supervision and  
24 visitation activities to be performed and specifies that the sending  
25 county is responsible for performing those activities. In addition  
26 to the plan of supervision and visitation, the sending county shall  
27 document information regarding any known or suspected dangerous  
28 behavior of the child that indicates the child may pose a safety  
29 concern in the receiving county. Upon implementation of the Child  
30 Welfare Services Case Management System, the plan of  
31 supervision and visitation, as well as information regarding any  
32 known or suspected dangerous behavior of the child, shall be made  
33 available to the receiving county upon placement of the child in  
34 the receiving county. If placement occurs on a weekend or holiday,  
35 the information shall be made available to the receiving county on  
36 or before the end of the next business day.

37 (6) When it has been determined that a child is to be placed out  
38 of county and the sending county plans that the receiving county  
39 shall be responsible for the supervision and visitation of the child,  
40 the sending county shall develop a formal agreement between the

1 sending and receiving counties. The formal agreement shall specify  
2 the supervision and visitation to be provided the child, and shall  
3 specify that the receiving county is responsible for providing the  
4 supervision and visitation. The formal agreement shall be approved  
5 and signed by the sending and receiving counties prior to placement  
6 of the child in the receiving county. In addition, upon completion  
7 of the case plan, the sending county shall provide a copy of the  
8 completed case plan to the receiving county. The case plan shall  
9 include information regarding any known or suspected dangerous  
10 behavior of the child that indicates the child may pose a safety  
11 concern to the receiving county.

12 (h) Whenever the social worker must change the placement of  
13 the child and is unable to find a suitable placement within the  
14 county and must place the child outside the county, the placement  
15 shall not be made until he or she has served written notice on the  
16 parent or guardian at least 14 days prior to the placement, unless  
17 the child's health or well-being is endangered by delaying the  
18 action or would be endangered if prior notice were given. The  
19 notice shall state the reasons which require placement outside the  
20 county. The parent or guardian may object to the placement not  
21 later than seven days after receipt of the notice and, upon objection,  
22 the court shall hold a hearing not later than five days after the  
23 objection and prior to the placement. The court shall order  
24 out-of-county placement if it finds that the child's particular needs  
25 require placement outside the county.

26 (i) Where the court has ordered removal of the child from the  
27 physical custody of his or her parents pursuant to Section 361, the  
28 court shall consider whether the family ties and best interest of the  
29 child will be served by granting visitation rights to the child's  
30 grandparents. The court shall clearly specify those rights to the  
31 social worker.

32 (j) Where the court has ordered removal of the child from the  
33 physical custody of his or her parents pursuant to Section 361, the  
34 court shall consider whether there are any siblings under the court's  
35 jurisdiction, *or any nondependent siblings in the physical custody*  
36 *of a parent subject to the court's jurisdiction*, the nature of the  
37 relationship between the child and his or her siblings, the  
38 appropriateness of developing or maintaining the sibling  
39 relationships pursuant to Section 16002, and the impact of the

1 sibling relationships on the child’s placement and planning for  
2 legal permanence.

3 (k) (1) ~~When an agency has placed a child with a relative~~  
4 ~~caregiver, a nonrelative extended family member, a licensed foster~~  
5 ~~family home, or a group home, the~~ An agency shall ensure  
6 placement of ~~the~~ a child in a home that, to the fullest extent  
7 possible, best meets the day-to-day needs of the child. A home  
8 that best meets the day-to-day needs of the child shall satisfy all  
9 of the following criteria:

10 (A) The child’s caregiver is able to meet the day-to-day health,  
11 safety, and well-being needs of the child.

12 (B) The child’s caregiver is permitted to maintain the least  
13 restrictive and most family-like environment that serves the  
14 day-to-day needs of the child.

15 (C) The child is permitted to engage in reasonable,  
16 age-appropriate day-to-day activities that promote the most  
17 family-like environment for the foster child.

18 (2) The foster child’s caregiver shall use a reasonable and  
19 prudent parent standard, as defined in paragraph (2) of subdivision  
20 (a) of Section 362.04, to determine day-to-day activities that are  
21 ~~age-appropriate~~ *age appropriate* to meet the needs of the child.  
22 Nothing in this section shall be construed to permit a child’s  
23 caregiver to permit the child to engage in day-to-day activities that  
24 carry an unreasonable risk of harm, or subject the child to abuse  
25 or neglect.

26 *SEC. 2.3. Section 361.2 of the Welfare and Institutions Code*  
27 *is amended to read:*

28 361.2. (a) When a court orders removal of a child pursuant to  
29 Section 361, the court shall first determine whether there is a parent  
30 of the child, with whom the child was not residing at the time that  
31 the events or conditions arose that brought the child within the  
32 provisions of Section 300, who desires to assume custody of the  
33 child. If that parent requests custody, the court shall place the child  
34 with the parent unless it finds that placement with that parent would  
35 be detrimental to the safety, protection, or physical or emotional  
36 well-being of the child. *The fact that the parent is enrolled in a*  
37 *certified substance abuse treatment facility that allows a dependent*  
38 *child to reside with his or her parent shall not be, for that reason*  
39 *alone, prima facie evidence that placement with that parent would*  
40 *be detrimental.*

- 1 (b) If the court places the child with that parent it may do any  
2 of the following:
- 3 (1) Order that the parent become legal and physical custodian  
4 of the child. The court may also provide reasonable visitation by  
5 the noncustodial parent. The court shall then terminate its  
6 jurisdiction over the child. The custody order shall continue unless  
7 modified by a subsequent order of the superior court. The order  
8 of the juvenile court shall be filed in any domestic relation  
9 proceeding between the parents.
- 10 (2) Order that the parent assume custody subject to the  
11 jurisdiction of the juvenile court and require that a home visit be  
12 conducted within three months. In determining whether to take  
13 the action described in this paragraph, the court shall consider any  
14 concerns that have been raised by the child’s current caregiver  
15 regarding the parent. After the social worker conducts the home  
16 visit and files his or her report with the court, the court may then  
17 take the action described in paragraph (1), (3), or this paragraph.  
18 However, nothing in this paragraph shall be interpreted to imply  
19 that the court is required to take the action described in this  
20 paragraph as a prerequisite to the court taking the action described  
21 in either paragraph (1) or (3).
- 22 (3) Order that the parent assume custody subject to the  
23 supervision of the juvenile court. In that case the court may order  
24 that reunification services be provided to the parent or guardian  
25 from whom the child is being removed, or the court may order that  
26 services be provided solely to the parent who is assuming physical  
27 custody in order to allow that parent to retain later custody without  
28 court supervision, or that services be provided to both parents, in  
29 which case the court shall determine, at review hearings held  
30 pursuant to Section 366, which parent, if either, shall have custody  
31 of the child.
- 32 (c) The court shall make a finding either in writing or on the  
33 record of the basis for its determination under subdivisions (a) and  
34 (b).
- 35 (d) Part 6 (commencing with Section 7950) of Division 12 of  
36 the Family Code shall apply to the placement of a child pursuant  
37 to paragraphs (1) and (2) of subdivision (e).
- 38 (e) When the court orders removal pursuant to Section 361, the  
39 court shall order the care, custody, control, and conduct of the

1 child to be under the supervision of the social worker who may  
2 place the child in any of the following:

3 (1) The home of a noncustodial parent as described in  
4 subdivision (a), regardless of the parent's immigration status.

5 (2) The approved home of a relative, regardless of the relative's  
6 immigration status.

7 (3) The approved home of a nonrelative extended family  
8 member as defined in Section 362.7.

9 (4) *The approved home of a resource family as defined in*  
10 *Section 16519.5.*

11 ~~(4)~~

12 (5) A foster home in which the child has been placed before an  
13 interruption in foster care, if that placement is in the best interest  
14 of the child and space is available.

15 ~~(5)~~

16 (6) A suitable licensed community care facility, except a  
17 runaway and homeless youth shelter licensed by the State  
18 Department of Social Services pursuant to Section 1502.35 of the  
19 Health and Safety Code.

20 ~~(6)~~

21 (7) With a foster family agency to be placed in a suitable  
22 licensed foster family home or certified family home which has  
23 been certified by the agency as meeting licensing standards.

24 ~~(7)~~

25 (8) A home or facility in accordance with the federal Indian  
26 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

27 ~~(8)~~

28 (9) A child ~~under the age of~~ six years *of age* may be placed in  
29 a community care facility licensed as a group home for children,  
30 or a temporary shelter care facility as defined in Section 1530.8  
31 of the Health and Safety Code, only under any of the following  
32 circumstances:

33 (A) (i) When a case plan indicates that placement is for purposes  
34 of providing ~~short-term~~, *short term*, specialized, and intensive  
35 treatment to the child, the case plan specifies the need for, nature  
36 of, and anticipated duration of this treatment, pursuant to paragraph

37 (2) of subdivision (c) of Section 16501.1, the facility meets the  
38 applicable regulations adopted under Section 1530.8 of the Health  
39 and Safety Code and standards developed pursuant to Section  
40 ~~11467.1, 11467.1~~ *of this code*, and the deputy director or director

1 of the county child welfare department or an assistant chief  
2 probation officer or chief probation officer of the county probation  
3 department has approved the case plan.

4 (ii) The short term, specialized, and intensive treatment period  
5 shall not exceed 120 days, unless the county has made progress  
6 toward or is actively working toward implementing the case plan  
7 that identifies the services or supports necessary to transition the  
8 child to a family setting, circumstances beyond the county’s control  
9 have prevented the county from obtaining those services or  
10 supports within the timeline documented in the case plan, and the  
11 need for additional time pursuant to the case plan is documented  
12 by the caseworker and approved by a deputy director or director  
13 of the county child welfare department or an assistant chief  
14 probation officer or chief probation officer of the county probation  
15 department.

16 (iii) To the extent that placements pursuant to this paragraph  
17 are extended beyond an initial 120 days, the requirements of  
18 clauses (i) and (ii) shall apply to each extension. In addition, the  
19 deputy director or director of the county child welfare department  
20 or an assistant chief probation officer or chief probation officer of  
21 the county probation department shall approve the continued  
22 placement no less frequently than every 60 days.

23 (B) When a case plan indicates that placement is for purposes  
24 of providing family reunification services. In addition, the facility  
25 offers family reunification services that meet the needs of the  
26 individual child and his or her family, permits parents to have  
27 reasonable access to their children 24 hours a day, encourages  
28 extensive parental involvement in meeting the daily needs of their  
29 children, and employs staff trained to provide family reunification  
30 services. In addition, one of the following conditions exists:

31 (i) The child’s parent is also a ward of the court and resides in  
32 the facility.

33 (ii) The child’s parent is participating in a treatment program  
34 affiliated with the facility and the child’s placement in the facility  
35 facilitates the coordination and provision of reunification services.

36 (iii) Placement in the facility is the only alternative that permits  
37 the parent to have daily 24-hour access to the child in accordance  
38 with the case plan, to participate fully in meeting all of the daily  
39 needs of the child, including feeding and personal hygiene, and to  
40 have access to necessary reunification services.

1     ~~(9)~~

2     (10) (A) A child who is 6 to 12 years of age, inclusive, may be  
3 placed in a community care facility licensed as a group home for  
4 children only when a case plan indicates that placement is for  
5 purposes of providing ~~short-term~~, *short term*, specialized, and  
6 intensive treatment for the child, the case plan specifies the need  
7 for, nature of, and anticipated duration of this treatment, pursuant  
8 to paragraph (2) of subdivision (c) of Section 16501.1, and is  
9 approved by the deputy director or director of the county child  
10 welfare department or an assistant chief probation officer or chief  
11 probation officer of the county probation department.

12     (B) The ~~short-term~~, *short term*, specialized, and intensive  
13 treatment period shall not exceed six months, unless the county  
14 has made progress or is actively working toward implementing  
15 the case plan that identifies the services or supports necessary to  
16 transition the child to a family setting, circumstances beyond the  
17 county's control have prevented the county from obtaining those  
18 services or supports within the timeline documented in the case  
19 plan, and the need for additional time pursuant to the case plan is  
20 documented by the caseworker and approved by a deputy director  
21 or director of the county child welfare department or an assistant  
22 chief probation officer or chief probation officer of the county  
23 probation department.

24     (C) To the extent that placements pursuant to this paragraph are  
25 extended beyond an initial six months, the requirements of  
26 ~~subparagraph~~ *subparagraphs* (A) and (B) shall apply to each  
27 extension. In addition, the deputy director or director of the county  
28 child welfare department or an assistant chief probation officer or  
29 chief probation officer of the county probation department shall  
30 approve the continued placement no less frequently than every 60  
31 days.

32     ~~(10)~~

33     (11) Nothing in this subdivision shall be construed to allow a  
34 social worker to place any dependent child outside the United  
35 States, except as specified in subdivision (f).

36     (f) (1) A child under the supervision of a social worker pursuant  
37 to subdivision (e) shall not be placed outside the United States  
38 prior to a judicial finding that the placement is in the best interest  
39 of the child, except as required by federal law or treaty.

1 (2) The party or agency requesting placement of the child outside  
2 the United States shall carry the burden of proof and ~~must~~ shall  
3 show, by clear and convincing evidence, that placement outside  
4 the United States is in the best interest of the child.

5 (3) In determining the best interest of the child, the court shall  
6 consider, but not be limited to, the following factors:

- 7 (A) Placement with a relative.
- 8 (B) Placement of siblings in the same home.
- 9 (C) Amount and nature of any contact between the child and  
10 the potential guardian or caretaker.
- 11 (D) Physical and medical needs of the dependent child.
- 12 (E) Psychological and emotional needs of the dependent child.
- 13 (F) Social, cultural, and educational needs of the dependent  
14 child.
- 15 (G) Specific desires of any dependent child who is 12 years of  
16 age or older.

17 (4) If the court finds that a placement outside the United States  
18 is, by clear and convincing evidence, in the best interest of the  
19 child, the court may issue an order authorizing the social worker  
20 to make a placement outside the United States. A child subject to  
21 this subdivision shall not leave the United States prior to the  
22 issuance of the order described in this paragraph.

23 (5) For purposes of this subdivision, “outside the United States”  
24 shall not include the lands of any federally recognized American  
25 Indian tribe or Alaskan Natives.

26 (6) This subdivision shall not apply to the placement of a  
27 dependent child with a parent pursuant to subdivision (a).

28 (g) (1) If the child is taken from the physical custody of the  
29 child’s parent or guardian and unless the child is placed with  
30 relatives, the child shall be placed in foster care in the county of  
31 residence of the child’s parent or guardian in order to facilitate  
32 reunification of the family.

33 (2) In the event that there are no appropriate placements  
34 available in the parent’s or guardian’s county of residence, a  
35 placement may be made in an appropriate place in another county,  
36 preferably a county located adjacent to the parent’s or guardian’s  
37 community of residence.

38 (3) Nothing in this section shall be interpreted as requiring  
39 multiple disruptions of the child’s placement corresponding to  
40 frequent changes of residence by the parent or guardian. In

1 determining whether the child should be moved, the social worker  
2 shall take into consideration the potential harmful effects of  
3 disrupting the placement of the child and the parent's or guardian's  
4 reason for the move.

5 (4) When it has been determined that it is necessary for a child  
6 to be placed in a county other than the child's parent's or guardian's  
7 county of residence, the specific reason the out-of-county  
8 placement is necessary shall be documented in the child's case  
9 plan. If the reason the out-of-county placement is necessary is the  
10 lack of resources in the sending county to meet the specific needs  
11 of the child, those specific resource needs shall be documented in  
12 the case plan.

13 (5) When it has been determined that a child is to be placed out  
14 of county either in a group home or with a foster family agency  
15 for subsequent placement in a certified foster family home, and  
16 the sending county is to maintain responsibility for supervision  
17 and visitation of the child, the sending county shall develop a plan  
18 of supervision and visitation that specifies the supervision and  
19 visitation activities to be performed and specifies that the sending  
20 county is responsible for performing those activities. In addition  
21 to the plan of supervision and visitation, the sending county shall  
22 document information regarding any known or suspected dangerous  
23 behavior of the child that indicates the child may pose a safety  
24 concern in the receiving county. Upon implementation of the Child  
25 Welfare Services Case Management System, the plan of  
26 supervision and visitation, as well as information regarding any  
27 known or suspected dangerous behavior of the child, shall be made  
28 available to the receiving county upon placement of the child in  
29 the receiving county. If placement occurs on a weekend or holiday,  
30 the information shall be made available to the receiving county on  
31 or before the end of the next business day.

32 (6) When it has been determined that a child is to be placed out  
33 of county and the sending county plans that the receiving county  
34 shall be responsible for the supervision and visitation of the child,  
35 the sending county shall develop a formal agreement between the  
36 sending and receiving counties. The formal agreement shall specify  
37 the supervision and visitation to be provided the child, and shall  
38 specify that the receiving county is responsible for providing the  
39 supervision and visitation. The formal agreement shall be approved  
40 and signed by the sending and receiving counties prior to placement

1 of the child in the receiving county. In addition, upon completion  
2 of the case plan, the sending county shall provide a copy of the  
3 completed case plan to the receiving county. The case plan shall  
4 include information regarding any known or suspected dangerous  
5 behavior of the child that indicates the child may pose a safety  
6 concern to the receiving county.

7 (h) Whenever the social worker must change the placement of  
8 the child and is unable to find a suitable placement within the  
9 county and must place the child outside the county, the placement  
10 shall not be made until he or she has served written notice on the  
11 parent or guardian at least 14 days prior to the placement, unless  
12 the child's health or well-being is endangered by delaying the  
13 action or would be endangered if prior notice were given. The  
14 notice shall state the reasons which require placement outside the  
15 county. The parent or guardian may object to the placement not  
16 later than seven days after receipt of the notice and, upon objection,  
17 the court shall hold a hearing not later than five days after the  
18 objection and prior to the placement. The court shall order  
19 out-of-county placement if it finds that the child's particular needs  
20 require placement outside the county.

21 (i) Where the court has ordered removal of the child from the  
22 physical custody of his or her parents pursuant to Section 361, the  
23 court shall consider whether the family ties and best interest of the  
24 child will be served by granting visitation rights to the child's  
25 grandparents. The court shall clearly specify those rights to the  
26 social worker.

27 (j) Where the court has ordered removal of the child from the  
28 physical custody of his or her parents pursuant to Section 361, the  
29 court shall consider whether there are any siblings under the court's  
30 jurisdiction, *or any nondependent siblings in the physical custody*  
31 *of a parent subject to the court's jurisdiction*, the nature of the  
32 relationship between the child and his or her siblings, the  
33 appropriateness of developing or maintaining the sibling  
34 relationships pursuant to Section 16002, and the impact of the  
35 sibling relationships on the child's placement and planning for  
36 legal permanence.

37 (k) (1) ~~When an agency has placed a child with a relative~~  
38 ~~caregiver, a nonrelative extended family member, a licensed foster~~  
39 ~~family home, or a group home, the~~ *An* agency shall ensure  
40 placement of ~~the~~ *a* child in a home that, to the fullest extent

1 possible, best meets the day-to-day needs of the child. A home  
2 that best meets the day-to-day needs of the child shall satisfy all  
3 of the following criteria:

4 (A) The child’s caregiver is able to meet the day-to-day health,  
5 safety, and well-being needs of the child.

6 (B) The child’s caregiver is permitted to maintain the least  
7 restrictive and most family-like environment that serves the  
8 day-to-day needs of the child.

9 (C) The child is permitted to engage in reasonable,  
10 age-appropriate day-to-day activities that promote the most  
11 family-like environment for the foster child.

12 (2) The foster child’s caregiver shall use a reasonable and  
13 prudent parent standard, as defined in paragraph (2) of subdivision  
14 (a) of Section 362.04, to determine day-to-day activities that are  
15 ~~age-appropriate~~ *age appropriate* to meet the needs of the child.  
16 Nothing in this section shall be construed to permit a child’s  
17 caregiver to permit the child to engage in day-to-day activities that  
18 carry an unreasonable risk of harm, or subject the child to abuse  
19 or neglect.

20 SEC. 3. Section 362.1 of the Welfare and Institutions Code is  
21 amended to read:

22 362.1. (a) In order to maintain ties between the parent or  
23 guardian and any siblings and the child, and to provide information  
24 relevant to deciding if, and when, to return a child to the custody  
25 of his or her parent or guardian, or to encourage or suspend sibling  
26 interaction, any order placing a child in foster care, and ordering  
27 reunification services, shall provide as follows:

28 (1) (A) Subject to subparagraph (B), for visitation between the  
29 parent or guardian and the child. Visitation shall be as frequent as  
30 possible, consistent with the well-being of the child.

31 (B) No visitation order shall jeopardize the safety of the child.  
32 To protect the safety of the child, the court may keep the child’s  
33 address confidential. If the parent of the child has been convicted  
34 of murder in the first degree, as defined in Section 189 of the Penal  
35 Code, and the victim of the murder was the other parent of the  
36 child, the court shall order visitation between the child and the  
37 parent only if that order would be consistent with Section 3030 of  
38 the Family Code.

39 (2) Pursuant to subdivision (b) of Section 16002, for visitation  
40 between the child and any siblings, unless the court finds by clear

1 and convincing evidence that sibling interaction is contrary to the  
2 safety or well-being of either child.

3 (3) Pursuant to subdivision (c) of Section 16002, for review of  
4 the reasons for any suspension of sibling interaction at each  
5 periodic review hearing pursuant to Section 366, and for a  
6 requirement that, in order for a suspension to continue, the court  
7 shall make a renewed finding that sibling interaction is contrary  
8 to the safety or well-being of either child.

9 (4) If the child is a teen parent who has custody of his or her  
10 child and that child is not a dependent of the court pursuant to this  
11 chapter, for visitation among the teen parent, the child's  
12 noncustodial parent, and appropriate family members, unless the  
13 court finds by clear and convincing evidence that visitation would  
14 be detrimental to the teen parent.

15 (b) When reunification services are not ordered pursuant to  
16 Section 361.5, the child's plan for legal permanency shall include  
17 consideration of the existence of and the relationship with any  
18 sibling pursuant to Section 16002, including their impact on  
19 placement and visitation.

20 (c) As used in this section, "sibling" means a child related to  
21 another person by blood, adoption, or affinity through a common  
22 legal or biological parent.

23 SEC. 4. Section 366 of the Welfare and Institutions Code is  
24 amended to read:

25 366. (a) (1) The status of every dependent child in foster care  
26 shall be reviewed periodically as determined by the court but no  
27 less frequently than once every six months, as calculated from the  
28 date of the original dispositional hearing, until the hearing  
29 described in Section 366.26 is completed. The court shall consider  
30 the safety of the child and shall determine all of the following:

31 (A) The continuing necessity for and appropriateness of the  
32 placement.

33 (B) The extent of the agency's compliance with the case plan  
34 in making reasonable efforts, or, in the case of an Indian child,  
35 active efforts as described in Section 361.7, to return the child to  
36 a safe home and to complete any steps necessary to finalize the  
37 permanent placement of the child, including efforts to maintain  
38 relationships between a child who is 10 years of age or older and  
39 who has been in an out-of-home placement for six months or

1 longer, and individuals other than the child’s siblings who are  
2 important to the child, consistent with the child’s best interests.

3 (C) Whether there should be any limitation on the right of the  
4 parent or guardian to make educational decisions or developmental  
5 services decisions for the child. That limitation shall be specifically  
6 addressed in the court order and may not exceed those necessary  
7 to protect the child. Whenever the court specifically limits the right  
8 of the parent or guardian to make educational decisions or  
9 developmental services decisions for the child, the court shall at  
10 the same time appoint a responsible adult to make educational  
11 decisions or developmental services decisions for the child pursuant  
12 to Section 361.

13 (D) (i) Whether the child has other siblings under the court’s  
14 jurisdiction, and, if any siblings exist, all of the following:

15 (I) The nature of the relationship between the child and his or  
16 her siblings.

17 (II) The appropriateness of developing or maintaining the sibling  
18 relationships pursuant to Section 16002.

19 (III) If the siblings are not placed together in the same home,  
20 why the siblings are not placed together and what efforts are being  
21 made to place the siblings together, or why those efforts are not  
22 appropriate.

23 (IV) If the siblings are not placed together, all of the following:

24 (ia) The frequency and nature of the visits between the siblings.

25 (ib) If there are visits between the siblings, whether the visits  
26 are supervised or unsupervised. If the visits are supervised, a  
27 discussion of the reasons why the visits are supervised, and what  
28 needs to be accomplished in order for the visits to be unsupervised.

29 (ic) If there are visits between the siblings, a description of the  
30 location and length of the visits.

31 (id) Any plan to increase visitation between the siblings.

32 (V) The impact of the sibling relationships on the child’s  
33 placement and planning for legal permanence.

34 (VI) The continuing need to suspend sibling interaction, if  
35 applicable, pursuant to subdivision (c) of Section 16002.

36 (ii) The factors the court may consider in making a determination  
37 regarding the nature of the child’s sibling relationships may  
38 include, but are not limited to, whether the siblings were raised  
39 together in the same home, whether the siblings have shared  
40 significant common experiences or have existing close and strong

1 bonds, whether either sibling expresses a desire to visit or live with  
2 his or her sibling, as applicable, and whether ongoing contact is  
3 in the child's best emotional interests.

4 (E) The extent of progress that has been made toward alleviating  
5 or mitigating the causes necessitating placement in foster care.

6 (F) If the review hearing is the last review hearing to be held  
7 before the child attains 18 years of age, the court shall conduct the  
8 hearing pursuant to Section 366.31 or 366.32.

9 (2) The court shall project a likely date by which the child may  
10 be returned to and safely maintained in the home or placed for  
11 adoption, legal guardianship, or in another planned permanent  
12 living arrangement.

13 (b) Subsequent to the hearing, periodic reviews of each child  
14 in foster care shall be conducted pursuant to the requirements of  
15 Sections 366.3 and 16503.

16 (c) If the child has been placed out of state, each review  
17 described in subdivision (a) and any reviews conducted pursuant  
18 to Sections 366.3 and 16503 shall also address whether the  
19 out-of-state placement continues to be the most appropriate  
20 placement selection and in the best interests of the child.

21 (d) (1) A review described in subdivision (a) and any reviews  
22 conducted pursuant to Sections 366.3 and 16503 shall not result  
23 in a placement of a child outside the United States prior to a judicial  
24 finding that the placement is in the best interest of the child, except  
25 as required by federal law or treaty.

26 (2) The party or agency requesting placement of the child outside  
27 the United States shall carry the burden of proof and must show,  
28 by clear and convincing evidence, that a placement outside the  
29 United States is in the best interest of the child.

30 (3) In determining the best interest of the child, the court shall  
31 consider, but not be limited to, the following factors:

32 (A) Placement with a relative.

33 (B) Placement of siblings in the same home.

34 (C) Amount and nature of any contact between the child and  
35 the potential guardian or caretaker.

36 (D) Physical and medical needs of the dependent child.

37 (E) Psychological and emotional needs of the dependent child.

38 (F) Social, cultural, and educational needs of the dependent  
39 child.

1 (G) Specific desires of any dependent child who is 12 years of  
2 age or older.

3 (4) If the court finds that a placement outside the United States  
4 is, by clear and convincing evidence, in the best interest of the  
5 child, the court may issue an order authorizing the social worker  
6 or placing agency to make a placement outside the United States.  
7 A child subject to this subdivision shall not leave the United States  
8 prior to the issuance of the order described in this paragraph.

9 (5) For purposes of this subdivision, “outside the United States”  
10 shall not include the lands of any federally recognized American  
11 Indian tribe or Alaskan Natives.

12 (6) This section shall not apply to the placement of a dependent  
13 child with a parent.

14 (e) A child may not be placed in an out-of-state group home,  
15 or remain in an out-of-state group home, unless the group home  
16 is in compliance with Section 7911.1 of the Family Code.

17 (f) The implementation and operation of the amendments to  
18 subparagraph (B) of paragraph (1) of subdivision (a) enacted at  
19 the 2005–06 Regular Session shall be subject to appropriation  
20 through the budget process and by phase, as provided in Section  
21 366.35.

22 (g) The status review of every nonminor dependent, as defined  
23 in subdivision (v) of Section 11400, shall be conducted pursuant  
24 to the requirements of Sections 366.3, 366.31, or 366.32, and 16503  
25 until dependency jurisdiction is terminated pursuant to Section  
26 391.

27 SEC. 5. Section 366.1 of the Welfare and Institutions Code is  
28 amended to read:

29 366.1. Each supplemental report required to be filed pursuant  
30 to Section 366 shall include, but not be limited to, a factual  
31 discussion of each of the following subjects:

32 (a) Whether the county welfare department social worker has  
33 considered child protective services, as defined in Chapter 5  
34 (commencing with Section 16500) of Part 4 of Division 9, as a  
35 possible solution to the problems at hand, and has offered those  
36 services to qualified parents, if appropriate under the circumstances.

37 (b) What plan, if any, for the return and maintenance of the  
38 child in a safe home is recommended to the court by the county  
39 welfare department social worker.

1 (c) Whether the subject child appears to be a person who is  
2 eligible to be considered for further court action to free the child  
3 from parental custody and control.

4 (d) What actions, if any, have been taken by the parent to correct  
5 the problems that caused the child to be made a dependent child  
6 of the court.

7 (e) If the parent or guardian is unwilling or unable to participate  
8 in making an educational decision for his or her child, or if other  
9 circumstances exist that compromise the ability of the parent or  
10 guardian to make educational decisions for the child, the county  
11 welfare department or social worker shall consider whether the  
12 right of the parent or guardian to make educational decisions for  
13 the child should be limited. If the supplemental report makes that  
14 recommendation, the report shall identify whether there is a  
15 responsible adult available to make educational decisions for the  
16 child pursuant to Section 361.

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

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

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

23 (C) If the siblings are not placed together in the same home,  
24 why the siblings are not placed together and what efforts are being  
25 made to place the siblings together, or why those efforts are not  
26 appropriate.

27 (D) If the siblings are not placed together, all of the following:

28 (i) The frequency and nature of the visits between the siblings.

29 (ii) If there are visits between the siblings, whether the visits  
30 are supervised or unsupervised. If the visits are supervised, a  
31 discussion of the reasons why the visits are supervised, and what  
32 needs to be accomplished in order for the visits to be unsupervised.

33 (iii) If there are visits between the siblings, a description of the  
34 location and length of the visits.

35 (iv) Any plan to increase visitation between the siblings.

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

38 (2) The factual discussion shall include a discussion of indicators  
39 of the nature of the child's sibling relationships, including, but not  
40 limited to, whether the siblings were raised together in the same

1 home, whether the siblings have shared significant common  
2 experiences or have existing close and strong bonds, whether either  
3 sibling expresses a desire to visit or live with his or her sibling, as  
4 applicable, and whether ongoing contact is in the child's best  
5 emotional interests.

6 (g) Whether a child who is 10 years of age or older and who  
7 has been in an out-of-home placement for six months or longer  
8 has relationships with individuals other than the child's siblings  
9 that are important to the child, consistent with the child's best  
10 interests, and actions taken to maintain those relationships. The  
11 social worker shall ask every child who is 10 years of age or older  
12 and who has been in an out-of-home placement for six months or  
13 longer to identify any individuals other than the child's siblings  
14 who are important to the child, consistent with the child's best  
15 interest. The social worker may ask any other child to provide that  
16 information, as appropriate.

17 (h) The implementation and operation of the amendments to  
18 subdivision (g) enacted at the 2005–06 Regular Session shall be  
19 subject to appropriation through the budget process and by phase,  
20 as provided in Section 366.35.

21 *SEC. 5.5. Section 366.1 of the Welfare and Institutions Code*  
22 *is amended to read:*

23 366.1. Each supplemental report required to be filed pursuant  
24 to Section 366 shall include, but not be limited to, a factual  
25 discussion of each of the following subjects:

26 (a) Whether the county welfare department social worker has  
27 considered ~~child~~ *either of the following:*

28 (1) *Child* protective services, as defined in Chapter 5  
29 (commencing with Section 16500) of Part 4 of Division 9, as a  
30 possible solution to the problems at hand, and has offered those  
31 services to qualified parents, if appropriate under the circumstances.

32 (2) *Whether the child can be returned to the custody of his or*  
33 *her parent who is enrolled in a certified substance abuse treatment*  
34 *facility that allows a dependent child to reside with his or her*  
35 *parent.*

36 (b) What plan, if any, for the return and maintenance of the  
37 child in a safe home is recommended to the court by the county  
38 welfare department social worker.

1 (c) Whether the subject child appears to be a person who is  
2 eligible to be considered for further court action to free the child  
3 from parental custody and control.

4 (d) What actions, if any, have been taken by the parent to correct  
5 the problems that caused the child to be made a dependent child  
6 of the court.

7 (e) If the parent or guardian is unwilling or unable to participate  
8 in making an educational decision for his or her child, or if other  
9 circumstances exist that compromise the ability of the parent or  
10 guardian to make educational decisions for the child, the county  
11 welfare department or social worker shall consider whether the  
12 right of the parent or guardian to make educational decisions for  
13 the child should be limited. If the supplemental report makes that  
14 recommendation, the report shall identify whether there is a  
15 responsible adult available to make educational decisions for the  
16 child pursuant to Section 361.

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

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

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

23 (C) If the siblings are not placed together in the same home,  
24 why the siblings are not placed together and what efforts are being  
25 made to place the siblings together, or why those efforts are not  
26 appropriate.

27 (D) If the siblings are not placed together, ~~the frequency and~~  
28 ~~nature of the visits between siblings.~~ *all of the following:*

29 (i) *The frequency and nature of the visits between the siblings.*

30 (ii) *If there are visits between the siblings, whether the visits*  
31 *are supervised or unsupervised. If the visits are supervised, a*  
32 *discussion of the reasons why the visits are supervised, and what*  
33 *needs to be accomplished in order for the visits to be unsupervised.*

34 (iii) *If there are visits between the siblings, a description of the*  
35 *location and length of the visits.*

36 (iv) *Any plan to increase visitation between the siblings.*

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

39 (2) The factual discussion shall include a discussion of indicators  
40 of the nature of the child's sibling relationships, including, but not

1 limited to, whether the siblings were raised together in the same  
2 home, whether the siblings have shared significant common  
3 experiences or have existing close and strong bonds, whether either  
4 sibling expresses a desire to visit or live with his or her sibling, as  
5 applicable, and whether ongoing contact is in the child's best  
6 emotional interests.

7 (g) Whether a child who is 10 years of age or older and who  
8 has been in an out-of-home placement for six months or longer  
9 has relationships with individuals other than the child's siblings  
10 that are important to the child, consistent with the child's best  
11 interests, and actions taken to maintain those relationships. The  
12 social worker shall ask every child who is 10 years of age or older  
13 and who has been in an out-of-home placement for six months or  
14 longer to identify any individuals other than the child's siblings  
15 who are important to the child, consistent with the child's best  
16 interest. The social worker may ask any other child to provide that  
17 information, as appropriate.

18 (h) The implementation and operation of the amendments to  
19 subdivision (g) enacted at the 2005–06 Regular Session shall be  
20 subject to appropriation through the budget process and by phase,  
21 as provided in Section 366.35.

22 SEC. 6. Section 366.3 of the Welfare and Institutions Code is  
23 amended to read:

24 366.3. (a) If a juvenile court orders a permanent plan of  
25 adoption, tribal customary adoption, adoption of a nonminor  
26 dependent pursuant to subdivision (f) of Section 366.31, or legal  
27 guardianship pursuant to Section 360 or 366.26, the court shall  
28 retain jurisdiction over the child or nonminor dependent until the  
29 child or nonminor dependent is adopted or the legal guardianship  
30 is established, except as provided for in Section 366.29 or, on and  
31 after January 1, 2012, Section 366.32. The status of the child or  
32 nonminor dependent shall be reviewed every six months to ensure  
33 that the adoption or legal guardianship is completed as  
34 expeditiously as possible. When the adoption of the child or  
35 nonminor dependent has been granted, or in the case of a tribal  
36 customary adoption, when the tribal customary adoption order has  
37 been afforded full faith and credit and the petition for adoption  
38 has been granted, the court shall terminate its jurisdiction over the  
39 child or nonminor dependent. Following establishment of a legal  
40 guardianship, the court may continue jurisdiction over the child

1 as a dependent child of the juvenile court or may terminate its  
2 dependency jurisdiction and retain jurisdiction over the child as a  
3 ward of the legal guardianship, as authorized by Section 366.4. If,  
4 however, a relative of the child is appointed the legal guardian of  
5 the child and the child has been placed with the relative for at least  
6 six months, the court shall, except if the relative guardian objects,  
7 or upon a finding of exceptional circumstances, terminate its  
8 dependency jurisdiction and retain jurisdiction over the child as a  
9 ward of the guardianship, as authorized by Section 366.4.  
10 Following a termination of parental rights, the parent or parents  
11 shall not be a party to, or receive notice of, any subsequent  
12 proceedings regarding the child.

13 (b) If the court has dismissed dependency jurisdiction following  
14 the establishment of a legal guardianship, or no dependency  
15 jurisdiction attached because of the granting of a legal guardianship  
16 pursuant to Section 360, and the legal guardianship is subsequently  
17 revoked or otherwise terminated, the county department of social  
18 services or welfare department shall notify the juvenile court of  
19 this fact. The court may vacate its previous order dismissing  
20 dependency jurisdiction over the child.

21 Notwithstanding Section 1601 of the Probate Code, the  
22 proceedings to terminate a legal guardianship that has been granted  
23 pursuant to Section 360 or 366.26 shall be held either in the  
24 juvenile court that retains jurisdiction over the guardianship as  
25 authorized by Section 366.4 or the juvenile court in the county  
26 where the guardian and child currently reside, based on the best  
27 interests of the child, unless the termination is due to the  
28 emancipation or adoption of the child. The juvenile court having  
29 jurisdiction over the guardianship shall receive notice from the  
30 court in which the petition is filed within five calendar days of the  
31 filing. Prior to the hearing on a petition to terminate legal  
32 guardianship pursuant to this subdivision, the court shall order the  
33 county department of social services or welfare department having  
34 jurisdiction or jointly with the county department where the  
35 guardian and child currently reside to prepare a report, for the  
36 court's consideration, that shall include an evaluation of whether  
37 the child could safely remain in, or be returned to, the legal  
38 guardian's home, without terminating the legal guardianship, if  
39 services were provided to the child or legal guardian. If applicable,  
40 the report shall also identify recommended family maintenance or

1 reunification services to maintain the legal guardianship and set  
2 forth a plan for providing those services. If the petition to terminate  
3 legal guardianship is granted, either juvenile court may resume  
4 dependency jurisdiction over the child, and may order the county  
5 department of social services or welfare department to develop a  
6 new permanent plan, which shall be presented to the court within  
7 60 days of the termination. If no dependency jurisdiction has  
8 attached, the social worker shall make any investigation he or she  
9 deems necessary to determine whether the child may be within the  
10 jurisdiction of the juvenile court, as provided in Section 328.

11 Unless the parental rights of the child's parent or parents have  
12 been terminated, they shall be notified that the legal guardianship  
13 has been revoked or terminated and shall be entitled to participate  
14 in the new permanency planning hearing. The court shall try to  
15 place the child in another permanent placement. At the hearing,  
16 the parents may be considered as custodians but the child shall not  
17 be returned to the parent or parents unless they prove, by a  
18 preponderance of the evidence, that reunification is the best  
19 alternative for the child. The court may, if it is in the best interests  
20 of the child, order that reunification services again be provided to  
21 the parent or parents.

22 (c) If, following the establishment of a legal guardianship, the  
23 county welfare department becomes aware of changed  
24 circumstances that indicate adoption or, for an Indian child, tribal  
25 customary adoption, may be an appropriate plan for the child, the  
26 department shall so notify the court. The court may vacate its  
27 previous order dismissing dependency jurisdiction over the child  
28 and order that a hearing be held pursuant to Section 366.26 to  
29 determine whether adoption or continued legal guardianship is the  
30 most appropriate plan for the child. The hearing shall be held no  
31 later than 120 days from the date of the order. If the court orders  
32 that a hearing shall be held pursuant to Section 366.26, the court  
33 shall direct the agency supervising the child and the county  
34 adoption agency, or the State Department of Social Services if it  
35 is acting as an adoption agency, to prepare an assessment under  
36 subdivision (b) of Section 366.22.

37 (d) If the child or, on and after January 1, 2012, nonminor  
38 dependent is in a placement other than the home of a legal guardian  
39 and jurisdiction has not been dismissed, the status of the child shall  
40 be reviewed at least every six months. The review of the status of

1 a child for whom the court has ordered parental rights terminated  
2 and who has been ordered placed for adoption shall be conducted  
3 by the court. The review of the status of a child or, on and after  
4 January 1, 2012, nonminor dependent for whom the court has not  
5 ordered parental rights terminated and who has not been ordered  
6 placed for adoption may be conducted by the court or an  
7 appropriate local agency. The court shall conduct the review under  
8 the following circumstances:

9 (1) Upon the request of the child's parents or legal guardians.

10 (2) Upon the request of the child or, on and after January 1,  
11 2012, nonminor dependent.

12 (3) It has been 12 months since a hearing held pursuant to  
13 Section 366.26 or an order that the child remain in long-term foster  
14 care pursuant to Section 366.21, 366.22, 366.25, 366.26, or  
15 subdivision (h).

16 (4) It has been 12 months since a review was conducted by the  
17 court.

18 The court shall determine whether or not reasonable efforts to  
19 make and finalize a permanent placement for the child have been  
20 made.

21 (e) Except as provided in subdivision (g), at the review held  
22 every six months pursuant to subdivision (d), the reviewing body  
23 shall inquire about the progress being made to provide a permanent  
24 home for the child, shall consider the safety of the child, and shall  
25 determine all of the following:

26 (1) The continuing necessity for, and appropriateness of, the  
27 placement.

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

1 (3) The continuing appropriateness and extent of compliance  
2 with the permanent plan for the child, including efforts to maintain  
3 relationships between a child who is 10 years of age or older and  
4 who has been in out-of-home placement for six months or longer  
5 and individuals who are important to the child and efforts to  
6 identify a prospective adoptive parent or legal guardian, including,  
7 but not limited to, child-specific recruitment efforts and listing on  
8 an adoption exchange.

9 (4) The extent of the agency's compliance with the child welfare  
10 services case plan in making reasonable efforts either to return the  
11 child to the safe home of the parent or to complete whatever steps  
12 are necessary to finalize the permanent placement of the child. If  
13 the reviewing body determines that a second period of reunification  
14 services is in the child's best interests, and that there is a significant  
15 likelihood of the child's return to a safe home due to changed  
16 circumstances of the parent, pursuant to subdivision (f), the specific  
17 reunification services required to effect the child's return to a safe  
18 home shall be described.

19 (5) Whether there should be any limitation on the right of the  
20 parent or guardian to make educational decisions or developmental  
21 services decisions for the child. That limitation shall be specifically  
22 addressed in the court order and may not exceed what is necessary  
23 to protect the child. If the court specifically limits the right of the  
24 parent or guardian to make educational decisions or developmental  
25 services decisions for the child, the court shall at the same time  
26 appoint a responsible adult to make educational decisions or  
27 developmental services decisions for the child pursuant to Section  
28 361.

29 (6) The adequacy of services provided to the child. The court  
30 shall consider the progress in providing the information and  
31 documents to the child, as described in Section 391. The court  
32 shall also consider the need for, and progress in providing, the  
33 assistance and services described in Section 391.

34 (7) The extent of progress the parents or legal guardians have  
35 made toward alleviating or mitigating the causes necessitating  
36 placement in foster care.

37 (8) The likely date by which the child may be returned to, and  
38 safely maintained in, the home, placed for adoption, legal  
39 guardianship, in another planned permanent living arrangement,

1 or, for an Indian child, in consultation with the child's tribe, placed  
2 for tribal customary adoption.

3 (9) Whether the child has any siblings under the court's  
4 jurisdiction, and, if any siblings exist, all of the following:

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

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

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

13 (D) If the siblings are not placed together, all of the following:

14 (i) The frequency and nature of the visits between the siblings.

15 (ii) If there are visits between the siblings, whether the visits  
16 are supervised or unsupervised. If the visits are supervised, a  
17 discussion of the reasons why the visits are supervised, and what  
18 needs to be accomplished in order for the visits to be unsupervised.

19 (iii) If there are visits between the siblings, a description of the  
20 location and length of the visits.

21 (iv) Any plan to increase visitation between the siblings.

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

24 The factors the court may consider as indicators of the nature of  
25 the child's sibling relationships include, but are not limited to,  
26 whether the siblings were raised together in the same home,  
27 whether the siblings have shared significant common experiences  
28 or have existing close and strong bonds, whether either sibling  
29 expresses a desire to visit or live with his or her sibling, as  
30 applicable, and whether ongoing contact is in the child's best  
31 emotional interests.

32 (10) For a child who is 16 years of age or older, and, effective  
33 January 1, 2012, for a nonminor dependent, the services needed  
34 to assist the child or nonminor dependent to make the transition  
35 from foster care to independent living.

36 The reviewing body shall determine whether or not reasonable  
37 efforts to make and finalize a permanent placement for the child  
38 have been made.

39 Each licensed foster family agency shall submit reports for each  
40 child in its care, custody, and control to the court concerning the

1 continuing appropriateness and extent of compliance with the  
2 child's permanent plan, the extent of compliance with the case  
3 plan, and the type and adequacy of services provided to the child.

4 (f) Unless their parental rights have been permanently  
5 terminated, the parent or parents of the child are entitled to receive  
6 notice of, and participate in, those hearings. It shall be presumed  
7 that continued care is in the best interests of the child, unless the  
8 parent or parents prove, by a preponderance of the evidence, that  
9 further efforts at reunification are the best alternative for the child.  
10 In those cases, the court may order that further reunification  
11 services to return the child to a safe home environment be provided  
12 to the parent or parents up to a period of six months, and family  
13 maintenance services, as needed for an additional six months in  
14 order to return the child to a safe home environment. On and after  
15 January 1, 2012, this subdivision shall not apply to the parents of  
16 a nonminor dependent.

17 (g) At the review conducted by the court and held at least every  
18 six months, regarding a child for whom the court has ordered  
19 parental rights terminated and who has been ordered placed for  
20 adoption, or, for an Indian child for whom parental rights are not  
21 being terminated and a tribal customary adoption is being  
22 considered, the county welfare department shall prepare and present  
23 to the court a report describing the following:

- 24 (1) The child's present placement.
- 25 (2) The child's current physical, mental, emotional, and  
26 educational status.
- 27 (3) If the child has not been placed with a prospective adoptive  
28 parent or guardian, identification of individuals, other than the  
29 child's siblings, who are important to the child and actions  
30 necessary to maintain the child's relationship with those  
31 individuals, provided that those relationships are in the best interest  
32 of the child. The agency shall ask every child who is 10 years of  
33 age or older to identify any individuals who are important to him  
34 or her, consistent with the child's best interest, and may ask any  
35 child who is younger than 10 years of age to provide that  
36 information as appropriate. The agency shall make efforts to  
37 identify other individuals who are important to the child.
- 38 (4) Whether the child has been placed with a prospective  
39 adoptive parent or parents.

1 (5) Whether an adoptive placement agreement has been signed  
2 and filed.

3 (6) If the child has not been placed with a prospective adoptive  
4 parent or parents, the efforts made to identify an appropriate  
5 prospective adoptive parent or legal guardian, including, but not  
6 limited to, child-specific recruitment efforts and listing on an  
7 adoption exchange.

8 (7) Whether the final adoption order should include provisions  
9 for postadoptive sibling contact pursuant to Section 366.29.

10 (8) The progress of the search for an adoptive placement if one  
11 has not been identified.

12 (9) Any impediments to the adoption or the adoptive placement.

13 (10) The anticipated date by which the child will be adopted or  
14 placed in an adoptive home.

15 (11) The anticipated date by which an adoptive placement  
16 agreement will be signed.

17 (12) Recommendations for court orders that will assist in the  
18 placement of the child for adoption or in the finalization of the  
19 adoption.

20 The court shall determine whether or not reasonable efforts to  
21 make and finalize a permanent placement for the child have been  
22 made.

23 The court shall make appropriate orders to protect the stability  
24 of the child and to facilitate and expedite the permanent placement  
25 and adoption of the child.

26 (h) At the review held pursuant to subdivision (d) for a child in  
27 long-term foster care, the court shall consider all permanency  
28 planning options for the child including whether the child should  
29 be returned to the home of the parent, placed for adoption, or, for  
30 an Indian child, in consultation with the child's tribe, placed for  
31 tribal customary adoption, or appointed a legal guardian, or, if  
32 compelling reasons exist for finding that none of the foregoing  
33 options are in the best interest of the child, whether the child should  
34 be placed in another planned permanent living arrangement. The  
35 court shall order that a hearing be held pursuant to Section 366.26,  
36 unless it determines by clear and convincing evidence that there  
37 is a compelling reason for determining that a hearing held pursuant  
38 to Section 366.26 is not in the best interest of the child because  
39 the child is being returned to the home of the parent, the child is  
40 not a proper subject for adoption, or no one is willing to accept

1 legal guardianship. If the county adoption agency, or the  
2 department when it is acting as an adoption agency, has determined  
3 it is unlikely that the child will be adopted or one of the conditions  
4 described in paragraph (1) of subdivision (c) of Section 366.26  
5 applies, that fact shall constitute a compelling reason for purposes  
6 of this subdivision. Only upon that determination may the court  
7 order that the child remain in long-term foster care, without holding  
8 a hearing pursuant to Section 366.26. On and after January 1, 2012,  
9 the nonminor dependent's legal status as an adult is in and of itself  
10 a compelling reason not to hold a hearing pursuant to Section  
11 366.26.

12 (i) If, as authorized by subdivision (h), the court orders a hearing  
13 pursuant to Section 366.26, the court shall direct the agency  
14 supervising the child and the county adoption agency, or the State  
15 Department of Social Services when it is acting as an adoption  
16 agency, to prepare an assessment as provided for in subdivision  
17 (i) of Section 366.21 or subdivision (b) of Section 366.22. A  
18 hearing held pursuant to Section 366.26 shall be held no later than  
19 120 days from the date of the 12-month review at which it is  
20 ordered, and at that hearing the court shall determine whether  
21 adoption, tribal customary adoption, legal guardianship, or  
22 long-term foster care is the most appropriate plan for the child. On  
23 and after January 1, 2012, a hearing pursuant to Section 366.26  
24 shall not be ordered if the child is a nonminor dependent, unless  
25 the nonminor dependent is an Indian child and tribal customary  
26 adoption is recommended as the permanent plan. The court may  
27 order that a nonminor dependent who otherwise is eligible pursuant  
28 to Section 11403 remain in a planned, permanent living  
29 arrangement. At the request of the nonminor dependent who has  
30 an established relationship with an adult determined to be the  
31 nonminor dependent's permanent connection, the court may order  
32 adoption of the nonminor dependent pursuant to subdivision (f)  
33 of Section 366.31.

34 (j) The implementation and operation of the amendments to  
35 subdivision (e) enacted at the 2005–06 Regular Session shall be  
36 subject to appropriation through the budget process and by phase,  
37 as provided in Section 366.35.

38 (k) The reviews conducted pursuant to subdivision (a) or (d)  
39 may be conducted earlier than every six months if the court

1 determines that an earlier review is in the best interests of the child  
2 or as court rules prescribe.

3 SEC. 7. Section 388 of the Welfare and Institutions Code is  
4 amended to read:

5 388. (a) (1) Any parent or other person having an interest in  
6 a child who is a dependent child of the juvenile court or a nonminor  
7 dependent as defined in subdivision (v) of Section 11400, or the  
8 child himself or herself or the nonminor dependent through a  
9 properly appointed guardian may, upon grounds of change of  
10 circumstance or new evidence, petition the court in the same action  
11 in which the child was found to be a dependent child of the juvenile  
12 court or in which a guardianship was ordered pursuant to Section  
13 360 for a hearing to change, modify, or set aside any order of court  
14 previously made or to terminate the jurisdiction of the court. The  
15 petition shall be verified and, if made by a person other than the  
16 child or the nonminor dependent shall state the petitioner's  
17 relationship to or interest in the child or the nonminor dependent  
18 and shall set forth in concise language any change of circumstance  
19 or new evidence that is alleged to require the change of order or  
20 termination of jurisdiction.

21 (2) When any party, including a child who is a dependent of the  
22 juvenile court, petitions the court prior to an order terminating  
23 parental rights, to modify the order that reunification services were  
24 not needed pursuant to paragraphs (4), (5), and (6) of subdivision  
25 (b) of Section 361.5, or to modify any orders related to custody or  
26 visitation of the subject child, and the court orders a hearing  
27 pursuant to subdivision (d), the court shall modify the order that  
28 reunification services were not needed pursuant to paragraphs (4),  
29 (5), and (6) of subdivision (b) of Section 361.5, or any orders  
30 related to the custody or visitation of the child for whom  
31 reunification services were not ordered pursuant to paragraphs (4),  
32 (5), and (6) of subdivision (b) of Section 361.5, only if the court  
33 finds by clear and convincing evidence that the proposed change  
34 is in the best interests of the child.

35 (b) (1) Any person, including a child or a nonminor dependent  
36 who is a dependent of the juvenile court, may petition the court to  
37 assert a relationship as a sibling related by blood, adoption, or  
38 affinity through a common legal or biological parent to a child  
39 who is, or is the subject of a petition for adjudication as, a  
40 dependent of the juvenile court, and may request visitation with

1 the dependent child, placement with or near the dependent child,  
2 or consideration when determining or implementing a case plan  
3 or permanent plan for the dependent child or make any other  
4 request for an order which may be shown to be in the best interest  
5 of the dependent child.

6 (2) A child or nonminor dependent who is a dependent of the  
7 juvenile court may petition the court to assert a relationship as a  
8 sibling related by blood, adoption, or affinity through a common  
9 legal or biological parent to a child who is in the physical custody  
10 of a common legal or biological parent, and may request visitation  
11 with the nondependent sibling in parental custody.

12 (3) Pursuant to subdivision (b) of Section 16002, a request for  
13 sibling visitation may be granted unless it is determined by the  
14 court that sibling visitation is contrary to the safety and well-being  
15 of any of the siblings.

16 (4) The court may appoint a guardian ad litem to file the petition  
17 for a dependent child asserting a sibling relationship pursuant to  
18 this subdivision if the court determines that the appointment is  
19 necessary for the best interests of the dependent child. The petition  
20 shall be verified and shall set forth the following:

21 (A) Through which parent he or she is related to the sibling.

22 (B) Whether he or she is related to the sibling by blood,  
23 adoption, or affinity.

24 (C) The request or order that the petitioner is seeking.

25 (D) Why that request or order is in the best interest of the  
26 dependent child.

27 (c) (1) Any party, including a child who is a dependent of the  
28 juvenile court, may petition the court, prior to the hearing set  
29 pursuant to subdivision (f) of Section 366.21 for a child described  
30 by subparagraph (A) of paragraph (1) of subdivision (a) of Section  
31 361.5, or prior to the hearing set pursuant to subdivision (e) of  
32 Section 366.21 for a child described by subparagraph (B) or (C)  
33 of paragraph (1) of subdivision (a) of Section 361.5, to terminate  
34 court-ordered reunification services provided under subdivision  
35 (a) of Section 361.5 only if one of the following conditions exists:

36 (A) It appears that a change of circumstance or new evidence  
37 exists that satisfies a condition set forth in subdivision (b) or (e)  
38 of Section 361.5 justifying termination of court-ordered  
39 reunification services.

1 (B) The action or inaction of the parent or guardian creates a  
2 substantial likelihood that reunification will not occur, including,  
3 but not limited to, the parent’s or guardian’s failure to visit the  
4 child, or the failure of the parent or guardian to participate regularly  
5 and make substantive progress in a court-ordered treatment plan.

6 (2) In determining whether the parent or guardian has failed to  
7 visit the child or participate regularly or make progress in the  
8 treatment plan, the court shall consider factors that include but are  
9 not limited to, the parent’s or guardian’s incarceration,  
10 institutionalization, detention by the United States Department of  
11 Homeland Security, deportation, or participation in a court-ordered  
12 residential substance abuse treatment program.

13 (3) The court shall terminate reunification services during the  
14 above-described time periods only upon a finding by a  
15 preponderance of evidence that reasonable services have been  
16 offered or provided, and upon a finding of clear and convincing  
17 evidence that one of the conditions in subparagraph (A) or (B) of  
18 paragraph (1) exists.

19 (4) Any party, including a nonminor dependent, as defined in  
20 subdivision (v) of Section 11400, may petition the court prior to  
21 the review hearing set pursuant to subdivision (d) of Section 366.31  
22 to terminate the continuation of court-ordered family reunification  
23 services for a nonminor dependent who has attained 18 years of  
24 age. The court shall terminate family reunification services to the  
25 parent or guardian if the nonminor dependent or parent or guardian  
26 are not in agreement that the continued provision of court-ordered  
27 family reunification services is in the best interests of the nonminor  
28 dependent.

29 (5) If the court terminates reunification services, it shall order  
30 that a hearing pursuant to Section 366.26 be held within 120 days.  
31 On and after January 1, 2012, a hearing pursuant to Section 366.26  
32 shall not be ordered if the child is a nonminor dependent. The court  
33 may order a nonminor dependent who is otherwise eligible to  
34 AFDC-FC benefits pursuant to Section 11403 to remain in a  
35 planned, permanent living arrangement.

36 (d) If it appears that the best interests of the child or the  
37 nonminor dependent may be promoted by the proposed change of  
38 order, modification of reunification services, custody, or visitation  
39 orders concerning a child for whom reunification services were  
40 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision

1 (b) of Section 361.5, recognition of a sibling relationship,  
2 termination of jurisdiction, or clear and convincing evidence  
3 supports revocation or termination of court-ordered reunification  
4 services, the court shall order that a hearing be held and shall give  
5 prior notice, or cause prior notice to be given, to the persons and  
6 in the manner prescribed by Section 386, and, in those instances  
7 in which the manner of giving notice is not prescribed by those  
8 sections, then in the manner the court prescribes.

9 (e) (1) On and after January 1, 2012, a nonminor who attained  
10 18 years of age while subject to an order for foster care placement  
11 and, commencing January 1, 2012, who has not attained 19 years  
12 of age, or, commencing January 1, 2013, 20 years of age, or,  
13 commencing January 1, 2014, 21 years of age, or as described in  
14 Section 10103.5, for whom the court has dismissed dependency  
15 jurisdiction pursuant to Section 391, or delinquency jurisdiction  
16 pursuant to Section 607.2, or transition jurisdiction pursuant to  
17 Section 452, but has retained general jurisdiction under subdivision  
18 (b) of Section 303, or the county child welfare services, probation  
19 department, or tribal placing agency on behalf of the nonminor,  
20 may petition the court in the same action in which the child was  
21 found to be a dependent or delinquent child of the juvenile court,  
22 for a hearing to resume the dependency jurisdiction over a former  
23 dependent or to assume or resume transition jurisdiction over a  
24 former delinquent ward pursuant to Section 450. The petition shall  
25 be filed within the period that the nonminor is of the age described  
26 in this paragraph. If the nonminor has completed the voluntary  
27 reentry agreement, as described in subdivision (z) of Section 11400,  
28 with the placing agency, the agency shall file the petition on behalf  
29 of the nonminor within 15 judicial days of the date the agreement  
30 was signed unless the nonminor elects to file the petition at an  
31 earlier date.

32 (2) (A) The petition to resume jurisdiction may be filed in the  
33 juvenile court that retains general jurisdiction under subdivision  
34 (b) of Section 303, or the petition may be submitted to the juvenile  
35 court in the county where the youth resides and forwarded to the  
36 juvenile court that retained general jurisdiction and filed with that  
37 court. The juvenile court having general jurisdiction under Section  
38 303 shall receive the petition from the court where the petition  
39 was submitted within five court days of its submission, if the  
40 petition is filed in the county of residence. The juvenile court that

1 retained general jurisdiction shall order that a hearing be held  
2 within 15 judicial days of the date the petition was filed if there is  
3 a prima facie showing that the nonminor satisfies the following  
4 criteria:

5 (i) He or she was previously under juvenile court jurisdiction,  
6 subject to an order for foster care placement when he or she  
7 attained 18 years of age, and has not attained the age limits  
8 described in paragraph (1).

9 (ii) He or she intends to satisfy at least one of the conditions set  
10 forth in paragraphs (1) to (5), inclusive, of subdivision (b) of  
11 Section 11403.

12 (iii) He or she wants assistance either in maintaining or securing  
13 appropriate supervised placement, or is in need of immediate  
14 placement and agrees to supervised placement pursuant to the  
15 voluntary reentry agreement as described in subdivision (z) of  
16 Section 11400.

17 (B) Upon ordering a hearing, the court shall give prior notice,  
18 or cause prior notice to be given, to the persons and by the means  
19 prescribed by Section 386, except that notice to parents or former  
20 guardians shall not be provided unless the nonminor requests, in  
21 writing on the face of the petition, notice to the parents or former  
22 guardians.

23 (3) The Judicial Council, by January 1, 2012, shall adopt rules  
24 of court to allow for telephonic appearances by nonminor former  
25 dependents or delinquents in these proceedings, and for telephonic  
26 appearances by nonminor dependents in any proceeding in which  
27 the nonminor dependent is a party, and he or she declines to appear  
28 and elects a telephonic appearance.

29 (4) Prior to the hearing on a petition to resume dependency  
30 jurisdiction or to assume or resume transition jurisdiction, the court  
31 shall order the county child welfare or probation department to  
32 prepare a report for the court addressing whether the nonminor  
33 intends to satisfy at least one of the criteria set forth in subdivision  
34 (b) of Section 11403. When the recommendation is for the  
35 nonminor dependent to be placed in a setting where minor  
36 dependents also reside, the results of a background check of the  
37 petitioning nonminor conducted pursuant to Section 16504.5, may  
38 be used by the placing agency to determine appropriate placement  
39 options for the nonminor. The existence of a criminal conviction  
40 is not a bar to eligibility for reentry or resumption of dependency

1 jurisdiction or the assumption or resumption of transition  
2 jurisdiction over a nonminor.

3 (5) (A) The court shall resume dependency jurisdiction over a  
4 former dependent or assume or resume transition jurisdiction over  
5 a former delinquent ward pursuant to Section 450, and order that  
6 the nonminor's placement and care be under the responsibility of  
7 the county child welfare services department, the probation  
8 department, tribe, consortium of tribes, or tribal organization, if  
9 the court finds all of the following:

10 (i) The nonminor was previously under juvenile court  
11 jurisdiction subject to an order for foster care placement when he  
12 or she attained 18 years of age.

13 (ii) The nonminor has not attained the age limits described in  
14 paragraph (1).

15 (iii) Reentry and remaining in foster care are in the nonminor's  
16 best interests.

17 (iv) The nonminor intends to satisfy, and agrees to satisfy, at  
18 least one of the criteria set forth in paragraphs (1) to (5), inclusive,  
19 of subdivision (b) of Section 11403, and demonstrates his or her  
20 agreement to placement in a supervised setting under the placement  
21 and care responsibility of the placing agency and to satisfy the  
22 criteria by signing the voluntary reentry agreement as described  
23 in subdivision (z) of Section 11400.

24 (B) In no event shall the court grant a continuance that would  
25 cause the hearing to resume dependency jurisdiction or to assume  
26 or resume transition jurisdiction to be completed more than 120  
27 days after the date the petition was filed.

28 (C) The agency made responsible for the nonminor's placement  
29 and care pursuant to subparagraph (A) shall prepare a new  
30 transitional independent living case plan within 60 calendar days  
31 from the date the nonminor signed the voluntary reentry agreement  
32 as described in subdivision (z) of Section 11400 and submit it to  
33 the court for the review hearing under Section 366.31, to be held  
34 within 70 days of the resumption of dependency jurisdiction or  
35 assumption or resumption of transition jurisdiction. In no event  
36 shall the review hearing under Section 366.3 be held more than  
37 170 calendar days from the date the nonminor signed the voluntary  
38 reentry agreement.

39 SEC. 8. Section 706.6 of the Welfare and Institutions Code is  
40 amended to read:

1 706.6. A case plan prepared as required by Section 706.5 shall  
2 be submitted to the court. It shall either be attached to the social  
3 study or incorporated as a separate section within the social study.  
4 The case plan shall include, but not be limited to, the following  
5 information:

6 (a) A description of the circumstances that resulted in the minor  
7 being placed under the supervision of the probation department  
8 and in foster care.

9 (b) An assessment of the minor's and family's strengths and  
10 needs and the type of placement best equipped to meet those needs.

11 (c) A description of the type of home or institution in which the  
12 minor is to be placed, including a discussion of the safety and  
13 appropriateness of the placement. An appropriate placement is a  
14 placement in the least restrictive, most family-like environment,  
15 in closest proximity to the minor's home, that meets the minor's  
16 best interests and special needs.

17 (d) Effective January 1, 2010, a case plan shall ensure the  
18 educational stability of the child while in foster care and shall  
19 include both of the following:

20 (1) Assurances that the placement takes into account the  
21 appropriateness of the current educational setting and the proximity  
22 to the school in which the child is enrolled at the time of placement.

23 (2) An assurance that the placement agency has coordinated  
24 with appropriate local educational agencies to ensure that the child  
25 remains in the school in which the child is enrolled at the time of  
26 placement, or, if remaining in that school is not in the best interests  
27 of the child, assurances by the placement agency and the local  
28 educational agency to provide immediate and appropriate  
29 enrollment in a new school and to provide all of the child's  
30 educational records to the new school.

31 (e) Specific time-limited goals and related activities designed  
32 to enable the safe return of the minor to his or her home, or in the  
33 event that return to his or her home is not possible, activities  
34 designed to result in permanent placement or emancipation.  
35 Specific responsibility for carrying out the planned activities shall  
36 be assigned to one or more of the following:

37 (1) The probation department.

38 (2) The minor's parent or parents or legal guardian or guardians,  
39 as applicable.

40 (3) The minor.

- 1 (4) The foster parents or licensed agency providing foster care.  
2 (f) The projected date of completion of the case plan objectives  
3 and the date services will be terminated.  
4 (g) (1) Scheduled visits between the minor and his or her family  
5 and an explanation if no visits are made.  
6 (2) Whether the child has other siblings, and, if any siblings  
7 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, all of the following:  
17 (i) The frequency and nature of the visits between the siblings.  
18 (ii) If there are visits between the siblings, whether the visits  
19 are supervised or unsupervised. If the visits are supervised, a  
20 discussion of the reasons why the visits are supervised, and what  
21 needs to be accomplished in order for the visits to be unsupervised.  
22 (iii) If there are visits between the siblings, a description of the  
23 location and length of the visits.  
24 (iv) Any plan to increase visitation between the siblings.  
25 (E) The impact of the sibling relationships on the child's  
26 placement and planning for legal permanence.  
27 (F) The continuing need to suspend sibling interaction, if  
28 applicable, pursuant to subdivision (c) of Section 16002.  
29 (3) The factors the court may consider in making a determination  
30 regarding the nature of the child's sibling relationships may  
31 include, but are not limited to, whether the siblings were raised  
32 together in the same home, whether the siblings have shared  
33 significant common experiences or have existing close and strong  
34 bonds, whether either sibling expresses a desire to visit or live with  
35 his or her sibling, as applicable, and whether ongoing contact is  
36 in the child's best emotional interests.  
37 (h) (1) When placement is made in a foster family home, group  
38 home, or other child care institution that is either a substantial  
39 distance from the home of the minor's parent or legal guardian or  
40 out-of-state, the case plan shall specify the reasons why the

1 placement is the most appropriate and is in the best interest of the  
2 minor.

3 (2) When an out-of-state group home placement is recommended  
4 or made, the case plan shall comply with Section 727.1 and Section  
5 7911.1 of the Family Code. In addition, documentation of the  
6 recommendation of the multidisciplinary team and the rationale  
7 for this particular placement shall be included. The case plan shall  
8 also address what in-state services or facilities were used or  
9 considered and why they were not recommended.

10 (i) If applicable, efforts to make it possible to place siblings  
11 together, unless it has been determined that placement together is  
12 not in the best interest of one or more siblings.

13 (j) A schedule of visits between the minor and the probation  
14 officer, including a monthly visitation schedule for those children  
15 placed in group homes.

16 (k) Health and education information about the minor, school  
17 records, immunizations, known medical problems, and any known  
18 medications the minor may be taking, names and addresses of the  
19 minor's health and educational providers; the minor's grade level  
20 performance; assurances that the minor's placement in foster care  
21 takes into account proximity to the school in which the minor was  
22 enrolled at the time of placement; and other relevant health and  
23 educational information.

24 (l) When out-of-home services are used and the goal is  
25 reunification, the case plan shall describe the services that were  
26 provided to prevent removal of the minor from the home, those  
27 services to be provided to assist in reunification and the services  
28 to be provided concurrently to achieve legal permanency if efforts  
29 to reunify fail.

30 (m) The updated case plan prepared for a permanency planning  
31 hearing shall include a recommendation for a permanent plan for  
32 the minor. If, after considering reunification, adoptive placement,  
33 legal guardianship, or permanent placement with a fit and willing  
34 relative the probation officer recommends placement in a planned  
35 permanent living arrangement, the case plan shall include  
36 documentation of a compelling reason or reasons why termination  
37 of parental rights is not in the minor's best interest. For purposes  
38 of this subdivision, a "compelling reason" shall have the same  
39 meaning as in subdivision (c) of Section 727.3.

1 (n) Each updated case plan shall include a description of the  
2 services that have been provided to the minor under the plan and  
3 an evaluation of the appropriateness and effectiveness of those  
4 services.

5 (o) A statement that the parent or legal guardian, and the minor  
6 have had an opportunity to participate in the development of the  
7 case plan, to review the case plan, to sign the case plan, and to  
8 receive a copy of the plan, or an explanation about why the parent,  
9 legal guardian, or minor was not able to participate or sign the case  
10 plan.

11 (p) For a minor in out-of-home care who is 16 years of age or  
12 older, a written description of the programs and services, which  
13 will help the minor prepare for the transition from foster care to  
14 independent living.

15 SEC. 9. Section 778 of the Welfare and Institutions Code is  
16 amended to read:

17 778. (a) (1) Any parent or other person having an interest in  
18 a child who is a ward of the juvenile court or the child himself or  
19 herself through a properly appointed guardian may, upon grounds  
20 of change of circumstance or new evidence, petition the court in  
21 the same action in which the child was found to be a ward of the  
22 juvenile court for a hearing to change, modify, or set aside any  
23 order of court previously made or to terminate the jurisdiction of  
24 the court. The petition shall be verified and, if made by a person  
25 other than the child, shall state the petitioner's relationship to or  
26 interest in the child and shall set forth in concise language any  
27 change of circumstance or new evidence which are alleged to  
28 require such change of order or termination of jurisdiction.

29 (2) If it appears that the best interests of the child may be  
30 promoted by the proposed change of order or termination of  
31 jurisdiction, the court shall order that a hearing be held and shall  
32 give prior notice, or cause prior notice to be given, to such persons  
33 and by such means as prescribed by Sections 776 and 779, and, in  
34 such instances as the means of giving notice is not prescribed by  
35 such sections, then by such means as the court prescribes.

36 (b) (1) Any person, including a ward, a transition dependent,  
37 or a nonminor dependent of the juvenile court, may petition the  
38 court to assert a relationship as a sibling related by blood, adoption,  
39 or affinity through a common legal or biological parent to a child  
40 who is, or is the subject of a petition for adjudication as, a ward

1 of the juvenile court, and may request visitation with the ward,  
2 placement with or near the ward, or consideration when  
3 determining or implementing a case plan or permanent plan for  
4 the ward.

5 (2) A ward, transition dependent, or nonminor dependent of the  
6 juvenile court may petition the court to assert a relationship as a  
7 sibling related by blood, adoption, or affinity through a common  
8 legal or biological parent to a child who is in the physical custody  
9 of a common legal or biological parent, and may request visitation  
10 with the nondependent sibling in parental custody.

11 (3) Pursuant to subdivision (b) of Section 16002, a request for  
12 sibling visitation may be granted unless it is determined by the  
13 court that sibling visitation is contrary to the safety and well-being  
14 of any of the siblings.

15 (4) The court may appoint a guardian ad litem to file the petition  
16 for a ward asserting a sibling relationship pursuant to this  
17 subdivision if the court determines that the appointment is  
18 necessary for the best interests of the ward. The petition shall be  
19 verified and shall set forth the following:

20 (A) Through which parent he or she is related to the sibling.

21 (B) Whether he or she is related to the sibling by blood,  
22 adoption, or affinity.

23 (C) The request or order that the petitioner is seeking.

24 (D) Why that request or order is in the best interest of the ward.

25 SEC. 10. Section 16002 of the Welfare and Institutions Code  
26 is amended to read:

27 16002. (a) (1) It is the intent of the Legislature to maintain  
28 the continuity of the family unit, and ensure the preservation and  
29 strengthening of the child’s family ties by ensuring that when  
30 siblings have been removed from their home, either as a group on  
31 one occurrence or individually on separate occurrences, the siblings  
32 will be placed in foster care together, unless it has been determined  
33 that placement together is contrary to the safety or well-being of  
34 any sibling. The Legislature recognizes that in order to ensure the  
35 placement of a sibling group in the same foster care placement,  
36 placement resources need to be expanded.

37 (2) It is also the intent of the Legislature to preserve and  
38 strengthen a child’s sibling relationship so that when a child has  
39 been removed from his or her home and he or she has a sibling or  
40 siblings who remain in the custody of a mutual parent subject to

1 the court's jurisdiction, the court has the authority to develop a  
2 visitation plan for the siblings, unless it has been determined that  
3 visitation is contrary to the safety or well-being of any sibling.

4 (b) The responsible local agency shall make a diligent effort in  
5 all out-of-home placements of dependent children and wards in  
6 foster care, including those with relatives, to place siblings together  
7 in the same placement, and to develop and maintain sibling  
8 relationships. If siblings are not placed together in the same home,  
9 the social worker shall explain why the siblings are not placed  
10 together and what efforts he or she is making to place the siblings  
11 together or why making those efforts would be contrary to the  
12 safety and well-being of any of the siblings. When placement of  
13 siblings together in the same home is not possible, a diligent effort  
14 shall be made, and a case plan prepared, to provide for ongoing  
15 and frequent interaction among siblings until family reunification  
16 is achieved, or, if parental rights are terminated, as part of  
17 developing the permanent plan for the child. If the court determines  
18 by clear and convincing evidence that sibling interaction is contrary  
19 to the safety and well-being of any of the siblings, the reasons for  
20 the determination shall be noted in the court order, and interaction  
21 shall be suspended.

22 (c) When there has been a judicial suspension of sibling  
23 interaction, the reasons for the suspension shall be reviewed at  
24 each periodic review hearing pursuant to Section 366 or 727.3. In  
25 order for the suspension to continue, the court shall make a renewed  
26 finding that sibling interaction is contrary to the safety or  
27 well-being of either child. When the court determines that sibling  
28 interaction can be safely resumed, that determination shall be noted  
29 in the court order and the case plan shall be revised to provide for  
30 sibling interaction.

31 (d) If the case plan for the child has provisions for sibling  
32 interaction, the child, or his or her parent or legal guardian, shall  
33 have the right to comment on those provisions. If a person wishes  
34 to assert a sibling relationship with a dependent child or ward, he  
35 or she may file a petition in the juvenile court having jurisdiction  
36 over the dependent child pursuant to subdivision (b) of Section  
37 388 or the ward in foster care pursuant to Section 778.

38 (e) If parental rights are terminated and the court orders a  
39 dependent child or ward to be placed for adoption, the county  
40 adoption agency or the State Department of Social Services shall

1 take all of the following steps to facilitate ongoing sibling contact,  
2 except in those cases provided in subdivision (b) where the court  
3 determines by clear and convincing evidence that sibling interaction  
4 is contrary to the safety or well-being of the child:

5 (1) Include in training provided to prospective adoptive parents  
6 information about the importance of sibling relationships to the  
7 adopted child and counseling on methods for maintaining sibling  
8 relationships.

9 (2) Provide prospective adoptive parents with information about  
10 siblings of the child, except the address where the siblings of the  
11 children reside. However, this address may be disclosed by court  
12 order for good cause shown.

13 (3) Encourage prospective adoptive parents to make a plan for  
14 facilitating postadoptive contact between the child who is the  
15 subject of a petition for adoption and any siblings of this child.

16 (f) Information regarding sibling interaction, contact, or  
17 visitation that has been authorized or ordered by the court shall be  
18 provided to the foster parent, relative caretaker, or legal guardian  
19 of the child as soon as possible after the court order is made, in  
20 order to facilitate the interaction, contact, or visitation.

21 (g) As used in this section, “sibling” means a child related to  
22 another person by blood, adoption, or affinity through a common  
23 legal or biological parent.

24 (h) The court documentation on sibling placements required  
25 under this section shall not require the modification of existing  
26 court order forms until the Child Welfare Services Case  
27 Management System is implemented on a statewide basis.

28 *SEC. 10.5. Section 16002 of the Welfare and Institutions Code*  
29 *is amended to read:*

30 16002. (a) (1) It is the intent of the Legislature to maintain  
31 the continuity of the family unit, and ensure the preservation and  
32 strengthening of the child’s family ties by ensuring that when  
33 siblings have been removed from their home, either as a group on  
34 one occurrence or individually on separate occurrences, the siblings  
35 will be placed in foster care together, unless it has been determined  
36 that placement together is contrary to the safety or well-being of  
37 any sibling. The Legislature recognizes that in order to ensure the  
38 placement of a sibling group in the same foster care placement,  
39 placement resources need to be expanded.

1 (2) *It is also the intent of the Legislature to preserve and*  
2 *strengthen a child's sibling relationship so that when a child has*  
3 *been removed from his or her home and he or she has a sibling or*  
4 *siblings who remain in the custody of a mutual parent subject to*  
5 *the court's jurisdiction, the court has the authority to develop a*  
6 *visitation plan for the siblings, unless it has been determined that*  
7 *visitation is contrary to the safety or well-being of any sibling.*

8 (b) The responsible local agency shall make a diligent effort in  
9 all out-of-home placements of dependent-~~children~~, *children and*  
10 *wards in foster care*, including those with relatives, to place  
11 siblings together in the same placement, and to develop and  
12 maintain sibling relationships. If siblings are not placed together  
13 in the same home, the social worker *or probation officer* shall  
14 explain why the siblings are not placed together and what efforts  
15 he or she is making to place the siblings together or why making  
16 those efforts would be contrary to the safety and well-being of any  
17 of the siblings. When placement of siblings together in the same  
18 home is not possible, a diligent effort shall be made, and a case  
19 plan prepared, to provide for ongoing and frequent interaction  
20 among siblings until family reunification is achieved, or, if parental  
21 rights are terminated, as part of developing the permanent plan for  
22 the child. If the court determines by clear and convincing evidence  
23 that sibling interaction is contrary to the safety and well-being of  
24 any of the siblings, the reasons for the determination shall be noted  
25 in the court order, and interaction shall be suspended.

26 (c) When there has been a judicial suspension of sibling  
27 interaction, the reasons for the suspension shall be reviewed at  
28 each periodic review hearing pursuant to Section ~~366~~. *366 or 727.3.*  
29 *In order for the suspension to continue, the court shall make a*  
30 *renewed finding that sibling interaction is contrary to the safety*  
31 *or well-being of either child.* When the court determines that sibling  
32 interaction can be safely resumed, that determination shall be noted  
33 in the court order and the case plan shall be revised to provide for  
34 sibling interaction.

35 (d) If the case plan for the child has provisions for sibling  
36 interaction, the child, or his or her parent or ~~legal guardian~~  
37 *guardian*, shall have the right to comment on those provisions. If  
38 a person wishes to assert a sibling relationship with a dependent  
39 ~~child~~, *child or ward*, he or she may file a petition in the juvenile  
40 court having jurisdiction over the dependent child pursuant to

1 subdivision (b) of Section ~~388~~. 388 *or the ward in foster care*  
2 *pursuant to Section 778.*

3 (e) If parental rights are terminated and the court orders a  
4 dependent child *or ward* to be placed for adoption, the county  
5 adoption agency or the State Department of Social Services shall  
6 take all of the following steps to facilitate ongoing sibling contact,  
7 except in those cases provided in subdivision (b) where the court  
8 determines by clear and convincing evidence that sibling interaction  
9 is contrary to the safety or well-being of the child:

10 (1) Include in training provided to prospective adoptive parents  
11 information about the importance of sibling relationships to the  
12 adopted child and counseling on methods for maintaining sibling  
13 relationships.

14 (2) Provide prospective adoptive parents with information about  
15 siblings of the child, except the address where the siblings of the  
16 children reside. However, this address may be disclosed by court  
17 order for good cause shown.

18 (3) Encourage prospective adoptive parents to make a plan for  
19 facilitating postadoptive contact between the child who is the  
20 subject of a petition for adoption and any siblings of this child.

21 (f) Information regarding sibling interaction, contact, or  
22 visitation that has been authorized or ordered by the court shall be  
23 provided to the foster parent, relative caretaker, or legal guardian  
24 of the child as soon as possible after the court order is made, in  
25 order to facilitate the interaction, contact, or visitation.

26 (g) As used in this section, “sibling” means a child related to  
27 another person by blood, adoption, or affinity through a common  
28 legal or biological parent.

29 (h) The court documentation on sibling placements required  
30 under this section shall not require the modification of existing  
31 court order forms until the Child Welfare Services Case  
32 Management System is implemented on a statewide basis.

33 *SEC. 11. (a) (1) Section 1.5 of this bill incorporates*  
34 *amendments to Section 358.1 of the Welfare and Institutions Code*  
35 *proposed by both this bill and Senate Bill 977. It shall only become*  
36 *operative if (A) both bills are enacted and become effective on or*  
37 *before January 1, 2015, (B) each bill amends Section 358.1 of the*  
38 *Welfare and Institutions Code, and (C) this bill is enacted after*  
39 *Senate Bill 977, in which case Section 1 of this bill shall not*  
40 *become operative.*

1 (2) Section 5.5 of this bill incorporates amendments to Section  
2 366.1 of the Welfare and Institutions Code proposed by both this  
3 bill and Senate Bill 977. It shall only become operative if (A) both  
4 bills are enacted and become effective on or before January 1,  
5 2015, (B) each bill amends Section 366.1 of the Welfare and  
6 Institutions Code, and (C) this bill is enacted after Senate Bill 977,  
7 in which case Section 5 of this bill shall not become operative.

8 (b) Section 10.5 of this bill incorporates amendments to Section  
9 16002 of the Welfare and Institutions Code proposed by both this  
10 bill and Senate Bill 1460. It shall only become operative if (1) both  
11 bills are enacted and become effective on or before January 1,  
12 2015, (2) each bill amends Section 16002 of the Welfare and  
13 Institutions Code, and (3) this bill is enacted after Senate Bill 1460,  
14 in which case Section 10 of this bill shall not become operative.

15 (c) (1) Section 2.1 of this bill incorporates amendments to  
16 Section 361.2 of the Welfare and Institutions Code proposed by  
17 both this bill and Senate Bill 977. It shall only become operative  
18 if (A) both bills are enacted and become effective on or before  
19 January 1, 2015, (B) each bill amends Section 361.2 of the Welfare  
20 and Institutions Code, (C) Senate Bill 1460 is not enacted or as  
21 enacted does not amend that section, and (D) this bill is enacted  
22 after Senate Bill 977, in which case Sections 2, 2.2, and 2.3 of this  
23 bill shall not become operative.

24 (2) Section 2.2 of this bill incorporates amendments to Section  
25 361.2 of the Welfare and Institutions Code proposed by both this  
26 bill and Senate Bill 1460. It shall only become operative if (A)  
27 both bills are enacted and become effective on or before January  
28 1, 2015, (B) each bill amends Section 361.2 of the Welfare and  
29 Institutions Code, (C) Senate Bill 977 is not enacted or as enacted  
30 does not amend that section, and (D) this bill is enacted after  
31 Senate Bill 1460 in which case Sections 2, 2.1, and 2.3 of this bill  
32 shall not become operative.

33 (3) Section 2.3 of this bill incorporates amendments to Section  
34 361.2 of the Welfare and Institutions Code proposed by this bill,  
35 Senate Bill 977, and Senate Bill 1460. It shall only become  
36 operative if (A) all three bills are enacted and become effective  
37 on or before January 1, 2015, (B) all three bills amend Section  
38 361.2 of the Welfare and Institutions Code, and (C) this bill is  
39 enacted after Senate Bill 977 and Senate Bill 1460, in which case  
40 Sections 2, 2.1, and 2.2 of this bill shall not become operative.

1     ~~SEC. 11.~~

2     *SEC. 12.* If the Commission on State Mandates determines that  
3 this act contains costs mandated by the state, reimbursement to  
4 local agencies and school districts for those costs shall be made  
5 pursuant to Part 7 (commencing with Section 17500) of Division  
6 4 of Title 2 of the Government Code.

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