

**Introduced by Committee on Human Services (Senators Beall
(Chair), Berryhill, DeSaulnier, Liu, and Wyland)**

February 25, 2014

An act to amend Sections 17212 and 17506 of, and to add Section 8707.1 to, the Family Code, to amend Section 1515 of the Health and Safety Code, and to amend Sections 16002, 16010.6, and 16519.5 of the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 1460, as introduced, Committee on Human Services. Child welfare.

(1) Existing law requires the State Department of Social Services to, authorize a county welfare department to undertake comprehensive recruitment programs to ensure an adequate number of foster homes are available. Existing law regulates adoption services by the department, county adoption agencies, licensed adoption agencies, and other adoption service providers, and requires the department to adopt regulations pertaining to those services.

This bill would require that recruitment to include diligent efforts to recruit individuals who reflect the ethnic, racial, and cultural diversity of foster children and adoptive children, but would not affect the application of the federal Indian Child Welfare Act.

(2) Existing law requires a social worker to conduct, within 30 days of a child being removed from the custody of his or her parents or guardians, an investigation in order to identify and locate all grandparents, adult siblings, and other adult relatives of the child.

This bill would authorize county child welfare and probation departments to request and receive from the California Parent Locator

Service and Central Registry and the federal Parent Locator Service information to identify and locate those family members.

(3) Existing law requires the local child welfare agency to make a diligent effort in all out-of-home placements of dependent children, including those with relatives, to place siblings together in the same placement, and requires the social worker to explain why the siblings are not placed together and what efforts he or she is making to place the siblings together or why making those efforts would be contrary to the safety and well-being of any of the siblings.

This bill would also require a probation officer to provide that explanation.

(4) Existing law authorizes the State Department of Social Services, in consultation with specified groups, to implement a unified, family friendly, and child-centered resource family approval process relating to foster care and adoption placements.

This bill would make nonsubstantive, conforming changes.

(5) Existing law authorizes state departments to adopt regulations in accordance with the rulemaking provisions of the Administrative Procedure Act.

This bill would authorize the State Department of Social Services, until emergency regulations are filed with the Secretary of State, to implement specified changes proposed by this bill, through all-county letters or similar instructions from the Director of Social Services.

(6) By expanding the duties of local agencies, this bill would create a state-mandated local program.

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

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

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

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

1 SECTION 1. Section 8707.1 is added to the Family Code, to
2 read:

1 8707.1. (a) The agency responsible for recruitment of potential
2 adoptive parents shall make diligent efforts to recruit individuals
3 who reflect the ethnic, racial, and cultural diversity of children for
4 whom adoptive homes are needed.

5 (b) This section shall not be construed to affect the application
6 of the federal Indian Child Welfare Act.

7 SEC. 2. Section 17212 of the Family Code is amended to read:

8 17212. (a) It is the intent of the Legislature to protect
9 individual rights of privacy, and to facilitate and enhance the
10 effectiveness of the child and spousal support enforcement
11 program, by ensuring the confidentiality of support enforcement
12 and child abduction records, and to thereby encourage the full and
13 frank disclosure of information relevant to all of the following:

14 (1) The establishment or maintenance of parent and child
15 relationships and support obligations.

16 (2) The enforcement of the child support liability of absent
17 parents.

18 (3) The enforcement of spousal support liability of the spouse
19 or former spouse to the extent required by the state plan under
20 Section 17604 and Chapter 6 (commencing with Section 4900) of
21 Part 5 of Division 9.

22 (4) The location of absent parents.

23 (5) The location of parents and children abducted, concealed,
24 or detained by them.

25 (b) (1) Except as provided in subdivision (c), all files,
26 applications, papers, documents, and records established or
27 maintained by any public entity pursuant to the administration and
28 implementation of the child and spousal support enforcement
29 program established pursuant to Part D (commencing with Section
30 651) of Subchapter IV of Chapter 7 of Title 42 of the United States
31 Code and this division, shall be confidential, and shall not be open
32 to examination or released for disclosure for any purpose not
33 directly connected with the administration of the child and spousal
34 support enforcement program. No public entity shall disclose any
35 file, application, paper, document, or record, or the information
36 contained therein, except as expressly authorized by this section.

37 (2) In no case shall information be released or the whereabouts
38 of one party or the child disclosed to another party, or to the
39 attorney of any other party, if a protective order has been issued
40 by a court or administrative agency with respect to the party, a

1 good cause claim under Section 11477.04 of the Welfare and
2 Institutions Code has been approved or is pending, or the public
3 agency responsible for establishing paternity or enforcing support
4 has reason to believe that the release of the information may result
5 in physical or emotional harm to the party or the child. When a
6 local child support agency is prohibited from releasing information
7 pursuant to this subdivision, the information shall be omitted from
8 any pleading or document to be submitted to the court and this
9 subdivision shall be cited in the pleading or other document as the
10 authority for the omission. The information shall be released only
11 upon an order of the court pursuant to paragraph (6) of subdivision
12 (c).

13 (3) Notwithstanding any other provision of law, a proof of
14 service filed by the local child support agency shall not disclose
15 the address where service of process was accomplished. Instead,
16 the local child support agency shall keep the address in its own
17 records. The proof of service shall specify that the address is on
18 record at the local child support agency and that the address may
19 be released only upon an order from the court pursuant to paragraph
20 (6) of subdivision (c). The local child support agency shall, upon
21 request by a party served, release to that person the address where
22 service was effected.

23 (c) Disclosure of the information described in subdivision (b)
24 is authorized as follows:

25 (1) All files, applications, papers, documents, and records as
26 described in subdivision (b) shall be available and may be used
27 by a public entity for all administrative, civil, or criminal
28 investigations, actions, proceedings, or prosecutions conducted in
29 connection with the administration of the child and spousal support
30 enforcement program approved under Part D (commencing with
31 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the
32 United States Code and to the county welfare department
33 responsible for administering a program operated under a state
34 plan pursuant to Part A, Subpart 1 or 2 of Part B, or Part E of
35 Subchapter IV of Chapter 7 of Title 42 of the United States Code.

36 (2) A document requested by a person who wrote, prepared, or
37 furnished the document may be examined by or disclosed to that
38 person or his or her designee.

39 (3) The payment history of an obligor pursuant to a support
40 order may be examined by or released to the court, the obligor, or

1 the person on whose behalf enforcement actions are being taken
2 or that person's designee.

3 (4) Income and expense information of either parent may be
4 released to the other parent for the purpose of establishing or
5 modifying a support order.

6 (5) Public records subject to disclosure under the Public Records
7 Act (Chapter 3.5 (commencing with Section 6250) of Division 7
8 of the Government Code) may be released.

9 (6) After a noticed motion and a finding by the court, in a case
10 in which establishment or enforcement actions are being taken,
11 that release or disclosure to the obligor or obligee is required by
12 due process of law, the court may order a public entity that
13 possesses an application, paper, document, or record as described
14 in subdivision (b) to make that item available to the obligor or
15 obligee for examination or copying, or to disclose to the obligor
16 or obligee the contents of that item. Article 9 (commencing with
17 Section 1040) of Chapter 4 of Division 3 of the Evidence Code
18 shall not be applicable to proceedings under this part. At any
19 hearing of a motion filed pursuant to this section, the court shall
20 inquire of the local child support agency and the parties appearing
21 at the hearing if there is reason to believe that release of the
22 requested information may result in physical or emotional harm
23 to a party. If the court determines that harm may occur, the court
24 shall issue any protective orders or injunctive orders restricting
25 the use and disclosure of the information as are necessary to protect
26 the individuals.

27 (7) To the extent not prohibited by federal law or regulation,
28 information indicating the existence or imminent threat of a crime
29 against a child, or location of a concealed, detained, or abducted
30 child or the location of the concealing, detaining, or abducting
31 person, may be disclosed to any district attorney, any appropriate
32 law enforcement agency, or to any state or county child protective
33 agency, or may be used in any judicial proceedings to prosecute
34 that crime or to protect the child.

35 (8) The social security number, most recent address, and the
36 place of employment of the absent parent may be released to an
37 authorized person as defined in Section 653(c) of Title 42 of the
38 United States Code, only if the authorized person has filed a request
39 for the information, and only if the information has been provided
40 to the California Parent Locator Service by the federal Parent

1 Locator Service pursuant to Section 653 of Title 42 of the United
2 States Code.

3 (9) A parent's *or relative's* name, social security number, most
4 recent address, telephone number, place of employment, or other
5 contact information may be released to a county child welfare
6 agency or county probation department pursuant to subdivision
7 (c) of Section 17506.

8 (d) (1) "Administration and implementation of the child and
9 spousal support enforcement program," as used in this division,
10 means the carrying out of the state and local plans for establishing,
11 modifying, and enforcing child support obligations, enforcing
12 spousal support orders, and determining paternity pursuant to Part
13 D (commencing with Section 651) of Subchapter IV of Chapter 7
14 of Title 42 of the United States Code and this article.

15 (2) For purposes of this division, "obligor" means any person
16 owing a duty of support.

17 (3) As used in this division, "putative parent" shall refer to any
18 person reasonably believed to be the parent of a child for whom
19 the local child support agency is attempting to establish paternity
20 or establish, modify, or enforce support pursuant to Section 17400.

21 (e) Any person who willfully, knowingly, and intentionally
22 violates this section is guilty of a misdemeanor.

23 (f) Nothing in this section shall be construed to compel the
24 disclosure of information relating to a deserting parent who is a
25 recipient of aid under a public assistance program for which federal
26 aid is paid to this state, if that information is required to be kept
27 confidential by the federal law or regulations relating to the
28 program.

29 SEC. 3. Section 17506 of the Family Code is amended to read:

30 17506. (a) There is in the department a California Parent
31 Locator Service and Central Registry that shall collect and
32 disseminate all of the following, with respect to any parent, putative
33 parent, spouse, or former spouse:

34 (1) The full and true name of the parent together with any known
35 aliases.

36 (2) Date and place of birth.

37 (3) Physical description.

38 (4) Social security number.

39 (5) Employment history and earnings.

1 (6) Military status and Veterans Administration or military
2 service serial number.

3 (7) Last known address, telephone number, and date thereof.

4 (8) Driver's license number, driving record, and vehicle
5 registration information.

6 (9) Criminal, licensing, and applicant records and information.

7 (10) (A) Any additional location, asset, and income information,
8 including income tax return information obtained pursuant to
9 Section 19285.1 of the Revenue and Taxation Code, and to the
10 extent permitted by federal law, the address, telephone number,
11 and social security number obtained from a public utility, cable
12 television corporation, a provider of electronic digital pager
13 communication, or a provider of mobile telephony services that
14 may be of assistance in locating the parent, putative parent,
15 abducting, concealing, or detaining parent, spouse, or former
16 spouse, in establishing a parent and child relationship, in enforcing
17 the child support liability of the absent parent, or enforcing the
18 spousal support liability of the spouse or former spouse to the
19 extent required by the state plan pursuant to Section 17604.

20 (B) For purposes of this subdivision, "income tax return
21 information" means all of the following regarding the taxpayer:

22 (i) Assets.

23 (ii) Credits.

24 (iii) Deductions.

25 (iv) Exemptions.

26 (v) Identity.

27 (vi) Liabilities.

28 (vii) Nature, source, and amount of income.

29 (viii) Net worth.

30 (ix) Payments.

31 (x) Receipts.

32 (xi) Address.

33 (xii) Social security number.

34 (b) Pursuant to a letter of agreement entered into between the
35 Department of Child Support Services and the Department of
36 Justice, the Department of Child Support Services shall assume
37 responsibility for the California Parent Locator Service and Central
38 Registry. The letter of agreement shall, at a minimum, set forth all
39 of the following:

1 (1) Contingent upon funding in the Budget Act, the Department
2 of Child Support Services shall assume responsibility for leadership
3 and staff of the California Parent Locator Service and Central
4 Registry commencing July 1, 2003.

5 (2) All employees and other personnel who staff or provide
6 support for the California Parent Locator Service and Central
7 Registry shall, at the time of the transition, at their option, become
8 the employees of the Department of Child Support Services at
9 their existing or equivalent classification, salaries, and benefits.

10 (3) Until the department's automation system for the California
11 Parent Locator Service and Central Registry functions is fully
12 operational, the department shall use the automation system
13 operated by the Department of Justice.

14 (4) Any other provisions necessary to ensure continuity of
15 function and meet or exceed existing levels of service.

16 (c) To effectuate the purposes of this section, the California
17 Child Support Automation System, the California Parent Locator
18 Service and Central Registry, and the Franchise Tax Board shall
19 utilize the federal Parent Locator Service to the extent necessary,
20 and may request and shall receive from all departments, boards,
21 bureaus, or other agencies of the state, or any of its political
22 subdivisions, and those entities shall provide, that assistance and
23 data that will enable the Department of Child Support Services
24 and other public agencies to carry out their powers and duties to
25 locate parents, spouses, and former spouses, and to identify their
26 assets, to establish parent-child relationships, and to enforce
27 liability for child or spousal support, and for any other obligations
28 incurred on behalf of children, and shall also provide that
29 information to any local child support agency in fulfilling the duties
30 prescribed in Section 270 of the Penal Code, and in Chapter 8
31 (commencing with Section 3130) of Part 2 of Division 8 of this
32 code, relating to abducted, concealed, or detained children and to
33 any county child welfare agency or county probation department
34 in fulfilling the duties prescribed in Article 5.5 (commencing with
35 Section 290.1) of Chapter 2 of Part 1 of Division 2 of the Welfare
36 and Institutions Code, and prescribed in Article 6 (commencing
37 with Section 300) of Chapter 2 of Part 1 of Division 2 of the
38 Welfare and Institutions Code to identify, locate, and notify parents
39 *or relatives* of children who are the subject of juvenile court
40 proceedings, to establish parent and child relationships pursuant

1 to Section 316.2 of the Welfare and Institutions Code, and to assess
2 the appropriateness of placement of a child with a noncustodial
3 parent pursuant to Section 361.2 of the Welfare and Institutions
4 Code. *Consistent with paragraph (1) of subdivision (e) of Section*
5 *309 of, and paragraph (2) of subdivision (d) of Section 628 of, the*
6 *Welfare and Institutions Code, in order for county child welfare*
7 *and probation departments to carry out their duties to identify and*
8 *locate all grandparents, adult siblings, and other adult relatives*
9 *of the child as defined in paragraph (2) of subdivision (f) of Section*
10 *319 of the Welfare and Institutions Code, including any other adult*
11 *relatives suggested by the parents, county personnel are permitted*
12 *to request and receive information from the California Parent*
13 *Locator Service and Federal Parent Locator Service. County child*
14 *welfare agencies and probation departments shall be entitled to*
15 ~~that~~ *the information described in this subdivision* regardless of
16 whether an all-county letter or similar instruction is issued pursuant
17 to subparagraph (C) of paragraph (8) of subdivision (c) of Section
18 11478.1 of the Welfare and Institutions Code. The California Child
19 Support Automation System shall be entitled to the same
20 cooperation and information as the California Parent Locator
21 Service and Central Registry to the extent allowed by law. The
22 California Child Support Automation System shall be allowed
23 access to criminal record information only to the extent that access
24 is allowed by state and federal law.

25 (d) (1) To effectuate the purposes of this section, and
26 notwithstanding any other provision of California law, regulation,
27 or tariff, and to the extent permitted by federal law, the California
28 Parent Locator Service and Central Registry and the California
29 Child Support Automation System may request and shall receive
30 from public utilities, as defined in Section 216 of the Public
31 Utilities Code, customer service information, including the full
32 name, address, telephone number, date of birth, employer name
33 and address, and social security number of customers of the public
34 utility, to the extent that this information is stored within the
35 computer database of the public utility.

36 (2) To effectuate the purposes of this section, and
37 notwithstanding any other provision of California law, regulation,
38 or tariff, and to the extent permitted by federal law, the California
39 Parent Locator Service and Central Registry and the California
40 Child Support Automation System may request and shall receive

1 from cable television corporations, as defined in Section 216.4 of
2 the Public Utilities Code, the providers of electronic digital pager
3 communication, as defined in Section 629.51 of the Penal Code,
4 and the providers of mobile telephony services, as defined in
5 Section 224.4 of the Public Utilities Code, customer service
6 information, including the full name, address, telephone number,
7 date of birth, employer name and address, and social security
8 number of customers of the cable television corporation, customers
9 of the providers of electronic digital pager communication, and
10 customers of the providers of mobile telephony services.

11 (3) In order to protect the privacy of utility, cable television,
12 electronic digital pager communication, and mobile telephony
13 service customers, a request to a public utility, cable television
14 corporation, provider of electronic digital pager communication,
15 or provider of mobile telephony services for customer service
16 information pursuant to this section shall meet the following
17 requirements:

18 (A) Be submitted to the public utility, cable television
19 corporation, provider of electronic digital pager communication,
20 or provider of mobile telephony services in writing, on a transmittal
21 document prepared by the California Parent Locator Service and
22 Central Registry or the California Child Support Automation
23 System and approved by all of the public utilities, cable television
24 corporations, providers of electronic digital pager communication,
25 and providers of mobile telephony services. The transmittal shall
26 be deemed to be an administrative subpoena for customer service
27 information.

28 (B) Have the signature of a representative authorized by the
29 California Parent Locator Service and Central Registry or the
30 California Child Support Automation System.

31 (C) Contain at least three of the following data elements
32 regarding the person sought:

33 (i) First and last name, and middle initial, if known.

34 (ii) Social security number.

35 (iii) Driver's license number.

36 (iv) Birth date.

37 (v) Last known address.

38 (vi) Spouse's name.

39 (D) The California Parent Locator Service and Central Registry
40 and the California Child Support Automation System shall ensure

1 that each public utility, cable television corporation, provider of
2 electronic digital pager communication services, and provider of
3 mobile telephony services has at all times a current list of the names
4 of persons authorized to request customer service information.

5 (E) The California Child Support Automation System and the
6 California Parent Locator Service and Central Registry shall ensure
7 that customer service information supplied by a public utility, cable
8 television corporation, provider of electronic digital pager
9 communication, or provider of mobile telephony services is
10 applicable to the person who is being sought before releasing the
11 information pursuant to subdivision (d).

12 (4) During the development of the California Child Support
13 Automation System, the department shall determine the necessity
14 of additional locate sources, including those specified in this
15 section, based upon the cost-effectiveness of those sources.

16 (5) The public utility, cable television corporation, electronic
17 digital pager communication provider, or mobile telephony service
18 provider may charge a fee to the California Parent Locator Service
19 and Central Registry or the California Child Support Automation
20 System for each search performed pursuant to this subdivision to
21 cover the actual costs to the public utility, cable television
22 corporation, electronic digital pager communication provider, or
23 mobile telephony service provider for providing this information.

24 (6) No public utility, cable television corporation, electronic
25 digital pager communication provider, or mobile telephony service
26 provider or official or employee thereof, shall be subject to criminal
27 or civil liability for the release of customer service information as
28 authorized by this subdivision.

29 (e) Notwithstanding Section 14202 of the Penal Code, any
30 records established pursuant to this section shall be disseminated
31 only to the Department of Child Support Services, the California
32 Child Support Automation System, the California Parent Locator
33 Service and Central Registry, the parent locator services and central
34 registries of other states as defined by federal statutes and
35 regulations, a local child support agency of any county in this state,
36 and the federal Parent Locator Service. The California Child
37 Support Automation System shall be allowed access to criminal
38 offender record information only to the extent that access is allowed
39 by law.

1 (f) (1) At no time shall any information received by the
2 California Parent Locator Service and Central Registry or by the
3 California Child Support Automation System be disclosed to any
4 person, agency, or other entity, other than those persons, agencies,
5 and entities specified pursuant to Section 17505, this section, or
6 any other provision of law.

7 (2) This subdivision shall not otherwise affect discovery between
8 parties in any action to establish, modify, or enforce child, family,
9 or spousal support, that relates to custody or visitation.

10 (g) (1) The Department of Justice, in consultation with the
11 Department of Child Support Services, shall promulgate rules and
12 regulations to facilitate maximum and efficient use of the California
13 Parent Locator Service and Central Registry. Upon implementation
14 of the California Child Support Automation System, the
15 Department of Child Support Services shall assume all
16 responsibility for promulgating rules and regulations for use of
17 the California Parent Locator Service and Central Registry.

18 (2) The Department of Child Support Services, the Public
19 Utilities Commission, the cable television corporations, providers
20 of electronic digital pager communication, and the providers of
21 mobile telephony services shall develop procedures for obtaining
22 the information described in subdivision (c) from public utilities,
23 cable television corporations, providers of electronic digital pager
24 communication, and providers of mobile telephony services and
25 for compensating the public utilities, cable television corporations,
26 providers of electronic digital pager communication, and providers
27 of mobile telephony services for providing that information.

28 (h) The California Parent Locator Service and Central Registry
29 may charge a fee not to exceed eighteen dollars (\$18) for any
30 service it provides pursuant to this section that is not performed
31 or funded pursuant to Section 651 and following of Title 42 of the
32 United States Code.

33 (i) This section shall be construed in a manner consistent with
34 the other provisions of this article.

35 SEC. 4. Section 1515 of the Health and Safety Code is amended
36 to read:

37 1515. (a) The department shall authorize county welfare
38 departments to undertake comprehensive recruitment programs,
39 including but not limited to media advertising, public awareness
40 campaigns and public speaking engagements to ensure an adequate

1 number of foster homes are available to meet the child welfare
2 placement needs in each county.

3 ~~It~~

4 (b) *In* counties in which the county has contracted with the state
5 to license foster parents, if the county undertakes a recruitment
6 program, it shall be done by the placement agency. The state shall
7 not be required to perform any acts in connection with a
8 recruitment program.

9 (c) *The recruitment of potential foster parents shall include*
10 *diligent efforts to recruit individuals who reflect the ethnic, racial,*
11 *and cultural diversity of foster children.*

12 SEC. 5. Section 16002 of the Welfare and Institutions Code is
13 amended to read:

14 16002. (a) It is the intent of the Legislature to maintain the
15 continuity of the family unit, and ensure the preservation and
16 strengthening of the child's family ties by ensuring that when
17 siblings have been removed from their home, either as a group on
18 one occurrence or individually on separate occurrences, the siblings
19 will be placed in foster care together, unless it has been determined
20 that placement together is contrary to the safety or well-being of
21 any sibling. The Legislature recognizes that in order to ensure the
22 placement of a sibling group in the same foster care placement,
23 placement resources need to be expanded.

24 (b) The responsible local agency shall make a diligent effort in
25 all out-of-home placements of dependent children, including those
26 with relatives, to place siblings together in the same placement,
27 and to develop and maintain sibling relationships. If siblings are
28 not placed together in the same home, the social worker *or*
29 *probation officer* shall explain why the siblings are not placed
30 together and what efforts he or she is making to place the siblings
31 together or why making those efforts would be contrary to the
32 safety and well-being of any of the siblings. When placement of
33 siblings together in the same home is not possible, a diligent effort
34 shall be made, and a case plan prepared, to provide for ongoing
35 and frequent interaction among siblings until family reunification
36 is achieved, or, if parental rights are terminated, as part of
37 developing the permanent plan for the child. If the court determines
38 by clear and convincing evidence that sibling interaction is contrary
39 to the safety and well-being of any of the siblings, the reasons for

1 the determination shall be noted in the court order, and interaction
2 shall be suspended.

3 (c) When there has been a judicial suspension of sibling
4 interaction, the reasons for the suspension shall be reviewed at
5 each periodic review hearing pursuant to Section 366. When the
6 court determines that sibling interaction can be safely resumed,
7 that determination shall be noted in the court order and the case
8 plan shall be revised to provide for sibling interaction.

9 (d) If the case plan for the child has provisions for sibling
10 interaction, the child, or his or her parent or legal guardian shall
11 have the right to comment on those provisions. If a person wishes
12 to assert a sibling relationship with a dependent child, he or she
13 may file a petition in the juvenile court having jurisdiction over
14 the dependent child pursuant to subdivision (b) of Section 388.

15 (e) If parental rights are terminated and the court orders a
16 dependent child to be placed for adoption, the county adoption
17 agency or the State Department of Social Services shall take all
18 of the following steps to facilitate ongoing sibling contact, except
19 in those cases provided in subdivision (b) where the court
20 determines by clear and convincing evidence that sibling interaction
21 is contrary to the safety or well-being of the child:

22 (1) Include in training provided to prospective adoptive parents
23 information about the importance of sibling relationships to the
24 adopted child and counseling on methods for maintaining sibling
25 relationships.

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

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

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

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

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

5 SEC. 6. Section 16010.6 of the Welfare and Institutions Code
6 is amended to read:

7 16010.6. (a) As soon as a placing agency makes a decision
8 with respect to a placement or a change in placement of a
9 dependent child, but not later than the close of the following
10 business day, the placing agency shall notify the child's attorney
11 and provide to the child's attorney information regarding the child's
12 address, telephone number, and caregiver.

13 (b) (1) A placing agency shall not make a placement or a change
14 in placement of a child outside the United States prior to a judicial
15 finding that the placement is in the best interest of the child, except
16 as required by federal law or treaty.

17 (2) The placing agency shall carry the burden of proof and ~~must~~
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 placing agency
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 section shall not apply to the placement of a dependent
2 child with a parent.

3 (c) Absent exigent circumstances, as soon as a placing agency
4 becomes aware of the need for a change in placement of a
5 dependent child *or ward* that will result in the separation of siblings
6 currently placed together, the placing agency shall notify the child's
7 attorney and the child's siblings' attorney of this proposed
8 separation no less than 10 calendar days prior to the planned change
9 of placement so that the attorneys may investigate the
10 circumstances of the proposed separation. If the placing agency
11 first becomes aware, by written notification from a foster family
12 agency, group home, or other foster care provider, of the need for
13 a change in placement for a dependent child *or ward* that will result
14 in the separation of siblings currently placed together, and that the
15 child or children shall be removed within seven days, then notice
16 shall be provided to the attorneys by the end of the next business
17 day after the receipt of notice from the provider. In an emergency,
18 the placing agency shall provide notice as soon as possible, but no
19 later than the close of the first business day following the change
20 of placement. This notification shall be deemed sufficient notice
21 for the purposes of subdivision (a).

22 (d) When the required notice is given prior to a change in
23 placement, the notice shall include information regarding the
24 child's address, telephone number, and caregiver or any one or
25 more of these items of information to the extent that this
26 information is known at the time that the placing agency provides
27 notice to the child's attorney. When the required notice is given
28 after the change in placement, notice shall include information
29 regarding the child's address, telephone number, and caregiver.

30 (e) The Judicial Council shall adopt a rule of court directing the
31 attorney for a child for whom a dependency petition has been filed,
32 upon receipt from the agency responsible for placing the child of
33 the name, address, and telephone number of the child's caregiver,
34 to timely provide the attorney's contact information to the caregiver
35 and, if the child is 10 years of age or older, to the child. This rule
36 does not preclude an attorney from giving contact information to
37 a child who is younger than 10 years of age.

38 SEC. 7. Section 16519.5 of the Welfare and Institutions Code
39 is amended to read:

1 16519.5. (a) The State Department of Social Services, in
2 consultation with county child welfare agencies, foster parent
3 associations, and other interested community parties, shall
4 implement a unified, family friendly, and child-centered resource
5 family approval process to replace the existing multiple processes
6 for licensing foster family homes, approving relatives and
7 nonrelative extended family members as foster care providers, and
8 approving adoptive families.

9 (b) Up to five counties shall be selected to participate on a
10 voluntary basis as early implementation counties for the purpose
11 of participating in the initial development of the approval process.
12 Early implementation counties shall be selected according to
13 criteria developed by the department in consultation with the
14 County Welfare Directors Association. In selecting the five early
15 implementation counties, the department shall promote diversity
16 among the participating counties in terms of size and geographic
17 location.

18 (c) (1) For the purposes of this section, “resource family” means
19 an individual or couple that a participating county determines to
20 have successfully met both the home approval standards and the
21 permanency assessment criteria adopted pursuant to subdivision
22 (d) necessary for providing care for a related or unrelated child
23 who is under the jurisdiction of the juvenile court, or otherwise in
24 the care of a county child welfare agency or probation department.
25 A resource family shall demonstrate all of the following:

26 (A) An understanding of the safety, permanence, and well-being
27 needs of children who have been victims of child abuse and neglect,
28 and the capacity and willingness to meet those needs, including
29 the need for protection, and the willingness to make use of support
30 resources offered by the agency, or a support structure in place,
31 or both.

32 (B) An understanding of children’s needs and development,
33 effective parenting skills or knowledge about parenting, and the
34 capacity to act as a reasonable, prudent parent in day-to-day
35 decisionmaking.

36 (C) An understanding of his or her role as a resource family and
37 the capacity to work cooperatively with the agency and other
38 service providers in implementing the child’s case plan.

39 (D) The financial ability within the household to ensure the
40 stability and financial security of the family.

1 (E) An ability and willingness to maintain the least restrictive
2 and most familylike environment that serves the needs of the child.

3 (2) Subsequent to meeting the criteria set forth in this
4 subdivision and designation as a resource family, a resource family
5 shall be considered eligible to provide foster care for related and
6 unrelated children in out-of-home placement, shall be considered
7 approved for adoption or guardianship, and shall not have to
8 undergo any additional approval or licensure as long as the family
9 lives in a county participating in the program.

10 (3) Resource family assessment and approval means that the
11 applicant meets the standard for home approval, and has
12 successfully completed a permanency assessment. This approval
13 is in lieu of the existing foster care license, relative or nonrelative
14 extended family member approval, and the adoption home study
15 approval.

16 (4) Approval of a resource family does not guarantee an initial
17 or continued placement of a child with a resource family.

18 (d) Prior to implementation of this program, the department
19 shall adopt standards pertaining to home approval and permanency
20 assessment of a resource family.

21 (1) Resource family home approval standards shall include, but
22 not be limited to, all of the following:

23 (A) (i) Criminal records clearance of all adults residing in the
24 home, pursuant to Section 8712 of the Family Code, utilizing a
25 check of the Child Abuse Central Index (CACI), a check of the
26 Child Welfare Services/Case Management System (CWS/CMS),
27 *and* receipt of a fingerprint-based state *and federal* criminal
28 offender record information search response, ~~and submission of a~~
29 ~~fingerprint-based federal criminal offender record information~~
30 ~~search.~~

31 (ii) Consideration of any prior allegations of child abuse or
32 neglect against either the applicant or any other adult residing in
33 the home. An approval may not be granted to applicants whose
34 criminal record indicates a conviction for any of the offenses
35 specified in clause (i) of subparagraph (A) of paragraph (1) of
36 subdivision (g) of Section 1522 of the Health and Safety Code.

37 (iii) Exemptions from the criminal records clearance
38 requirements set forth in this section may be granted by the director
39 or the early implementation county, if that county has been granted
40 permission by the director to issue criminal records exemptions

1 pursuant to Section 361.4, using the exemption criteria currently
2 used for foster care licensing as specified in subdivision (g) of
3 Section 1522 of the Health and Safety Code.

4 (B) Buildings and grounds, outdoor activity space, and storage
5 requirements set forth in Sections 89387 and 89387.2 of Title 22
6 of the California Code of Regulations.

7 (C) In addition to the foregoing requirements, the resource
8 family home approval standards shall also require the following:

9 (i) That the applicant demonstrate an understanding about the
10 rights of children in care and his or her responsibility to safeguard
11 those rights.

12 (ii) That the total number of children residing in the home of a
13 resource family shall be no more than the total number of children
14 the resource family can properly care for, regardless of status, and
15 shall not exceed six children, unless exceptional circumstances
16 that are documented in the foster child's case file exist to permit
17 a resource family to care for more children, including, but not
18 limited to, the need to place siblings together.

19 (iii) That the applicant understands his or her responsibilities
20 with respect to acting as a reasonable and prudent parent, and
21 maintaining the least restrictive and most familylike environment
22 that serves the needs of the child.

23 (D) The results of a caregiver risk assessment are consistent
24 with the factors listed in subparagraphs (A) to (D), inclusive, of
25 paragraph (1) of subdivision (c). A caregiver risk assessment shall
26 include, but not be limited to, physical and mental health, alcohol
27 and other substance use and abuse, and family and domestic
28 violence.

29 (2) The resource family permanency assessment standards shall
30 include, but not be limited to, all of the following:

31 (A) The applicant shall complete caregiver training.

32 (B) The applicant shall complete a psychosocial evaluation.

33 (C) The applicant shall complete any other activities that relate
34 to a resource family's ability to achieve permanency with the child.

35 (e) (1) A child may be placed with a resource family that has
36 received home approval prior to completion of a permanency
37 assessment only if a compelling reason for the placement exists
38 based on the needs of the child.

1 (2) The permanency assessment shall be completed within 90
2 days of the child's placement in the approved home, unless good
3 cause exists based upon the needs of the child.

4 (3) If additional time is needed to complete the permanency
5 assessment, the county shall document the extenuating
6 circumstances for the delay and generate a timeframe for the
7 completion of the permanency assessment.

8 (4) The county shall report to the department on a quarterly
9 basis the number of families with a child in an approved home
10 whose permanency assessment goes beyond 90 days and
11 summarize the reasons for these delays.

12 (5) A child may be placed with a relative, as defined in Section
13 319, or nonrelative extended family member, as defined in Section
14 362.7, prior to home approval and completion of the permanency
15 assessment only on an emergency basis if all of the following
16 requirements are met:

17 (A) Consideration of the results of a criminal records check
18 conducted pursuant to Section 16504.5 of the relative or nonrelative
19 extended family member and of every other adult in the home.

20 (B) Consideration of the results of the Child Abuse Central
21 Index (CACI) consistent with Section 1522.1 of the Health and
22 Safety Code of the relative or nonrelative extended family member,
23 and of every other adult in the home.

24 (C) The home and grounds are free of conditions that pose undue
25 risk to the health and safety of the child.

26 (D) For any placement made pursuant to this paragraph, the
27 county shall initiate the home approval process no later than five
28 business days after the placement, which shall include a
29 face-to-face interview with the resource family applicant and child.

30 (E) For any placement made pursuant to this paragraph,
31 AFDC-FC funding shall not be available until the home has been
32 approved.

33 (F) Any child placed under this section shall be afforded all the
34 rights set forth in Section 16001.9.

35 (f) The State Department of Social Services shall be responsible
36 for all of the following:

37 (1) Selecting early implementation counties, based on criteria
38 established by the department in consultation with the County
39 Welfare Directors Association.

1 (2) Establishing timeframes for participating counties to submit
2 an implementation plan, enter into terms and conditions for
3 participation in the program, train appropriate staff, and accept
4 applications from resource families.

5 (3) Entering into terms and conditions for participation in the
6 program by counties.

7 (4) Administering the program through the issuance of written
8 directives that shall have the same force and effect as regulations.
9 Any directive affecting Article 1 (commencing with Section 700)
10 of Chapter 7 of Title 11 of the California Code of Regulations shall
11 be approved by the Department of Justice. The directives shall be
12 exempt from the rulemaking provisions of the Administrative
13 Procedure Act (Chapter 3.5 (commencing with Section 11340))
14 of Part 1 of Division 3 of Title 2 of the Government Code.

15 (5) Approving and requiring the use of a single standard for
16 resource family home approval and permanency assessment.

17 (6) Adopting and requiring the use of standardized
18 documentation for the home approval and permanency assessment
19 of resource families.

20 (7) Requiring counties to monitor resource families including,
21 but not limited to, all of the following:

22 (A) Investigating complaints of resource families.

23 (B) Developing and monitoring resource family corrective action
24 plans to correct identified deficiencies and to rescind resource
25 family approval if compliance with corrective action plans is not
26 achieved.

27 (8) Ongoing oversight and monitoring of county systems and
28 operations including all of the following:

29 (A) Reviewing the county's implementation of the program.

30 (B) Reviewing an adequate number of approved resource
31 families in each participating county to ensure that approval
32 standards are being properly applied. The review shall include
33 case file documentation, and may include onsite inspection of
34 individual resource families. The review shall occur on an annual
35 basis, and more frequently if the department becomes aware that
36 a participating county is experiencing a disproportionate number
37 of complaints against individual resource family homes.

38 (C) Reviewing county reports of serious complaints and
39 incidents involving approved resource families, as determined
40 necessary by the department. The department may conduct an

1 independent review of the complaint or incident and change the
2 findings depending on the results of its investigation.

3 (D) Investigating unresolved complaints against participating
4 counties.

5 (E) Requiring corrective action of counties that are not in full
6 compliance with the terms and conditions of the program.

7 (9) Preparing or having prepared, and submitting to the
8 Legislature, a report on the results of the initial phase of
9 implementation of the program. The report shall include all of the
10 following:

11 (A) An analysis, utilizing available data, of state and federal
12 data indicators related to the length of time to permanency
13 including reunification, guardianship and adoption, child safety
14 factors, and placement stability.

15 (B) An analysis of resource family recruitment and retention
16 elements, including resource family satisfaction with approval
17 processes and changes regarding the population of available
18 resource families.

19 (C) An analysis of cost, utilizing available data, including
20 funding sources.

21 (D) An analysis of regulatory or statutory barriers to
22 implementing the program on a statewide basis.

23 (g) Counties participating in the program shall be responsible
24 for all of the following:

25 (1) Submitting an implementation plan, entering into terms and
26 conditions for participation in the program, consulting with the
27 county probation department in the development of the
28 implementation plan, training appropriate staff, and accepting
29 applications from resource families within the timeframes
30 established by the department.

31 (2) Complying with the written directives pursuant to paragraph
32 (4) of subdivision (f).

33 (3) Implementing the requirements for resource family home
34 approval and permanency assessment and utilizing standardized
35 documentation established by the department.

36 (4) Ensuring staff have the education and experience necessary
37 to complete the home approval and permanency assessment
38 competently.

39 (5) Approving and denying resource family applications,
40 including all of the following:

1 (A) Rescinding home approvals and resource family approvals
2 where appropriate, consistent with the established standard.

3 (B) Providing disapproved resource families requesting review
4 of that decision due process by conducting county grievance
5 reviews pursuant to the department's regulations.

6 (C) Notifying the department of any decisions denying a
7 resource family's application or rescinding the approval of a
8 resource family.

9 (6) Updating resource family approval annually.

10 (7) Monitoring resource families through all of the following:

11 (A) Ensuring that social workers who identify a condition in
12 the home that may not meet the approval standards set forth in
13 subdivision (d) while in the course of a routine visit to children
14 placed with a resource family take appropriate action as needed.

15 (B) Requiring resource families to comply with corrective action
16 plans as necessary to correct identified deficiencies. If corrective
17 action is not completed as specified in the plan, the county may
18 rescind the resource family approval.

19 (C) Requiring resource families to report to the county child
20 welfare agency any incidents consistent with the reporting
21 requirements for licensed foster family homes.

22 (8) Investigating all complaints against a resource family and
23 taking action as necessary. This shall include investigating any
24 incidents reported about a resource family indicating that the
25 approval standard is not being maintained.

26 (A) The child's social worker shall not conduct the formal
27 investigation into the complaint received concerning a family
28 providing services under the standards required by subdivision
29 (d). To the extent that adequate resources are available, complaints
30 shall be investigated by a worker who did not initially perform the
31 home approval or permanency assessment.

32 (B) Upon conclusion of the complaint investigation, the final
33 disposition shall be reviewed and approved by a supervising staff
34 member.

35 (C) The department shall be notified of any serious incidents
36 or serious complaints or any incident that falls within the definition
37 of Section 11165.5 of the Penal Code. If those incidents or
38 complaints result in an investigation, the department shall also be
39 notified as to the status and disposition of that investigation.

40 (9) Performing corrective action as required by the department.

1 (10) Assessing county performance in related areas of the
2 California Child and Family Services Review System, and
3 remedying problems identified.

4 (11) Submitting information and data that the department
5 determines is necessary to study, monitor, and prepare the report
6 specified in paragraph (9) of subdivision (f).

7 (h) Approved relatives and nonrelated extended family members,
8 licensed foster family homes, or approved adoptive homes that
9 have completed the license or approval process prior to full
10 implementation of the program shall not be considered part of the
11 program. The otherwise applicable assessment and oversight
12 processes shall continue to be administered for families and
13 facilities not included in the program.

14 (i) The department may waive regulations that pose a barrier to
15 implementation and operation of this program. The waiver of any
16 regulations by the department pursuant to this section shall apply
17 to only those counties participating in the program and only for
18 the duration of the program.

19 (j) Resource families approved under initial implementation of
20 the program, who move within an early implementation county or
21 who move to another early implementation county, shall retain
22 their resource family status if the new building and grounds,
23 outdoor activity areas, and storage areas meet home approval
24 standards. The State Department of Social Services or early
25 implementation county may allow a program-affiliated individual
26 to transfer his or her subsequent arrest notification if the individual
27 moves from one early implementation county to another early
28 implementation county, as specified in subdivision (h) of Section
29 1522 of the Health and Safety Code.

30 (k) (1) A resource family approved under this program that
31 moves to a nonparticipating county shall lose its status as a resource
32 family. The new county of residence shall deem the family
33 approved for licensing, relative and nonrelated extended family
34 member approval, guardianship, and adoption purposes, under the
35 following conditions:

36 (A) The new building and grounds, outdoor activity areas, and
37 storage areas meet applicable standards, unless the family is subject
38 to a corrective action plan.

39 (B) There has been a criminal records clearance of all adults
40 residing in the home and exemptions granted, using the exemption

1 criteria currently used for foster care licensing, as specified in
2 subdivision (g) of Section 1522 of the Health and Safety Code.

3 (2) A program-affiliated individual who moves to a
4 nonparticipating county may not transfer his or her subsequent
5 arrest notification from a participating county to the
6 nonparticipating county.

7 (l) Implementation of the program shall be contingent upon the
8 continued availability of federal Social Security Act Title IV-E
9 (42 U.S.C. Sec. 670) funds for costs associated with placement of
10 children with resource families assessed and approved under the
11 program.

12 (m) Notwithstanding Section 11402, a child placed with a
13 resource family shall be eligible for AFDC-FC payments. A
14 resource family shall be paid an AFDC-FC rate pursuant to
15 Sections 11460 and 11461. Sharing ratios for nonfederal
16 expenditures for all costs associated with activities related to the
17 approval of relatives and nonrelated extended family members
18 shall be in accordance with Section 10101.

19 (n) The Department of Justice shall charge fees sufficient to
20 cover the cost of initial or subsequent criminal offender record
21 information and Child Abuse Central Index searches, processing,
22 or responses, as specified in this section.

23 (o) Approved resource families under this program shall be
24 exempt from all of the following:

25 (1) Licensure requirements set forth under the Community Care
26 Facilities Act, commencing with Section 1500 of the Health and
27 Safety Code, and all regulations promulgated thereto.

28 (2) Relative and nonrelative extended family member approval
29 requirements set forth under Sections 309, 361.4, and 362.7, and
30 all regulations promulgated thereto.

31 (3) Adoptions approval and reporting requirements set forth
32 under Section 8712 of the Family Code, and all regulations
33 promulgated thereto.

34 (p) Early implementation counties shall be authorized to
35 continue through the end of the 2010–11 fiscal year, or through
36 the end of the third full fiscal year following the date that counties
37 commence implementation, whichever of these dates is later, at
38 which time the program shall be authorized in all counties.

39 (q) Notwithstanding subdivision (p), this section shall not be
40 implemented until January 1, 2013.

1 SEC. 8. (a) Notwithstanding the rulemaking provisions of the
2 Administrative Procedure Act, Chapter 3.5 (commencing with
3 Section 11340) of Part 1 of Division 3 of Title 2 of the Government
4 Code, until emergency regulations are filed with the Secretary of
5 State, the State Department of Social Services may implement the
6 changes made to Section 8707.1 of the Family Code, Section 1515
7 of the Health and Safety Code, and Sections 10850.4, 16002,
8 16010.6, 16519.5, and 17212 of the Welfare and Institutions Code
9 by this act through all-county letters or similar instructions from
10 the director. The department shall adopt emergency regulations,
11 as necessary to implement those amendments no later than January
12 1, 2016.

13 (b) The adoption of regulations pursuant to subdivision (a) shall
14 be deemed to be an emergency and necessary for the immediate
15 preservation of the public peace, health, safety, or general welfare.
16 The emergency regulations authorized by this section shall be
17 exempt from review by the Office of Administrative Law. The
18 emergency regulations authorized by this section shall be submitted
19 to the Office of Administrative Law for filing with the Secretary
20 of State and shall remain in effect for no more than 180 days, by
21 which time the final regulations shall be adopted.

22 SEC. 9. If the Commission on State Mandates determines that
23 this act contains costs mandated by the state, reimbursement to
24 local agencies and school districts for those costs shall be made
25 pursuant to Part 7 (commencing with Section 17500) of Division
26 4 of Title 2 of the Government Code.

27

28

29 **CORRECTIONS:**

30 **Text—Pages 1 and 2.**

31