

AMENDED IN ASSEMBLY AUGUST 22, 2014

AMENDED IN ASSEMBLY AUGUST 4, 2014

**SENATE BILL**

**No. 1460**

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

February 25, 2014

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An act to amend Sections 17212 and 17506 of, and to add Section 8707.1 to, the Family Code, to amend Sections 1505 and 1515 of the Health and Safety Code, to amend Section 11170 of, and to add Section ~~11105.07~~ *11105.08* to, the Penal Code, and to amend Sections 305.5, 361.2, 361.4, 362.04, 727, ~~10618.6~~, 11402, ~~11403.2~~, 16002, 16010.6, 16501.3, 16507.5, 16519.5, 17710, and 17732.2 of, and to add Sections 381, 827.15, and 10553.12 to, the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 1460, as amended, 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 requires a foster home to be licensed by State Department of Social Services, and authorizes up to five counties, selected by the department, to approve a resource family, as defined, for foster care placement.

This bill would exempt a resource family, as defined, from those licensure requirements, and would allow additional counties to volunteer to be selected by the department to also be authorized to approve a resource family.

(6) Existing law specifies the entities, that may receive criminal history information from the Department of Justice.

This bill would authorize a tribal child welfare agency to receive that information.

(7) Existing law provides for the transfer of custody proceedings including proceedings involving an Indian child from a county juvenile court to the jurisdiction of the child's tribe.

This bill would require a county juvenile court to transfer the entire child case file, as defined, to the tribe having jurisdiction, and would

require both the county juvenile court and the tribe to document the finding of facts supporting jurisdiction over the child.

(8) Existing law allows a court to remove a child from the home of one or both of his or her parents and to be placed under the supervision of a social worker who may place the child in the home of a noncustodial parent, relative, or approved nonrelative extended family.

This bill would additionally allow for the child to be placed in an approved home of a resource family, as defined, and would make conforming changes relating to this provision.

(9) The Federal Indian Child Welfare Act, authorizes a federally recognized tribe to approve a home for the purpose of foster or adoptive placement of an Indian child.

This bill would conform state law to that provision and would specify the duties of a tribal child welfare agency, as defined, in conducting related background checks.

~~(10) Existing law specifies the conditions under which a foster child or former foster child is eligible to receive transitional housing services, including Transitional Housing Program Plus, as described. Existing law requires the department to establish the reimbursement rates that a county is required to pay a provider of that service.~~

~~This bill would require those reimbursement rates to be adjusted annually based on the California Necessities Index.~~

~~(11)~~

~~(10) Existing law requires the department to report specified information regarding provision of health care to children in foster care.~~

~~This bill would require a county child welfare agency to provide the department with information necessary for the department to meet those reporting responsibilities.~~

~~(12)~~

~~(11) 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.~~

~~(12) This bill would incorporate additional changes to Section 17506 of the Family Code proposed by SB 1066, to be operative only if SB 1066 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last. This bill would~~

*incorporate additional changes to Section 361.2 of the Welfare and Institutions Code proposed by SB 977 and SB 1099, to be 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. This bill would incorporate additional changes to Section 727 of the Welfare and Institutions Code proposed by AB 2607, to be operative only if AB 2607 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last. This bill would incorporate additional changes to Section 16002 of the Welfare and Institutions Code proposed by SB 1099, to be operative only if SB 1099 and this bill are both chaptered and become effective on or before January 1, 2015, and this bill is chaptered last.*

(13) 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:
- 3 8707.1. (a) The agency responsible for recruitment of potential
- 4 adoptive parents shall make diligent efforts to recruit individuals
- 5 who reflect the ethnic, racial, and cultural diversity of children for
- 6 whom adoptive homes are needed.
- 7 (b) This section shall not be construed to affect the application
- 8 of the federal Indian Child Welfare Act.
- 9 SEC. 2. Section 17212 of the Family Code is amended to read:
- 10 17212. (a) It is the intent of the Legislature to protect
- 11 individual rights of privacy, and to facilitate and enhance the
- 12 effectiveness of the child and spousal support enforcement
- 13 program, by ensuring the confidentiality of support enforcement

1 and child abduction records, and to thereby encourage the full and  
2 frank disclosure of information relevant to all of the following:

3 (1) The establishment or maintenance of parent and child  
4 relationships and support obligations.

5 (2) The enforcement of the child support liability of absent  
6 parents.

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

11 (4) The location of absent parents.

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

14 (b) (1) Except as provided in subdivision (c), all files,  
15 applications, papers, documents, and records established or  
16 maintained by any public entity pursuant to the administration and  
17 implementation of the child and spousal support enforcement  
18 program established pursuant to Part D (commencing with Section  
19 651) of Subchapter IV of Chapter 7 of Title 42 of the United States  
20 Code and this division, shall be confidential, and shall not be open  
21 to examination or released for disclosure for any purpose not  
22 directly connected with the administration of the child and spousal  
23 support enforcement program. No public entity shall disclose any  
24 file, application, paper, document, or record, or the information  
25 contained therein, except as expressly authorized by this section.

26 (2) In no case shall information be released or the whereabouts  
27 of one party or the child disclosed to another party, or to the  
28 attorney of any other party, if a protective order has been issued  
29 by a court or administrative agency with respect to the party, a  
30 good cause claim under Section 11477.04 of the Welfare and  
31 Institutions Code has been approved or is pending, or the public  
32 agency responsible for establishing paternity or enforcing support  
33 has reason to believe that the release of the information may result  
34 in physical or emotional harm to the party or the child. When a  
35 local child support agency is prohibited from releasing information  
36 pursuant to this subdivision, the information shall be omitted from  
37 any pleading or document to be submitted to the court and this  
38 subdivision shall be cited in the pleading or other document as the  
39 authority for the omission. The information shall be released only

1 upon an order of the court pursuant to paragraph (6) of subdivision  
2 (c).

3 (3) Notwithstanding any other provision of law, a proof of  
4 service filed by the local child support agency shall not disclose  
5 the address where service of process was accomplished. Instead,  
6 the local child support agency shall keep the address in its own  
7 records. The proof of service shall specify that the address is on  
8 record at the local child support agency and that the address may  
9 be released only upon an order from the court pursuant to paragraph  
10 (6) of subdivision (c). The local child support agency shall, upon  
11 request by a party served, release to that person the address where  
12 service was effected.

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

15 (1) All files, applications, papers, documents, and records as  
16 described in subdivision (b) shall be available and may be used  
17 by a public entity for all administrative, civil, or criminal  
18 investigations, actions, proceedings, or prosecutions conducted in  
19 connection with the administration of the child and spousal support  
20 enforcement program approved under Part D (commencing with  
21 Section 651) of Subchapter IV of Chapter 7 of Title 42 of the  
22 United States Code and to the county welfare department  
23 responsible for administering a program operated under a state  
24 plan pursuant to Part A, Subpart 1 or 2 of Part B, or Part E of  
25 Subchapter IV of Chapter 7 of Title 42 of the United States Code.

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

29 (3) The payment history of an obligor pursuant to a support  
30 order may be examined by or released to the court, the obligor, or  
31 the person on whose behalf enforcement actions are being taken  
32 or that person's designee.

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

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

39 (6) After a noticed motion and a finding by the court, in a case  
40 in which establishment or enforcement actions are being taken,

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

17 (7) To the extent not prohibited by federal law or regulation,  
18 information indicating the existence or imminent threat of a crime  
19 against a child, or location of a concealed, detained, or abducted  
20 child or the location of the concealing, detaining, or abducting  
21 person, may be disclosed to any district attorney, any appropriate  
22 law enforcement agency, or to any state or county child protective  
23 agency, or may be used in any judicial proceedings to prosecute  
24 that crime or to protect the child.

25 (8) The social security number, most recent address, and the  
26 place of employment of the absent parent may be released to an  
27 authorized person as defined in Section 653(c) of Title 42 of the  
28 United States Code, only if the authorized person has filed a request  
29 for the information, and only if the information has been provided  
30 to the California Parent Locator Service by the federal Parent  
31 Locator Service pursuant to Section 653 of Title 42 of the United  
32 States Code.

33 (9) A parent's or relative's name, social security number, most  
34 recent address, telephone number, place of employment, or other  
35 contact information may be released to a county child welfare  
36 agency or county probation department pursuant to subdivision  
37 (c) of Section 17506.

38 (d) (1) "Administration and implementation of the child and  
39 spousal support enforcement program," as used in this division,  
40 means the carrying out of the state and local plans for establishing,

1 modifying, and enforcing child support obligations, enforcing  
2 spousal support orders, and determining paternity pursuant to Part  
3 D (commencing with Section 651) of Subchapter IV of Chapter 7  
4 of Title 42 of the United States Code and this article.

5 (2) For purposes of this division, “obligor” means any person  
6 owing a duty of support.

7 (3) As used in this division, “putative parent” shall refer to any  
8 person reasonably believed to be the parent of a child for whom  
9 the local child support agency is attempting to establish paternity  
10 or establish, modify, or enforce support pursuant to Section 17400.

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

13 (f) Nothing in this section shall be construed to compel the  
14 disclosure of information relating to a deserting parent who is a  
15 recipient of aid under a public assistance program for which federal  
16 aid is paid to this state, if that information is required to be kept  
17 confidential by the federal law or regulations relating to the  
18 program.

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

20 17506. (a) There is in the department a California Parent  
21 Locator Service and Central Registry that shall collect and  
22 disseminate all of the following, with respect to any parent, putative  
23 parent, spouse, or former spouse:

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

26 (2) Date and place of birth.

27 (3) Physical description.

28 (4) Social security number.

29 (5) Employment history and earnings.

30 (6) Military status and Veterans Administration or military  
31 service serial number.

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

33 (8) Driver’s license number, driving record, and vehicle  
34 registration information.

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

36 (10) (A) Any additional location, asset, and income information,  
37 including income tax return information obtained pursuant to  
38 Section 19285.1 of the Revenue and Taxation Code, and to the  
39 extent permitted by federal law, the address, telephone number,  
40 and social security number obtained from a public utility, cable

1 television corporation, a provider of electronic digital pager  
2 communication, or a provider of mobile telephony services that  
3 may be of assistance in locating the parent, putative parent,  
4 abducting, concealing, or detaining parent, spouse, or former  
5 spouse, in establishing a parent and child relationship, in enforcing  
6 the child support liability of the absent parent, or enforcing the  
7 spousal support liability of the spouse or former spouse to the  
8 extent required by the state plan pursuant to Section 17604.

9 (B) For purposes of this subdivision, “income tax return  
10 information” means all of the following regarding the taxpayer:

- 11 (i) Assets.
- 12 (ii) Credits.
- 13 (iii) Deductions.
- 14 (iv) Exemptions.
- 15 (v) Identity.
- 16 (vi) Liabilities.
- 17 (vii) Nature, source, and amount of income.
- 18 (viii) Net worth.
- 19 (ix) Payments.
- 20 (x) Receipts.
- 21 (xi) Address.
- 22 (xii) Social security number.

23 (b) Pursuant to a letter of agreement entered into between the  
24 Department of Child Support Services and the Department of  
25 Justice, the Department of Child Support Services shall assume  
26 responsibility for the California Parent Locator Service and Central  
27 Registry. The letter of agreement shall, at a minimum, set forth all  
28 of the following:

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

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

38 (3) Until the department’s automation system for the California  
39 Parent Locator Service and Central Registry functions is fully

1 operational, the department shall use the automation system  
2 operated by the Department of Justice.

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

5 (c) To effectuate the purposes of this section, the California  
6 Child Support Automation System, the California Parent Locator  
7 Service and Central Registry, and the Franchise Tax Board shall  
8 utilize the federal Parent Locator Service to the extent necessary,  
9 and may request and shall receive from all departments, boards,  
10 bureaus, or other agencies of the state, or any of its political  
11 subdivisions, and those entities shall provide, that assistance and  
12 data that will enable the Department of Child Support Services  
13 and other public agencies to carry out their powers and duties to  
14 locate parents, spouses, and former spouses, and to identify their  
15 assets, to establish parent-child relationships, and to enforce  
16 liability for child or spousal support, and for any other obligations  
17 incurred on behalf of children, and shall also provide that  
18 information to any local child support agency in fulfilling the duties  
19 prescribed in Section 270 of the Penal Code, and in Chapter 8  
20 (commencing with Section 3130) of Part 2 of Division 8 of this  
21 code, relating to abducted, concealed, or detained children and to  
22 any county child welfare agency or county probation department  
23 in fulfilling the duties prescribed in Article 5.5 (commencing with  
24 Section 290.1) of Chapter 2 of Part 1 of Division 2 of the Welfare  
25 and Institutions Code, and prescribed in Article 6 (commencing  
26 with Section 300) of Chapter 2 of Part 1 of Division 2 of the  
27 Welfare and Institutions Code to identify, locate, and notify parents  
28 or relatives of children who are the subject of juvenile court  
29 proceedings, to establish parent and child relationships pursuant  
30 to Section 316.2 of the Welfare and Institutions Code, and to assess  
31 the appropriateness of placement of a child with a noncustodial  
32 parent pursuant to Section 361.2 of the Welfare and Institutions  
33 Code. Consistent with paragraph (1) of subdivision (e) of Section  
34 309 of, and paragraph (2) of subdivision (d) of Section 628 of, the  
35 Welfare and Institutions Code, in order for county child welfare  
36 and probation departments to carry out their duties to identify and  
37 locate all grandparents, adult siblings, and other adult relatives of  
38 the child as defined in paragraph (2) of subdivision (f) of Section  
39 319 of the Welfare and Institutions Code, including any other adult  
40 relatives suggested by the parents, county personnel are permitted

1 to request and receive information from the California Parent  
2 Locator Service and Federal Parent Locator Service. County child  
3 welfare agencies and probation departments shall be entitled to  
4 the information described in this subdivision regardless of whether  
5 an all-county letter or similar instruction is issued pursuant to  
6 subparagraph (C) of paragraph (8) of subdivision (c) of Section  
7 11478.1 of the Welfare and Institutions Code. The California Child  
8 Support Automation System shall be entitled to the same  
9 cooperation and information as the California Parent Locator  
10 Service and Central Registry to the extent allowed by law. The  
11 California Child Support Automation System shall be allowed  
12 access to criminal record information only to the extent that access  
13 is allowed by state and federal law.

14 (d) (1) To effectuate the purposes of this section, and  
15 notwithstanding any other provision of California law, regulation,  
16 or tariff, and to the extent permitted by federal law, the California  
17 Parent Locator Service and Central Registry and the California  
18 Child Support Automation System may request and shall receive  
19 from public utilities, as defined in Section 216 of the Public  
20 Utilities Code, customer service information, including the full  
21 name, address, telephone number, date of birth, employer name  
22 and address, and social security number of customers of the public  
23 utility, to the extent that this information is stored within the  
24 computer database of the public utility.

25 (2) 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 cable television corporations, as defined in Section 216.4 of  
31 the Public Utilities Code, the providers of electronic digital pager  
32 communication, as defined in Section 629.51 of the Penal Code,  
33 and the providers of mobile telephony services, as defined in  
34 Section 224.4 of the Public Utilities Code, customer service  
35 information, including the full name, address, telephone number,  
36 date of birth, employer name and address, and social security  
37 number of customers of the cable television corporation, customers  
38 of the providers of electronic digital pager communication, and  
39 customers of the providers of mobile telephony services.

1 (3) In order to protect the privacy of utility, cable television,  
2 electronic digital pager communication, and mobile telephony  
3 service customers, a request to a public utility, cable television  
4 corporation, provider of electronic digital pager communication,  
5 or provider of mobile telephony services for customer service  
6 information pursuant to this section shall meet the following  
7 requirements:

8 (A) Be submitted to the public utility, cable television  
9 corporation, provider of electronic digital pager communication,  
10 or provider of mobile telephony services in writing, on a transmittal  
11 document prepared by the California Parent Locator Service and  
12 Central Registry or the California Child Support Automation  
13 System and approved by all of the public utilities, cable television  
14 corporations, providers of electronic digital pager communication,  
15 and providers of mobile telephony services. The transmittal shall  
16 be deemed to be an administrative subpoena for customer service  
17 information.

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

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

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

24 (ii) Social security number.

25 (iii) Driver's license number.

26 (iv) Birth date.

27 (v) Last known address.

28 (vi) Spouse's name.

29 (D) The California Parent Locator Service and Central Registry  
30 and the California Child Support Automation System shall ensure  
31 that each public utility, cable television corporation, provider of  
32 electronic digital pager communication services, and provider of  
33 mobile telephony services has at all times a current list of the names  
34 of persons authorized to request customer service information.

35 (E) The California Child Support Automation System and the  
36 California Parent Locator Service and Central Registry shall ensure  
37 that customer service information supplied by a public utility, cable  
38 television corporation, provider of electronic digital pager  
39 communication, or provider of mobile telephony services is

1 applicable to the person who is being sought before releasing the  
2 information pursuant to subdivision (d).

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

7 (5) The public utility, cable television corporation, electronic  
8 digital pager communication provider, or mobile telephony service  
9 provider may charge a fee to the California Parent Locator Service  
10 and Central Registry or the California Child Support Automation  
11 System for each search performed pursuant to this subdivision to  
12 cover the actual costs to the public utility, cable television  
13 corporation, electronic digital pager communication provider, or  
14 mobile telephony service provider for providing this information.

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

20 (e) Notwithstanding Section 14202 of the Penal Code, any  
21 records established pursuant to this section shall be disseminated  
22 only to the Department of Child Support Services, the California  
23 Child Support Automation System, the California Parent Locator  
24 Service and Central Registry, the parent locator services and central  
25 registries of other states as defined by federal statutes and  
26 regulations, a local child support agency of any county in this state,  
27 and the federal Parent Locator Service. The California Child  
28 Support Automation System shall be allowed access to criminal  
29 offender record information only to the extent that access is allowed  
30 by law.

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

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

1 (g) (1) The Department of Justice, in consultation with the  
2 Department of Child Support Services, shall promulgate rules and  
3 regulations to facilitate maximum and efficient use of the California  
4 Parent Locator Service and Central Registry. Upon implementation  
5 of the California Child Support Automation System, the  
6 Department of Child Support Services shall assume all  
7 responsibility for promulgating rules and regulations for use of  
8 the California Parent Locator Service and Central Registry.

9 (2) The Department of Child Support Services, the Public  
10 Utilities Commission, the cable television corporations, providers  
11 of electronic digital pager communication, and the providers of  
12 mobile telephony services shall develop procedures for obtaining  
13 the information described in subdivision (c) from public utilities,  
14 cable television corporations, providers of electronic digital pager  
15 communication, and providers of mobile telephony services and  
16 for compensating the public utilities, cable television corporations,  
17 providers of electronic digital pager communication, and providers  
18 of mobile telephony services for providing that information.

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

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

26 *SEC. 3.5. Section 17506 of the Family Code is amended to*  
27 *read:*

28 17506. (a) There is in the department a California Parent  
29 Locator Service and Central Registry that shall collect and  
30 disseminate all of the following, with respect to any parent, putative  
31 parent, spouse, or former spouse:

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

34 (2) Date and place of birth.

35 (3) Physical description.

36 (4) Social security number.

37 (5) Employment history and earnings.

38 (6) Military status and Veterans Administration or military  
39 service serial number.

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

1 (8) Driver’s license number, driving record, and vehicle  
2 registration information.

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

4 (10) (A) Any additional location, asset, and income information,  
5 including income tax return information obtained pursuant to  
6 Section ~~19285.1~~ 19548 of the Revenue and Taxation Code, and to  
7 the extent permitted by federal law, the address, telephone number,  
8 and social security number obtained from a public utility, cable  
9 television corporation, a provider of electronic digital pager  
10 communication, or a provider of mobile telephony services that  
11 may be of assistance in locating the parent, putative parent,  
12 abducting, concealing, or detaining parent, spouse, or former  
13 spouse, in establishing a parent and child relationship, in enforcing  
14 the child support liability of the absent parent, or enforcing the  
15 spousal support liability of the spouse or former spouse to the  
16 extent required by the state plan pursuant to Section 17604.

17 (B) For purposes of this subdivision, “income tax return  
18 information” means all of the following regarding the taxpayer:

- 19 (i) Assets.
- 20 (ii) Credits.
- 21 (iii) Deductions.
- 22 (iv) Exemptions.
- 23 (v) Identity.
- 24 (vi) Liabilities.
- 25 (vii) Nature, source, and amount of income.
- 26 (viii) Net worth.
- 27 (ix) Payments.
- 28 (x) Receipts.
- 29 (xi) Address.
- 30 (xii) Social security number.

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

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

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

6 (3) Until the department's automation system for the California  
7 Parent Locator Service and Central Registry functions is fully  
8 operational, the department shall use the automation system  
9 operated by the Department of Justice.

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

12 (c) To effectuate the purposes of this section, the California  
13 Child Support Automation System, the California Parent Locator  
14 Service and Central Registry, and the Franchise Tax Board shall  
15 utilize the federal Parent Locator Service to the extent necessary,  
16 and may request and shall receive from all departments, boards,  
17 bureaus, or other agencies of the state, or any of its political  
18 subdivisions, and those entities shall provide, that assistance and  
19 data that will enable the Department of Child Support Services  
20 and other public agencies to carry out their powers and duties to  
21 locate parents, spouses, and former spouses, and to identify their  
22 assets, to establish parent-child relationships, and to enforce  
23 liability for child or spousal support, and for any other obligations  
24 incurred on behalf of children, and shall also provide that  
25 information to any local child support agency in fulfilling the duties  
26 prescribed in Section 270 of the Penal Code, and in Chapter 8  
27 (commencing with Section 3130) of Part 2 of Division 8 of this  
28 code, relating to abducted, concealed, or detained children and to  
29 any county child welfare agency or county probation department  
30 in fulfilling the duties prescribed in Article 5.5 (commencing with  
31 Section 290.1) of Chapter 2 of Part 1 of Division 2 of the Welfare  
32 and Institutions Code, and prescribed in Article 6 (commencing  
33 with Section 300) of Chapter 2 of Part 1 of Division 2 of the  
34 Welfare and Institutions Code to identify, locate, and notify parents  
35 *or relatives* of children who are the subject of juvenile court  
36 proceedings, to establish parent and child relationships pursuant  
37 to Section 316.2 of the Welfare and Institutions Code, and to assess  
38 the appropriateness of placement of a child with a noncustodial  
39 parent pursuant to Section 361.2 of the Welfare and Institutions  
40 Code. *Consistent with paragraph (1) of subdivision (e) of Section*

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

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

32 (2) To effectuate the purposes of this section, and  
33 notwithstanding any other ~~provision of California~~ law, regulation,  
34 or tariff, and to the extent permitted by federal law, the California  
35 Parent Locator Service and Central Registry and the California  
36 Child Support Automation System may request and shall receive  
37 from cable television corporations, as defined in Section 216.4 of  
38 the Public Utilities Code, the providers of electronic digital pager  
39 communication, as defined in Section 629.51 of the Penal Code,  
40 and the providers of mobile telephony services, as defined in

1 Section 224.4 of the Public Utilities Code, customer service  
2 information, including the full name, address, telephone number,  
3 date of birth, employer name and address, and social security  
4 number of customers of the cable television corporation, customers  
5 of the providers of electronic digital pager communication, and  
6 customers of the providers of mobile telephony services.

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

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

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

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

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

30 (ii) Social security number.

31 (iii) Driver's license number.

32 (iv) Birth date.

33 (v) Last known address.

34 (vi) Spouse's name.

35 (D) The California Parent Locator Service and Central Registry  
36 and the California Child Support Automation System shall ensure  
37 that each public utility, cable television corporation, provider of  
38 electronic digital pager communication services, and provider of  
39 mobile telephony services has at all times a current list of the names  
40 of persons authorized to request customer service information.

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

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

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

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

25 (e) Notwithstanding Section ~~14202~~ 14203 of the Penal Code,  
26 any records established pursuant to this section shall be  
27 disseminated only to the Department of Child Support Services,  
28 the California Child Support Automation System, the California  
29 Parent Locator Service and Central Registry, the parent locator  
30 services and central registries of other states as defined by federal  
31 statutes and regulations, a local child support agency of any county  
32 in this state, and the federal Parent Locator Service. The California  
33 Child Support Automation System shall be allowed access to  
34 criminal offender record information only to the extent that access  
35 is allowed by law.

36 (f) (1) At no time shall any information received by the  
37 California Parent Locator Service and Central Registry or by the  
38 California Child Support Automation System be disclosed to any  
39 person, agency, or other entity, other than those persons, agencies,

1 and entities specified pursuant to Section 17505, this section, or  
2 any other ~~provision of law~~ *provision*.

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

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

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

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

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

31 SEC. 4. Section 1505 of the Health and Safety Code is amended  
32 to read:

33 1505. This chapter does not apply to any of the following:

34 (a) Any health facility, as defined by Section 1250.

35 (b) Any clinic, as defined by Section 1202.

36 (c) Any juvenile placement facility approved by the Department  
37 of Corrections and Rehabilitation, Division of Juvenile Justice, or  
38 any juvenile hall operated by a county.

1 (d) Any place in which a juvenile is judicially placed pursuant  
2 to subdivision (a) of Section 727 of the Welfare and Institutions  
3 Code.

4 (e) Any child day care facility, as defined in Section 1596.750.

5 (f) Any facility conducted by and for the adherents of any  
6 well-recognized church or religious denomination for the purpose  
7 of providing facilities for the care or treatment of the sick who  
8 depend upon prayer or spiritual means for healing in the practice  
9 of the religion of the church or denomination.

10 (g) Any school dormitory or similar facility determined by the  
11 department.

12 (h) Any house, institution, hotel, homeless shelter, or other  
13 similar place that supplies board and room only, or room only, or  
14 board only, provided that no resident thereof requires any element  
15 of care as determined by the director.

16 (i) Recovery houses or other similar facilities providing group  
17 living arrangements for persons recovering from alcoholism or  
18 drug addiction where the facility provides no care or supervision.

19 (j) Any alcoholism or drug abuse recovery or treatment facility  
20 as defined by Section 11834.11.

21 (k) Any arrangement for the receiving and care of persons by  
22 a relative or any arrangement for the receiving and care of persons  
23 from only one family by a close friend of the parent, guardian, or  
24 conservator, if the arrangement is not for financial profit and occurs  
25 only occasionally and irregularly, as defined by regulations of the  
26 department. For purposes of this chapter, arrangements for the  
27 receiving and care of persons by a relative shall include relatives  
28 of the child for the purpose of keeping sibling groups together.

29 (l) (1) Any home of a relative caregiver of children who are  
30 placed by a juvenile court, supervised by the county welfare or  
31 probation department, and the placement of whom is approved  
32 according to subdivision (d) of Section 309 of the Welfare and  
33 Institutions Code.

34 (2) Any home of a nonrelative extended family member, as  
35 described in Section 362.7 of the Welfare and Institutions Code,  
36 providing care to children who are placed by a juvenile court,  
37 supervised by the county welfare or probation department, and the  
38 placement of whom is approved according to subdivision (d) of  
39 Section 309 of the Welfare and Institutions Code.

1 (3) On and after January 1, 2012, any supervised independent  
2 living placement for nonminor dependents, as defined in  
3 subdivision (w) of Section 11400 of the Welfare and Institutions  
4 Code, who are placed by the juvenile court, supervised by the  
5 county welfare department, probation department, Indian tribe,  
6 consortium of tribes, or tribal organization that entered into an  
7 agreement pursuant to Section 10553.1 of the Welfare and  
8 Institutions Code, and whose placement is approved pursuant to  
9 subdivision (k) of Section 11400 of the Welfare and Institutions  
10 Code.

11 (4) A Transitional Housing Program-Plus, as defined in  
12 subdivision (s) of Section 11400 of the Welfare and Institutions  
13 Code, that serves only eligible former foster youth over 18 years  
14 of age who have exited from the foster care system on or after their  
15 18th birthday, and that has obtained certification from the  
16 applicable county in accordance with subdivision (c) of Section  
17 16522 of the Welfare and Institutions Code.

18 (m) Any supported living arrangement for individuals with  
19 developmental disabilities, as defined in Section 4689 of the  
20 Welfare and Institutions Code.

21 (n) (1) Any family home agency, family home, or family  
22 teaching home as defined in Section 4689.1 of the Welfare and  
23 Institutions Code, that is vendored by the State Department of  
24 Developmental Services and that does any of the following:

25 (A) As a family home approved by a family home agency,  
26 provides 24-hour care for one or two adults with developmental  
27 disabilities in the residence of the family home provider or  
28 providers and the family home provider or providers' family, and  
29 the provider is not licensed by the State Department of Social  
30 Services or the State Department of Public Health or certified by  
31 a licensee of the State Department of Social Services or the State  
32 Department of Public Health.

33 (B) As a family teaching home approved by a family home  
34 agency, provides 24-hour care for a maximum of three adults with  
35 developmental disabilities in independent residences, whether  
36 contiguous or attached, and the provider is not licensed by the  
37 State Department of Social Services or the State Department of  
38 Public Health or certified by a licensee of the State Department of  
39 Social Services or the State Department of Public Health.

1 (C) As a family home agency, engages in recruiting, approving,  
2 and providing support to family homes.

3 (2) No part of this subdivision shall be construed as establishing  
4 by implication either a family home agency or family home  
5 licensing category.

6 (o) Any facility in which only Indian children who are eligible  
7 under the federal Indian Child Welfare Act (Chapter 21  
8 (commencing with Section 1901) of Title 25 of the United States  
9 Code) are placed and that is one of the following:

10 (1) An extended family member of the Indian child, as defined  
11 in Section 1903 of Title 25 of the United States Code.

12 (2) A foster home that is licensed, approved, or specified by the  
13 Indian child's tribe pursuant to Section 1915 of Title 25 of the  
14 United States Code.

15 (p) (1) (A) Any housing occupied by elderly or disabled  
16 persons, or both, that is initially approved and operated under a  
17 regulatory agreement pursuant to Section 202 of Public Law 86-372  
18 (12 U.S.C. Sec. 1701q), or Section 811 of Public Law 101-625  
19 (42 U.S.C. Sec. 8013), or whose mortgage is insured pursuant to  
20 Section 236 of Public Law 90-448 (12 U.S.C. Sec. 1715z), or that  
21 receives mortgage assistance pursuant to Section 221d (3) of Public  
22 Law 87-70 (12 U.S.C. Sec. 1715l), where supportive services are  
23 made available to residents at their option, as long as the project  
24 owner or operator does not contract for or provide the supportive  
25 services.

26 (B) Any housing that qualifies for a low-income housing credit  
27 pursuant to Section 252 of Public Law 99-514 (26 U.S.C. Sec. 42)  
28 or that is subject to the requirements for rental dwellings for  
29 low-income families pursuant to Section 8 of Public Law 93-383  
30 (42 U.S.C. Sec. 1437f), and that is occupied by elderly or disabled  
31 persons, or both, where supportive services are made available to  
32 residents at their option, as long as the project owner or operator  
33 does not contract for or provide the supportive services.

34 (2) The project owner or operator to which paragraph (1) applies  
35 may coordinate, or help residents gain access to, the supportive  
36 services, either directly, or through a service coordinator.

37 (q) A resource family, as defined in Section 16519.5 of the  
38 Welfare and Institutions Code

39 (r) Any similar facility determined by the director.

1 SEC. 5. Section 1515 of the Health and Safety Code is amended  
2 to read:

3 1515. (a) The department shall authorize county welfare  
4 departments to undertake comprehensive recruitment programs,  
5 including but not limited to media advertising, public awareness  
6 campaigns and public speaking engagements to ensure an adequate  
7 number of foster homes are available to meet the child welfare  
8 placement needs in each county.

9 (b) In counties in which the county has contracted with the state  
10 to license foster parents, if the county undertakes a recruitment  
11 program, it shall be done by the placement agency. The state shall  
12 not be required to perform any acts in connection with a  
13 recruitment program.

14 (c) The recruitment of potential foster parents shall include  
15 diligent efforts to recruit individuals who reflect the ethnic, racial,  
16 and cultural diversity of foster children.

17 ~~SEC. 6. Section 11105.07 is added to the Penal Code, to read:~~

18 ~~11105.07. (a) Notwithstanding any other law, a tribal child~~  
19 ~~welfare agency may request from the Department of Justice state~~  
20 ~~and federal level summary criminal history information for the~~  
21 ~~purpose of approving a tribal home for the placement of an Indian~~  
22 ~~child into foster or adoptive care.~~

23 ~~(b) A tribal child welfare agency shall submit to the Department~~  
24 ~~of Justice fingerprint images and related information required by~~  
25 ~~the Department of Justice of an individual applying with the tribal~~  
26 ~~agency as a prospective foster parent, adoptive parent, any adult~~  
27 ~~who resides or is employed in the home of an applicant, or~~  
28 ~~employee of the child welfare agency who may have contact with~~  
29 ~~a child, for the purposes of obtaining information as to the existence~~  
30 ~~and content of a record of state or federal convictions and state or~~  
31 ~~federal arrests and also information as to the existence and content~~  
32 ~~of a record of state or federal arrests for which the Department of~~  
33 ~~Justice establishes that the person is released on bail or on his or~~  
34 ~~her own recognizance pending trial or appeal.~~

35 ~~(c) Upon receipt of a request for federal summary criminal~~  
36 ~~history information received pursuant to this section, the~~  
37 ~~Department of Justice shall forward the request to the Federal~~  
38 ~~Bureau of Investigation. The Department of Justice shall review~~  
39 ~~the information returned from the Federal Bureau of Investigation~~

1 and compile and disseminate a response to the requesting tribal  
2 child welfare agency.

3 ~~(d) The Department of Justice shall provide a state and federal~~  
4 ~~level response to a tribal child welfare agency pursuant to~~  
5 ~~subdivision (m) of Section 11105 of the Penal Code.~~

6 ~~(e) A child welfare agency shall request from the Department~~  
7 ~~of Justice subsequent notification service pursuant to Section~~  
8 ~~11105.2 of the Penal Code for persons described in paragraph (b).~~

9 ~~(f) The Department of Justice may charge a fee sufficient to~~  
10 ~~cover the reasonable and appropriate costs of processing the request~~  
11 ~~pursuant to this section.~~

12 ~~(g) As used in this section a “tribal child welfare agency” means~~  
13 ~~an entity designated by a federally recognized tribe as authorized~~  
14 ~~to approve a home consistent with the federal Indian Child Welfare~~  
15 ~~Act (25 U.S.C. 1903 et seq.), for the purpose of placement of an~~  
16 ~~Indian child into foster or adoptive care, including the authority~~  
17 ~~to conduct a criminal or child abuse background check of an~~  
18 ~~individual who is a prospective foster parent or adoptive parent,~~  
19 ~~an adult who resides or is employed in the home of an applicant~~  
20 ~~for approval, or an employee of a tribal child welfare agency who~~  
21 ~~may have contact with a child.~~

22 *SEC. 6. Section 11105.08 is added to the Penal Code, to read:*

23 *11105.08. (a) Notwithstanding any other law, a tribal child*  
24 *welfare agency may request from the Department of Justice state*  
25 *and federal level summary criminal history information for the*  
26 *purpose of approving a tribal home for the placement of an Indian*  
27 *child into foster or adoptive care.*

28 *(b) A tribal child welfare agency shall submit to the Department*  
29 *of Justice fingerprint images and related information required by*  
30 *the Department of Justice of an individual applying with the tribal*  
31 *agency as a prospective foster parent, adoptive parent, any adult*  
32 *who resides or is employed in the home of an applicant, or*  
33 *employee of the child welfare agency who may have contact with*  
34 *a child, for the purposes of obtaining information as to the*  
35 *existence and content of a record of state or federal convictions*  
36 *and state or federal arrests and also information as to the existence*  
37 *and content of a record of state or federal arrests for which the*  
38 *Department of Justice establishes that the person is released on*  
39 *bail or on his or her own recognizance pending trial or appeal.*

1 (c) Upon receipt of a request for federal summary criminal  
2 history information received pursuant to this section, the  
3 Department of Justice shall forward the request to the Federal  
4 Bureau of Investigation. The Department of Justice shall review  
5 the information returned from the Federal Bureau of Investigation  
6 and compile and disseminate a response to the requesting tribal  
7 child welfare agency.

8 (d) The Department of Justice shall provide a state and federal  
9 level response to a tribal child welfare agency pursuant to  
10 subdivision (m) of Section 11105 of the Penal Code.

11 (e) A child welfare agency shall request from the Department  
12 of Justice subsequent notification service pursuant to Section  
13 11105.2 of the Penal Code for persons described in paragraph  
14 (b).

15 (f) The Department of Justice may charge a fee sufficient to  
16 cover the reasonable and appropriate costs of processing the  
17 request pursuant to this section.

18 (g) As used in this section a “tribal child welfare agency” means  
19 an entity designated by a federally recognized tribe as authorized  
20 to approve a home consistent with the federal Indian Child Welfare  
21 Act (25 U.S.C. 1903 et seq.), for the purpose of placement of an  
22 Indian child into foster or adoptive care, including the authority  
23 to conduct a criminal or child abuse background check of an  
24 individual who is a prospective foster parent or adoptive parent,  
25 an adult who resides or is employed in the home of an applicant  
26 for approval, or an employee of a tribal child welfare agency who  
27 may have contact with a child.

28 SEC. 7. Section 11170 of the Penal Code is amended to read:

29 11170. (a) (1) The Department of Justice shall maintain an  
30 index of all reports of child abuse and severe neglect submitted  
31 pursuant to Section 11169. The index shall be continually updated  
32 by the department and shall not contain any reports that are  
33 determined to be not substantiated. The department may adopt  
34 rules governing recordkeeping and reporting pursuant to this article.

35 (2) The department shall act only as a repository of reports of  
36 suspected child abuse and severe neglect to be maintained in the  
37 Child Abuse Central Index (CACI) pursuant to paragraph (1). The  
38 submitting agencies are responsible for the accuracy, completeness,  
39 and retention of the reports described in this section. The

1 department shall be responsible for ensuring that the CACI  
2 accurately reflects the report it receives from the submitting agency.

3 (3) Only information from reports that are reported as  
4 substantiated shall be filed pursuant to paragraph (1), and all other  
5 determinations shall be removed from the central list. If a person  
6 listed in the CACI was under 18 years of age at the time of the  
7 report, the information shall be deleted from the CACI 10 years  
8 from the date of the incident resulting in the CACI listing, if no  
9 subsequent report concerning the same person is received during  
10 that time period.

11 (b) The provisions of subdivision (c) of Section 11169 apply to  
12 any information provided pursuant to this subdivision.

13 (1) The Department of Justice shall immediately notify an  
14 agency that submits a report pursuant to Section 11169, or a  
15 prosecutor who requests notification, of any information maintained  
16 pursuant to subdivision (a) that is relevant to the known or  
17 suspected instance of child abuse or severe neglect reported by the  
18 agency. The agency shall make that information available to the  
19 reporting health care practitioner who is treating a person reported  
20 as a possible victim of known or suspected child abuse. The agency  
21 shall make that information available to the reporting child  
22 custodian, Child Abuse Prevention and Treatment Act guardian  
23 ad litem appointed under Rule 5.662 of the California Rules of  
24 Court, or counsel appointed under Section 317 or 318 of the  
25 Welfare and Institutions Code, or the appropriate licensing agency,  
26 if he or she or the licensing agency is handling or investigating a  
27 case of known or suspected child abuse or severe neglect.

28 (2) When a report is made pursuant to subdivision (a) of Section  
29 11166, or Section 11166.05, the investigating agency, upon  
30 completion of the investigation or after there has been a final  
31 disposition in the matter, shall inform the person required or  
32 authorized to report of the results of the investigation and of any  
33 action the agency is taking with regard to the child or family.

34 (3) The Department of Justice shall make relevant information  
35 from the CACI available to a law enforcement agency, county  
36 welfare department, or county probation department that is  
37 conducting a child abuse investigation.

38 (4) The department shall make available to the State Department  
39 of Social Services, or to any county licensing agency that has  
40 contracted with the state for the performance of licensing duties,

1 or to a tribal court or tribal child welfare agency of a tribe,  
2 consortium of tribes, or tribal organization that has entered into  
3 an agreement with the state pursuant to Section 10553.1 of the  
4 Welfare and Institutions Code, information regarding a known or  
5 suspected child abuser maintained pursuant to this section and  
6 subdivision (a) of Section 11169 concerning any person who is an  
7 applicant for licensure or approval, or any adult who resides or is  
8 employed in the home of an applicant for licensure or approval,  
9 or who is an applicant for employment in a position having  
10 supervisory or disciplinary power over a child or children, or who  
11 will provide 24-hour care for a child or children in a residential  
12 home or facility, pursuant to Section 1522.1 or 1596.877 of the  
13 Health and Safety Code, or Section 8714, 8802, 8912, or 9000 of  
14 the Family Code, or Section 11403.2 of the Welfare and Institutions  
15 Code.

16 (5) The Department of Justice shall make available to a Court  
17 Appointed Special Advocate program that is conducting a  
18 background investigation of an applicant seeking employment  
19 with the program or a volunteer position as a Court Appointed  
20 Special Advocate, as defined in Section 101 of the Welfare and  
21 Institutions Code, information contained in the index regarding  
22 known or suspected child abuse by the applicant.

23 (6) For purposes of child death review, the Department of Justice  
24 shall make available to the chairperson, or the chairperson's  
25 designee, for each county child death review team, or the State  
26 Child Death Review Council, information for investigative  
27 purposes only that is maintained in the CACI pursuant to  
28 subdivision (a) relating to the death of one or more children and  
29 any prior child abuse or neglect investigation reports maintained  
30 involving the same victims, siblings, or suspects. Local child death  
31 review teams may share any relevant information regarding case  
32 reviews involving child death with other child death review teams.

33 (7) The department shall make available to investigative  
34 agencies or probation officers, or court investigators acting  
35 pursuant to Section 1513 of the Probate Code, responsible for  
36 placing children or assessing the possible placement of children  
37 pursuant to Article 6 (commencing with Section 300), Article 7  
38 (commencing with Section 305), Article 10 (commencing with  
39 Section 360), or Article 14 (commencing with Section 601) of  
40 Chapter 2 of Part 1 of Division 2 of the Welfare and Institutions

1 Code, or Article 2 (commencing with Section 1510) or Article 3  
2 (commencing with Section 1540) of Chapter 1 of Part 2 of Division  
3 4 of the Probate Code, information regarding a known or suspected  
4 child abuser contained in the index concerning any adult residing  
5 in the home where the child may be placed, when this information  
6 is requested for purposes of ensuring that the placement is in the  
7 best interest of the child. Upon receipt of relevant information  
8 concerning child abuse or neglect investigation reports contained  
9 in the CACI from the Department of Justice pursuant to this  
10 subdivision, the agency or court investigator shall notify, in writing,  
11 the person listed in the CACI that he or she is in the index. The  
12 notification shall include the name of the reporting agency and the  
13 date of the report.

14 (8) Pursuant to Section 10553.12 of the Welfare and Institutions  
15 Code, the department shall make available to a tribal child welfare  
16 agency information regarding a known or suspected child abuser  
17 maintained pursuant to this section or subdivision (a) of Section  
18 11169 who is being considered as a prospective foster parent or  
19 adoptive parent, an adult who resides or is employed in the home  
20 of an applicant for approval, or an employee of the tribal child  
21 welfare agency who may have contact with children.

22 (9) The Department of Justice shall make available to a  
23 government agency conducting a background investigation  
24 pursuant to Section 1031 of the Government Code of an applicant  
25 seeking employment as a peace officer, as defined in Section 830,  
26 information regarding a known or suspected child abuser  
27 maintained pursuant to this section concerning the applicant.

28 (10) The Department of Justice shall make available to a county  
29 child welfare agency or delegated county adoption agency, as  
30 defined in Section 8515 of the Family Code, conducting a  
31 background investigation, or a government agency conducting a  
32 background investigation on behalf of one of those agencies,  
33 information regarding a known or suspected child abuser  
34 maintained pursuant to this section and subdivision (a) of Section  
35 11169 concerning any applicant seeking employment or volunteer  
36 status with the agency who, in the course of his or her employment  
37 or volunteer work, will have direct contact with children who are  
38 alleged to have been, are at risk of, or have suffered, abuse or  
39 neglect.

1 (11) (A) Persons or agencies, as specified in subdivision (b),  
2 if investigating a case of known or suspected child abuse or neglect,  
3 or the State Department of Social Services or any county licensing  
4 agency pursuant to paragraph (4), or a Court Appointed Special  
5 Advocate (CASA) program conducting a background investigation  
6 for employment or volunteer candidates pursuant to paragraph (5),  
7 or an investigative agency, probation officer, or court investigator  
8 responsible for placing children or assessing the possible placement  
9 of children pursuant to paragraph (7), or a government agency  
10 conducting a background investigation of an applicant seeking  
11 employment as a peace officer pursuant to paragraph (9), or a  
12 county child welfare agency or delegated county adoption agency  
13 conducting a background investigation of an applicant seeking  
14 employment or volunteer status who, in the course of his or her  
15 employment or volunteer work, will have direct contact with  
16 children who are alleged to have been, are at risk of, or have  
17 suffered, abuse or neglect, pursuant to paragraph (10), to whom  
18 disclosure of any information maintained pursuant to subdivision  
19 (a) is authorized, are responsible for obtaining the original  
20 investigative report from the reporting agency, and for drawing  
21 independent conclusions regarding the quality of the evidence  
22 disclosed, and its sufficiency for making decisions regarding  
23 investigation, prosecution, licensing, placement of a child,  
24 employment or volunteer positions with a CASA program, or  
25 employment as a peace officer.

26 (B) If CACI information is requested by an agency for the  
27 temporary placement of a child in an emergency situation pursuant  
28 to Article 7 (commencing with Section 305) of Chapter 2 of Part  
29 1 of Division 2 of the Welfare and Institutions Code, the  
30 department is exempt from the requirements of Section 1798.18  
31 of the Civil Code if compliance would cause a delay in providing  
32 an expedited response to the agency's inquiry and if further delay  
33 in placement may be detrimental to the child.

34 (12) (A) Whenever information contained in the Department  
35 of Justice files is furnished as the result of an application for  
36 employment or licensing or volunteer status pursuant to paragraph  
37 (4), (5), (8), (9), or (10), the Department of Justice may charge the  
38 person or entity making the request a fee. The fee shall not exceed  
39 the reasonable costs to the department of providing the information.  
40 The only increase shall be at a rate not to exceed the legislatively

1 approved cost-of-living adjustment for the department. In no case  
2 shall the fee exceed fifteen dollars (\$15).

3 (B) All moneys received by the department pursuant to this  
4 section to process trustline applications for purposes of Chapter  
5 3.35 (commencing with Section 1596.60) of Division 2 of the  
6 Health and Safety Code shall be deposited in a special account in  
7 the General Fund that is hereby established and named the  
8 Department of Justice Child Abuse Fund. Moneys in the fund shall  
9 be available, upon appropriation by the Legislature, for expenditure  
10 by the department to offset the costs incurred to process trustline  
11 automated child abuse or neglect system checks pursuant to this  
12 section.

13 (C) All moneys, other than those described in subparagraph (B),  
14 received by the department pursuant to this paragraph shall be  
15 deposited in a special account in the General Fund which is hereby  
16 created and named the Department of Justice Sexual Habitual  
17 Offender Fund. The funds shall be available, upon appropriation  
18 by the Legislature, for expenditure by the department to offset the  
19 costs incurred pursuant to Chapter 9.5 (commencing with Section  
20 13885) and Chapter 10 (commencing with Section 13890) of Title  
21 6 of Part 4, and the DNA and Forensic Identification Data Base  
22 and Data Bank Act of 1998 (Chapter 6 (commencing with Section  
23 295) of Title 9 of Part 1), and for maintenance and improvements  
24 to the statewide Sexual Habitual Offender Program and the  
25 California DNA offender identification file (CAL-DNA) authorized  
26 by Chapter 9.5 (commencing with Section 13885) of Title 6 of  
27 Part 4 and the DNA and Forensic Identification Data Base and  
28 Data Bank Act of 1998 (Chapter 6 (commencing with Section 295)  
29 of Title 9 of Part 1).

30 (c) (1) The Department of Justice shall make available to any  
31 agency responsible for placing children pursuant to Article 7  
32 (commencing with Section 305) of Chapter 2 of Part 1 of Division  
33 2 of the Welfare and Institutions Code, upon request, relevant  
34 information concerning child abuse or neglect reports contained  
35 in the index, when making a placement with a responsible relative  
36 pursuant to Sections 281.5, 305, and 361.3 of the Welfare and  
37 Institutions Code. Upon receipt of relevant information concerning  
38 child abuse or neglect reports contained in the index from the  
39 Department of Justice pursuant to this subdivision, the agency  
40 shall also notify in writing the person listed in the CACI that he

1 or she is in the index. The notification shall include the location  
2 of the original investigative report and the submitting agency. The  
3 notification shall be submitted to the person listed at the same time  
4 that all other parties are notified of the information, and no later  
5 than the actual judicial proceeding that determines placement.

6 (2) If information is requested by an agency for the placement  
7 of a child with a responsible relative in an emergency situation  
8 pursuant to Article 7 (commencing with Section 305) of Chapter  
9 2 of Part 1 of Division 2 of the Welfare and Institutions Code, the  
10 department is exempt from the requirements of Section 1798.18  
11 of the Civil Code if compliance would cause a delay in providing  
12 an expedited response to the child protective agency's inquiry and  
13 if further delay in placement may be detrimental to the child.

14 (d) The department shall make available any information  
15 maintained pursuant to subdivision (a) to out-of-state law  
16 enforcement agencies conducting investigations of known or  
17 suspected child abuse or neglect only when an agency makes the  
18 request for information in writing and on official letterhead, or as  
19 designated by the department, identifying the suspected abuser or  
20 victim by name and date of birth or approximate age. The request  
21 shall be signed by the department supervisor of the requesting law  
22 enforcement agency. The written requests shall cite the out-of-state  
23 statute or interstate compact provision that requires that the  
24 information contained within these reports shall be disclosed only  
25 to law enforcement, prosecutorial entities, or multidisciplinary  
26 investigative teams, and shall cite the safeguards in place to prevent  
27 unlawful disclosure of any confidential information provided by  
28 the requesting state or the applicable interstate compact provision.

29 (e) (1) The department shall make available to an out-of-state  
30 agency, for purposes of approving a prospective foster or adoptive  
31 parent in compliance with the Adam Walsh Child Protection and  
32 Safety Act of 2006 (Public Law 109-248), information regarding  
33 a known or suspected child abuser maintained pursuant to  
34 subdivision (a) concerning the prospective foster or adoptive  
35 parent, and any other adult living in the home of the prospective  
36 foster or adoptive parent. The department shall make that  
37 information available only when the out-of-state agency makes  
38 the request indicating that continual compliance will be maintained  
39 with the requirement in paragraph (20) of subsection (a) of Section  
40 671 of Title 42 of the United States Code that requires the state to

1 have in place safeguards to prevent the unauthorized disclosure of  
2 information in any child abuse and neglect registry maintained by  
3 the state and prevent the information from being used for a purpose  
4 other than the conducting of background checks in foster or  
5 adoption placement cases.

6 (2) With respect to any information provided by the department  
7 in response to the out-of-state agency's request, the out-of-state  
8 agency is responsible for obtaining the original investigative report  
9 from the reporting agency, and for drawing independent  
10 conclusions regarding the quality of the evidence disclosed and  
11 its sufficiency for making decisions regarding the approval of  
12 prospective foster or adoptive parents.

13 (3) (A) Whenever information contained in the index is  
14 furnished pursuant to this subdivision, the department shall charge  
15 the out-of-state agency making the request a fee. The fee shall not  
16 exceed the reasonable costs to the department of providing the  
17 information. The only increase shall be at a rate not to exceed the  
18 legislatively approved cost-of-living adjustment for the department.  
19 In no case shall the fee exceed fifteen dollars (\$15).

20 (B) All moneys received by the department pursuant to this  
21 subdivision shall be deposited in the Department of Justice Child  
22 Abuse Fund, established under subparagraph (B) of paragraph (12)  
23 of subdivision (b). Moneys in the fund shall be available, upon  
24 appropriation by the Legislature, for expenditure by the department  
25 to offset the costs incurred to process requests for information  
26 pursuant to this subdivision.

27 (f) (1) Any person may determine if he or she is listed in the  
28 CACI by making a request in writing to the Department of Justice.  
29 The request shall be notarized and include the person's name,  
30 address, date of birth, and either a social security number or a  
31 California identification number. Upon receipt of a notarized  
32 request, the Department of Justice shall make available to the  
33 requesting person information identifying the date of the report  
34 and the submitting agency. The requesting person is responsible  
35 for obtaining the investigative report from the submitting agency  
36 pursuant to paragraph (11) of subdivision (b) of Section 11167.5.

37 (2) No person or agency shall require or request another person  
38 to furnish a copy of a record concerning himself or herself, or  
39 notification that a record concerning himself or herself exists or  
40 does not exist, pursuant to paragraph (1).

1 (g) If a person is listed in the CACI only as a victim of child  
2 abuse or neglect, and that person is 18 years of age or older, that  
3 person may have his or her name removed from the index by  
4 making a written request to the Department of Justice. The request  
5 shall be notarized and include the person's name, address, social  
6 security number, and date of birth.

7 SEC. 8. Section 305.5 of the Welfare and Institutions Code is  
8 amended to read:

9 305.5. (a) If an Indian child, who is a ward of a tribal court or  
10 resides or is domiciled within a reservation of an Indian tribe that  
11 has exclusive jurisdiction over child custody proceedings as  
12 recognized in Section 1911 of Title 25 of the United States Code  
13 or reassumed exclusive jurisdiction over Indian child custody  
14 proceedings pursuant to Section 1918 of Title 25 of the United  
15 States Code, has been removed by a state or local authority from  
16 the custody of his or her parents or Indian custodian, the state or  
17 local authority shall provide notice of the removal to the tribe no  
18 later than the next working day following the removal and shall  
19 provide all relevant documentation to the tribe regarding the  
20 removal and the child's identity. If the tribe determines that the  
21 child is an Indian child, the state or local authority shall transfer  
22 the child custody proceeding to the tribe within 24 hours after  
23 receipt of written notice from the tribe of that determination.

24 (b) In the case of an Indian child who is not domiciled or  
25 residing within a reservation of an Indian tribe or who resides or  
26 is domiciled within a reservation of an Indian tribe that does not  
27 have exclusive jurisdiction over child custody proceedings pursuant  
28 to Section 1911 or 1918 of Title 25 of the United States Code, the  
29 court shall transfer the proceeding to the jurisdiction of the child's  
30 tribe upon petition of either parent, the Indian custodian, if any,  
31 or the child's tribe, unless the court finds good cause not to transfer.  
32 The court shall dismiss the proceeding or terminate jurisdiction  
33 only after receiving proof that the tribal court has accepted the  
34 transfer of jurisdiction. At the time that the court dismisses the  
35 proceeding or terminates jurisdiction, the court shall also make an  
36 order transferring the physical custody of the child to the tribal  
37 court.

38 (c) (1) If a petition to transfer proceedings as described in  
39 subdivision (b) is filed, the court shall find good cause to deny the

1 petition if one or more of the following circumstances are shown  
2 to exist:

3 (A) One or both of the child’s parents object to the transfer.

4 (B) The child’s tribe does not have a “tribal court” as defined  
5 in Section 1910 of Title 25 of the United States Code.

6 (C) The tribal court of the child’s tribe declines the transfer.

7 (2) Good cause not to transfer the proceeding may exist if:

8 (A) The evidence necessary to decide the case cannot be  
9 presented in the tribal court without undue hardship to the parties  
10 or the witnesses, and the tribal court is unable to mitigate the  
11 hardship by making arrangements to receive and consider the  
12 evidence or testimony by use of remote communication, by hearing  
13 the evidence or testimony at a location convenient to the parties  
14 or witnesses, or by use of other means permitted in the tribal court’s  
15 rules of evidence or discovery.

16 (B) The proceeding was at an advanced stage when the petition  
17 to transfer was received and the petitioner did not file the petition  
18 within a reasonable time after receiving notice of the proceeding,  
19 provided the notice complied with Section 224.2. It shall not, in  
20 and of itself, be considered an unreasonable delay for a party to  
21 wait until reunification efforts have failed and reunification services  
22 have been terminated before filing a petition to transfer.

23 (C) The Indian child is over 12 years of age and objects to the  
24 transfer.

25 (D) The parents of the child over five years of age are not  
26 available and the child has had little or no contact with the child’s  
27 tribe or members of the child’s tribe.

28 (3) Socioeconomic conditions and the perceived adequacy of  
29 tribal social services or judicial systems may not be considered in  
30 a determination that good cause exists.

31 (4) The burden of establishing good cause to the contrary shall  
32 be on the party opposing the transfer. If the court believes, or any  
33 party asserts, that good cause to the contrary exists, the reasons  
34 for that belief or assertion shall be stated in writing and made  
35 available to all parties who are petitioning for the transfer, and the  
36 petitioner shall have the opportunity to provide information or  
37 evidence in rebuttal of the belief or assertion.

38 (5) Nothing in this section or Section 1911 or 1918 of Title 25  
39 of the United States Code shall be construed as requiring a tribe  
40 to petition the Secretary of the Interior to reassume exclusive

1 jurisdiction pursuant to Section 1918 of Title 25 of the United  
2 States Code prior to exercising jurisdiction over a proceeding  
3 transferred under subdivision (b).

4 (d) An Indian child’s domicile or place of residence is  
5 determined by that of the parent, guardian, or Indian custodian  
6 with whom the child maintained his or her primary place of abode  
7 at the time the Indian child custody proceedings were initiated.

8 (e) If any petitioner in an Indian child custody proceeding has  
9 improperly removed the child from the custody of the parent or  
10 Indian custodian or has improperly retained custody after a visit  
11 or other temporary relinquishment of custody, the court shall  
12 decline jurisdiction over the petition and shall immediately return  
13 the child to his or her parent or Indian custodian, unless returning  
14 the child to the parent or Indian custodian would subject the child  
15 to a substantial and immediate danger or threat of danger.

16 (f) Nothing in this section shall be construed to prevent the  
17 emergency removal of an Indian child who is a ward of a tribal  
18 court or resides or is domiciled within a reservation of an Indian  
19 tribe, but is temporarily located off the reservation, from a parent  
20 or Indian custodian or the emergency placement of the child in a  
21 foster home or institution in order to prevent imminent physical  
22 damage or harm to the child. The state or local authority shall  
23 ensure that the emergency removal or placement terminates  
24 immediately when the removal or placement is no longer necessary  
25 to prevent imminent physical damage or harm to the child and  
26 shall expeditiously initiate an Indian child custody proceeding,  
27 transfer the child to the jurisdiction of the Indian child’s tribe, or  
28 restore the child to the parent or Indian custodian, as may be  
29 appropriate.

30 (g) When an Indian child is transferred from a county juvenile  
31 court to an Indian tribe pursuant to subdivision (a), (b), or (f), the  
32 county shall, pursuant to Section 827.15, release the child case file  
33 to the tribe having jurisdiction.

34 SEC. 9. Section 361.2 of the Welfare and Institutions Code is  
35 amended to read:

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

1 child. If that parent requests custody, the court shall place the child  
2 with the parent unless it finds that placement with that parent would  
3 be detrimental to the safety, protection, or physical or emotional  
4 well-being of the child.

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

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

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

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

36 (c) The court shall make a finding either in writing or on the  
37 record of the basis for its determination under subdivisions (a) and  
38 (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 (5) A foster home in which the child has been placed before an  
17 interruption in foster care, if that placement is in the best interest  
18 of the child and space is available.

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

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

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

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

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

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

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

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

38 (2) The party or agency requesting placement of the child outside  
39 the United States shall carry the burden of proof and ~~must~~ *shall*

1 show, by clear and convincing evidence, that placement outside  
2 the United States is in the best interest of the child.

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

5 (A) Placement with a relative.

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

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

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

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

11 (F) Social, cultural, and educational needs of the dependent  
12 child.

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

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

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

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

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

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

36 (3) Nothing in this section shall be interpreted as requiring  
37 multiple disruptions of the child’s placement corresponding to  
38 frequent changes of residence by the parent or guardian. In  
39 determining whether the child should be moved, the social worker  
40 shall take into consideration the potential harmful effects of

1 disrupting the placement of the child and the parent's or guardian's  
2 reason for the move.

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

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

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

1 completed case plan to the receiving county. The case plan shall  
2 include information regarding any known or suspected dangerous  
3 behavior of the child that indicates the child may pose a safety  
4 concern to the receiving county.

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

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

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

33 (k) (1) An agency shall ensure placement of a child in a home  
34 that, to the fullest extent possible, best meets the day-to-day needs  
35 of the child. A home that best meets the day-to-day needs of the  
36 child shall satisfy all of the following criteria:

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

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

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

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

15 *SEC. 9.2. Section 361.2 of the Welfare and Institutions Code*  
16 *is amended to read:*

17 361.2. (a) When a court orders removal of a child pursuant to  
18 Section 361, the court shall first determine whether there is a parent  
19 of the child, with whom the child was not residing at the time that  
20 the events or conditions arose that brought the child within the  
21 provisions of Section 300, who desires to assume custody of the  
22 child. If that parent requests custody, the court shall place the child  
23 with the parent unless it finds that placement with that parent would  
24 be detrimental to the safety, protection, or physical or emotional  
25 well-being of the child.

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) *The approved home of a resource family as defined in*  
34 *Section 16519.5.*

35 ~~(4)~~

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

39 ~~(5)~~

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

5 ~~(6)~~

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

9 ~~(7)~~

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

12 ~~(8)~~

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

18 (A) (i) When a case plan indicates that placement is for purposes  
19 of providing ~~short-term~~, *short term*, specialized, and intensive  
20 treatment to the child, the case plan specifies the need for, nature  
21 of, and anticipated duration of this treatment, pursuant to paragraph  
22 (2) of subdivision (c) of Section 16501.1, the facility meets the  
23 applicable regulations adopted under Section 1530.8 of the Health  
24 and Safety Code and standards developed pursuant to Section  
25 ~~11467.1~~, *11467.1 of this code*, and the deputy director or director  
26 of the county child welfare department or an assistant chief  
27 probation officer or chief probation officer of the county probation  
28 department has approved the case plan.

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

1 (iii) To the extent that placements pursuant to this paragraph  
2 are extended beyond an initial 120 days, the requirements of  
3 clauses (i) and (ii) shall apply to each extension. In addition, the  
4 deputy director or director of the county child welfare department  
5 or an assistant chief probation officer or chief probation officer of  
6 the county probation department shall approve the continued  
7 placement no less frequently than every 60 days.

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

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

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

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

26 (9)

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

37 (B) The ~~short-term~~, *short term*, specialized, and intensive  
38 treatment period shall not exceed six months, unless the county  
39 has made progress or is actively working toward implementing  
40 the case plan that identifies the services or supports necessary to

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

9 (C) To the extent that placements pursuant to this paragraph are  
10 extended beyond an initial six months, the requirements of  
11 ~~subparagraph~~ *subparagraphs* (A) and (B) shall apply to each  
12 extension. In addition, the deputy director or director of the county  
13 child welfare department or an assistant chief probation officer or  
14 chief probation officer of the county probation department shall  
15 approve the continued placement no less frequently than every 60  
16 days.

17 ~~(10)~~

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

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

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

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

31 (A) Placement with a relative.

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

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

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

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

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

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

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

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

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

12 (g) (1) If the child is taken from the physical custody of the  
13 child’s parent or guardian and unless the child is placed with  
14 relatives, the child shall be placed in foster care in the county of  
15 residence of the child’s parent or guardian in order to facilitate  
16 reunification of the family.

17 (2) In the event that there are no appropriate placements  
18 available in the parent’s or guardian’s county of residence, a  
19 placement may be made in an appropriate place in another county,  
20 preferably a county located adjacent to the parent’s or guardian’s  
21 community of residence.

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

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

37 (5) When it has been determined that a child is to be placed out  
38 of county either in a group home or with a foster family agency  
39 for subsequent placement in a certified foster family home, and  
40 the sending county is to maintain responsibility for supervision

1 and visitation of the child, the sending county shall develop a plan  
2 of supervision and visitation that specifies the supervision and  
3 visitation activities to be performed and specifies that the sending  
4 county is responsible for performing those activities. In addition  
5 to the plan of supervision and visitation, the sending county shall  
6 document information regarding any known or suspected dangerous  
7 behavior of the child that indicates the child may pose a safety  
8 concern in the receiving county. Upon implementation of the Child  
9 Welfare Services Case Management System, the plan of  
10 supervision and visitation, as well as information regarding any  
11 known or suspected dangerous behavior of the child, shall be made  
12 available to the receiving county upon placement of the child in  
13 the receiving county. If placement occurs on a weekend or holiday,  
14 the information shall be made available to the receiving county on  
15 or before the end of the next business day.

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

31 (h) Whenever the social worker must change the placement of  
32 the child and is unable to find a suitable placement within the  
33 county and must place the child outside the county, the placement  
34 shall not be made until he or she has served written notice on the  
35 parent or guardian at least 14 days prior to the placement, unless  
36 the child's health or well-being is endangered by delaying the  
37 action or would be endangered if prior notice were given. The  
38 notice shall state the reasons which require placement outside the  
39 county. The parent or guardian may object to the placement not  
40 later than seven days after receipt of the notice and, upon objection,

1 the court shall hold a hearing not later than five days after the  
2 objection and prior to the placement. The court shall order  
3 out-of-county placement if it finds that the child's particular needs  
4 require placement outside the county.

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

11 (j) 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 there are any siblings under the court's  
14 jurisdiction, ~~the or any nondependent siblings in the physical~~  
15 ~~custody of a parent subject to the court's jurisdiction,~~ the nature  
16 of the relationship between the child and his or her siblings, the  
17 appropriateness of developing or maintaining the sibling  
18 relationships pursuant to Section 16002, and the impact of the  
19 sibling relationships on the child's placement and planning for  
20 legal permanence.

21 (k) (1) ~~When an agency has placed a child with a relative~~  
22 ~~caregiver, a nonrelative extended family member, a licensed foster~~  
23 ~~family home, or a group home, the~~ An agency shall ensure  
24 placement of ~~the~~ a child in a home that, to the fullest extent  
25 possible, best meets the day-to-day needs of the child. A home  
26 that best meets the day-to-day needs of the child shall satisfy all  
27 of the following criteria:

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

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

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

36 (2) The foster child's caregiver shall use a reasonable and  
37 prudent parent standard, as defined in paragraph (2) of subdivision  
38 (a) of Section 362.04, to determine day-to-day activities that are  
39 ~~age-appropriate~~ age appropriate to meet the needs of the child.  
40 Nothing in this section shall be construed to permit a child's

1 caregiver to permit the child to engage in day-to-day activities that  
2 carry an unreasonable risk of harm, or subject the child to abuse  
3 or neglect.

4 *SEC. 9.3. Section 361.2 of the Welfare and Institutions Code*  
5 *is amended to read:*

6 361.2. (a) When a court orders removal of a child pursuant to  
7 Section 361, the court shall first determine whether there is a parent  
8 of the child, with whom the child was not residing at the time that  
9 the events or conditions arose that brought the child within the  
10 provisions of Section 300, who desires to assume custody of the  
11 child. If that parent requests custody, the court shall place the child  
12 with the parent unless it finds that placement with that parent would  
13 be detrimental to the safety, protection, or physical or emotional  
14 well-being of the child. *The fact that the parent is enrolled in a*  
15 *certified substance abuse treatment facility that allows a dependent*  
16 *child to reside with his or her parent shall not be, for that reason*  
17 *alone, prima facie evidence that placement with that parent would*  
18 *be detrimental.*

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

21 (1) Order that the parent become legal and physical custodian  
22 of the child. The court may also provide reasonable visitation by  
23 the noncustodial parent. The court shall then terminate its  
24 jurisdiction over the child. The custody order shall continue unless  
25 modified by a subsequent order of the superior court. The order  
26 of the juvenile court shall be filed in any domestic relation  
27 proceeding between the parents.

28 (2) Order that the parent assume custody subject to the  
29 jurisdiction of the juvenile court and require that a home visit be  
30 conducted within three months. In determining whether to take  
31 the action described in this paragraph, the court shall consider any  
32 concerns that have been raised by the child's current caregiver  
33 regarding the parent. After the social worker conducts the home  
34 visit and files his or her report with the court, the court may then  
35 take the action described in paragraph (1), (3), or this paragraph.  
36 However, nothing in this paragraph shall be interpreted to imply  
37 that the court is required to take the action described in this  
38 paragraph as a prerequisite to the court taking the action described  
39 in either paragraph (1) or (3).

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

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

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

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

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

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

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

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

29 ~~(4)~~

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

33 ~~(5)~~

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

38 ~~(6)~~

1 (7) 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)~~

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

7 ~~(8)~~

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

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

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

36 (iii) To the extent that placements pursuant to this paragraph  
37 are extended beyond an initial 120 days, the requirements of  
38 clauses (i) and (ii) shall apply to each extension. In addition, the  
39 deputy director or director of the county child welfare department  
40 or an assistant chief probation officer or chief probation officer of

1 the county probation department shall approve the continued  
2 placement no less frequently than every 60 days.

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

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

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

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

21 (9)

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

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

1 or director of the county child welfare department or an assistant  
2 chief probation officer or chief probation officer of the county  
3 probation department.

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

12 ~~(10)~~  
13 (11) Nothing in this subdivision shall be construed to allow a  
14 social worker to place any dependent child outside the United  
15 States, except as specified in subdivision (f).

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

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

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

26 (A) Placement with a relative.

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

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

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

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

32 (F) Social, cultural, and educational needs of the dependent  
33 child.

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

36 (4) If the court finds that a placement outside the United States  
37 is, by clear and convincing evidence, in the best interest of the  
38 child, the court may issue an order authorizing the social worker  
39 to make a placement outside the United States. A child subject to

1 this subdivision shall not leave the United States prior to the  
2 issuance of the order described in this paragraph.

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

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

8 (g) (1) If the child is taken from the physical custody of the  
9 child’s parent or guardian and unless the child is placed with  
10 relatives, the child shall be placed in foster care in the county of  
11 residence of the child’s parent or guardian in order to facilitate  
12 reunification of the family.

13 (2) In the event that there are no appropriate placements  
14 available in the parent’s or guardian’s county of residence, a  
15 placement may be made in an appropriate place in another county,  
16 preferably a county located adjacent to the parent’s or guardian’s  
17 community of residence.

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

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

33 (5) When it has been determined that a child is to be placed out  
34 of county either in a group home or with a foster family agency  
35 for subsequent placement in a certified foster family home, and  
36 the sending county is to maintain responsibility for supervision  
37 and visitation of the child, the sending county shall develop a plan  
38 of supervision and visitation that specifies the supervision and  
39 visitation activities to be performed and specifies that the sending  
40 county is responsible for performing those activities. In addition

1 to the plan of supervision and visitation, the sending county shall  
2 document information regarding any known or suspected dangerous  
3 behavior of the child that indicates the child may pose a safety  
4 concern in the receiving county. Upon implementation of the Child  
5 Welfare Services Case Management System, the plan of  
6 supervision and visitation, as well as information regarding any  
7 known or suspected dangerous behavior of the child, shall be made  
8 available to the receiving county upon placement of the child in  
9 the receiving county. If placement occurs on a weekend or holiday,  
10 the information shall be made available to the receiving county on  
11 or before the end of the next business day.

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

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

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

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

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

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

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

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

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

39 *SEC. 9.5. Section 361.2 of the Welfare and Institutions Code*  
40 *is amended to read:*

1 361.2. (a) When a court orders removal of a child pursuant to  
2 Section 361, the court shall first determine whether there is a parent  
3 of the child, with whom the child was not residing at the time that  
4 the events or conditions arose that brought the child within the  
5 provisions of Section 300, who desires to assume custody of the  
6 child. If that parent requests custody, the court shall place the child  
7 with the parent unless it finds that placement with that parent would  
8 be detrimental to the safety, protection, or physical or emotional  
9 well-being of the child. *The fact that the parent is enrolled in a*  
10 *certified substance abuse treatment facility that allows a dependent*  
11 *child to reside with his or her parent shall not be, for that reason*  
12 *alone, prima facie evidence that placement with that parent would*  
13 *be detrimental.*

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

16 (1) Order that the parent become legal and physical custodian  
17 of the child. The court may also provide reasonable visitation by  
18 the noncustodial parent. The court shall then terminate its  
19 jurisdiction over the child. The custody order shall continue unless  
20 modified by a subsequent order of the superior court. The order  
21 of the juvenile court shall be filed in any domestic relation  
22 proceeding between the parents.

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

35 (3) Order that the parent assume custody subject to the  
36 supervision of the juvenile court. In that case the court may order  
37 that reunification services be provided to the parent or guardian  
38 from whom the child is being removed, or the court may order that  
39 services be provided solely to the parent who is assuming physical  
40 custody in order to allow that parent to retain later custody without

1 court supervision, or that services be provided to both parents, in  
2 which case the court shall determine, at review hearings held  
3 pursuant to Section 366, which parent, if either, shall have custody  
4 of the child.

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

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

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

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

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

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

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

23 ~~(4)~~

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

27 ~~(5)~~

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

32 ~~(6)~~

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

36 ~~(7)~~

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

39 ~~(8)~~

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

6 (A) (i) When a case plan indicates that placement is for purposes  
7 of providing ~~short-term~~, *short term*, specialized, and intensive  
8 treatment to the child, the case plan specifies the need for, nature  
9 of, and anticipated duration of this treatment, pursuant to paragraph  
10 (2) of subdivision (c) of Section 16501.1, the facility meets the  
11 applicable regulations adopted under Section 1530.8 of the Health  
12 and Safety Code and standards developed pursuant to Section  
13 ~~11467.1~~, *11467.1 of this code*, and the 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 has approved the case plan.

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

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

36 (B) When a case plan indicates that placement is for purposes  
37 of providing family reunification services. In addition, the facility  
38 offers family reunification services that meet the needs of the  
39 individual child and his or her family, permits parents to have  
40 reasonable access to their children 24 hours a day, encourages

1 extensive parental involvement in meeting the daily needs of their  
2 children, and employs staff trained to provide family reunification  
3 services. In addition, one of the following conditions exists:

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

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

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

14 (9)

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

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

37 (C) To the extent that placements pursuant to this paragraph are  
38 extended beyond an initial six months, the requirements of  
39 ~~subparagraph~~ *subparagraphs* (A) and (B) shall apply to each  
40 extension. In addition, the deputy director or director of the county

1 child welfare department or an assistant chief probation officer or  
2 chief probation officer of the county probation department shall  
3 approve the continued placement no less frequently than every 60  
4 days.

5 ~~(10)~~

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

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

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

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

19 (A) Placement with a relative.

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

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

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

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

25 (F) Social, cultural, and educational needs of the dependent  
26 child.

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

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

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

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

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

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

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

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

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

1 available to the receiving county upon placement of the child in  
2 the receiving county. If placement occurs on a weekend or holiday,  
3 the information shall be made available to the receiving county on  
4 or before the end of the next business day.

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

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

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

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

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

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

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

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

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

33 SEC. 10. Section 361.4 of the Welfare and Institutions Code  
34 is amended to read:

35 361.4. (a) Prior to placing a child in the home of a relative, or  
36 the home of any prospective guardian or other person who is not  
37 a licensed or certified foster parent, the county social worker shall  
38 visit the home to ascertain the appropriateness of the placement.

39 (b) (1) Whenever a child may be placed in the home of a  
40 relative, or the home of any prospective guardian or other person

1 who is not a licensed or certified foster parent, the court or county  
2 social worker placing the child shall cause a state-level criminal  
3 records check to be conducted by an appropriate government  
4 agency through the California Law Enforcement  
5 Telecommunications System (CLETS) pursuant to Section 16504.5.  
6 The criminal records check shall be conducted with regard to all  
7 persons over 18 years of age living in the home, and on any other  
8 person over 18 years of age, other than professionals providing  
9 professional services to the child, known to the placing entity who  
10 may have significant contact with the child, including any person  
11 who has a familial or intimate relationship with any person living  
12 in the home. A criminal records check may be conducted pursuant  
13 to this section on any person over 14 years of age living in the  
14 home who the county social worker believes may have a criminal  
15 record. Within 10 calendar days following the criminal records  
16 check conducted through the California Law Enforcement  
17 Telecommunications System, the social worker shall ensure that  
18 a fingerprint clearance check of the relative and any other person  
19 whose criminal record was obtained pursuant to this subdivision  
20 is initiated through the Department of Justice to ensure the accuracy  
21 of the criminal records check conducted through the California  
22 Law Enforcement Telecommunications System and shall review  
23 the results of any criminal records check to assess the safety of the  
24 home. The Department of Justice shall forward fingerprint requests  
25 for federal-level criminal history information to the Federal Bureau  
26 of Investigation pursuant to this section.

27 (2) An identification card from a foreign consulate or foreign  
28 passport shall be considered a valid form of identification for  
29 conducting a criminal records check and fingerprint clearance  
30 check under this subdivision and under subdivision (c).

31 (c) Whenever a child may be placed in the home of a relative,  
32 or a prospective guardian or other person who is not a licensed or  
33 certified foster parent, the county social worker shall cause a check  
34 of the Child Abuse Central Index pursuant to subdivision (a) of  
35 Section 11170 of the Penal Code to be requested from the  
36 Department of Justice. The Child Abuse Central Index check shall  
37 be conducted on all persons over 18 years of age living in the  
38 home. For any application received on or after January 1, 2008, if  
39 any person in the household is 18 years of age or older and has  
40 lived in another state in the preceding five years, the county social

1 worker shall check the other state’s child abuse and neglect registry  
2 to the extent required by federal law.

3 (d) (1) If the results of the California and federal criminal  
4 records check indicates that the person has no criminal record, the  
5 county social worker and court may consider the home of the  
6 relative, prospective guardian, or other person who is not a licensed  
7 or certified foster parent for placement of a child.

8 (2) If the criminal records check indicates that the person has  
9 been convicted of a crime that the Director of Social Services  
10 cannot grant an exemption for under Section 1522 of the Health  
11 and Safety Code, the child shall not be placed in the home. If the  
12 criminal records check indicates that the person has been convicted  
13 of a crime that the Director of Social Services may grant an  
14 exemption for under Section 1522 of the Health and Safety Code,  
15 the child shall not be placed in the home unless a criminal records  
16 exemption has been granted by the county, based on substantial  
17 and convincing evidence to support a reasonable belief that the  
18 person with the criminal conviction is of such good character as  
19 to justify the placement and not present a risk of harm to the child  
20 pursuant to paragraph (3).

21 (3) (A) A county may issue a criminal records exemption only  
22 if that county has been granted permission by the Director of Social  
23 Services to issue criminal records exemptions. The county may  
24 file a request with the Director of Social Services seeking  
25 permission for the county to establish a procedure to evaluate and  
26 grant appropriate individual criminal records exemptions for  
27 persons described in subdivision (b). The director shall grant or  
28 deny the county’s request within 14 days of receipt. The county  
29 shall evaluate individual criminal records in accordance with the  
30 standards and limitations set forth in paragraph (1) of subdivision  
31 (g) of Section 1522 of the Health and Safety Code, and in no event  
32 shall the county place a child in the home of a person who is  
33 ineligible for an exemption under that provision.

34 (B) The department shall monitor county implementation of the  
35 authority to grant an exemption under this paragraph to ensure that  
36 the county evaluates individual criminal records and allows or  
37 disallows placements according to the standards set forth in  
38 paragraph (1) of subdivision (g) of Section 1522 of the Health and  
39 Safety Code.

1 (4) The department shall conduct an evaluation of the  
2 implementation of paragraph (3) through random sampling of  
3 county exemption decisions.

4 (5) The State Department of Social Services shall not evaluate  
5 or grant criminal records exemption requests for persons described  
6 in subdivision (b), unless the exemption request is made by an  
7 Indian tribe pursuant to subdivision (f).

8 (6) If a county has not requested, or has not been granted,  
9 permission by the State Department of Social Services to establish  
10 a procedure to evaluate and grant criminal records exemptions,  
11 the county shall not place a child into the home of a person  
12 described in subdivision (b) if any person residing in the home has  
13 been convicted of a crime other than a minor traffic violation,  
14 except as provided in subdivision (f).

15 (e) Nothing in this section shall preclude a county from  
16 conducting a criminal background check that the county is  
17 otherwise authorized to conduct using fingerprints.

18 (f) The State Department of Social Services shall evaluate a  
19 request from an Indian tribe to exempt a crime that is exemptible  
20 under Section 1522 of the Health and Safety Code, if needed, to  
21 allow placement into an Indian home that the tribe has designated  
22 for placement under the federal Indian Child Welfare Act (25  
23 U.S.C. Sec. 1901 et seq.). However, if the county with jurisdiction  
24 over the child that is the subject of the tribe's request has  
25 established an approved procedure pursuant to paragraph (3) of  
26 subdivision (d), the tribe may request that the county evaluate the  
27 exemption request. Once a tribe has elected to have the exemption  
28 request reviewed by either the State Department of Social Services  
29 or the county, the exemption decision may only be made by that  
30 entity. Nothing in this subdivision limits the duty of a county social  
31 worker to evaluate the home for placement or to gather information  
32 needed to evaluate an exemption request.

33 SEC. 11. Section 362.04 of the Welfare and Institutions Code  
34 is amended to read:

35 362.04. (a) For purposes of this section:

36 (1) "Caregiver" means any licensed certified foster parent,  
37 approved relative caregiver, or approved nonrelative extended  
38 family member, or approved resource family.

39 (2) "Reasonable and prudent parent" or "reasonable and prudent  
40 parent standard" means the standard characterized by careful and

1 sensible parental decisions that maintain the child’s health, safety,  
2 and best interest.

3 (3) ~~“Short-term”~~ “*Short term*” means no more than 24  
4 consecutive hours.

5 (b) Every caregiver may arrange for occasional short-term  
6 babysitting of their foster child and allow individuals to supervise  
7 the foster child for the purposes set forth in Section 362.05, or on  
8 occasions, including, but not limited to, when the foster parent has  
9 a medical or other health care appointment, grocery or other  
10 shopping, personal grooming appointments, special occasions for  
11 the foster parents, foster parent training classes, school-related  
12 meetings (such as parent-teacher conferences), business meetings,  
13 adult social gatherings, or an occasional evening out by the foster  
14 parent.

15 (c) Caregivers shall use a reasonable and prudent parent standard  
16 in determining and selecting appropriate babysitters for occasional  
17 short-term use.

18 (d) The caregiver shall endeavor to provide the babysitter with  
19 the following information before leaving the child for purposes of  
20 short-term care:

21 (1) Information about the child’s emotional, behavioral, medical  
22 or physical conditions, if any, necessary to provide care for the  
23 child during the time the foster child is being supervised by the  
24 babysitter.

25 (2) Any medication that should be administered to the foster  
26 child during the time the foster child is being supervised by the  
27 babysitter.

28 (3) Emergency contact information that is valid during the time  
29 the foster child is being supervised by the babysitter.

30 (e) Babysitters selected by the caregiver to provide occasional  
31 short-term care to a foster child under the provisions of this section  
32 shall be exempt from any department regulation requiring health  
33 screening or cardiopulmonary resuscitation certification or training.

34 (f) Each state and local entity shall ensure that private agencies  
35 that provide foster care services to dependent children have policies  
36 consistent with this section. Policies that are not consistent with  
37 this section include those that are incompatible with, contradictory  
38 to, or more restrictive than this section.

39 SEC. 12. Section 381 is added to the Welfare and Institutions  
40 Code, to read:

1 381. (a) If a transfer is made from a juvenile court of a county  
2 to a tribe pursuant to Section 305.5, the case shall be transferred  
3 to the tribe after the court has made a determination that the transfer  
4 is required pursuant to subdivision (a), (b), or (f) of Section 305.5.  
5 The Juvenile court and the tribe shall each document the finding  
6 of the facts supporting jurisdiction over the minor.

7 (b) The juvenile court shall issue an order of transfer of the case  
8 that states all of the findings, orders, or modification of orders that  
9 have been made in the case, and the name and address of the tribe  
10 having jurisdiction. All papers contained in the file shall be  
11 transferred to the tribe having jurisdiction. The transferring county  
12 shall maintain a copy of the order of transfer and the findings of  
13 fact.

14 (c) If an order of transfer from a county to a tribe is filed with  
15 the clerk of a juvenile court, the clerk shall place the transfer order  
16 on the calendar of the court, and, notwithstanding Section 378,  
17 that matter shall have precedence over all actions and civil  
18 proceedings not specifically given precedence by any other law  
19 and shall be heard by the court at the earliest possible moment  
20 after the order is filed.

21 SEC. 13. Section 727 of the Welfare and Institutions Code is  
22 amended to read:

23 727. (a) (1) If a minor or nonminor is adjudged a ward of the  
24 court on the ground that he or she is a person described by Section  
25 601 or 602, the court may make any reasonable orders for the care,  
26 supervision, custody, conduct, maintenance, and support of the  
27 minor or nonminor, including medical treatment, subject to further  
28 order of the court.

29 (2) In the discretion of the court, a ward may be ordered to be  
30 on probation without supervision of the probation officer. The  
31 court, in so ordering, may impose on the ward any and all  
32 reasonable conditions of behavior as may be appropriate under  
33 this disposition. A minor or nonminor who has been adjudged a  
34 ward of the court on the basis of the commission of any of the  
35 offenses described in subdivision (b) or paragraph (2) of  
36 subdivision (d) of Section 707, Section 459 of the Penal Code, or  
37 subdivision (a) of Section 11350 of the Health and Safety Code,  
38 shall not be eligible for probation without supervision of the  
39 probation officer. A minor or nonminor who has been adjudged a  
40 ward of the court on the basis of the commission of any offense

1 involving the sale or possession for sale of a controlled substance,  
2 except misdemeanor offenses involving marijuana, as specified in  
3 Chapter 2 (commencing with Section 11053) of Division 10 of the  
4 Health and Safety Code, or of an offense in violation of Section  
5 32625 of the Penal Code, shall be eligible for probation without  
6 supervision of the probation officer only when the court determines  
7 that the interests of justice would best be served and states reasons  
8 on the record for that determination.

9 (3) In all other cases, the court shall order the care, custody, and  
10 control of the minor or nonminor to be under the supervision of  
11 the probation officer who may place the minor or nonminor in any  
12 of the following:

13 (A) The approved home of a relative or the approved home of  
14 a nonrelative, extended family member, as defined in Section  
15 362.7. If a decision has been made to place the minor in the home  
16 of a relative, the court may authorize the relative to give legal  
17 consent for the minor's medical, surgical, and dental care and  
18 education as if the relative caretaker were the custodial parent of  
19 the minor.

20 (B) The approved home of a resource family as defined in  
21 Section ~~16519.5~~ 16519.5.

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

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

29 (E) (i) Every minor adjudged a ward of the juvenile court who  
30 is residing in a placement as defined in subparagraphs (A) to (D),  
31 inclusive, shall be entitled to participate in age-appropriate  
32 extracurricular, enrichment, and social activities. ~~No~~ A state or  
33 local regulation or policy ~~may~~ *shall not* prevent, or create barriers  
34 to, participation in those activities. Each state and local entity shall  
35 ensure that private agencies that provide foster care services to  
36 wards have policies consistent with this section and that those  
37 agencies promote and protect the ability of wards to participate in  
38 age-appropriate extracurricular, enrichment, and social activities.  
39 A group home administrator, a facility manager, or his or her  
40 responsible designee, and a caregiver, as defined in paragraph (1)

1 of subdivision (a) of Section 362.04, shall use a reasonable and  
2 prudent parent standard, as defined in paragraph (2) of subdivision  
3 (a) of Section 362.04, in determining whether to give permission  
4 for a minor residing in foster care to participate in extracurricular,  
5 enrichment, and social activities. A group home administrator, a  
6 facility manager, or his or her responsible designee, and a caregiver  
7 shall take reasonable steps to determine the appropriateness of the  
8 activity taking into consideration the minor's age, maturity, and  
9 developmental level.

10 (ii) A group home administrator or a facility manager, or his or  
11 her responsible designee, is encouraged to consult with social work  
12 or treatment staff members who are most familiar with the minor  
13 at the group home in applying and using the reasonable and prudent  
14 parent standard.

15 (F) For nonminors, an approved supervised independent living  
16 setting as defined in Section 11400, including a residential housing  
17 unit certified by a licensed transitional housing placement provider.

18 (b) (1) To facilitate coordination and cooperation among  
19 agencies, the court may, at any time after a petition has been filed,  
20 after giving notice and an opportunity to be heard, join in the  
21 juvenile court proceedings any agency that the court determines  
22 has failed to meet a legal obligation to provide services to a minor,  
23 for whom a petition has been filed under Section 601 or 602, to a  
24 nonminor, as described in Section 303, or to a nonminor dependent,  
25 as defined in subdivision (v) of Section 11400. In any proceeding  
26 in which an agency is joined, the court shall not impose duties  
27 upon the agency beyond those mandated by law. The purpose of  
28 joinder under this section is to ensure the delivery and coordination  
29 of legally mandated services to the minor. The joinder shall not  
30 be maintained for any other purpose. Nothing in this section shall  
31 prohibit agencies that have received notice of the hearing on joinder  
32 from meeting prior to the hearing to coordinate services.

33 (2) The court has no authority to order services unless it has  
34 been determined through the administrative process of an agency  
35 that has been joined as a party, that the minor, nonminor, or  
36 nonminor dependent is eligible for those services. With respect to  
37 mental health assessment, treatment, and case management services  
38 pursuant to Chapter 26.5 (commencing with Section 7570) of  
39 Division 7 of Title 1 of the Government Code, the court's

1 determination shall be limited to whether the agency has complied  
2 with that chapter.

3 (3) For the purposes of this subdivision, “agency” means any  
4 governmental agency or any private service provider or individual  
5 that receives federal, state, or local governmental funding or  
6 reimbursement for providing services directly to a child, nonminor,  
7 or nonminor dependent.

8 (c) If a minor has been adjudged a ward of the court on the  
9 ground that he or she is a person described in Section 601 or 602,  
10 and the court finds that notice has been given in accordance with  
11 Section 661, and if the court orders that a parent or guardian shall  
12 retain custody of that minor either subject to or without the  
13 supervision of the probation officer, the parent or guardian may  
14 be required to participate with that minor in a counseling or  
15 education program, including, but not limited to, parent education  
16 and parenting programs operated by community colleges, school  
17 districts, or other appropriate agencies designated by the court.

18 (d) The juvenile court may direct any reasonable orders to the  
19 parents and guardians of the minor who is the subject of any  
20 proceedings under this chapter as the court deems necessary and  
21 proper to carry out subdivisions (a), (b), and (c) including orders  
22 to appear before a county financial evaluation officer, to ensure  
23 the minor’s regular school attendance, and to make reasonable  
24 efforts to obtain appropriate educational services necessary to meet  
25 the needs of the minor.

26 If counseling or other treatment services are ordered for the  
27 minor, the parent, guardian, or foster parent shall be ordered to  
28 participate in those services, unless participation by the parent,  
29 guardian, or foster parent is deemed by the court to be inappropriate  
30 or potentially detrimental to the minor.

31 *SEC. 13.5. Section 727 of the Welfare and Institutions Code*  
32 *is amended to read:*

33 727. (a) (1) If a minor or nonminor is adjudged a ward of the  
34 court on the ground that he or she is a person described by Section  
35 601 or 602, the court may make any reasonable orders for the care,  
36 supervision, custody, conduct, maintenance, and support of the  
37 minor or nonminor, including medical treatment, subject to further  
38 order of the court.

39 (2) In the discretion of the court, a ward may be ordered to be  
40 on probation without supervision of the probation officer. The

1 court, in so ordering, may impose on the ward any and all  
2 reasonable conditions of behavior as may be appropriate under  
3 this disposition. A minor or nonminor who has been adjudged a  
4 ward of the court on the basis of the commission of any of the  
5 offenses described in subdivision (b) or paragraph (2) of  
6 subdivision (d) of Section 707, Section 459 of the Penal Code, or  
7 subdivision (a) of Section 11350 of the Health and Safety Code,  
8 shall not be eligible for probation without supervision of the  
9 probation officer. A minor or nonminor who has been adjudged a  
10 ward of the court on the basis of the commission of any offense  
11 involving the sale or possession for sale of a controlled substance,  
12 except misdemeanor offenses involving marijuana, as specified in  
13 Chapter 2 (commencing with Section 11053) of Division 10 of the  
14 Health and Safety Code, or of an offense in violation of Section  
15 32625 of the Penal Code, shall be eligible for probation without  
16 supervision of the probation officer only when the court determines  
17 that the interests of justice would best be served and states reasons  
18 on the record for that determination.

19 (3) In all other cases, the court shall order the care, custody, and  
20 control of the minor or nonminor to be under the supervision of  
21 the probation officer who may place the minor or nonminor in any  
22 of the following:

23 (A) The approved home of a relative or the approved home of  
24 a nonrelative, extended family member, as defined in Section  
25 362.7. If a decision has been made to place the minor in the home  
26 of a relative, the court may authorize the relative to give legal  
27 consent for the minor's medical, surgical, and dental care and  
28 education as if the relative caretaker were the custodial parent of  
29 the minor.

30 (B) *The approved home of a resource family as defined in*  
31 *Section 16519.5.*

32 ~~(B)~~

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

37 ~~(C)~~

38 (D) With a foster family agency to be placed in a suitable  
39 licensed foster family home or certified family home ~~which that~~  
40 has been certified by the agency as meeting licensing standards.

1     ~~(D)~~

2     (E) (i) Every minor adjudged a ward of the juvenile court who  
3 is residing in a placement as defined in subparagraphs (A) to ~~(C)~~  
4 (D), inclusive, shall be entitled to participate in age-appropriate  
5 extracurricular, enrichment, and social activities. ~~No~~ A state or  
6 local regulation or policy ~~may~~ shall not prevent, or create barriers  
7 to, participation in those activities. Each state and local entity shall  
8 ensure that private agencies that provide foster care services to  
9 wards have policies consistent with this section and that those  
10 agencies promote and protect the ability of wards to participate in  
11 age-appropriate extracurricular, enrichment, and social activities.  
12 A group home administrator, a facility manager, or his or her  
13 responsible designee, and a caregiver, as defined in paragraph (1)  
14 of subdivision (a) of Section 362.04, shall use a reasonable and  
15 prudent parent standard, as defined in paragraph (2) of subdivision  
16 (a) of Section 362.04, in determining whether to give permission  
17 for a minor residing in foster care to participate in extracurricular,  
18 enrichment, and social activities. A group home administrator, a  
19 facility manager, or his or her responsible designee, and a caregiver  
20 shall take reasonable steps to determine the appropriateness of the  
21 activity taking into consideration the minor's age, maturity, and  
22 developmental level.

23     (ii) A group home administrator or a facility manager, or his or  
24 her responsible designee, is encouraged to consult with social work  
25 or treatment staff members who are most familiar with the minor  
26 at the group home in applying and using the reasonable and prudent  
27 parent standard.

28     ~~(E)~~

29     (F) For nonminors, an approved supervised independent living  
30 setting as defined in Section 11400, including a residential housing  
31 unit certified by a licensed transitional housing placement provider.

32     (4) *The minor or nonminor shall be released from juvenile*  
33 *detention upon an order being entered under paragraph (3), unless*  
34 *the court determines that a delay in the release from detention is*  
35 *reasonable pursuant to Section 737.*

36     (b) (1) To facilitate coordination and cooperation among  
37 agencies, the court may, at any time after a petition has been filed,  
38 after giving notice and an opportunity to be heard, join in the  
39 juvenile court proceedings any agency that the court determines  
40 has failed to meet a legal obligation to provide services to a minor,

1 for whom a petition has been filed under Section 601 or 602, to a  
2 nonminor, as described in Section 303, or to a nonminor dependent,  
3 as defined in subdivision (v) of Section 11400. In any proceeding  
4 in which an agency is joined, the court shall not impose duties  
5 upon the agency beyond those mandated by law. The purpose of  
6 joinder under this section is to ensure the delivery and coordination  
7 of legally mandated services to the minor. The joinder shall not  
8 be maintained for any other purpose. Nothing in this section shall  
9 prohibit agencies that have received notice of the hearing on joinder  
10 from meeting prior to the hearing to coordinate services.

11 (2) The court has no authority to order services unless it has  
12 been determined through the administrative process of an agency  
13 that has been joined as a party, that the minor, nonminor, or  
14 nonminor dependent is eligible for those services. With respect to  
15 mental health assessment, treatment, and case management services  
16 pursuant to Chapter 26.5 (commencing with Section 7570) of  
17 Division 7 of Title 1 of the Government Code, the court's  
18 determination shall be limited to whether the agency has complied  
19 with that chapter.

20 (3) For the purposes of this subdivision, "agency" means any  
21 governmental agency or any private service provider or individual  
22 that receives federal, state, or local governmental funding or  
23 reimbursement for providing services directly to a child, nonminor,  
24 or nonminor dependent.

25 (c) If a minor has been adjudged a ward of the court on the  
26 ground that he or she is a person described in Section 601 or 602,  
27 and the court finds that notice has been given in accordance with  
28 Section 661, and if the court orders that a parent or guardian shall  
29 retain custody of that minor either subject to or without the  
30 supervision of the probation officer, the parent or guardian may  
31 be required to participate with that minor in a counseling or  
32 education program, including, but not limited to, parent education  
33 and parenting programs operated by community colleges, school  
34 districts, or other appropriate agencies designated by the court.

35 (d) The juvenile court may direct any reasonable orders to the  
36 parents and guardians of the minor who is the subject of any  
37 proceedings under this chapter as the court deems necessary and  
38 proper to carry out subdivisions (a), (b), and (c) including orders  
39 to appear before a county financial evaluation officer, to ensure  
40 the minor's regular school attendance, and to make reasonable

1 efforts to obtain appropriate educational services necessary to meet  
2 the needs of the minor.

3 If counseling or other treatment services are ordered for the  
4 minor, the parent, guardian, or foster parent shall be ordered to  
5 participate in those services, unless participation by the parent,  
6 guardian, or foster parent is deemed by the court to be inappropriate  
7 or potentially detrimental to the minor.

8 SEC. 14. Section 827.15 is added to the Welfare and  
9 Institutions Code, to read:

10 827.15. (a) Notwithstanding Section 827, whenever the  
11 juvenile court of a county has made a determination pursuant to  
12 subdivision (a), (b), or (f) of Section 305.5 that a child custody  
13 proceeding of an Indian child is to be transferred to the jurisdiction  
14 of a tribal court the child case file shall be transferred to the tribe.

15 (b) If an Indian child is under the jurisdiction of a Title IV-E  
16 tribe or a Tribal Title IV-E agency, federal law requires the  
17 safeguarding of information as set forth in 45 C.F.R 205.50.

18 (c) In all other transfers, the juvenile court shall order the release  
19 of the child's case file provided that the tribe agrees to maintain  
20 the documentation confidential consistent with state and federal  
21 law.

22 (d) As used in this section, a "child case file" means information  
23 including the juvenile case file retained by the juvenile court and  
24 the child welfare agency files or records retained by the county.  
25 For Title IV-E tribes or a Tribal Tile IV-E agency that information  
26 includes, but need not be limited to, the documentation set forth  
27 in 45 C.F.R. 1356.67.

28 SEC. 15. Section 10553.12 is added to the Welfare and  
29 Institutions Code, to read:

30 10553.12. (a) Notwithstanding any other law, a federally  
31 recognized tribe is authorized to approve a home for the purpose  
32 of foster or adoptive placement of an Indian child pursuant to the  
33 Federal Indian Child Welfare Act (25 U.S.C. Sec. 1915).

34 (b) An Indian child, as defined by Section 224(a) and (b) of that  
35 act, that has been removed pursuant to Section 361, from the  
36 custody or his or her parents or Indian custodian may be placed in  
37 a tribally approved home pursuant to Section 361.31 (b)(2) of that  
38 act.

39 (c) To facilitate the availability of tribally approved homes that  
40 have been fully approved in accord with federal law, including

1 completion of required background checks, a tribal child welfare  
2 agency may request from the Department of Justice federal and  
3 state summary criminal history information regarding a prospective  
4 foster parent, adoptive parent, an adult who resides or is employed  
5 in the home of an applicant, or an employee of the child welfare  
6 agency who may have contact with children, in accord with  
7 subdivision (m) of Section 11105 of the Penal Code and Child  
8 Abuse Central Index Information pursuant to paragraph (8) of  
9 subdivision (b) of Section 11170 of the Penal Code.

10 (d) As used in this section, a “tribal child welfare agency” means  
11 an entity designated by a federally recognized tribe as authorized  
12 to approve homes consistent with the Indian Child Welfare Act  
13 for the purpose of placement of Indian children, into foster or  
14 adoptive care, including the authority to conduct criminal record  
15 and child abuse background checks of individuals who are  
16 prospective foster parents, adoptive parents, an adult who resides  
17 or is employed in the home of an applicant for approval, or an  
18 employee of the tribal child welfare agency who may have contact  
19 with children.

20 (e) A county social worker may place an Indian child in a tribally  
21 approved home without having to conduct a separate background  
22 check, upon certification of both of the following:

23 (1) The tribal child welfare agency has completed a criminal  
24 record background check pursuant to Section 1522 of the Health  
25 and Safety Code, and a Child Abuse Central Index Check pursuant  
26 to Section 1522.1 of the Health and Safety Code, with respect to  
27 each of the individuals described in subdivision (c).

28 (2) The tribal child welfare agency has agreed to report to a  
29 county child welfare agency responsible for a child placed in the  
30 tribally approved home, within 24 hours of notification to the tribal  
31 agency by the Department of Justice, of a subsequent state or  
32 federal arrest or disposition notification provided pursuant to  
33 Section 11105.2 of the Penal Code involving an individual  
34 associated with the tribally approved home where an Indian child  
35 is placed.

36 ~~SEC. 16. Section 10618.6 of the Welfare and Institutions Code~~  
37 ~~is amended to read:~~

38 ~~10618.6. (a) (1) When a child in a foster care placement~~  
39 ~~reaches his or her 16th birthday, and each year thereafter, while~~  
40 ~~the child is under the jurisdiction of the juvenile court, the county~~

1 welfare department, county probation department, or if an  
2 automated process is available, the State Department of Social  
3 Services, shall request a consumer credit disclosure from each of  
4 the three major credit reporting agencies, pursuant to the free  
5 annual disclosure provision of the federal Fair Credit Reporting  
6 Act, on the child's behalf, notwithstanding any other law.

7 (2) If the State Department of Social Services requests the  
8 consumer credit disclosure for a child in a foster care placement,  
9 it shall notify the county welfare department or county probation  
10 department in the county having jurisdiction over the child of the  
11 results of that request.

12 (3) Pursuant to paragraph (2), upon receiving notice from the  
13 State Department of Social Services that a child in foster care has  
14 a consumer credit report from a credit reporting agency, the county  
15 welfare department or county probation department shall request  
16 a consumer credit disclosure from that credit reporting agency for  
17 the child.

18 (b) For a nonminor dependent, the county welfare department  
19 or county probation department shall assist the young adult, on a  
20 yearly basis while the nonminor dependent is under the jurisdiction  
21 of the juvenile court, with requesting the consumer credit disclosure  
22 from each of the three major credit reporting agencies, pursuant  
23 to the free annual disclosure provision of the federal Fair Credit  
24 Reporting Act.

25 (e) The county social worker or county probation officer shall  
26 ensure that the child or nonminor dependent receives assistance  
27 with interpreting the consumer credit disclosure and resolving any  
28 inaccuracies. The assistance may include, but is not limited to,  
29 referring the youth to a governmental or nonprofit agency that  
30 provides consumer credit services. Nothing in this section requires  
31 the social worker or probation officer to be the individual providing  
32 the direct assistance with interpreting the consumer credit  
33 disclosure or resolving the inaccuracies.

34 (d) Notwithstanding any other law, in order to request a  
35 consumer credit disclosure for youth described in subdivision (a),  
36 the county welfare department, county probation department, or  
37 if an automated process is available, the State Department of Social  
38 Services is authorized to release necessary information to a credit  
39 reporting agency.

1 ~~SEC. 17.~~

2 *SEC. 16.* Section 11402 of the Welfare and Institutions Code  
3 is amended to read:

4 11402. In order to be eligible for AFDC-FC, a child or  
5 nonminor dependent shall be placed in one of the following:

6 (a) The approved home of a relative, provided the child is  
7 otherwise eligible for federal financial participation in the  
8 AFDC-FC payment.

9 (b) (1) The licensed family home of a nonrelative.

10 (2) The approved home of a nonrelative extended family  
11 member as described in Section 362.7.

12 (c) The approved home of a resource family as defined in  
13 Section 16519.5.

14 (d) A licensed group home, as defined in subdivision (h) of  
15 Section 11400, excluding a runaway and homeless youth shelter  
16 as defined in subdivision (ab) of Section 11400, provided that the  
17 placement worker has documented that the placement is necessary  
18 to meet the treatment needs of the child and that the facility offers  
19 those treatment services.

20 (e) The home of a nonrelated legal guardian or the home of a  
21 former nonrelated legal guardian when the guardianship of a child  
22 who is otherwise eligible for AFDC-FC has been dismissed due  
23 to the child’s attaining 18 years of age.

24 (f) An exclusive-use home.

25 (g) A housing model certified by a licensed transitional housing  
26 placement provider as described in Section 1559.110 of the Health  
27 and Safety Code and as defined in subdivision (r) of Section 11400.

28 (h) An out-of-state group home, provided that the placement  
29 worker, in addition to complying with all other statutory  
30 requirements for placing a minor in an out-of-state group home,  
31 documents that the requirements of Section 7911.1 of the Family  
32 Code have been met.

33 (i) An approved supervised independent living setting for  
34 nonminor dependents, as defined in subdivision (w) of Section  
35 11400.

36 (j) This section shall become operative on July 1, 2012.

37 ~~SEC. 18.~~ ~~Section 11403.2 of the Welfare and Institutions Code~~  
38 ~~is amended to read:~~

1 11403.2.—(a) The following persons shall be eligible for  
2 transitional housing provided pursuant to Article 4 (commencing  
3 with Section 16522) of Chapter 5 of Part 4:

4 (1) Any foster child at least 16 years of age and not more than  
5 18 years of age, and, on or after January 1, 2012, any nonminor  
6 dependent, as defined in subdivision (v) of Section 11400, who is  
7 eligible for AFDC-FC benefits as described in Section 11401. A  
8 foster child under 18 years of age shall be eligible for placement  
9 in the program certified as a “Transitional Housing Placement  
10 Program,” pursuant to paragraph (1) of subdivision (a) of Section  
11 16522.2. A nonminor dependent shall be eligible for placement in  
12 the program certified as a “Transitional Housing Placement Plus  
13 Foster Care Program” pursuant to paragraph (2) of subdivision (a)  
14 of Section 16522.2.

15 (2) Any former foster youth at least 18 years of age and not  
16 more than 24 years of age who has exited from the foster care  
17 system on or after his or her 18th birthday and elects to participate  
18 in Transitional Housing Program Plus, as defined in subdivision  
19 (s) of Section 11400, provided he or she has not received services  
20 under this paragraph for more than a total of 24 months, whether  
21 or not consecutive. If the person participating in a Transitional  
22 Housing Program Plus is not receiving aid under Section 11403.1,  
23 he or she, as a condition of participation, shall enter into, and  
24 execute the provisions of, a transitional independent living plan  
25 that shall be mutually agreed upon, and annually reviewed, by the  
26 former foster youth and the applicable county welfare or probation  
27 department or independent living program coordinator. The person  
28 participating under this paragraph shall inform the county of any  
29 changes to conditions specified in the agreed-upon plan that affect  
30 eligibility, including changes in address, living circumstances, and  
31 the educational or training program.

32 (b) Payment on behalf of an eligible person receiving transitional  
33 housing services pursuant to paragraph (1) of subdivision (a) shall  
34 be made to the transitional housing placement provider pursuant  
35 to the conditions and limitations set forth in Section 11403.3.  
36 Notwithstanding Section 11403.3, the department, in consultation  
37 with concerned stakeholders, including, but not limited to,  
38 representatives of the Legislature, the County Welfare Directors  
39 Association, the Chief Probation Officers of California, the Judicial  
40 Council, representatives of Indian tribes, the California Youth

1 Connection, former foster youth, child advocacy organizations,  
2 labor organizations, juvenile justice advocacy organizations, foster  
3 caregiver organizations, researchers, and transitional housing  
4 placement providers, shall convene a workgroup to establish a new  
5 rate structure for the Title IV-E funded THP-Plus-Foster Care  
6 placement option for nonminor dependents. The workgroup shall  
7 also consider application of this new rate structure to the  
8 Transitional Housing Program-Plus, as described in paragraph (2)  
9 of subdivision (a) of Section 11403.3. In developing the new rate  
10 structure pursuant to this subdivision, the department shall consider  
11 the average rates in effect and being paid by counties to current  
12 transitional housing placement providers.

13 (e) THP-Plus-Foster Care rates are based on the type of housing  
14 site model, each of which is comprised of costs for personnel,  
15 program, direct client and indirect expenses as defined in  
16 department regulations. On July 1 of each fiscal year, direct client  
17 expenses shall be adjusted, by the annual percentage change in the  
18 California Necessities Index. A county shall not be reimbursed for  
19 any increase in this rate that exceeds the adjustments made in  
20 accordance with this methodology.

21 (d) Funding and expenditures for programs and activities under  
22 this section shall be in accordance with the requirements provided  
23 in Sections 30025 and 30026.5 of the Government Code.

24 (e) Notwithstanding the rulemaking provisions of the  
25 Administrative Procedure Act (Chapter 3.5 (commencing with  
26 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
27 Code), the department may implement, interpret, or make specific  
28 the changes to this section, by means of all-county letters or similar  
29 instructions from the department until regulations are adopted.

30 ~~SEC. 19.~~

31 *SEC. 17.* Section 16002 of the Welfare and Institutions Code  
32 is amended to read:

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

1 placement of a sibling group in the same foster care placement,  
2 placement resources need to be expanded.

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

21 (c) When there has been a judicial suspension of sibling  
22 interaction, the reasons for the suspension shall be reviewed at  
23 each periodic review hearing pursuant to Section 366. When the  
24 court determines that sibling interaction can be safely resumed,  
25 that determination shall be noted in the court order and the case  
26 plan shall be revised to provide for sibling interaction.

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

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

1 (1) Include in training provided to prospective adoptive parents  
2 information about the importance of sibling relationships to the  
3 adopted child and counseling on methods for maintaining sibling  
4 relationships.

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

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

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

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

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

24 *SEC. 17.5. Section 16002 of the Welfare and Institutions Code*  
25 *is amended to read:*

26 16002. (a) (1) It is the intent of the Legislature to maintain  
27 the continuity of the family unit, and ensure the preservation and  
28 strengthening of the child’s family ties by ensuring that when  
29 siblings have been removed from their home, either as a group or  
30 one occurrence or individually on separate occurrences, the siblings  
31 will be placed in foster care together, unless it has been determined  
32 that placement together is contrary to the safety or well-being of  
33 any sibling. The Legislature recognizes that in order to ensure the  
34 placement of a sibling group in the same foster care placement,  
35 placement resources need to be expanded.

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

1 *visitation plan for the siblings, unless it has been determined that*  
2 *visitation is contrary to the safety or well-being of any sibling.*

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

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

30 (d) If the case plan for the child has provisions for sibling  
31 interaction, the child, or his or her parent or legal-~~guardian~~  
32 *guardian*, shall have the right to comment on those provisions. If  
33 a person wishes to assert a sibling relationship with a dependent  
34 child *or ward*, he or she may file a petition in the juvenile court  
35 having jurisdiction over the dependent child pursuant to subdivision  
36 (b) of Section 388 *or the ward in foster care pursuant to Section*  
37 *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. 20.~~

29 *SEC. 18.* Section 16010.6 of the Welfare and Institutions Code  
30 is amended to read:

31 16010.6. (a) As soon as a placing agency makes a decision  
32 with respect to a placement or a change in placement of a  
33 dependent child, but not later than the close of the following  
34 business day, the placing agency shall notify the child’s attorney  
35 and provide to the child’s attorney information regarding the child’s  
36 address, telephone number, and caregiver.

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

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

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

6 (A) Placement with a relative.

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

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

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

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

12 (F) Social, cultural, and educational needs of the dependent  
13 child.

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

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

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

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

27 (c) Absent exigent circumstances, as soon as a placing agency  
28 becomes aware of the need for a change in placement of a  
29 dependent child or ward that will result in the separation of siblings  
30 currently placed together, the placing agency shall notify the child’s  
31 attorney and the child’s siblings’ attorney of this proposed  
32 separation no less than 10 calendar days prior to the planned change  
33 of placement so that the attorneys may investigate the  
34 circumstances of the proposed separation. If the placing agency  
35 first becomes aware, by written notification from a foster family  
36 agency, group home, or other foster care provider, of the need for  
37 a change in placement for a dependent child or ward that will result  
38 in the separation of siblings currently placed together, and that the  
39 child or children shall be removed within seven days, then notice  
40 shall be provided to the attorneys by the end of the next business

1 day after the receipt of notice from the provider. In an emergency,  
2 the placing agency shall provide notice as soon as possible, but no  
3 later than the close of the first business day following the change  
4 of placement. This notification shall be deemed sufficient notice  
5 for the purposes of subdivision (a).

6 (d) When the required notice is given prior to a change in  
7 placement, the notice shall include information regarding the  
8 child's address, telephone number, and caregiver or any one or  
9 more of these items of information to the extent that this  
10 information is known at the time that the placing agency provides  
11 notice to the child's attorney. When the required notice is given  
12 after the change in placement, notice shall include information  
13 regarding the child's address, telephone number, and caregiver.

14 (e) The Judicial Council shall adopt a rule of court directing the  
15 attorney for a child for whom a dependency petition has been filed,  
16 upon receipt from the agency responsible for placing the child of  
17 the name, address, and telephone number of the child's caregiver,  
18 to timely provide the attorney's contact information to the caregiver  
19 and, if the child is 10 years of age or older, to the child. This rule  
20 does not preclude an attorney from giving contact information to  
21 a child who is younger than 10 years of age.

22 ~~SEC. 21.~~

23 *SEC. 19.* Section 16501.3 of the Welfare and Institutions Code  
24 is amended to read:

25 16501.3. (a) The State Department of Social Services shall  
26 establish and maintain a program of public health nursing in the  
27 child welfare services program that meets the federal requirements  
28 for the provision of healthcare to minor and nonminor dependents  
29 in foster care consistent with Section 30026.5 of the Government  
30 Code. The purpose of the public health nursing program shall be  
31 to identify, respond to, and enhance the physical, mental, dental,  
32 and developmental well-being of children in the child welfare  
33 system.

34 (b) ~~(4)~~ Under this program, counties shall use the services of  
35 a foster care public health nurse. The foster care public health  
36 nurse shall work with the appropriate child welfare services  
37 workers to coordinate health care services and serve as a liaison  
38 with health care professionals and other providers of health-related  
39 services. This shall include coordination with county mental health  
40 plans and local health jurisdictions, as appropriate.

1 ~~(2) Consistent with federal law and requirements, each county~~  
2 ~~child welfare department shall provide to the State Department of~~  
3 ~~Social Services information necessary for the department to meet~~  
4 ~~its federal reporting requirements. In developing the requirements~~  
5 ~~concerning the information to be provided by counties, the~~  
6 ~~department shall consult with the County Welfare Directors~~  
7 ~~Association.~~

8 (c) The duties of a foster care public health nurse shall include,  
9 but need not be limited to, the following:

10 (1) Documenting that each child in foster care receives initial  
11 and followup health screenings that meet reasonable standards of  
12 medical practice.

13 (2) Collecting health information and other relevant data on  
14 each foster child as available, receiving all collected information  
15 to determine appropriate referral and services, and expediting  
16 referrals to providers in the community for early intervention  
17 services, specialty services, dental care, mental health services,  
18 and other health-related services necessary for the child.

19 (3) Participating in medical care planning and coordinating for  
20 the child. This may include, but is not limited to, assisting case  
21 workers in arranging for comprehensive health and mental health  
22 assessments, interpreting the results of health assessments or  
23 evaluations for the purpose of case planning and coordination,  
24 facilitating the acquisition of any necessary court authorizations  
25 for procedures or medications, advocating for the health care needs  
26 of the child and ensuring the creation of linkage among various  
27 providers of care.

28 (4) Providing followup contact to assess the child's progress in  
29 meeting treatment goals.

30 (5) At the request of and under the direction of a nonminor  
31 dependent, as described in subdivision (v) of Section 11400, assist  
32 the nonminor dependent in accessing physical health and mental  
33 health care, coordinating the delivery of health and mental health  
34 care services, advocating for the health and mental health care that  
35 meets the needs of the nonminor dependent, and to assist the  
36 nonminor dependent to assume responsibility for his or her ongoing  
37 physical and mental health care management.

38 (d) The services provided by foster care public health nurses  
39 under this section shall be limited to those for which reimbursement  
40 may be claimed under Title XIX at an enhanced rate for services

1 delivered by skilled professional medical personnel.  
2 Notwithstanding any other provision of law, this section shall be  
3 implemented only if, and to the extent that, the department  
4 determines that federal financial participation, as provided under  
5 Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396  
6 et seq.), is available.

7 (e) (1) The State Department of Health Care Services shall seek  
8 any necessary federal approvals for child welfare agencies to  
9 appropriately claim enhanced federal Title XIX funds for services  
10 provided pursuant to this section.

11 (2) Commencing in the fiscal year immediately following the  
12 fiscal year in which the necessary federal approval pursuant to  
13 paragraph (1) is secured, county child welfare agencies shall  
14 provide health care oversight and coordination services pursuant  
15 to this section, and may accomplish this through agreements with  
16 local public health agencies.

17 (f) (1) Notwithstanding Section 10101, prior to the 2011–12  
18 fiscal year, there shall be no required county match of the  
19 nonfederal cost of this program.

20 (2) Commencing in the 2011–12 fiscal year, and each fiscal  
21 year thereafter, funding and expenditures for programs and  
22 activities under this section shall be in accordance with the  
23 requirements provided in Sections 30025 and 30026.5 of the  
24 Government Code.

25 ~~SEC. 22.~~

26 *SEC. 20.* Section 16507.5 of the Welfare and Institutions Code  
27 is amended to read:

28 16507.5. (a) When a minor is separated or is in the process of  
29 being separated from the minor's family under the provisions of  
30 a voluntary placement agreement, the county welfare department  
31 or a licensed private or public adoption agency social worker shall  
32 make any and all reasonable and necessary provisions for the care,  
33 supervision, custody, conduct, maintenance, and support of the  
34 minor, including medical treatment.

35 Responsibility for placement and care of the minor shall be with  
36 the social worker who may place the minor in any of the following:

37 (1) The approved home of a relative or the approved home of  
38 a nonrelative extended family member as described in Section  
39 362.7.

1 (2) The approved home of a resource family as defined in  
2 Section 16519.5.

3 (3) A suitable licensed community care facility.

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

7 (5) A home or facility in accordance with the federal Indian  
8 Child Welfare Act.

9 (b) The granting of a community care license or approval status  
10 does not entitle the caregiver to the placement of a specific child  
11 or children. Placement is based on the child's needs and best  
12 interests.

13 ~~SEC. 23.~~

14 *SEC. 21.* Section 16519.5 of the Welfare and Institutions Code  
15 is amended to read:

16 16519.5. (a) The State Department of Social Services, in  
17 consultation with county child welfare agencies, foster parent  
18 associations, and other interested community parties, shall  
19 implement a unified, family friendly, and child-centered resource  
20 family approval process to replace the existing multiple processes  
21 for licensing foster family homes, approving relatives and  
22 nonrelative extended family members as foster care providers, and  
23 approving adoptive families.

24 (b) (1) Counties shall be selected to participate on a voluntary  
25 basis as early implementation counties for the purpose of  
26 participating in the initial development of the approval process.  
27 Early implementation counties shall be selected according to  
28 criteria developed by the department in consultation with the  
29 County Welfare Directors Association. In selecting the five early  
30 implementation counties, the department shall promote diversity  
31 among the participating counties in terms of size and geographic  
32 location.

33 (2) Additional counties may participate in the early  
34 implementation of the program upon authorization by the  
35 department.

36 (c) (1) For the purposes of this section, "resource family" means  
37 an individual or couple that a participating county determines to  
38 have successfully met both the home approval standards and the  
39 permanency assessment criteria adopted pursuant to subdivision

40 (d) necessary for providing care for a related or unrelated child

1 who is under the jurisdiction of the juvenile court, or otherwise in  
2 the care of a county child welfare agency or probation department.

3 A resource family shall demonstrate all of the following:

4 (A) An understanding of the safety, permanence, and well-being  
5 needs of children who have been victims of child abuse and neglect,  
6 and the capacity and willingness to meet those needs, including  
7 the need for protection, and the willingness to make use of support  
8 resources offered by the agency, or a support structure in place,  
9 or both.

10 (B) An understanding of children's needs and development,  
11 effective parenting skills or knowledge about parenting, and the  
12 capacity to act as a reasonable, prudent parent in day-to-day  
13 decisionmaking.

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

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

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

21 (2) Subsequent to meeting the criteria set forth in this  
22 subdivision and designation as a resource family, a resource family  
23 shall be considered eligible to provide foster care for related and  
24 unrelated children in out-of-home placement, shall be considered  
25 approved for adoption or guardianship, and shall not have to  
26 undergo any additional approval or licensure as long as the family  
27 lives in a county participating in the program.

28 (3) Resource family assessment and approval means that the  
29 applicant meets the standard for home approval, and has  
30 successfully completed a permanency assessment. This approval  
31 is in lieu of the existing foster care license, relative or nonrelative  
32 extended family member approval, and the adoption home study  
33 approval.

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

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

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

1 (A) (i) Criminal records clearance of all adults residing in the  
2 home, pursuant to Section 8712 of the Family Code, utilizing a  
3 check of the Child Abuse Central Index (CACI), a check of the  
4 Child Welfare Services/Case Management System (CWS/CMS),  
5 and receipt of a fingerprint-based state and federal criminal  
6 offender record information search response . The criminal history  
7 information shall include subsequent state and federal arrest and  
8 disposition notifications pursuant to Section 11105.2 of the Penal  
9 Code.

10 (ii) Consideration of any substantiated allegations of child abuse  
11 or neglect against either the applicant or any other adult residing  
12 in the home. An approval may not be granted to applicants whose  
13 criminal record indicates a conviction for any of the offenses  
14 specified in subdivision (g) of Section 1522 of the Health and  
15 Safety Code.

16 (iii) Exemptions from the criminal records clearance  
17 requirements set forth in this section may be granted by the director  
18 or the early implementation county, if that county has been granted  
19 permission by the director to issue criminal records exemptions  
20 pursuant to Section 361.4, using the exemption criteria currently  
21 used for foster care licensing as specified in subdivision (g) of  
22 Section 1522 of the Health and Safety Code.

23 (B) Buildings and grounds and storage requirements set forth  
24 in Sections 89387 and 89387.2 of Title 22 of the California Code  
25 of Regulations.

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

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

31 (ii) That the total number of children residing in the home of a  
32 resource family shall be no more than the total number of children  
33 the resource family can properly care for, regardless of status, and  
34 shall not exceed six children, unless exceptional circumstances  
35 that are documented in the foster child's case file exist to permit  
36 a resource family to care for more children, including, but not  
37 limited to, the need to place siblings together.

38 (iii) That the applicant understands his or her responsibilities  
39 with respect to acting as a reasonable and prudent parent, and

1 maintaining the least restrictive and most familylike environment  
2 that serves the needs of the child.

3 (D) The results of a caregiver risk assessment are consistent  
4 with the factors listed in subparagraphs (A) to (D), inclusive, of  
5 paragraph (1) of subdivision (c). A caregiver risk assessment shall  
6 include, but not be limited to, physical and mental health, alcohol  
7 and other substance use and abuse, and family and domestic  
8 violence.

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

11 (A) The applicant shall complete caregiver training.

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

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

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

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

22 (3) If additional time is needed to complete the permanency  
23 assessment, the county shall document the extenuating  
24 circumstances for the delay and generate a timeframe for the  
25 completion of the permanency assessment.

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

30 (5) A child may be placed with a relative, as defined in Section  
31 319, or nonrelative extended family member, as defined in Section  
32 362.7, prior to home approval and completion of the permanency  
33 assessment only on an emergency basis if all of the following  
34 requirements are met:

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

38 (B) Consideration of the results of the Child Abuse Central  
39 Index (CACI) consistent with Section 1522.1 of the Health and

1 Safety Code of the relative or nonrelative extended family member,  
2 and of every other adult in the home.

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

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

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

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

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

16 (1) Selecting early implementation counties, based on criteria  
17 established by the department in consultation with the County  
18 Welfare Directors Association.

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

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

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

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

35 (6) Adopting and requiring the use of standardized  
36 documentation for the home approval and permanency assessment  
37 of resource families.

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

40 (A) Investigating complaints of resource families.

1 (B) Developing and monitoring resource family corrective action  
2 plans to correct identified deficiencies and to rescind resource  
3 family approval if compliance with corrective action plans is not  
4 achieved.

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

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

8 (B) Reviewing an adequate number of approved resource  
9 families in each participating county to ensure that approval  
10 standards are being properly applied. The review shall include  
11 case file documentation, and may include onsite inspection of  
12 individual resource families. The review shall occur on an annual  
13 basis, and more frequently if the department becomes aware that  
14 a participating county is experiencing a disproportionate number  
15 of complaints against individual resource family homes.

16 (C) Reviewing county reports of serious complaints and  
17 incidents involving approved resource families, as determined  
18 necessary by the department. The department may conduct an  
19 independent review of the complaint or incident and change the  
20 findings depending on the results of its investigation.

21 (D) Investigating unresolved complaints against participating  
22 counties.

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

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

29 (A) An analysis, utilizing available data, of state and federal  
30 data indicators related to the length of time to permanency  
31 including reunification, guardianship and adoption, child safety  
32 factors, and placement stability.

33 (B) An analysis of resource family recruitment and retention  
34 elements, including resource family satisfaction with approval  
35 processes and changes regarding the population of available  
36 resource families.

37 (C) An analysis of cost, utilizing available data, including  
38 funding sources.

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

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

3 (1) Submitting an implementation plan, entering into terms and  
4 conditions for participation in the program, consulting with the  
5 county probation department in the development of the  
6 implementation plan, training appropriate staff, and accepting  
7 applications from resource families within the timeframes  
8 established by the department.

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

11 (3) Implementing the requirements for resource family home  
12 approval and permanency assessment and utilizing standardized  
13 documentation established by the department.

14 (4) (A) Ensuring staff have the education and experience  
15 necessary to complete the home approval and permanency  
16 assessment competently.

17 (B) A county may contract with a licensed adoption agency to  
18 complete the permanency assessment. A permanency assessment  
19 completed by a licensed adoption agency shall be reviewed and  
20 approved by the county.

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

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

25 (B) Providing an applicant and disapproved resource family  
26 requesting review of that decision with due process pursuant to  
27 the department's regulations.

28 (C) Notifying the department of any decisions denying a  
29 resource family's application or rescinding the approval of a  
30 resource family.

31 (6) Updating resource family approval annually.

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

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

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

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

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

8 (A) The child’s social worker shall not conduct the formal  
9 investigation into the complaint received concerning a family  
10 providing services under the standards required by subdivision  
11 (d). To the extent that adequate resources are available, complaints  
12 shall be investigated by a worker who did not initially perform the  
13 home approval or permanency assessment.

14 (B) Upon conclusion of the complaint investigation, the final  
15 disposition shall be reviewed and approved by a supervising staff  
16 member.

17 (C) The department shall be notified of any serious incidents  
18 or serious complaints or any incident that falls within the definition  
19 of Section 11165.5 of the Penal Code. If those incidents or  
20 complaints result in an investigation, the department shall also be  
21 notified as to the status and disposition of that investigation.

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

23 (10) Assessing county performance in related areas of the  
24 California Child and Family Services Review System, and  
25 remedying problems identified.

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

29 (h) (1) Approved relatives and nonrelative extended family  
30 members, licensed foster family homes, or approved adoptive  
31 homes that have completed the license or approval process prior  
32 to full implementation of the program shall not be considered part  
33 of the program. The otherwise applicable assessment and oversight  
34 processes shall continue to be administered for families and  
35 facilities not included in the program.

36 (2) Upon implementation of the program in a county, that  
37 county may not accept new applications for the licensure of foster  
38 family homes, the approval of relative and nonrelative extended  
39 family members, or the approval of prospective adoptive homes.

1 (i) The department may waive regulations that pose a barrier to  
2 implementation and operation of this program. The waiver of any  
3 regulations by the department pursuant to this section shall apply  
4 to only those counties participating in the program and only for  
5 the duration of the program.

6 (j) Resource families approved under initial implementation of  
7 the program, who move within an early implementation county or  
8 who move to another early implementation county, shall retain  
9 their resource family status if the new building and grounds,  
10 outdoor activity areas, and storage areas meet home approval  
11 standards. The State Department of Social Services or early  
12 implementation county may allow a program-affiliated individual  
13 to transfer his or her subsequent arrest notification if the individual  
14 moves from one early implementation county to another early  
15 implementation county, as specified in subdivision (h) of Section  
16 1522 of the Health and Safety Code.

17 (k) (1) The approval of a resource family who moves to a  
18 nonparticipating county remains in full force and effect pending  
19 a determination by the county approval agency or the department,  
20 as appropriate, whether the new building and grounds and storage  
21 areas meet applicable standards, and whether all adults residing  
22 in the home have a criminal records clearance or exemptions  
23 granted, using the exemption criteria used for foster care licensing,  
24 as specified in subdivision (g) of Section 1522 of the Health and  
25 Safety Code. Upon this determination, the nonparticipating county  
26 shall either approve the family as a relative or nonrelative extended  
27 family member, as applicable, or the department shall license the  
28 family as a foster family home.

29 (2) Subject to the requirements in paragraph (1), the family shall  
30 continue to be approved for guardianship and adoption. Nothing  
31 in this subdivision shall limit a county or adoption agency from  
32 determining that the family is not approved for guardianship or  
33 adoption based on changes in the family's circumstances or  
34 permanency assessment.

35 (3) A program-affiliated individual who moves to a  
36 nonparticipating county may not transfer his or her subsequent  
37 arrest notification from a participating county to the  
38 nonparticipating county.

39 (l) Implementation of the program shall be contingent upon the  
40 continued availability of federal Social Security Act Title IV-E

1 (42 U.S.C. Sec. 670) funds for costs associated with placement of  
2 children with resource families assessed and approved under the  
3 program.

4 (m) A child placed with a resource family shall be eligible for  
5 AFDC-FC payments. A resource family shall be paid an AFDC-FC  
6 rate pursuant to Sections 11460 and 11461. Sharing ratios for  
7 nonfederal expenditures for all costs associated with activities  
8 related to the approval of relatives and nonrelative extended family  
9 members shall be in accordance with Section 10101.

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

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

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

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

22 (3) Adoptions approval and reporting requirements set forth  
23 under Section 8712 of the Family Code, and all regulations  
24 promulgated thereto.

25 (p) Early implementation counties shall be authorized to  
26 continue through the end of the 2016–17 fiscal year, or through  
27 the end of the third full fiscal year following the date that counties  
28 commence implementation, whichever of these dates is later. The  
29 program is authorized in all counties effective July 1, 2017. The  
30 program shall be implemented by each county on or before July  
31 1, 2019.

32 (q) Notwithstanding any other law, on and after July 1, 2017,  
33 a licensed foster family agency shall require a certified family  
34 home applicant to meet the resource family approval standards  
35 and requirements set forth in this article and in the written  
36 directives adopted pursuant to paragraph (4) of subdivision (f),  
37 prior to certification.

38 ~~SEC. 24.~~

39 *SEC. 22.* Section 17710 of the Welfare and Institutions Code  
40 is amended to read:

1 17710. Unless otherwise specified in this part:

2 (a) “Child with special health care needs” means a child, or a  
3 person who is 22 years of age or younger who is completing a  
4 publicly funded education program, who has a condition that can  
5 rapidly deteriorate resulting in permanent injury or death or who  
6 has a medical condition that requires specialized in-home health  
7 care, and who either has been adjudged a dependent of the court  
8 pursuant to Section 300, has not been adjudged a dependent of the  
9 court pursuant to Section 300 but is in the custody of the county  
10 welfare department, or has a developmental disability and is  
11 receiving services and case management from a regional center.

12 (b) “County” means a county welfare department.

13 (c) “Department” means the State Department of Social  
14 Services.

15 (d) “Individualized health care plan team” means those  
16 individuals who develop a health care plan for a child with special  
17 health care needs in a specialized foster care home, as defined in  
18 subdivision (i), or group home, which shall include the child’s  
19 primary care physician or other health care professional designated  
20 by the physician, any involved medical team, and the county social  
21 worker or regional center worker, and any health care professional  
22 designated to monitor the child’s individualized health care plan  
23 pursuant to paragraph (8) of subdivision (c) of Section 17731,  
24 including, if the child is in a certified home, the registered nurse  
25 employed by or under contract with the certifying agency to  
26 supervise and monitor the child. The child’s individualized health  
27 care plan team may also include, but shall not be limited to, a  
28 public health nurse, representatives from the California Children’s  
29 Services Program or the Child Health and Disability Prevention  
30 Program, regional centers, the county mental health department,  
31 and where reunification is the goal, the parent or parents, if  
32 available. In addition, if the child is in a specialized foster care  
33 home, the individualized health care plan team may include the  
34 prospective specialized foster parents, who shall not participate in  
35 any team decision pursuant to paragraph (6) of subdivision (c) of  
36 Section 17731 or pursuant to subparagraph (C) of paragraph (1)  
37 of subdivision (a), or clause (i) of subparagraph (B) of paragraph  
38 (2) of subdivision (a), of Section 17732.

39 (e) “Director” means the Director of Social Services.

1 (f) “Level of care” means a description of the specialized  
2 in-home health care to be provided to a child with special health  
3 care needs by the foster family.

4 (g) Medical conditions requiring specialized in-home health  
5 care require dependency upon one or more of the following: enteral  
6 feeding tube, total parenteral feeding, a cardiorespiratory monitor,  
7 intravenous therapy, a ventilator, oxygen support, urinary  
8 catheterization, renal dialysis, ministrations imposed by  
9 tracheostomy, colostomy, ileostomy, or other medical or surgical  
10 procedures or special medication regimens, including injection,  
11 and intravenous medication.

12 (h) “Specialized in-home health care” includes, but is not limited  
13 to, those services identified by the child’s primary physician as  
14 appropriately administered in the home by any one of the  
15 following:

16 (1) A foster parent trained by health care professionals where  
17 the child is being placed in, or is currently in, a specialized foster  
18 care home.

19 (2) Group home staff trained by health care professionals  
20 pursuant to the discharge plan of the facility releasing the child  
21 where the child was placed in the home as of November 1, 1993,  
22 and who is currently in the home.

23 (3) A health care professional, where the child is placed in a  
24 group home after November 1, 1993. The health care services  
25 provided pursuant to this paragraph shall not be reimbursable costs  
26 for the purpose of determining the group home rate under Section  
27 11462.

28 (i) “Specialized foster care home” means any of the following  
29 foster homes where the foster parents reside in the home and have  
30 been trained to provide specialized in-home health care to foster  
31 children:

32 (1) Licensed foster family homes, as defined in paragraph (5)  
33 of subdivision (a) of Section 1502 of the Health and Safety Code.

34 (2) Licensed small family homes, as defined in paragraph (6)  
35 of subdivision (a) of Section 1502 of the Health and Safety Code.

36 (3) Certified family homes, as defined in subdivision (d) of  
37 Section 1506 of the Health and Safety Code, that have accepted  
38 placement of a child with special health care needs who is under  
39 the supervision and monitoring of a registered nurse employed by,

1 or on contract with, the certifying agency, and who is either of the  
2 following:

3 (A) A dependent of the court under Section 300.

4 (B) Developmentally disabled and receiving services and case  
5 management from a regional center.

6 (4) Approved resource families, as defined in Section 16519.5.

7 ~~SEC. 25.~~

8 *SEC. 23.* Section 17732.2 of the Welfare and Institutions Code  
9 is amended to read:

10 17732.2. (a) In determining the licensed capacity of a  
11 specialized foster family home, a specialized certified family home,  
12 or specialized resource family, the department or county shall  
13 consider all adoptive, biological, and foster children, and children  
14 in guardianship living in the home, in order not to exceed a total  
15 of six children living in the home.

16 (b) The Legislature finds and declares that this section is  
17 declaratory of existing law.

18 ~~SEC. 26.~~

19 *SEC. 24.* (a) Notwithstanding the rulemaking provisions of  
20 the Administrative Procedure Act, Chapter 3.5 (commencing with  
21 Section 11340) of Part 1 of Division 3 of Title 2 of the Government  
22 Code, until emergency regulations are filed with the Secretary of  
23 State, the State Department of Social Services may implement the  
24 changes made to Sections 8707.1 and 17212 of the Family Code,  
25 Section 1515 of the Health and Safety Code, and Sections 16002,  
26 16010.6, and 16519.5 of the Welfare and Institutions Code by this  
27 act through all-county letters or similar instructions from the  
28 director. The department shall adopt emergency regulations, as  
29 necessary to implement those amendments no later than January  
30 1, 2016.

31 (b) The adoption of regulations pursuant to subdivision (a) shall  
32 be deemed to be an emergency and necessary for the immediate  
33 preservation of the public peace, health, safety, or general welfare.  
34 The emergency regulations authorized by this section shall be  
35 exempt from review by the Office of Administrative Law. The  
36 emergency regulations authorized by this section shall be submitted  
37 to the Office of Administrative Law for filing with the Secretary  
38 of State and shall remain in effect for no more than 180 days, by  
39 which time the final regulations shall be adopted.

1     *SEC. 25. Section 3.5 of this bill incorporates amendments to*  
2     *Section 17506 of the Family Code proposed by both this bill and*  
3     *Senate Bill 1066. It shall only become operative if (1) both bills*  
4     *are enacted and become effective on or before January 1, 2015,*  
5     *(2) each bill amends Section 17506 of the Family Code, and (3)*  
6     *this bill is enacted after Senate Bill 1066, in which case Section 3*  
7     *of this bill shall not become operative.*

8     *SEC. 26. (a) Section 9.2 of this bill incorporates amendments*  
9     *to Section 361.2 of the Welfare and Institutions Code proposed by*  
10     *both this bill and Senate Bill 1099. It shall only become operative*  
11     *if (1) both bills are enacted and become effective on or before*  
12     *January 1, 2015, (2) each bill amends Section 361.2 of the Health*  
13     *and Safety Code, (3) Senate Bill 977 is not enacted or as enacted*  
14     *does not amend that section, and (4) this bill is enacted after Senate*  
15     *Bill 1099 in which case Sections 9, 9.3, and 9.5 of this bill shall*  
16     *not become operative.*

17     *(b) Section 9.3 of this bill incorporates amendments to Section*  
18     *361.2 of the Welfare and Institutions Code proposed by both this*  
19     *bill and Senate Bill 977. It shall only become operative if (1) both*  
20     *bills are enacted and become effective on or before January 1,*  
21     *2015, (2) each bill amends Section 361.2 of the Health and Safety*  
22     *Code, and (3) Senate Bill 1099 is not enacted or as enacted does*  
23     *not amend that section, and (4) this bill is enacted after Senate*  
24     *Bill 977, in which case Sections 9, 9.2, and 9.5 of this bill shall*  
25     *not become operative.*

26     *(c) Section 9.5 of this bill incorporates amendments to Section*  
27     *361.2 of the Welfare and Institutions Code proposed by this bill,*  
28     *Senate Bill 977, and Senate Bill 1099. It shall only become*  
29     *operative if (1) all three bills are enacted and become effective on*  
30     *or before January 1, 2015, (2) all three bills amend Section 361.2*  
31     *of the Welfare and Institutions Code, and (3) this bill is enacted*  
32     *after Senate Bill 977 and Senate Bill 1099, in which case Sections*  
33     *9, 9.2, and 9.3 of this bill shall not become operative.*

34     *SEC. 27. Section 13.5 of this bill incorporates amendments to*  
35     *Section 727 of the Welfare and Institutions Code proposed by both*  
36     *this bill and Assembly Bill 2607. It shall only become operative if*  
37     *(1) both bills are enacted and become effective on or before*  
38     *January 1, 2015, (2) each bill amends Section 727 of the Welfare*  
39     *and Institutions Code, and (3) this bill is enacted after Assembly*

1 *Bill 2607, in which case Section 13 of this bill shall not become*  
2 *operative.*

3 *SEC. 28. Section 17.5 of this bill incorporates amendments to*  
4 *Section 16002 of the Welfare and Institutions Code proposed by*  
5 *both this bill and Senate Bill 1099. It shall only become operative*  
6 *if (1) both bills are enacted and become effective on or before*  
7 *January 1, 2015, (2) each bill amends Section 16002 of the Welfare*  
8 *and Institutions Code, and (3) this bill is enacted after Senate Bill*  
9 *1099, in which case Section 17 of this bill shall not become*  
10 *operative.*

11 ~~SEC. 27.~~

12 *SEC. 29. If the Commission on State Mandates determines that*  
13 *this act contains costs mandated by the state, reimbursement to*  
14 *local agencies and school districts for those costs shall be made*  
15 *pursuant to Part 7 (commencing with Section 17500) of Division*  
16 *4 of Title 2 of the Government Code.*

O