

AMENDED IN ASSEMBLY MARCH 26, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1067

Introduced by Assembly Member Gipson

February 26, 2015

An act to amend Section ~~16000~~ 16001.9 of the Welfare and Institutions Code, relating to ~~child welfare~~. *foster children*.

LEGISLATIVE COUNSEL'S DIGEST

AB 1067, as amended, Gipson. ~~Child welfare~~. *Foster children: psychotropic medication.*

Existing law provides that it is the policy of the state that all minors and nonminors in foster care have specified rights, including, among others, the right to be free of the administration of medication or chemical substances, unless authorized by a physician.

This bill would additionally specify that all minors and nonminors in foster care have certain additional rights relating to the administration of psychotropic medication, including, among others, to be informed of the risks and benefits of psychotropic medication.

~~Existing law declares the intent of the Legislature to preserve and strengthen a child's family ties whenever possible, removing the child from the custody of his or her parents only when necessary for his or her welfare or for the safety and protection of the public. Existing law includes various provisions relating to appropriate placement and other services for children in foster care.~~

~~This bill would make technical, nonsubstantive changes to those provisions.~~

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

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

1 *SECTION 1. Section 16001.9 of the Welfare and Institutions*
2 *Code is amended to read:*

3 16001.9. (a) It is the policy of the state that all minors and
4 nonminors in foster care shall have the following rights:

5 (1) To live in a safe, healthy, and comfortable home where he
6 or she is treated with respect.

7 (2) To be free from physical, sexual, emotional, or other abuse,
8 or corporal punishment.

9 (3) To receive adequate and healthy food, adequate clothing,
10 and, for youth in group homes, an allowance.

11 (4) To receive medical, dental, vision, and mental health
12 services.

13 (5) (A) To be free of the administration of medication or
14 chemical substances, unless authorized by a physician.

15 (B) *To be informed of the risks and benefits of psychotropic*
16 *medication.*

17 (C) *To appear before the judge determining if psychotropic*
18 *medication should be administered, with an advocate of his or her*
19 *choice, and state that he or she objects to any recommendation to*
20 *prescribe psychotropic medication.*

21 (D) *To refuse the administration of psychotropic and other*
22 *medications consistent with applicable law or unless immediately*
23 *necessary for the preservation of life or the prevention of serious*
24 *bodily harm.*

25 (E) *To have a prescribing doctor disclose any financial ties he*
26 *or she may have to pharmaceutical companies.*

27 (6) To contact family members, unless prohibited by court order,
28 and social workers, attorneys, foster youth advocates and
29 supporters, Court Appointed Special Advocates (CASAs), and
30 probation officers.

31 (7) To visit and contact brothers and sisters, unless prohibited
32 by court order.

33 (8) To contact the Community Care Licensing Division of the
34 State Department of Social Services or the State Foster Care
35 Ombudsperson regarding violations of rights, to speak to
36 representatives of these offices confidentially, and to be free from
37 threats or punishment for making complaints.

- 1 (9) To make and receive confidential telephone calls and send
2 and receive unopened mail, unless prohibited by court order.
- 3 (10) To attend religious services and activities of his or her
4 choice.
- 5 (11) To maintain an emancipation bank account and manage
6 personal income, consistent with the child's age and developmental
7 level, unless prohibited by the case plan.
- 8 (12) To not be locked in a room, building, or facility premises,
9 unless placed in a community treatment facility.
- 10 (13) To attend school and participate in extracurricular, cultural,
11 and personal enrichment activities, consistent with the child's age
12 and developmental level, with minimal disruptions to school
13 attendance and educational stability.
- 14 (14) To work and develop job skills at an age-appropriate level,
15 consistent with state law.
- 16 (15) To have social contacts with people outside of the foster
17 care system, including teachers, church members, mentors, and
18 friends.
- 19 (16) To attend Independent Living Program classes and activities
20 if he or she meets age requirements.
- 21 (17) To attend court hearings and speak to the judge.
- 22 (18) To have storage space for private use.
- 23 (19) To be involved in the development of his or her own case
24 plan and plan for permanent placement.
- 25 (20) To review his or her own case plan and plan for permanent
26 placement, if he or she is 12 years of age or older and in a
27 permanent placement, and to receive information about his or her
28 out-of-home placement and case plan, including being told of
29 changes to the plan.
- 30 (21) To be free from unreasonable searches of personal
31 belongings.
- 32 (22) To the confidentiality of all juvenile court records consistent
33 with existing law.
- 34 (23) To have fair and equal access to all available services,
35 placement, care, treatment, and benefits, and to not be subjected
36 to discrimination or harassment on the basis of actual or perceived
37 race, ethnic group identification, ancestry, national origin, color,
38 religion, sex, sexual orientation, gender identity, mental or physical
39 disability, or HIV status.

1 (24) To have caregivers and child welfare personnel who have
2 received instruction on cultural competency and sensitivity relating
3 to, and best practices for, providing adequate care to lesbian, gay,
4 bisexual, and transgender youth in out-of-home care.

5 (25) At 16 years of age or older, to have access to existing
6 information regarding the educational options available, including,
7 but not limited to, the coursework necessary for vocational and
8 postsecondary educational programs, and information regarding
9 financial aid for postsecondary education.

10 (26) To have access to age-appropriate, medically accurate
11 information about reproductive health care, the prevention of
12 unplanned pregnancy, and the prevention and treatment of sexually
13 transmitted infections at 12 years of age or older.

14 (b) Nothing in this section shall be interpreted to require a foster
15 care provider to take any action that would impair the health and
16 safety of children in out-of-home placement.

17 (c) The State Department of Social Services and each county
18 welfare department are encouraged to work with the Student Aid
19 Commission, the University of California, the California State
20 University, and the California Community Colleges to receive
21 information pursuant to paragraph (23) of subdivision (a).

22 ~~SECTION 1. Section 16000 of the Welfare and Institutions~~
23 ~~Code is amended to read:~~

24 ~~16000. (a) It is the intent of the Legislature to preserve and~~
25 ~~strengthen a child's family ties whenever possible, removing the~~
26 ~~child from the custody of his or her parents only when necessary~~
27 ~~for his or her welfare or for the safety and protection of the public.~~
28 ~~If a child is removed from the physical custody of his or her~~
29 ~~parents, preferential consideration shall be given whenever possible~~
30 ~~to the placement of the child with the relative as required by~~
31 ~~Section 7950 of the Family Code. If the child is removed from his~~
32 ~~or her own family, it is the purpose of this chapter to secure as~~
33 ~~nearly as possible for the child the custody, care, and discipline~~
34 ~~equivalent to that which should have been given to the child by~~
35 ~~his or her parents. It is further the intent of the Legislature to~~
36 ~~reaffirm its commitment to children who are in out-of-home~~
37 ~~placement to live in the least restrictive, most familylike setting~~
38 ~~and to live as close to the child's family as possible pursuant to~~
39 ~~subdivision (c) of Section 16501.1. Family reunification services~~
40 ~~shall be provided for expeditious reunification of the child with~~

1 his or her family, as required by law. If reunification is impossible
2 or unlikely, a permanent alternative shall be developed.

3 (b) ~~It is further the intent of the Legislature to ensure that all~~
4 ~~pupils in foster care and those who are homeless, as defined by~~
5 ~~the federal McKinney-Vento Homeless Assistance Act (42 U.S.C.~~
6 ~~Sec. 11301 et seq.), have the opportunity to meet the challenging~~
7 ~~state pupil academic achievement standards to which all pupils~~
8 ~~are held. In fulfilling their responsibilities to pupils in foster care,~~
9 ~~educators, county placing agencies, care providers, advocates, and~~
10 ~~the juvenile courts shall work together to maintain stable school~~
11 ~~placements and to ensure that each pupil is placed in the least~~
12 ~~restrictive educational programs, and has access to the academic~~
13 ~~resources, services, and extracurricular and enrichment activities~~
14 ~~that are available to all pupils. In all instances, educational and~~
15 ~~school placement decisions shall be based on the best interests of~~
16 ~~the child.~~