

AMENDED IN ASSEMBLY JANUARY 4, 2016

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 16001.9 of~~ *add Section 16001.8 to the Welfare and Institutions Code, relating to foster children.*

LEGISLATIVE COUNSEL'S DIGEST

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

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.~~ *require the State Department of Social Services to convene a working group to develop standardized information about the specified rights of all minors and nonminors in foster care in order to educate them, foster care providers, and others, and would require the working group to be composed of, among others, the California Welfare Directors Association and foster children advocacy groups.*

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

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

1 SECTION 1. Section 16001.8 is added to the Welfare and
2 Institutions Code, to read:

3 16001.8. The State Department of Social Services shall convene
4 a working group to develop standardized information about the
5 rights of all minors and nonminors in foster care, as specified in
6 Section 16001.9, in order to educate them, foster care providers,
7 and others. The working group shall be composed of all of the
8 following:

- 9 (a) The California Welfare Directors Association.
- 10 (b) The Chief Probation Officers of California.
- 11 (c) Foster children advocacy groups.
- 12 (d) Foster care facilities associations.
- 13 (e) Any other interested parties.

14 SECTION 1. ~~Section 16001.9 of the Welfare and Institutions~~
15 Code is amended to read:

16 ~~16001.9. (a) It is the policy of the state that all minors and~~
17 ~~nonminors in foster care shall have the following rights:~~

- 18 ~~(1) To live in a safe, healthy, and comfortable home where he~~
19 ~~or she is treated with respect.~~
- 20 ~~(2) To be free from physical, sexual, emotional, or other abuse,~~
21 ~~or corporal punishment.~~
- 22 ~~(3) To receive adequate and healthy food, adequate clothing,~~
23 ~~and, for youth in group homes, an allowance.~~
- 24 ~~(4) To receive medical, dental, vision, and mental health~~
25 ~~services.~~
- 26 ~~(5) (A) To be free of the administration of medication or~~
27 ~~chemical substances, unless authorized by a physician.~~
- 28 ~~(B) To be informed of the risks and benefits of psychotropic~~
29 ~~medication.~~
- 30 ~~(C) To appear before the judge determining if psychotropic~~
31 ~~medication should be administered, with an advocate of his or her~~
32 ~~choice, and state that he or she objects to any recommendation to~~
33 ~~prescribe psychotropic medication.~~
- 34 ~~(D) To refuse the administration of psychotropic and other~~
35 ~~medications consistent with applicable law or unless immediately~~
36 ~~necessary for the preservation of life or the prevention of serious~~
37 ~~bodily harm.~~

- 1 ~~(E) To have a prescribing doctor disclose any financial ties he~~
2 ~~or she may have to pharmaceutical companies.~~
- 3 ~~(6) To contact family members, unless prohibited by court order,~~
4 ~~and social workers, attorneys, foster youth advocates and~~
5 ~~supporters, Court Appointed Special Advocates (CASAs), and~~
6 ~~probation officers.~~
- 7 ~~(7) To visit and contact brothers and sisters, unless prohibited~~
8 ~~by court order.~~
- 9 ~~(8) To contact the Community Care Licensing Division of the~~
10 ~~State Department of Social Services or the State Foster Care~~
11 ~~Ombudsperson regarding violations of rights, to speak to~~
12 ~~representatives of these offices confidentially, and to be free from~~
13 ~~threats or punishment for making complaints.~~
- 14 ~~(9) To make and receive confidential telephone calls and send~~
15 ~~and receive unopened mail, unless prohibited by court order.~~
- 16 ~~(10) To attend religious services and activities of his or her~~
17 ~~choice.~~
- 18 ~~(11) To maintain an emancipation bank account and manage~~
19 ~~personal income, consistent with the child's age and developmental~~
20 ~~level, unless prohibited by the case plan.~~
- 21 ~~(12) To not be locked in a room, building, or facility premises,~~
22 ~~unless placed in a community treatment facility.~~
- 23 ~~(13) To attend school and participate in extracurricular, cultural,~~
24 ~~and personal enrichment activities, consistent with the child's age~~
25 ~~and developmental level, with minimal disruptions to school~~
26 ~~attendance and educational stability.~~
- 27 ~~(14) To work and develop job skills at an age-appropriate level,~~
28 ~~consistent with state law.~~
- 29 ~~(15) To have social contacts with people outside of the foster~~
30 ~~care system, including teachers, church members, mentors, and~~
31 ~~friends.~~
- 32 ~~(16) To attend Independent Living Program classes and activities~~
33 ~~if he or she meets age requirements.~~
- 34 ~~(17) To attend court hearings and speak to the judge.~~
- 35 ~~(18) To have storage space for private use.~~
- 36 ~~(19) To be involved in the development of his or her own case~~
37 ~~plan and plan for permanent placement.~~
- 38 ~~(20) To review his or her own case plan and plan for permanent~~
39 ~~placement, if he or she is 12 years of age or older and in a~~
40 ~~permanent placement, and to receive information about his or her~~

1 out-of-home placement and case plan, including being told of
2 changes to the plan.

3 (21) To be free from unreasonable searches of personal
4 belongings.

5 (22) To the confidentiality of all juvenile court records consistent
6 with existing law.

7 (23) To have fair and equal access to all available services,
8 placement, care, treatment, and benefits, and to not be subjected
9 to discrimination or harassment on the basis of actual or perceived
10 race, ethnic group identification, ancestry, national origin, color,
11 religion, sex, sexual orientation, gender identity, mental or physical
12 disability, or HIV status.

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

17 (25) At 16 years of age or older, to have access to existing
18 information regarding the educational options available, including,
19 but not limited to, the coursework necessary for vocational and
20 postsecondary educational programs, and information regarding
21 financial aid for postsecondary education.

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

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

29 (e) The State Department of Social Services and each county
30 welfare department are encouraged to work with the Student Aid
31 Commission, the University of California, the California State
32 University, and the California Community Colleges to receive
33 information pursuant to paragraph (23) of subdivision (a).