

AMENDED IN SENATE MAY 3, 2016
AMENDED IN ASSEMBLY JANUARY 14, 2016
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 Sections 366.1, 366.35, and 16501.1 of, and to 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: rights.

Existing

(1) *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 require the State Department of Social Services to convene a working group regarding 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 County Welfare Directors Association of California and foster children advocacy groups. The bill would provide the responsibilities of the working group, including making recommendations to the Legislature, by January 1, 2018, for revising

the rights, and developing standardized information regarding the revised rights, by July 1, 2018, as specified.

(2) Existing law requires, at least once every 6 months, at the time of a regularly scheduled placement agency contact with the foster child, a foster child’s social worker or probation officer to inform the child of the above-mentioned rights.

This bill would additionally require the social worker or probation officer to inform the care provider and child and family team, if applicable, of those rights, provide a written copy of the rights to the child, and document in the case plan that he or she has informed the child of, and has provided the child with a written copy of, his or her rights. By imposing duties on local officials, the bill would impose a state-mandated local program.

(3) Existing law requires the status of every dependent child in foster care be reviewed periodically as determined by the court but no less frequently than once every 6 months, and requires the supplemental report on the status review to include specified observations.

This bill would require the report to include the signature of the foster child and the date of the signature if he or she is 12 years of age or older at the time of the report verifying that he or she has received and understands the above-mentioned rights. By imposing duties on local officials, the bill would impose a state-mandated local program.

(4) 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 no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 366.1 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 366.1. (a) Each supplemental report required to be filed
- 4 pursuant to Section 366 shall include, but not be limited to, a
- 5 factual discussion of each of the following subjects:
- 6 (a)

1 (I) Whether the county welfare department social worker has
2 considered either of the following:

3 ~~(1)~~

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

8 ~~(2)~~

9 (B) Whether the child can be returned to the custody of his or
10 her parent who is enrolled in a certified substance abuse treatment
11 facility that allows a dependent child to reside with his or her
12 parent.

13 ~~(b)~~

14 (2) What plan, if any, for the return and maintenance of the
15 child in a safe home is recommended to the court by the county
16 welfare department social worker.

17 ~~(e)~~

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

21 ~~(d)~~

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

25 ~~(e)~~

26 (5) If the parent or guardian is unwilling or unable to participate
27 in making an educational decision for his or her child, or if other
28 circumstances exist that compromise the ability of the parent or
29 guardian to make educational decisions for the child, the county
30 welfare department or social worker shall consider whether the
31 right of the parent or guardian to make educational decisions for
32 the child should be limited. If the supplemental report makes that
33 recommendation, the report shall identify whether there is a
34 responsible adult available to make educational decisions for the
35 child pursuant to Section 361.

36 ~~(f)(1)~~

37 (6) (A) Whether the child has any siblings under the court's
38 jurisdiction, and, if any siblings exist, all of the following:

39 (A)

- 1 (i) The nature of the relationship between the child and his or
- 2 her siblings.
- 3 ~~(B)~~
- 4 (ii) The appropriateness of developing or maintaining the sibling
- 5 relationships pursuant to Section 16002.
- 6 ~~(C)~~
- 7 (iii) If the siblings are not placed together in the same home,
- 8 why the siblings are not placed together and what efforts are being
- 9 made to place the siblings together, or why those efforts are not
- 10 appropriate.
- 11 ~~(D)~~
- 12 (iv) If the siblings are not placed together, all of the following:
- 13 ~~(i)~~
- 14 (I) The frequency and nature of the visits between the siblings.
- 15 ~~(ii)~~
- 16 (II) If there are visits between the siblings, whether the visits
- 17 are supervised or unsupervised. If the visits are supervised, a
- 18 discussion of the reasons why the visits are supervised, and what
- 19 needs to be accomplished in order for the visits to be unsupervised.
- 20 ~~(iii)~~
- 21 (III) If there are visits between the siblings, a description of the
- 22 location and length of the visits.
- 23 ~~(iv)~~
- 24 (IV) Any plan to increase visitation between the siblings.
- 25 ~~(E)~~
- 26 (v) The impact of the sibling relationships on the child’s
- 27 placement and planning for legal permanence.
- 28 ~~(2)~~
- 29 (B) The factual discussion shall include a discussion of
- 30 indicators of the nature of the child’s sibling relationships,
- 31 including, but not limited to, whether the siblings were raised
- 32 together in the same home, whether the siblings have shared
- 33 significant common experiences or have existing close and strong
- 34 bonds, whether either sibling expresses a desire to visit or live with
- 35 his or her sibling, as applicable, and whether ongoing contact is
- 36 in the child’s best emotional interests.
- 37 ~~(g)~~
- 38 (7) Whether a child who is 10 years of age or older and who
- 39 has been in an out-of-home placement for six months or longer
- 40 has relationships with individuals other than the child’s siblings

1 that are important to the child, consistent with the child's best
2 interests, and actions taken to maintain those relationships. The
3 social worker shall ask every child who is 10 years of age or older
4 and who has been in an out-of-home placement for six months or
5 longer to identify any individuals other than the child's siblings
6 who are important to the child, consistent with the child's best
7 interest. The social worker may ask any other child to provide that
8 information, as appropriate.

9 (h)

10 (8) The implementation and operation of the amendments to
11 subdivision (g) enacted at the 2005–06 Regular Session shall be
12 subject to appropriation through the budget process and by phase,
13 as provided in Section 366.35.

14 (b) *The supplemental report shall include the signature of the*
15 *foster child and the date of the signature if he or she is 12 years*
16 *of age or older at the time of the report verifying that he or she*
17 *has received and understands his or her rights described in Section*
18 *16001.9.*

19 SEC. 2. *Section 366.35 of the Welfare and Institutions Code*
20 *is amended to read:*

21 366.35. (a) The implementation and operation of the
22 amendments to subparagraph (B) of paragraph (1) of subdivision
23 (a) of Section 366, ~~subdivision (g) paragraph (7) of subdivision~~
24 (a) of Section 366.1, subdivisions (c) and (g) of Section 366.21,
25 subdivision (a) of Section 366.22, subdivision (a) of Section
26 366.25, paragraph (3) of, and subparagraph (A) of paragraph (4)
27 of, subdivision (c) of Section 366.26, paragraphs (2) and (3) of
28 subdivision (e) of Section 366.3, and subdivision (i) of Section
29 16501.1 enacted at the 2005–06 Regular Session shall be phased
30 in, consistent with the child's best interests, as follows:

31 (1) The first phase of expansion shall apply to a child who is
32 10 years of age or older and placed with a nonrelative for six
33 months or longer.

34 (2) The second phase of expansion shall apply to a child who
35 is 10 years of age or older and placed with a nonrelative or in
36 permanent placement relative care for six months or longer.

37 (3) The final phase of expansion shall apply to a child who is
38 10 years of age or older and who has been in out-of-home
39 placement for six months or longer.

1 (b) All phases of subdivision (a) shall be subject to appropriation
2 through the budget process. Those appropriations shall apply only
3 to the state’s share of costs. Counties shall remain responsible for
4 their nonfederal share of costs.

5 SECTION 1.

6 SEC. 3. Section 16001.8 is added to the Welfare and Institutions
7 Code, to read:

8 16001.8. (a) The State Department of Social Services shall
9 convene a working group regarding the rights of all minors and
10 nonminors in foster care, as specified in Section 16001.9, in order
11 to educate foster youth, foster care providers, and others.
12 Responsibilities of the working group shall include all of the
13 following:

14 (1) By January 1, 2018, make recommendations to the
15 Legislature for revising the rights based on a review of state law.

16 (2) By July 1, 2018, develop standardized information regarding
17 the revised rights in an age-appropriate manner and reflective of
18 any relevant licensing requirements with respect to the foster care
19 providers’ responsibilities to adequately supervise children in care.

20 (3) By July 1, 2018, develop recommendations regarding
21 methods for disseminating the standardized information specified
22 in paragraph (2).

23 (4) By July 1, 2018, develop recommendations for measuring
24 and improving, if necessary, the degree to which foster youth are
25 adequately informed of their rights.

26 (b) The working group shall be composed of all of the following:

- 27 (1) The Office of the State Foster Care Ombudsperson.
- 28 (2) The County Welfare Directors Association of California.
- 29 (3) The Chief Probation Officers of California.
- 30 (4) The County Behavioral Health Directors Association of
31 California.
- 32 (5) Current and former foster youth.
- 33 (6) Foster parents and caregivers.
- 34 (7) Foster children advocacy groups.
- 35 (8) Foster care facilities associations.
- 36 (9) Any other interested parties.

37 SEC. 4. Section 16501.1 of the Welfare and Institutions Code
38 is amended to read:

1 16501.1. (a) (1) The Legislature finds and declares that the
2 foundation and central unifying tool in child welfare services is
3 the case plan.

4 (2) The Legislature further finds and declares that a case plan
5 ensures that the child receives protection and safe and proper care
6 and case management, and that services are provided to the child
7 and parents or other caretakers, as appropriate, in order to improve
8 conditions in the parent's home, to facilitate the safe return of the
9 child to a safe home or the permanent placement of the child, and
10 to address the needs of the child while in foster care.

11 (3) The agency shall consider the recommendations of the child
12 and family team, as defined in paragraph (4) of subdivision (a) of
13 Section 16501, if any are available. The agency shall document
14 the rationale for any inconsistencies between the case plan and the
15 child and family team recommendations.

16 (b) (1) A case plan shall be based upon the principles of this
17 section and the input from the child and family team.

18 (2) The case plan shall document that a preplacement assessment
19 of the service needs of the child and family, and preplacement
20 preventive services, have been provided, and that reasonable efforts
21 to prevent out-of-home placement have been made. Preplacement
22 services may include intensive mental health services in the home
23 or a community setting and the reasonable efforts made to prevent
24 out-of-home placement.

25 (3) In determining the reasonable services to be offered or
26 provided, the child's health and safety shall be the paramount
27 concerns.

28 (4) Upon a determination pursuant to paragraph (1) of
29 subdivision (e) of Section 361.5 that reasonable services will be
30 offered to a parent who is incarcerated in a county jail or state
31 prison, detained by the United States Department of Homeland
32 Security, or deported to his or her country of origin, the case plan
33 shall include information, to the extent possible, about a parent's
34 incarceration in a county jail or the state prison, detention by the
35 United States Department of Homeland Security, or deportation
36 during the time that a minor child of that parent is involved in
37 dependency care.

38 (5) Reasonable services shall be offered or provided to make it
39 possible for a child to return to a safe home environment, unless,

1 pursuant to subdivisions (b) and (e) of Section 361.5, the court
2 determines that reunification services shall not be provided.

3 (6) If reasonable services are not ordered, or are terminated,
4 reasonable efforts shall be made to place the child in a timely
5 manner in accordance with the permanent plan and to complete
6 all steps necessary to finalize the permanent placement of the child.

7 (c) If out-of-home placement is used to attain case plan goals,
8 the case plan shall consider the recommendations of the child and
9 family team.

10 (d) (1) The case plan shall include a description of the type of
11 home or institution in which the child is to be placed, and the
12 reasons for that placement decision. The decision regarding choice
13 of placement shall be based upon selection of a safe setting that is
14 the least restrictive family setting that promotes normal childhood
15 experiences and the most appropriate setting that meets the child's
16 individual needs and is available, in proximity to the parent's home,
17 in proximity to the child's school, and consistent with the selection
18 of the environment best suited to meet the child's special needs
19 and best interests. The selection shall consider, in order of priority,
20 placement with relatives, nonrelated extended family members,
21 and tribal members; foster family homes, resource families, and
22 nontreatment certified homes of foster family agencies; followed
23 by treatment and intensive treatment certified homes of foster
24 family agencies; or multidimensional treatment foster care homes
25 or therapeutic foster care homes; group care placements in the
26 order of short-term residential treatment centers, group homes,
27 community treatment facilities, and out-of-state residential
28 treatment pursuant to Part 5 (commencing with Section 7900) of
29 Division 12 of the Family Code.

30 (2) If a short-term intensive treatment center placement is
31 selected for a child, the case plan shall indicate the needs of the
32 child that necessitate this placement, the plan for transitioning the
33 child to a less restrictive environment, and the projected timeline
34 by which the child will be transitioned to a less restrictive
35 environment. This section of the case plan shall be reviewed and
36 updated at least semiannually.

37 (A) The case plan for placements in a group home, or
38 commencing January 1, 2017, in a short-term residential treatment
39 center, shall indicate that the county has taken into consideration
40 Section 16010.8.

1 (B) After January 1, 2017, a child and family team meeting as
2 defined in Section 16501 shall be convened by the county placing
3 agency for the purpose of identifying the supports and services
4 needed to achieve permanency and enable the child or youth to be
5 placed in the least restrictive family setting that promotes normal
6 childhood experiences.

7 (3) On or after January 1, 2012, for a nonminor dependent, as
8 defined in subdivision (v) of Section 11400, who is receiving
9 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
10 in addition to the above requirements, the selection of the
11 placement, including a supervised independent living placement,
12 as described in subdivision (w) of Section 11400, shall also be
13 based upon the developmental needs of young adults by providing
14 opportunities to have incremental responsibilities that prepare a
15 nonminor dependent to transition to successful adulthood. If
16 admission to, or continuation in, a group home or short-term
17 residential treatment center placement is being considered for a
18 nonminor dependent, the group home or short-term residential
19 treatment center placement approval decision shall include a
20 youth-driven, team-based case planning process, as defined by the
21 department, in consultation with stakeholders. The case plan shall
22 consider the full range of placement options, and shall specify why
23 admission to, or continuation in, a group home placement is the
24 best alternative available at the time to meet the special needs or
25 well-being of the nonminor dependent, and how the placement
26 will contribute to the nonminor dependent's transition to successful
27 adulthood. The case plan shall specify the treatment strategies that
28 will be used to prepare the nonminor dependent for discharge to
29 a less restrictive family setting that promotes normal childhood
30 experiences, including a target date for discharge from the group
31 home placement. The placement shall be reviewed and updated
32 on a regular, periodic basis to ensure that continuation in the group
33 home placement remains in the best interests of the nonminor
34 dependent and that progress is being made in achieving case plan
35 goals leading to successful adulthood. The group home placement
36 planning process shall begin as soon as it becomes clear to the
37 county welfare department or probation office that a foster child
38 in group home placement is likely to remain in group home
39 placement on his or her 18th birthday, in order to expedite the
40 transition to a less restrictive family setting that promotes normal

1 childhood experiences, if he or she becomes a nonminor dependent.
2 The case planning process shall include informing the youth of all
3 of his or her options, including, but not limited to, admission to
4 or continuation in a group home placement. Consideration for
5 continuation of existing group home placement for a nonminor
6 dependent under 19 years of age may include the need to stay in
7 the same placement in order to complete high school. After a
8 nonminor dependent either completes high school or attains his or
9 her 19th birthday, whichever is earlier, continuation in or admission
10 to a group home placement is prohibited unless the nonminor
11 dependent satisfies the conditions of paragraph (5) of subdivision
12 (b) of Section 11403, and group home placement functions as a
13 short-term transition to the appropriate system of care. Treatment
14 services provided by the group home placement to the nonminor
15 dependent to alleviate or ameliorate the medical condition, as
16 described in paragraph (5) of subdivision (b) of Section 11403,
17 shall not constitute the sole basis to disqualify a nonminor
18 dependent from the group home placement.

19 (4) In addition to the requirements of paragraphs (1) to (3),
20 inclusive, and taking into account other statutory considerations
21 regarding placement, the selection of the most appropriate home
22 that will meet the child's special needs and best interests shall also
23 promote educational stability by taking into consideration
24 proximity to the child's school of origin, and school attendance
25 area, the number of school transfers the child has previously
26 experienced, and the child's school matriculation schedule, in
27 addition to other indicators of educational stability that the
28 Legislature hereby encourages the State Department of Social
29 Services and the State Department of Education to develop.

30 (e) A written case plan shall be completed within a maximum
31 of 60 days of the initial removal of the child or of the in-person
32 response required under subdivision (f) of Section 16501 if the
33 child has not been removed from his or her home, or by the date
34 of the dispositional hearing pursuant to Section 358, whichever
35 occurs first. The case plan shall be updated, as the service needs
36 of the child and family dictate. At a minimum, the case plan shall
37 be updated in conjunction with each status review hearing
38 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
39 the hearing conducted pursuant to Section 366.26, but no less
40 frequently than once every six months. Each updated case plan

1 shall include a description of the services that have been provided
2 to the child under the plan and an evaluation of the appropriateness
3 and effectiveness of those services.

4 (1) It is the intent of the Legislature that extending the maximum
5 time available for preparing a written case plan from 30 to 60 days
6 will afford caseworkers time to actively engage families, and to
7 solicit and integrate into the case plan the input of the child and
8 the child's family, as well as the input of relatives and other
9 interested parties.

10 (2) The extension of the maximum time available for preparing
11 a written case plan from the 30 to 60 days shall be effective 90
12 days after the date that the department gives counties written notice
13 that necessary changes have been made to the Child Welfare
14 Services/Case Management System (CWS/CMS) to account for
15 the 60-day timeframe for preparing a written case plan.

16 (f) The child welfare services case plan shall be comprehensive
17 enough to meet the juvenile court dependency proceedings
18 requirements pursuant to Article 6 (commencing with Section 300)
19 of Chapter 2 of Part 1 of Division 2.

20 (g) The case plan shall be developed considering the
21 recommendations of the child and family team, as follows:

22 (1) The case plan shall be based upon an assessment of the
23 circumstances that required child welfare services intervention.
24 The child shall be involved in developing the case plan as age and
25 developmentally appropriate.

26 (2) The case plan shall identify specific goals and the
27 appropriateness of the planned services in meeting those goals.

28 (3) The case plan shall identify the original allegations of abuse
29 or neglect, as defined in Article 2.5 (commencing with Section
30 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
31 conditions cited as the basis for declaring the child a dependent of
32 the court pursuant to Section 300, or all of these, and the other
33 precipitating incidents that led to child welfare services
34 intervention.

35 (4) The case plan shall include a description of the schedule of
36 the placement agency contacts with the child and the family or
37 other caretakers. The frequency of these contacts shall be in
38 accordance with regulations adopted by the State Department of
39 Social Services. If the child has been placed in foster care out of
40 state, the county social worker or probation officer, or a social

1 worker or probation officer on the staff of the agency in the state
 2 in which the child has been placed, shall visit the child in a foster
 3 family home or the home of a relative, consistent with federal law
 4 and in accordance with the department’s approved state plan. For
 5 children in out-of-state group home facilities, visits shall be
 6 conducted at least monthly, pursuant to Section 16516.5. At least
 7 once every six months, at the time of a regularly scheduled
 8 placement agency contact with the foster child, *and at each*
 9 *placement change*, the child’s social worker or probation officer
 10 shall inform ~~the child of his or her~~ *child, the care provider, and*
 11 *the child and family team, if applicable, of the child’s* rights as a
 12 foster child, as specified in Section ~~16001.9.~~ *16001.9, and shall*
 13 *provide a written copy of the rights to the child as part of the*
 14 *explanation.* The social worker or probation officer shall provide
 15 the information to the child in a manner appropriate to the age or
 16 developmental level of the child. *The social worker or probation*
 17 *officer shall document in the case plan that he or she has informed*
 18 *the child of, and has provided the child with a written copy of, his*
 19 *or her rights.*

20 (5) (A) When out-of-home services are used, the frequency of
 21 contact between the natural parents or legal guardians and the child
 22 shall be specified in the case plan. The frequency of those contacts
 23 shall reflect overall case goals, and consider other principles
 24 outlined in this section.

25 (B) Information regarding any court-ordered visitation between
 26 the child and the natural parents or legal guardians, and the terms
 27 and conditions needed to facilitate the visits while protecting the
 28 safety of the child, shall be provided to the child’s out-of-home
 29 caregiver as soon as possible after the court order is made.

30 (6) When out-of-home placement is made, the case plan shall
 31 include provisions for the development and maintenance of sibling
 32 relationships as specified in subdivisions (b), (c), and (d) of Section
 33 16002. If appropriate, when siblings who are dependents of the
 34 juvenile court are not placed together, the social worker for each
 35 child, if different, shall communicate with each of the other social
 36 workers and ensure that the child’s siblings are informed of
 37 significant life events that occur within their extended family.
 38 Unless it has been determined that it is inappropriate in a particular
 39 case to keep siblings informed of significant life events that occur
 40 within the extended family, the social worker shall determine the

1 appropriate means and setting for disclosure of this information
2 to the child commensurate with the child's age and emotional
3 well-being. These significant life events shall include, but shall
4 not be limited to, the following:

5 (A) The death of an immediate relative.

6 (B) The birth of a sibling.

7 (C) Significant changes regarding a dependent child, unless the
8 child objects to the sharing of the information with his or her
9 siblings, including changes in placement, major medical or mental
10 health diagnoses, treatments, or hospitalizations, arrests, and
11 changes in the permanent plan.

12 (7) If out-of-home placement is made in a foster family home,
13 group home, or other child care institution that is either a
14 substantial distance from the home of the child's parent or out of
15 state, the case plan shall specify the reasons why that placement
16 is in the best interest of the child. When an out-of-state group home
17 placement is recommended or made, the case plan shall, in
18 addition, specify compliance with Section 7911.1 of the Family
19 Code.

20 (8) A case plan shall ensure the educational stability of the child
21 while in foster care and shall include both of the following:

22 (A) An assurance that the placement takes into account the
23 appropriateness of the current educational setting and the proximity
24 to the school in which the child is enrolled at the time of placement.

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

34 (9) (A) If out-of-home services are used, or if parental rights
35 have been terminated and the case plan is placement for adoption,
36 the case plan shall include a recommendation regarding the
37 appropriateness of unsupervised visitation between the child and
38 any of the child's siblings. This recommendation shall include a
39 statement regarding the child's and the siblings' willingness to
40 participate in unsupervised visitation. If the case plan includes a

1 recommendation for unsupervised sibling visitation, the plan shall
2 also note that information necessary to accomplish this visitation
3 has been provided to the child or to the child’s siblings.

4 (B) Information regarding the schedule and frequency of the
5 visits between the child and siblings, as well as any court-ordered
6 terms and conditions needed to facilitate the visits while protecting
7 the safety of the child, shall be provided to the child’s out-of-home
8 caregiver as soon as possible after the court order is made.

9 (10) If out-of-home services are used and the goal is
10 reunification, the case plan shall describe the services to be
11 provided to assist in reunification and the services to be provided
12 concurrently to achieve legal permanency if efforts to reunify fail.
13 The plan shall also consider in-state and out-of-state placements,
14 the importance of developing and maintaining sibling relationships
15 pursuant to Section 16002, and the desire and willingness of the
16 caregiver to provide legal permanency for the child if reunification
17 is unsuccessful.

18 (11) If out-of-home services are used, the child has been in care
19 for at least 12 months, and the goal is not adoptive placement, the
20 case plan shall include documentation of the compelling reason
21 or reasons why termination of parental rights is not in the child’s
22 best interest. A determination completed or updated within the
23 past 12 months by the department when it is acting as an adoption
24 agency or by a licensed adoption agency that it is unlikely that the
25 child will be adopted, or that one of the conditions described in
26 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
27 be deemed a compelling reason.

28 (12) (A) Parents and legal guardians shall have an opportunity
29 to review the case plan, and to sign it whenever possible, and then
30 shall receive a copy of the plan. In a voluntary service or placement
31 agreement, the parents or legal guardians shall be required to
32 review and sign the case plan. Whenever possible, parents and
33 legal guardians shall participate in the development of the case
34 plan. Commencing January 1, 2012, for nonminor dependents, as
35 defined in subdivision (v) of Section 11400, who are receiving
36 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
37 to Section 11403, the transitional independent living case plan, as
38 set forth in subdivision (y) of Section 11400, shall be developed
39 with, and signed by, the nonminor.

1 (B) Parents and legal guardians shall be advised that, pursuant
2 to Section 1228.1 of the Evidence Code, neither their signature on
3 the child welfare services case plan nor their acceptance of any
4 services prescribed in the child welfare services case plan shall
5 constitute an admission of guilt or be used as evidence against the
6 parent or legal guardian in a court of law. However, they shall also
7 be advised that the parent's or guardian's failure to cooperate,
8 except for good cause, in the provision of services specified in the
9 child welfare services case plan may be used in any hearing held
10 pursuant to Section 366.21, 366.22, or 366.25 of this code as
11 evidence.

12 (13) A child shall be given a meaningful opportunity to
13 participate in the development of the case plan and state his or her
14 preference for foster care placement. A child who is 12 years of
15 age or older and in a permanent placement shall also be given the
16 opportunity to review the case plan, sign the case plan, and receive
17 a copy of the case plan.

18 (14) The case plan shall be included in the court report and shall
19 be considered by the court at the initial hearing and each review
20 hearing. Modifications to the case plan made during the period
21 between review hearings need not be approved by the court if the
22 casework supervisor for that case determines that the modifications
23 further the goals of the plan. If out-of-home services are used with
24 the goal of family reunification, the case plan shall consider and
25 describe the application of subdivision (b) of Section 11203.

26 (15) (A) If the case plan has as its goal for the child a permanent
27 plan of adoption or legal guardianship, it shall include a statement
28 of the child's wishes regarding their permanent placement plan
29 and an assessment of those stated wishes. The agency shall also
30 include documentation of the steps the agency is taking to find an
31 adoptive family or other permanent living arrangements for the
32 child; to place the child with an adoptive family, an appropriate
33 and willing relative, or a legal guardian, and to finalize the adoption
34 or legal guardianship. At a minimum, the documentation shall
35 include child-specific recruitment efforts, such as the use of state,
36 regional, and national adoption exchanges, including electronic
37 exchange systems, when the child has been freed for adoption.
38 Regardless of whether the child has been freed for adoption,
39 documentation shall include a description of any barriers to
40 achieving legal permanence and the steps the agency will take to

1 address those barriers. If the plan is for kinship guardianship, the
2 case plan shall document how the child meets the kinship
3 guardianship eligibility requirements.

4 (B) When the child is 16 years of age or older and is in another
5 planned permanent living arrangement, the case plan shall identify
6 the intensive and ongoing efforts to return the child to the home
7 of the parent, place the child for adoption, place the child for tribal
8 customary adoption in the case of an Indian child, establish a legal
9 guardianship, or place the child nonminor dependent with a fit and
10 willing relative, as appropriate. Efforts shall include the use of
11 technology, including social media, to find biological family
12 members of the child.

13 (16) (A) (i) For a child who is 14 or 15 years of age, the case
14 plan shall include a written description of the programs and services
15 that will help the child, consistent with the child’s best interests,
16 to prepare for the transition from foster care to successful
17 adulthood. The description may be included in the document
18 described in subparagraph (A) of paragraph (18).

19 (ii) When appropriate, for a child who is 16 years of age or older
20 and, commencing January 1, 2012, for a nonminor dependent, the
21 case plan shall include the transitional independent living plan
22 (TILP), a written description of the programs and services that
23 will help the child, consistent with the child’s best interests, to
24 prepare for the transition from foster care to successful adulthood,
25 and, in addition, whether the youth has an in-progress application
26 pending for Title XVI Supplemental Security Income benefits or
27 for Special Immigrant Juvenile Status or other applicable
28 application for legal residency and an active dependency case is
29 required for that application. When appropriate, for a nonminor
30 dependent, the transitional independent living case plan, as
31 described in subdivision (v) of Section 11400, shall include the
32 TILP, a written description of the programs and services that will
33 help the nonminor dependent, consistent with his or her best
34 interests, to prepare for transition from foster care and assist the
35 youth in meeting the eligibility criteria set forth in paragraphs (1)
36 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
37 the case plan shall describe the individualized supervision provided
38 in the supervised independent living placement as defined in
39 subdivision (w) of Section 11400. The case plan shall be developed
40 with the child or nonminor dependent and individuals identified

1 as important to the child or nonminor dependent, and shall include
2 steps the agency is taking to ensure that the child or nonminor
3 dependent achieves permanence, including maintaining or
4 obtaining permanent connections to caring and committed adults.

5 (B) During the 90-day period prior to the participant attaining
6 18 years of age or older as the state may elect under Section
7 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
8 675(8)(B)(iii)), whether during that period foster care maintenance
9 payments are being made on the child's behalf or the child is
10 receiving benefits or services under Section 477 of the federal
11 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
12 appropriate agency staff or probation officer and other
13 representatives of the participant, as appropriate, shall provide the
14 youth or nonminor dependent with assistance and support in
15 developing the written 90-day transition plan, that is personalized
16 at the direction of the child, information as detailed as the
17 participant elects that shall include, but not be limited to, options
18 regarding housing, health insurance, education, local opportunities
19 for mentors and continuing support services, and workforce
20 supports and employment services, a power of attorney for health
21 care, and information regarding the advance health care directive
22 form.

23 (C) For youth 14 years of age or older, the case plan shall
24 include documentation that a consumer credit report was requested
25 annually from each of the three major credit reporting agencies at
26 no charge to the youth and that any results were provided to the
27 youth. For nonminor dependents, the case plan shall include
28 documentation that the county assisted the nonminor dependent
29 in obtaining his or her reports. The case plan shall include
30 documentation of barriers, if any, to obtaining the credit reports.
31 If the consumer credit report reveals any accounts, the case plan
32 shall detail how the county ensured the youth received assistance
33 with interpreting the credit report and resolving any inaccuracies,
34 including any referrals made for the assistance.

35 (17) For youth 14 years of age or older and nonminor
36 dependents, the case plan shall be developed in consultation with
37 the youth. At the youth's option, the consultation may include up
38 to two members of the case planning team who are chosen by the
39 youth and who are not foster parents of, or caseworkers for, the
40 youth. The agency, at any time, may reject an individual selected

1 by the youth to be a member of the case planning team if the
2 agency has good cause to believe that the individual would not act
3 in the youth's best interest. One individual selected by the youth
4 to be a member of the case planning team may be designated to
5 be the youth's adviser and advocate with respect to the application
6 of the reasonable and prudent parent standard to the youth, as
7 necessary.

8 (18) For youth in foster care 14 years of age and older and
9 nonminor dependents, the case plan shall include both of the
10 following:

11 (A) A document that describes the youth's rights with respect
12 to education, health, visitation, and court participation, the right
13 to be annually provided with copies of his or her credit reports at
14 no cost while in foster care pursuant to Section 10618.6, and the
15 right to stay safe and avoid exploitation.

16 (B) A signed acknowledgment by the youth that he or she has
17 been provided a copy of the document and that the rights described
18 in the document have been explained to the youth in an
19 age-appropriate manner.

20 (19) The case plan for a child or nonminor dependent who is,
21 or who is at risk of becoming, the victim of commercial sexual
22 exploitation, shall document the services provided to address that
23 issue.

24 (h) If the court finds, after considering the case plan, that
25 unsupervised sibling visitation is appropriate and has been
26 consented to, the court shall order that the child or the child's
27 siblings, the child's current caregiver, and the child's prospective
28 adoptive parents, if applicable, be provided with information
29 necessary to accomplish this visitation. This section does not
30 require or prohibit the social worker's facilitation, transportation,
31 or supervision of visits between the child and his or her siblings.

32 (i) The case plan documentation on sibling placements required
33 under this section shall not require modification of existing case
34 plan forms until the Child Welfare Service/Case Management
35 System (CWS/CMS) is implemented on a statewide basis.

36 (j) When a child is 10 years of age or older and has been in
37 out-of-home placement for six months or longer, the case plan
38 shall include an identification of individuals, other than the child's
39 siblings, who are important to the child and actions necessary to
40 maintain the child's relationship with those individuals, provided

1 that those relationships are in the best interest of the child. The
2 social worker or probation officer shall ask every child who is 10
3 years of age or older and who has been in out-of-home placement
4 for six months or longer to identify individuals other than the
5 child's siblings who are important to the child, and may ask any
6 other child to provide that information, or may seek that
7 information from the child and family team, as appropriate. The
8 social worker or probation officer shall make efforts to identify
9 other individuals who are important to the child, consistent with
10 the child's best interests.

11 (k) The child's caregiver shall be provided a copy of a plan
12 outlining the child's needs and services. The nonminor dependent's
13 caregiver shall be provided with a copy of the nonminor's TILP.

14 (l) Each county shall ensure that the total number of visits made
15 by caseworkers on a monthly basis to children in foster care during
16 a federal fiscal year is not less than 95 percent of the total number
17 of those visits that would occur if each child were visited once
18 every month while in care and that the majority of the visits occur
19 in the residence of the child. The county child welfare and
20 probation departments shall comply with data reporting
21 requirements that the department deems necessary to comply with
22 the federal Child and Family Services Improvement Act of 2006
23 (Public Law 109-288) and the federal Child and Family Services
24 Improvement and Innovation Act of 2011 (Public Law 112-34).

25 (⊕)

26 (m) The implementation and operation of the amendments to
27 subdivision (i) enacted at the 2005–06 Regular Session shall be
28 subject to appropriation through the budget process and by phase,
29 as provided in Section 366.35.

30 *SEC. 5. To the extent that this act has an overall effect of*
31 *increasing the costs already borne by a local agency for programs*
32 *or levels of service mandated by the 2011 Realignment Legislation*
33 *within the meaning of Section 36 of Article XIII of the California*
34 *Constitution, it shall apply to local agencies only to the extent that*
35 *the state provides annual funding for the cost increase. Any new*
36 *program or higher level of service provided by a local agency*
37 *pursuant to this act above the level for which funding has been*
38 *provided shall not require a subvention of funds by the state nor*

- 1 *otherwise be subject to Section 6 of Article XIII B of the California*
- 2 *Constitution.*

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