

AMENDED IN SENATE AUGUST 17, 2016

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1849

Introduced by Assembly Member Gipson

February 9, 2016

An act to amend Sections 391 and 16501.1 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 1849, as amended, Gipson. Foster youth: transition to independent living: health insurance coverage.

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudge certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes. Existing law extends certain foster care benefits to youth up to 21 years of age, known as nonminor dependents, if specified conditions are met.

Existing law requires a county social worker to develop a case plan for a minor or nonminor dependent that includes, among other things, when appropriate, for a child who is 16 years of age or older and for a nonminor dependent, a transitional independent living plan. During the 90-day period prior to the participant attaining 18 years of age or older, existing law requires a case worker or appropriate agency staff or probation officer and other representatives of the participant, as appropriate, to provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan that is

personalized at the direction of the child, and requires the plan to include, among other things, options regarding health insurance.

This bill would require, for purposes of the 90-day transition plan, information provided regarding health insurance options to include verification that the eligible youth or nonminor is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the youth's social worker or probation officer to ensure that the eligible youth or nonminor is transitioned into the Medi-Cal program upon case closure, as specified.

Existing law prohibits the court from terminating dependency jurisdiction over a nonminor who has attained 18 years of age until a hearing is conducted and the county welfare department has submitted a report verifying that specified information, documents, and services have been provided to the nonminor, including the written 90-day transition plan, assistance in completing an application for Medi-Cal or assistance in obtaining other health insurance, and a letter prepared by the county welfare department that includes specified information.

The bill would revise the list of information, services, and documents that are required to be provided to the nonminor to include, among other things, a Medi-Cal Benefits Identification Card and continued and uninterrupted enrollment in Medi-Cal for eligible nonminors up to 26 years of age pursuant to specified provisions of law.

By expanding the duties of counties relating to the transition of foster youth from foster care to independent living, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 16501.1 of the Welfare and Institutions Code proposed by AB 1067 and AB 1997, that would become operative only if this bill and either or both of those bills are chaptered and become effective on or before January 1, 2017, and this bill is chaptered last.

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: yes.

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

1 SECTION 1. Section 391 of the Welfare and Institutions Code
2 is amended to read:

3 391. (a) The dependency court shall not terminate jurisdiction
4 over a nonminor unless a hearing is conducted pursuant to this
5 section.

6 (b) At any hearing for a nonminor at which the court is
7 considering termination of the jurisdiction of the juvenile court,
8 the county welfare department shall do all of the following:

9 (1) Ensure that the dependent nonminor is present in court,
10 unless the nonminor does not wish to appear in court, and elects
11 a telephonic appearance, or document reasonable efforts made by
12 the county welfare department to locate the nonminor when the
13 nonminor is not available.

14 (2) Submit a report describing whether it is in the nonminor's
15 best interests to remain under the court's dependency jurisdiction,
16 which includes a recommended transitional independent living
17 case plan for the nonminor when the report describes continuing
18 dependency jurisdiction as being in the nonminor's best interest.

19 (3) If the county welfare department recommends termination
20 of the court's dependency jurisdiction, submit documentation of
21 the reasonable efforts made by the department to provide the
22 nonminor with the assistance needed to meet or maintain eligibility
23 as a nonminor dependent, as defined in paragraphs (1) to (5),
24 inclusive, of subdivision (b) of Section 11403.

25 (4) If the nonminor has indicated that he or she does not want
26 dependency jurisdiction to continue, the report shall address the
27 manner in which the nonminor was advised of his or her options,
28 including the benefits of remaining in foster care, and of his or her
29 right to reenter foster care and to file a petition pursuant to
30 subdivision (e) of Section 388 to resume dependency jurisdiction
31 prior to attaining 21 years of age.

32 (c) (1) The court shall continue dependency jurisdiction over
33 a nonminor who meets the definition of a nonminor dependent as
34 described in subdivision (v) of Section 11400 unless the court finds
35 either of the following:

36 (A) That the nonminor does not wish to remain subject to
37 dependency jurisdiction.

1 (B) That the nonminor is not participating in a reasonable and
2 appropriate transitional independent living case plan.

3 (2) In making the findings pursuant to paragraph (1), the court
4 shall also find that the nonminor has been informed of his or her
5 options including the benefits of remaining in foster care and the
6 right to reenter foster care by filing a petition pursuant to
7 subdivision (e) of Section 388 to resume dependency jurisdiction
8 and by completing a voluntary reentry agreement pursuant to
9 subdivision (z) of Section 11400, and has had an opportunity to
10 confer with his or her counsel if counsel has been appointed
11 pursuant to Section 317.

12 (d) (1) The court may terminate its jurisdiction over a nonminor
13 if the court finds after reasonable and documented efforts the
14 nonminor cannot be located.

15 (2) When terminating dependency jurisdiction, the court shall
16 maintain general jurisdiction over the nonminor to allow for the
17 filing of a petition to resume dependency jurisdiction under
18 subdivision (e) of Section 388 until the nonminor attains 21 years
19 of age, although no review proceedings shall be required. A
20 nonminor may petition the court pursuant to subdivision (e) of
21 Section 388 to resume dependency jurisdiction at any time before
22 attaining 21 years of age.

23 (e) The court shall not terminate dependency jurisdiction over
24 a nonminor who has attained 18 years of age until a hearing is
25 conducted pursuant to this section and the department has
26 submitted a report verifying that the following information,
27 documents, and services have been provided to the nonminor, or
28 in the case of a nonminor who, after reasonable efforts by the
29 county welfare department, cannot be located, verifying the efforts
30 made to make the following available to the nonminor:

31 (1) Written information concerning the nonminor’s case,
32 including any known information regarding the nonminor’s Indian
33 heritage or tribal connections, if applicable, his or her family
34 history and placement history, any photographs of the nonminor
35 or his or her family in the possession of the county welfare
36 department, other than forensic photographs, the whereabouts of
37 any siblings under the jurisdiction of the juvenile court, unless the
38 court determines that sibling contact would jeopardize the safety
39 or welfare of the sibling, directions on how to access the documents

- 1 the nonminor is entitled to inspect under Section 827, and the date
2 on which the jurisdiction of the juvenile court would be terminated.
- 3 (2) The following documents:
- 4 (A) Social security card.
- 5 (B) Certified copy of his or her birth certificate.
- 6 (C) Health and education summary, as described in subdivision
7 (a) of Section 16010.
- 8 (D) Driver's license, as described in Section 12500 of the
9 Vehicle Code, or identification card, as described in Section 13000
10 of the Vehicle Code.
- 11 (E) A letter prepared by the county welfare department that
12 includes the following information:
- 13 (i) The nonminor's name and date of birth.
- 14 (ii) The dates during which the nonminor was within the
15 jurisdiction of the juvenile court.
- 16 (iii) A statement that the nonminor was a foster youth in
17 compliance with state and federal financial aid documentation
18 requirements.
- 19 (F) If applicable, the death certificate of the parent or parents.
- 20 (G) If applicable, proof of the nonminor's citizenship or legal
21 residence.
- 22 (H) An advance health care directive form.
- 23 (I) The Judicial Council form that the nonminor would use to
24 file a petition pursuant to subdivision (e) of Section 388 to resume
25 dependency jurisdiction.
- 26 (J) The written 90-day transition plan prepared pursuant to
27 Section 16501.1.
- 28 (K) Written verification that the eligible nonminor is enrolled
29 in Medi-Cal and the nonminor's Medi-Cal Benefits Identification
30 Card.
- 31 (3) Continued and uninterrupted enrollment in Medi-Cal for
32 eligible nonminors pursuant to Section 14005.28 or 14005.285.
- 33 (4) Referrals to transitional housing, if available, or assistance
34 in securing other housing.
- 35 (5) Assistance in obtaining employment or other financial
36 support.
- 37 (6) Assistance in applying for admission to college or to a
38 vocational training program or other educational institution and
39 in obtaining financial aid, where appropriate.

1 (7) Assistance in maintaining relationships with individuals
2 who are important to a nonminor who has been in out-of-home
3 placement for six months or longer from the date the nonminor
4 entered foster care, based on the nonminor’s best interests.

5 (8) For nonminors between 18 and 21 years of age, assistance
6 in accessing the Independent Living Aftercare Program in the
7 nonminor’s county of residence, and, upon the nonminor’s request,
8 assistance in completing a voluntary reentry agreement for care
9 and placement pursuant to subdivision (z) of Section 11400 and
10 in filing a petition pursuant to subdivision (e) of Section 388 to
11 resume dependency jurisdiction.

12 (9) Written information notifying the child that current or former
13 dependent children who are or have been in foster care are granted
14 a preference for student assistant or internship positions with state
15 agencies pursuant to Section 18220 of the Government Code. The
16 preference shall be granted to applicants up to 26 years of age.

17 (f) At the hearing closest to and before a dependent minor’s
18 18th birthday and every review hearing thereafter for nonminors,
19 the department shall submit a report describing efforts toward
20 completing the items described in paragraph (2) of subdivision
21 (e).

22 (g) The Judicial Council shall develop and implement standards,
23 and develop and adopt appropriate forms necessary to implement
24 this provision.

25 SEC. 2. Section 16501.1 of the Welfare and Institutions Code
26 is amended to read:

27 16501.1. (a) (1) The Legislature finds and declares that the
28 foundation and central unifying tool in child welfare services is
29 the case plan.

30 (2) The Legislature further finds and declares that a case plan
31 ensures that the child receives protection and safe and proper care
32 and case management, and that services are provided to the child
33 and parents or other caretakers, as appropriate, in order to improve
34 conditions in the parent’s home, to facilitate the safe return of the
35 child to a safe home or the permanent placement of the child, and
36 to address the needs of the child while in foster care.

37 (3) The agency shall consider the recommendations of the child
38 and family team, as defined in Section 16501, if any are available.
39 The agency shall document the rationale for any inconsistencies

1 between the case plan and the child and family team
2 recommendations.

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

5 (2) The case plan shall document that a preplacement assessment
6 of the service needs of the child and family, and preplacement
7 preventive services, have been provided, and that reasonable efforts
8 to prevent out-of-home placement have been made. Preplacement
9 services may include intensive mental health services in the home
10 or a community setting and the reasonable efforts made to prevent
11 out-of-home placement.

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

15 (4) Upon a determination pursuant to paragraph (1) of
16 subdivision (e) of Section 361.5 that reasonable services will be
17 offered to a parent who is incarcerated in a county jail or state
18 prison, detained by the United States Department of Homeland
19 Security, or deported to his or her country of origin, the case plan
20 shall include information, to the extent possible, about a parent's
21 incarceration in a county jail or the state prison, detention by the
22 United States Department of Homeland Security, or deportation
23 during the time that a minor child of that parent is involved in
24 dependency care.

25 (5) Reasonable services shall be offered or provided to make it
26 possible for a child to return to a safe home environment, unless,
27 pursuant to subdivisions (b) and (e) of Section 361.5, the court
28 determines that reunification services shall not be provided.

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

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

36 (d) (1) The case plan shall include a description of the type of
37 home or institution in which the child is to be placed, and the
38 reasons for that placement decision. The decision regarding choice
39 of placement shall be based upon selection of a safe setting that is
40 the least restrictive family setting that promotes normal childhood

1 experiences and the most appropriate setting that meets the child's
2 individual needs and is available, in proximity to the parent's home,
3 in proximity to the child's school, and consistent with the selection
4 of the environment best suited to meet the child's special needs
5 and best interests. The selection shall consider, in order of priority,
6 placement with relatives, nonrelated extended family members,
7 and tribal members; foster family homes, resource families, and
8 nontreatment certified homes of foster family agencies; followed
9 by treatment and intensive treatment certified homes of foster
10 family agencies; or multidimensional treatment foster care homes
11 or therapeutic foster care homes; group care placements in the
12 order of short-term residential treatment centers, group homes,
13 community treatment facilities, and out-of-state residential
14 treatment pursuant to Part 5 (commencing with Section 7900) of
15 Division 12 of the Family Code.

16 (2) If a short-term intensive treatment center placement is
17 selected for a child, the case plan shall indicate the needs of the
18 child that necessitate this placement, the plan for transitioning the
19 child to a less restrictive environment, and the projected timeline
20 by which the child will be transitioned to a less restrictive
21 environment. This section of the case plan shall be reviewed and
22 updated at least semiannually.

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

27 (B) After January 1, 2017, a child and family team meeting as
28 ~~defined~~ *described* in Section 16501 shall be convened by the county
29 placing agency for the purpose of identifying the supports and
30 services needed to achieve permanency and enable the child or
31 youth to be placed in the least restrictive family setting that
32 promotes normal childhood experiences.

33 (3) On or after January 1, 2012, for a nonminor dependent, as
34 defined in subdivision (v) of Section 11400, who is receiving
35 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
36 in addition to the above requirements, the selection of the
37 placement, including a supervised independent living placement,
38 as described in subdivision (w) of Section 11400, shall also be
39 based upon the developmental needs of young adults by providing
40 opportunities to have incremental responsibilities that prepare a

1 nonminor dependent to transition to successful adulthood. If
2 admission to, or continuation in, a group home or short-term
3 residential treatment center placement is being considered for a
4 nonminor dependent, the group home or short-term residential
5 treatment center placement approval decision shall include a
6 youth-driven, team-based case planning process, as defined by the
7 department, in consultation with stakeholders. The case plan shall
8 consider the full range of placement options, and shall specify why
9 admission to, or continuation in, a group home placement is the
10 best alternative available at the time to meet the special needs or
11 well-being of the nonminor dependent, and how the placement
12 will contribute to the nonminor dependent's transition to successful
13 adulthood. The case plan shall specify the treatment strategies that
14 will be used to prepare the nonminor dependent for discharge to
15 a less restrictive family setting that promotes normal childhood
16 experiences, including a target date for discharge from the group
17 home placement. The placement shall be reviewed and updated
18 on a regular, periodic basis to ensure that continuation in the group
19 home placement remains in the best interests of the nonminor
20 dependent and that progress is being made in achieving case plan
21 goals leading to successful adulthood. The group home placement
22 planning process shall begin as soon as it becomes clear to the
23 county welfare department or probation office that a foster child
24 in group home placement is likely to remain in group home
25 placement on his or her 18th birthday, in order to expedite the
26 transition to a less restrictive family setting that promotes normal
27 childhood experiences, if he or she becomes a nonminor dependent.
28 The case planning process shall include informing the youth of all
29 of his or her options, including, but not limited to, admission to
30 or continuation in a group home placement. Consideration for
31 continuation of existing group home placement for a nonminor
32 dependent under 19 years of age may include the need to stay in
33 the same placement in order to complete high school. After a
34 nonminor dependent either completes high school or attains his or
35 her 19th birthday, whichever is earlier, continuation in or admission
36 to a group home placement is prohibited unless the nonminor
37 dependent satisfies the conditions of paragraph (5) of subdivision
38 (b) of Section 11403, and group home placement functions as a
39 short-term transition to the appropriate system of care. Treatment
40 services provided by the group home placement to the nonminor

1 dependent to alleviate or ameliorate the medical condition, as
2 described in paragraph (5) of subdivision (b) of Section 11403,
3 shall not constitute the sole basis to disqualify a nonminor
4 dependent from the group home placement.

5 (4) In addition to the requirements of paragraphs (1) to (3),
6 inclusive, and taking into account other statutory considerations
7 regarding placement, the selection of the most appropriate home
8 that will meet the child’s special needs and best interests shall also
9 promote educational stability by taking into consideration
10 proximity to the child’s school of origin, and school attendance
11 area, the number of school transfers the child has previously
12 experienced, and the child’s school matriculation schedule, in
13 addition to other indicators of educational stability that the
14 Legislature hereby encourages the State Department of Social
15 Services and the State Department of Education to develop.

16 (e) A written case plan shall be completed within a maximum
17 of 60 days of the initial removal of the child or of the in-person
18 response required under subdivision (f) of Section 16501 if the
19 child has not been removed from his or her home, or by the date
20 of the dispositional hearing pursuant to Section 358, whichever
21 occurs first. The case plan shall be updated, as the service needs
22 of the child and family dictate. At a minimum, the case plan shall
23 be updated in conjunction with each status review hearing
24 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
25 the hearing conducted pursuant to Section 366.26, but no less
26 frequently than once every six months. Each updated case plan
27 shall include a description of the services that have been provided
28 to the child under the plan and an evaluation of the appropriateness
29 and effectiveness of those services.

30 (1) It is the intent of the Legislature that extending the maximum
31 time available for preparing a written case plan from 30 to 60 days
32 will afford caseworkers time to actively engage families, and to
33 solicit and integrate into the case plan the input of the child and
34 the child’s family, as well as the input of relatives and other
35 interested parties.

36 (2) The extension of the maximum time available for preparing
37 a written case plan from 30 to 60 days shall be effective 90 days
38 after the date that the department gives counties written notice that
39 necessary changes have been made to the Child Welfare

1 Services/Case Management System (CWS/CMS) to account for
2 the 60-day timeframe for preparing a written case plan.

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

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

9 (1) The case plan shall be based upon an assessment of the
10 circumstances that required child welfare services intervention.
11 The child shall be involved in developing the case plan as age and
12 developmentally appropriate.

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

15 (3) The case plan shall identify the original allegations of abuse
16 or neglect, as defined in Article 2.5 (commencing with Section
17 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
18 conditions cited as the basis for declaring the child a dependent of
19 the court pursuant to Section 300, or all of these, and the other
20 precipitating incidents that led to child welfare services
21 intervention.

22 (4) The case plan shall include a description of the schedule of
23 the placement agency contacts with the child and the family or
24 other caretakers. The frequency of these contacts shall be in
25 accordance with regulations adopted by the State Department of
26 Social Services. If the child has been placed in foster care out of
27 state, the county social worker or probation officer, or a social
28 worker or probation officer on the staff of the agency in the state
29 in which the child has been placed, shall visit the child in a foster
30 family home or the home of a relative, consistent with federal law
31 and in accordance with the department's approved state plan. For
32 children in out-of-state group home facilities, visits shall be
33 conducted at least monthly, pursuant to Section 16516.5. At least
34 once every six months, at the time of a regularly scheduled
35 placement agency contact with the foster child, the child's social
36 worker or probation officer shall inform the child of his or her
37 rights as a foster child, as specified in Section 16001.9. The social
38 worker or probation officer shall provide the information to the
39 child in a manner appropriate to the age or developmental level of
40 the child.

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

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

11 (6) When out-of-home placement is made, the case plan shall
12 include provisions for the development and maintenance of sibling
13 relationships as specified in subdivisions (b), (c), and (d) of Section
14 16002. If appropriate, when siblings who are dependents of the
15 juvenile court are not placed together, the social worker for each
16 child, if different, shall communicate with each of the other social
17 workers and ensure that the child’s siblings are informed of
18 significant life events that occur within their extended family.
19 Unless it has been determined that it is inappropriate in a particular
20 case to keep siblings informed of significant life events that occur
21 within the extended family, the social worker shall determine the
22 appropriate means and setting for disclosure of this information
23 to the child commensurate with the child’s age and emotional
24 well-being. These significant life events shall include, but shall
25 not be limited to, the following:

26 (A) The death of an immediate relative.

27 (B) The birth of a sibling.

28 (C) Significant changes regarding a dependent child, unless the
29 child objects to the sharing of the information with his or her
30 siblings, including changes in placement, major medical or mental
31 health diagnoses, treatments, or hospitalizations, arrests, and
32 changes in the permanent plan.

33 (7) If out-of-home placement is made in a foster family home,
34 group home, or other child care institution that is either a
35 substantial distance from the home of the child’s parent or out of
36 state, the case plan shall specify the reasons why that placement
37 is in the best interest of the child. When an out-of-state group home
38 placement is recommended or made, the case plan shall, in
39 addition, specify compliance with Section 7911.1 of the Family
40 Code.

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

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

6 (B) An assurance that the placement agency has coordinated
7 with the person holding the right to make educational decisions
8 for the child and appropriate local educational agencies to ensure
9 that the child remains in the school in which the child is enrolled
10 at the time of placement or, if remaining in that school is not in
11 the best interests of the child, assurances by the placement agency
12 and the local educational agency to provide immediate and
13 appropriate enrollment in a new school and to provide all of the
14 child's educational records to the new school.

15 (9) (A) If out-of-home services are used, or if parental rights
16 have been terminated and the case plan is placement for adoption,
17 the case plan shall include a recommendation regarding the
18 appropriateness of unsupervised visitation between the child and
19 any of the child's siblings. This recommendation shall include a
20 statement regarding the child's and the siblings' willingness to
21 participate in unsupervised visitation. If the case plan includes a
22 recommendation for unsupervised sibling visitation, the plan shall
23 also note that information necessary to accomplish this visitation
24 has been provided to the child or to the child's siblings.

25 (B) Information regarding the schedule and frequency of the
26 visits between the child and siblings, as well as any court-ordered
27 terms and conditions needed to facilitate the visits while protecting
28 the 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 (10) If out-of-home services are used and the goal is
31 reunification, the case plan shall describe the services to be
32 provided to assist in reunification and the services to be provided
33 concurrently to achieve legal permanency if efforts to reunify fail.
34 The plan shall also consider in-state and out-of-state placements,
35 the importance of developing and maintaining sibling relationships
36 pursuant to Section 16002, and the desire and willingness of the
37 caregiver to provide legal permanency for the child if reunification
38 is unsuccessful.

39 (11) If out-of-home services are used, the child has been in care
40 for at least 12 months, and the goal is not adoptive placement, the

1 case plan shall include documentation of the compelling reason
 2 or reasons why termination of parental rights is not in the child’s
 3 best interest. A determination completed or updated within the
 4 past 12 months by the department when it is acting as an adoption
 5 agency or by a licensed adoption agency that it is unlikely that the
 6 child will be adopted, or that one of the conditions described in
 7 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
 8 be deemed a compelling reason.

9 (12) (A) Parents and legal guardians shall have an opportunity
 10 to review the case plan, and to sign it whenever possible, and then
 11 shall receive a copy of the plan. In a voluntary service or placement
 12 agreement, the parents or legal guardians shall be required to
 13 review and sign the case plan. Whenever possible, parents and
 14 legal guardians shall participate in the development of the case
 15 plan. Commencing January 1, 2012, for nonminor dependents, as
 16 defined in subdivision (v) of Section 11400, who are receiving
 17 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
 18 to Section 11403, the transitional independent living case plan, as
 19 set forth in subdivision (y) of Section 11400, shall be developed
 20 with, and signed by, the nonminor.

21 (B) Parents and legal guardians shall be advised that, pursuant
 22 to Section 1228.1 of the Evidence Code, neither their signature on
 23 the child welfare services case plan nor their acceptance of any
 24 services prescribed in the child welfare services case plan shall
 25 constitute an admission of guilt or be used as evidence against the
 26 parent or legal guardian in a court of law. However, they shall also
 27 be advised that the parent’s or guardian’s failure to cooperate,
 28 except for good cause, in the provision of services specified in the
 29 child welfare services case plan may be used in any hearing held
 30 pursuant to Section 366.21, 366.22, or 366.25 of this code as
 31 evidence.

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

38 (14) The case plan shall be included in the court report and shall
 39 be considered by the court at the initial hearing and each review
 40 hearing. Modifications to the case plan made during the period

1 between review hearings need not be approved by the court if the
2 casework supervisor for that case determines that the modifications
3 further the goals of the plan. If out-of-home services are used with
4 the goal of family reunification, the case plan shall consider and
5 describe the application of subdivision (b) of Section 11203.

6 (15) (A) If the case plan has as its goal for the child a permanent
7 plan of adoption or legal guardianship, it shall include a statement
8 of the child's wishes regarding their permanent placement plan
9 and an assessment of those stated wishes. The agency shall also
10 include documentation of the steps the agency is taking to find an
11 adoptive family or other permanent living arrangements for the
12 child; to place the child with an adoptive family, an appropriate
13 and willing relative, or a legal guardian, and to finalize the adoption
14 or legal guardianship. At a minimum, the documentation shall
15 include child-specific recruitment efforts, such as the use of state,
16 regional, and national adoption exchanges, including electronic
17 exchange systems, when the child has been freed for adoption.
18 Regardless of whether the child has been freed for adoption,
19 documentation shall include a description of any barriers to
20 achieving legal permanence and the steps the agency will take to
21 address those barriers. If the plan is for kinship guardianship, the
22 case plan shall document how the child meets the kinship
23 guardianship eligibility requirements.

24 (B) When the child is 16 years of age or older and is in another
25 planned permanent living arrangement, the case plan shall identify
26 the intensive and ongoing efforts to return the child to the home
27 of the parent, place the child for adoption, place the child for tribal
28 customary adoption in the case of an Indian child, establish a legal
29 guardianship, or place the child nonminor dependent with a fit and
30 willing relative, as appropriate. Efforts shall include the use of
31 technology, including social media, to find biological family
32 members of the child.

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

39 (ii) When appropriate, for a child who is 16 years of age or older
40 and, commencing January 1, 2012, for a nonminor dependent, the

1 case plan shall include the transitional independent living plan
2 (TILP), a written description of the programs and services that
3 will help the child, consistent with the child's best interests, to
4 prepare for the transition from foster care to successful adulthood,
5 and, in addition, whether the youth has an in-progress application
6 pending for Title XVI Supplemental Security Income benefits or
7 for Special Immigrant Juvenile Status or other applicable
8 application for legal residency and an active dependency case is
9 required for that application. When appropriate, for a nonminor
10 dependent, the transitional independent living case plan, as
11 described in subdivision (v) of Section 11400, shall include the
12 TILP, a written description of the programs and services that will
13 help the nonminor dependent, consistent with his or her best
14 interests, to prepare for transition from foster care and assist the
15 youth in meeting the eligibility criteria set forth in paragraphs (1)
16 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
17 the case plan shall describe the individualized supervision provided
18 in the supervised independent living placement as defined in
19 subdivision (w) of Section 11400. The case plan shall be developed
20 with the child or nonminor dependent and individuals identified
21 as important to the child or nonminor dependent, and shall include
22 steps the agency is taking to ensure that the child or nonminor
23 dependent achieves permanence, including maintaining or
24 obtaining permanent connections to caring and committed adults.

25 (B) During the 90-day period prior to the participant attaining
26 18 years of age or older as the state may elect under Section
27 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
28 675(8)(B)(iii)), whether during that period foster care maintenance
29 payments are being made on the child's behalf or the child is
30 receiving benefits or services under Section 477 of the federal
31 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
32 appropriate agency staff or probation officer and other
33 representatives of the participant, as appropriate, shall provide the
34 youth or nonminor dependent with assistance and support in
35 developing the written 90-day transition plan, that is personalized
36 at the direction of the child, information as detailed as the
37 participant elects that shall include, but not be limited to, options
38 regarding housing, health insurance, education, local opportunities
39 for mentors and continuing support services, and workforce
40 supports and employment services, a power of attorney for health

1 care, and information regarding the advance health care directive
2 form. Information provided regarding health insurance options
3 shall include verification that the eligible youth or nonminor is
4 enrolled in Medi-Cal and a description of the steps that have been
5 or will be taken by the youth's social worker or probation officer
6 to ensure that the eligible youth or nonminor is transitioned into
7 the Medi-Cal program for former foster youth upon case closure
8 with no interruption in coverage and with no new application being
9 required, as provided in Section 14005.28.

10 (C) For youth 14 years of age or older, the case plan shall
11 include documentation that a consumer credit report was requested
12 annually from each of the three major credit reporting agencies at
13 no charge to the youth and that any results were provided to the
14 youth. For nonminor dependents, the case plan shall include
15 documentation that the county assisted the nonminor dependent
16 in obtaining his or her reports. The case plan shall include
17 documentation of barriers, if any, to obtaining the credit reports.
18 If the consumer credit report reveals any accounts, the case plan
19 shall detail how the county ensured the youth received assistance
20 with interpreting the credit report and resolving any inaccuracies,
21 including any referrals made for the assistance.

22 (17) For youth 14 years of age or older and nonminor
23 dependents, the case plan shall be developed in consultation with
24 the youth. At the youth's option, the consultation may include up
25 to two members of the case planning team who are chosen by the
26 youth and who are not foster parents of, or caseworkers for, the
27 youth. The agency, at any time, may reject an individual selected
28 by the youth to be a member of the case planning team if the
29 agency has good cause to believe that the individual would not act
30 in the youth's best interest. One individual selected by the youth
31 to be a member of the case planning team may be designated to
32 be the youth's adviser and advocate with respect to the application
33 of the reasonable and prudent parent standard to the youth, as
34 necessary.

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

38 (A) A document that describes the youth's rights with respect
39 to education, health, visitation, and court participation, the right
40 to be annually provided with copies of his or her credit reports at

1 no cost while in foster care pursuant to Section 10618.6, and the
2 right to stay safe and avoid exploitation.

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

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

11 (h) If the court finds, after considering the case plan, that
12 unsupervised sibling visitation is appropriate and has been
13 consented to, the court shall order that the child or the child's
14 siblings, the child's current caregiver, and the child's prospective
15 adoptive parents, if applicable, be provided with information
16 necessary to accomplish this visitation. This section does not
17 require or prohibit the social worker's facilitation, transportation,
18 or supervision of visits between the child and his or her siblings.

19 (i) The case plan documentation on sibling placements required
20 under this section shall not require modification of existing case
21 plan forms until the Child Welfare ~~Service~~/*Case Services/Case*
22 Management System (CWS/CMS) is implemented on a statewide
23 basis.

24 (j) When a child is 10 years of age or older and has been in
25 out-of-home placement for six months or longer, the case plan
26 shall include an identification of individuals, other than the child's
27 siblings, who are important to the child and actions necessary to
28 maintain the child's relationship with those individuals, provided
29 that those relationships are in the best interest of the child. The
30 social worker or probation officer shall ask every child who is 10
31 years of age or older and who has been in out-of-home placement
32 for six months or longer to identify individuals other than the
33 child's siblings who are important to the child, and may ask any
34 other child to provide that information, or may seek that
35 information from the child and family team, as appropriate. The
36 social worker or probation officer shall make efforts to identify
37 other individuals who are important to the child, consistent with
38 the child's best interests.

1 (k) The child’s caregiver shall be provided a copy of a plan
2 outlining the child’s needs and services. The nonminor dependent’s
3 caregiver shall be provided with a copy of the nonminor’s TILP.

4 (l) Each county shall ensure that the total number of visits made
5 by caseworkers on a monthly basis to children in foster care during
6 a federal fiscal year is not less than 95 percent of the total number
7 of those visits that would occur if each child were visited once
8 every month while in care and that the majority of the visits occur
9 in the residence of the child. The county child welfare and
10 probation departments shall comply with data reporting
11 requirements that the department deems necessary to comply with
12 the federal Child and Family Services Improvement Act of 2006
13 (Public Law 109-288) and the federal Child and Family Services
14 Improvement and Innovation Act (Public Law 112-34).

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

19 *SEC. 2.1. Section 16501.1 of the Welfare and Institutions Code*
20 *is amended to read:*

21 16501.1. (a) (1) The Legislature finds and declares that the
22 foundation and central unifying tool in child welfare services is
23 the case plan.

24 (2) The Legislature further finds and declares that a case plan
25 ensures that the child receives protection and safe and proper care
26 and case management, and that services are provided to the child
27 and parents or other caretakers, as appropriate, in order to improve
28 conditions in the parent’s home, to facilitate the safe return of the
29 child to a safe home or the permanent placement of the child, and
30 to address the needs of the child while in foster care.

31 (3) The agency shall consider the recommendations of the child
32 and family team, as defined in ~~paragraph (4) of subdivision (a) of~~
33 Section 16501, if any are available. The agency shall document
34 the rationale for any inconsistencies between the case plan and the
35 child and family team recommendations.

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

38 (2) The case plan shall document that a preplacement assessment
39 of the service needs of the child and family, and preplacement
40 preventive services, have been provided, and that reasonable efforts

1 to prevent out-of-home placement have been made. Preplacement
2 services may include intensive mental health services in the home
3 or a community setting and the reasonable efforts made to prevent
4 out-of-home placement.

5 (3) In determining the reasonable services to be offered or
6 provided, the child’s health and safety shall be the paramount
7 concerns.

8 (4) Upon a determination pursuant to paragraph (1) of
9 subdivision (e) of Section 361.5 that reasonable services will be
10 offered to a parent who is incarcerated in a county jail or state
11 prison, detained by the United States Department of Homeland
12 Security, or deported to his or her country of origin, the case plan
13 shall include information, to the extent possible, about a parent’s
14 incarceration in a county jail or the state prison, detention by the
15 United States Department of Homeland Security, or deportation
16 during the time that a minor child of that parent is involved in
17 dependency care.

18 (5) Reasonable services shall be offered or provided to make it
19 possible for a child to return to a safe home environment, unless,
20 pursuant to subdivisions (b) and (e) of Section 361.5, the court
21 determines that reunification services shall not be provided.

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

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

29 (d) (1) The case plan shall include a description of the type of
30 home or institution in which the child is to be placed, and the
31 reasons for that placement decision. The decision regarding choice
32 of placement shall be based upon selection of a safe setting that is
33 the least restrictive family setting that promotes normal childhood
34 experiences and the most appropriate setting that meets the child’s
35 individual needs and is available, in proximity to the parent’s home,
36 in proximity to the child’s school, and consistent with the selection
37 of the environment best suited to meet the child’s special needs
38 and best interests. The selection shall consider, in order of priority,
39 placement with relatives, nonrelated extended family members,
40 and tribal members; foster family homes, resource families, and

1 nontreatment certified homes of foster family agencies; followed
2 by treatment and intensive treatment certified homes of foster
3 family agencies; or multidimensional treatment foster care homes
4 or therapeutic foster care homes; group care placements in the
5 order of short-term residential treatment centers, group homes,
6 community treatment facilities, and out-of-state residential
7 treatment pursuant to Part 5 (commencing with Section 7900) of
8 Division 12 of the Family Code.

9 (2) If a short-term intensive treatment center placement is
10 selected for a child, the case plan shall indicate the needs of the
11 child that necessitate this placement, the plan for transitioning the
12 child to a less restrictive environment, and the projected timeline
13 by which the child will be transitioned to a less restrictive
14 environment. This section of the case plan shall be reviewed and
15 updated at least semiannually.

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

20 (B) After January 1, 2017, a child and family team meeting as
21 ~~defined~~ *described* in Section 16501 shall be convened by the county
22 placing agency for the purpose of identifying the supports and
23 services needed to achieve permanency and enable the child or
24 youth to be placed in the least restrictive family setting that
25 promotes normal childhood experiences.

26 (3) On or after January 1, 2012, for a nonminor dependent, as
27 defined in subdivision (v) of Section 11400, who is receiving
28 AFDC-FC benefits *and who is* up to 21 years of age pursuant to
29 Section 11403, in addition to the above requirements, the selection
30 of the placement, including a supervised independent living
31 placement, as described in subdivision (w) of Section 11400, shall
32 also be based upon the developmental needs of young adults by
33 providing opportunities to have incremental responsibilities that
34 prepare a nonminor dependent to transition to successful adulthood.
35 If admission to, or continuation in, a group home or short-term
36 residential treatment center placement is being considered for a
37 nonminor dependent, the group home or short-term residential
38 treatment center placement approval decision shall include a
39 youth-driven, team-based case planning process, as defined by the
40 department, in consultation with stakeholders. The case plan shall

1 consider the full range of placement options, and shall specify why
2 admission to, or continuation in, a group home placement is the
3 best alternative available at the time to meet the special needs or
4 well-being of the nonminor dependent, and how the placement
5 will contribute to the nonminor dependent's transition to successful
6 adulthood. The case plan shall specify the treatment strategies that
7 will be used to prepare the nonminor dependent for discharge to
8 a less restrictive family setting that promotes normal childhood
9 experiences, including a target date for discharge from the group
10 home placement. The placement shall be reviewed and updated
11 on a regular, periodic basis to ensure that continuation in the group
12 home placement remains in the best interests of the nonminor
13 dependent and that progress is being made in achieving case plan
14 goals leading to successful adulthood. The group home placement
15 planning process shall begin as soon as it becomes clear to the
16 county welfare department or probation office that a foster child
17 in group home placement is likely to remain in group home
18 placement on his or her 18th birthday, in order to expedite the
19 transition to a less restrictive family setting that promotes normal
20 childhood experiences, if he or she becomes a nonminor dependent.
21 The case planning process shall include informing the youth of all
22 of his or her options, including, but not limited to, admission to
23 or continuation in a group home placement. Consideration for
24 continuation of existing group home placement for a nonminor
25 dependent under 19 years of age may include the need to stay in
26 the same placement in order to complete high school. After a
27 nonminor dependent either completes high school or attains his or
28 her 19th birthday, whichever is earlier, continuation in or admission
29 to a group home placement is prohibited unless the nonminor
30 dependent satisfies the conditions of paragraph (5) of subdivision
31 (b) of Section 11403, and group home placement functions as a
32 short-term transition to the appropriate system of care. Treatment
33 services provided by the group home placement to the nonminor
34 dependent to alleviate or ameliorate the medical condition, as
35 described in paragraph (5) of subdivision (b) of Section 11403,
36 shall not constitute the sole basis to disqualify a nonminor
37 dependent from the group home placement.

38 (4) In addition to the requirements of paragraphs (1) to (3),
39 inclusive, and taking into account other statutory considerations
40 regarding placement, the selection of the most appropriate home

1 that will meet the child’s special needs and best interests shall also
2 promote educational stability by taking into consideration
3 proximity to the child’s school of origin, and school attendance
4 area, the number of school transfers the child has previously
5 experienced, and the child’s school matriculation schedule, in
6 addition to other indicators of educational stability that the
7 Legislature hereby encourages the State Department of Social
8 Services and the State Department of Education to develop.

9 (e) A written case plan shall be completed within a maximum
10 of 60 days of the initial removal of the child or of the in-person
11 response required under subdivision (f) of Section 16501 if the
12 child has not been removed from his or her home, or by the date
13 of the dispositional hearing pursuant to Section 358, whichever
14 occurs first. The case plan shall be updated, as the service needs
15 of the child and family dictate. At a minimum, the case plan shall
16 be updated in conjunction with each status review hearing
17 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
18 the hearing conducted pursuant to Section 366.26, but no less
19 frequently than once every six months. Each updated case plan
20 shall include a description of the services that have been provided
21 to the child under the plan and an evaluation of the appropriateness
22 and effectiveness of those services.

23 (1) It is the intent of the Legislature that extending the maximum
24 time available for preparing a written case plan from 30 to 60 days
25 will afford caseworkers time to actively engage families, and to
26 solicit and integrate into the case plan the input of the child and
27 the child’s family, as well as the input of relatives and other
28 interested parties.

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

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

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

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

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

7 (3) The case plan shall identify the original allegations of abuse
8 or neglect, as defined in Article 2.5 (commencing with Section
9 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
10 conditions cited as the basis for declaring the child a dependent of
11 the court pursuant to Section 300, or all of these, and the other
12 precipitating incidents that led to child welfare services
13 intervention.

14 (4) The case plan shall include a description of the schedule of
15 the placement agency contacts with the child and the family or
16 other caretakers. The frequency of these contacts shall be in
17 accordance with regulations adopted by the State Department of
18 Social Services. If the child has been placed in foster care out of
19 state, the county social worker or probation officer, or a social
20 worker or probation officer on the staff of the agency in the state
21 in which the child has been placed, shall visit the child in a foster
22 family home or the home of a relative, consistent with federal law
23 and in accordance with the department's approved state plan. For
24 children in out-of-state group home facilities, visits shall be
25 conducted at least monthly, pursuant to Section 16516.5. At least
26 once every six months, at the time of a regularly scheduled
27 placement agency contact with the foster child, *and at each*
28 *placement change*, the child's social worker or probation officer
29 shall inform ~~the child of his or her child~~, *the care provider, and*
30 *the child and family team, if applicable, of the child's rights as a*
31 *foster child, as specified in Section ~~16001.9~~ 16001.9, and shall*
32 *provide a written copy of the rights to the child as part of the*
33 *explanation*. The social worker or probation officer shall provide
34 the information to the child in a manner appropriate to the age or
35 developmental level of the child. *The social worker or probation*
36 *officer shall document in the case plan that he or she has informed*
37 *the child of, and has provided the child with a written copy of, his*
38 *or her rights.*

39 (5) (A) When out-of-home services are used, the frequency of
40 contact between the natural parents or legal guardians and the child

1 shall be specified in the case plan. The frequency of those contacts
2 shall reflect overall case goals, and consider other principles
3 outlined in this section.

4 (B) Information regarding any court-ordered visitation between
5 the child and the natural parents or legal guardians, and the terms
6 and conditions needed to facilitate the visits while protecting the
7 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 (6) When out-of-home placement is made, the case plan shall
10 include provisions for the development and maintenance of sibling
11 relationships as specified in subdivisions (b), (c), and (d) of Section
12 16002. If appropriate, when siblings who are dependents of the
13 juvenile court are not placed together, the social worker for each
14 child, if different, shall communicate with each of the other social
15 workers and ensure that the child's siblings are informed of
16 significant life events that occur within their extended family.
17 Unless it has been determined that it is inappropriate in a particular
18 case to keep siblings informed of significant life events that occur
19 within the extended family, the social worker shall determine the
20 appropriate means and setting for disclosure of this information
21 to the child commensurate with the child's age and emotional
22 well-being. These significant life events shall include, but shall
23 not be limited to, the following:

24 (A) The death of an immediate relative.

25 (B) The birth of a sibling.

26 (C) Significant changes regarding a dependent child, unless the
27 child objects to the sharing of the information with his or her
28 siblings, including changes in placement, major medical or mental
29 health diagnoses, treatments, or hospitalizations, arrests, and
30 changes in the permanent plan.

31 (7) If out-of-home placement is made in a foster family home,
32 group home, or other child care institution that is either a
33 substantial distance from the home of the child's parent or out of
34 state, the case plan shall specify the reasons why that placement
35 is in the best interest of the child. When an out-of-state group home
36 placement is recommended or made, the case plan shall, in
37 addition, specify compliance with Section 7911.1 of the Family
38 Code.

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

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

4 (B) An assurance that the placement agency has coordinated
5 with the person holding the right to make educational decisions
6 for the child and appropriate local educational agencies to ensure
7 that the child remains in the school in which the child is enrolled
8 at the time of placement or, if remaining in that school is not in
9 the best interests of the child, assurances by the placement agency
10 and the local educational agency to provide immediate and
11 appropriate enrollment in a new school and to provide all of the
12 child's educational records to the new school.

13 (9) (A) If out-of-home services are used, or if parental rights
14 have been terminated and the case plan is placement for adoption,
15 the case plan shall include a recommendation regarding the
16 appropriateness of unsupervised visitation between the child and
17 any of the child's siblings. This recommendation shall include a
18 statement regarding the child's and the siblings' willingness to
19 participate in unsupervised visitation. If the case plan includes a
20 recommendation for unsupervised sibling visitation, the plan shall
21 also note that information necessary to accomplish this visitation
22 has been provided to the child or to the child's siblings.

23 (B) Information regarding the schedule and frequency of the
24 visits between the child and siblings, as well as any court-ordered
25 terms and conditions needed to facilitate the visits while protecting
26 the safety of the child, shall be provided to the child's out-of-home
27 caregiver as soon as possible after the court order is made.

28 (10) If out-of-home services are used and the goal is
29 reunification, the case plan shall describe the services to be
30 provided to assist in reunification and the services to be provided
31 concurrently to achieve legal permanency if efforts to reunify fail.
32 The plan shall also consider in-state and out-of-state placements,
33 the importance of developing and maintaining sibling relationships
34 pursuant to Section 16002, and the desire and willingness of the
35 caregiver to provide legal permanency for the child if reunification
36 is unsuccessful.

37 (11) If out-of-home services are used, the child has been in care
38 for at least 12 months, and the goal is not adoptive placement, the
39 case plan shall include documentation of the compelling reason
40 or reasons why termination of parental rights is not in the child's

1 best interest. A determination completed or updated within the
2 past 12 months by the department when it is acting as an adoption
3 agency or by a licensed adoption agency that it is unlikely that the
4 child will be adopted, or that one of the conditions described in
5 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
6 be deemed a compelling reason.

7 (12) (A) Parents and legal guardians shall have an opportunity
8 to review the case plan, and to sign it whenever possible, and then
9 shall receive a copy of the plan. In a voluntary service or placement
10 agreement, the parents or legal guardians shall be required to
11 review and sign the case plan. Whenever possible, parents and
12 legal guardians shall participate in the development of the case
13 plan. Commencing January 1, 2012, for nonminor dependents, as
14 defined in subdivision (v) of Section 11400, who are receiving
15 AFDC-FC or CalWORKs assistance *and who are* up to 21 years
16 of age pursuant to Section 11403, the transitional independent
17 living case plan, as set forth in subdivision (y) of Section 11400,
18 shall be developed with, and signed by, the nonminor.

19 (B) Parents and legal guardians shall be advised that, pursuant
20 to Section 1228.1 of the Evidence Code, neither their signature on
21 the child welfare services case plan nor their acceptance of any
22 services prescribed in the child welfare services case plan shall
23 constitute an admission of guilt or be used as evidence against the
24 parent or legal guardian in a court of law. However, they shall also
25 be advised that the parent's or guardian's failure to cooperate,
26 except for good cause, in the provision of services specified in the
27 child welfare services case plan may be used in any hearing held
28 pursuant to Section 366.21, 366.22, or 366.25 of this code as
29 evidence.

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

36 (14) The case plan shall be included in the court report and shall
37 be considered by the court at the initial hearing and each review
38 hearing. Modifications to the case plan made during the period
39 between review hearings need not be approved by the court if the
40 casework supervisor for that case determines that the modifications

1 further the goals of the plan. If out-of-home services are used with
2 the goal of family reunification, the case plan shall consider and
3 describe the application of subdivision (b) of Section 11203.

4 (15) (A) If the case plan has as its goal for the child a permanent
5 plan of adoption or legal guardianship, it shall include a statement
6 of the child's wishes regarding their permanent placement plan
7 and an assessment of those stated wishes. The agency shall also
8 include documentation of the steps the agency is taking to find an
9 adoptive family or other permanent living arrangements for the
10 child; to place the child with an adoptive family, an appropriate
11 and willing relative, or a legal guardian, and to finalize the adoption
12 or legal guardianship. At a minimum, the documentation shall
13 include child-specific recruitment efforts, such as the use of state,
14 regional, and national adoption exchanges, including electronic
15 exchange systems, when the child has been freed for adoption.
16 Regardless of whether the child has been freed for adoption,
17 documentation shall include a description of any barriers to
18 achieving legal permanence and the steps the agency will take to
19 address those barriers. If the plan is for kinship guardianship, the
20 case plan shall document how the child meets the kinship
21 guardianship eligibility requirements.

22 (B) When the child is 16 years of age or older and is in another
23 planned permanent living arrangement, the case plan shall identify
24 the intensive and ongoing efforts to return the child to the home
25 of the parent, place the child for adoption, place the child for tribal
26 customary adoption in the case of an Indian child, establish a legal
27 guardianship, or place the child nonminor dependent with a fit and
28 willing relative, as appropriate. Efforts shall include the use of
29 technology, including social media, to find biological family
30 members of the child.

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

37 (ii) When appropriate, for a child who is 16 years of age or older
38 and, commencing January 1, 2012, for a nonminor dependent, the
39 case plan shall include the transitional independent living plan
40 (TILP), a written description of the programs and services that

1 will help the child, consistent with the child’s best interests, to
2 prepare for the transition from foster care to successful adulthood,
3 and, in addition, whether the youth has an in-progress application
4 pending for Title XVI Supplemental Security Income benefits or
5 for Special Immigrant Juvenile Status or other applicable
6 application for legal residency and an active dependency case is
7 required for that application. When appropriate, for a nonminor
8 dependent, the transitional independent living case plan, as
9 described in subdivision (v) of Section 11400, shall include the
10 TILP, a written description of the programs and services that will
11 help the nonminor dependent, consistent with his or her best
12 interests, to prepare for transition from foster care and assist the
13 youth in meeting the eligibility criteria set forth in paragraphs (1)
14 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
15 the case plan shall describe the individualized supervision provided
16 in the supervised independent living placement as defined in
17 subdivision (w) of Section 11400. The case plan shall be developed
18 with the child or nonminor dependent and individuals identified
19 as important to the child or nonminor dependent, and shall include
20 steps the agency is taking to ensure that the child or nonminor
21 dependent achieves permanence, including maintaining or
22 obtaining permanent connections to caring and committed adults.

23 (B) During the 90-day period prior to the participant attaining
24 18 years of age or older as the state may elect under Section
25 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
26 675(8)(B)(iii)), whether during that period foster care maintenance
27 payments are being made on the child’s behalf or the child is
28 receiving benefits or services under Section 477 of the federal
29 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
30 appropriate agency staff or probation officer and other
31 representatives of the participant, as appropriate, shall provide the
32 youth or nonminor dependent with assistance and support in
33 developing the written 90-day transition plan, that is personalized
34 at the direction of the child, information as detailed as the
35 participant elects that shall include, but not be limited to, options
36 regarding housing, health insurance, education, local opportunities
37 for mentors and continuing support services, and workforce
38 supports and employment services, a power of attorney for health
39 care, and information regarding the advance health care directive
40 form. *Information provided regarding health insurance options*

1 shall include verification that the eligible youth or nonminor is
 2 enrolled in Medi-Cal and a description of the steps that have been
 3 or will be taken by the youth’s social worker or probation officer
 4 to ensure that the eligible youth or nonminor is transitioned into
 5 the Medi-Cal program for former foster youth upon case closure
 6 with no interruption in coverage and with no new application
 7 being required, as provided in Section 14005.28.

8 (C) For youth 14 years of age or older, the case plan shall
 9 include documentation that a consumer credit report was requested
 10 annually from each of the three major credit reporting agencies at
 11 no charge to the youth and that any results were provided to the
 12 youth. For nonminor dependents, the case plan shall include
 13 documentation that the county assisted the nonminor dependent
 14 in obtaining his or her reports. The case plan shall include
 15 documentation of barriers, if any, to obtaining the credit reports.
 16 If the consumer credit report reveals any accounts, the case plan
 17 shall detail how the county ensured the youth received assistance
 18 with interpreting the credit report and resolving any inaccuracies,
 19 including any referrals made for the assistance.

20 (17) For youth 14 years of age or older and nonminor
 21 dependents, the case plan shall be developed in consultation with
 22 the youth. At the youth’s option, the consultation may include up
 23 to two members of the case planning team who are chosen by the
 24 youth and who are not foster parents of, or caseworkers for, the
 25 youth. The agency, at any time, may reject an individual selected
 26 by the youth to be a member of the case planning team if the
 27 agency has good cause to believe that the individual would not act
 28 in the youth’s best interest. One individual selected by the youth
 29 to be a member of the case planning team may be designated to
 30 be the youth’s adviser and advocate with respect to the application
 31 of the reasonable and prudent parent standard to the youth, as
 32 necessary.

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

36 (A) A document that describes the youth’s rights with respect
 37 to education, health, visitation, and court participation, the right
 38 to be annually provided with copies of his or her credit reports at
 39 no cost while in foster care pursuant to Section 10618.6, and the
 40 right to stay safe and avoid exploitation.

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

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

9 (h) If the court finds, after considering the case plan, that
10 unsupervised sibling visitation is appropriate and has been
11 consented to, the court shall order that the child or the child's
12 siblings, the child's current caregiver, and the child's prospective
13 adoptive parents, if applicable, be provided with information
14 necessary to accomplish this visitation. This section does not
15 require or prohibit the social worker's facilitation, transportation,
16 or supervision of visits between the child and his or her siblings.

17 (i) The case plan documentation on sibling placements required
18 under this section shall not require modification of existing case
19 plan forms until the Child Welfare ~~Service~~/*Case Services/Case*
20 Management System (CWS/CMS) is implemented on a statewide
21 basis.

22 (j) When a child is 10 years of age or older and has been in
23 out-of-home placement for six months or longer, the case plan
24 shall include an identification of individuals, other than the child's
25 siblings, who are important to the child and actions necessary to
26 maintain the child's relationship with those individuals, provided
27 that those relationships are in the best interest of the child. The
28 social worker or probation officer shall ask every child who is 10
29 years of age or older and who has been in out-of-home placement
30 for six months or longer to identify individuals other than the
31 child's siblings who are important to the child, and may ask any
32 other child to provide that information, or may seek that
33 information from the child and family team, as appropriate. The
34 social worker or probation officer shall make efforts to identify
35 other individuals who are important to the child, consistent with
36 the child's best interests.

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

1 (l) Each county shall ensure that the total number of visits made
 2 by caseworkers on a monthly basis to children in foster care during
 3 a federal fiscal year is not less than 95 percent of the total number
 4 of those visits that would occur if each child were visited once
 5 every month while in care and that the majority of the visits occur
 6 in the residence of the child. The county child welfare and
 7 probation departments shall comply with data reporting
 8 requirements that the department deems necessary to comply with
 9 the federal Child and Family Services Improvement Act of 2006
 10 (Public Law 109-288) and the federal Child and Family Services
 11 Improvement and Innovation Act of 2011 (Public Law 112-34).

12 ~~(l)~~
 13 (m) The implementation and operation of the amendments to
 14 subdivision (i) enacted at the 2005–06 Regular Session shall be
 15 subject to appropriation through the budget process and by phase,
 16 as provided in Section 366.35.

17 *SEC. 2.2. Section 16501.1 of the Welfare and Institutions Code*
 18 *is amended to read:*

19 16501.1. (a) (1) The Legislature finds and declares that the
 20 foundation and central unifying tool in child welfare services is
 21 the case plan.

22 (2) The Legislature further finds and declares that a case plan
 23 ensures that the child receives protection and safe and proper care
 24 and case management, and that services are provided to the child
 25 and parents or other caretakers, as appropriate, in order to improve
 26 conditions in the parent’s home, to facilitate the safe return of the
 27 child to a safe home or the permanent placement of the child, and
 28 to address the needs of the child while in foster care.

29 (3) The agency shall consider the recommendations of the child
 30 and family team, as defined in ~~paragraph (4) of subdivision (a) of~~
 31 Section 16501, if any are available. The agency shall document
 32 the rationale for any inconsistencies between the case plan and the
 33 child and family team recommendations.

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

36 (2) The case plan shall document that a preplacement assessment
 37 of the service needs of the child and family, and preplacement
 38 preventive services, have been provided, and that reasonable efforts
 39 to prevent out-of-home placement have been made. Preplacement
 40 services may include intensive mental health services in the home

1 or a community setting and the reasonable efforts made to prevent
2 out-of-home placement.

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

6 (4) Upon a determination pursuant to paragraph (1) of
7 subdivision (e) of Section 361.5 that reasonable services will be
8 offered to a parent who is incarcerated in a county jail or state
9 prison, detained by the United States Department of Homeland
10 Security, or deported to his or her country of origin, the case plan
11 shall include information, to the extent possible, about a parent's
12 incarceration in a county jail or the state prison, detention by the
13 United States Department of Homeland Security, or deportation
14 during the time that a minor child of that parent is involved in
15 dependency care.

16 (5) Reasonable services shall be offered or provided to make it
17 possible for a child to return to a safe home environment, unless,
18 pursuant to subdivisions (b) and (e) of Section 361.5, the court
19 determines that reunification services shall not be provided.

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

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

27 (d) (1) The case plan shall include a description of the type of
28 home or institution in which the child is to be placed, and the
29 reasons for that placement decision. The decision regarding choice
30 of placement shall be based upon selection of a safe setting that is
31 the least restrictive family setting that promotes normal childhood
32 experiences and the most appropriate setting that meets the child's
33 individual needs and is available, in proximity to the parent's home,
34 in proximity to the child's school, and consistent with the selection
35 of the environment best suited to meet the child's special needs
36 and best interests. The selection shall consider, in order of priority,
37 placement with relatives, nonrelated extended family members,
38 and tribal members; foster family homes, resource families, and
39 nontreatment certified homes of foster family agencies; followed
40 by treatment and intensive treatment certified homes of foster

1 family agencies; or multidimensional treatment foster care homes
2 or therapeutic foster care homes; group care placements in the
3 order of short-term residential ~~treatment centers~~, *therapeutic*
4 *programs*, group homes, community treatment facilities, and
5 out-of-state residential treatment pursuant to Part 5 (commencing
6 with Section 7900) of Division 12 of the Family Code.

7 (2) If a short-term ~~intensive treatment center~~ *residential*
8 *therapeutic program* placement is selected for a child, the case
9 plan shall indicate the needs of the child that necessitate this
10 placement, the plan for transitioning the child to a less restrictive
11 environment, and the projected timeline by which the child will
12 be transitioned to a less restrictive environment. This section of
13 the case plan shall be reviewed and updated at least semiannually.

14 (A) The case plan for placements in a group home, or
15 commencing January 1, 2017, in a short-term residential ~~treatment~~
16 ~~center~~, *therapeutic program*, shall indicate that the county has
17 taken into consideration Section 16010.8.

18 (B) After January 1, 2017, a child and family team meeting as
19 ~~defined~~ *described* in Section 16501 shall be convened by the county
20 placing agency for the purpose of identifying the supports and
21 services needed to achieve permanency and enable the child or
22 youth to be placed in the least restrictive family setting that
23 promotes normal childhood experiences.

24 (3) On or after January 1, 2012, for a nonminor dependent, as
25 defined in subdivision (v) of Section 11400, who is receiving
26 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
27 in addition to the above requirements, the selection of the
28 placement, including a supervised independent living placement,
29 as described in subdivision (w) of Section 11400, shall also be
30 based upon the developmental needs of young adults by providing
31 opportunities to have incremental responsibilities that prepare a
32 nonminor dependent to transition to successful adulthood. If
33 admission to, or continuation in, a group home or short-term
34 residential ~~treatment center~~ *therapeutic program* placement is
35 being considered for a nonminor dependent, the group home or
36 short-term residential ~~treatment center~~ *therapeutic program*
37 placement approval decision shall include a youth-driven,
38 team-based case planning process, as defined by the department,
39 in consultation with stakeholders. The case plan shall consider the
40 full range of placement options, and shall specify why admission

1 to, or continuation in, a group home placement is the best
2 alternative available at the time to meet the special needs or
3 well-being of the nonminor dependent, and how the placement
4 will contribute to the nonminor dependent's transition to successful
5 adulthood. The case plan shall specify the treatment strategies that
6 will be used to prepare the nonminor dependent for discharge to
7 a less restrictive family setting that promotes normal childhood
8 experiences, including a target date for discharge from the group
9 home placement. The placement shall be reviewed and updated
10 on a regular, periodic basis to ensure that continuation in the group
11 home placement remains in the best interests of the nonminor
12 dependent and that progress is being made in achieving case plan
13 goals leading to successful adulthood. The group home placement
14 planning process shall begin as soon as it becomes clear to the
15 county welfare department or probation office that a foster child
16 in group home placement is likely to remain in group home
17 placement on his or her 18th birthday, in order to expedite the
18 transition to a less restrictive family setting that promotes normal
19 childhood experiences, if he or she becomes a nonminor dependent.
20 The case planning process shall include informing the youth of all
21 of his or her options, including, but not limited to, admission to
22 or continuation in a group home placement. Consideration for
23 continuation of existing group home placement for a nonminor
24 dependent under 19 years of age may include the need to stay in
25 the same placement in order to complete high school. After a
26 nonminor dependent either completes high school or attains his or
27 her 19th birthday, whichever is earlier, continuation in or admission
28 to a group home placement is prohibited unless the nonminor
29 dependent satisfies the conditions of paragraph (5) of subdivision
30 (b) of Section 11403, and group home placement functions as a
31 short-term transition to the appropriate system of care. Treatment
32 services provided by the group home placement to the nonminor
33 dependent to alleviate or ameliorate the medical condition, as
34 described in paragraph (5) of subdivision (b) of Section 11403,
35 shall not constitute the sole basis to disqualify a nonminor
36 dependent from the group home placement.

37 (4) In addition to the requirements of paragraphs (1) to (3),
38 inclusive, and taking into account other statutory considerations
39 regarding placement, the selection of the most appropriate home
40 that will meet the child's special needs and best interests shall also

1 promote educational stability by taking into consideration
2 proximity to the child's school of origin, and school attendance
3 area, the number of school transfers the child has previously
4 experienced, and the child's school matriculation schedule, in
5 addition to other indicators of educational stability that the
6 Legislature hereby encourages the State Department of Social
7 Services and the State Department of Education to develop.

8 (e) A written case plan shall be completed within a maximum
9 of 60 days of the initial removal of the child or of the in-person
10 response required under subdivision (f) of Section 16501 if the
11 child has not been removed from his or her home, or by the date
12 of the dispositional hearing pursuant to Section 358, whichever
13 occurs first. The case plan shall be updated, as the service needs
14 of the child and family dictate. At a minimum, the case plan shall
15 be updated in conjunction with each status review hearing
16 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
17 the hearing conducted pursuant to Section 366.26, but no less
18 frequently than once every six months. Each updated case plan
19 shall include a description of the services that have been provided
20 to the child under the plan and an evaluation of the appropriateness
21 and effectiveness of those services.

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

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

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

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

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

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

7 (3) The case plan shall identify the original allegations of abuse
8 or neglect, as defined in Article 2.5 (commencing with Section
9 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
10 conditions cited as the basis for declaring the child a dependent of
11 the court pursuant to Section 300, or all of these, and the other
12 precipitating incidents that led to child welfare services
13 intervention.

14 (4) The case plan shall include a description of the schedule of
15 the placement agency contacts with the child and the family or
16 other caretakers. The frequency of these contacts shall be in
17 accordance with regulations adopted by the State Department of
18 Social Services. If the child has been placed in foster care out of
19 state, the county social worker or probation officer, or a social
20 worker or probation officer on the staff of the agency in the state
21 in which the child has been placed, shall visit the child in a foster
22 family home or the home of a relative, consistent with federal law
23 and in accordance with the department's approved state plan. For
24 children in out-of-state group home facilities, visits shall be
25 conducted at least monthly, pursuant to Section 16516.5. At least
26 once every six months, at the time of a regularly scheduled
27 placement agency contact with the foster child, the child's social
28 worker or probation officer shall inform the child of his or her
29 rights as a foster child, as specified in Section 16001.9. The social
30 worker or probation officer shall provide the information to the
31 child in a manner appropriate to the age or developmental level of
32 the child.

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

38 (B) Information regarding any court-ordered visitation between
39 the child and the natural parents or legal guardians, and the terms
40 and conditions needed to facilitate the visits while protecting the

1 safety of the child, shall be provided to the child's out-of-home
2 caregiver as soon as possible after the court order is made.

3 (6) When out-of-home placement is made, the case plan shall
4 include provisions for the development and maintenance of sibling
5 relationships as specified in subdivisions (b), (c), and (d) of Section
6 16002. If appropriate, when siblings who are dependents of the
7 juvenile court are not placed together, the social worker for each
8 child, if different, shall communicate with each of the other social
9 workers and ensure that the child's siblings are informed of
10 significant life events that occur within their extended family.
11 Unless it has been determined that it is inappropriate in a particular
12 case to keep siblings informed of significant life events that occur
13 within the extended family, the social worker shall determine the
14 appropriate means and setting for disclosure of this information
15 to the child commensurate with the child's age and emotional
16 well-being. These significant life events shall include, but shall
17 not be limited to, the following:

18 (A) The death of an immediate relative.

19 (B) The birth of a sibling.

20 (C) Significant changes regarding a dependent child, unless the
21 child objects to the sharing of the information with his or her
22 siblings, including changes in placement, major medical or mental
23 health diagnoses, treatments, or hospitalizations, arrests, and
24 changes in the permanent plan.

25 (7) If out-of-home placement is made in a foster family home,
26 group home, or other child care institution that is either a
27 substantial distance from the home of the child's parent or out of
28 state, the case plan shall specify the reasons why that placement
29 is in the best interest of the child. When an out-of-state group home
30 placement is recommended or made, the case plan shall, in
31 addition, specify compliance with Section 7911.1 of the Family
32 Code.

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

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

38 (B) An assurance that the placement agency has coordinated
39 with the person holding the right to make educational decisions
40 for the child and appropriate local educational agencies to ensure

1 that the child remains in the school in which the child is enrolled
2 at the time of placement or, if remaining in that school is not in
3 the best interests of the child, assurances by the placement agency
4 and the local educational agency to provide immediate and
5 appropriate enrollment in a new school and to provide all of the
6 child's educational records to the new school.

7 (9) (A) If out-of-home services are used, or if parental rights
8 have been terminated and the case plan is placement for adoption,
9 the case plan shall include a recommendation regarding the
10 appropriateness of unsupervised visitation between the child and
11 any of the child's siblings. This recommendation shall include a
12 statement regarding the child's and the siblings' willingness to
13 participate in unsupervised visitation. If the case plan includes a
14 recommendation for unsupervised sibling visitation, the plan shall
15 also note that information necessary to accomplish this visitation
16 has been provided to the child or to the child's siblings.

17 (B) Information regarding the schedule and frequency of the
18 visits between the child and siblings, as well as any court-ordered
19 terms and conditions needed to facilitate the visits while protecting
20 the safety of the child, shall be provided to the child's out-of-home
21 caregiver as soon as possible after the court order is made.

22 (10) If out-of-home services are used and the goal is
23 reunification, the case plan shall describe the services to be
24 provided to assist in reunification and the services to be provided
25 concurrently to achieve legal permanency if efforts to reunify fail.
26 The plan shall also consider in-state and out-of-state placements,
27 the importance of developing and maintaining sibling relationships
28 pursuant to Section 16002, and the desire and willingness of the
29 caregiver to provide legal permanency for the child if reunification
30 is unsuccessful.

31 (11) If out-of-home services are used, the child has been in care
32 for at least 12 months, and the goal is not adoptive placement, the
33 case plan shall include documentation of the compelling reason
34 or reasons why termination of parental rights is not in the child's
35 best interest. A determination completed or updated within the
36 past 12 months by the department when it is acting as an adoption
37 agency or by a licensed adoption agency that it is unlikely that the
38 child will be adopted, or that one of the conditions described in
39 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
40 be deemed a compelling reason.

1 (12) (A) Parents and legal guardians shall have an opportunity
2 to review the case plan, and to sign it whenever possible, and then
3 shall receive a copy of the plan. In a voluntary service or placement
4 agreement, the parents or legal guardians shall be required to
5 review and sign the case plan. Whenever possible, parents and
6 legal guardians shall participate in the development of the case
7 plan. Commencing January 1, 2012, for nonminor dependents, as
8 defined in subdivision (v) of Section 11400, who are receiving
9 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
10 to Section 11403, the transitional independent living case plan, as
11 set forth in subdivision (y) of Section 11400, shall be developed
12 with, and signed by, the nonminor.

13 (B) Parents and legal guardians shall be advised that, pursuant
14 to Section 1228.1 of the Evidence Code, neither their signature on
15 the child welfare services case plan nor their acceptance of any
16 services prescribed in the child welfare services case plan shall
17 constitute an admission of guilt or be used as evidence against the
18 parent or legal guardian in a court of law. However, they shall also
19 be advised that the parent's or guardian's failure to cooperate,
20 except for good cause, in the provision of services specified in the
21 child welfare services case plan may be used in any hearing held
22 pursuant to Section 366.21, 366.22, or 366.25 of this code as
23 evidence.

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

30 (14) The case plan shall be included in the court report and shall
31 be considered by the court at the initial hearing and each review
32 hearing. Modifications to the case plan made during the period
33 between review hearings need not be approved by the court if the
34 casework supervisor for that case determines that the modifications
35 further the goals of the plan. If out-of-home services are used with
36 the goal of family reunification, the case plan shall consider and
37 describe the application of subdivision (b) of Section 11203.

38 (15) (A) If the case plan has as its goal for the child a permanent
39 plan of adoption or legal guardianship, it shall include a statement
40 of the child's wishes regarding their permanent placement plan

1 and an assessment of those stated wishes. The agency shall also
2 include documentation of the steps the agency is taking to find an
3 adoptive family or other permanent living arrangements for the
4 child; to place the child with an adoptive family, an appropriate
5 and willing relative, or a legal guardian, and to finalize the adoption
6 or legal guardianship. At a minimum, the documentation shall
7 include child-specific recruitment efforts, such as the use of state,
8 regional, and national adoption exchanges, including electronic
9 exchange systems, when the child has been freed for adoption.
10 Regardless of whether the child has been freed for adoption,
11 documentation shall include a description of any barriers to
12 achieving legal permanence and the steps the agency will take to
13 address those barriers. If the plan is for kinship guardianship, the
14 case plan shall document how the child meets the kinship
15 guardianship eligibility requirements.

16 (B) When the child is 16 years of age or older and is in another
17 planned permanent living arrangement, the case plan shall identify
18 the intensive and ongoing efforts to return the child to the home
19 of the parent, place the child for adoption, place the child for tribal
20 customary adoption in the case of an Indian child, establish a legal
21 guardianship, or place the child nonminor dependent with a fit and
22 willing relative, as appropriate. Efforts shall include the use of
23 technology, including social media, to find biological family
24 members of the child.

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

31 (ii) When appropriate, for a child who is 16 years of age or older
32 and, commencing January 1, 2012, for a nonminor dependent, the
33 case plan shall include the transitional independent living plan
34 (TILP), a written description of the programs and services that
35 will help the child, consistent with the child's best interests, to
36 prepare for the transition from foster care to successful adulthood,
37 and, in addition, whether the youth has an in-progress application
38 pending for Title XVI Supplemental Security Income benefits or
39 for Special Immigrant Juvenile Status or other applicable
40 application for legal residency and an active dependency case is

1 required for that application. When appropriate, for a nonminor
2 dependent, the transitional independent living case plan, as
3 described in subdivision (v) of Section 11400, shall include the
4 TILP, a written description of the programs and services that will
5 help the nonminor dependent, consistent with his or her best
6 interests, to prepare for transition from foster care and assist the
7 youth in meeting the eligibility criteria set forth in paragraphs (1)
8 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
9 the case plan shall describe the individualized supervision provided
10 in the supervised independent living placement as defined in
11 subdivision (w) of Section 11400. The case plan shall be developed
12 with the child or nonminor dependent and individuals identified
13 as important to the child or nonminor dependent, and shall include
14 steps the agency is taking to ensure that the child or nonminor
15 dependent achieves permanence, including maintaining or
16 obtaining permanent connections to caring and committed adults.

17 (B) During the 90-day period prior to the participant attaining
18 18 years of age or older as the state may elect under Section
19 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
20 675(8)(B)(iii)), whether during that period foster care maintenance
21 payments are being made on the child's behalf or the child is
22 receiving benefits or services under Section 477 of the federal
23 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
24 appropriate agency staff or probation officer and other
25 representatives of the participant, as appropriate, shall provide the
26 youth or nonminor dependent with assistance and support in
27 developing the written 90-day transition plan, that is personalized
28 at the direction of the child, information as detailed as the
29 participant elects that shall include, but not be limited to, options
30 regarding housing, health insurance, education, local opportunities
31 for mentors and continuing support services, and workforce
32 supports and employment services, a power of attorney for health
33 care, and information regarding the advance health care directive
34 form. *Information provided regarding health insurance options*
35 *shall include verification that the eligible youth or nonminor is*
36 *enrolled in Medi-Cal and a description of the steps that have been*
37 *or will be taken by the youth's social worker or probation officer*
38 *to ensure that the eligible youth or nonminor is transitioned into*
39 *the Medi-Cal program for former foster youth upon case closure*

1 *with no interruption in coverage and with no new application*
2 *being required, as provided in Section 14005.28.*

3 (C) For youth 14 years of age or older, the case plan shall
4 include documentation that a consumer credit report was requested
5 annually from each of the three major credit reporting agencies at
6 no charge to the youth and that any results were provided to the
7 youth. For nonminor dependents, the case plan shall include
8 documentation that the county assisted the nonminor dependent
9 in obtaining his or her reports. The case plan shall include
10 documentation of barriers, if any, to obtaining the credit reports.
11 If the consumer credit report reveals any accounts, the case plan
12 shall detail how the county ensured the youth received assistance
13 with interpreting the credit report and resolving any inaccuracies,
14 including any referrals made for the assistance.

15 (17) For youth 14 years of age or older and nonminor
16 dependents, the case plan shall be developed in consultation with
17 the youth. At the youth's option, the consultation may include up
18 to two members of the case planning team who are chosen by the
19 youth and who are not foster parents of, or caseworkers for, the
20 youth. The agency, at any time, may reject an individual selected
21 by the youth to be a member of the case planning team if the
22 agency has good cause to believe that the individual would not act
23 in the youth's best interest. One individual selected by the youth
24 to be a member of the case planning team may be designated to
25 be the youth's adviser and advocate with respect to the application
26 of the reasonable and prudent parent standard to the youth, as
27 necessary.

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

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

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

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

5 (h) If the court finds, after considering the case plan, that
6 unsupervised sibling visitation is appropriate and has been
7 consented to, the court shall order that the child or the child's
8 siblings, the child's current caregiver, and the child's prospective
9 adoptive parents, if applicable, be provided with information
10 necessary to accomplish this visitation. This section does not
11 require or prohibit the social worker's facilitation, transportation,
12 or supervision of visits between the child and his or her siblings.

13 (i) The case plan documentation on sibling placements required
14 under this section shall not require modification of existing case
15 plan forms until the Child Welfare ~~Service~~/*Case Services/Case*
16 Management System (CWS/CMS) is implemented on a statewide
17 basis.

18 (j) When a child is 10 years of age or older and has been in
19 out-of-home placement for six months or longer, the case plan
20 shall include an identification of individuals, other than the child's
21 siblings, who are important to the child and actions necessary to
22 maintain the child's relationship with those individuals, provided
23 that those relationships are in the best interest of the child. The
24 social worker or probation officer shall ask every child who is 10
25 years of age or older and who has been in out-of-home placement
26 for six months or longer to identify individuals other than the
27 child's siblings who are important to the child, and may ask any
28 other child to provide that information, or may seek that
29 information from the child and family team, as appropriate. The
30 social worker or probation officer shall make efforts to identify
31 other individuals who are important to the child, consistent with
32 the child's best interests.

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

36 (l) Each county shall ensure that the total number of visits made
37 by caseworkers on a monthly basis to children in foster care during
38 a federal fiscal year is not less than 95 percent of the total number
39 of those visits that would occur if each child were visited once
40 every month while in care and that the majority of the visits occur

1 in the residence of the child. The county child welfare and
2 probation departments shall comply with data reporting
3 requirements that the department deems necessary to comply with
4 the federal Child and Family Services Improvement Act of 2006
5 (Public Law 109-288) and the federal Child and Family Services
6 Improvement and Innovation Act of 2011 (Public Law 112-34).

7 ~~(t)~~

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

12 *SEC. 2.3. Section 16501.1 of the Welfare and Institutions Code*
13 *is amended to read:*

14 16501.1. (a) (1) The Legislature finds and declares that the
15 foundation and central unifying tool in child welfare services is
16 the case plan.

17 (2) The Legislature further finds and declares that a case plan
18 ensures that the child receives protection and safe and proper care
19 and case management, and that services are provided to the child
20 and parents or other caretakers, as appropriate, in order to improve
21 conditions in the parent’s home, to facilitate the safe return of the
22 child to a safe home or the permanent placement of the child, and
23 to address the needs of the child while in foster care.

24 (3) The agency shall consider the recommendations of the child
25 and family team, as defined in ~~paragraph (4) of subdivision (a) of~~
26 Section 16501, if any are available. The agency shall document
27 the rationale for any inconsistencies between the case plan and the
28 child and family team recommendations.

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

31 (2) The case plan shall document that a preplacement assessment
32 of the service needs of the child and family, and preplacement
33 preventive services, have been provided, and that reasonable efforts
34 to prevent out-of-home placement have been made. Preplacement
35 services may include intensive mental health services in the home
36 or a community setting and the reasonable efforts made to prevent
37 out-of-home placement.

38 (3) In determining the reasonable services to be offered or
39 provided, the child’s health and safety shall be the paramount
40 concerns.

1 (4) Upon a determination pursuant to paragraph (1) of
2 subdivision (e) of Section 361.5 that reasonable services will be
3 offered to a parent who is incarcerated in a county jail or state
4 prison, detained by the United States Department of Homeland
5 Security, or deported to his or her country of origin, the case plan
6 shall include information, to the extent possible, about a parent's
7 incarceration in a county jail or the state prison, detention by the
8 United States Department of Homeland Security, or deportation
9 during the time that a minor child of that parent is involved in
10 dependency care.

11 (5) Reasonable services shall be offered or provided to make it
12 possible for a child to return to a safe home environment, unless,
13 pursuant to subdivisions (b) and (e) of Section 361.5, the court
14 determines that reunification services shall not be provided.

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

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

22 (d) (1) The case plan shall include a description of the type of
23 home or institution in which the child is to be placed, and the
24 reasons for that placement decision. The decision regarding choice
25 of placement shall be based upon selection of a safe setting that is
26 the least restrictive family setting that promotes normal childhood
27 experiences and the most appropriate setting that meets the child's
28 individual needs and is available, in proximity to the parent's home,
29 in proximity to the child's school, and consistent with the selection
30 of the environment best suited to meet the child's special needs
31 and best interests. The selection shall consider, in order of priority,
32 placement with relatives, nonrelated extended family members,
33 and tribal members; foster family homes, resource families, and
34 nontreatment certified homes of foster family agencies; followed
35 by treatment and intensive treatment certified homes of foster
36 family agencies; or multidimensional treatment foster care homes
37 or therapeutic foster care homes; group care placements in the
38 order of short-term residential ~~treatment centers~~, *therapeutic*
39 *programs*, group homes, community treatment facilities, and

1 out-of-state residential treatment pursuant to Part 5 (commencing
2 with Section 7900) of Division 12 of the Family Code.

3 (2) If a short-term ~~intensive treatment center~~ *residential*
4 *therapeutic program* placement is selected for a child, the case
5 plan shall indicate the needs of the child that necessitate this
6 placement, the plan for transitioning the child to a less restrictive
7 environment, and the projected timeline by which the child will
8 be transitioned to a less restrictive environment. This section of
9 the case plan shall be reviewed and updated at least semiannually.

10 (A) The case plan for placements in a group home, or
11 commencing January 1, 2017, in a short-term residential ~~treatment~~
12 ~~center~~, *therapeutic program*, shall indicate that the county has
13 taken into consideration Section 16010.8.

14 (B) After January 1, 2017, a child and family team meeting as
15 ~~defined~~ *described* in Section 16501 shall be convened by the county
16 placing agency for the purpose of identifying the supports and
17 services needed to achieve permanency and enable the child or
18 youth to be placed in the least restrictive family setting that
19 promotes normal childhood experiences.

20 (3) On or after January 1, 2012, for a nonminor dependent, as
21 defined in subdivision (v) of Section 11400, who is receiving
22 AFDC-FC benefits *and who is* up to 21 years of age pursuant to
23 Section 11403, in addition to the above requirements, the selection
24 of the placement, including a supervised independent living
25 placement, as described in subdivision (w) of Section 11400, shall
26 also be based upon the developmental needs of young adults by
27 providing opportunities to have incremental responsibilities that
28 prepare a nonminor dependent to transition to successful adulthood.
29 If admission to, or continuation in, a group home or short-term
30 residential ~~treatment center~~ *therapeutic program* placement is
31 being considered for a nonminor dependent, the group home or
32 short-term residential ~~treatment center~~ *therapeutic program*
33 placement approval decision shall include a youth-driven,
34 team-based case planning process, as defined by the department,
35 in consultation with stakeholders. The case plan shall consider the
36 full range of placement options, and shall specify why admission
37 to, or continuation in, a group home placement is the best
38 alternative available at the time to meet the special needs or
39 well-being of the nonminor dependent, and how the placement
40 will contribute to the nonminor dependent's transition to successful

1 adulthood. The case plan shall specify the treatment strategies that
2 will be used to prepare the nonminor dependent for discharge to
3 a less restrictive family setting that promotes normal childhood
4 experiences, including a target date for discharge from the group
5 home placement. The placement shall be reviewed and updated
6 on a regular, periodic basis to ensure that continuation in the group
7 home placement remains in the best interests of the nonminor
8 dependent and that progress is being made in achieving case plan
9 goals leading to successful adulthood. The group home placement
10 planning process shall begin as soon as it becomes clear to the
11 county welfare department or probation office that a foster child
12 in group home placement is likely to remain in group home
13 placement on his or her 18th birthday, in order to expedite the
14 transition to a less restrictive family setting that promotes normal
15 childhood experiences, if he or she becomes a nonminor dependent.
16 The case planning process shall include informing the youth of all
17 of his or her options, including, but not limited to, admission to
18 or continuation in a group home placement. Consideration for
19 continuation of existing group home placement for a nonminor
20 dependent under 19 years of age may include the need to stay in
21 the same placement in order to complete high school. After a
22 nonminor dependent either completes high school or attains his or
23 her 19th birthday, whichever is earlier, continuation in or admission
24 to a group home placement is prohibited unless the nonminor
25 dependent satisfies the conditions of paragraph (5) of subdivision
26 (b) of Section 11403, and group home placement functions as a
27 short-term transition to the appropriate system of care. Treatment
28 services provided by the group home placement to the nonminor
29 dependent to alleviate or ameliorate the medical condition, as
30 described in paragraph (5) of subdivision (b) of Section 11403,
31 shall not constitute the sole basis to disqualify a nonminor
32 dependent from the group home placement.

33 (4) In addition to the requirements of paragraphs (1) to (3),
34 inclusive, and taking into account other statutory considerations
35 regarding placement, the selection of the most appropriate home
36 that will meet the child's special needs and best interests shall also
37 promote educational stability by taking into consideration
38 proximity to the child's school of origin, and school attendance
39 area, the number of school transfers the child has previously
40 experienced, and the child's school matriculation schedule, in

1 addition to other indicators of educational stability that the
2 Legislature hereby encourages the State Department of Social
3 Services and the State Department of Education to develop.

4 (e) A written case plan shall be completed within a maximum
5 of 60 days of the initial removal of the child or of the in-person
6 response required under subdivision (f) of Section 16501 if the
7 child has not been removed from his or her home, or by the date
8 of the dispositional hearing pursuant to Section 358, whichever
9 occurs first. The case plan shall be updated, as the service needs
10 of the child and family dictate. At a minimum, the case plan shall
11 be updated in conjunction with each status review hearing
12 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
13 the hearing conducted pursuant to Section 366.26, but no less
14 frequently than once every six months. Each updated case plan
15 shall include a description of the services that have been provided
16 to the child under the plan and an evaluation of the appropriateness
17 and effectiveness of those services.

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

24 (2) The extension of the maximum time available for preparing
25 a written case plan from ~~the~~ 30 to 60 days shall be effective 90
26 days after the date that the department gives counties written notice
27 that necessary changes have been made to the Child Welfare
28 Services/Case Management System (CWS/CMS) to account for
29 the 60-day timeframe for preparing a written case plan.

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

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

36 (1) The case plan shall be based upon an assessment of the
37 circumstances that required child welfare services intervention.
38 The child shall be involved in developing the case plan as age and
39 developmentally appropriate.

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

3 (3) The case plan shall identify the original allegations of abuse
4 or neglect, as defined in Article 2.5 (commencing with Section
5 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
6 conditions cited as the basis for declaring the child a dependent of
7 the court pursuant to Section 300, or all of these, and the other
8 precipitating incidents that led to child welfare services
9 intervention.

10 (4) The case plan shall include a description of the schedule of
11 the placement agency contacts with the child and the family or
12 other caretakers. The frequency of these contacts shall be in
13 accordance with regulations adopted by the State Department of
14 Social Services. If the child has been placed in foster care out of
15 state, the county social worker or probation officer, or a social
16 worker or probation officer on the staff of the agency in the state
17 in which the child has been placed, shall visit the child in a foster
18 family home or the home of a relative, consistent with federal law
19 and in accordance with the department's approved state plan. For
20 children in out-of-state group home facilities, visits shall be
21 conducted at least monthly, pursuant to Section 16516.5. At least
22 once every six months, at the time of a regularly scheduled
23 placement agency contact with the foster child, *and at each*
24 *placement change*, the child's social worker or probation officer
25 shall inform ~~the child of his or her~~ *child, the care provider, and*
26 *the child and family team, if applicable, of the child's* rights as a
27 foster child, as specified in Section ~~16001.9~~ *16001.9*, and shall
28 *provide a written copy of the rights to the child as part of the*
29 *explanation*. The social worker or probation officer shall provide
30 the information to the child in a manner appropriate to the age or
31 developmental level of the child. *The social worker or probation*
32 *officer shall document in the case plan that he or she has informed*
33 *the child of, and has provided the child with a written copy of, his*
34 *or her rights*.

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

1 (B) Information regarding any court-ordered visitation between
2 the child and the natural parents or legal guardians, and the terms
3 and conditions needed to facilitate the visits while protecting the
4 safety of the child, shall be provided to the child's out-of-home
5 caregiver as soon as possible after the court order is made.

6 (6) When out-of-home placement is made, the case plan shall
7 include provisions for the development and maintenance of sibling
8 relationships as specified in subdivisions (b), (c), and (d) of Section
9 16002. If appropriate, when siblings who are dependents of the
10 juvenile court are not placed together, the social worker for each
11 child, if different, shall communicate with each of the other social
12 workers and ensure that the child's siblings are informed of
13 significant life events that occur within their extended family.
14 Unless it has been determined that it is inappropriate in a particular
15 case to keep siblings informed of significant life events that occur
16 within the extended family, the social worker shall determine the
17 appropriate means and setting for disclosure of this information
18 to the child commensurate with the child's age and emotional
19 well-being. These significant life events shall include, but shall
20 not be limited to, the following:

21 (A) The death of an immediate relative.

22 (B) The birth of a sibling.

23 (C) Significant changes regarding a dependent child, unless the
24 child objects to the sharing of the information with his or her
25 siblings, including changes in placement, major medical or mental
26 health diagnoses, treatments, or hospitalizations, arrests, and
27 changes in the permanent plan.

28 (7) If out-of-home placement is made in a foster family home,
29 group home, or other child care institution that is either a
30 substantial distance from the home of the child's parent or out of
31 state, the case plan shall specify the reasons why that placement
32 is in the best interest of the child. When an out-of-state group home
33 placement is recommended or made, the case plan shall, in
34 addition, specify compliance with Section 7911.1 of the Family
35 Code.

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

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

1 (B) An assurance that the placement agency has coordinated
2 with the person holding the right to make educational decisions
3 for the child and appropriate local educational agencies to ensure
4 that the child remains in the school in which the child is enrolled
5 at the time of placement or, if remaining in that school is not in
6 the best interests of the child, assurances by the placement agency
7 and the local educational agency to provide immediate and
8 appropriate enrollment in a new school and to provide all of the
9 child's educational records to the new school.

10 (9) (A) If out-of-home services are used, or if parental rights
11 have been terminated and the case plan is placement for adoption,
12 the case plan shall include a recommendation regarding the
13 appropriateness of unsupervised visitation between the child and
14 any of the child's siblings. This recommendation shall include a
15 statement regarding the child's and the siblings' willingness to
16 participate in unsupervised visitation. If the case plan includes a
17 recommendation for unsupervised sibling visitation, the plan shall
18 also note that information necessary to accomplish this visitation
19 has been provided to the child or to the child's siblings.

20 (B) Information regarding the schedule and frequency of the
21 visits between the child and siblings, as well as any court-ordered
22 terms and conditions needed to facilitate the visits while protecting
23 the safety of the child, shall be provided to the child's out-of-home
24 caregiver as soon as possible after the court order is made.

25 (10) If out-of-home services are used and the goal is
26 reunification, the case plan shall describe the services to be
27 provided to assist in reunification and the services to be provided
28 concurrently to achieve legal permanency if efforts to reunify fail.
29 The plan shall also consider in-state and out-of-state placements,
30 the importance of developing and maintaining sibling relationships
31 pursuant to Section 16002, and the desire and willingness of the
32 caregiver to provide legal permanency for the child if reunification
33 is unsuccessful.

34 (11) If out-of-home services are used, the child has been in care
35 for at least 12 months, and the goal is not adoptive placement, the
36 case plan shall include documentation of the compelling reason
37 or reasons why termination of parental rights is not in the child's
38 best interest. A determination completed or updated within the
39 past 12 months by the department when it is acting as an adoption
40 agency or by a licensed adoption agency that it is unlikely that the

1 child will be adopted, or that one of the conditions described in
2 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
3 be deemed a compelling reason.

4 (12) (A) Parents and legal guardians shall have an opportunity
5 to review the case plan, and to sign it whenever possible, and then
6 shall receive a copy of the plan. In a voluntary service or placement
7 agreement, the parents or legal guardians shall be required to
8 review and sign the case plan. Whenever possible, parents and
9 legal guardians shall participate in the development of the case
10 plan. Commencing January 1, 2012, for nonminor dependents, as
11 defined in subdivision (v) of Section 11400, who are receiving
12 AFDC-FC or CalWORKs assistance *and who are* up to 21 years
13 of age pursuant to Section 11403, the transitional independent
14 living case plan, as set forth in subdivision (y) of Section 11400,
15 shall be developed with, and signed by, the nonminor.

16 (B) Parents and legal guardians shall be advised that, pursuant
17 to Section 1228.1 of the Evidence Code, neither their signature on
18 the child welfare services case plan nor their acceptance of any
19 services prescribed in the child welfare services case plan shall
20 constitute an admission of guilt or be used as evidence against the
21 parent or legal guardian in a court of law. However, they shall also
22 be advised that the parent's or guardian's failure to cooperate,
23 except for good cause, in the provision of services specified in the
24 child welfare services case plan may be used in any hearing held
25 pursuant to Section 366.21, 366.22, or 366.25 of this code as
26 evidence.

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

33 (14) The case plan shall be included in the court report and shall
34 be considered by the court at the initial hearing and each review
35 hearing. Modifications to the case plan made during the period
36 between review hearings need not be approved by the court if the
37 casework supervisor for that case determines that the modifications
38 further the goals of the plan. If out-of-home services are used with
39 the goal of family reunification, the case plan shall consider and
40 describe the application of subdivision (b) of Section 11203.

1 (15) (A) If the case plan has as its goal for the child a permanent
2 plan of adoption or legal guardianship, it shall include a statement
3 of the child's wishes regarding their permanent placement plan
4 and an assessment of those stated wishes. The agency shall also
5 include documentation of the steps the agency is taking to find an
6 adoptive family or other permanent living arrangements for the
7 child; to place the child with an adoptive family, an appropriate
8 and willing relative, or a legal guardian, and to finalize the adoption
9 or legal guardianship. At a minimum, the documentation shall
10 include child-specific recruitment efforts, such as the use of state,
11 regional, and national adoption exchanges, including electronic
12 exchange systems, when the child has been freed for adoption.
13 Regardless of whether the child has been freed for adoption,
14 documentation shall include a description of any barriers to
15 achieving legal permanence and the steps the agency will take to
16 address those barriers. If the plan is for kinship guardianship, the
17 case plan shall document how the child meets the kinship
18 guardianship eligibility requirements.

19 (B) When the child is 16 years of age or older and is in another
20 planned permanent living arrangement, the case plan shall identify
21 the intensive and ongoing efforts to return the child to the home
22 of the parent, place the child for adoption, place the child for tribal
23 customary adoption in the case of an Indian child, establish a legal
24 guardianship, or place the child nonminor dependent with a fit and
25 willing relative, as appropriate. Efforts shall include the use of
26 technology, including social media, to find biological family
27 members of the child.

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

34 (ii) When appropriate, for a child who is 16 years of age or older
35 and, commencing January 1, 2012, for a nonminor dependent, the
36 case plan shall include the transitional independent living plan
37 (TILP), a written description of the programs and services that
38 will help the child, consistent with the child's best interests, to
39 prepare for the transition from foster care to successful adulthood,
40 and, in addition, whether the youth has an in-progress application

1 pending for Title XVI Supplemental Security Income benefits or
2 for Special Immigrant Juvenile Status or other applicable
3 application for legal residency and an active dependency case is
4 required for that application. When appropriate, for a nonminor
5 dependent, the transitional independent living case plan, as
6 described in subdivision (v) of Section 11400, shall include the
7 TILP, a written description of the programs and services that will
8 help the nonminor dependent, consistent with his or her best
9 interests, to prepare for transition from foster care and assist the
10 youth in meeting the eligibility criteria set forth in paragraphs (1)
11 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
12 the case plan shall describe the individualized supervision provided
13 in the supervised independent living placement as defined in
14 subdivision (w) of Section 11400. The case plan shall be developed
15 with the child or nonminor dependent and individuals identified
16 as important to the child or nonminor dependent, and shall include
17 steps the agency is taking to ensure that the child or nonminor
18 dependent achieves permanence, including maintaining or
19 obtaining permanent connections to caring and committed adults.

20 (B) During the 90-day period prior to the participant attaining
21 18 years of age or older as the state may elect under Section
22 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
23 675(8)(B)(iii)), whether during that period foster care maintenance
24 payments are being made on the child's behalf or the child is
25 receiving benefits or services under Section 477 of the federal
26 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
27 appropriate agency staff or probation officer and other
28 representatives of the participant, as appropriate, shall provide the
29 youth or nonminor dependent with assistance and support in
30 developing the written 90-day transition plan, that is personalized
31 at the direction of the child, information as detailed as the
32 participant elects that shall include, but not be limited to, options
33 regarding housing, health insurance, education, local opportunities
34 for mentors and continuing support services, and workforce
35 supports and employment services, a power of attorney for health
36 care, and information regarding the advance health care directive
37 form. *Information provided regarding health insurance options*
38 *shall include verification that the eligible youth or nonminor is*
39 *enrolled in Medi-Cal and a description of the steps that have been*
40 *or will be taken by the youth's social worker or probation officer*

1 to ensure that the eligible youth or nonminor is transitioned into
2 the Medi-Cal program for former foster youth upon case closure
3 with no interruption in coverage and with no new application
4 being required, as provided in Section 14005.28.

5 (C) For youth 14 years of age or older, the case plan shall
6 include documentation that a consumer credit report was requested
7 annually from each of the three major credit reporting agencies at
8 no charge to the youth and that any results were provided to the
9 youth. For nonminor dependents, the case plan shall include
10 documentation that the county assisted the nonminor dependent
11 in obtaining his or her reports. The case plan shall include
12 documentation of barriers, if any, to obtaining the credit reports.
13 If the consumer credit report reveals any accounts, the case plan
14 shall detail how the county ensured the youth received assistance
15 with interpreting the credit report and resolving any inaccuracies,
16 including any referrals made for the assistance.

17 (17) For youth 14 years of age or older and nonminor
18 dependents, the case plan shall be developed in consultation with
19 the youth. At the youth’s option, the consultation may include up
20 to two members of the case planning team who are chosen by the
21 youth and who are not foster parents of, or caseworkers for, the
22 youth. The agency, at any time, may reject an individual selected
23 by the youth to be a member of the case planning team if the
24 agency has good cause to believe that the individual would not act
25 in the youth’s best interest. One individual selected by the youth
26 to be a member of the case planning team may be designated to
27 be the youth’s adviser and advocate with respect to the application
28 of the reasonable and prudent parent standard to the youth, as
29 necessary.

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

33 (A) A document that describes the youth’s rights with respect
34 to education, health, visitation, and court participation, the right
35 to be annually provided with copies of his or her credit reports at
36 no cost while in foster care pursuant to Section 10618.6, and the
37 right to stay safe and avoid exploitation.

38 (B) A signed acknowledgment by the youth that he or she has
39 been provided a copy of the document and that the rights described

1 in the document have been explained to the youth in an
2 age-appropriate manner.

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

7 (h) If the court finds, after considering the case plan, that
8 unsupervised sibling visitation is appropriate and has been
9 consented to, the court shall order that the child or the child's
10 siblings, the child's current caregiver, and the child's prospective
11 adoptive parents, if applicable, be provided with information
12 necessary to accomplish this visitation. This section does not
13 require or prohibit the social worker's facilitation, transportation,
14 or supervision of visits between the child and his or her siblings.

15 (i) The case plan documentation on sibling placements required
16 under this section shall not require modification of existing case
17 plan forms until the Child Welfare ~~Service~~/*Case Services/Case*
18 *Management System (CWS/CMS)* is implemented on a statewide
19 basis.

20 (j) When a child is 10 years of age or older and has been in
21 out-of-home placement for six months or longer, the case plan
22 shall include an identification of individuals, other than the child's
23 siblings, who are important to the child and actions necessary to
24 maintain the child's relationship with those individuals, provided
25 that those relationships are in the best interest of the child. The
26 social worker or probation officer shall ask every child who is 10
27 years of age or older and who has been in out-of-home placement
28 for six months or longer to identify individuals other than the
29 child's siblings who are important to the child, and may ask any
30 other child to provide that information, or may seek that
31 information from the child and family team, as appropriate. The
32 social worker or probation officer shall make efforts to identify
33 other individuals who are important to the child, consistent with
34 the child's best interests.

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

38 (l) Each county shall ensure that the total number of visits made
39 by caseworkers on a monthly basis to children in foster care during
40 a federal fiscal year is not less than 95 percent of the total number

1 of those visits that would occur if each child were visited once
 2 every month while in care and that the majority of the visits occur
 3 in the residence of the child. The county child welfare and
 4 probation departments shall comply with data reporting
 5 requirements that the department deems necessary to comply with
 6 the federal Child and Family Services Improvement Act of 2006
 7 (Public Law 109-288) and the federal Child and Family Services
 8 Improvement and Innovation Act of 2011 (Public Law 112-34).

9 (†)

10 (m) The implementation and operation of the amendments to
 11 subdivision (i) 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 *SEC. 3. (a) Section 2.1 of this bill incorporates amendments*
 15 *to Section 16501.1 of the Welfare and Institutions Code proposed*
 16 *by both this bill and Assembly Bill 1067. It shall only become*
 17 *operative if (1) both bills are enacted and become effective on or*
 18 *before January 1, 2017, (2) each bill amends Section 16501.1 of*
 19 *the Welfare and Institutions Code, and (3) Assembly Bill 1997 is*
 20 *not enacted or as enacted does not amend that section, and (4)*
 21 *this bill is enacted after Assembly Bill 1067, in which case Sections*
 22 *2, 2.2, and 2.3 of this bill shall not become operative.*

23 *(b) Section 2.2 of this bill incorporates amendments to Section*
 24 *16501.1 of the Welfare and Institutions Code proposed by both*
 25 *this bill and Assembly Bill 1997. It shall only become operative if*
 26 *(1) both bills are enacted and become effective on or before*
 27 *January 1, 2017, (2) each bill amends Section 16501.1 of the*
 28 *Welfare and Institutions Code, (3) Assembly Bill 1067 is not*
 29 *enacted or as enacted does not amend that section, and (4) this*
 30 *bill is enacted after Assembly Bill 1997, in which case Sections 2,*
 31 *2.1, and 2.3 of this bill shall not become operative.*

32 *(c) Section 2.3 of this bill incorporates amendments to Section*
 33 *16501.1 of the Welfare and Institutions Code proposed by this bill,*
 34 *Assembly Bill 1067, and Assembly Bill 1997. It shall only become*
 35 *operative if (1) all three bills are enacted and become effective on*
 36 *or before January 1, 2017, (2) all three bills amend Section*
 37 *16501.1 of the Welfare and Institutions Code, and (3) this bill is*
 38 *enacted after Assembly Bill 1067 and Assembly Bill 1997, in which*
 39 *case Sections 2, 2.1, and 2.2 of this bill shall not become operative.*

1 ~~SEC. 3.~~

2 *SEC. 4.* To the extent that this act has an overall effect of
3 increasing the costs already borne by a local agency for programs
4 or levels of service mandated by the 2011 Realignment Legislation
5 within the meaning of Section 36 of Article XIII of the California
6 Constitution, it shall apply to local agencies only to the extent that
7 the state provides annual funding for the cost increase. Any new
8 program or higher level of service provided by a local agency
9 pursuant to this act above the level for which funding has been
10 provided shall not require a subvention of funds by the state nor
11 otherwise be subject to Section 6 of Article XIII B of the California
12 Constitution.

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