

AMENDED IN SENATE JUNE 13, 2016

AMENDED IN ASSEMBLY APRIL 18, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2580

Introduced by Assembly Member Olsen
(Coauthor: Assembly Member Williams)
(Coauthor: Senator Runner)

February 19, 2016

An act to *amend Section 290.1 of, and to add Section 16010.7 to*, the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2580, as amended, Olsen. Foster care: placements.

Existing law finds and declares that foster parents are one of the most important sources of information about the children in their care and that courts should know, at the earliest possible date, the interest of a caretaker in providing legal permanency for a child.

Existing law authorizes the juvenile court to adjudge a minor who has been abused or neglected, or who meets other specified criteria, to be a dependent child of the court. Existing law requires the court to conduct various hearings regarding children who are, or who may become, dependent children. Existing law requires the probation officer or the social worker to provide notice of those hearings to certain persons, including parents, guardians, the child if he or she is 10 years of age or older, adult relatives under certain conditions, and attorneys for the parents or guardians, as specified.

This bill would authorize a caregiver, if a foster child is removed from his or her care in order to reunify with his or her parent or guardian, to ~~indicate~~ *indicate, in writing*, to the child’s social worker that he or she is interested in providing and willing to provide care for the child in the future if the child is in need of foster care ~~placement~~. *placement and would require the caregiver to provide contact information, as specified. The bill would also require the probation officer or social worker to provide notice of a hearing, if the probation officer or social worker determines that the child will be retained in custody, to a caregiver who indicated that he or she was interested in providing and willing to provide care for the child in the future. By imposing new duties on probation officers and social workers, the bill would create a state-mandated local program.*

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 290.1 of the Welfare and Institutions
- 2 Code, as amended by Section 1 of Chapter 219 of the Statutes of
- 3 2015, is amended to read:
- 4 290.1. If the probation officer or social worker determines that
- 5 the child shall be retained in custody, he or she shall immediately
- 6 file a petition pursuant to Section 332 with the clerk of the juvenile
- 7 court, who shall set the matter for hearing on the detention hearing
- 8 calendar. The probation officer or social worker shall serve notice
- 9 as prescribed in this section.
- 10 (a) Notice shall be given to the following persons whose
- 11 whereabouts are known or become known prior to the initial
- 12 petition hearing:
- 13 (1) The mother.
- 14 (2) The father or fathers, presumed and alleged.
- 15 (3) The legal guardian or guardians.
- 16 (4) The child, if the child is 10 years of age or older.

1 (5) Any known sibling of the child who is the subject of the
2 hearing if that sibling either is the subject of a dependency
3 proceeding or has been adjudged to be a dependent child of the
4 juvenile court. If the sibling is 10 years of age or older, the sibling,
5 the sibling's caregiver, and the sibling's attorney. If the sibling is
6 under 10 years of age, the sibling's caregiver and the sibling's
7 attorney. However, notice is not required to be given to any sibling
8 whose matter is calendared in the same court on the same day.

9 (6) *The caregiver who cared for the child in a foster home in*
10 *which a child has been placed before an interruption of the foster*
11 *care placement if the caregiver indicated, to the social worker,*
12 *his or her willingness to care for the child in the future pursuant*
13 *to Section 16010.7.*

14 ~~(6)~~

15 (7) If there is no parent or guardian residing in California, or if
16 the residence is unknown, then to any adult relative residing within
17 the county, or, if none, the adult relative residing nearest the court.

18 ~~(7)~~

19 (8) The attorney for the parent or parents, or legal guardian or
20 guardians.

21 ~~(8)~~

22 (9) The district attorney, if the district attorney has notified the
23 clerk of the court that he or she wishes to receive the petition,
24 containing the time, date, and place of the hearing.

25 ~~(9)~~

26 (10) The probate department of the superior court that appointed
27 the guardian, if the child is a ward of a guardian appointed pursuant
28 to the Probate Code.

29 (b) No notice is required for a parent whose parental rights have
30 been terminated.

31 (c) The notice shall be given as soon as possible after the filing
32 of the petition.

33 (d) The notice of the initial petition hearing shall include all of
34 the following:

35 (1) The date, time, and place of the hearing.

36 (2) The name of the child.

37 (3) A copy of the petition.

38 (e) Service of the notice shall be written or oral. If the person
39 being served cannot read, notice shall be given orally. Except as
40 provided in subdivisions (f), (g), and (h), written notice may be

1 served by electronic mail if the county, or city and county, and the
2 court choose to permit service by electronic mail and the person
3 to be served has consented to service by electronic mail by signing
4 Judicial Council Form EFS-005.

5 (f) If the probation officer or social worker knows or has reason
6 to know that an Indian child is involved, notice shall be given in
7 accordance with Section 224.2.

8 (g) Except as provided in subdivision (h), if notice is required
9 to be provided to a child pursuant to paragraph (4) or (5) of
10 subdivision (a), written notice may be served on the child by
11 electronic mail only if all of the following requirements are
12 satisfied:

13 (1) The county, or city and county, and the court choose to
14 permit service by electronic mail.

15 (2) The child is 16 years of age or older.

16 (3) The child has consented to service by electronic mail by
17 signing Judicial Council Form EFS-005.

18 (4) The attorney for the child has consented to service of the
19 minor by electronic mail by signing Judicial Council Form
20 EFS-005.

21 (h) If notice is required to be provided to a child pursuant to
22 paragraph (4) or (5) of subdivision (a), written notice may be served
23 on the child by electronic mail as well as by regular mail if all of
24 the following requirements are satisfied:

25 (1) The county, or city and county, and the court choose to
26 permit service by electronic mail.

27 (2) The child is 14 or 15 years of age.

28 (3) The child has consented to service by electronic mail by
29 signing Judicial Council Form EFS-005.

30 (4) The attorney for the child has consented to service of the
31 minor by electronic mail by signing Judicial Council Form
32 EFS-005.

33 (i) This section shall remain in effect only until January 1, 2019,
34 and as of that date is repealed, unless a later enacted statute, that
35 is enacted before January 1, 2019, deletes or extends that date.

36 *SEC. 2. Section 290.1 of the Welfare and Institutions Code, as*
37 *added by Section 2 of Chapter 219 of the Statutes of 2015, is*
38 *amended to read:*

39 290.1. If the probation officer or social worker determines that
40 the child shall be retained in custody, he or she shall immediately

1 file a petition pursuant to Section 332 with the clerk of the juvenile
2 court, who shall set the matter for hearing on the detention hearing
3 calendar. The probation officer or social worker shall serve notice
4 as prescribed in this section.

5 (a) Notice shall be given to the following persons whose
6 whereabouts are known or become known prior to the initial
7 petition hearing:

8 (1) The mother.

9 (2) The father or fathers, presumed and alleged.

10 (3) The legal guardian or guardians.

11 (4) The child, if the child is 10 years of age or older.

12 (5) Any known sibling of the child who is the subject of the
13 hearing if that sibling either is the subject of a dependency
14 proceeding or has been adjudged to be a dependent child of the
15 juvenile court. If the sibling is 10 years of age or older, the sibling,
16 the sibling's caregiver, and the sibling's attorney. If the sibling is
17 under 10 years of age, the sibling's caregiver and the sibling's
18 attorney. However, notice is not required to be given to any sibling
19 whose matter is calendared in the same court on the same day.

20 (6) *The caregiver who cared for the child in a foster home in*
21 *which a child has been placed before an interruption of the foster*
22 *care placement if the caregiver indicated, to the social worker,*
23 *his or her willingness to care for the child in the future pursuant*
24 *to Section 16010.7.*

25 ~~(6)~~

26 (7) If there is no parent or guardian residing in California, or if
27 the residence is unknown, then to any adult relative residing within
28 the county, or, if none, the adult relative residing nearest the court.

29 ~~(7)~~

30 (8) The attorney for the parent or parents, or legal guardian or
31 guardians.

32 ~~(8)~~

33 (9) The district attorney, if the district attorney has notified the
34 clerk of the court that he or she wishes to receive the petition,
35 containing the time, date, and place of the hearing.

36 ~~(9)~~

37 (10) The probate department of the superior court that appointed
38 the guardian, if the child is a ward of a guardian appointed pursuant
39 to the Probate Code.

1 (b) No notice is required for a parent whose parental rights have
2 been terminated.

3 (c) The notice shall be given as soon as possible after the filing
4 of the petition.

5 (d) The notice of the initial petition hearing shall include all of
6 the following:

7 (1) The date, time, and place of the hearing.

8 (2) The name of the child.

9 (3) A copy of the petition.

10 (e) Service of the notice shall be written or oral. If the person
11 being served cannot read, notice shall be given orally.

12 (f) If the probation officer or social worker knows or has reason
13 to know that an Indian child is involved, notice shall be given in
14 accordance with Section 224.2.

15 (g) This section shall become operative on January 1, 2019.

16 ~~SECTION 4.~~

17 *SEC. 3.* Section 16010.7 is added to the Welfare and Institutions
18 Code, to read:

19 16010.7. (a) If a foster child is removed from his or her
20 caregiver in order to reunify with his or her parent or guardian,
21 the caregiver may ~~indicate~~ *indicate, in writing*, to the child’s social
22 worker at the time the child is removed from his or her care that
23 the caregiver is interested in providing and willing to provide care
24 for the child in the future if the child is removed from his or her
25 parent or guardian and in need of foster care placement.

26 (b) *A caregiver indicating his or her interest pursuant to*
27 *subdivision (a) shall provide contact information where he or she*
28 *may be reached, including, but not limited to, phone numbers and*
29 *home or business addresses. The social worker shall place this*
30 *information in the child’s case file.*

31 *SEC. 4. To the extent that this act has an overall effect of*
32 *increasing the costs already borne by a local agency for programs*
33 *or levels of service mandated by the 2011 Realignment Legislation*
34 *within the meaning of Section 36 of Article XIII of the California*
35 *Constitution, it shall apply to local agencies only to the extent that*
36 *the state provides annual funding for the cost increase. Any new*
37 *program or higher level of service provided by a local agency*
38 *pursuant to this act above the level for which funding has been*
39 *provided shall not require a subvention of funds by the state or*

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

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