

**Introduced by Committee on Human Services (Senators McGuire  
(Chair), Berryhill, Hancock, Liu, and Nguyen)**

March 3, 2015

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An act to add Section 1522.44 to the Health and Safety Code, to amend Sections 11165.1 and 11166 of the Penal Code, and to amend Sections 362.04, 362.05, 10618.6, 11386, 16003, 16118, 16131, 16131.5, and 16501.1 of, and to add Sections 16501.4 and 16501.45 to, the Welfare and Institutions Code, relating to child welfare.

LEGISLATIVE COUNSEL'S DIGEST

SB 794, as introduced, Committee on Human Services. Child welfare services.

(1) Existing law establishes a system of statewide child welfare services, administered by the State Department of Social Services and county child welfare agencies, with the intent that all children are entitled to be safe and free from abuse and neglect.

This bill would require county child welfare agencies, by September 30, 2016, to develop and implement policies and procedures to identify, document, and determine appropriate services for children and youth who are receiving child welfare services pursuant to federal law and are, or are at risk of becoming, victims of commercial sexual exploitation. The bill would also require county child welfare agencies, by July 1, 2016, to develop and implement specific protocols to expeditiously locate any child missing from foster care, as specified. By imposing these requirements on county agencies, this bill would impose a state-mandated local program.

(2) Under existing law, a county social worker develops a case plan that, among other things, identifies the child welfare services that will be provided to a minor or nonminor dependent. Existing law requires

the county child welfare agency to give the child a meaningful opportunity to participate in the development of the case plan.

This bill would require county child welfare agencies to develop case plans for youth 14 years of age or older and nonminor dependents in consultation with the youth, and would authorize the youth to choose up to 2 members of the case planning team, as specified. The bill would require that case plans for these youth include a description of specified rights and entitlements, as well as an acknowledgment signed by the youth that he or she was provided with this information. The bill would also require the case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, to document the services provided to address that issue. By imposing these case planning requirements on county child welfare agencies, this bill would impose a state-mandated local program.

(3) Existing law requires a caregiver of a dependent child to use a reasonable and prudent parent standard in determining whether to give permission for a child residing in foster care to participate in extracurricular, enrichment, and social activities.

This bill would require that training for caregivers include knowledge and skills relating to the reasonable and prudent parent standard for participation in age or developmentally appropriate activities. The bill would also require each licensed community care facility that provides care and supervision to children, except licensed foster family homes and certified family homes, to designate at least one onsite staff member to apply the reasonable and prudent parent standard to decisions involving the participation of the child in age or developmentally appropriate activities. To the extent this bill would impose foster parent training requirements on counties, the bill would impose a state-mandated local program.

(4) Existing law requires a county welfare department, county probation department, or the State Department of Social Services to annually obtain a credit report, as specified, for a child in foster care who is 16 years of age or older.

This bill would require that these services be provided to a child in foster care who is 14 years of age or older. By increasing the level of service provided by counties, the bill would impose a state-mandated local program.

(5) Existing law requires the State Department of Social Services to implement a statewide Child Welfare Services/Case Management

System to effectively administer and evaluate the state's child welfare services and foster care programs.

This bill would require the department to ensure that the Child Welfare Services/Case Management System is capable of collecting specified information relating to the number of foster children who are, or are at risk of becoming, victims of commercial sexual exploitation.

(6) The Child Abuse Neglect and Reporting Act makes certain persons mandated reporters, and requires those persons to report to a police department, sheriff's department, county probation department, or the county welfare department whenever he or she knows or reasonably suspects that a child has been the victim of child abuse or neglect, as specified. Existing law requires the county probation or welfare department to immediately, or as soon as practicably possible, report to the law enforcement agency having jurisdiction over the case, to the agency given the responsibility for investigation of cases of child abuse and neglect, and to the district attorney's office every known or suspected instance of child abuse or neglect.

This bill would additionally require the county probation or welfare department to report immediately, or in no case later than 24 hours from receipt of the information, any known or suspected instance of child abuse involves an allegation of sexual exploitation, as defined, of a child or youth receiving child welfare services. The bill would also require the county probation or welfare department to make a report to the appropriate law enforcement authority for entry into the National Crime Information Center database of the Federal Bureau of Investigation and to the National Center for Missing and Exploited Children within 24 hours of becoming aware that a child or youth who is receiving child welfare services and who is known or suspected to be the victim of sexual exploitation is missing or has been abducted. By increasing the duties of county probation and welfare departments, this bill would impose a state-mandated local program.

(7) Existing law establishes the Adoption Assistance Program for the purpose of benefiting children residing in foster homes by providing the stability and security of permanent homes. Existing law requires that any savings realized from the change in federal funding for adoption assistance resulting from the enactment of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 be spent for the provision of foster care and adoption services.

This bill would require that at least 30% of that savings be spent on postadoption services, postguardianship services, and services to support

and sustain positive permanent outcomes for children who might enter foster care, as specified.

(8) The Kinship Guardianship Assistance Payments for Children (Kin-GAP) Program provides financial assistance to children who are eligible for foster care maintenance payments and are placed in legal guardianship with a relative. Under existing law, termination of the guardianship terminates eligibility for Kin-GAP, unless an alternate kinship guardian or coguardian is appointed, as provided.

This bill would instead provide that if a successor kinship guardian is appointed, the successor guardian is entitled to receive Kin-GAP on behalf of the child if the reason for the appointment is the death or incapacity of the kinship guardian and the successor guardian is named in the kinship guardianship assistance agreement.

(9) 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 1522.44 is added to the Health and Safety  
2 Code, to read:  
3 1522.44. (a) It is the policy of the state that caregivers of  
4 children in foster care possess knowledge and skills relating to the  
5 reasonable and prudent parent standard, as defined in subdivision  
6 (c) of Section 362.05 of the Welfare and Institutions Code.  
7 (b) Except for licensed foster family homes and certified family  
8 homes, each licensed community care facility that provides care  
9 and supervision to children and operates with staff shall designate  
10 at least one onsite staff member to apply the reasonable and prudent  
11 parent standard to decisions involving the participation of the child  
12 in age or developmentally appropriate activities in accordance with  
13 the requirements of Section 362.05 of the Welfare and Institutions  
14 Code, Section 671(a)(10) of Title 42 of the United States Code,  
15 and the regulations adopted by the department pursuant to this  
16 chapter.

1 (c) A licensed and certified foster parent or facility staff member,  
2 as described in subdivision (b), shall receive training related to the  
3 reasonable and prudent parent standard that is consistent with  
4 Section 671(a)(24) of Title 42 of the United States Code. This  
5 training shall be included in the training requirements set forth in  
6 Section 1529.2.

7 (d) This section does not apply to runaway and homeless youth  
8 shelters as defined in paragraph (14) of subdivision (a) of Section  
9 1502.

10 SEC. 2. Section 11165.1 of the Penal Code is amended to read:

11 11165.1. As used in this article, “sexual abuse” means sexual  
12 assault or sexual exploitation as defined by the following:

13 (a) “Sexual assault” means conduct in violation of one or more  
14 of the following sections: Section 261 (rape), subdivision (d) of  
15 Section 261.5 (statutory rape), 264.1 (rape in concert), 285 (incest),  
16 286 (sodomy), subdivision (a) or (b), or paragraph (1) of  
17 subdivision (c) of Section 288 (lewd or lascivious acts upon a  
18 child), 288a (oral copulation), 289 (sexual penetration), or 647.6  
19 (child molestation).

20 (b) Conduct described as “sexual assault” includes, but is not  
21 limited to, all of the following:

22 (1) Penetration, however slight, of the vagina or anal opening  
23 of one person by the penis of another person, whether or not there  
24 is the emission of semen.

25 (2) Sexual contact between the genitals or anal opening of one  
26 person and the mouth or tongue of another person.

27 (3) Intrusion by one person into the genitals or anal opening of  
28 another person, including the use of an object for this purpose,  
29 except that, it does not include acts performed for a valid medical  
30 purpose.

31 (4) The intentional touching of the genitals or intimate parts,  
32 including the breasts, genital area, groin, inner thighs, and buttocks,  
33 or the clothing covering them, of a child, or of the perpetrator by  
34 a child, for purposes of sexual arousal or gratification, except that  
35 it does not include acts which may reasonably be construed to be  
36 normal caretaker responsibilities; interactions with, or  
37 demonstrations of affection for, the child; or acts performed for a  
38 valid medical purpose.

39 (5) The intentional masturbation of the perpetrator’s genitals in  
40 the presence of a child.

1 (c) “Sexual exploitation” refers to any of the following:

2 (1) Conduct involving matter depicting a minor engaged in  
3 obscene acts in violation of Section 311.2 (preparing, selling, or  
4 distributing obscene matter) or subdivision (a) of Section 311.4  
5 (employment of minor to perform obscene acts).

6 (2) A person who knowingly promotes, aids, or assists, employs,  
7 uses, persuades, induces, or coerces a child, or a person responsible  
8 for a child’s welfare, who knowingly permits or encourages a child  
9 to engage in, or assist others to engage in, prostitution or a live  
10 performance involving obscene sexual conduct, or to either pose  
11 or model alone or with others for purposes of preparing a film,  
12 photograph, negative, slide, drawing, painting, or other pictorial  
13 depiction, involving obscene sexual conduct, *or who sexually*  
14 *trafficks a child, as described in subdivision (c) of Section 236.1,*  
15 *or commercially sexually exploits a child, as described in*  
16 *paragraph (2) of subdivision (b) of Section 300 of the Welfare and*  
17 *Institutions Code.* For the purpose of this section, “person  
18 responsible for a child’s welfare” means a parent, guardian, foster  
19 parent, or a licensed administrator or employee of a public or  
20 private residential home, residential school, or other residential  
21 institution.

22 (3) A person who depicts a child in, or who knowingly develops,  
23 duplicates, prints, downloads, streams, accesses through any  
24 electronic or digital media, or exchanges, a film, photograph,  
25 videotape, video recording, negative, or slide in which a child is  
26 engaged in an act of obscene sexual conduct, except for those  
27 activities by law enforcement and prosecution agencies and other  
28 persons described in subdivisions (c) and (e) of Section 311.3.

29 SEC. 3. Section 11166 of the Penal Code is amended to read:

30 11166. (a) Except as provided in subdivision (d), and in  
31 Section 11166.05, a mandated reporter shall make a report to an  
32 agency specified in Section 11165.9 whenever the mandated  
33 reporter, in his or her professional capacity or within the scope of  
34 his or her employment, has knowledge of or observes a child whom  
35 the mandated reporter knows or reasonably suspects has been the  
36 victim of child abuse or neglect. The mandated reporter shall make  
37 an initial report by telephone to the agency immediately or as soon  
38 as is practicably possible, and shall prepare and send, fax, or  
39 electronically transmit a written followup report within 36 hours  
40 of receiving the information concerning the incident. The mandated

1 reporter may include with the report any nonprivileged  
2 documentary evidence the mandated reporter possesses relating  
3 to the incident.

4 (1) For purposes of this article, “reasonable suspicion” means  
5 that it is objectively reasonable for a person to entertain a suspicion,  
6 based upon facts that could cause a reasonable person in a like  
7 position, drawing, when appropriate, on his or her training and  
8 experience, to suspect child abuse or neglect. “Reasonable  
9 suspicion” does not require certainty that child abuse or neglect  
10 has occurred nor does it require a specific medical indication of  
11 child abuse or neglect; any “reasonable suspicion” is sufficient.  
12 For purposes of this article, the pregnancy of a minor does not, in  
13 and of itself, constitute a basis for a reasonable suspicion of sexual  
14 abuse.

15 (2) The agency shall be notified and a report shall be prepared  
16 and sent, faxed, or electronically transmitted even if the child has  
17 expired, regardless of whether or not the possible abuse was a  
18 factor contributing to the death, and even if suspected child abuse  
19 was discovered during an autopsy.

20 (3) A report made by a mandated reporter pursuant to this  
21 section shall be known as a mandated report.

22 (b) If, after reasonable efforts, a mandated reporter is unable to  
23 submit an initial report by telephone, he or she shall immediately  
24 or as soon as is practicably possible, by fax or electronic  
25 transmission, make a one-time automated written report on the  
26 form prescribed by the Department of Justice, and shall also be  
27 available to respond to a telephone followup call by the agency  
28 with which he or she filed the report. A mandated reporter who  
29 files a one-time automated written report because he or she was  
30 unable to submit an initial report by telephone is not required to  
31 submit a written followup report.

32 (1) The one-time automated written report form prescribed by  
33 the Department of Justice shall be clearly identifiable so that it is  
34 not mistaken for a standard written followup report. In addition,  
35 the automated one-time report shall contain a section that allows  
36 the mandated reporter to state the reason the initial telephone call  
37 was not able to be completed. The reason for the submission of  
38 the one-time automated written report in lieu of the procedure  
39 prescribed in subdivision (a) shall be captured in the Child Welfare  
40 Services/Case Management System (CWS/CMS). The department

1 shall work with stakeholders to modify reporting forms and the  
2 CWS/CMS as is necessary to accommodate the changes enacted  
3 by these provisions.

4 (2) This subdivision shall not become operative until the  
5 CWS/CMS is updated to capture the information prescribed in this  
6 subdivision.

7 (3) This subdivision shall become inoperative three years after  
8 this subdivision becomes operative or on January 1, 2009,  
9 whichever occurs first.

10 (4) On the inoperative date of these provisions, a report shall  
11 be submitted to the counties and the Legislature by the State  
12 Department of Social Services that reflects the data collected from  
13 automated one-time reports indicating the reasons stated as to why  
14 the automated one-time report was filed in lieu of the initial  
15 telephone report.

16 (5) Nothing in this section shall supersede the requirement that  
17 a mandated reporter first attempt to make a report via telephone,  
18 or that agencies specified in Section 11165.9 accept reports from  
19 mandated reporters and other persons as required.

20 (c) A mandated reporter who fails to report an incident of known  
21 or reasonably suspected child abuse or neglect as required by this  
22 section is guilty of a misdemeanor punishable by up to six months  
23 confinement in a county jail or by a fine of one thousand dollars  
24 (\$1,000) or by both that imprisonment and fine. If a mandated  
25 reporter intentionally conceals his or her failure to report an  
26 incident known by the mandated reporter to be abuse or severe  
27 neglect under this section, the failure to report is a continuing  
28 offense until an agency specified in Section 11165.9 discovers the  
29 offense.

30 (d) (1) A clergy member who acquires knowledge or a  
31 reasonable suspicion of child abuse or neglect during a penitential  
32 communication is not subject to subdivision (a). For the purposes  
33 of this subdivision, “penitential communication” means a  
34 communication, intended to be in confidence, including, but not  
35 limited to, a sacramental confession, made to a clergy member  
36 who, in the course of the discipline or practice of his or her church,  
37 denomination, or organization, is authorized or accustomed to hear  
38 those communications, and under the discipline, tenets, customs,  
39 or practices of his or her church, denomination, or organization,  
40 has a duty to keep those communications secret.

1 (2) Nothing in this subdivision shall be construed to modify or  
2 limit a clergy member's duty to report known or suspected child  
3 abuse or neglect when the clergy member is acting in some other  
4 capacity that would otherwise make the clergy member a mandated  
5 reporter.

6 (3) (A) On or before January 1, 2004, a clergy member or any  
7 custodian of records for the clergy member may report to an agency  
8 specified in Section 11165.9 that the clergy member or any  
9 custodian of records for the clergy member, prior to January 1,  
10 1997, in his or her professional capacity or within the scope of his  
11 or her employment, other than during a penitential communication,  
12 acquired knowledge or had a reasonable suspicion that a child had  
13 been the victim of sexual abuse and that the clergy member or any  
14 custodian of records for the clergy member did not previously  
15 report the abuse to an agency specified in Section 11165.9. The  
16 provisions of Section 11172 shall apply to all reports made pursuant  
17 to this paragraph.

18 (B) This paragraph shall apply even if the victim of the known  
19 or suspected abuse has reached the age of majority by the time the  
20 required report is made.

21 (C) The local law enforcement agency shall have jurisdiction  
22 to investigate any report of child abuse made pursuant to this  
23 paragraph even if the report is made after the victim has reached  
24 the age of majority.

25 (e) (1) A commercial film, photographic print, or image  
26 processor who has knowledge of or observes, within the scope of  
27 his or her professional capacity or employment, any film,  
28 photograph, videotape, negative, slide, or any representation of  
29 information, data, or an image, including, but not limited to, any  
30 film, filmstrip, photograph, negative, slide, photocopy, videotape,  
31 video laser disc, computer hardware, computer software, computer  
32 floppy disk, data storage medium, CD-ROM, computer-generated  
33 equipment, or computer-generated image depicting a child under  
34 16 years of age engaged in an act of sexual conduct, shall,  
35 immediately or as soon as practicably possible, telephonically  
36 report the instance of suspected abuse to the law enforcement  
37 agency located in the county in which the images are seen. Within  
38 36 hours of receiving the information concerning the incident, the  
39 reporter shall prepare and send, fax, or electronically transmit a

1 written followup report of the incident with a copy of the image  
2 or material attached.

3 (2) A commercial computer technician who has knowledge of  
4 or observes, within the scope of his or her professional capacity  
5 or employment, any representation of information, data, or an  
6 image, including, but not limited to, any computer hardware,  
7 computer software, computer file, computer floppy disk, data  
8 storage medium, CD-ROM, computer-generated equipment, or  
9 computer-generated image that is retrievable in perceivable form  
10 and that is intentionally saved, transmitted, or organized on an  
11 electronic medium, depicting a child under 16 years of age engaged  
12 in an act of sexual conduct, shall immediately, or as soon as  
13 practicably possible, telephonically report the instance of suspected  
14 abuse to the law enforcement agency located in the county in which  
15 the images or material are seen. As soon as practicably possible  
16 after receiving the information concerning the incident, the reporter  
17 shall prepare and send, fax, or electronically transmit a written  
18 followup report of the incident with a brief description of the  
19 images or materials.

20 (3) For purposes of this article, “commercial computer  
21 technician” includes an employee designated by an employer to  
22 receive reports pursuant to an established reporting process  
23 authorized by subparagraph (B) of paragraph (43) of subdivision  
24 (a) of Section 11165.7.

25 (4) As used in this subdivision, “electronic medium” includes,  
26 but is not limited to, a recording, CD-ROM, magnetic disk memory,  
27 magnetic tape memory, CD, DVD, thumbdrive, or any other  
28 computer hardware or media.

29 (5) As used in this subdivision, “sexual conduct” means any of  
30 the following:

31 (A) Sexual intercourse, including genital-genital, oral-genital,  
32 anal-genital, or oral-anal, whether between persons of the same or  
33 opposite sex or between humans and animals.

34 (B) Penetration of the vagina or rectum by any object.

35 (C) Masturbation for the purpose of sexual stimulation of the  
36 viewer.

37 (D) Sadomasochistic abuse for the purpose of sexual stimulation  
38 of the viewer.

39 (E) Exhibition of the genitals, pubic, or rectal areas of a person  
40 for the purpose of sexual stimulation of the viewer.

1 (f) Any mandated reporter who knows or reasonably suspects  
2 that the home or institution in which a child resides is unsuitable  
3 for the child because of abuse or neglect of the child shall bring  
4 the condition to the attention of the agency to which, and at the  
5 same time as, he or she makes a report of the abuse or neglect  
6 pursuant to subdivision (a).

7 (g) Any other person who has knowledge of or observes a child  
8 whom he or she knows or reasonably suspects has been a victim  
9 of child abuse or neglect may report the known or suspected  
10 instance of child abuse or neglect to an agency specified in Section  
11 11165.9. For purposes of this section, “any other person” includes  
12 a mandated reporter who acts in his or her private capacity and  
13 not in his or her professional capacity or within the scope of his  
14 or her employment.

15 (h) When two or more persons, who are required to report,  
16 jointly have knowledge of a known or suspected instance of child  
17 abuse or neglect, and when there is agreement among them, the  
18 telephone report may be made by a member of the team selected  
19 by mutual agreement and a single report may be made and signed  
20 by the selected member of the reporting team. Any member who  
21 has knowledge that the member designated to report has failed to  
22 do so shall thereafter make the report.

23 (i) (1) The reporting duties under this section are individual,  
24 and no supervisor or administrator may impede or inhibit the  
25 reporting duties, and no person making a report shall be subject  
26 to any sanction for making the report. However, internal procedures  
27 to facilitate reporting and apprise supervisors and administrators  
28 of reports may be established provided that they are not inconsistent  
29 with this article.

30 (2) The internal procedures shall not require any employee  
31 required to make reports pursuant to this article to disclose his or  
32 her identity to the employer.

33 (3) Reporting the information regarding a case of possible child  
34 abuse or neglect to an employer, supervisor, school principal,  
35 school counselor, coworker, or other person shall not be a substitute  
36 for making a mandated report to an agency specified in Section  
37 11165.9.

38 (j) (1) A county probation or welfare department shall  
39 immediately, or as soon as practicably possible, report by  
40 telephone, fax, or electronic transmission to the law enforcement

1 agency having jurisdiction over the case, to the agency given the  
2 responsibility for investigation of cases under Section 300 of the  
3 Welfare and Institutions Code, and to the district attorney's office  
4 every known or suspected instance of child abuse or neglect, as  
5 defined in Section 11165.6, except acts or omissions coming within  
6 subdivision (b) of Section 11165.2, or reports made pursuant to  
7 Section 11165.13 based on risk to a child ~~which~~ *that* relates solely  
8 to the inability of the parent to provide the child with regular care  
9 due to the parent's substance abuse, which shall be reported only  
10 to the county welfare or probation department. *When the known*  
11 *or suspected instance of child abuse involves an allegation of*  
12 *sexual exploitation, as defined in paragraph (2) of subdivision (c)*  
13 *of Section 11165.1, of a child or youth receiving child welfare*  
14 *services, the county probation or welfare department shall*  
15 *immediately, or in no case later than 24 hours from receipt of the*  
16 *information, report the incident by telephone, fax, or electronic*  
17 *transmission to the law enforcement agency having jurisdiction*  
18 *over the case, to the agency responsible for investigating cases*  
19 *described in Section 300 of the Welfare and Institutions Code, and*  
20 *to the district attorney's office. A county probation or welfare*  
21 *department also shall send, fax, or electronically transmit a written*  
22 *report thereof within 36 hours of receiving the information*  
23 *concerning the incident to any agency to which it makes a*  
24 *telephone report under this subdivision.*

25 (2) *When a child or youth who is receiving child welfare services*  
26 *and who is known or suspected to be the victim of sexual*  
27 *exploitation, as defined in paragraph (2) of subdivision (c) of*  
28 *Section 11165.1, is missing or has been abducted, the county*  
29 *probation or welfare department shall immediately, or in no case*  
30 *later than 24 hours from receipt of the information, report the*  
31 *incident to the appropriate law enforcement authority for entry*  
32 *into the National Crime Information Center database of the*  
33 *Federal Bureau of Investigation and to the National Center for*  
34 *Missing and Exploited Children.*

35 (k) A law enforcement agency shall immediately, or as soon as  
36 practicably possible, report by telephone, fax, or electronic  
37 transmission to the agency given responsibility for investigation  
38 of cases under Section 300 of the Welfare and Institutions Code  
39 and to the district attorney's office every known or suspected  
40 instance of child abuse or neglect reported to it, except acts or

1 omissions coming within subdivision (b) of Section 11165.2, which  
2 shall be reported only to the county welfare or probation  
3 department. A law enforcement agency shall report to the county  
4 welfare or probation department every known or suspected instance  
5 of child abuse or neglect reported to it which is alleged to have  
6 occurred as a result of the action of a person responsible for the  
7 child's welfare, or as the result of the failure of a person responsible  
8 for the child's welfare to adequately protect the minor from abuse  
9 when the person responsible for the child's welfare knew or  
10 reasonably should have known that the minor was in danger of  
11 abuse. A law enforcement agency also shall send, fax, or  
12 electronically transmit a written report thereof within 36 hours of  
13 receiving the information concerning the incident to any agency  
14 to which it makes a telephone report under this subdivision.

15 SEC. 4. Section 362.04 of the Welfare and Institutions Code  
16 is amended to read:

17 362.04. (a) For purposes of this section:

18 (1) "Caregiver" means any licensed certified foster parent,  
19 approved relative caregiver, or approved nonrelative extended  
20 family member, or approved resource family.

21 (2) "Reasonable and prudent parent" or "reasonable and prudent  
22 parent standard" ~~means the standard characterized by careful and  
23 sensible parental decisions that maintain the child's health, safety,  
24 and best interest.~~ *has the meaning set forth in subdivision (c) of  
25 Section 362.05.*

26 (3) "Short term" means no more than 24 consecutive hours.

27 (b) Every caregiver may arrange for occasional short-term  
28 babysitting of their foster child and allow individuals to supervise  
29 the foster child for the purposes set forth in Section 362.05, or on  
30 occasions, including, but not limited to, when the foster parent has  
31 a medical or other health care appointment, grocery or other  
32 shopping, personal grooming appointments, special occasions for  
33 the foster parents, foster parent training classes, school-related  
34 meetings (such as parent-teacher conferences), business meetings,  
35 adult social gatherings, or an occasional evening out by the foster  
36 parent.

37 (c) Caregivers shall use a reasonable and prudent parent standard  
38 in determining and selecting appropriate babysitters for occasional  
39 short-term use.

1 (d) The caregiver shall endeavor to provide the babysitter with  
2 the following information before leaving the child for purposes of  
3 short-term care:

4 (1) Information about the child’s emotional, behavioral, medical  
5 or physical conditions, if any, necessary to provide care for the  
6 child during the time the foster child is being supervised by the  
7 babysitter.

8 (2) Any medication that should be administered to the foster  
9 child during the time the foster child is being supervised by the  
10 babysitter.

11 (3) Emergency contact information that is valid during the time  
12 the foster child is being supervised by the babysitter.

13 (e) Babysitters selected by the caregiver to provide occasional  
14 short-term care to a foster child under the provisions of this section  
15 shall be exempt from any department regulation requiring health  
16 screening or cardiopulmonary resuscitation certification or training.

17 (f) Each state and local entity shall ensure that private agencies  
18 that provide foster care services to dependent children have policies  
19 consistent with this section. Policies that are not consistent with  
20 this section include those that are incompatible with, contradictory  
21 to, or more restrictive than this section.

22 SEC. 5. Section 362.05 of the Welfare and Institutions Code  
23 is amended to read:

24 362.05. (a) (1) Every child adjudged a dependent child of  
25 the juvenile court shall be entitled to participate in age-appropriate  
26 extracurricular, enrichment, and social activities. No state or local  
27 regulation or policy may prevent, or create barriers to, participation  
28 in those activities. Each state and local entity shall ensure that  
29 private agencies that provide foster care services to dependent  
30 children have policies consistent with this section and that those  
31 agencies promote and protect the ability of dependent children to  
32 participate in age-appropriate extracurricular, enrichment, and  
33 social activities. A group home administrator, a facility manager,  
34 or his or her responsible designee, and a caregiver, as defined in  
35 paragraph (1) of subdivision (a) of Section 362.04, shall use a  
36 reasonable and prudent parent standard, ~~as defined in paragraph~~  
37 ~~(2) of subdivision (a) of Section 362.04,~~ in determining whether  
38 to give permission for a child residing in foster care to participate  
39 in extracurricular, enrichment, and social activities. A group home  
40 administrator, a facility manager, or his or her responsible designee,

1 and a caregiver shall take reasonable steps to determine the  
2 appropriateness of the activity in consideration of the child’s age,  
3 maturity, and developmental level.

4 (2) *Training for caregivers shall include knowledge and skills*  
5 *relating to the reasonable and prudent parent standard for the*  
6 *participation of the child in age or developmentally appropriate*  
7 *activities, consistent with this section and Section 671(a)(24) of*  
8 *Title 42 of the United States Code.*

9 (b) A group home administrator or a facility manager, or his or  
10 her responsible designee, is encouraged to consult with social work  
11 or treatment staff members who are most familiar with the child  
12 at the group home in applying and using the reasonable and prudent  
13 parent standard.

14 (c) *“Reasonable and prudent parent” or “reasonable and*  
15 *prudent parent standard” means the standard characterized by*  
16 *careful and sensible parental decisions that maintain the health,*  
17 *safety, and best interests of a child while at the same time*  
18 *encouraging the emotional and developmental growth of the child,*  
19 *that a caregiver shall use when determining whether to allow a*  
20 *child in foster care under the responsibility of the state to*  
21 *participate in extracurricular, enrichment, cultural, and social*  
22 *activities.*

23 SEC. 6. Section 10618.6 of the Welfare and Institutions Code  
24 is amended to read:

25 10618.6. (a) (1) When a child in a foster care placement  
26 reaches his or her ~~16th~~ 14th birthday, and each year thereafter,  
27 while the child is under the jurisdiction of the juvenile court, the  
28 county welfare department, county probation department, or, if an  
29 automated process is available, the State Department of Social  
30 Services, shall inquire of each of the three major credit reporting  
31 agencies as to whether the child has any consumer credit history.

32 (2) If the State Department of Social Services makes the inquiry,  
33 it shall notify the county welfare department or county probation  
34 department in the county having jurisdiction over the child of the  
35 results of that inquiry.

36 (3) Pursuant to the federal Child and Family Services  
37 Improvement and Innovation Act of 2011 and the federal Fair  
38 Credit Reporting Act, if an inquiry performed pursuant to this  
39 subdivision indicates that a child has a consumer credit history  
40 with any major credit reporting agency, the responsible county

1 welfare department or county probation department shall request  
2 a consumer credit report from that credit reporting agency.

3 (b) For a nonminor dependent, the county welfare department  
4 or county probation department shall assist the young adult, on a  
5 yearly basis while the nonminor dependent is under the jurisdiction  
6 of the juvenile court, with requesting the consumer credit report  
7 from each of the three major credit reporting agencies, pursuant  
8 to the free annual disclosure provision of the federal Fair Credit  
9 Reporting Act.

10 (c) The county social worker or county probation officer shall  
11 ensure that the child or nonminor dependent receives assistance  
12 with interpreting the consumer credit report and resolving any  
13 inaccuracies. The assistance may include, but is not limited to,  
14 referring the youth to a governmental or nonprofit agency that  
15 provides consumer credit services. This section does not require  
16 the social worker or probation officer to be the individual providing  
17 the direct assistance with interpreting the consumer credit  
18 disclosure or resolving the inaccuracies.

19 (d) Notwithstanding any other law, in order to make an inquiry  
20 or to request a consumer credit report for youth pursuant to this  
21 section, the county welfare department, county probation  
22 department, or, if an automated process is available, the State  
23 Department of Social Services may release necessary information  
24 to a credit reporting agency.

25 (e) No later than February 1, 2016, the State Department of  
26 Social Services shall provide information to the Assembly  
27 Committee on Budget, the Senate Budget and Fiscal Review  
28 Committee, and the appropriate legislative policy committees  
29 regarding the implementation of this section, including, but not  
30 limited to, any state and county barriers to obtaining credit reports  
31 as required by the federal Child and Family Services Improvement  
32 and Innovation Act of 2011.

33 SEC. 7. Section 11386 of the Welfare and Institutions Code is  
34 amended to read:

35 11386. Aid shall be provided under this article on behalf of a  
36 child under 18 years of age, and to any eligible youth under 19  
37 years of age, as provided in Section 11403, under all of the  
38 following conditions:

39 (a) The child satisfies both of the following requirements:

1 (1) He or she has been removed from his or her home pursuant  
2 to a voluntary placement agreement, or as a result of judicial  
3 determination, including being adjudged a dependent child of the  
4 court, pursuant to Section 300, or a ward of the court, pursuant to  
5 Section 601 or 602, to the effect that continuation in the home  
6 would be contrary to the welfare of the child.

7 (2) He or she has been eligible for federal foster care  
8 maintenance payments under Article 5 (commencing with Section  
9 11400) while residing for at least six consecutive months in the  
10 approved home of the prospective relative guardian while under  
11 the jurisdiction of the juvenile court or a voluntary placement  
12 agreement.

13 (b) Being returned to the parental home or adopted are not  
14 appropriate permanency options for the child.

15 (c) The child demonstrates a strong attachment to the relative  
16 guardian, and the relative guardian has a strong commitment to  
17 caring permanently for the child and, with respect to the child who  
18 has attained 12 years of age, the child has been consulted regarding  
19 the kinship guardianship arrangement.

20 (d) The child has had a kinship guardianship established  
21 pursuant to Section 360 or 366.26.

22 (e) The child has had his or her dependency jurisdiction  
23 terminated pursuant to Section 366.3, or his or her wardship  
24 terminated pursuant to subdivision (d) of Section 728, concurrently  
25 or subsequently to the establishment of the kinship guardianship.

26 (f) If the conditions specified in subdivisions (a) through (e),  
27 inclusive, are met and, subsequent to the termination of dependency  
28 jurisdiction, any parent or person having an interest files with the  
29 juvenile court a petition pursuant to Section 388 to change, modify,  
30 or set aside an order of the court, Kin-GAP payments shall continue  
31 unless and until the juvenile court orders the child removed from  
32 the home of the guardian, terminates the guardianship, or maintains  
33 dependency jurisdiction after the court concludes the hearing on  
34 the petition filed under Section 388.

35 (g) A child or nonminor former dependent or ward shall be  
36 eligible for Kin-GAP payments if he or she meets one of the  
37 following age criteria:

38 (1) He or she is under 18 years of age.

39 (2) He or she is under 21 years of age and has a physical or  
40 mental disability that warrants the continuation of assistance.

1 (3) Through December 31, 2011, he or she satisfies the  
2 conditions of Section 11403, and on and after January 1, 2012, he  
3 or she satisfies the conditions of Section 11403.01.

4 (4) He or she satisfies the conditions as described in subdivision  
5 (h).

6 (h) Effective January 1, 2012, Kin-GAP payments shall continue  
7 for youths who have attained 18 years of age and are under 19  
8 years of age, if they reached 16 years of age before the Kin-GAP  
9 negotiated agreement payments commenced, and as described in  
10 Section 10103.5. Effective January 1, 2013, Kin-GAP payments  
11 shall continue for youths who have attained 18 years of age and  
12 are under 20 years of age, if they reached 16 years of age before  
13 the Kin-GAP negotiated agreement payments commenced, and as  
14 described in Section 10103.5. Effective January 1, 2014, Kin-GAP  
15 payments shall continue for youths who have attained 18 years of  
16 age and are under 21 years of age, if they reached 16 years of age  
17 before the Kin-GAP negotiated agreement payments commenced.  
18 To be eligible for continued payments, the youth shall satisfy one  
19 or more of the conditions specified in paragraphs (1) to (5),  
20 inclusive, of subdivision (b) of Section 11403.

21 (i) Termination of the guardianship with a kinship guardian  
22 shall terminate eligibility for Kin-GAP, unless the conditions of  
23 Section 11403 ~~apply, provided, however, that if an alternate~~  
24 ~~guardian or co-guardian is apply. However, if a successor guardian~~  
25 ~~is appointed pursuant to Section 366.3 who is also a kinship~~  
26 ~~guardian, the alternate or co-guardian successor guardian shall be~~  
27 ~~entitled to receive Kin-GAP on behalf of the child pursuant to this~~  
28 ~~article if the reason for the appointment of the successor guardian~~  
29 ~~is the death or incapacity of the kinship guardian and the successor~~  
30 ~~guardian is named in the kinship guardianship assistance~~  
31 ~~agreement or amendment to the agreement. A new period of six~~  
32 ~~months of placement with the alternate guardian or co-guardian~~  
33 ~~successor guardian shall not be required if that alternate guardian~~  
34 ~~or co-guardian successor guardian has been assessed pursuant to~~  
35 ~~Section 361.3 and Section 361.4 and the court terminates~~  
36 ~~dependency jurisdiction, subject to federal approval of amendments~~  
37 ~~to the state plan.~~

38 SEC. 8. Section 16003 of the Welfare and Institutions Code is  
39 amended to read:

1 16003. (a) In order to promote the successful implementation  
2 of the statutory preference for foster care placement with a relative  
3 caretaker as set forth in Section 7950 of the Family Code, each  
4 community college district with a foster care education program  
5 shall make available orientation and training, *pursuant to Sections*  
6 *1529.2 and 1522.44 of the Health and Safety Code*, to the relative  
7 or nonrelative extended family member caregiver into whose care  
8 the county has placed a foster child pursuant to Section 1529.2 of  
9 ~~the Health and Safety Code, including, child.~~ *The training shall*  
10 *include, but is not limited to, courses that cover the following:*

11 (1) The role, rights, and responsibilities of a relative or  
12 nonrelative extended family member caregiver caring for a child  
13 in foster care, including the right of a foster child to have fair and  
14 equal access to all available services, placement, care, treatment,  
15 and benefits, and to not be subjected to discrimination or  
16 harassment on the basis of actual or perceived race, ethnic group  
17 identification, ancestry, national origin, color, religion, sex, sexual  
18 orientation, gender identity, mental or physical disability, or HIV  
19 status.

20 (2) An overview of the child protective system.

21 (3) The effects of child abuse and neglect on child development.

22 (4) Positive discipline and the importance of self-esteem.

23 (5) Health issues in foster care.

24 (6) Accessing education and health services that are available  
25 to foster children.

26 (7) Relationship and safety issues regarding contact with one  
27 or both of the birth parents.

28 (8) Permanency options for relative or nonrelative extended  
29 family member caregivers, including legal guardianship, the  
30 Kinship Guardianship Assistance Payment Program, and kin  
31 adoption.

32 (9) Information on resources available for those who meet  
33 eligibility criteria, including out-of-home care payments, the  
34 Medi-Cal program, in-home supportive services, and other similar  
35 resources.

36 (10) Instruction on cultural competency and sensitivity relating  
37 to, and best practices for, providing adequate care to lesbian, gay,  
38 bisexual, and transgender youth in out-of-home care.

39 (11) Basic instruction on the existing laws and procedures  
40 regarding the safety of foster youth at school and the ensuring of

1 a harassment and violence free school environment contained in  
2 the California Student Safety and Violence Prevention Act of 2000  
3 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
4 Part 19 of Division 1 of Title 1 of the Education Code).

5 (b) In addition to training made available pursuant to subdivision  
6 (a), each community college district with a foster care education  
7 program shall make training available to a relative or nonrelative  
8 extended family member caregiver that includes, but need not be  
9 limited to, courses that cover all of the following:

- 10 (1) Age-appropriate child development.
- 11 (2) Health issues in foster care.
- 12 (3) Positive discipline and the importance of self-esteem.
- 13 (4) Emancipation and independent living.
- 14 (5) Accessing education and health services available to foster  
15 children.
- 16 (6) Relationship and safety issues regarding contact with one  
17 or both of the birth parents.
- 18 (7) Permanency options for relative or nonrelative extended  
19 family member caregivers, including legal guardianship, the  
20 Kinship Guardianship Assistance Payment Program, and kin  
21 adoption.

22 (8) Basic instruction on the existing laws and procedures  
23 regarding the safety of foster youth at school and the ensuring of  
24 a harassment and violence free school environment contained in  
25 the California Student Safety and Violence Prevention Act of 2000  
26 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
27 Part 19 of Division 1 of Title 1 of the Education Code).

28 (c) In addition to the requirements of subdivisions (a) and (b),  
29 each community college district with a foster care education  
30 program, in providing the orientation program, shall develop  
31 appropriate program parameters in collaboration with the counties.

32 (d) Each community college district with a foster care education  
33 program shall make every attempt to make the training and  
34 orientation programs for relative or nonrelative extended family  
35 member caregivers highly accessible in the communities in which  
36 they reside.

37 (e) When a child is placed with a relative or nonrelative extended  
38 family member caregiver, the county shall inform the caregiver  
39 of the availability of training and orientation programs and it is  
40 the intent of the Legislature that the county shall forward the names

1 and addresses of relative or nonrelative extended family member  
2 caregivers to the appropriate community colleges providing the  
3 training and orientation programs.

4 (f) This section shall not be construed to preclude counties from  
5 developing or expanding existing training and orientation programs  
6 for foster care providers to include relative or nonrelative extended  
7 family member caregivers.

8 SEC. 9. Section 16118 of the Welfare and Institutions Code is  
9 amended to read:

10 16118. (a) The department shall establish and administer the  
11 program to be carried out by the department or the county pursuant  
12 to this chapter. The department shall adopt any regulations  
13 necessary to carry out the provisions of this chapter.

14 (b) The department shall keep the records necessary to evaluate  
15 the program's effectiveness in encouraging and promoting the  
16 adoption of children eligible for the Adoption Assistance Program.

17 (c) The department or the county responsible for providing  
18 financial aid in the amount determined in Section 16120 shall have  
19 responsibility for certifying that the child meets the eligibility  
20 criteria and for determining the amount of financial assistance  
21 needed by the child and the adopting family.

22 (d) The department shall actively seek and make maximum use  
23 of federal funds that may be available for the purposes of this  
24 chapter. In accordance with federal law, any savings realized from  
25 the change in federal funding for adoption assistance resulting  
26 from the enactment of the federal Fostering Connections to Success  
27 and Increasing Adoptions Act of 2008 (Public Law 110-351) shall  
28 be spent for the provision of foster care and adoption services, and  
29 the counties shall annually report to the department how these  
30 savings are spent, including any expenditures for post-adoption  
31 services. *Not less than 30 percent of that savings shall be spent*  
32 *on postadoption services, postguardianship services, and services*  
33 *to support and sustain positive permanent outcomes for children*  
34 *who otherwise might enter into foster care. Of that 30-percent*  
35 *amount, at least two-thirds shall be spent on postadoption and*  
36 *postguardianship services.* The process for submitting this  
37 information shall be developed by the department, in consultation  
38 with counties. All gifts or grants received from private sources for  
39 the purpose of this chapter shall be used to offset public costs  
40 incurred under the program established by this chapter.

1 (e) For purposes of this chapter, the county responsible for  
 2 determining the child’s Adoption Assistance Program eligibility  
 3 status and for providing financial aid in the amount determined in  
 4 Sections 16120 and 16120.1 shall be the county that, at the time  
 5 of the adoptive placement, would otherwise be responsible for  
 6 making a payment pursuant to Section 11450 under the CalWORKs  
 7 program or Section 11461 under the Aid to Families with  
 8 Dependent Children-Foster Care program if the child were not  
 9 adopted. When the child has been voluntarily relinquished for  
 10 adoption prior to a determination of eligibility for this payment,  
 11 the responsible county shall be the county in which the  
 12 relinquishing parent resides. The responsible county for all other  
 13 eligible children shall be the county where the child is physically  
 14 residing prior to placement with the adoptive family. The  
 15 responsible county shall certify eligibility on a form prescribed by  
 16 the department.

17 (f) Beginning in the 2011–12 fiscal year, and for each fiscal  
 18 year thereafter, funding and expenditures for programs and  
 19 activities under this section shall be in accordance with the  
 20 requirements provided in Sections 30025 and 30026.5 of the  
 21 Government Code.

22 SEC. 10. Section 16131 of the Welfare and Institutions Code  
 23 is amended to read:

24 16131. It is the intent of the Legislature to conform state  
 25 statutes to ~~recently enacted~~ federal legislation, *including the*  
 26 *Preventing Sex Trafficking and Strengthening Families Act (Public*  
 27 *Law 113-183)* and the Adoption and Safe Families Act of 1997  
 28 (Public Law 105-89), and to reinvest any incentive payments  
 29 received through implementation of the federal act into the child  
 30 welfare system in order to provide adoption services *and other*  
 31 *legal permanency options for children.*

32 SEC. 11. Section 16131.5 of the Welfare and Institutions Code  
 33 is amended to read:

34 16131.5. (a) The state shall reinvest adoption *and guardianship*  
 35 incentive payments received through the implementation of the  
 36 federal Fostering Connections to Success and Increasing Adoptions  
 37 Act of 2008 (Public Law 110-351) *and the Preventing Sex*  
 38 *Trafficking and Strengthening Families Act (Public Law 113-183)*  
 39 into the child welfare system, in order to provide legal permanency  
 40 outcomes for older children, including, but not limited to, adoption,

1 guardianship, and reunification of children whose reunification  
2 services were previously terminated.

3 (b) The incentive payments received pursuant to subdivision  
4 (a), upon appropriation by the Legislature in the annual Budget  
5 Act or another statute, shall be allocated by the State Department  
6 of Social Services to the counties, and the department for a county  
7 in which the department serves as an adoption agency, based on  
8 documented increases in legal permanency outcomes for older  
9 children achieved by each county, as determined by the department,  
10 in consultation with counties, for the purposes specified in this  
11 section.

12 (c) A county, or the department when it acts as the adoption  
13 agency for a county, shall use adoption *and guardianship* incentive  
14 payment funds to improve or sustain legal permanency outcomes  
15 for older children.

16 (d) Nothing in this section shall be construed to supplant funds  
17 currently being spent on programs to provide legal permanency  
18 outcomes.

19 SEC. 12. 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 (b) (1) A case plan shall be based upon the principles of this  
32 section and shall document that a preplacement assessment of the  
33 service needs of the child and family, and preplacement preventive  
34 services, have been provided, and that reasonable efforts to prevent  
35 out-of-home placement have been made.

36 (2) In determining the reasonable services to be offered or  
37 provided, the child's health and safety shall be the paramount  
38 concerns.

39 (3) Upon a determination pursuant to paragraph (1) of  
40 subdivision (e) of Section 361.5 that reasonable services will be

1 offered to a parent who is incarcerated in a county jail or state  
2 prison, detained by the United States Department of Homeland  
3 Security, or deported to his or her country of origin, the case plan  
4 shall include information, to the extent possible, about a parent's  
5 incarceration in a county jail or the state prison, detention by the  
6 United States Department of Homeland Security, or deportation  
7 during the time that a minor child of that parent is involved in  
8 dependency care.

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

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

17 (c) (1) If out-of-home placement is used to attain case plan  
18 goals, the case plan shall include a description of the type of home  
19 or institution in which the child is to be placed, and the reasons  
20 for that placement decision. The decision regarding choice of  
21 placement shall be based upon selection of a safe setting that is  
22 the least restrictive or most familylike and the most appropriate  
23 setting that is available and in close proximity to the parent's home,  
24 proximity to the child's school, and consistent with the selection  
25 of the environment best suited to meet the child's special needs  
26 and best interests. The selection shall consider, in order of priority,  
27 placement with relatives, nonrelated extended family members,  
28 tribal members, and foster family homes, certified homes of foster  
29 family agencies, intensive treatment or multidimensional treatment  
30 foster care homes, group care placements, such as group homes  
31 and community treatment facilities, and residential treatment  
32 pursuant to Section 7950 of the Family Code.

33 (2) If a group care placement is selected for a child, the case  
34 plan shall indicate the needs of the child that necessitate this  
35 placement, the plan for transitioning the child to a less restrictive  
36 environment, and the projected timeline by which the child will  
37 be transitioned to a less restrictive environment. This section of  
38 the case plan shall be reviewed and updated at least semiannually.

39 (3) On or after January 1, 2012, for a nonminor dependent, as  
40 defined in subdivision (v) of Section 11400, who is receiving

1 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
2 in addition to the above requirements, the selection of the  
3 placement, including a supervised independent living placement,  
4 as described in subdivision (w) of Section 11400, shall also be  
5 based upon the developmental needs of young adults by providing  
6 opportunities to have incremental responsibilities that prepare a  
7 nonminor dependent to transition to ~~independent living~~ *successful*  
8 *adulthood*. If admission to, or continuation in, a group home  
9 placement is being considered for a nonminor dependent, the group  
10 home placement approval decision shall include a youth-driven,  
11 team-based case planning process, as defined by the department,  
12 in consultation with stakeholders. The case plan shall consider the  
13 full range of placement options, and shall specify why admission  
14 to, or continuation in, a group home placement is the best  
15 alternative available at the time to meet the special needs or  
16 well-being of the nonminor dependent, and how the placement  
17 will contribute to the nonminor dependent's transition to  
18 ~~independent living~~ *successful adulthood*. The case plan shall  
19 specify the treatment strategies that will be used to prepare the  
20 nonminor dependent for discharge to a less restrictive and more  
21 familylike setting, including a target date for discharge from the  
22 group home placement. The placement shall be reviewed and  
23 updated on a regular, periodic basis to ensure that continuation in  
24 the group home remains in the best interests of the nonminor  
25 dependent and that progress is being made in achieving case plan  
26 goals leading to ~~independent living~~ *successful adulthood*. The  
27 group home placement planning process shall begin as soon as it  
28 becomes clear to the county welfare department or probation office  
29 that a foster child in group home placement is likely to remain in  
30 group home placement on his or her 18th birthday, in order to  
31 expedite the transition to a less restrictive and more familylike  
32 setting if he or she becomes a nonminor dependent. The case  
33 planning process shall include informing the youth of all of his or  
34 her options, including, but not limited to, admission to or  
35 continuation in a group home placement. Consideration for  
36 continuation of existing group home placement for a nonminor  
37 dependent under 19 years of age may include the need to stay in  
38 the same placement in order to complete high school. After a  
39 nonminor dependent either completes high school or attains his or  
40 her 19th birthday, whichever is earlier, continuation in or admission

1 to a group home is prohibited unless the nonminor dependent  
2 satisfies the conditions of paragraph (5) of subdivision (b) of  
3 Section 11403, and group home placement functions as a short-term  
4 transition to the appropriate system of care. Treatment services  
5 provided by the group home placement to the nonminor dependent  
6 to alleviate or ameliorate the medical condition, as described in  
7 paragraph (5) of subdivision (b) of Section 11403, shall not  
8 constitute the sole basis to disqualify a nonminor dependent from  
9 the group home placement.

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

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

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

1 (2) The extension of the maximum time available for preparing  
2 a written case plan from the 30 to 60 days shall be effective 90  
3 days after the date that the department gives counties written notice  
4 that necessary changes have been made to the Child Welfare  
5 Services Case Management System to account for the 60-day  
6 timeframe for preparing a written case plan.

7 (e) The child welfare services case plan shall be comprehensive  
8 enough to meet the juvenile court dependency proceedings  
9 requirements pursuant to Article 6 (commencing with Section 300)  
10 of Chapter 2 of Part 1 of Division 2.

11 (f) The case plan shall be developed as follows:

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

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

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

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

1 worker or probation officer shall provide the information to the  
2 child in a manner appropriate to the age or developmental level of  
3 the child.

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

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

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

29 (A) The death of an immediate relative.

30 (B) The birth of a sibling.

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

36 (7) If out-of-home placement is made in a foster family home,  
37 group home, or other child care institution that is either a  
38 substantial distance from the home of the child's parent or out of  
39 state, the case plan shall specify the reasons why that placement  
40 is in the best interest of the child. When an out-of-state group home

1 placement is recommended or made, the case plan shall, in  
2 addition, specify compliance with Section 7911.1 of the Family  
3 Code.

4 (8) Effective January 1, 2010, a case plan shall ensure the  
5 educational stability of the child while in foster care and shall  
6 include both of the following:

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

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

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

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

34 (10) If out-of-home services are used and the goal is  
35 reunification, the case plan shall describe the services to be  
36 provided to assist in reunification and the services to be provided  
37 concurrently to achieve legal permanency if efforts to reunify fail.  
38 The plan shall also consider in-state and out-of-state placements,  
39 the importance of developing and maintaining sibling relationships  
40 pursuant to Section 16002, and the desire and willingness of the

1 caregiver to provide legal permanency for the child if reunification  
2 is unsuccessful.

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

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

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

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

1 (14) The case plan shall be included in the court report and shall  
2 be considered by the court at the initial hearing and each review  
3 hearing. Modifications to the case plan made during the period  
4 between review hearings need not be approved by the court if the  
5 casework supervisor for that case determines that the modifications  
6 further the goals of the plan. If out-of-home services are used with  
7 the goal of family reunification, the case plan shall consider and  
8 describe the application of subdivision (b) of Section 11203.

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

25 (16) (A) When appropriate, for a child who is 16 years of age  
26 or older and, commencing January 1, 2012, for a nonminor  
27 dependent, the case plan shall include the transitional independent  
28 living plan (TILP), a written description of the programs and  
29 services that will help the child, consistent with the child's best  
30 interests, to prepare for the transition from foster care to  
31 ~~independent living~~ *successful adulthood*, and, in addition, whether  
32 the youth has an in-progress application pending for Title XVI  
33 Supplemental Security Income benefits or for Special Immigrant  
34 Juvenile Status or other applicable application for legal residency  
35 and an active dependency case is required for that application.  
36 When appropriate, for a nonminor dependent, the transitional  
37 independent living case plan, as described in subdivision (v) of  
38 Section 11400, shall include the TILP, a written description of the  
39 programs and services that will help the nonminor dependent,  
40 consistent with his or her best interests, to prepare for transition

1 from foster care and assist the youth in meeting the eligibility  
2 criteria set forth in paragraphs (1) to (5), inclusive, of subdivision  
3 (b) Section 11403. If applicable, the case plan shall describe the  
4 individualized supervision provided in the supervised independent  
5 living placement as defined in subdivision (w) of Section 11400.  
6 The case plan shall be developed with the child or nonminor  
7 dependent and individuals identified as important to the child or  
8 nonminor dependent, and shall include steps the agency is taking  
9 to ensure that the child or nonminor dependent achieves  
10 permanence, including maintaining or obtaining permanent  
11 connections to caring and committed adults.

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

29 (C) For youth ~~16~~ 14 years of age or older, the case plan shall  
30 include documentation that a consumer credit report was requested  
31 annually from each of the three major credit reporting agencies at  
32 no charge to the youth and that any results were provided to the  
33 youth. For nonminor dependents, the case plan shall include  
34 documentation that the county assisted the nonminor dependent  
35 in obtaining his or her reports. The case plan shall include  
36 documentation of barriers, if any, to obtaining the credit reports.  
37 If the consumer credit report reveals any accounts, the case plan  
38 shall detail how the county ensured the youth received assistance  
39 with interpreting the credit report and resolving any inaccuracies,  
40 including any referrals made for the assistance.

1     (17) For youth 14 years of age or older and nonminor  
2 dependents, the case plan shall be developed in consultation with  
3 the youth. At the youth's option, the consultation may include up  
4 to two members of the case planning team who are chosen by the  
5 youth and who are not foster parents of, or caseworkers for, the  
6 youth. The child welfare agency may, at any time, reject an  
7 individual selected by the youth to be a member of the case  
8 planning team if the agency has good cause to believe that the  
9 individual would not act in the youth's best interest. One individual  
10 selected by the youth to be a member of the case planning team  
11 may be designated to be the youth's adviser and advocate with  
12 respect to the application of the reasonable and prudent parent  
13 standard to the youth, as necessary.

14     (18) For youth 14 years of age and older and nonminor  
15 dependents, the case plan shall include both of the following:

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

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

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

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

37     (h) The case plan documentation on sibling placements required  
38 under this section shall not require modification of existing case  
39 plan forms until the Child Welfare Services Case Management  
40 System is implemented on a statewide basis.

1 (i) When a child is 10 years of age or older and has been in  
2 out-of-home placement for six months or longer, the case plan  
3 shall include an identification of individuals, other than the child's  
4 siblings, who are important to the child and actions necessary to  
5 maintain the child's relationship with those individuals, provided  
6 that those relationships are in the best interest of the child. The  
7 social worker or probation officer shall ask every child who is 10  
8 years of age or older and who has been in out-of-home placement  
9 for six months or longer to identify individuals other than the  
10 child's siblings who are important to the child, and may ask any  
11 other child to provide that information, as appropriate. The social  
12 worker or probation officer shall make efforts to identify other  
13 individuals who are important to the child, consistent with the  
14 child's best interests.

15 (j) The child's caregiver shall be provided a copy of a plan  
16 outlining the child's needs and services. The nonminor dependent's  
17 caregiver shall be provided with a copy of the nonminor's TILP.

18 (k) On or before June 30, 2008, the department, in consultation  
19 with the County Welfare Directors Association of California and  
20 other advocates, shall develop a comprehensive plan to ensure that  
21 90 percent of foster children are visited by their caseworkers on a  
22 monthly basis by October 1, 2011, and that the majority of the  
23 visits occur in the residence of the child. The plan shall include  
24 any data reporting requirements necessary to comply with the  
25 provisions of the federal Child and Family Services Improvement  
26 Act of 2006 (Public Law 109-288).

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

31 SEC. 13. Section 16501.4 is added to the Welfare and  
32 Institutions Code, to read:

33 16501.4. (a) On or before September 30, 2016, county child  
34 welfare agencies shall develop and implement policies and  
35 procedures that, at a minimum, require social workers and  
36 probation officers to do all of the following:

37 (1) Identify children receiving child welfare services, including  
38 dependents or wards in foster care, nonminor dependents, and  
39 youth receiving services pursuant to Section 677 of Title 42 of the

1 United States Code, who are, or are at risk of becoming, victims  
2 of commercial sexual exploitation.

3 (2) Document individuals identified pursuant to paragraph (1)  
4 in the Child Welfare Services/Case Management System and any  
5 other agency record as determined by the county.

6 (3) Determine appropriate services for the child or youth  
7 identified pursuant to paragraph (1).

8 (b) On or before July 1, 2016, county child welfare agencies  
9 shall develop and implement specific protocols to expeditiously  
10 locate any child missing from foster care. These policies shall, at  
11 a minimum, require county social workers and probation officers  
12 to do all of the following:

13 (1) Determine the primary factors that contributed to the child  
14 or nonminor dependent running away or otherwise being absent  
15 from care.

16 (2) Respond to factors identified in paragraph (1) in subsequent  
17 placements, to the extent possible.

18 (3) Determine the child's or nonminor dependent's experiences  
19 while absent from care.

20 (4) Determine whether the child or nonminor dependent is a  
21 possible sex trafficking victim.

22 SEC. 14. Section 16501.45 is added to the Welfare and  
23 Institutions Code, to read:

24 16501.45. (a) The State Department of Social Services shall  
25 ensure that the Child Welfare Services/Case Management System  
26 is capable of collecting all of the following:

27 (1) The number of dependent children or wards in foster care  
28 who were victims of commercial sexual exploitation before  
29 entering foster care.

30 (2) The number of dependent children or wards in foster care  
31 who became victims of commercial sexual exploitation while in  
32 foster care.

33 (3) The number of dependent children or wards in foster care  
34 who go missing, run away, or are otherwise absent from care and  
35 were commercially sexually exploited during the time away from  
36 placement.

37 (4) The number of dependent children or wards in foster care  
38 who are at risk of becoming victims of commercial sexual  
39 exploitation.

1 (b) County social workers and probation officers shall collect  
2 the data identified in subdivision (a) consistent with data entry  
3 instructions provided by the department.

4 SEC. 15. Except as required by Section 36 of Article XIII of  
5 the California Constitution, noreimbursement is required by this  
6 act pursuant to Section 6 of Article XIII B of the California  
7 Constitution because this act implements a federal law or regulation  
8 and results only in costs mandated by the federal government,  
9 within the meaning of Section 17556 of the Government Code.

O