

AMENDED IN SENATE APRIL 26, 2016

AMENDED IN SENATE MARCH 28, 2016

SENATE BILL

No. 1040

Introduced by Senator Hill
(Coauthor: Assembly Member Mullin)

February 12, 2016

An act to add Chapter 9 (commencing with Section 9220) to Part 2 of Division 13 of the Family Code, relating to children.

LEGISLATIVE COUNSEL'S DIGEST

SB 1040, as amended, Hill. Adoptions: rehoming.

Existing law regulates adoption services by the State Department of Social Services, county adoption agencies, licensed adoption agencies, and other adoption service providers and requires the department to adopt regulations pertaining to those services.

~~This bill would prohibit the rehoming, as defined, of an adopted child. The bill would also require the department to adopt regulations to ensure that postadoptive services are provided to adoptive parents who seek the assistance of the department.~~

The bill would authorize an adoptive parent, individual, or entity having custody of an adopted minor to rehome, as defined, that minor if specified requirements are met. The bill would require the State Department of Social Services, in consultation with specified individuals and entities, to establish a working group to review the challenges facing families with adopted and special needs children, to identify resources within the community that will assist families with these challenges, and to make recommendations to the Legislature as to the services that may be helpful to these families. The bill would require the working group to meet no later than June 1, 2017, and would require

the working group’s recommendations to be submitted in a report to the appropriate policy committees of the Legislature on or before June 1, 2018.

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

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

1 *SECTION 1. Chapter 9 (commencing with Section 9220) is*
2 *added to Part 2 of Division 13 of the Family Code, to read:*

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CHAPTER 9. REHOMING

6 9220. (a) *For purposes of this chapter, “rehome” or*
7 *“rehoming” means an action taken to provide a new, permanent*
8 *home for an adopted minor with a person or persons other than*
9 *the adoptive parents, except as provided in subdivision (c).*

10 (b) *An adoptive parent, individual, or entity having custody of*
11 *an adopted minor may rehome that minor only if both of the*
12 *following requirements are met:*

13 (1) *The adoptive parent, individual, or entity having custody of*
14 *the minor and the prospective parent or guardian both obtain*
15 *independent counsel within 60 days of placing the minor in the*
16 *physical custody of the prospective parent or guardian.*

17 (2) *The adoptive parent, individual, or entity having custody of*
18 *the minor initiates a lawful guardianship or adoption proceeding*
19 *within 90 days of placing the minor in the physical custody of the*
20 *prospective parent or guardian, consistent with the requirements*
21 *of Division 4 (commencing with Section 1400) of the Probate Code*
22 *or Division 13 (commencing with Section 8500) of the Family*
23 *Code.*

24 (c) *This section does not apply to either of the following:*

25 (1) *A child placed with a relative, as defined by paragraph (2)*
26 *of subdivision (c) of Section 361.3 of the Welfare and Institutions*
27 *Code.*

28 (2) *Temporary placement of a minor by a parent, individual,*
29 *or entity for a designated short-term period with a specified intent*
30 *and time period for return of the minor, if the temporary placement*
31 *is due to a vacation or a school-sponsored function or activity or*

1 *the incarceration, military service, medical treatment, or incapacity*
2 *of a parent or guardian.*

3 9221. (a) *The Legislature acknowledges that adoptive families*
4 *often face special challenges. This is particularly true in the case*
5 *of international adoptions, adoptions of special needs children,*
6 *and adoptions of dependent children who often have experienced*
7 *abuse, neglect, and multiple placements. The Legislature finds and*
8 *declares that it is the public policy of the State of California to*
9 *assist adoptive families and adopted children, and intends this*
10 *section to ensure that these families receive the support needed to*
11 *maintain the family unit, and when necessary, find new, permanent*
12 *homes for youth.*

13 (b) (1) *In order to address and prevent the circumstances in*
14 *which an adoptive parent, individual, or entity having custody of*
15 *an adopted minor seeks to rehome the minor, the State Department*
16 *of Social Services shall, in consultation with child advocacy*
17 *organizations, attorneys specializing in adoption and*
18 *guardianships, the Judicial Council, foster caregiver organizations,*
19 *and individuals with expertise in the area of positive youth*
20 *development, establish a working group to review the challenges*
21 *facing families with adopted and special needs children, to identify*
22 *resources within the community that will assist families with these*
23 *challenges, and to make recommendations to the Legislature as*
24 *to the services that may be helpful to these families.*

25 (2) *In developing the recommendations, the working group shall*
26 *consider all of the following:*

27 (A) *The specific challenges facing the following families:*
28 *families with special needs children, families with children adopted*
29 *through the foster care system, and families with internationally*
30 *adopted children.*

31 (B) *The distinct resources that are available to the different*
32 *types of families specified in subparagraph (A), and whether any*
33 *of the resources available to one type of family would also be*
34 *beneficial to another type.*

35 (C) *The training and education that is necessary to equip mental*
36 *health professionals with the tools necessary to provide the families*
37 *specified in subparagraph (A) with services tailored to their unique*
38 *needs.*

1 (D) How to effectively recruit more prospective adoptive families
2 that are able to provide new, permanent, and loving homes to
3 children coming out of disrupted adoptions.

4 (E) The feasibility of creating a clearinghouse of persons and
5 entities that are knowledgeable in addressing the needs of, and
6 finding subsequent placements for, children at risk of being
7 rehomed, including adoption agencies, social workers, attorneys,
8 mental health professionals, and prospective adoptive parents.

9 (c) (1) The working group shall meet no later than June 1,
10 2017. The recommendations developed pursuant to this section
11 shall be submitted in a report to the appropriate policy committees
12 of the Legislature on or before June 1, 2018.

13 (2) A report to be submitted pursuant to this subdivision shall
14 be submitted in compliance with Section 9795 of the Government
15 Code.

16 (3) The requirement for submitting a report pursuant to this
17 subdivision is inoperative on June 1, 2022, pursuant to Section
18 10231.5 of the Government Code.

19 SECTION 1. Chapter 9 (commencing with Section 9220) is
20 added to Part 2 of Division 13 of the Family Code, to read:

21
22 CHAPTER 9. REHOMING

23
24 ~~9220. (a) An adoptive parent, an individual, or an entity having~~
25 ~~custody of an adopted minor shall not rehome an adopted minor.~~

26 ~~(b) For purposes of this chapter, “rehome” or “rehoming” means~~
27 ~~an action taken to facilitate a transaction by an adoptive parent,~~
28 ~~an individual, or an entity having custody of an adopted minor that~~
29 ~~is done with both of the following:~~

30 ~~(1) Without court approval.~~

31 ~~(2) To avoid permanent parental responsibility by placing the~~
32 ~~minor in the physical custody of another person or entity, except~~
33 ~~as provided in subdivision (c).~~

34 ~~(c) This section does not apply to any of the following:~~

35 ~~(1) A child placed with a relative, as defined by paragraph (2)~~
36 ~~of subdivision (c) of Section 361.3 of the Welfare and Institutions~~
37 ~~Code.~~

38 ~~(2) A child placed with a nonrelative extended family member,~~
39 ~~as defined by Section 362.7 of the Welfare and Institutions Code.~~

1 ~~(3) Temporary placement of a minor by a parent, individual, or~~
2 ~~entity for a designated short-term period with a specified intent~~
3 ~~and time period for return of the minor, if the temporary placement~~
4 ~~is due to a vacation or a school-sponsored function or activity or~~
5 ~~the incarceration, military service, medical treatment, or incapacity~~
6 ~~of a parent or guardian.~~

7 ~~9221. In order to address and prevent circumstances in which~~
8 ~~an adoptive parent, individual, or entity having custody of an~~
9 ~~adopted minor seeks to rehome an adopted minor, the State~~
10 ~~Department of Social Services shall adopt regulations to ensure~~
11 ~~that postadoptive services are provided to adoptive parents who~~
12 ~~seek the assistance of the department.~~

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