

AMENDED IN ASSEMBLY JUNE 16, 2005

AMENDED IN SENATE APRIL 4, 2005

SENATE BILL

No. 500

Introduced by Senator Kuehl

(Principal coauthor: Assembly Member Evans)

February 18, 2005

An act to amend Section 1502 of the Health and Safety Code, and to amend Sections 300, 362.1, 11400, and 11401 of, and to add ~~Section~~ *Sections 11463.7 and 16501.25* to, ~~of~~ the Welfare and Institutions Code, relating to foster care, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

SB 500, as amended, Kuehl. AFDC-FC: pregnant and parenting foster youth.

Under existing law, a child may come within the jurisdiction of the juvenile court and become a dependent child of the court, in, among others, cases of abuse or neglect, or failure of a parent or guardian to adequately supervise or protect the child. Existing law declares that a parent's or guardian's physical disability is only relevant to a court's determination to the extent that the parent's disability prevents him or her from exercising care or control.

This bill would additionally declare that a child whose parent has been adjudged a dependent child of the court shall not be considered to be at risk of abuse or neglect solely because of the age, dependent status, or foster care status of the parent.

Existing law provides that any order placing a child in foster care, and ordering reunification services, shall provide for visitation between the parent or guardian and any siblings and child, with certain exceptions.

This bill would provide, if the child is a teen parent who has custody of his or her child and that child is not a dependent of the court, for visitation among the teen parent, the child's noncustodial parent, and appropriate family members unless the court finds by clear and convincing evidence that visitation would be detrimental to the teen parent.

Existing law, the California Community Care Facilities Act, regulates the licensure and operation of community care facilities, which include facilities that provide residential care for foster children. Violation of the provisions regulating community care facilities is a crime.

This bill would include a whole family foster home within the definition of a community care facility. The bill would define a whole family foster home as a family home or certified family home that provides foster care to a minor parent and his or her child, and that is recruited and trained to assist the minor parent in developing necessary parenting skills. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

This bill would require a shared responsibility plan to be developed for the care of the child of a teen parent when the teen parent is under the jurisdiction of the dependency court and living in an out-of-home placement in a whole family foster home. The bill would set forth the areas to be covered by the plan, including feeding, clothing, transportation, and child care responsibilities.

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state's share of AFDC-FC costs.

Under existing law, federal financial participation is available for certain children who have been adjudged dependent children or wards of the court, or who have been detained under a court order.

This bill would additionally authorize federal financial participation for a dependent child of the court whose parent is also a dependent child of the court who is receiving AFDC-FC benefits, if the parent and child are placed in the same foster care facility and are receiving reunification services, and the child is determined to be eligible for federal financial participation. *The bill would require the State*

Department of Social Services, with the advice, assistance, and cooperation of the counties and foster care providers, to develop, implement, and maintain a ratesetting system under the AFDC-FC program for whole family foster homes certified by foster family agencies. By creating a new category for AFDC-FC eligibility, and thereby increasing county administration duties for the AFDC-FC program, by expanding AFDC-FC eligibility the bill would impose a state-mandated local program.

Because General Fund moneys are continuously appropriated for purposes of the AFDC-FC program, by expanding AFDC-FC eligibility, the bill would constitute an appropriation.

~~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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.~~

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

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

- 1 SECTION 1. Section 1502 of the Health and Safety Code is
- 2 amended to read:
- 3 1502. As used in this chapter:
- 4 (a) "Community care facility" means any facility, place, or
- 5 building that is maintained and operated to provide nonmedical
- 6 residential care, day treatment, adult day care, or foster family

1 agency services for children, adults, or children and adults,
2 including, but not limited to, the physically handicapped,
3 mentally impaired, incompetent persons, and abused or neglected
4 children, and includes the following:

5 (1) “Residential facility” means any family home, group care
6 facility, or similar facility determined by the director, for 24-hour
7 nonmedical care of persons in need of personal services,
8 supervision, or assistance essential for sustaining the activities of
9 daily living or for the protection of the individual.

10 (2) “Adult day program” means any community-based facility
11 or program that provides care to persons 18 years of age or older
12 in need of personal services, supervision, or assistance essential
13 for sustaining the activities of daily living or for the protection of
14 these individuals on less than a 24-hour basis.

15 (3) “Therapeutic day services facility” means any facility that
16 provides nonmedical care, counseling, educational or vocational
17 support, or social rehabilitation services on less than a 24-hour
18 basis to persons under 18 years of age who would otherwise be
19 placed in foster care or who are returning to families from foster
20 care. Program standards for these facilities shall be developed by
21 the department, pursuant to Section 1530, in consultation with
22 therapeutic day services and foster care providers.

23 (4) “Foster family agency” means any organization engaged in
24 the recruiting, certifying, and training of, and providing
25 professional support to, foster parents, or in finding homes or
26 other places for placement of children for temporary or
27 permanent care who require that level of care as an alternative to
28 a group home. Private foster family agencies shall be organized
29 and operated on a nonprofit basis.

30 (5) “Foster family home” means any residential facility
31 providing 24-hour care for six or fewer foster children that is
32 owned, leased, or rented and is the residence of the foster parent
33 or parents, including their family, in whose care the foster
34 children have been placed. The placement may be by a public or
35 private child placement agency or by a court order, or by
36 voluntary placement by a parent, parents, or guardian. It also
37 means a foster family home described in Section 1505.2.

38 (6) “Small family home” means any residential facility, in the
39 licensee’s family residence, that provides 24-hour care for six or
40 fewer foster children who have mental disorders or

1 developmental or physical disabilities and who require special
2 care and supervision as a result of their disabilities. A small
3 family home may accept children with special health care needs,
4 pursuant to subdivision (a) of Section 17710 of the Welfare and
5 Institutions Code. In addition to placing children with special
6 health care needs, the department may approve placement of
7 children without special health care needs, up to the licensed
8 capacity.

9 (7) “Social rehabilitation facility” means any residential
10 facility that provides social rehabilitation services for no longer
11 than 18 months in a group setting to adults recovering from
12 mental illness who temporarily need assistance, guidance, or
13 counseling. Program components shall be subject to program
14 standards pursuant to Article 1 (commencing with Section 5670)
15 of Chapter 2.5 of Part 2 of Division 5 of the Welfare and
16 Institutions Code.

17 (8) “Community treatment facility” means any residential
18 facility that provides mental health treatment services to children
19 in a group setting and that has the capacity to provide secure
20 containment. Program components shall be subject to program
21 standards developed and enforced by the State Department of
22 Mental Health pursuant to Section 4094 of the Welfare and
23 Institutions Code.

24 Nothing in this section shall be construed to prohibit or
25 discourage placement of persons who have mental or physical
26 disabilities into any category of community care facility that
27 meets the needs of the individual placed, if the placement is
28 consistent with the licensing regulations of the department.

29 (9) “Full-service adoption agency” means any licensed entity
30 engaged in the business of providing adoption services, that does
31 all of the following:

32 (A) Assumes care, custody, and control of a child through
33 relinquishment of the child to the agency or involuntary
34 termination of parental rights to the child.

35 (B) Assesses the birth parents, prospective adoptive parents, or
36 child.

37 (C) Places children for adoption.

38 (D) Supervises adoptive placements.

39 Private full-service adoption agencies shall be organized and
40 operated on a nonprofit basis.

1 (10) “Noncustodial adoption agency” means any licensed
2 entity engaged in the business of providing adoption services,
3 that does all of the following:

4 (A) Assesses the prospective adoptive parents.

5 (B) Cooperatively matches children freed for adoption, who
6 are under the care, custody, and control of a licensed adoption
7 agency, for adoption, with assessed and approved adoptive
8 applicants.

9 (C) Cooperatively supervises adoptive placements with a
10 full-service adoptive agency, but does not disrupt a placement or
11 remove a child from a placement.

12 Private noncustodial adoption agencies shall be organized and
13 operated on a nonprofit basis.

14 (11) “Transitional shelter care facility” means any group care
15 facility that provides for 24-hour nonmedical care of persons in
16 need of personal services, supervision, or assistance essential for
17 sustaining the activities of daily living or for the protection of the
18 individual. Program components shall be subject to program
19 standards developed by the State Department of Social Services
20 pursuant to Section 1502.3.

21 (12) “Transitional housing placement facility” means a
22 community care facility licensed by the department pursuant to
23 Section 1559.110 to provide transitional housing opportunities to
24 persons at least 17 years of age, and not more than 18 years of
25 age unless the requirements of Section 11403 of the Welfare and
26 Institutions Code are met, who are in out-of-home placement
27 under the supervision of the county department of social services
28 or the county probation department, and who are participating in
29 an independent living program.

30 (13) “Whole family foster home” means a family home or
31 certified family home, as defined in Section 11400 of the Welfare
32 and Institutions Code, that provides foster care for a minor parent
33 and his or her child, and is specifically recruited and trained to
34 assist the minor parent in developing the skills necessary to
35 provide a safe, stable, and permanent home for his or her child.
36 The child of the minor parent need not be the subject of a petition
37 filed pursuant to Section 300 of the Welfare and Institutions
38 Code to qualify for placement in a whole family foster home.

39 (b) “Department” or “state department” means the State
40 Department of Social Services.

1 (c) “Director” means the Director of Social Services.

2 SEC. 2. Section 300 of the Welfare and Institutions Code, as
3 amended by Section 3 of Chapter 824 of the Statutes of 2000, is
4 amended to read:

5 300. Any child who comes within any of the following
6 descriptions is within the jurisdiction of the juvenile court which
7 may adjudge that person to be a dependent child of the court:

8 (a) The child has suffered, or there is a substantial risk that the
9 child will suffer, serious physical harm inflicted nonaccidentally
10 upon the child by the child’s parent or guardian. For the purposes
11 of this subdivision, a court may find there is a substantial risk of
12 serious future injury based on the manner in which a less serious
13 injury was inflicted, a history of repeated inflictions of injuries
14 on the child or the child’s siblings, or a combination of these and
15 other actions by the parent or guardian which indicate the child is
16 at risk of serious physical harm. For purposes of this subdivision,
17 “serious physical harm” does not include reasonable and
18 age-appropriate spanking to the buttocks where there is no
19 evidence of serious physical injury.

20 (b) The child has suffered, or there is a substantial risk that the
21 child will suffer, serious physical harm or illness, as a result of
22 the failure or inability of his or her parent or guardian to
23 adequately supervise or protect the child, or the willful or
24 negligent failure of the child’s parent or guardian to adequately
25 supervise or protect the child from the conduct of the custodian
26 with whom the child has been left, or by the willful or negligent
27 failure of the parent or guardian to provide the child with
28 adequate food, clothing, shelter, or medical treatment, or by the
29 inability of the parent or guardian to provide regular care for the
30 child due to the parent’s or guardian’s mental illness,
31 developmental disability, or substance abuse. No child shall be
32 found to be a person described by this subdivision solely due to
33 the lack of an emergency shelter for the family. Whenever it is
34 alleged that a child comes within the jurisdiction of the court on
35 the basis of the parent’s or guardian’s willful failure to provide
36 adequate medical treatment or specific decision to provide
37 spiritual treatment through prayer, the court shall give deference
38 to the parent’s or guardian’s medical treatment, nontreatment, or
39 spiritual treatment through prayer alone in accordance with the
40 tenets and practices of a recognized church or religious

1 denomination, by an accredited practitioner thereof, and shall not
2 assume jurisdiction unless necessary to protect the child from
3 suffering serious physical harm or illness. In making its
4 determination, the court shall consider (1) the nature of the
5 treatment proposed by the parent or guardian, (2) the risks to the
6 child posed by the course of treatment or nontreatment proposed
7 by the parent or guardian, (3) the risk, if any, of the course of
8 treatment being proposed by the petitioning agency, and (4) the
9 likely success of the courses of treatment or nontreatment
10 proposed by the parent or guardian and agency. The child shall
11 continue to be a dependent child pursuant to this subdivision only
12 so long as is necessary to protect the child from risk of suffering
13 serious physical harm or illness.

14 (c) The child is suffering serious emotional damage, or is at
15 substantial risk of suffering serious emotional damage, evidenced
16 by severe anxiety, depression, withdrawal, or untoward
17 aggressive behavior toward self or others, as a result of the
18 conduct of the parent or guardian or who has no parent or
19 guardian capable of providing appropriate care. No child shall be
20 found to be a person described by this subdivision if the willful
21 failure of the parent or guardian to provide adequate mental
22 health treatment is based on a sincerely held religious belief and
23 if a less intrusive judicial intervention is available.

24 (d) The child has been sexually abused, or there is a
25 substantial risk that the child will be sexually abused, as defined
26 in Section 11165.1 of the Penal Code, by his or her parent or
27 guardian or a member of his or her household, or the parent or
28 guardian has failed to adequately protect the child from sexual
29 abuse when the parent or guardian knew or reasonably should
30 have known that the child was in danger of sexual abuse.

31 (e) The child is under the age of five and has suffered severe
32 physical abuse by a parent, or by any person known by the
33 parent, if the parent knew or reasonably should have known that
34 the person was physically abusing the child. For the purposes of
35 this subdivision, “severe physical abuse” means any of the
36 following: any single act of abuse which causes physical trauma
37 of sufficient severity that, if left untreated, would cause
38 permanent physical disfigurement, permanent physical disability,
39 or death; any single act of sexual abuse which causes significant
40 bleeding, deep bruising, or significant external or internal

1 swelling; or more than one act of physical abuse, each of which
2 causes bleeding, deep bruising, significant external or internal
3 swelling, bone fracture, or unconsciousness; or the willful,
4 prolonged failure to provide adequate food. A child may not be
5 removed from the physical custody of his or her parent or
6 guardian on the basis of a finding of severe physical abuse unless
7 the social worker has made an allegation of severe physical abuse
8 pursuant to Section 332.

9 (f) The child's parent or guardian caused the death of another
10 child through abuse or neglect.

11 (g) The child has been left without any provision for support;
12 physical custody of the child has been voluntarily surrendered
13 pursuant to Section 1255.7 of the Health and Safety Code and the
14 child has not been reclaimed within the 14-day period specified
15 in subdivision (e) of that section; the child's parent has been
16 incarcerated or institutionalized and cannot arrange for the care
17 of the child; or a relative or other adult custodian with whom the
18 child resides or has been left is unwilling or unable to provide
19 care or support for the child, the whereabouts of the parent are
20 unknown, and reasonable efforts to locate the parent have been
21 unsuccessful.

22 (h) The child has been freed for adoption by one or both
23 parents for 12 months by either relinquishment or termination of
24 parental rights or an adoption petition has not been granted.

25 (i) The child has been subjected to an act or acts of cruelty by
26 the parent or guardian or a member of his or her household, or
27 the parent or guardian has failed to adequately protect the child
28 from an act or acts of cruelty when the parent or guardian knew
29 or reasonably should have known that the child was in danger of
30 being subjected to an act or acts of cruelty.

31 (j) The child's sibling has been abused or neglected, as defined
32 in subdivision (a), (b), (d), (e), or (i), and there is a substantial
33 risk that the child will be abused or neglected, as defined in those
34 subdivisions. The court shall consider the circumstances
35 surrounding the abuse or neglect of the sibling, the age and
36 gender of each child, the nature of the abuse or neglect of the
37 sibling, the mental condition of the parent or guardian, and any
38 other factors the court considers probative in determining
39 whether there is a substantial risk to the child.

1 It is the intent of the Legislature that nothing in this section
2 disrupt the family unnecessarily or intrude inappropriately into
3 family life, prohibit the use of reasonable methods of parental
4 discipline, or prescribe a particular method of parenting. Further,
5 nothing in this section is intended to limit the offering of
6 voluntary services to those families in need of assistance but who
7 do not come within the descriptions of this section. To the extent
8 that savings accrue to the state from child welfare services
9 funding obtained as a result of the enactment of the act that
10 enacted this section, those savings shall be used to promote
11 services which support family maintenance and family
12 reunification plans, such as client transportation, out-of-home
13 respite care, parenting training, and the provision of temporary or
14 emergency in-home caretakers and persons teaching and
15 demonstrating homemaking skills. The Legislature further
16 declares that a physical disability, such as blindness or deafness,
17 is no bar to the raising of happy and well-adjusted children and
18 that a court's determination pursuant to this section shall center
19 upon whether a parent's disability prevents him or her from
20 exercising care and control. The Legislature further declares that
21 a child whose parent has been adjudged a dependent child of the
22 court pursuant to this section shall not be considered to be at risk
23 of abuse or neglect solely because of the age, dependent status, or
24 foster care status of the parent.

25 As used in this section "guardian" means the legal guardian of
26 the child.

27 (k) This section shall be repealed on January 1, 2006, unless a
28 later enacted statute extends or deletes that date.

29 SEC. 3. Section 300 of the Welfare and Institutions Code, as
30 added by Section 3.5 of Chapter 824 of the Statutes of 2000, is
31 amended to read:

32 300. Any child who comes within any of the following
33 descriptions is within the jurisdiction of the juvenile court which
34 may adjudge that person to be a dependent child of the court:

35 (a) The child has suffered, or there is a substantial risk that the
36 child will suffer, serious physical harm inflicted nonaccidentally
37 upon the child by the child's parent or guardian. For the purposes
38 of this subdivision, a court may find there is a substantial risk of
39 serious future injury based on the manner in which a less serious
40 injury was inflicted, a history of repeated inflictions of injuries

1 on the child or the child's siblings, or a combination of these and
2 other actions by the parent or guardian which indicate the child is
3 at risk of serious physical harm. For purposes of this subdivision,
4 "serious physical harm" does not include reasonable and
5 age-appropriate spanking to the buttocks where there is no
6 evidence of serious physical injury.

7 (b) The child has suffered, or there is a substantial risk that the
8 child will suffer, serious physical harm or illness, as a result of
9 the failure or inability of his or her parent or guardian to
10 adequately supervise or protect the child, or the willful or
11 negligent failure of the child's parent or guardian to adequately
12 supervise or protect the child from the conduct of the custodian
13 with whom the child has been left, or by the willful or negligent
14 failure of the parent or guardian to provide the child with
15 adequate food, clothing, shelter, or medical treatment, or by the
16 inability of the parent or guardian to provide regular care for the
17 child due to the parent's or guardian's mental illness,
18 developmental disability, or substance abuse. No child shall be
19 found to be a person described by this subdivision solely due to
20 the lack of an emergency shelter for the family. Whenever it is
21 alleged that a child comes within the jurisdiction of the court on
22 the basis of the parent's or guardian's willful failure to provide
23 adequate medical treatment or specific decision to provide
24 spiritual treatment through prayer, the court shall give deference
25 to the parent's or guardian's medical treatment, nontreatment, or
26 spiritual treatment through prayer alone in accordance with the
27 tenets and practices of a recognized church or religious
28 denomination, by an accredited practitioner thereof, and shall not
29 assume jurisdiction unless necessary to protect the child from
30 suffering serious physical harm or illness. In making its
31 determination, the court shall consider (1) the nature of the
32 treatment proposed by the parent or guardian, (2) the risks to the
33 child posed by the course of treatment or nontreatment proposed
34 by the parent or guardian, (3) the risk, if any, of the course of
35 treatment being proposed by the petitioning agency, and (4) the
36 likely success of the courses of treatment or nontreatment
37 proposed by the parent or guardian and agency. The child shall
38 continue to be a dependent child pursuant to this subdivision only
39 so long as is necessary to protect the child from risk of suffering
40 serious physical harm or illness.

1 (c) The child is suffering serious emotional damage, or is at
2 substantial risk of suffering serious emotional damage, evidenced
3 by severe anxiety, depression, withdrawal, or untoward
4 aggressive behavior toward self or others, as a result of the
5 conduct of the parent or guardian or who has no parent or
6 guardian capable of providing appropriate care. No child shall be
7 found to be a person described by this subdivision if the willful
8 failure of the parent or guardian to provide adequate mental
9 health treatment is based on a sincerely held religious belief and
10 if a less intrusive judicial intervention is available.

11 (d) The child has been sexually abused, or there is a
12 substantial risk that the child will be sexually abused, as defined
13 in Section 11165.1 of the Penal Code, by his or her parent or
14 guardian or a member of his or her household, or the parent or
15 guardian has failed to adequately protect the child from sexual
16 abuse when the parent or guardian knew or reasonably should
17 have known that the child was in danger of sexual abuse.

18 (e) The child is under the age of five and has suffered severe
19 physical abuse by a parent, or by any person known by the
20 parent, if the parent knew or reasonably should have known that
21 the person was physically abusing the child. For the purposes of
22 this subdivision, “severe physical abuse” means any of the
23 following: any single act of abuse which causes physical trauma
24 of sufficient severity that, if left untreated, would cause
25 permanent physical disfigurement, permanent physical disability,
26 or death; any single act of sexual abuse which causes significant
27 bleeding, deep bruising, or significant external or internal
28 swelling; or more than one act of physical abuse, each of which
29 causes bleeding, deep bruising, significant external or internal
30 swelling, bone fracture, or unconsciousness; or the willful,
31 prolonged failure to provide adequate food. A child may not be
32 removed from the physical custody of his or her parent or
33 guardian on the basis of a finding of severe physical abuse unless
34 the social worker has made an allegation of severe physical abuse
35 pursuant to Section 332.

36 (f) The child’s parent or guardian caused the death of another
37 child through abuse or neglect.

38 (g) The child has been left without any provision for support;
39 the child’s parent has been incarcerated or institutionalized and
40 cannot arrange for the care of the child; or a relative or other

1 adult custodian with whom the child resides or has been left is
2 unwilling or unable to provide care or support for the child, the
3 whereabouts of the parent are unknown, and reasonable efforts to
4 locate the parent have been unsuccessful.

5 (h) The child has been freed for adoption by one or both
6 parents for 12 months by either relinquishment or termination of
7 parental rights or an adoption petition has not been granted.

8 (i) The child has been subjected to an act or acts of cruelty by
9 the parent or guardian or a member of his or her household, or
10 the parent or guardian has failed to adequately protect the child
11 from an act or acts of cruelty when the parent or guardian knew
12 or reasonably should have known that the child was in danger of
13 being subjected to an act or acts of cruelty.

14 (j) The child's sibling has been abused or neglected, as defined
15 in subdivision (a), (b), (d), (e), or (i), and there is a substantial
16 risk that the child will be abused or neglected, as defined in those
17 subdivisions. The court shall consider the circumstances
18 surrounding the abuse or neglect of the sibling, the age and
19 gender of each child, the nature of the abuse or neglect of the
20 sibling, the mental condition of the parent or guardian, and any
21 other factors the court considers probative in determining
22 whether there is a substantial risk to the child.

23 It is the intent of the Legislature that nothing in this section
24 disrupt the family unnecessarily or intrude inappropriately into
25 family life, prohibit the use of reasonable methods of parental
26 discipline, or prescribe a particular method of parenting. Further,
27 nothing in this section is intended to limit the offering of
28 voluntary services to those families in need of assistance but who
29 do not come within the descriptions of this section. To the extent
30 that savings accrue to the state from child welfare services
31 funding obtained as a result of the enactment of the act that
32 enacted this section, those savings shall be used to promote
33 services which support family maintenance and family
34 reunification plans, such as client transportation, out-of-home
35 respite care, parenting training, and the provision of temporary or
36 emergency in-home caretakers and persons teaching and
37 demonstrating homemaking skills. The Legislature further
38 declares that a physical disability, such as blindness or deafness,
39 is no bar to the raising of happy and well-adjusted children and
40 that a court's determination pursuant to this section shall center

1 upon whether a parent's disability prevents him or her from
2 exercising care and control. The Legislature further declares that
3 a child whose parent has been adjudged a dependent child of the
4 court pursuant to this section shall not be considered to be at risk
5 of abuse or neglect solely because of the age, dependent status, or
6 foster care status of the parent.

7 As used in this section, "guardian" means the legal guardian of
8 the child.

9 *SEC. 4. Section 362.1 of the Welfare and Institutions Code is*
10 *amended to read:*

11 362.1. (a) In order to maintain ties between the parent or
12 guardian and any siblings and the child, and to provide
13 information relevant to deciding if, and when, to return a child to
14 the custody of his or her parent or guardian, or to encourage or
15 suspend sibling interaction, any order placing a child in foster
16 care, and ordering reunification services, shall provide as
17 follows:

18 (1) (A) Subject to subparagraph (B), for visitation between
19 the parent or guardian and the child. Visitation shall be as
20 frequent as possible, consistent with the well-being of the child.

21 (B) No visitation order shall jeopardize the safety of the child.
22 To protect the safety of the child, the court may keep the child's
23 address confidential. If the parent of the child has been convicted
24 of murder in the first degree, as defined in Section 189 of the
25 Penal Code, and the victim of the murder was the other parent of
26 the child, the court shall order visitation between the child and
27 the parent only if that order would be consistent with Section
28 3030 of the Family Code.

29 (2) Pursuant to subdivision (b) of Section 16002, for visitation
30 between the child and any siblings, unless the court finds by clear
31 and convincing evidence that sibling interaction is detrimental to
32 either child.

33 (3) *If the child is a teen parent who has custody of his or her*
34 *child and that child is not a dependent of the court pursuant to*
35 *this chapter, for visitation among the teen parent, the child's*
36 *noncustodial parent, and appropriate family members, unless the*
37 *court finds by clear and convincing evidence that visitation*
38 *would be detrimental to the teen parent.*

39 (b) When reunification services are not ordered pursuant to
40 Section 361.5, the child's plan for legal permanency shall include

1 consideration of the existence of and the relationship with any
2 sibling pursuant to Section 16002, including their impact on
3 placement and visitation.

4 (c) As used in this section, “sibling” means a child related to
5 another person by blood, adoption, or affinity through a common
6 legal or biological parent.

7 ~~SEC. 4.—~~

8 *SEC. 5.* Section 11400 of the Welfare and Institutions Code,
9 as amended by Section 6 of Chapter 664 of the Statutes of 2004,
10 is amended to read:

11 11400. For the purposes of this article, the following
12 definitions shall apply:

13 (a) “Aid to Families with Dependent Children-Foster Care
14 (AFDC-FC)” means the aid provided on behalf of needy children
15 in foster care under the terms of this division.

16 (b) “Case plan” means a written document that, at a minimum,
17 specifies the type of home in which the child shall be placed, the
18 safety of that home, and the appropriateness of that home to meet
19 the child’s needs. It shall also include the agency’s plan for
20 ensuring that the child receive proper care and protection in a
21 safe environment, and shall set forth the appropriate services to
22 be provided to the child, the child’s family, and the foster
23 parents, in order to meet the child’s needs while in foster care,
24 and to reunify the child with the child’s family. In addition, the
25 plan shall specify the services that will be provided or steps that
26 will be taken to facilitate an alternate permanent plan if
27 reunification is not possible.

28 (c) “Certified family home” means a family residence certified
29 by a licensed foster family agency and issued a certificate of
30 approval by that agency as meeting licensing standards, and used
31 only by that foster family agency for placements.

32 (d) “Family home” means the family residency of a licensee in
33 which 24-hour care and supervision are provided for children.

34 (e) “Small family home” means any residential facility, in the
35 licensee’s family residence, which provides 24-hour care for six
36 or fewer foster children who have mental disorders or
37 developmental or physical disabilities and who require special
38 care and supervision as a result of their disabilities.

39 (f) “Foster care” means the 24-hour out-of-home care provided
40 to children whose own families are unable or unwilling to care

1 for them, and who are in need of temporary or long-term
2 substitute parenting.

3 (g) “Foster family agency” means any individual or
4 organization engaged in the recruiting, certifying, and training of,
5 and providing professional support to, foster parents, or in
6 finding homes or other places for placement of children for
7 temporary or permanent care who require that level of care as an
8 alternative to a group home. Private foster family agencies shall
9 be organized and operated on a nonprofit basis.

10 (h) “Group home” means a nondetention privately operated
11 residential home, organized and operated on a nonprofit basis
12 only, of any capacity, that provides services in a group setting to
13 children in need of care and supervision, as required by
14 paragraph (1) of subdivision (a) of Section 1502 of the Health
15 and Safety Code.

16 (i) “Periodic review” means review of a child’s status by the
17 juvenile court or by an administrative review panel, that shall
18 include a consideration of the safety of the child, a determination
19 of the continuing need for placement in foster care, evaluation of
20 the goals for the placement and the progress toward meeting
21 these goals, and development of a target date for the child’s
22 return home or establishment of alternative permanent
23 placement.

24 (j) “Permanency planning hearing” means a hearing conducted
25 by the juvenile court in which the child’s future status, including
26 whether the child shall be returned home or another permanent
27 plan shall be developed, is determined.

28 (k) “Placement and care” refers to the responsibility for the
29 welfare of a child vested in an agency or organization by virtue
30 of the agency or organization having (1) been delegated care,
31 custody, and control of a child by the juvenile court, (2) taken
32 responsibility, pursuant to a relinquishment or termination of
33 parental rights on a child, (3) taken the responsibility of
34 supervising a child detained by the juvenile court pursuant to
35 Section 319 or 636, or (4) signed a voluntary placement
36 agreement for the child’s placement; or to the responsibility
37 designated to an individual by virtue of his or her being
38 appointed the child’s legal guardian.

1 (l) “Preplacement preventive services” means services that are
2 designed to help children remain with their families by
3 preventing or eliminating the need for removal.

4 (m) “Relative” means an adult who is related to the child by
5 blood, adoption, or affinity within the fifth degree of kinship,
6 including stepparents, stepsiblings, and all relatives whose status
7 is preceded by the words “great,” “great-great,” or “grand” or the
8 spouse of any of these persons even if the marriage was
9 terminated by death or dissolution.

10 (n) “Nonrelative extended family member” means an adult
11 caregiver who has an established familial or mentoring
12 relationship with the child, as described in Section 362.7.

13 (o) “Voluntary placement” means an out-of-home placement
14 of a child by (1) the county welfare department after the parents
15 or guardians have requested the assistance of the county welfare
16 department and have signed a voluntary placement agreement; or
17 (2) the county welfare department licensed public or private
18 adoption agency, or the department acting as an adoption agency,
19 after the parents have requested the assistance of either the
20 county welfare department, the licensed public or private
21 adoption agency, or the department acting as an adoption agency
22 for the purpose of adoption planning, and have signed a
23 voluntary placement agreement.

24 (p) “Voluntary placement agreement” means a written
25 agreement between either the county welfare department, a
26 licensed public or private adoption agency, or the department
27 acting as an adoption agency, and the parents or guardians of a
28 child that specifies, at a minimum, the following:

29 (1) The legal status of the child.
30 (2) The rights and obligations of the parents or guardians, the
31 child, and the agency in which the child is placed.

32 (q) “Original placement date” means the most recent date on
33 which the court detained a child and ordered an agency to be
34 responsible for supervising the child or the date on which an
35 agency assumed responsibility for a child due to termination of
36 parental rights, relinquishment, or voluntary placement.

37 (r) “Transitional housing placement facility” means either of
38 the following:

39 (1) A community care facility licensed by the State
40 Department of Social Services pursuant to Section 1559.110 of

1 the Health and Safety Code to provide transitional housing
2 opportunities to persons at least 16 years of age, and not more
3 than 18 years of age unless they satisfy the requirements of
4 Section 11403, who are in out-of-home placement under the
5 supervision of the county department of social services or the
6 county probation department, and who are participating in an
7 independent living program.

8 (2) A facility certified to provide transitional housing services
9 pursuant to subdivision (e) of Section 1559.110 of the Health and
10 Safety Code.

11 (s) “Transitional housing placement program” means a
12 program that provides supervised housing opportunities to
13 eligible youth pursuant to Article 4 (commencing with Section
14 16522) of Chapter 5 of Part 4.

15 (t) “Crisis nursery” means a facility licensed to provide
16 short-term, 24-hour nonmedical residential care and supervision
17 for children under six years of age who are either voluntarily
18 placed for temporary care by a parent or legal guardian due to a
19 family crisis or stressful situation for no more than 30 days or,
20 except as provided in subdivision (e) of Section 1516 of the
21 Health and Safety Code, who are temporarily placed by a county
22 child welfare service agency for no more than 14 days.

23 (u) “Whole family foster home” means a family home or
24 certified family home that provides foster care for a minor parent
25 and his or her child, and is specifically recruited and trained to
26 assist the minor parent in developing the skills necessary to
27 provide a safe, stable, and permanent home for his or her child.
28 The child of the minor parent need not be the subject of a petition
29 filed pursuant to Section 300 to qualify for placement in a whole
30 family foster home.

31 (v) This section shall remain in effect only until January 1,
32 2008, and as of that date is repealed, unless a later enacted
33 statute, that is enacted before January 1, 2008, deletes or extends
34 that date.

35 ~~SEC. 5.—~~

36 *SEC. 6.* Section 11400 of the Welfare and Institutions Code,
37 as added by Section 7 of Chapter 664 of the Statutes of 2004, is
38 amended to read:

39 11400. For the purposes of this article, the following
40 definitions shall apply:

1 (a) “Aid to Families with Dependent Children-Foster Care
2 (AFDC-FC)” means the aid provided on behalf of needy children
3 in foster care under the terms of this division.

4 (b) “Case plan” means a written document that, at a minimum,
5 specifies the type of home in which the child shall be placed, the
6 safety of that home, and the appropriateness of that home to meet
7 the child’s needs. It shall also include the agency’s plan for
8 ensuring that the child receive proper care and protection in a
9 safe environment, and shall set forth the appropriate services to
10 be provided to the child, the child’s family, and the foster
11 parents, in order to meet the child’s needs while in foster care,
12 and to reunify the child with the child’s family. In addition, the
13 plan shall specify the services that will be provided or steps that
14 will be taken to facilitate an alternate permanent plan if
15 reunification is not possible.

16 (c) “Certified family home” means a family residence certified
17 by a licensed foster family agency and issued a certificate of
18 approval by that agency as meeting licensing standards, and used
19 only by that foster family agency for placements.

20 (d) “Family home” means the family residency of a licensee in
21 which 24-hour care and supervision are provided for children.

22 (e) “Small family home” means any residential facility, in the
23 licensee’s family residence, which provides 24-hour care for six
24 or fewer foster children who have mental disorders or
25 developmental or physical disabilities and who require special
26 care and supervision as a result of their disabilities.

27 (f) “Foster care” means the 24-hour out-of-home care provided
28 to children whose own families are unable or unwilling to care
29 for them, and who are in need of temporary or long-term
30 substitute parenting.

31 (g) “Foster family agency” means any individual or
32 organization engaged in the recruiting, certifying, and training of,
33 and providing professional support to, foster parents, or in
34 finding homes or other places for placement of children for
35 temporary or permanent care who require that level of care as an
36 alternative to a group home. Private foster family agencies shall
37 be organized and operated on a nonprofit basis.

38 (h) “Group home” means a nondetention privately operated
39 residential home, organized and operated on a nonprofit basis
40 only, of any capacity, that provides services in a group setting to

1 children in need of care and supervision, as required by
2 paragraph (1) of subdivision (a) of Section 1502 of the Health
3 and Safety Code.

4 (i) "Periodic review" means review of a child's status by the
5 juvenile court or by an administrative review panel, that shall
6 include a consideration of the safety of the child, a determination
7 of the continuing need for placement in foster care, evaluation of
8 the goals for the placement and the progress toward meeting
9 these goals, and development of a target date for the child's
10 return home or establishment of alternative permanent
11 placement.

12 (j) "Permanency planning hearing" means a hearing conducted
13 by the juvenile court in which the child's future status, including
14 whether the child shall be returned home or another permanent
15 plan shall be developed, is determined.

16 (k) "Placement and care" refers to the responsibility for the
17 welfare of a child vested in an agency or organization by virtue
18 of the agency or organization having (1) been delegated care,
19 custody, and control of a child by the juvenile court, (2) taken
20 responsibility, pursuant to a relinquishment or termination of
21 parental rights on a child, (3) taken the responsibility of
22 supervising a child detained by the juvenile court pursuant to
23 Section 319 or 636, or (4) signed a voluntary placement
24 agreement for the child's placement; or to the responsibility
25 designated to an individual by virtue of his or her being
26 appointed the child's legal guardian.

27 (l) "Preplacement preventive services" means services that are
28 designed to help children remain with their families by
29 preventing or eliminating the need for removal.

30 (m) "Relative" means an adult who is related to the child by
31 blood, adoption, or affinity within the fifth degree of kinship,
32 including stepparents, stepsiblings, and all relatives whose status
33 is preceded by the words "great," "great-great," or "grand" or the
34 spouse of any of these persons even if the marriage was
35 terminated by death or dissolution.

36 (n) "Nonrelative extended family member" means an adult
37 caregiver who has an established familial or mentoring
38 relationship with the child, as described in Section 362.7.

39 (o) "Voluntary placement" means an out-of-home placement
40 of a child by (1) the county welfare department after the parents

1 or guardians have requested the assistance of the county welfare
2 department and have signed a voluntary placement agreement; or
3 (2) the county welfare department licensed public or private
4 adoption agency, or the department acting as an adoption agency,
5 after the parents have requested the assistance of either the
6 county welfare department, the licensed public or private
7 adoption agency, or the department acting as an adoption agency
8 for the purpose of adoption planning, and have signed a
9 voluntary placement agreement.

10 (p) “Voluntary placement agreement” means a written
11 agreement between either the county welfare department, a
12 licensed public or private adoption agency, or the department
13 acting as an adoption agency, and the parents or guardians of a
14 child that specifies, at a minimum, the following:

15 (1) The legal status of the child.

16 (2) The rights and obligations of the parents or guardians, the
17 child, and the agency in which the child is placed.

18 (q) “Original placement date” means the most recent date on
19 which the court detained a child and ordered an agency to be
20 responsible for supervising the child or the date on which an
21 agency assumed responsibility for a child due to termination of
22 parental rights, relinquishment, or voluntary placement.

23 (r) “Transitional housing placement facility” means either of
24 the following:

25 (1) A community care facility licensed by the State
26 Department of Social Services pursuant to Section 1559.110 of
27 the Health and Safety Code to provide transitional housing
28 opportunities to persons at least 16 years of age, and not more
29 than 18 years of age unless they satisfy the requirements of
30 Section 11403, who are in out-of-home placement under the
31 supervision of the county department of social services or the
32 county probation department, and who are participating in an
33 independent living program.

34 (2) A facility certified to provide transitional housing services
35 pursuant to subdivision (e) of Section 1559.110 of the Health and
36 Safety Code.

37 (s) “Transitional housing placement program” means a
38 program that provides supervised housing opportunities to
39 eligible youth pursuant to Article 4 (commencing with Section
40 16522) of Chapter 5 of Part 4.

(t) “Whole family foster home” means a family home or certified family home that provides foster care for a minor parent and his or her child, and is specifically recruited and trained to assist the minor parent in developing the skills necessary to provide a safe, stable, and permanent home for his or her child. The child of the minor parent need not be the subject of a petition filed pursuant to Section 300 to qualify for placement in a whole family foster home.

(u) This section shall become operative on January 1, 2008.

~~SEC. 6.—~~

SEC. 7. Section 11401 of the Welfare and Institutions Code is amended to read:

11401. Aid in the form of AFDC-FC shall be provided under this chapter on behalf of any child under the age of 18 years, except as provided in Section 11403, who meets the conditions of subdivision (a), (b), (c), (d), (e), (f), or (g):

(a) The child has been relinquished, for purposes of adoption, to a licensed adoption agency, or the department, or the parental rights of either or both of his or her parents have been terminated after an action under the Family Code has been brought by a licensed adoption agency or the department, provided that the licensed adoption agency or the department, if responsible for placement and care, provides to those children all services as required by the department to children in foster care.

(b) The child has been removed from the physical custody of his or her parent, relative, or guardian as a result of a voluntary placement agreement or a judicial determination that continuance in the home would be contrary to the child’s welfare and that, if the child was placed in foster care, reasonable efforts were made, consistent with Chapter 5 (commencing with Section 16500) of Part 4, to prevent or eliminate the need for removal of the child from his or her home and to make it possible for the child to return to his or her home, and any of the following applies:

(1) The child has been adjudged a dependent child of the court on the grounds that he or she is a person described by Section 300.

(2) The child has been adjudged a ward of the court on the grounds that he or she is a person described by Sections 601 and 602.

1 (3) The child has been detained under a court order, pursuant
2 to Section 319 or 636, that remains in effect.

3 (4) The child's dependency jurisdiction has resumed pursuant
4 to Section 387.

5 (c) The child has been voluntarily placed by his or her parent
6 or guardian pursuant to Section 11401.1.

7 (d) The child is living in the home of a nonrelated legal
8 guardian.

9 (e) The child has been placed in foster care under the federal
10 Indian Child Welfare Act. Sections 11402, 11404, and 11405
11 shall not be construed as limiting payments to Indian children, as
12 defined in the federal Indian Child Welfare Act, placed in
13 accordance with that act.

14 (f) To be eligible for federal financial participation, either of
15 the following conditions shall be satisfied:

16 (1) (A) The child meets the conditions of subdivision (b).

17 (B) The child has been deprived of parental support or care for
18 any of the reasons set forth in Section 11250.

19 (C) The child has been removed from the home of a relative as
20 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
21 Regulations, as amended.

22 (D) The requirements of Sections 671 and 672 of Title 42 of
23 the United States Code, as amended, have been met.

24 (2) (A) The child meets the requirements of subdivision (g).

25 (B) The requirements of Sections 671 and 672 of Title 42 of
26 the United States Code, as amended, have been met.

27 (g) The child meets all of the following conditions:

28 (1) The child has been adjudged to be a ward of the court on
29 the ground that he or she is a person described in Section 300.

30 (2) The child's parent also has been adjudged to be a
31 dependent child of the court on the ground that he or she is a
32 person described by Section 300 and is receiving benefits under
33 this chapter.

34 (3) The child is placed in the same licensed or approved foster
35 care facility in which his or her parent is placed and the child's
36 parent is receiving reunification services with respect to that
37 child.

38 *SEC. 8. Section 11463.7 is added to the Welfare and*
39 *Institutions Code, to read:*

1 11463.7. (a) The department, with the advice, assistance,
2 and cooperation of the counties and foster care providers, shall
3 develop, implement, and maintain a ratesetting system for whole
4 family foster homes certified by foster family agencies.

5 (b) The ratesetting system for whole family foster homes shall
6 be based on the ratesetting system for foster family agencies
7 established pursuant to Section 11463, but shall take into
8 account the unique structure, purpose, and services provided by
9 whole family foster homes.

10 (c) The rates paid to whole family foster homes shall be
11 adjusted on the same percentage basis as the rates paid to other
12 certified foster family agency homes whenever adjustments are
13 made pursuant to subdivision (e) of Section 11463 or the annual
14 Budget Act.

15 **SEC. 7.—**

16 SEC. 9. Section 16501.25 is added to the Welfare and
17 Institutions Code, to read:

18 16501.25. (a) For purposes of this section, “teen parent”
19 means a child under the jurisdiction of the dependency court,
20 living in out-of-home placement in a home that is licensed
21 pursuant to paragraph (13) of subdivision (a) of Section 1502 of
22 the Health and Safety Code, who is a parent.

23 (b) When the child of a teen parent is not subject to the
24 jurisdiction of the dependency court but is in the full or partial
25 physical custody of the teen parent, a written shared
26 responsibility plan shall be developed. The plan shall be
27 developed with the teen parent, any individuals identified by the
28 teen parent, the other parent of the child when appropriate, other
29 extended family members, the caregiver, and a representative of
30 the agency providing direct and immediate supervision to the
31 caregiver.

32 (c) The plan shall be designed to preserve and strengthen the
33 teen parent family unit, as described in Section 16002.5, to assist
34 the teen parent in meeting the goals outlined in Section 16002.5,
35 to facilitate a supportive home environment for the teen parent
36 and the child and to ultimately enable the teen parent to
37 independently provide a safe, stable, and permanent home for the
38 child. The plan shall in no way limit the teen parent’s legal right
39 to make decisions regarding the care, custody, and control of the
40 child.

(d) The plan shall be written for the express purpose of aiding the teen parent and the caregiver to reach agreements aimed at reducing conflict and misunderstandings. The plan shall outline ~~with,~~ *with* as much specificity as is practicable, the duties, rights, and responsibilities of both the teen parent and the caregiver with regard to the child, *and identify supportive services to be offered to the teen parent by the caregiver or the foster family agency, or both.* The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the teen parent's changing school, employment, or other outside responsibilities.

(e) Areas to be addressed by the plan include, but are not limited to, all of the following:

- (1) Feeding.
- (2) Clothing.
- (3) Hygiene.
- (4) Purchase of necessary items, including, but not limited to, safety items, food, clothing, and developmentally appropriate toys and books. This includes both one-time purchases and items needed on an ongoing basis.
- (5) Health care.
- (6) Transportation to health care appointments and child care.
- (7) Provision of child care and babysitting.
- (8) Discipline.
- (9) Sleeping arrangements.
- (10) *Visits among the child, his or her noncustodial parent, and other appropriate family members, including the responsibilities of the teen parent, the caregiver, and the foster family agency, as appropriate, for facilitating the visitation. The shared responsibility plan shall not conflict with the teen parent's case plan and any visitation orders made by the court. If the teen parent's child also is a dependent of the juvenile court, the visitation shall not conflict with the child's case plan and visitation orders made by the court.*

~~SEC. 8.— If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.~~

1 *SEC. 10. No reimbursement is required by this act pursuant*
2 *to Section 6 of Article XIII B of the California Constitution for*
3 *certain costs that may be incurred by a local agency or school*
4 *district because, in that regard, this act creates a new crime or*
5 *infraction, eliminates a crime or infraction, or changes the*
6 *penalty for a crime or infraction, within the meaning of Section*
7 *17556 of the Government Code, or changes the definition of a*
8 *crime within the meaning of Section 6 of Article XIII B of the*
9 *California Constitution.*

10 *However, if the Commission on State Mandates determines that*
11 *this act contains other costs mandated by the state,*
12 *reimbursement to local agencies and school districts for those*
13 *costs shall be made pursuant to Part 7 (commencing with Section*
14 *17500) of Division 4 of Title 2 of the Government Code.*