

AMENDED IN ASSEMBLY AUGUST 17, 2009

AMENDED IN ASSEMBLY JUNE 15, 2009

AMENDED IN SENATE JUNE 1, 2009

AMENDED IN SENATE MAY 20, 2009

AMENDED IN SENATE APRIL 20, 2009

SENATE BILL

No. 118

Introduced by Senator Liu

(Principal coauthor: Assembly Member Beall)

February 2, 2009

An act to amend Section 16501.1 of the Welfare and Institutions Code, relating to child welfare services.

LEGISLATIVE COUNSEL'S DIGEST

SB 118, as amended, Liu. Child welfare services: incarcerated parents.

Under existing law, the state, through the State Department of Social Services and county welfare departments, is required to establish and support a public system of statewide child welfare services.

Existing law also establishes that a case plan, which is required to be adopted by the county for each child receiving child welfare services and which includes prescribed information, is the foundation and central unifying tool in child welfare services.

This bill would require that the case plan include specified information, to the extent possible, about a parent's incarceration in determining the reasonable services to be offered or provided to that parent's children. By expanding the duties of county officials, this bill would impose a state-mandated local program.

This bill would incorporate additional changes in Section 16501.1 of the Welfare and Institutions Code, proposed by SB 597, to be operative only if SB 597 and this bill are both chaptered and become effective on or before January 1, 2010, and this bill is chaptered last.

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

This bill would provide that, 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.

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 16501.1 of the Welfare and Institutions
2 Code is amended to read:
3 16501.1. (a) (1) The Legislature finds and declares that the
4 foundation and central unifying tool in child welfare services is
5 the case plan.
6 (2) The Legislature further finds and declares that a case plan
7 ensures that the child receives protection and safe and proper care
8 and case management, and that services are provided to the child
9 and parents or other caretakers, as appropriate, in order to improve
10 conditions in the parent's home, to facilitate the safe return of the
11 child to a safe home or the permanent placement of the child, and
12 to address the needs of the child while in foster care.
13 (b) (1) A case plan shall be based upon the principles of this
14 section and shall document that a preplacement assessment of the
15 service needs of the child and family, and preplacement preventive
16 services, have been provided, and that reasonable efforts to prevent
17 out-of-home placement have been made.
18 (2) In determining the reasonable services to be offered or
19 provided, the child's health and safety shall be the paramount
20 concerns.
21 (3) (A) *In determining the reasonable services to be offered or*
22 *provided, the case plan shall include information, to the extent*
23 *possible, about a parent's incarceration in a county jail or the*
24 *state prison during the time that a minor child of that parent is*

1 involved in dependency care. Once a consistent data entry field
2 or fields have been designated in the statewide child welfare
3 database, social workers shall make reasonable efforts to collect
4 and update necessary data regarding a child's incarcerated parent
5 or parents.

6 (B) In order to further the goals of this paragraph, the
7 Legislature encourages the State Department of Social Services
8 to consult with the county welfare directors regarding the best
9 way to incorporate the information specified in subparagraph (A)
10 as a required field in the statewide database. The Legislature also
11 encourages the Department of Justice, the Department of
12 Corrections and Rehabilitation, county welfare departments, and
13 county sheriffs to develop protocols for facilitating the exchange
14 of information regarding the location and sentencing of the
15 incarcerated parent or parents of a minor child who is in
16 dependency care.

17 (C) Nothing in this paragraph shall be interpreted to require
18 the department to create a new field in the statewide database for
19 incorporating the information specified in subparagraph (A).

20 ~~(3)~~

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

25 ~~(4)~~

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

30 (c) (1) If out-of-home placement is used to attain case plan
31 goals, the decision regarding choice of placement shall be based
32 upon selection of a safe setting that is the least restrictive or most
33 familylike and the most appropriate setting that is available and
34 in close proximity to the parent's home, proximity to the child's
35 school, consistent with the selection of the environment best suited
36 to meet the child's special needs and best interests, or both. The
37 selection shall consider, in order of priority, placement with
38 relatives, tribal members, and foster family, group care, and
39 residential treatment pursuant to Section 7950 of the Family Code.

(2) In addition to the requirements of paragraph (1), and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school attendance area.

(d) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from his or her home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Section 366.21, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

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

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

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

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

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention.

1 The child shall be involved in developing the case plan as age and
2 developmentally appropriate.

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

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

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

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

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

39 (6) When out-of-home placement is made, the case plan shall
40 include provisions for the development and maintenance of sibling

relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

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

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

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

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

(B) An assurance that the placement agency has coordinated with appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement, or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate

1 enrollment in a new school and to provide all of the child's
2 educational records to the new school.

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

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

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

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

37 (12) (A) Parents and legal guardians shall have an opportunity
38 to review the case plan, and to sign it whenever possible, and then
39 shall receive a copy of the plan. In any voluntary service or
40 placement agreement, the parents or legal guardians shall be

1 required to review and sign the case plan. Whenever possible,
2 parents and legal guardians shall participate in the development
3 of the case plan.

4 (B) Parents and legal guardians shall be advised that, pursuant
5 to Section 1228.1 of the Evidence Code, neither their signature on
6 the child welfare services case plan nor their acceptance of any
7 services prescribed in the child welfare services case plan shall
8 constitute an admission of guilt or be used as evidence against the
9 parent or legal guardian in a court of law. However, they shall also
10 be advised that the parent's or guardian's failure to cooperate,
11 except for good cause, in the provision of services specified in the
12 child welfare services case plan may be used in any hearing held
13 pursuant to Section 366.21 or 366.22 as evidence.

14 (13) A child shall be given a meaningful opportunity to
15 participate in the development of the case plan and state his or her
16 preference for foster care placement. A child who is 12 years of
17 age or older and in a permanent placement shall also be given the
18 opportunity to review the case plan, sign the case plan, and receive
19 a copy of the case plan.

20 (14) The case plan shall be included in the court report and shall
21 be considered by the court at the initial hearing and each review
22 hearing. Modifications to the case plan made during the period
23 between review hearings need not be approved by the court if the
24 casework supervisor for that case determines that the modifications
25 further the goals of the plan. If out-of-home services are used with
26 the goal of family reunification, the case plan shall consider and
27 describe the application of subdivision (b) of Section 11203.

28 (15) If the case plan has as its goal for the child a permanent
29 plan of adoption or placement in another permanent home, it shall
30 include a statement of the child's wishes regarding their permanent
31 placement plan and an assessment of those stated wishes. The
32 agency shall also include documentation of the steps the agency
33 is taking to find an adoptive family or other permanent living
34 arrangements for the child; to place the child with an adoptive
35 family, an appropriate and willing relative, a legal guardian, or in
36 another planned permanent living arrangement; and to finalize the
37 adoption or legal guardianship. At a minimum, the documentation
38 shall include child-specific recruitment efforts, such as the use of
39 state, regional, and national adoption exchanges, including

1 electronic exchange systems, when the child has been freed for
2 adoption.

3 (16) When appropriate, for a child who is 16 years of age or
4 older, the case plan shall include a written description of the
5 programs and services that will help the child, consistent with the
6 child's best interests, prepare for the transition from foster care to
7 independent living. The case plan shall be developed with the child
8 and individuals identified as important to the child, and shall
9 include steps the agency is taking to ensure that the child has a
10 connection to a caring adult.

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

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

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

36 (j) The child's caregiver shall be provided a copy of a plan
37 outlining the child's needs and services.

38 (k) On or before June 30, 2008, the department, in consultation
39 with the County Welfare Directors Association and other
40 advocates, shall develop a comprehensive plan to ensure that 90

1 percent of foster children are visited by their caseworkers on a
2 monthly basis by October 1, 2011, and that the majority of the
3 visits occur in the residence of the child. The plan shall include
4 any data reporting requirements necessary to comply with the
5 provisions of the federal Child and Family Services Improvement
6 Act of 2006 (Public Law 109-288).

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

11 *SEC. 1.5. Section 16501.1 of the Welfare and Institutions Code*
12 *is amended to read:*

13 16501.1. (a) (1) The Legislature finds and declares that the
14 foundation and central unifying tool in child welfare services is
15 the case plan.

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

23 (b) (1) A case plan shall be based upon the principles of this
24 section and shall document that a preplacement assessment of the
25 service needs of the child and family, and preplacement preventive
26 services, have been provided, and that reasonable efforts to prevent
27 out-of-home placement have been made.

28 (2) In determining the reasonable services to be offered or
29 provided, the child’s health and safety shall be the paramount
30 concerns.

31 (3) (A) *In determining the reasonable services to be offered or*
32 *provided, the case plan shall include information, to the extent*
33 *possible, about a parent’s incarceration in a county jail or the*
34 *state prison during the time that a minor child of that parent is*
35 *involved in dependency care. Once a consistent data entry field*
36 *or fields have been designated in the statewide child welfare*
37 *database, social workers shall make reasonable efforts to collect*
38 *and update necessary data regarding a child’s incarcerated parent*
39 *or parents.*

1 (B) In order to further the goals of this paragraph, the
2 Legislature encourages the State Department of Social Services
3 to consult with the county welfare directors regarding the best
4 way to incorporate the information specified in subparagraph (A)
5 as a required field in the statewide database. The Legislature also
6 encourages the Department of Justice, the Department of
7 Corrections and Rehabilitation, county welfare departments, and
8 county sheriffs to develop protocols for facilitating the exchange
9 of information regarding the location and sentencing of the
10 incarcerated parent or parents of a minor child who is in
11 dependency care.

12 (C) Nothing in this paragraph shall be interpreted to require
13 the department to create a new dedicated field in the statewide
14 database for incorporating the information specified in
15 subparagraph (A).

16 ~~(3)~~

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

21 ~~(4)~~

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

26 (c) (1) If out-of-home placement is used to attain case plan
27 goals, the decision regarding choice of placement shall be based
28 upon selection of a safe setting that is the least restrictive or most
29 familylike and the most appropriate setting that is available and
30 in close proximity to the parent's home, proximity to the child's
31 school, consistent with the selection of the environment best suited
32 to meet the child's special needs and best interests, or both. The
33 selection shall consider, in order of priority, placement with
34 relatives, tribal members, and foster family, group care, and
35 residential treatment pursuant to Section 7950 of the Family Code.

36 (2) In addition to the requirements of paragraph (1), and taking
37 into account other statutory considerations regarding placement,
38 the selection of the most appropriate home that will meet the child's
39 special needs and best interests shall also promote educational

1 stability by taking into consideration proximity to the child's school
2 attendance area.

3 (d) A written case plan shall be completed within a maximum
4 of 60 days of the initial removal of the child or of the in-person
5 response required under subdivision (f) of Section 16501 if the
6 child has not been removed from his or her home, or by the date
7 of the dispositional hearing pursuant to Section 358, whichever
8 occurs first. The case plan shall be updated, as the service needs
9 of the child and family dictate. At a minimum, the case plan shall
10 be updated in conjunction with each status review hearing
11 conducted pursuant to Section 366.21, and the hearing conducted
12 pursuant to Section 366.26, but no less frequently than once every
13 six months. Each updated case plan shall include a description of
14 the services that have been provided to the child under the plan
15 and an evaluation of the appropriateness and effectiveness of those
16 services.

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

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

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

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

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

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

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

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

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

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

35 (6) When out-of-home placement is made, the case plan shall
36 include provisions for the development and maintenance of sibling
37 relationships as specified in subdivisions (b), (c), and (d) of Section
38 16002. If appropriate, when siblings who are dependents of the
39 juvenile court are not placed together, the social worker for each
40 child, if different, shall communicate with each of the other social

1 workers and ensure that the child's siblings are informed of
2 significant life events that occur within their extended family.
3 Unless it has been determined that it is inappropriate in a particular
4 case to keep siblings informed of significant life events that occur
5 within the extended family, the social worker shall determine the
6 appropriate means and setting for disclosure of this information
7 to the child commensurate with the child's age and emotional
8 well-being. These significant life events shall include, but shall
9 not be limited to, the following:

10 (A) The death of an immediate relative.

11 (B) The birth of a sibling.

12 (C) Significant changes regarding a dependent child, unless the
13 child objects to the sharing of the information with his or her
14 siblings, including changes in placement, major medical or mental
15 health diagnoses, treatments, or hospitalizations, arrests, and
16 changes in the permanent plan.

17 (7) If out-of-home placement is made in a foster family home,
18 group home, or other child care institution that is either a
19 substantial distance from the home of the child's parent or out of
20 state, the case plan shall specify the reasons why that placement
21 is in the best interest of the child. When an out-of-state group home
22 placement is recommended or made, the case plan shall, in
23 addition, specify compliance with Section 7911.1 of the Family
24 Code.

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

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

31 (B) An assurance that the placement agency has coordinated
32 with appropriate local educational agencies to ensure that the child
33 remains in the school in which the child is enrolled at the time of
34 placement, or, if remaining in that school is not in the best interests
35 of the child, assurances by the placement agency and the local
36 educational agency to provide immediate and appropriate
37 enrollment in a new school and to provide all of the child's
38 educational records to the new school.

39 (9) (A) If out-of-home services are used, or if parental rights
40 have been terminated and the case plan is placement for adoption,

1 the case plan shall include a recommendation regarding the
2 appropriateness of unsupervised visitation between the child and
3 any of the child's siblings. This recommendation shall include a
4 statement regarding the child's and the siblings' willingness to
5 participate in unsupervised visitation. If the case plan includes a
6 recommendation for unsupervised sibling visitation, the plan shall
7 also note that information necessary to accomplish this visitation
8 has been provided to the child or to the child's siblings.

9 (B) Information regarding the schedule and frequency of the
10 visits between the child and siblings, as well as any court-ordered
11 terms and conditions needed to facilitate the visits while protecting
12 the 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 (10) If out-of-home services are used and the goal is
15 reunification, the case plan shall describe the services to be
16 provided to assist in reunification and the services to be provided
17 concurrently to achieve legal permanency if efforts to reunify fail.
18 The plan shall also consider in-state and out-of-state placements,
19 the importance of developing and maintaining sibling relationships
20 pursuant to Section 16002, and the desire and willingness of the
21 caregiver to provide legal permanency for the child if reunification
22 is unsuccessful.

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

33 (12) (A) Parents and legal guardians shall have an opportunity
34 to review the case plan, and to sign it whenever possible, and then
35 shall receive a copy of the plan. In any voluntary service or
36 placement agreement, the parents or legal guardians shall be
37 required to review and sign the case plan. Whenever possible,
38 parents and legal guardians shall participate in the development
39 of the case plan.

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

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

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

(15) If the case plan has as its goal for the child a permanent plan of adoption or placement in another permanent home, it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption.

(16) (A) When appropriate, for a child who is 16 years of age or older, the case plan shall include a written description of the

1 programs and services that will help the child, consistent with the
2 child's best interests, prepare for the transition from foster care to
3 independent living. The case plan shall be developed with the child
4 and individuals identified as important to the child, and shall
5 include steps the agency is taking to ensure that the child has a
6 connection to a caring adult.

7 *(B) During the 90-day period prior to the participant attaining*
8 *18 years of age or older as the state may elect under Section*
9 *475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social*
10 *Security Act, whether during that period foster care maintenance*
11 *payments are being made on the child's behalf or the child is*
12 *receiving benefits or services under Section 477 (42 U.S.C. Sec.*
13 *677) of the federal Social Security Act, a caseworker or other*
14 *appropriate agency staff or probation officer and other*
15 *representatives of the participant, as appropriate, must address,*
16 *in the written transitional independent living plan, information as*
17 *detailed as the participant elects that shall include, but not be*
18 *limited to, options regarding housing, health insurance, education,*
19 *local opportunities for mentors and continuing support services,*
20 *and workforce supports and employment services.*

21 (g) If the court finds, after considering the case plan, that
22 unsupervised sibling visitation is appropriate and has been
23 consented to, the court shall order that the child or the child's
24 siblings, the child's current caregiver, and the child's prospective
25 adoptive parents, if applicable, be provided with information
26 necessary to accomplish this visitation. This section does not
27 require or prohibit the social worker's facilitation, transportation,
28 or supervision of visits between the child and his or her siblings.

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

33 (i) When a child who is 10 years of age or older and who has
34 been in out-of-home placement for six months or longer, the case
35 plan shall include an identification of individuals, other than the
36 child's siblings, who are important to the child and actions
37 necessary to maintain the child's relationship with those
38 individuals, provided that those relationships are in the best interest
39 of the child. The social worker shall ask every child who is 10
40 years of age or older and who has been in out-of-home placement

1 for six months or longer to identify individuals other than the
2 child's siblings who are important to the child, and may ask any
3 other child to provide that information, as appropriate. The social
4 worker shall make efforts to identify other individuals who are
5 important to the child, consistent with the child's best interests.

6 (j) The child's caregiver shall be provided a copy of a plan
7 outlining the child's needs and services.

8 (k) On or before June 30, 2008, the department, in consultation
9 with the County Welfare Directors Association and other
10 advocates, shall develop a comprehensive plan to ensure that 90
11 percent of foster children are visited by their caseworkers on a
12 monthly basis by October 1, 2011, and that the majority of the
13 visits occur in the residence of the child. The plan shall include
14 any data reporting requirements necessary to comply with the
15 provisions of the federal Child and Family Services Improvement
16 Act of 2006 (Public Law 109-288).

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

21 *SEC. 2. Section 1.5 of this bill incorporates amendments to*
22 *Section 16501.1 of the Welfare and Institutions Code proposed by*
23 *both this bill and SB 597. It shall only become operative if (1) both*
24 *bills are enacted and become effective on or before January 1,*
25 *2010, (2) each bill amends Section 16501.1 of the Welfare and*
26 *Institutions Code, and (3) this bill is enacted after SB 597, in which*
27 *case Section 1 of this bill shall not become operative.*

28 *SEC. 3. If the Commission on State Mandates determines that*
29 *this act contains costs mandated by the state, reimbursement to*
30 *local agencies and school districts for those costs shall be made*
31 *pursuant to Part 7 (commencing with Section 17500) of Division*
32 *4 of Title 2 of the Government Code.*

33 ~~SECTION 1. Section 16501.1 of the Welfare and Institutions~~
34 ~~Code is amended to read:~~

35 ~~16501.1. (a) (1) The Legislature finds and declares that the~~
36 ~~foundation and central unifying tool in child welfare services is~~
37 ~~the case plan.~~

38 ~~(2) The Legislature further finds and declares that a case plan~~
39 ~~ensures that the child receives protection and safe and proper care~~
40 ~~and case management, and that services are provided to the child~~

1 and parents or other caretakers, as appropriate, in order to improve
2 conditions in the parent's home, to facilitate the safe return of the
3 child to a safe home or the permanent placement of the child, and
4 to address the needs of the child while in foster care.

5 (b) (1) A case plan shall be based upon the principles of this
6 section and shall document that a preplacement assessment of the
7 service needs of the child and family, and preplacement preventive
8 services, have been provided, and that reasonable efforts to prevent
9 out-of-home placement have been made.

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

13 (3) (A) In determining the reasonable services to be offered or
14 provided, the case plan shall include information, to the extent
15 possible, about a parent's incarceration in a county jail or the state
16 prison during the time that a minor child of that parent is involved
17 in dependency care. Once a consistent data entry field or fields
18 have been designated in the statewide child welfare database, social
19 workers shall make reasonable efforts to collect and update
20 necessary data regarding a child's incarcerated parent or parents.

21 (B) In order to further the goals of this paragraph, the Legislature
22 encourages the State Department of Social Services to consult with
23 the county welfare directors regarding the best way to incorporate
24 the information specified in subparagraph (A) as a required field
25 in the statewide database. The Legislature also encourages the
26 Department of Corrections and Rehabilitation, county welfare
27 departments, and county sheriffs to develop protocols for
28 facilitating the exchange of information regarding the location and
29 sentencing of the incarcerated parent or parents of a minor child
30 who is in dependency care.

31 (C) Nothing in this paragraph shall be interpreted to require the
32 department to create a new field in the statewide database for
33 incorporating the information specified in subparagraph (A).

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

38 (5) If reasonable services are not ordered, or are terminated,
39 reasonable efforts shall be made to place the child in a timely

1 manner in accordance with the permanent plan and to complete
2 all steps necessary to finalize the permanent placement of the child.

3 (c) (1) If out-of-home placement is used to attain case plan
4 goals, the decision regarding choice of placement shall be based
5 upon selection of a safe setting that is the least restrictive or most
6 familylike and the most appropriate setting that is available and
7 in close proximity to the parent's home, proximity to the child's
8 school, consistent with the selection of the environment best suited
9 to meet the child's special needs and best interests, or both. The
10 selection shall consider, in order of priority, placement with
11 relatives, tribal members, and foster family, group care, and
12 residential treatment pursuant to Section 7950 of the Family Code.

13 (2) In addition to the requirements of paragraph (1), and taking
14 into account other statutory considerations regarding placement,
15 the selection of the most appropriate home that will meet the child's
16 special needs and best interests shall also promote educational
17 stability by taking into consideration proximity to the child's school
18 attendance area.

19 (d) A written case plan shall be completed within a maximum
20 of 60 days of the initial removal of the child or of the in-person
21 response required under subdivision (f) of Section 16501 if the
22 child has not been removed from his or her home, or by the date
23 of the dispositional hearing pursuant to Section 358, whichever
24 occurs first. The case plan shall be updated, as the service needs
25 of the child and family dictate. At a minimum, the case plan shall
26 be updated in conjunction with each status review hearing
27 conducted pursuant to Section 366.21, and the hearing conducted
28 pursuant to Section 366.26, but no less frequently than once every
29 six months. Each updated case plan shall include a description of
30 the services that have been provided to the child under the plan
31 and an evaluation of the appropriateness and effectiveness of those
32 services.

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

39 (2) The extension of the maximum time available for preparing
40 a written case plan from the 30 to 60 days shall be effective 90

1 days after the date that the department gives counties written notice
2 that necessary changes have been made to the Child Welfare
3 Services Case Management System to account for the 60-day
4 timeframe for preparing a written case plan.

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

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

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

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

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

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

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

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

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

26 ~~(A) The death of an immediate relative.~~

27 ~~(B) The birth of a sibling.~~

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

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

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

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

~~(9) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider in-state and out-of-state placements, the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.~~

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

~~(11) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible,~~

1 ~~parents and legal guardians shall participate in the development~~
2 ~~of the case plan.~~

3 ~~(B) Parents and legal guardians shall be advised that, pursuant~~
4 ~~to Section 1228.1 of the Evidence Code, neither their signature on~~
5 ~~the child welfare services case plan nor their acceptance of any~~
6 ~~services prescribed in the child welfare services case plan shall~~
7 ~~constitute an admission of guilt or be used as evidence against the~~
8 ~~parent or legal guardian in a court of law. However, they shall also~~
9 ~~be advised that the parent's or guardian's failure to cooperate,~~
10 ~~except for good cause, in the provision of services specified in the~~
11 ~~child welfare services case plan may be used in any hearing held~~
12 ~~pursuant to Section 366.21 or 366.22 as evidence.~~

13 ~~(12) A child shall be given a meaningful opportunity to~~
14 ~~participate in the development of the case plan and state his or her~~
15 ~~preference for foster care placement. A child who is 12 years of~~
16 ~~age or older and in a permanent placement shall also be given the~~
17 ~~opportunity to review the case plan, sign the case plan, and receive~~
18 ~~a copy of the case plan.~~

19 ~~(13) The case plan shall be included in the court report and shall~~
20 ~~be considered by the court at the initial hearing and each review~~
21 ~~hearing. Modifications to the case plan made during the period~~
22 ~~between review hearings need not be approved by the court if the~~
23 ~~casework supervisor for that case determines that the modifications~~
24 ~~further the goals of the plan. If out-of-home services are used with~~
25 ~~the goal of family reunification, the case plan shall consider and~~
26 ~~describe the application of subdivision (b) of Section 11203.~~

27 ~~(14) If the case plan has as its goal for the child a permanent~~
28 ~~plan of adoption or placement in another permanent home, it shall~~
29 ~~include a statement of the child's wishes regarding their permanent~~
30 ~~placement plan and an assessment of those stated wishes. The~~
31 ~~agency shall also include documentation of the steps the agency~~
32 ~~is taking to find an adoptive family or other permanent living~~
33 ~~arrangements for the child; to place the child with an adoptive~~
34 ~~family, an appropriate and willing relative, a legal guardian, or in~~
35 ~~another planned permanent living arrangement; and to finalize the~~
36 ~~adoption or legal guardianship. At a minimum, the documentation~~
37 ~~shall include child-specific recruitment efforts, such as the use of~~
38 ~~state, regional, and national adoption exchanges, including~~
39 ~~electronic exchange systems, when the child has been freed for~~
40 ~~adoption.~~

1 ~~(15) When appropriate, for a child who is 16 years of age or~~
2 ~~older, the case plan shall include a written description of the~~
3 ~~programs and services that will help the child, consistent with the~~
4 ~~child's best interests, prepare for the transition from foster care to~~
5 ~~independent living. The case plan shall be developed with the child~~
6 ~~and individuals identified as important to the child, and shall~~
7 ~~include steps the agency is taking to ensure that the child has a~~
8 ~~connection to a caring adult.~~

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

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

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

34 ~~(j) The child's caregiver shall be provided a copy of a plan~~
35 ~~outlining the child's needs and services.~~

36 ~~(k) On or before June 30, 2008, the department, in consultation~~
37 ~~with the County Welfare Directors Association and other~~
38 ~~advocates, shall develop a comprehensive plan to ensure that 90~~
39 ~~percent of foster children are visited by their caseworkers on a~~
40 ~~monthly basis by October 1, 2011, and that the majority of the~~

1 visits occur in the residence of the child. The plan shall include
2 any data reporting requirements necessary to comply with the
3 provisions of the federal Child and Family Services Improvement
4 Act of 2006 (Public Law 109-288).

5 (l) The implementation and operation of the amendments to
6 subdivision (i) enacted at the 2005-06 Regular Session shall be
7 subject to appropriation through the budget process and by phase,
8 as provided in Section 366.35.

9 SEC. 2. If the Commission on State Mandates determines that
10 this act contains costs mandated by the state, reimbursement to
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