

AMENDED IN ASSEMBLY AUGUST 31, 2009

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~~ *Sections 361.5 and 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 361.5 of the Welfare and Institutions Code
2 is amended to read:

3 361.5. (a) Except as provided in subdivision (b), or when the
4 parent has voluntarily relinquished the child and the relinquishment
5 has been filed with the State Department of Social Services, or
6 upon the establishment of an order of guardianship pursuant to
7 Section 360, whenever a child is removed from a parent's or
8 guardian's custody, the juvenile court shall order the social worker
9 to provide child welfare services to the child and the child's mother
10 and statutorily presumed father or guardians. Upon a finding and
11 declaration of paternity by the juvenile court or proof of a prior
12 declaration of paternity by any court of competent jurisdiction, the
13 juvenile court may order services for the child and the biological
14 father, if the court determines that the services will benefit the
15 child.

16 (1) Family reunification services, when provided, shall be
17 provided as follows:

18 (A) Except as otherwise provided in subparagraph (C), for a
19 child who, on the date of initial removal from the physical custody
20 of his or her parent or guardian, was three years of age or older,
21 court-ordered services shall be provided beginning with the
22 dispositional hearing and ending 12 months after the date the child

1 entered foster care as defined in Section 361.49, unless the child
2 is returned to the home of the parent or guardian.

3 (B) For a child who, on the date of initial removal from the
4 physical custody of his or her parent or guardian, was under three
5 years of age, court-ordered services shall be provided for a period
6 of six months from the dispositional hearing as provided in
7 subdivision (e) of Section 366.21, but no longer than 12 months
8 from the date the child entered foster care as defined in Section
9 361.49 unless the child is returned to the home of the parent or
10 guardian.

11 (C) For the purpose of placing and maintaining a sibling group
12 together in a permanent home should reunification efforts fail, for
13 a child in a sibling group whose members were removed from
14 parental custody at the same time, and in which one member of
15 the sibling group was under three years of age on the date of initial
16 removal from the physical custody of his or her parent or guardian,
17 court-ordered services for some or all of the sibling group may be
18 limited as set forth in subparagraph (B). For the purposes of this
19 paragraph, “a sibling group” shall mean two or more children who
20 are related to each other as full or half siblings.

21 (2) Any motion to terminate court-ordered reunification services
22 prior to the hearing set pursuant to subdivision (f) of Section 366.21
23 for a child described by subparagraph (A) of paragraph (1), or
24 prior to the hearing set pursuant to subdivision (e) of Section
25 366.21 for a child described by subparagraph (B) or (C) of
26 paragraph (1), shall be made pursuant to the requirements set forth
27 in subdivision (c) of Section 388. A motion to terminate
28 court-ordered reunification services shall not be required at the
29 hearing set pursuant to subdivision (e) of Section 366.21 if the
30 court finds by clear and convincing evidence one of the following:

31 (A) That the child was removed initially under subdivision (g)
32 of Section 300 and the whereabouts of the parent are still unknown.

33 (B) That the parent has failed to contact and visit the child.

34 (C) That the parent has been convicted of a felony indicating
35 parental unfitness.

36 (3) Notwithstanding subparagraphs (A), (B), and (C) of
37 paragraph (1), court-ordered services may be extended up to a
38 maximum time period not to exceed 18 months after the date the
39 child was originally removed from physical custody of his or her
40 parent or guardian if it can be shown, at the hearing held pursuant

1 to subdivision (f) of Section 366.21, that the permanent plan for
2 the child is that he or she will be returned and safely maintained
3 in the home within the extended time period. The court shall extend
4 the time period only if it finds that there is a substantial probability
5 that the child will be returned to the physical custody of his or her
6 parent or guardian within the extended time period or that
7 reasonable services have not been provided to the parent or
8 guardian. In determining whether court-ordered services may be
9 extended, the court shall consider the special circumstances of an
10 incarcerated or institutionalized parent or parents, or parent or
11 parents court-ordered to a residential substance abuse treatment
12 program, including, but not limited to, barriers to the parent's or
13 guardian's access to services and ability to maintain contact with
14 his or her child. The court shall also consider, among other factors,
15 good faith efforts that the parent or guardian has made to maintain
16 contact with the child. If the court extends the time period, the
17 court shall specify the factual basis for its conclusion that there is
18 a substantial probability that the child will be returned to the
19 physical custody of his or her parent or guardian within the
20 extended time period. The court also shall make findings pursuant
21 to subdivision (a) of Section 366 and subdivision (e) of Section
22 358.1.

23 When counseling or other treatment services are ordered, the
24 parent or guardian shall be ordered to participate in those services,
25 unless the parent's or guardian's participation is deemed by the
26 court to be inappropriate or potentially detrimental to the child, or
27 unless a parent or guardian is incarcerated and the corrections
28 facility in which he or she is incarcerated does not provide access
29 to the treatment services ordered by the court. Physical custody of
30 the child by the parents or guardians during the applicable time
31 period under subparagraph (A), (B), or (C) of paragraph (1) shall
32 not serve to interrupt the running of the period. If at the end of the
33 applicable time period, a child cannot be safely returned to the
34 care and custody of a parent or guardian without court supervision,
35 but the child clearly desires contact with the parent or guardian,
36 the court shall take the child's desire into account in devising a
37 permanency plan.

38 In cases where the child was under three years of age on the date
39 of the initial removal from the physical custody of his or her parent
40 or guardian or is a member of a sibling group as described in

1 subparagraph (C) of paragraph (1), the court shall inform the parent
2 or guardian that the failure of the parent or guardian to participate
3 regularly in any court-ordered treatment programs or to cooperate
4 or avail himself or herself of services provided as part of the child
5 welfare services case plan may result in a termination of efforts
6 to reunify the family after six months. The court shall inform the
7 parent or guardian of the factors used in subdivision (e) of Section
8 366.21 to determine whether to limit services to six months for
9 some or all members of a sibling group as described in
10 subparagraph (C) of paragraph (1).

11 (4) Notwithstanding paragraph (3), court-ordered services may
12 be extended up to a maximum time period not to exceed 24 months
13 after the date the child was originally removed from physical
14 custody of his or her parent or guardian if it is shown, at the hearing
15 held pursuant to subdivision (b) of Section 366.22, that the
16 permanent plan for the child is that he or she will be returned and
17 safely maintained in the home within the extended time period.
18 The court shall extend the time period only if it finds that it is in
19 the child's best interest to have the time period extended and that
20 there is a substantial probability that the child will be returned to
21 the physical custody of his or her parent or guardian who is
22 described in subdivision (b) of Section 366.22 within the extended
23 time period, or that reasonable services have not been provided to
24 the parent or guardian. If the court extends the time period, the
25 court shall specify the factual basis for its conclusion that there is
26 a substantial probability that the child will be returned to the
27 physical custody of his or her parent or guardian within the
28 extended time period. The court also shall make findings pursuant
29 to subdivision (a) of Section 366 and subdivision (e) of Section
30 358.1.

31 When counseling or other treatment services are ordered, the
32 parent or guardian shall be ordered to participate in those services,
33 in order for substantial probability to be found. Physical custody
34 of the child by the parents or guardians during the applicable time
35 period under subparagraph (A), (B), or (C) of paragraph (1) shall
36 not serve to interrupt the running of the period. If at the end of the
37 applicable time period, the child cannot be safely returned to the
38 care and custody of a parent or guardian without court supervision,
39 but the child clearly desires contact with the parent or guardian,

1 the court shall take the child's desire into account in devising a
2 permanency plan.

3 Except in cases where, pursuant to subdivision (b), the court
4 does not order reunification services, the court shall inform the
5 parent or parents of Section 366.26 and shall specify that the
6 parent's or parents' parental rights may be terminated.

7 (b) Reunification services need not be provided to a parent or
8 guardian described in this subdivision when the court finds, by
9 clear and convincing evidence, any of the following:

10 (1) That the whereabouts of the parent or guardian is unknown.
11 A finding pursuant to this paragraph shall be supported by an
12 affidavit or by proof that a reasonably diligent search has failed
13 to locate the parent or guardian. The posting or publication of
14 notices is not required in that search.

15 (2) That the parent or guardian is suffering from a mental
16 disability that is described in Chapter 2 (commencing with Section
17 7820) of Part 4 of Division 12 of the Family Code and that renders
18 him or her incapable of utilizing those services.

19 (3) That the child or a sibling of the child has been previously
20 adjudicated a dependent pursuant to any subdivision of Section
21 300 as a result of physical or sexual abuse, that following that
22 adjudication the child had been removed from the custody of his
23 or her parent or guardian pursuant to Section 361, that the child
24 has been returned to the custody of the parent or guardian from
25 whom the child had been taken originally, and that the child is
26 being removed pursuant to Section 361, due to additional physical
27 or sexual abuse.

28 (4) That the parent or guardian of the child has caused the death
29 of another child through abuse or neglect.

30 (5) That the child was brought within the jurisdiction of the
31 court under subdivision (e) of Section 300 because of the conduct
32 of that parent or guardian.

33 (6) That the child has been adjudicated a dependent pursuant
34 to any subdivision of Section 300 as a result of severe sexual abuse
35 or the infliction of severe physical harm to the child, a sibling, or
36 a half sibling by a parent or guardian, as defined in this subdivision,
37 and the court makes a factual finding that it would not benefit the
38 child to pursue reunification services with the offending parent or
39 guardian.

1 A finding of severe sexual abuse, for the purposes of this
2 subdivision, may be based on, but is not limited to, sexual
3 intercourse, or stimulation involving genital-genital, oral-genital,
4 anal-genital, or oral-anal contact, whether between the parent or
5 guardian and the child or a sibling or half sibling of the child, or
6 between the child or a sibling or half sibling of the child and
7 another person or animal with the actual or implied consent of the
8 parent or guardian; or the penetration or manipulation of the
9 child's, sibling's, or half sibling's genital organs or rectum by any
10 animate or inanimate object for the sexual gratification of the
11 parent or guardian, or for the sexual gratification of another person
12 with the actual or implied consent of the parent or guardian.

13 A finding of the infliction of severe physical harm, for the
14 purposes of this subdivision, may be based on, but is not limited
15 to, deliberate and serious injury inflicted to or on a child's body
16 or the body of a sibling or half sibling of the child by an act or
17 omission of the parent or guardian, or of another individual or
18 animal with the consent of the parent or guardian; deliberate and
19 torturous confinement of the child, sibling, or half sibling in a
20 closed space; or any other torturous act or omission that would be
21 reasonably understood to cause serious emotional damage.

22 (7) That the parent is not receiving reunification services for a
23 sibling or a half sibling of the child pursuant to paragraph (3), (5),
24 or (6).

25 (8) That the child was conceived by means of the commission
26 of an offense listed in Section 288 or 288.5 of the Penal Code, or
27 by an act committed outside of this state that, if committed in this
28 state, would constitute one of those offenses. This paragraph only
29 applies to the parent who committed the offense or act.

30 (9) That the child has been found to be a child described in
31 subdivision (g) of Section 300, that the parent or guardian of the
32 child willfully abandoned the child, and the court finds that the
33 abandonment itself constituted a serious danger to the child; or
34 that the parent or other person having custody of the child
35 voluntarily surrendered physical custody of the child pursuant to
36 Section 1255.7 of the Health and Safety Code. For the purposes
37 of this paragraph, "serious danger" means that without the
38 intervention of another person or agency, the child would have
39 sustained severe or permanent disability, injury, illness, or death.
40 For purposes of this paragraph, "willful abandonment" shall not

1 be construed as actions taken in good faith by the parent without
2 the intent of placing the child in serious danger.

3 (10) That the court ordered termination of reunification services
4 for any siblings or half siblings of the child because the parent or
5 guardian failed to reunify with the sibling or half sibling after the
6 sibling or half sibling had been removed from that parent or
7 guardian pursuant to Section 361 and that parent or guardian is
8 the same parent or guardian described in subdivision (a) and that,
9 according to the findings of the court, this parent or guardian has
10 not subsequently made a reasonable effort to treat the problems
11 that led to removal of the sibling or half sibling of that child from
12 that parent or guardian.

13 (11) That the parental rights of a parent over any sibling or half
14 sibling of the child had been permanently severed, and this parent
15 is the same parent described in subdivision (a), and that, according
16 to the findings of the court, this parent has not subsequently made
17 a reasonable effort to treat the problems that led to removal of the
18 sibling or half sibling of that child from the parent.

19 (12) That the parent or guardian of the child has been convicted
20 of a violent felony, as defined in subdivision (c) of Section 667.5
21 of the Penal Code.

22 (13) That the parent or guardian of the child has a history of
23 extensive, abusive, and chronic use of drugs or alcohol and has
24 resisted prior court-ordered treatment for this problem during a
25 three-year period immediately prior to the filing of the petition
26 that brought that child to the court's attention, or has failed or
27 refused to comply with a program of drug or alcohol treatment
28 described in the case plan required by Section 358.1 on at least
29 two prior occasions, even though the programs identified were
30 available and accessible.

31 (14) That the parent or guardian of the child has advised the
32 court that he or she is not interested in receiving family
33 maintenance or family reunification services or having the child
34 returned to or placed in his or her custody and does not wish to
35 receive family maintenance or reunification services.

36 The parent or guardian shall be represented by counsel and shall
37 execute a waiver of services form to be adopted by the Judicial
38 Council. The court shall advise the parent or guardian of any right
39 to services and of the possible consequences of a waiver of
40 services, including the termination of parental rights and placement

1 of the child for adoption. The court shall not accept the waiver of
2 services unless it states on the record its finding that the parent or
3 guardian has knowingly and intelligently waived the right to
4 services.

5 (15) That the parent or guardian has on one or more occasions
6 willfully abducted the child or child's sibling or half sibling from
7 his or her placement and refused to disclose the child's or child's
8 sibling's or half sibling's whereabouts, refused to return physical
9 custody of the child or child's sibling or half sibling to his or her
10 placement, or refused to return physical custody of the child or
11 child's sibling or half sibling to the social worker.

12 (c) In deciding whether to order reunification in any case in
13 which this section applies, the court shall hold a dispositional
14 hearing. The social worker shall prepare a report that discusses
15 whether reunification services shall be provided. When it is alleged,
16 pursuant to paragraph (2) of subdivision (b), that the parent is
17 incapable of utilizing services due to mental disability, the court
18 shall order reunification services unless competent evidence from
19 mental health professionals establishes that, even with the provision
20 of services, the parent is unlikely to be capable of adequately caring
21 for the child within the time limits specified in subdivision (a).

22 The court shall not order reunification for a parent or guardian
23 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),
24 (13), (14), or (15) of subdivision (b) unless the court finds, by clear
25 and convincing evidence, that reunification is in the best interest
26 of the child.

27 In addition, the court shall not order reunification in any situation
28 described in paragraph (5) of subdivision (b) unless it finds that,
29 based on competent testimony, those services are likely to prevent
30 reabuse or continued neglect of the child or that failure to try
31 reunification will be detrimental to the child because the child is
32 closely and positively attached to that parent. The social worker
33 shall investigate the circumstances leading to the removal of the
34 child and advise the court whether there are circumstances that
35 indicate that reunification is likely to be successful or unsuccessful
36 and whether failure to order reunification is likely to be detrimental
37 to the child.

38 The failure of the parent to respond to previous services, the fact
39 that the child was abused while the parent was under the influence
40 of drugs or alcohol, a past history of violent behavior, or testimony

1 by a competent professional that the parent's behavior is unlikely
2 to be changed by services are among the factors indicating that
3 reunification services are unlikely to be successful. The fact that
4 a parent or guardian is no longer living with an individual who
5 severely abused the child may be considered in deciding that
6 reunification services are likely to be successful, provided that the
7 court shall consider any pattern of behavior on the part of the parent
8 that has exposed the child to repeated abuse.

9 (d) If reunification services are not ordered pursuant to
10 paragraph (1) of subdivision (b) and the whereabouts of a parent
11 become known within six months of the out-of-home placement
12 of the child, the court shall order the social worker to provide
13 family reunification services in accordance with this subdivision.

14 (e) (1) If the parent or guardian is incarcerated or
15 institutionalized, the court shall order reasonable services unless
16 the court determines, by clear and convincing evidence, those
17 services would be detrimental to the child. In determining
18 detriment, the court shall consider the age of the child, the degree
19 of parent-child bonding, the length of the sentence, the length and
20 nature of the treatment, the nature of the crime or illness, the degree
21 of detriment to the child if services are not offered and, for children
22 10 years of age or older, the child's attitude toward the
23 implementation of family reunification services, the likelihood of
24 the parent's discharge from incarceration or institutionalization
25 within the reunification time limitations described in subdivision
26 (a), and any other appropriate factors. In determining the content
27 of reasonable services, the court shall consider the particular
28 barriers to an incarcerated or otherwise institutionalized parent's
29 access to those court-mandated services and ability to maintain
30 contact with his or her child, and shall document this information
31 in the child's case plan. Reunification services are subject to the
32 applicable time limitations imposed in subdivision (a). Services
33 may include, but shall not be limited to, all of the following:

34 (A) Maintaining contact between the parent and child through
35 collect telephone calls.

36 (B) Transportation services, where appropriate.

37 (C) Visitation services, where appropriate.

38 (D) Reasonable services to extended family members or foster
39 parents providing care for the child if the services are not
40 detrimental to the child.

1 An incarcerated parent may be required to attend counseling,
2 parenting classes, or vocational training programs as part of the
3 reunification service plan if actual access to these services is
4 provided. The social worker shall document in the child's case
5 plan the particular barriers to an incarcerated or institutionalized
6 parent's access to those court-mandated services and ability to
7 maintain contact with his or her child.

8 (2) (A) The presiding judge of the juvenile court of each county
9 may convene representatives of the county welfare department,
10 the sheriff's department, and other appropriate entities for the
11 purpose of developing and entering into protocols for ensuring the
12 notification, transportation, and presence of an incarcerated or
13 institutionalized parent at all court hearings involving proceedings
14 affecting the child pursuant to Section 2625 of the Penal Code.
15 The county welfare department shall utilize the prisoner locator
16 system developed by the Department of Corrections and
17 Rehabilitation to facilitate timely and effective notice of hearings
18 for incarcerated parents.

19 (B) *Once a consistent data entry field or fields have been*
20 *designated in the statewide child welfare database, social workers*
21 *shall make reasonable efforts to collect and update necessary data*
22 *regarding a child's incarcerated parent or parents. The Legislature*
23 *encourages the State Department of Social Services to consult with*
24 *the county welfare directors regarding the best way to incorporate*
25 *the information specified in subparagraph (A) as a required field*
26 *in the statewide database. The Legislature also encourages the*
27 *Department of Justice, the Department of Corrections and*
28 *Rehabilitation, county welfare departments, and county sheriffs*
29 *to develop protocols for facilitating the exchange of information*
30 *regarding the location and sentencing of the incarcerated parent*
31 *or parents of a minor child who is in dependency care. Nothing*
32 *in this subparagraph shall be interpreted to require the department*
33 *to create a new field in the statewide database for incorporating*
34 *the information specified in this subparagraph.*

35 (3) Notwithstanding any other provision of law, if the
36 incarcerated parent is a woman seeking to participate in the
37 community treatment program operated by the Department of
38 Corrections and Rehabilitation pursuant to Chapter 4.8
39 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter
40 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal

1 Code, the court shall determine whether the parent's participation
2 in a program is in the child's best interest and whether it is suitable
3 to meet the needs of the parent and child.

4 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
5 (8), (9), (10), (11), (12), (13), (14), or (15) of subdivision (b) or
6 paragraph (1) of subdivision (e), does not order reunification
7 services, it shall, at the dispositional hearing, that shall include a
8 permanency hearing, determine if a hearing under Section 366.26
9 shall be set in order to determine whether adoption, guardianship,
10 or long-term foster care is the most appropriate plan for the child,
11 and shall consider in-state and out-of-state placement options. If
12 the court so determines, it shall conduct the hearing pursuant to
13 Section 366.26 within 120 days after the dispositional hearing.
14 However, the court shall not schedule a hearing so long as the
15 other parent is being provided reunification services pursuant to
16 subdivision (a). The court may continue to permit the parent to
17 visit the child unless it finds that visitation would be detrimental
18 to the child.

19 (g) (1) Whenever a court orders that a hearing shall be held
20 pursuant to Section 366.26, it shall direct the agency supervising
21 the child and the licensed county adoption agency, or the State
22 Department of Social Services when it is acting as an adoption
23 agency in counties that are not served by a county adoption agency,
24 to prepare an assessment that shall include:

25 (A) Current search efforts for an absent parent or parents.

26 (B) A review of the amount of and nature of any contact between
27 the child and his or her parents and other members of his or her
28 extended family since the time of placement. Although the
29 extended family of each child shall be reviewed on a case-by-case
30 basis, "extended family" for the purpose of this subparagraph shall
31 include, but not be limited to, the child's siblings, grandparents,
32 aunts, and uncles.

33 (C) An evaluation of the child's medical, developmental,
34 scholastic, mental, and emotional status.

35 (D) A preliminary assessment of the eligibility and commitment
36 of any identified prospective adoptive parent or guardian,
37 particularly the caretaker, to include a social history including
38 screening for criminal records and prior referrals for child abuse
39 or neglect, the capability to meet the child's needs, and the
40 understanding of the legal and financial rights and responsibilities

1 of adoption and guardianship. If a proposed guardian is a relative
2 of the minor, and the relative was assessed for foster care placement
3 of the minor prior to January 1, 1998, the assessment shall also
4 consider, but need not be limited to, all of the factors specified in
5 subdivision (a) of Section 361.3. As used in this subparagraph,
6 “relative” means an adult who is related to the minor by blood,
7 adoption, or affinity within the fifth degree of kinship, including
8 stepparents, stepsiblings, and all relatives whose status is preceded
9 by the words “great,” “great-great,” or “grand,” or the spouse of
10 any of those persons even if the marriage was terminated by death
11 or dissolution.

12 (E) The relationship of the child to any identified prospective
13 adoptive parent or guardian, the duration and character of the
14 relationship, the motivation for seeking adoption or guardianship,
15 and a statement from the child concerning placement and the
16 adoption or guardianship, unless the child’s age or physical,
17 emotional, or other condition precludes his or her meaningful
18 response, and if so, a description of the condition.

19 (F) An analysis of the likelihood that the child will be adopted
20 if parental rights are terminated.

21 (2) (A) A relative caregiver’s preference for legal guardianship
22 over adoption, if it is due to circumstances that do not include an
23 unwillingness to accept legal or financial responsibility for the
24 child, shall not constitute the sole basis for recommending removal
25 of the child from the relative caregiver for purposes of adoptive
26 placement.

27 (B) A relative caregiver shall be given information regarding
28 the permanency options of guardianship and adoption, including
29 the long-term benefits and consequences of each option, prior to
30 establishing legal guardianship or pursuing adoption.

31 (h) In determining whether reunification services will benefit
32 the child pursuant to paragraph (6) or (7) of subdivision (b), the
33 court shall consider any information it deems relevant, including
34 the following factors:

35 (1) The specific act or omission comprising the severe sexual
36 abuse or the severe physical harm inflicted on the child or the
37 child’s sibling or half sibling.

38 (2) The circumstances under which the abuse or harm was
39 inflicted on the child or the child’s sibling or half sibling.

(3) The severity of the emotional trauma suffered by the child or the child's sibling or half sibling.

(4) Any history of abuse of other children by the offending parent or guardian.

(5) The likelihood that the child may be safely returned to the care of the offending parent or guardian within 12 months with no continuing supervision.

(6) Whether or not the child desires to be reunified with the offending parent or guardian.

(i) The court shall read into the record the basis for a finding of severe sexual abuse or the infliction of severe physical harm under paragraph (6) of subdivision (b), and shall also specify the factual findings used to determine that the provision of reunification services to the offending parent or guardian would not benefit the child.

~~SECTION 1.~~

SEC. 2. Section 16501.1 of the Welfare and Institutions Code is amended to read:

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

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

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

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

~~(3) (A) In determining the reasonable services to be offered or provided~~

~~(3) Upon a determination pursuant to subparagraph (B) of subdivision (e) of Section 361.5 that reasonable services will be~~

1 *offered to a parent who is incarcerated in a county jail or state*
2 *prison, the case plan shall include information, to the extent*
3 *possible, about a parent's incarceration in a county jail or the state*
4 *prison during the time that a minor child of that parent is involved*
5 *in dependency care. Once a consistent data entry field or fields*
6 *have been designated in the statewide child welfare database, social*
7 *workers shall make reasonable efforts to collect and update*
8 *necessary data regarding a child's incarcerated parent or parents.*

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

19 (C) *Nothing in this paragraph shall be interpreted to require the*
20 *department to create a new field in the statewide database for*
21 *incorporating the information specified in subparagraph (A).*
22 *involved in dependency care.*

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

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

31 (c) (1) *If out-of-home placement is used to attain case plan*
32 *goals, the decision regarding choice of placement shall be based*
33 *upon selection of a safe setting that is the least restrictive or most*
34 *familylike and the most appropriate setting that is available and*
35 *in close proximity to the parent's home, proximity to the child's*
36 *school, consistent with the selection of the environment best suited*
37 *to meet the child's special needs and best interests, or both. The*
38 *selection shall consider, in order of priority, placement with*
39 *relatives, tribal members, and foster family, group care, and*
40 *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.~~

12 ~~SEC. 2.5.~~ Section 16501.1 of the Welfare and Institutions Code
13 is amended to read:

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

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

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

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

32 ~~(3) (A) In determining the reasonable services to be offered or~~
33 ~~provided~~

34 ~~(3) Upon a determination pursuant to subparagraph (B) of~~
35 ~~subdivision (e) of Section 361.5 that reasonable services will be~~
36 ~~offered to a parent who is incarcerated in a county jail or state~~
37 ~~prison, the case plan shall include information, to the extent~~
38 ~~possible, about a parent's incarceration in a county jail or the state~~
39 ~~prison during the time that a minor child of that parent is involved~~
40 ~~in dependency care. Once a consistent data entry field or fields~~

have been designated in the statewide child welfare database, social workers shall make reasonable efforts to collect and update necessary data regarding a child's incarcerated parent or parents.

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

(C) Nothing in this paragraph shall be interpreted to require the department to create a new dedicated field in the statewide database for incorporating the information specified in subparagraph (A): *involved in dependency care.*

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

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

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

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,

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.

(10) 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.

(11) 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.

(12) (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, parents and legal guardians shall participate in the development 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, in
16 the written transitional independent living plan, *that is personalized*
17 *at the direction of the child*, information as detailed as the
18 participant elects that shall include, but not be limited to, options
19 regarding housing, health insurance, education, local opportunities
20 for mentors and continuing support services, and workforce
21 supports and employment services.

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

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

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

1 years of age or older and who has been in out-of-home placement
2 for six months or longer to identify individuals other than the
3 child's siblings who are important to the child, and may ask any
4 other child to provide that information, as appropriate. The social
5 worker shall make efforts to identify other individuals who are
6 important to the child, consistent with the child's best interests.

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

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

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

22 ~~SEC. 2.~~

23 ~~SEC. 3.~~ Section ~~1.5~~ 2.5 of this bill incorporates amendments
24 to Section 16501.1 of the Welfare and Institutions Code proposed
25 by both this bill and SB 597. It shall only become operative if (1)
26 both bills are enacted and become effective on or before January
27 1, 2010, (2) each bill amends Section 16501.1 of the Welfare and
28 Institutions Code, and (3) this bill is enacted after SB 597, in which
29 case Section ~~1~~ 2 of this bill shall not become operative.

30 ~~SEC. 3.~~

31 ~~SEC. 4.~~ If the Commission on State Mandates determines that
32 this act contains costs mandated by the state, reimbursement to
33 local agencies and school districts for those costs shall be made
34 pursuant to Part 7 (commencing with Section 17500) of Division
35 4 of Title 2 of the Government Code.