

ASSEMBLY BILL

No. 2628

Introduced by Assembly Member Reyes

February 18, 2022

An act to amend Sections 300, 306, 16501.1, 16501.35, 16501.45, 16524.6, 16524.7, 16524.8, 16524.9, and 16524.10 of, and to repeal Section 16524.11 of, the Welfare and Institutions Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 2628, as introduced, Reyes. Dependency: victims of human trafficking.

Existing law defines human trafficking to include both sex trafficking and labor trafficking.

Existing law allows a child who is sexually trafficked, or who receives food or shelter in exchange for, or who is paid to perform, sexual acts, and whose parent or guardian has failed or was unable to protect the child, to be adjudged a dependent of the juvenile court.

This bill would instead authorize a child who is or was a victim of human trafficking, and whose parent or guardian has failed or was unable to protect the child, to be adjudged a dependent of the juvenile court, thereby expanding the bases on which a child can be adjudged a dependent child of the juvenile court to explicitly include children who are victims of labor trafficking. The bill would make various related changes to reflect this expansion, including, among other things, revising a requirement relating to the case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, to instead apply to a child or nonminor dependent who is, or who is at risk of becoming, the victim of human trafficking. By

expanding county duties, this bill would impose a state-mandated local program.

Existing law authorizes a social worker, in specified circumstances, to take temporary custody of a child who is or may be subject to the dependency jurisdiction of the court.

The bill would generally prohibit a social worker from taking temporary custody of a child who is the victim of human trafficking if the child’s parent or guardian has not participated, either directly or indirectly, in the child’s trafficking.

Existing law establishes the Commercially Sexually Exploited Children Program, which is administered by the State Department of Social Services. The program requires the department to provide funds to participating counties to provide training to county children’s services workers to identify, intervene, and provide case management services to children who are victims of commercial sexual exploitation and trafficking and to foster caregivers for the prevention and identification of potential victims. Existing law requires the department to provide specified information to the Legislature regarding the implementation of these provisions, including the number of victims served by each county and the types of services provided, no later than April 1, 2017.

This bill would change the name of the program to the Human Trafficked Children Program and revise all parts of the program to include all children who are victims of human trafficking, including those who are the victims of labor trafficking. The bill would require the department to provide and update information provided to the Legislature regarding implementation of these provisions and to provide additional information relating to serving child victims of labor trafficking.

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

This bill would provide that no reimbursement is required by this act for a specified reason.

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

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

- 1 SECTION 1. Section 300 of the Welfare and Institutions Code
- 2 is amended to read:

1 300. A child who comes within any of the following
2 descriptions is within the jurisdiction of the juvenile court which
3 may adjudge that person to be a dependent child of the court:

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

16 (b) (1) The child has suffered, or there is a substantial risk
17 that the child will suffer, serious physical harm or illness, as a
18 result of the failure or inability of the child's parent or guardian
19 to adequately supervise or protect the child, or the willful or
20 negligent failure of the child's parent or guardian to adequately
21 supervise or protect the child from the conduct of the custodian
22 with whom the child has been left, or by the willful or negligent
23 failure of the parent or guardian to provide the child with adequate
24 food, clothing, shelter, or medical treatment, or by the inability of
25 the parent or guardian to provide regular care for the child due to
26 the parent's or guardian's mental illness, developmental disability,
27 or substance abuse. A child shall not be found to be a person
28 described by this subdivision solely due to the lack of an
29 emergency shelter for the family. A child shall not be found to be
30 a person described by this subdivision solely due to the failure of
31 the child's parent or alleged parent to seek court orders for custody
32 of the child. Whenever it is alleged that a child comes within the
33 jurisdiction of the court on the basis of the parent's or guardian's
34 willful failure to provide adequate medical treatment or specific
35 decision to provide spiritual treatment through prayer, the court
36 shall give deference to the parent's or guardian's medical treatment,
37 nontreatment, or spiritual treatment through prayer alone in
38 accordance with the tenets and practices of a recognized church
39 or religious denomination, by an accredited practitioner thereof,
40 and shall not assume jurisdiction unless necessary to protect the

1 child from suffering serious physical harm or illness. In making
 2 its determination, the court shall consider (1) the nature of the
 3 treatment proposed by the parent or guardian, (2) the risks to the
 4 child posed by the course of treatment or nontreatment proposed
 5 by the parent or guardian, (3) the risk, if any, of the course of
 6 treatment being proposed by the petitioning agency, and (4) the
 7 likely success of the courses of treatment or nontreatment proposed
 8 by the parent or guardian and agency. The child shall continue to
 9 be a dependent child pursuant to this subdivision only so long as
 10 is necessary to protect the child from risk of suffering serious
 11 physical harm or illness.

12 (2) The Legislature finds and declares that a child who is
 13 ~~sexually trafficked, a victim of human trafficking~~, as described in
 14 Section 236.1 of the Penal Code, or who receives food or shelter
 15 in exchange for, or who is paid to perform, sexual acts described
 16 in Section 236.1 or 11165.1 of the Penal Code, and whose parent
 17 or guardian failed to, or was unable to, protect the child, is within
 18 the description of this subdivision, and that this finding is
 19 declaratory of existing law. These children shall be known as
 20 ~~commercially sexually exploited children: victims of human~~
 21 ~~trafficking.~~

22 (c) The child is suffering serious emotional damage, or is at
 23 substantial risk of suffering serious emotional damage, evidenced
 24 by severe anxiety, depression, withdrawal, or untoward aggressive
 25 behavior toward self or others, as a result of the conduct of the
 26 parent or guardian or who has no parent or guardian capable of
 27 providing appropriate care. A child shall not be found to be a
 28 person described by this subdivision if the willful failure of the
 29 parent or guardian to provide adequate mental health treatment is
 30 based on a sincerely held religious belief and if a less intrusive
 31 judicial intervention is available.

32 (d) The child has been sexually abused, or there is a substantial
 33 risk that the child will be sexually abused, as defined in Section
 34 11165.1 of the Penal Code, by the child’s parent or guardian or a
 35 member of the child’s household, or the parent or guardian has
 36 failed to adequately protect the child from sexual abuse when the
 37 parent or guardian knew or reasonably should have known that
 38 the child was in danger of sexual abuse.

39 (e) The child is under five years of age and has suffered severe
 40 physical abuse by a parent, or by any person known by the parent,

1 if the parent knew or reasonably should have known that the person
2 was physically abusing the child. For the purposes of this
3 subdivision, “severe physical abuse” means any of the following:
4 any single act of abuse that causes physical trauma of sufficient
5 severity that, if left untreated, would cause permanent physical
6 disfigurement, permanent physical disability, or death; any single
7 act of sexual abuse that causes significant bleeding, deep bruising,
8 or significant external or internal swelling; or more than one act
9 of physical abuse, each of which causes bleeding, deep bruising,
10 significant external or internal swelling, bone fracture, or
11 unconsciousness; or the willful, prolonged failure to provide
12 adequate food. A child shall not be removed from the physical
13 custody of the child’s parent or guardian on the basis of a finding
14 of severe physical abuse unless the social worker has made an
15 allegation of severe physical abuse pursuant to Section 332.

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

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

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

31 (⊕)

32 (i) The child has been subjected to an act or acts of cruelty by
33 the parent or guardian or a member of the child’s household, or
34 the parent or guardian has failed to adequately protect the child
35 from an act or acts of cruelty when the parent or guardian knew
36 or reasonably should have known that the child was in danger of
37 being subjected to an act or acts of cruelty.

38 (j) The child’s sibling has been abused or neglected, as defined
39 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk
40 that the child will be abused or neglected, as defined in those

1 subdivisions. The court shall consider the circumstances
2 surrounding the abuse or neglect of the sibling, the age and gender
3 of each child, the nature of the abuse or neglect of the sibling, the
4 mental condition of the parent or guardian, and any other factors
5 the court considers probative in determining whether there is a
6 substantial risk to the child.

7 It is the intent of the Legislature that this section not disrupt the
8 family unnecessarily or intrude inappropriately into family life,
9 prohibit the use of reasonable methods of parental discipline, or
10 prescribe a particular method of parenting. Further, this section is
11 not intended to limit the offering of voluntary services to those
12 families in need of assistance but who do not come within the
13 descriptions of this section. To the extent that savings accrue to
14 the state from child welfare services funding obtained as a result
15 of the enactment of the act that enacted this section, those savings
16 shall be used to promote services which support family
17 maintenance and family reunification plans, such as client
18 transportation, out-of-home respite care, parenting training, and
19 the provision of temporary or emergency in-home caretakers and
20 persons teaching and demonstrating homemaking skills. The
21 Legislature further declares that a physical disability, such as
22 blindness or deafness, is no bar to the raising of happy and
23 well-adjusted children and that a court's determination pursuant
24 to this section shall center upon whether a parent's disability
25 prevents the parent from exercising care and control. The
26 Legislature further declares that a child whose parent has been
27 adjudged a dependent child of the court pursuant to this section
28 shall not be considered to be at risk of abuse or neglect solely
29 because of the age, dependent status, or foster care status of the
30 parent.

31 As used in this section, "guardian" means the legal guardian of
32 the child.

33 SEC. 2. Section 306 of the Welfare and Institutions Code is
34 amended to read:

35 306. (a) Any social worker in a county welfare department,
36 or in an Indian tribe that has entered into an agreement pursuant
37 to Section 10553.1 while acting within the scope of ~~his or her~~ *the*
38 *social worker's* regular duties under the direction of the juvenile
39 court and pursuant to subdivision (b) of Section 272, may do all
40 of the following:

1 (1) Receive and maintain, pending investigation, temporary
2 custody of a child who is described in Section 300, and who has
3 been delivered by a peace officer.

4 (2) Take into and maintain temporary custody of, without a
5 warrant, a child who has been declared a dependent child of the
6 juvenile court under Section 300 or who the social worker has
7 reasonable cause to believe is a person described in subdivision
8 (b) or (g) of Section 300, and the social worker has reasonable
9 cause to believe that the child has an immediate need for medical
10 care or is in immediate danger of physical or sexual abuse or the
11 physical environment poses an immediate threat to the child's
12 health or safety.

13 (b) Upon receiving temporary custody of a child, the county
14 welfare department shall inquire pursuant to Section 224.2, whether
15 the child is an Indian child.

16 (c) If it is known or if there is reason to know the child is an
17 Indian child, any county social worker in a county welfare
18 department may take into custody, and maintain temporary custody
19 of, without a warrant, the Indian child if removing the child from
20 the physical custody of ~~his or her~~ *the child's* parent, parents, or
21 Indian custodian is necessary to prevent imminent physical damage
22 or harm to the Indian child. The temporary custody shall be
23 considered an emergency removal under Section 1922 of the federal
24 Indian Child Welfare Act (25 U.S.C. Sec. 1922).

25 (d) If a county social worker takes or maintains an Indian child
26 into temporary custody under subdivision (a), and the social worker
27 knows or has reason to believe the Indian child is already a ward
28 of a tribal court, or resides or is domiciled within a reservation of
29 an Indian tribe that has exclusive jurisdiction over child custody
30 proceedings as recognized in Section 1911 of Title 25 of the United
31 States Code, or reassumed exclusive jurisdiction over Indian child
32 custody proceedings pursuant to Section 1918 of Title 25 of the
33 United States Code, the county welfare agency shall notify the
34 tribe that the child was taken into temporary custody no later than
35 the next working day and shall provide all relevant documentation
36 to the tribe regarding the temporary custody and the child's
37 identity. If the tribe determines that the child is an Indian child
38 who is already a ward of a tribal court or who is subject to the
39 tribe's exclusive jurisdiction, the county welfare agency shall

1 transfer custody of the child to the tribe within 24 hours after
2 learning of the tribe's determination.

3 (e) If the social worker is unable to confirm that an Indian child
4 is a ward of a tribal court or subject to the exclusive jurisdiction
5 of an Indian tribe as described in subdivision (d), or is unable to
6 transfer custody of the Indian child to the child's tribe, prior to the
7 expiration of the period permitted by subdivision (a) of Section
8 313 for filing a petition to declare the Indian child a dependent of
9 the juvenile court, the county welfare agency shall file the petition.
10 The county welfare agency shall inform the state court in its report
11 for the hearing pursuant to Section 319, that the Indian child may
12 be a ward of a tribal court or subject to the exclusive jurisdiction
13 of the child's tribe. If the child welfare agency receives
14 confirmation that an Indian child is a ward of a tribal court or
15 subject to the exclusive jurisdiction of the Indian child's tribe
16 between the time of filing a petition and the initial petition hearing,
17 the agency shall inform the state court, provide a copy of the
18 written confirmation, if any, and move to dismiss the petition. This
19 subdivision does not prevent the court from authorizing a state or
20 local agency to maintain temporary custody of the Indian child for
21 a period not to exceed 30 days in order to arrange for the Indian
22 child to be placed in the custody of the child's tribe.

23 (f) Before taking a child into custody, a social worker shall
24 consider whether the child may remain safely in ~~his or her~~ *the*
25 *child's* residence. The consideration of whether the child may
26 remain safely at home shall include, but not be limited to, the
27 following factors:

28 (1) Whether there are any reasonable services available to the
29 worker which, if provided to the child's parent, guardian, caretaker,
30 or to the child would eliminate the need to remove the child from
31 the custody of ~~his or her~~ *the child's* parent, guardian, Indian
32 custodian, or other caretaker.

33 (2) Whether a referral to public assistance pursuant to Chapter
34 2 (commencing with Section 11200) of Part 3, Chapter 7
35 (commencing with Section 14000) of Part 3, Chapter 1
36 (commencing with Section 17000) of Part 5, and Chapter 10
37 (commencing with Section 18900) of Part 6, of Division 9 would
38 eliminate the need to take temporary custody of the child. If those
39 services are available they shall be utilized.

1 (3) Whether a nonoffending caretaker can provide for and
2 protect the child from abuse and neglect and whether the alleged
3 perpetrator voluntarily agrees to withdraw from the residence,
4 withdraws from the residence, and is likely to remain withdrawn
5 from the residence.

6 (4) If it is known or there is reason to know the child is an Indian
7 child, the county social worker shall make active efforts to provide
8 remedial services and rehabilitative programs designed to prevent
9 the breakup of the Indian family prior to removal from the custody
10 of a parent or parents or Indian custodian unless emergency
11 removal is necessary to prevent imminent physical damage or harm
12 to the Indian child.

13 *(g) A social worker shall not take temporary custody of a child*
14 *who is the victim of human trafficking if the child's parent or*
15 *guardian has not participated, either directly or indirectly, in the*
16 *child's trafficking, unless continuance in the parent's or guardian's*
17 *home is contrary to the child's welfare and any of the*
18 *circumstances in subdivision (c) of Section 319 exist.*

19 SEC. 3. Section 16501.1 of the Welfare and Institutions Code
20 is amended to read:

21 16501.1. (a) (1) The Legislature finds and declares that the
22 foundation and central unifying tool in child welfare services is
23 the case plan.

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

31 (3) The agency shall consider and document the
32 recommendations of the child and family team, as defined in
33 Section 16501, if any are available. The agency shall document
34 the rationale for any inconsistencies between the case plan and the
35 child and family team recommendations.

36 (b) (1) A case plan shall be based upon the principles of this
37 section and the input from the child and family team.

38 (2) The case plan shall document that a preplacement assessment
39 of the service needs of the child and family, and preplacement
40 preventive services, have been provided, and that reasonable efforts

1 to prevent out-of-home placement have been made. Preplacement
2 services may include intensive mental health services in the home
3 or a community setting and the reasonable efforts made to prevent
4 out-of-home placement.

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

8 (4) Upon a determination pursuant to paragraph (1) of
9 subdivision (e) of Section 361.5 that reasonable services will be
10 offered to a parent who is incarcerated in a county jail or state
11 prison, detained by the United States Department of Homeland
12 Security, or deported to their country of origin, the case plan shall
13 include information, to the extent possible, about a parent's
14 incarceration in a county jail or the state prison, detention by the
15 United States Department of Homeland Security, or deportation
16 during the time that a minor child of that parent is involved in
17 dependency care.

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

22 (6) 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) If out-of-home placement is used to attain case plan goals,
27 the case plan shall consider the recommendations of the child and
28 family team.

29 (d) (1) The case plan shall include a description of the type of
30 home or institution in which the child is to be placed, and the
31 reasons for that placement decision. The decision regarding choice
32 of placement shall be based upon selection of a safe setting that is
33 the least restrictive family setting that promotes normal childhood
34 experiences and the most appropriate setting that meets the child's
35 individual needs and is available, in proximity to the parent's home,
36 in proximity to the child's school, and consistent with the selection
37 of the environment best suited to meet the child's special needs
38 and best interests. The selection shall consider, in order of priority,
39 placement with relatives, nonrelative extended family members,
40 and tribal members; foster family homes, resource families, and

1 approved or certified homes of foster family agencies; followed
2 by intensive services for foster care homes; or multidimensional
3 treatment foster care homes or therapeutic foster care homes; group
4 care placements in the order of short-term residential therapeutic
5 programs, group homes, community treatment facilities, and
6 out-of-state residential treatment pursuant to Part 5 (commencing
7 with Section 7900) of Division 12 of the Family Code.

8 (2) If a short-term residential therapeutic program placement is
9 selected for a child or nonminor dependent, the case plan shall
10 indicate the needs, including the needs as identified by the qualified
11 individual pursuant to subdivision (g) of Section 4096, of the child
12 or nonminor dependent that necessitate this placement, the plan
13 for transitioning the child or nonminor dependent to a less
14 restrictive environment, and the projected timeline by which the
15 child or nonminor dependent will be transitioned to a less restrictive
16 environment, and the plan for aftercare services for at least six
17 months postdischarge to a family-based setting, as required by
18 Section 4096.6. The six months postdischarge requirement is
19 inapplicable to the Medi-Cal component of the aftercare services,
20 which shall be provided for the length of time the child needs
21 specialty mental health services based on medical necessity criteria
22 and other state and federal requirements. This section of the case
23 plan shall be reviewed and updated at least semiannually.

24 (A) The case plan for placements in a group home, or
25 commencing January 1, 2017, in a short-term residential therapeutic
26 program, shall indicate that the county has taken into consideration
27 Section 16010.8.

28 (B) (i) After January 1, 2017, a child and family team meeting
29 as described in Section 16501 shall be convened by the county
30 placing agency for the purpose of identifying the supports and
31 services needed to achieve permanency and enable the child or
32 youth to be placed in the least restrictive family setting that
33 promotes normal childhood experiences.

34 (ii) Child and family teams shall be provided written or
35 electronic information developed by the department describing
36 services and activities, including specialized permanency services,
37 shown to be effective in achieving and sustaining permanency for
38 all children, youth, and nonminor dependents.

- 1 (C) On and after October 1, 2021, within 30 days of placement
2 in a short-term residential therapeutic program, the case plan shall
3 document all of the following:
- 4 (i) The reasonable and good faith effort by the social worker to
5 identify and include all required individuals in the child and family
6 team.
 - 7 (ii) All contact information for members of the child and family
8 team, as well as contact information for other relatives and
9 nonrelative extended family members who are not part of the child
10 and family team.
 - 11 (iii) Evidence that meetings of the child and family team,
12 including the meetings related to the determination required under
13 Section 4096, are held at a time and place convenient for the
14 family.
 - 15 (iv) If reunification is the goal, evidence that the parent from
16 whom the child was removed provided input on the members of
17 the child and family team.
 - 18 (v) Evidence that the determination required under subdivision
19 (g) of Section 4096 was conducted in conjunction with the child
20 and family team.
 - 21 (vi) The placement preferences of the child or nonminor
22 dependent and the child and family team relative to the
23 determination and, if the placement preferences of the child or
24 nonminor dependent or the child and family team are not the
25 placement setting recommended by the qualified individual
26 conducting the determination, the reasons why the preferences of
27 the team or the child or nonminor dependent were not
28 recommended.
- 29 (D) Following the court review pursuant to Section 361.22, the
30 case plan shall document the court's approval or disapproval of
31 the placement.
- 32 (E) When the child or nonminor dependent has been placed in
33 a short-term residential therapeutic program for more than 12
34 consecutive months or 18 nonconsecutive months, or, in the case
35 of a child who has not attained 13 years of age, for more than six
36 consecutive or nonconsecutive months, the case plan shall include
37 both of the following:
- 38 (i) Documentation of the information submitted to the court
39 pursuant to subdivision (l) of Section 366.1, subdivision (k) of

1 Section 366.3, or paragraph (4) of subdivision (b) of Section
2 366.31, as applicable.

3 (ii) Documentation that the deputy director or director of the
4 county child welfare department has approved the continued
5 placement of the child or nonminor dependent in the setting.

6 (F) (i) On and after October 1, 2021, prior to discharge from a
7 short-term residential therapeutic program, the case plan shall
8 include a description of the type of in-home or institution-based
9 services to encourage the safety, stability, and appropriateness of
10 the next placement, including the recommendations of the child
11 and family team, if available.

12 (ii) A plan, developed in collaboration with the short-term
13 residential therapeutic program, for the provision of discharge
14 planning and family-based aftercare support pursuant to Section
15 4096.6.

16 (3) On or after January 1, 2012, for a nonminor dependent, as
17 defined in subdivision (v) of Section 11400, who is receiving
18 AFDC-FC benefits and who is up to 21 years of age pursuant to
19 Section 11403, in addition to the above requirements, the selection
20 of the placement, including a supervised independent living
21 placement, as described in subdivision (w) of Section 11400, shall
22 also be based upon the developmental needs of young adults by
23 providing opportunities to have incremental responsibilities that
24 prepare a nonminor dependent to transition to successful adulthood.
25 If admission to, or continuation in, a group home or short-term
26 residential therapeutic program placement is being considered for
27 a nonminor dependent, the group home or short-term residential
28 therapeutic program placement approval decision shall include a
29 youth-driven, team-based case planning process, as defined by the
30 department, in consultation with stakeholders. The case plan shall
31 consider the full range of placement options, and shall specify why
32 admission to, or continuation in, a group home or short-term
33 residential therapeutic program placement is the best alternative
34 available at the time to meet the special needs or well-being of the
35 nonminor dependent, and how the placement will contribute to the
36 nonminor dependent's transition to successful adulthood. The case
37 plan shall specify the treatment strategies that will be used to
38 prepare the nonminor dependent for discharge to a less restrictive
39 family setting that promotes normal childhood experiences,
40 including a target date for discharge from the group home or

1 short-term residential therapeutic program placement. The
2 placement shall be reviewed and updated on a regular, periodic
3 basis to ensure that continuation in the group home or short-term
4 residential therapeutic program placement remains in the best
5 interests of the nonminor dependent and that progress is being
6 made in achieving case plan goals leading to successful adulthood.
7 The group home or short-term residential therapeutic program
8 placement planning process shall begin as soon as it becomes clear
9 to the county welfare department or probation office that a foster
10 child in group home or short-term residential therapeutic program
11 placement is likely to remain in group home or short-term
12 residential therapeutic program placement on their 18th birthday,
13 in order to expedite the transition to a less restrictive family setting
14 that promotes normal childhood experiences, if the child becomes
15 a nonminor dependent. The case planning process shall include
16 informing the youth of all of the options, including, but not limited
17 to, admission to or continuation in a group home or short-term
18 residential therapeutic program placement.

19 (4) Consideration for continuation of existing group home
20 placement for a nonminor dependent under 19 years of age may
21 include the need to stay in the same placement in order to complete
22 high school. After a nonminor dependent either completes high
23 school or attains their 19th birthday, whichever is earlier,
24 continuation in or admission to a group home placement is
25 prohibited unless the nonminor dependent satisfies the conditions
26 of paragraph (5) of subdivision (b) of Section 11403, and group
27 home placement functions as a short-term transition to the
28 appropriate system of care. Treatment services provided by the
29 group home placement to the nonminor dependent to alleviate or
30 ameliorate the medical condition, as described in paragraph (5) of
31 subdivision (b) of Section 11403, shall not constitute the sole basis
32 to disqualify a nonminor dependent from the group home
33 placement.

34 (5) In addition to the requirements of paragraphs (1) to (4),
35 inclusive, and taking into account other statutory considerations
36 regarding placement, the selection of the most appropriate home
37 that will meet the child’s special needs and best interests shall also
38 promote educational stability by taking into consideration
39 proximity to the child’s school of origin, and school attendance
40 area, the number of school transfers the child has previously

1 experienced, and the child’s school matriculation schedule, in
2 addition to other indicators of educational stability that the
3 Legislature hereby encourages the State Department of Social
4 Services and the State Department of Education to develop.

5 (e) A written case plan shall be completed within a maximum
6 of 60 days of the initial removal of the child or of the in-person
7 response required under subdivision (f) of Section 16501 if the
8 child has not been removed from their home, or by the date of the
9 dispositional hearing pursuant to Section 358, whichever occurs
10 first. The case plan shall be updated, as the service needs of the
11 child and family dictate. At a minimum, the case plan shall be
12 updated in conjunction with each status review hearing conducted
13 pursuant to Sections 364, 366, 366.3, and 366.31, and the hearing
14 conducted pursuant to Section 366.26, but no less frequently than
15 once every six months. Each updated case plan shall include a
16 description of the services that have been provided to the child
17 under the plan and an evaluation of the appropriateness and
18 effectiveness of those services.

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

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

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

35 (g) The case plan shall be developed considering the
36 recommendations of the child and family team, as follows:

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

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

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

10 (4) The case plan shall include a description of the schedule of
11 the placement agency contacts with the child and the family or
12 other caretakers. The frequency of these contacts shall be in
13 accordance with regulations adopted by the State Department of
14 Social Services. If the child has been placed in foster care out of
15 state, the county social worker or probation officer, or a social
16 worker or probation officer on the staff of the agency in the state
17 in which the child has been placed, shall visit the child in a foster
18 family home or the home of a relative, consistent with federal law
19 and in accordance with the department's approved state plan. If a
20 child is placed in an out-of-state residential facility, as defined in
21 paragraph (2) of subdivision (b) of Section 7910 of the Family
22 Code, pursuant to Section 361.21 or 727.1, visits shall be conducted
23 at least monthly, pursuant to Section 16516.5. At least once every
24 six months, at the time of a regularly scheduled placement agency
25 contact with the foster child, and at each placement change, the
26 child's social worker or probation officer shall inform the child,
27 the care provider, and the child and family team, if applicable, of
28 the child's rights as a foster child, as specified in Section 16001.9,
29 and shall provide a written copy of the rights to the child as part
30 of the explanation. The social worker or probation officer shall
31 provide the information to the child in a manner appropriate to the
32 age or developmental level of the child. The social worker or
33 probation officer shall document in the case plan that they have
34 informed the child of, and have provided the child with a written
35 copy of, the child's rights.

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

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

6 (6) When out-of-home placement is made, the case plan shall
7 include provisions for the development and maintenance of sibling
8 relationships as specified in subdivisions (b), (c), and (d) of Section
9 16002. If appropriate, when siblings who are dependents of the
10 juvenile court are not placed together, the social worker for each
11 child, if different, shall communicate with each of the other social
12 workers and ensure that the child's siblings are informed of
13 significant life events that occur within their extended family.
14 Unless it has been determined that it is inappropriate in a particular
15 case to keep siblings informed of significant life events that occur
16 within the extended family, the social worker shall determine the
17 appropriate means and setting for disclosure of this information
18 to the child commensurate with the child's age and emotional
19 well-being. These significant life events shall include, but shall
20 not be limited to, the following:

21 (A) The death of an immediate relative.

22 (B) The birth of a sibling.

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

28 (7) If out-of-home placement is made in a foster family home,
29 resource family home, group home, or other childcare institution
30 that is either a substantial distance from the home of the child's
31 parent or out of state, the case plan shall specify the reasons why
32 that placement is in the best interest of the child. When an
33 out-of-state residential facility placement is recommended or made,
34 the case plan shall, in addition, specify compliance with Section
35 16010.9 of this code and Section 7911.1 of the Family Code.

36 (8) A case plan shall ensure the educational stability of the child
37 while in foster care and shall include both of the following:

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

1 (B) An assurance that the placement agency has coordinated
2 with the person holding the right to make educational decisions
3 for the child and appropriate local educational agencies to ensure
4 that the child remains in the school in which the child is enrolled
5 at the time of placement or, if remaining in that school is not in
6 the best interests of the child, assurances by the placement agency
7 and the local educational agency to provide immediate and
8 appropriate enrollment in a new school and to provide all of the
9 child's educational records to the new school.

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

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

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

34 (11) If out-of-home services are used, the child has been in care
35 for at least 12 months, and the goal is not adoptive placement, the
36 case plan shall include documentation of the compelling reason
37 or reasons why termination of parental rights is not in the child's
38 best interest. A determination completed or updated within the
39 past 12 months by the department when it is acting as an adoption
40 agency or by a licensed adoption agency that it is unlikely that the

1 child will be adopted, or that one of the conditions described in
2 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
3 be deemed a compelling reason.

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

16 (B) Parents and legal guardians shall be advised that, pursuant
17 to Section 1228.1 of the Evidence Code, neither their signature on
18 the child welfare services case plan nor their acceptance of any
19 services prescribed in the child welfare services case plan shall
20 constitute an admission of guilt or be used as evidence against the
21 parent or legal guardian in a court of law. However, they shall also
22 be advised that the parent's or guardian's failure to cooperate,
23 except for good cause, in the provision of services specified in the
24 child welfare services case plan may be used in any hearing held
25 pursuant to Section 366.21, 366.22, or 366.25 of this code as
26 evidence.

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

33 (14) The case plan shall be included in the court report, and
34 shall be considered by the court at the initial hearing and each
35 review hearing. Modifications to the case plan made during the
36 period between review hearings need not be approved by the court
37 if the casework supervisor for that case determines that the
38 modifications further the goals of the plan. If out-of-home services
39 are used with the goal of family reunification, the case plan shall

1 consider and describe the application of subdivision (b) of Section
2 11203.

3 (15) (A) If the case plan has as its goal for the child a permanent
4 plan of adoption, legal guardianship, or another planned permanent
5 living arrangement, it shall include a statement of the child's wishes
6 regarding their permanent placement plan and an assessment of
7 those stated wishes. The agency shall also include documentation
8 of the steps the agency is taking to find an adoptive family or other
9 permanent living arrangements for the child; to place the child
10 with an adoptive family, an appropriate and willing relative, or a
11 legal guardian, and to finalize the adoption or legal guardianship.
12 At a minimum, the documentation shall include child-specific
13 recruitment efforts, such as the use of state, regional, and national
14 adoption exchanges, including electronic exchange systems, when
15 the child has been freed for adoption. Regardless of whether the
16 child has been freed for adoption, documentation shall include a
17 description of any barriers to achieving legal permanence and the
18 steps the agency will take to address those barriers. If a child has
19 been in care for three years or more, the documentation shall
20 include a description of the specialized permanency services used
21 or, if specialized permanency services have not been used, a
22 statement explaining why the agency chose not to provide these
23 services. If the plan is for kinship guardianship, the case plan shall
24 document how the child meets the kinship guardianship eligibility
25 requirements.

26 (B) Specific elements of specialized permanency services may
27 be included in the case plan as needed to meet the permanency
28 needs of the individual child or nonminor dependent.

29 (C) When the child is 16 years of age or older and is in another
30 planned permanent living arrangement, the case plan shall identify
31 the intensive and ongoing efforts to return the child to the home
32 of the parent, place the child for adoption, place the child for tribal
33 customary adoption in the case of an Indian child, establish a legal
34 guardianship, or place the child nonminor dependent with a fit and
35 willing relative, as appropriate. Efforts shall include the use of
36 technology, including social media, to find biological family
37 members of the child.

38 (16) (A) (i) For a child who is 14 or 15 years of age, the case
39 plan shall include a written description of the programs and services
40 that will help the child, consistent with the child's best interests,

1 to prepare for the transition from foster care to successful
2 adulthood. The description may be included in the document
3 described in subparagraph (A) of paragraph (18).

4 (ii) When appropriate, for a child who is 16 years of age or older
5 and, commencing January 1, 2012, for a nonminor dependent, the
6 case plan shall include the transitional independent living plan
7 (TILP), a written description of the programs and services that
8 will help the child, consistent with the child's best interests, to
9 prepare for the transition from foster care to successful adulthood,
10 and, in addition, whether the youth has an in-progress application
11 pending for Title XVI Supplemental Security Income benefits or
12 for special immigrant juvenile status or other applicable application
13 for legal residency and an active dependency case is required for
14 that application. When appropriate, for a nonminor dependent, the
15 transitional independent living case plan, as described in
16 subdivision (y) of Section 11400, shall include the TILP, a written
17 description of the programs and services that will help the
18 nonminor dependent, consistent with their best interests, to prepare
19 for transition from foster care and assist the youth in meeting the
20 eligibility criteria set forth in paragraphs (1) to (5), inclusive, of
21 subdivision (b) of Section 11403. If applicable, the case plan shall
22 describe the individualized supervision provided in the supervised
23 independent living placement as defined in subdivision (w) of
24 Section 11400. The case plan shall be developed with the child or
25 nonminor dependent and individuals identified as important to the
26 child or nonminor dependent, and shall include steps the agency
27 is taking to ensure that the child or nonminor dependent achieves
28 permanence, including maintaining or obtaining permanent
29 connections to caring and committed adults.

30 (B) During the 90-day period prior to the participant attaining
31 18 years of age or older as the state may elect under Section
32 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
33 675(8)(B)(iii)), whether during that period foster care maintenance
34 payments are being made on the child's behalf or the child is
35 receiving benefits or services under Section 477 of the federal
36 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
37 appropriate agency staff or probation officer and other
38 representatives of the participant, as appropriate, shall provide the
39 youth or nonminor dependent with assistance and support in
40 developing the written 90-day transition plan, that is personalized

1 at the direction of the child, information as detailed as the
2 participant elects that shall include, but not be limited to, options
3 regarding housing, health insurance, education, local opportunities
4 for mentors and continuing support services, and workforce
5 supports and employment services, a power of attorney for health
6 care, and information regarding the advance health care directive
7 form. Information provided regarding health insurance options
8 shall include verification that the eligible youth or nonminor
9 dependent is enrolled in Medi-Cal and a description of the steps
10 that have been or will be taken by the youth's social worker or
11 probation officer to ensure that the eligible youth or nonminor
12 dependent is transitioned into the Medi-Cal program for former
13 foster youth upon case closure with no interruption in coverage
14 and with no new application being required, as provided in Section
15 14005.28.

16 (C) For youth 14 years of age or older, the case plan shall
17 include documentation that a consumer credit report was requested
18 annually from each of the three major credit reporting agencies at
19 no charge to the youth and that any results were provided to the
20 youth. For nonminor dependents, the case plan shall include
21 documentation that the county assisted the nonminor dependent
22 in obtaining their reports. The case plan shall include
23 documentation of barriers, if any, to obtaining the credit reports.
24 If the consumer credit report reveals any accounts, the case plan
25 shall detail how the county ensured the youth received assistance
26 with interpreting the credit report and resolving any inaccuracies,
27 including any referrals made for the assistance.

28 (17) For youth 14 years of age or older and nonminor
29 dependents, the case plan shall be developed in consultation with
30 the youth. At the youth's option, the consultation may include up
31 to two members of the case planning team who are chosen by the
32 youth and who are not foster parents of, or caseworkers for, the
33 youth. The agency, at any time, may reject an individual selected
34 by the youth to be a member of the case planning team if the
35 agency has good cause to believe that the individual would not act
36 in the youth's best interest. One individual selected by the youth
37 to be a member of the case planning team may be designated to
38 be the youth's adviser and advocate with respect to the application
39 of the reasonable and prudent parent standard to the youth, as
40 necessary.

1 (18) For youth in foster care 14 years of age or older and
2 nonminor dependents, the case plan shall include both of the
3 following:

4 (A) A document that describes the youth's rights with respect
5 to education, health, visitation, and court participation, the right
6 to be annually provided with copies of their credit reports at no
7 cost while in foster care pursuant to Section 10618.6, and the right
8 to stay safe and avoid exploitation.

9 (B) A signed acknowledgment by the youth that they have been
10 provided a copy of the document and that the rights described in
11 the document have been explained to the youth in an
12 age-appropriate manner.

13 (19) The case plan for a child or nonminor dependent who is,
14 or who is at risk of becoming, the victim of ~~commercial sexual~~
15 ~~exploitation~~, *human trafficking*, shall document the services
16 provided to address that issue.

17 (20) For a youth in foster care 10 years of age or older who is
18 in junior high, middle, or high school, or a nonminor dependent
19 enrolled in high school, the case plan shall be reviewed annually,
20 and updated as needed, to indicate that the case management
21 worker has verified that the youth or nonminor dependent received
22 comprehensive sexual health education that meets the requirements
23 established in Chapter 5.6 (commencing with Section 51930) of
24 Part 28 of Division 4 of Title 2 of the Education Code, through
25 the school system. The case plan shall document either of the
26 following:

27 (A) For a youth in junior high or middle school, either that the
28 youth has already received this instruction during junior high or
29 middle school, or how the county will ensure that the youth
30 receives the instruction at least once before completing junior high
31 or middle school if the youth remains under the jurisdiction of the
32 dependency court during this timeframe.

33 (B) For a youth or nonminor dependent in high school, either
34 that the youth or nonminor dependent already received this
35 instruction during high school, or how the county will ensure that
36 the youth or nonminor dependent receives the instruction at least
37 once before completing high school if the youth or nonminor
38 dependent remains under the jurisdiction of the dependency court
39 during this timeframe.

1 (21) (A) For a youth in foster care 10 years of age or older or
2 a nonminor dependent, the case plan shall be updated annually to
3 indicate that the case management worker has done all of the
4 following:

5 (i) Informed the youth or nonminor dependent that they may
6 access age-appropriate, medically accurate information about
7 reproductive and sexual health care, including, but not limited to,
8 unplanned pregnancy prevention, abstinence, use of birth control,
9 abortion, and the prevention and treatment of sexually transmitted
10 infections.

11 (ii) Informed the youth or nonminor dependent, in an age- and
12 developmentally appropriate manner, of their right to consent to
13 sexual and reproductive health services and their confidentiality
14 rights regarding those services.

15 (iii) Informed the youth or nonminor dependent how to access
16 reproductive and sexual health care services and facilitated access
17 to that care, including by assisting with any identified barriers to
18 care, as needed.

19 (B) This paragraph shall not be construed to affect any
20 applicable confidentiality law.

21 (22) For a child who is 16 years of age or older and for a
22 nonminor dependent, the case plan shall identify the person or
23 persons, who may include the child's high school counselor,
24 Court-Appointed Special Advocate, guardian, or other adult, who
25 shall be responsible for assisting the child or nonminor dependent
26 with applications for postsecondary education and related financial
27 aid, unless the child or nonminor dependent states that they do not
28 want to pursue postsecondary education, including career or
29 technical education. If, at any point in the future, the child or
30 nonminor dependent expresses that they wish to pursue
31 postsecondary education, the case plan shall be updated to identify
32 an adult individual responsible for assisting the child or nonminor
33 dependent with applications for postsecondary education and
34 related financial aid.

35 (h) If the court finds, after considering the case plan, that
36 unsupervised sibling visitation is appropriate and has been
37 consented to, the court shall order that the child or the child's
38 siblings, the child's current caregiver, and the child's prospective
39 adoptive parents, if applicable, be provided with information
40 necessary to accomplish this visitation. This section does not

1 require or prohibit the social worker’s facilitation, transportation,
2 or supervision of visits between the child and their siblings.

3 (i) The case plan documentation on sibling placements required
4 under this section shall not require modification of existing case
5 plan forms until the Child Welfare Services/Case Management
6 System (CWS/CMS) is implemented on a statewide basis.

7 (j) When a child is 10 years of age or older and has been in
8 out-of-home placement for six months or longer, the case plan
9 shall include an identification of individuals, other than the child’s
10 siblings, who are important to the child and actions necessary to
11 maintain the child’s relationship with those individuals, provided
12 that those relationships are in the best interest of the child. The
13 social worker or probation officer shall ask every child who is 10
14 years of age or older and who has been in out-of-home placement
15 for six months or longer to identify individuals other than the
16 child’s siblings who are important to the child, and may ask any
17 other child to provide that information, or may seek that
18 information from the child and family team, as appropriate. The
19 social worker or probation officer shall make efforts to identify
20 other individuals who are important to the child, consistent with
21 the child’s best interests.

22 (k) The child’s caregiver shall be provided a copy of a plan
23 outlining the child’s needs and services. The nonminor dependent’s
24 caregiver shall be provided with a copy of the nonminor’s TILP.

25 (l) Each county shall ensure that the total number of visits made
26 by caseworkers on a monthly basis to children in foster care during
27 a federal fiscal year is not less than 95 percent of the total number
28 of those visits that would occur if each child were visited once
29 every month while in care and that the majority of the visits occur
30 in the residence of the child. The county child welfare and
31 probation departments shall comply with data reporting
32 requirements that the department deems necessary to comply with
33 the federal Child and Family Services Improvement Act of 2006
34 (Public Law 109-288) and the federal Child and Family Services
35 Improvement and Innovation Act (Public Law 112-34).

36 (m) The implementation and operation of the amendments to
37 subdivision (i) enacted at the 2005–06 Regular Session shall be
38 subject to appropriation through the budget process and by phase,
39 as provided in Section 366.35.

1 SEC. 4. Section 16501.35 of the Welfare and Institutions Code
 2 is amended to read:

3 16501.35. (a) (1) On or before September 29, 2016, county
 4 child welfare agencies and probation departments shall implement
 5 policies and procedures that require social workers and probation
 6 officers to do all of the following:

7 ~~(1)~~

8 (A) Identify children receiving child welfare services, including
 9 dependents or wards in foster care, nonminor dependents, and
 10 youth receiving services pursuant to Section 677 of Title 42 of the
 11 United States Code, who are, or are at risk of becoming, victims
 12 of commercial sexual exploitation.

13 ~~(2)~~

14 (B) Document individuals identified pursuant to ~~paragraph (1)~~
 15 *subparagraph (A)* in the Child Welfare Services/Case Management
 16 System and any other agency record as determined by the county.

17 ~~(3)~~

18 (C) Determine appropriate services for the child or youth
 19 identified pursuant to ~~paragraph (1)~~. *subparagraph (A)*

20 ~~(4)~~

21 (D) Receive relevant training in the identification,
 22 documentation, and determination of appropriate services for any
 23 child or youth identified in ~~paragraph (1)~~. *subparagraph (A)*.

24 (2) *On or before January 1, 2024, county child welfare agencies*
 25 *and probation departments shall expand the policies and*
 26 *procedures implemented pursuant to paragraph (1) to apply to*
 27 *children who are, or are at risk of becoming, victims of labor*
 28 *trafficking.*

29 (b) County child welfare agencies and probation departments
 30 shall develop and implement specific protocols to expeditiously
 31 locate any child missing from foster care. At a minimum, these
 32 policies shall do all of the following:

33 (1) Describe the efforts used by county child welfare or
 34 probation staff to expeditiously locate any child or nonminor
 35 dependent missing from care, including, but not limited to, the
 36 timeframe for reporting missing youth, the individuals or entities
 37 entitled to notice that a youth is missing, any required initial and
 38 ongoing efforts to locate youth, and plans to return youth to
 39 placement.

1 (2) Require the social worker or probation officer to do all of
2 the following:

3 (A) Determine the primary factors that contributed to the child
4 or nonminor dependent running away or otherwise being absent
5 from care.

6 (B) Respond to factors identified in paragraph (2) in subsequent
7 placements, to the extent possible.

8 (C) Determine the child’s or nonminor dependent’s experiences
9 while absent from care.

10 (D) Determine whether the child or nonminor dependent is a
11 possible victim of ~~commercial sexual exploitation~~. *human*
12 *trafficking*.

13 (E) Document the activities and information described in
14 subparagraphs (A) to (D), inclusive, for federal reporting purposes,
15 consistent with instructions from the department.

16 (c) (1) In consultation with stakeholders, including, but not
17 limited to, the County Welfare Directors Association of California,
18 the Chief Probation Officers of California, former foster youth,
19 and child advocacy organizations, the department shall, no later
20 than January 1, 2020, develop model policies, procedures, and
21 protocols to assist the counties to comply with this section. In
22 addition, the department shall consult with the California
23 Department of Education, the State Department of Health Care
24 Services, state and local law enforcement, and agencies with
25 experience serving children and youth at risk of commercial sexual
26 exploitation in the development of the model policies and
27 procedures described in subdivision (a).

28 (2) *In consultation with the stakeholders identified in paragraph*
29 *(1) and agencies with experience serving children and youth at*
30 *risk of becoming victims of labor trafficking, the department shall,*
31 *no later than January 1, 2024, revise the model policies and*
32 *procedures described in subdivision (a) and developed pursuant*
33 *to paragraph (1) to apply to children who are, or are at risk of*
34 *becoming, victims of labor trafficking.*

35 (d) Notwithstanding the Administrative Procedure Act (Chapter
36 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
37 Title 2 of the Government Code), the department may implement
38 this section through all-county letters or similar instructions until
39 regulations are adopted.

1 SEC. 5. Section 16501.45 of the Welfare and Institutions Code
2 is amended to read:

3 16501.45. (a) To ensure compliance with federal reporting
4 requirements, including those of Public Law 113-183, the
5 Preventing Sex Trafficking and Strengthening Families Act, the
6 State Department of Social Services shall ensure that the Child
7 Welfare Services/Case Management System is capable of collecting
8 all of the following information:

9 (1) The number of dependent children or wards in foster care
10 who were victims of commercial sexual ~~exploitation~~ *exploitation,*
11 *labor trafficking, or both* before entering foster care.

12 (2) The number of dependent children or wards in foster care
13 who became victims of commercial sexual ~~exploitation~~
14 *exploitation, labor trafficking, or both* while in foster care.

15 (3) The number of dependent children or wards in foster care
16 who go missing, run away, or are otherwise absent from care and
17 were commercially sexually ~~exploited~~ *exploited, labor trafficked,*
18 *or both* during the time away from placement.

19 (4) The number of dependent children or wards in foster care
20 who are at risk of becoming victims of commercial sexual
21 ~~exploitation~~ *exploitation, labor trafficking, or both.*

22 (5) For children in foster care placed in group homes or
23 short-term residential treatment centers, the data identified in
24 Section 679b(a)(7)(A) of Title 42 of the United States Code.

25 (6) Data regarding children and nonminor dependents in foster
26 care who are pregnant or parenting, as required by Section
27 679b(a)(7)(B) of Title 42 of the United States Code.

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

31 (c) Upon the request of the department, a county child welfare
32 agency, county probation department, or entity operating a program
33 pursuant to an agreement with the department under Section
34 10553.1, shall provide additional information or data necessary
35 for the department to comply with federal reporting requirements.

36 SEC. 6. Section 16524.6 of the Welfare and Institutions Code
37 is amended to read:

38 16524.6. The Legislature finds and declares that in order to
39 reduce the vulnerability of all children in California communities
40 to incidents of ~~commercial sexual exploitation~~ *human trafficking,*

1 and adequately serve children who have been ~~sexually exploited,~~
2 *victims of human trafficking*, it is necessary that counties develop
3 and utilize a multidisciplinary team approach to early identification,
4 prevention education, case management, service planning, and
5 provision of services, and that counties develop and utilize
6 interagency protocols to ensure services are provided as needed
7 to this population.

8 SEC. 7. Section 16524.7 of the Welfare and Institutions Code
9 is amended to read:

10 16524.7. (a) (1) There is hereby established the ~~Commercially~~
11 ~~Sexually Exploited~~ *Human Trafficked* Children Program. This
12 program shall be administered by the State Department of Social
13 Services.

14 (2) The department, in consultation with the County Welfare
15 Directors Association of California, shall develop an allocation
16 methodology to distribute funding for the program. Funds allocated
17 pursuant to this section shall be utilized to cover expenditures
18 related to the costs of implementing the program, prevention and
19 intervention services, and training related to children who are, or
20 may become, victims of ~~commercial sexual exploitation:~~ *human*
21 *trafficking*.

22 (3) (A) Funds shall be provided to counties that elect to
23 participate in the program for the provision of training to county
24 children's services workers to identify, intervene, and provide case
25 management services to children who are victims of ~~commercial~~
26 ~~sexual exploitation and~~ *human trafficking*, as applicable, and to
27 foster caregivers for the prevention and identification of potential
28 victims.

29 (B) The department shall contract to provide training for county
30 workers and foster caregivers. Training shall be selected and
31 contracted for in consultation with the County Welfare Directors
32 Association, county children's services representatives, and other
33 stakeholders. The department shall consult and collaborate with
34 the California Community Colleges Chancellor's Office to provide
35 training for foster parents of licensed foster family homes.

36 (4) Funds provided to the counties electing to participate in the
37 program shall be used for prevention activities, which includes
38 training county workers, intervention activities, and services to
39 children who are victims, or at risk of becoming victims, of
40 ~~commercial sexual exploitation:~~ *human trafficking*. These activities

1 and services may include, but are not limited to, all of the
2 following:

3 (A) Educating foster children to help recognize and help avoid
4 ~~commercial sexual exploitation. becoming a victim of human~~
5 ~~trafficking.~~ Counties may target educational activities to foster
6 children who are at higher risk of ~~commercial sexual exploitation.~~
7 ~~becoming a victim of human trafficking.~~

8 (B) Engaging survivors of ~~commercial sexual exploitation~~
9 ~~human trafficking~~ to do all of the following:

10 (i) Provide support to county staff who serve children who are
11 victims of ~~commercial sexual exploitation.~~ ~~human trafficking.~~

12 (ii) Participate in activities that may include education, training,
13 and technical assistance.

14 (iii) Serve as advocates for and perform outreach and support
15 to children who are victims of ~~commercial sexual exploitation.~~
16 ~~human trafficking.~~

17 (C) Consulting and coordinating with homeless youth shelters
18 and other service providers who work with children who are
19 disproportionately at risk of, or involved in, ~~commercial sexual~~
20 ~~exploitation.~~ ~~human trafficking,~~ including, but not limited to,
21 lesbian, gay, bisexual, and transgender youth organizations,
22 regarding outreach and support to children who are victims of
23 ~~commercial sexual exploitation.~~ ~~human trafficking.~~

24 (D) Hiring county staff trained and specialized to work with
25 children who are victims of ~~commercial sexual exploitation~~ ~~human~~
26 ~~trafficking~~ to support victims and their caregivers, and to provide
27 case management to support interagency and cross-departmental
28 response.

29 (E) Providing supplemental foster care rates for placement of
30 child victims of ~~commercial sexual exploitation~~ ~~human trafficking~~
31 adjudged to be within the definition of Section 300, to foster
32 homes, relatives, foster family agency certified homes, or other
33 specialized placements for the increased care and supervision needs
34 of the victim in accordance with Section 11460.

35 (b) Funds allocated for the program shall not supplant funds for
36 existing programs.

37 (c) (1) In order to ensure timely access to services to which
38 ~~commercially sexually exploited~~ children *who are victims of human*
39 *trafficking* are entitled as dependents in foster care, in participating
40 counties, county agency representatives from mental health,

1 probation, public health, and substance abuse disorders shall
2 participate in the case planning and assist in linking ~~commercially~~
3 ~~sexually exploited~~ children *who are victims of human trafficking*
4 to services that serve children who are in the child welfare system
5 and that are identified in the child’s case plan and may include
6 other stakeholders as determined by the county.

7 (2) The entities described in paragraph (1) shall provide input
8 to the child welfare services agency regarding the services and
9 supports needed for these children to support treatment needs and
10 aid in their recovery and may assist in linking these children to
11 services that are consistent with their county plans submitted to
12 the department pursuant to subdivision (d).

13 (d) (1) A county electing to receive funding from the
14 ~~Commercially Sexually Exploited Human Trafficked Children~~
15 Program pursuant to this chapter shall submit a plan describing
16 how the county intends to utilize the funds allocated pursuant to
17 paragraph (4) of subdivision (a).

18 (2) (A) The county shall submit a plan to the department
19 pursuant to a process developed by the department, in consultation
20 with the County Welfare Directors Association. The plan shall
21 include documentation indicating the county’s collaboration with
22 county partner agencies, educational entities, and children-focused
23 entities, which shall include the formation of a multidisciplinary
24 team to serve children pursuant to this chapter.

25 (B) A multidisciplinary team serving a child pursuant to this
26 chapter shall include, but is not limited to, appropriate staff from
27 the county child welfare, probation, mental health, substance abuse
28 disorder, and public health departments. Staff from a local provider
29 of services to this population, local education agencies, and local
30 law enforcement, and survivors of ~~commercial sexual exploitation~~
31 ~~and~~ *human trafficking* may be included on the team.

32 SEC. 8. Section 16524.8 of the Welfare and Institutions Code
33 is amended to read:

34 16524.8. (a) (1) Each county electing to receive funds from
35 the ~~Commercially Sexually Exploited Human Trafficked Children~~
36 Program pursuant to this chapter shall develop an interagency
37 protocol to be utilized in serving ~~sexually exploited children.~~
38 *children who are victims of human trafficking*. The county protocol
39 shall be developed by a team led by a representative of the county

1 human services department and shall include representatives from
2 each of the following agencies:

- 3 (A) The county probation department.
- 4 (B) The county mental health department.
- 5 (C) The county public health department.
- 6 (D) The juvenile court in the county.
- 7 (E) The county office of education.
- 8 (F) The county sheriff’s department.

9 (2) The team may include, but shall not be limited to,
10 representatives from local education agencies, local law
11 enforcement, survivors of ~~sexual exploitation~~, *human trafficking*,
12 and other providers as necessary.

13 (b) At a minimum, the interagency protocol shall address the
14 provision of services to children who have been ~~sexually exploited~~
15 *victims of human trafficking* and are within the definition of Section
16 300, including, but not limited to, the use of a multidisciplinary
17 team approach to provide coordinated case management, service
18 planning, and services to these children.

19 (c) Counties that developed a protocol prior to the inclusion of
20 county offices of education and county sheriff’s departments as
21 required partners pursuant to this section may, but are not required
22 to, revise protocols to reflect input by these entities.

23 SEC. 9. Section 16524.9 of the Welfare and Institutions Code
24 is amended to read:

25 16524.9. (a) The State Department of Social Services, in
26 consultation with the County Welfare Directors Association, shall
27 ensure that the Child Welfare Services/Case Management System
28 is capable of collecting data concerning children who are
29 ~~commercially sexually exploited~~, *victims of human trafficking*,
30 including children who are referred to the child abuse hotline and
31 children currently served by county child welfare and probation
32 departments who are subsequently identified as victims of
33 ~~commercial sexual exploitation~~. *human trafficking*

34 (b) The department shall disseminate any necessary instructions
35 on data entry to the county child welfare and probation department
36 staff.

37 ~~(e) The department shall implement this section no later than~~
38 ~~June 1, 2018.~~

1 (c) *The department shall implement the changes made to this*
2 *section by the act that added this subdivision no later than June*
3 *1, 2023.*

4 SEC. 10. Section 16524.10 of the Welfare and Institutions
5 Code is amended to read:

6 16524.10. (a) The State Department of Social Services, no
7 later than April 1, 2017, shall provide the following information
8 to the Legislature regarding the implementation of this chapter:

9 (a)

10 (1) The participating counties.

11 (b)

12 (2) The number of victims served by each county.

13 (c)

14 (3) The types of services provided.

15 (d)

16 (4) Innovative strategies relating to collaboration with children,
17 child service providers, and survivors of commercial sexual
18 exploitation regarding prevention, training, and services.

19 (e)

20 (5) The identification of further barriers and challenges to
21 preventing and serving commercially sexually exploited children.

22 (b) (1) *The department, no later than April 1, 2024, shall*
23 *provide an update to the Legislature on the information submitted*
24 *pursuant to subdivision (a) regarding the implementation of this*
25 *chapter and shall also provide the following information:*

26 (A) *Innovative strategies relating to collaboration with survivors*
27 *of labor trafficking regarding prevention, training, and services.*

28 (B) *The identification of further barriers and challenges to*
29 *preventing and serving children who are victims of labor*
30 *trafficking.*

31 (2) *The update and information to be submitted to the*
32 *Legislature pursuant to paragraph (1) shall be submitted in*
33 *compliance with Section 9795 of the Government Code.*

34 SEC. 11. Section 16524.11 of the Welfare and Institutions
35 Code is repealed.

36 ~~16524.11. This chapter shall become operative on January 1,~~
37 ~~2015.~~

38 SEC. 12. To the extent that this act has an overall effect of
39 increasing the costs already borne by a local agency for programs
40 or levels of service mandated by the 2011 Realignment Legislation

1 within the meaning of Section 36 of Article XIII of the California
2 Constitution, it shall apply to local agencies only to the extent that
3 the state provides annual funding for the cost increase. Any new
4 program or higher level of service provided by a local agency
5 pursuant to this act above the level for which funding has been
6 provided shall not require a subvention of funds by the state or
7 otherwise be subject to Section 6 of Article XIII B of the California
8 Constitution.

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