

ASSEMBLY BILL

No. 1201

Introduced by Assembly Member Jackson

February 21, 2025

An act to amend Section 361.5 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 1201, as introduced, Jackson. Family reunification services.

Existing law establishes the jurisdiction of the juvenile court, which may adjudge children to be dependents of the court under certain circumstances, including when the child suffered or there is a substantial risk that the child will suffer serious physical harm, or a parent fails to provide the child with adequate food, clothing, shelter, or medical treatment. Existing law establishes the grounds for removal of a dependent child from the custody of the child's parents or guardian, and requires the court to order the social worker to provide designated child welfare services, including family reunification services, as prescribed. Existing law provides that reunification services do not need to be provided to a parent or guardian when the court finds, by clear and convincing evidence, that the parent or guardian of the child has been convicted of a violent felony, as defined.

This bill would, in order for the court to refuse to provide reunification services in the case of a violent felony conviction, as described above, require the court to also find that, based on a prescribed individualized assessment, the violent felony for which the parent or guardian was convicted involved harm to the child or the parent or guardian poses a current and documented risk to the safety of the child. The bill would, before a court makes that finding, require the court to require a

caseworker to conduct a trauma-informed assessment to evaluate the impact of separation and the denial of reunification services on the family, as specified. The bill would make these provisions applicable in counties with a population over 500,000 commencing January 1, 2026, and all remaining counties commencing January 1, 2027. The bill would require the State Department of Social Services to submit semiannual and annual reports to the Legislature that detail the cost savings from these provisions, as specified. By expanding the scope of individuals requiring reunification services, the bill would impose additional duties on county child welfare departments, thereby imposing a state-mandated local program.

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. This act shall be known, and may be cited, as the
2 Reuniting Engaged Families through Understanding, Nurturing,
3 Individualized Treatment, and Youth (ReUNITY) Act.
4 SEC. 2. Section 361.5 of the Welfare and Institutions Code is
5 amended to read:
6 361.5. (a) Except as provided in subdivision (b), or when the
7 parent has voluntarily relinquished the child and the relinquishment
8 has been filed with the State Department of Social Services, or
9 upon the establishment of an order of guardianship pursuant to
10 Section 360, or when a court adjudicates a petition under Section
11 329 to modify the court's jurisdiction from delinquency jurisdiction
12 to dependency jurisdiction pursuant to subparagraph (A) of
13 paragraph (2) of subdivision (b) of Section 607.2 and the parents
14 or guardian of the ward have had reunification services terminated
15 under the delinquency jurisdiction, whenever a child is removed
16 from a parent's or guardian's custody, the juvenile court shall order
17 the social worker to provide child welfare services to the child and
18 the child's mother and statutorily presumed father or guardians.
19 Upon a finding and declaration of paternity by the juvenile court

1 or proof of a prior declaration of paternity by any court of
2 competent jurisdiction, the juvenile court may order services for
3 the child and the biological father, if the court determines that the
4 services will benefit the child.

5 (1) Family reunification services, when provided, shall be
6 provided as follows:

7 (A) Except as otherwise provided in subparagraph (C), for a
8 child who, on the date of initial removal from the physical custody
9 of the child's parent or guardian, was three years of age or older,
10 court-ordered services shall be provided beginning with the
11 dispositional hearing and ending 12 months after the date the child
12 entered foster-care care, as provided in Section 361.49, unless the
13 child is returned to the home of the parent or guardian.

14 (B) For a child who, on the date of initial removal from the
15 physical custody of the child's parent or guardian, was under three
16 years of age, court-ordered services shall be provided for a period
17 of 6 months from the dispositional-hearing hearing, as provided
18 in subdivision (e) of Section 366.21, but no longer than 12 months
19 from the date the child entered foster care, as provided in Section
20 361.49, unless the child is returned to the home of the parent or
21 guardian.

22 (C) For the purpose of placing and maintaining a sibling group
23 together in a permanent home should reunification efforts fail, for
24 a child in a sibling group whose members were removed from
25 parental custody at the same time, and in which one member of
26 the sibling group was under three years of age on the date of initial
27 removal from the physical custody of the child's parent or guardian,
28 court-ordered services for some or all of the sibling group may be
29 limited as set forth in subparagraph (B). For the purposes of this
30 paragraph, "a sibling group" shall mean two or more children who
31 are related to each other as full or half siblings.

32 (2) Any motion to terminate court-ordered reunification services
33 prior to the hearing set pursuant to subdivision (f) of Section 366.21
34 for a child described by subparagraph (A) of paragraph (1), or
35 prior to the hearing set pursuant to subdivision (e) of Section
36 366.21 for a child described by subparagraph (B) or (C) of
37 paragraph (1), shall be made pursuant to the requirements set forth
38 in subdivision (c) of Section 388. A motion to terminate
39 court-ordered reunification services shall not be required at the

1 hearing set pursuant to subdivision (e) of Section 366.21 if the
2 court finds by clear and convincing evidence one of the following:

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

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

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

8 (3) (A) Notwithstanding subparagraphs (A), (B), and (C) of
9 paragraph (1), court-ordered services may be extended up to a
10 maximum time period not to exceed 18 months after the date the
11 child was originally removed from physical custody of the child's
12 parent or guardian if it can be shown, at the hearing held pursuant
13 to subdivision (f) of Section 366.21, that the permanent plan for
14 the child is that the child will be returned and safely maintained
15 in the home within the extended time period. The court shall extend
16 the time period only if it finds that there is a substantial probability
17 that the child will be returned to the physical custody of the child's
18 parent or guardian within the extended time period, or that
19 reasonable services have not been provided to the parent or
20 guardian. Additionally, in the case of an Indian child, the court
21 shall extend the time period if it finds active efforts, as defined in
22 subdivision (f) of Section 224.1, to reunite the child with their
23 family have not been made. In determining whether court-ordered
24 services may be extended, the court shall consider the special
25 circumstances of an incarcerated or institutionalized parent or
26 parents, parent or parents court-ordered to a residential substance
27 abuse treatment program, or a parent who has been arrested and
28 issued an immigration hold, detained by the United States
29 Department of Homeland Security, or deported to the parent's
30 country of origin, including, but not limited to, barriers to the
31 parent's or guardian's access to services and ability to maintain
32 contact with their child. The court shall also consider, among other
33 factors, good faith efforts that the parent or guardian has made to
34 maintain contact with the child. If the court extends the time period,
35 the court shall specify the factual basis for its conclusion that there
36 is a substantial probability that the child will be returned to the
37 physical custody of the child's parent or guardian within the
38 extended time period, that reasonable services have not been
39 provided to the parent or guardian, or, in the case of an Indian
40 child, that active efforts to reunite the child with their family have

1 not been made. The court also shall make findings pursuant to
2 subdivision (a) of Section 366 and subdivision (e) of Section 358.1.

3 (B) When counseling or other treatment services are ordered,
4 the parent or guardian shall be ordered to participate in those
5 services, unless the parent's or guardian's participation is deemed
6 by the court to be inappropriate or potentially detrimental to the
7 child, or unless a parent or guardian is incarcerated or detained by
8 the United States Department of Homeland Security and the
9 corrections facility in which the parent or guardian is incarcerated
10 does not provide access to the treatment services ordered by the
11 court, or has been deported to their country of origin and services
12 ordered by the court are not accessible in that country. Physical
13 custody of the child by the parents or guardians during the
14 applicable time period under subparagraph (A), (B), or (C) of
15 paragraph (1) shall not serve to interrupt the running of the time
16 period. If at the end of the applicable time period, a child cannot
17 be safely returned to the care and custody of a parent or guardian
18 without court supervision, but the child clearly desires contact with
19 the parent or guardian, the court shall take the child's desire into
20 account in devising a permanency plan.

21 (C) In cases where the child was under three years of age on
22 the date of the initial removal from the physical custody of the
23 child's parent or guardian or is a member of a sibling group as
24 described in subparagraph (C) of paragraph (1), the court shall
25 inform the parent or guardian that the failure of the parent or
26 guardian to participate regularly in any court-ordered treatment
27 programs or to cooperate or avail themselves of services provided
28 as part of the child welfare services case plan may result in a
29 termination of efforts to reunify the family after six months. The
30 court shall inform the parent or guardian of the factors used in
31 subdivision (e) of Section 366.21 to determine whether to limit
32 services to six months for some or all members of a sibling group
33 as described in subparagraph (C) of paragraph (1).

34 (4) (A) Notwithstanding paragraph (3), court-ordered services
35 may be extended up to a maximum time period not to exceed 24
36 months after the date the child was originally removed from
37 physical custody of the child's parent or guardian if it is shown,
38 at the hearing held pursuant to paragraph (1) of subdivision (b) of
39 Section 366.22, that the permanent plan for the child is that the
40 child will be returned and safely maintained in the home within

1 the extended time period. The court shall extend the time period
2 only if it finds that, (i) it is in the child's best interest to have the
3 time period extended and that there is a substantial probability that
4 the child will be returned to the physical custody of the child's
5 parent or guardian who is described in subdivision (b) of Section
6 366.22 within the extended time period, (ii) reasonable services
7 have not been provided to the parent or guardian, or (iii) in the
8 case of an Indian child, active efforts, as defined in subdivision
9 (f) of Section 224.1, to reunite the child with their family have not
10 been made. If the court extends the time period, the court shall
11 specify the factual basis for its conclusion that there is a substantial
12 probability that the child will be returned to the physical custody
13 of the child's parent or guardian within the extended time period,
14 or that reasonable services have not been provided to the parent
15 or guardian. The court also shall make findings pursuant to
16 subdivision (a) of Section 366 and subdivision (e) of Section 358.1.

17 (B) When counseling or other treatment services are ordered,
18 the parent or guardian shall be ordered to participate in those
19 services, in order for substantial probability to be found. Physical
20 custody of the child by the parents or guardians during the
21 applicable time period under subparagraph (A), (B), or (C) of
22 paragraph (1) shall not serve to interrupt the running of the time
23 period. If at the end of the applicable time period, the child cannot
24 be safely returned to the care and custody of a parent or guardian
25 without court supervision, but the child clearly desires contact with
26 the parent or guardian, the court shall take the child's desire into
27 account in devising a permanency plan.

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

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

35 (1) That the whereabouts of the parent or guardian are unknown.
36 A finding pursuant to this paragraph shall be supported by an
37 affidavit or by proof that a reasonably diligent search has failed
38 to locate the parent or guardian. The posting or publication of
39 notices is not required in that search.

1 (2) That the parent or guardian is suffering from a mental
2 disability that is described in Chapter 2 (commencing with Section
3 7820) of Part 4 of Division 12 of the Family Code and that renders
4 the parent or guardian incapable of utilizing those services.

5 (3) That the child or a sibling of the child has been previously
6 adjudicated a dependent pursuant to any subdivision of Section
7 300 as a result of physical or sexual abuse, that following that
8 adjudication the child had been removed from the custody of the
9 child's parent or guardian pursuant to Section 361, that the child
10 has been returned to the custody of the parent or guardian from
11 whom the child had been taken originally, and that the child is
12 being removed pursuant to Section 361, due to additional physical
13 or sexual abuse.

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

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

19 (6) (A) That the child has been adjudicated a dependent
20 pursuant to any subdivision of Section 300 as a result of severe
21 sexual abuse or the infliction of severe physical harm to the child,
22 a sibling, or a half sibling by a parent or guardian, as defined in
23 this subdivision, and the court makes a factual finding that it would
24 not benefit the child to pursue reunification services with the
25 offending parent or guardian.

26 (B) A finding of severe sexual abuse, for the purposes of this
27 subdivision, may be based on, but is not limited to, sexual
28 intercourse, or stimulation involving genital-genital, oral-genital,
29 anal-genital, or oral-anal contact, whether between the parent or
30 guardian and the child or a sibling or half sibling of the child, or
31 between the child or a sibling or half sibling of the child and
32 another person or animal with the actual or implied consent of the
33 parent or guardian; or the penetration or manipulation of the
34 child's, sibling's, or half sibling's genital organs or rectum by any
35 animate or inanimate object for the sexual gratification of the
36 parent or guardian, or for the sexual gratification of another person
37 with the actual or implied consent of the parent or guardian.

38 (C) A finding of the infliction of severe physical harm, for the
39 purposes of this subdivision, may be based on, but is not limited
40 to, deliberate and serious injury inflicted to or on a child's body

1 or the body of a sibling or half sibling of the child by an act or
2 omission of the parent or guardian, or of another individual or
3 animal with the consent of the parent or guardian; deliberate and
4 torturous confinement of the child, sibling, or half sibling in a
5 closed space; or any other torturous act or omission that would be
6 reasonably understood to cause serious emotional damage.

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

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

15 (9) That the child has been found to be a child described in
16 subdivision (g) of Section 300; that the parent or guardian of the
17 child willfully abandoned the child, and the court finds that the
18 abandonment itself constituted a serious danger to the child; or
19 that the parent or other person having custody of the child
20 voluntarily surrendered physical custody of the child pursuant to
21 Section 1255.7 of the Health and Safety Code. For the purposes
22 of this paragraph, “serious danger” means that without the
23 intervention of another person or agency, the child would have
24 sustained severe or permanent disability, injury, illness, or death.
25 For purposes of this paragraph, “willful abandonment” shall not
26 be construed as actions taken in good faith by the parent without
27 the intent of placing the child in serious danger.

28 (10) (A) That the court ordered termination of reunification
29 services for any siblings or half siblings of the child because the
30 parent or guardian failed to reunify with the sibling or half sibling
31 after the sibling or half sibling had been removed from that parent
32 or guardian pursuant to Section 361 and that parent or guardian is
33 the same parent or guardian described in subdivision (a) and that,
34 according to the findings of the court, this parent or guardian has
35 not subsequently made a reasonable effort to treat the problems
36 that led to removal of the sibling or half sibling of that child from
37 that parent or guardian.

38 (B) This paragraph does not apply if the only times the court
39 ordered termination of reunification services for any siblings or
40 half siblings of the child were when the parent was a minor parent,

1 a nonminor dependent parent, or adjudged a ward of the juvenile
2 court pursuant to Section 601 or 602. For purposes of this
3 subparagraph, “minor parent” and “nonminor dependent parent”
4 have the same meaning as in Section 16002.5.

5 (11) (A) That the parental rights of a parent over any sibling
6 or half sibling of the child had been permanently severed, and this
7 parent is the same parent described in subdivision (a), and that,
8 according to the findings of the court, this parent has not
9 subsequently made a reasonable effort to treat the problems that
10 led to removal of the sibling or half sibling of that child from the
11 parent.

12 (B) This paragraph does not apply if the only times the court
13 permanently severed parental rights over any siblings or half
14 siblings of the child were when the parent was a minor parent, a
15 nonminor dependent parent, or adjudged a ward of the juvenile
16 court pursuant to Section 601 or 602. For purposes of this
17 subparagraph, “minor parent” and “nonminor dependent parent”
18 have the same meaning as in Section 16002.5.

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

22 (ii) *This subparagraph shall become inoperative on January 1,*
23 *2027.*

24 (B) (i) *Notwithstanding subparagraph (A), that the parent or*
25 *guardian of the child has been convicted of a violent felony, as*
26 *defined in subdivision (c) of Section 667.5 of the Penal Code, and*
27 *that, based on an individualized assessment conducted by a*
28 *caseworker from a community-based organization or*
29 *nongovernmental organization with expertise in family*
30 *reunification, the violent felony for which the parent or guardian*
31 *was convicted involved harm to the child or the parent or guardian*
32 *poses a current and documented risk to the safety of the child.*

33 (ii) *Before making the finding specified in clause (i), the court*
34 *shall require a caseworker to conduct trauma-informed*
35 *assessments to evaluate the impact of separation and the denial*
36 *of reunification services on the family, including the social,*
37 *emotional, and developmental trauma experienced by the child*
38 *and parent or guardian. The assessment shall determine the*
39 *family’s readiness for reunification services and identify*
40 *appropriate supports to facilitate a safe and successful*

1 reunification process. The caseworker shall also assist families in
2 accessing services, navigating the court process, and providing
3 recommendations to the court based on the findings of their
4 assessments.

5 (iii) The court shall identify and engage for assessment families
6 that were denied reunification services due to a violent felony
7 pursuant to this paragraph prior to January 1, 2026. A caseworker
8 shall contact these families to evaluate the trauma caused by the
9 separation and denial of reunification services, determine their
10 readiness for reunification services, and ensure access to necessary
11 supports. The court shall prioritize timely reviews of petitions for
12 reunification services filed on behalf of these families to prevent
13 further delays in reunification.

14 (iv) A judge, commissioner, or other hearing officer in a juvenile
15 court or family court who presides over cases involving the denial
16 of reunification services pursuant to this section shall complete
17 annual trauma-informed training developed in collaboration with
18 qualified child welfare experts. The training shall include best
19 practices for equitable decisionmaking, understanding systemic
20 trauma, and fostering reunification through individualized
21 assessments. The Judicial Council shall issue an annual public
22 report detailing compliance with training requirements and metrics
23 on reunification rates and transparent decisionmaking practices.

24 (v) The State Department of Social Services shall submit
25 semiannual reports to the Legislature between April 1, 2026, and
26 January 1, 2027, inclusive, and annual reports thereafter, that
27 detail the cost savings from providing reunification services after
28 an individualized assessment pursuant to this subparagraph based
29 on, but not limited to, the outcomes of cases involving those
30 families, including metrics on the number of families served,
31 outcomes of court petitions for reunification services, progress
32 toward reducing trauma caused by separation, and reduction on
33 the incidence for the need of foster care. The reports shall be used
34 to evaluate the success of this subparagraph in providing
35 reunification services and ensuring its long-term sustainability.

36 (vi) (I) This subparagraph shall apply in counties with a
37 population over 500,000 commencing January 1, 2026.

38 (II) This subparagraph shall apply in all remaining counties
39 commencing January 1, 2027.

1 (III) *Counties with the most significant foster care caseloads*
2 *and unmet needs shall be prioritized for resources and support*
3 *during implementation of this subparagraph.*

4 (IV) *Training and resource allocation shall be tailored to*
5 *address the specific challenges of counties with higher caseloads*
6 *to ensure successful implementation.*

7 (13) That the parent or guardian of the child has a history of
8 extensive, abusive, and chronic use of drugs or alcohol and has
9 resisted prior court-ordered treatment for this problem during a
10 three-year period immediately prior to the filing of the petition
11 that brought that child to the court's attention, or has failed or
12 refused to comply with a program of drug or alcohol treatment
13 described in the case plan required by Section 358.1 on at least
14 two prior occasions, even though the programs identified were
15 available and accessible. For purposes of this paragraph, "resisted"
16 means the parent or guardian refused to participate meaningfully
17 in a prior court-ordered drug or alcohol treatment program and
18 does not include "passive resistance," as described in *In re B.E.*
19 (2020) 46 Cal.App.5th 932.

20 (14) (A) That the parent or guardian of the child has advised
21 the court that the parent or guardian is not interested in receiving
22 family maintenance or family reunification services or having the
23 child returned to or placed in the parent's or guardian's custody
24 and does not wish to receive family maintenance or reunification
25 services.

26 (B) The parent or guardian shall be represented by counsel and
27 shall execute a waiver of services form to be adopted by the
28 Judicial Council. The court shall advise the parent or guardian of
29 any right to services and of the possible consequences of a waiver
30 of services, including the termination of parental rights and
31 placement of the child for adoption. The court shall not accept the
32 waiver of services unless it states on the record its finding that the
33 parent or guardian has knowingly and intelligently waived the
34 right to services.

35 (15) That the parent or guardian has on one or more occasions
36 willfully abducted the child or child's sibling or half sibling from
37 their placement and refused to disclose the child's or child's
38 sibling's or half sibling's whereabouts, refused to return physical
39 custody of the child or child's sibling or half sibling to their

1 placement, or refused to return physical custody of the child or
2 child's sibling or half sibling to the social worker.

3 (16) That the parent or guardian has been required by the court
4 to be registered on a sex offender registry under the federal Adam
5 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.
6 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the
7 federal Child Abuse Prevention and Treatment Act (42 U.S.C.
8 Sec. 5106a(2)(B)(xvi)(VI)).

9 (17) That the parent or guardian knowingly participated in, or
10 permitted, the sexual exploitation, as described in subdivision (c)
11 or (d) of Section 11165.1 of, or subdivision (c) of Section 236.1
12 of, the Penal Code, of the child. This shall not include instances
13 in which the parent or guardian demonstrated by a preponderance
14 of the evidence that the parent or guardian was coerced into
15 permitting, or participating in, the sexual exploitation of the child.

16 (c) (1) In deciding whether to order reunification in any case
17 in which this section applies, the court shall hold a dispositional
18 hearing. The social worker shall prepare a report that discusses
19 whether reunification services shall be provided. When it is alleged,
20 pursuant to paragraph (2) of subdivision (b), that the parent is
21 incapable of utilizing services due to mental disability, the court
22 shall order reunification services unless competent evidence from
23 mental health professionals establishes that, even with the provision
24 of services, the parent is unlikely to be capable of adequately caring
25 for the child within the time limits specified in subdivision (a).

26 (2) The court shall not order reunification for a parent or
27 guardian described in paragraph (3), (4), (6), (7), (8), (9), (10),
28 (11), (12), (13), (14), (15), (16), or (17) of subdivision (b) unless
29 the court finds, by clear and convincing evidence, that reunification
30 is in the best interest of the child.

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

1 unsuccessful and whether failure to order reunification is likely to
2 be detrimental to the child.

3 (4) The failure of the parent to respond to previous services, the
4 fact that the child was abused while the parent was under the
5 influence of drugs or alcohol, a past history of violent behavior,
6 or testimony by a competent professional that the parent's behavior
7 is unlikely to be changed by services are among the factors
8 indicating that reunification services are unlikely to be successful.
9 The fact that a parent or guardian is no longer living with an
10 individual who severely abused the child may be considered in
11 deciding that reunification services are likely to be successful,
12 provided that the court shall consider any pattern of behavior on
13 the part of the parent that has exposed the child to repeated abuse.

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

19 (e) (1) If the parent or guardian is incarcerated, institutionalized,
20 or detained by the United States Department of Homeland Security,
21 or has been deported to the parent's or guardian's country of origin,
22 the court shall order reasonable services unless the court
23 determines, by clear and convincing evidence, those services would
24 be detrimental to the child. In determining detriment, the court
25 shall consider the age of the child, the degree of parent-child
26 bonding, the length of the sentence, the length and nature of the
27 treatment, the nature of the crime or illness, the degree of detriment
28 to the child if services are not offered and, for children 10 years
29 of age or older, the child's attitude toward the implementation of
30 family reunification services, the likelihood of the parent's
31 discharge from incarceration, institutionalization, or detention
32 within the reunification time limitations described in subdivision
33 (a), and any other appropriate factors. In determining the content
34 of reasonable services, the court shall consider the particular
35 barriers to an incarcerated, institutionalized, detained, or deported
36 parent's access to those court-mandated services and ability to
37 maintain contact with the child, and shall document this
38 information in the child's case plan. Reunification services are
39 subject to the applicable time limitations imposed in subdivision

1 (a). Services may include, but shall not be limited to, all of the
2 following:

3 (A) Maintaining contact between the parent and child through
4 collect telephone calls.

5 (B) Transportation services, when appropriate.

6 (C) Visitation services, when appropriate.

7 (D) (i) Reasonable services to extended family members or
8 foster parents providing care for the child if the services are not
9 detrimental to the child.

10 (ii) An incarcerated or detained parent may be required to attend
11 counseling, parenting classes, or vocational training programs as
12 part of the reunification service plan if actual access to these
13 services is provided. The social worker shall document in the
14 child's case plan the particular barriers to an incarcerated,
15 institutionalized, or detained parent's access to those
16 court-mandated services and ability to maintain contact with the
17 child.

18 (E) Reasonable efforts to assist parents who have been deported
19 to contact child welfare authorities in their country of origin, to
20 identify any available services that would substantially comply
21 with case plan requirements, to document the parents' participation
22 in those services, and to accept reports from local child welfare
23 authorities as to the parents' living situation, progress, and
24 participation in services.

25 (2) The presiding judge of the juvenile court of each county
26 may convene representatives of the county welfare department,
27 the sheriff's department, and other appropriate entities for the
28 purpose of developing and entering into protocols for ensuring the
29 notification, transportation, and presence of an incarcerated or
30 institutionalized parent at all court hearings involving proceedings
31 affecting the child pursuant to Section 2625 of the Penal Code.
32 The county welfare department shall utilize the prisoner locator
33 system developed by the Department of Corrections and
34 Rehabilitation to facilitate timely and effective notice of hearings
35 for incarcerated parents.

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

1 3410) of Title 2 of Part 3 of, the Penal Code, the court shall
2 determine whether the parent's participation in a program is in the
3 child's best interest and whether it is suitable to meet the needs of
4 the parent and child.

5 (4) Parents and guardians in custody prior to conviction shall
6 not be denied reunification services pursuant to paragraph (1). In
7 determining the content of reasonable services, the court shall
8 consider the particular barriers to an incarcerated, institutionalized,
9 detained, or deported parent's or guardian's access to those
10 court-mandated services and ability to maintain contact with the
11 child, and shall document this information in the child's case plan.
12 Reunification services are subject to the applicable time limitations
13 imposed in subdivision (a). Nothing in this paragraph precludes
14 denial of reunification services pursuant to subdivision (b).

15 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
16 (8), (9), (10), (11), (12), (13), (14), (15), (16), or (17) of subdivision
17 (b) or paragraph (1) of subdivision (e), does not order reunification
18 services, it shall, at the dispositional hearing, that shall include a
19 permanency hearing, determine if a hearing under Section 366.26
20 shall be set in order to determine whether adoption, guardianship,
21 placement with a fit and willing relative, or another planned
22 permanent living arrangement, or, in the case of an Indian child,
23 in consultation with the child's tribe, tribal customary adoption,
24 is the most appropriate plan for the child, and shall consider in-state
25 and out-of-state placement options. If the court so determines, it
26 shall conduct the hearing pursuant to Section 366.26 within 120
27 days after the dispositional hearing. However, the court shall not
28 schedule a hearing so long as the other parent is being provided
29 reunification services pursuant to subdivision (a). The court may
30 continue to permit the parent to visit the child unless it finds that
31 visitation would be detrimental to the child.

32 (g) (1) Whenever a court orders that a hearing shall be held
33 pursuant to Section 366.26, including, when, in consultation with
34 the child's tribe, tribal customary adoption is recommended, it
35 shall direct the agency supervising the child and the county
36 adoption agency, or the State Department of Social Services when
37 it is acting as an adoption agency, to prepare an assessment that
38 shall include:

1 (A) Current search efforts for an absent parent or parents and
2 notification of a noncustodial parent in the manner provided for
3 in Section 291.

4 (B) A review of the amount of and nature of any contact between
5 the child and the child's parents and other members of the child's
6 extended family since the time of placement. Although the
7 extended family of each child shall be reviewed on a case-by-case
8 basis, "extended family" for the purpose of this subparagraph shall
9 include, but not be limited to, the child's siblings, grandparents,
10 aunts, and uncles.

11 (C) (i) An evaluation of the child's medical, developmental,
12 scholastic, mental, and emotional status.

13 (ii) The evaluation pursuant to clause (i) shall include, but is
14 not limited to, providing a copy of the complete health and
15 education summary as required under Section 16010, including
16 the name and contact information of the person or persons currently
17 holding the right to make educational decisions for the child.

18 (iii) In instances where it is determined that disclosure pursuant
19 to clause (ii) of the contact information of the person or persons
20 currently holding the right to make educational decisions for the
21 child poses a threat to the health and safety of that individual or
22 those individuals, that contact information shall be redacted or
23 withheld from the evaluation.

24 (D) A preliminary assessment of the eligibility and commitment
25 of any identified prospective adoptive parent or guardian, including
26 a prospective tribal customary adoptive parent, particularly the
27 caretaker, to include a social history, including screening for
28 criminal records and prior referrals for child abuse or neglect, the
29 capability to meet the child's needs, and the understanding of the
30 legal and financial rights and responsibilities of adoption and
31 guardianship. If a proposed guardian is a relative of the minor, the
32 assessment shall also consider, but need not be limited to, all of
33 the factors specified in subdivision (a) of Section 361.3 and in
34 Section 361.4. As used in this subparagraph, "relative" means an
35 adult who is related to the minor by blood, adoption, or affinity
36 within the fifth degree of kinship, including stepparents,
37 stepsiblings, and all relatives whose status is preceded by the words
38 "great," "great-great," or "grand," or the spouse of any of those
39 persons even if the marriage was terminated by death or
40 dissolution. If the proposed permanent plan is guardianship with

1 an approved relative caregiver for a minor eligible for aid under
2 the Kin-GAP Program, as provided for in Article 4.7 (commencing
3 with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative”
4 as used in this section has the same meaning as “relative” as
5 defined in subdivision (c) of Section 11391.

6 (E) The relationship of the child to any identified prospective
7 adoptive parent or guardian, including a prospective tribal
8 customary parent, the duration and character of the relationship,
9 the degree of attachment of the child to the prospective relative
10 guardian or adoptive parent, the relative’s or adoptive parent’s
11 strong commitment to caring permanently for the child, the
12 motivation for seeking adoption or guardianship, a statement from
13 the child concerning placement and the adoption or guardianship,
14 and whether the child over 12 years of age has been consulted
15 about the proposed relative guardianship arrangements, unless the
16 child’s age or physical, emotional, or other condition precludes
17 the child’s meaningful response, and, if so, a description of the
18 condition.

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

21 (G) In the case of an Indian child, in addition to subparagraphs
22 (A) to (F), inclusive, an assessment of the likelihood that the child
23 will be adopted, when, in consultation with the child’s tribe, a
24 tribal customary adoption, as defined in Section 366.24, is
25 recommended. If tribal customary adoption is recommended, the
26 assessment shall include an analysis of both of the following:

27 (i) Whether tribal customary adoption would or would not be
28 detrimental to the Indian child and the reasons for reaching that
29 conclusion.

30 (ii) Whether the Indian child cannot or should not be returned
31 to the home of the Indian parent or Indian custodian and the reasons
32 for reaching that conclusion.

33 (2) (A) A relative caregiver’s preference for legal guardianship
34 over adoption, if it is due to circumstances that do not include an
35 unwillingness to accept legal or financial responsibility for the
36 child, shall not constitute the sole basis for recommending removal
37 of the child from the relative caregiver for purposes of adoptive
38 placement.

39 (B) Regardless of a relative caregiver’s immigration status, a
40 relative caregiver shall be given information regarding the

1 permanency options of guardianship and adoption, including the
2 long-term benefits and consequences of each option, prior to
3 establishing legal guardianship or pursuing adoption. If the
4 proposed permanent plan is guardianship with an approved relative
5 caregiver for a minor eligible for aid under the Kin-GAP Program,
6 as provided for in Article 4.7 (commencing with Section 11385)
7 of Chapter 2 of Part 3 of Division 9, the relative caregiver shall
8 be informed about the terms and conditions of the negotiated
9 agreement pursuant to Section 11387 and shall agree to its
10 execution prior to the hearing held pursuant to Section 366.26. A
11 copy of the executed negotiated agreement shall be attached to the
12 assessment.

13 (h) If, at any hearing held pursuant to Section 366.26, a
14 guardianship is established for the minor with an approved relative
15 caregiver and juvenile court dependency is subsequently dismissed,
16 the minor shall be eligible for aid under the Kin-GAP ~~Program~~
17 *Program*, as provided for in Article 4.5 (commencing with Section
18 11360) or Article 4.7 (commencing with Section 11385), as
19 applicable, of Chapter 2 of Part 3 of Division 9.

20 (i) In determining whether reunification services will benefit
21 the child pursuant to paragraph (6) or (7) of subdivision (b), the
22 court shall consider any information it deems relevant, including
23 the following factors:

24 (1) The specific act or omission comprising the severe sexual
25 abuse or the severe physical harm inflicted on the child or the
26 child's sibling or half sibling.

27 (2) The circumstances under which the abuse or harm was
28 inflicted on the child or the child's sibling or half sibling.

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

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

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

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

38 (j) When the court determines that reunification services will
39 not be ordered, it shall order that the child's caregiver receive the
40 child's birth certificate in accordance with Sections 16010.4 and

1 16010.5. Additionally, when the court determines that reunification
2 services will not be ordered, it shall order, when appropriate, that
3 a child who is 16 years of age or older receive the child's birth
4 certificate.

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

11 SEC. 3. To the extent that this act has an overall effect of
12 increasing the costs already borne by a local agency for programs
13 or levels of service mandated by the 2011 Realignment Legislation
14 within the meaning of Section 36 of Article XIII of the California
15 Constitution, it shall apply to local agencies only to the extent that
16 the state provides annual funding for the cost increase. Any new
17 program or higher level of service provided by a local agency
18 pursuant to this act above the level for which funding has been
19 provided shall not require a subvention of funds by the state or
20 otherwise be subject to Section 6 of Article XIII B of the California
21 Constitution.