

**ASSEMBLY BILL**

**No. 2035**

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**Introduced by Assembly Member Blanca Rubio**

January 30, 2020

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An act to and act to amend Sections 366, 366.1, 366.31, 706.5, 727.2, 16519.5, and 16521.5 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 2035, as introduced, Blanca Rubio. Foster youth: sexual and reproductive education.

(1) Existing law requires a county social worker to create a case plan for foster youth within a specified timeframe after the child is introduced into the foster care system. Existing law requires the case plan to include prescribed components, including, among other things, for certain youth and nonminor dependents, verification that the youth or nonminor dependent has received comprehensive sexual health education, as specified, and an indication that the youth or nonminor dependent has been informed about various topics relating to reproductive and sexual health care.

This bill would require a county social worker to include in certain reports to the juvenile court a factual discussion of whether the youth or nonminor dependent has received comprehensive sexual health education and whether the youth or nonminor dependent has been informed of the topics described above. The bill would also require the juvenile court to make a determination regarding whether the social worker has performed those duties. By imposing additional duties on county social workers, this bill would impose a state-mandated local program.

(2) Existing law places certain requirements on counties in implementing the resource family approval process, including ensuring that resource family applicants complete a minimum of 12 hours of preapproval caregiver training. Existing law requires this preapproval training to include information related to sexual and reproductive health care for youth and nonminor dependents. Existing law also requires counties to ensure that resource families complete a minimum of 8 hours of annual caregiver training.

This bill would require counties to ensure that the annual caregiver training also includes that information. By imposing additional duties on counties, this bill would impose a state-mandated local program.

(3) Existing law requires the State Department of Social Services to convene a working group to develop a pregnancy prevention plan that effectively addresses the needs of adolescent male and female foster youth and includes, among other things, effective strategies and programs for preteen and older teen foster youth and nonminor dependents and selecting and providing appropriate materials to educate foster youth and nonminor dependents in family life education.

This bill would require the department to compile and report annual performance and outcome data on the implementation of sexual and reproductive health training and education and the availability of sexual health care services. The bill would require enumerated performance and outcome data to be included in the report and would require the department to consult with the working group in selecting additional performance and outcome data measures to include in the report. The bill would require the report to be completed annually, beginning July 1, 2021, and to be posted on the department's internet website.

(4) 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 366 of the Welfare and Institutions Code  
2     is amended to read:

1 366. (a) (1) The status of every dependent child in foster care  
2 shall be reviewed periodically as determined by the court but no  
3 less frequently than once every six months, as calculated from the  
4 date of the original dispositional hearing, until the hearing  
5 described in Section 366.26 is completed. The court shall consider  
6 the safety of the child and shall determine all of the following:

7 (A) The continuing necessity for and appropriateness of the  
8 placement.

9 (B) The extent of the agency's compliance with the case plan  
10 in making reasonable efforts, or, in the case of a child 16 years of  
11 age or older with another planned permanent living arrangement,  
12 the ongoing and intensive efforts, to return the child to a safe home  
13 and to complete any steps necessary to finalize the permanent  
14 placement of the child, including efforts to maintain relationships  
15 between a child who is 10 years of age or older and who has been  
16 in an out-of-home placement for six months or longer, and  
17 individuals other than the child's siblings who are important to the  
18 child, consistent with the child's best interests. Where it is known  
19 or there is reason to know that the child is an Indian child, as  
20 defined by Section 224.1, the court shall also determine whether  
21 the agency has made active efforts, as defined in Section 224.1  
22 and as described in Section 361.7, to provide remedial services  
23 and rehabilitative programs designed to prevent the breakup of the  
24 Indian family.

25 (C) Whether there should be any limitation on the right of the  
26 parent, guardian, or Indian custodian to make educational decisions  
27 or developmental services decisions for the child. That limitation  
28 shall be specifically addressed in the court order and may not  
29 exceed those necessary to protect the child. Whenever the court  
30 specifically limits the right of the parent, guardian, or Indian  
31 custodian to make educational decisions or developmental services  
32 decisions for the child, the court shall at the same time appoint a  
33 responsible adult to make educational decisions or developmental  
34 services decisions for the child pursuant to Section 361.

35 (D) (i) Whether the child has other siblings under the court's  
36 jurisdiction, and, if any siblings exist, all of the following:

37 (I) The nature of the relationship between the child and ~~his or~~  
38 ~~her~~ *the child's* siblings.

39 (II) The appropriateness of developing or maintaining the sibling  
40 relationships pursuant to Section 16002.

1 (III) If the siblings are not placed together in the same home,  
2 why the siblings are not placed together and what efforts are being  
3 made to place the siblings together, or why those efforts are not  
4 appropriate.

5 (IV) If the siblings are not placed together, all of the following:

6 (ia) The frequency and nature of the visits between the siblings.

7 (ib) If there are visits between the siblings, whether the visits  
8 are supervised or unsupervised. If the visits are supervised, a  
9 discussion of the reasons why the visits are supervised, and what  
10 needs to be accomplished in order for the visits to be unsupervised.

11 (ic) If there are visits between the siblings, a description of the  
12 location and length of the visits.

13 (id) Any plan to increase visitation between the siblings.

14 (V) The impact of the sibling relationships on the child's  
15 placement and planning for legal permanence.

16 (VI) The continuing need to suspend sibling interaction, if  
17 applicable, pursuant to subdivision (c) of Section 16002.

18 (ii) The factors the court may consider in making a determination  
19 regarding the nature of the child's sibling relationships may  
20 include, but are not limited to, whether the siblings were raised  
21 together in the same home, whether the siblings have shared  
22 significant common experiences or have existing close and strong  
23 bonds, whether either sibling expresses a desire to visit or live with  
24 ~~his or her~~ *their* sibling, as applicable, and whether ongoing contact  
25 is in the child's best emotional interests.

26 (E) The extent of progress that has been made toward alleviating  
27 or mitigating the causes necessitating placement in foster care.

28 (F) (i) *For a child who is 10 years of age or older, is in junior*  
29 *high, middle, or high school, and has been under the jurisdiction*  
30 *of the juvenile court for a year or longer, whether the social worker*  
31 *has verified that the child has received comprehensive sexual*  
32 *health education that meets the requirements of Chapter 5.6*  
33 *(commencing with Section 51930) of Part 28 of Division 4 of Title*  
34 *2 of the Education Code through the school system or has ensured*  
35 *that the child will receive the instruction.*

36 (ii) *For a child described in clause (i), whether the social worker*  
37 *has done all of the following:*

38 (I) *Informed the child that they may access age-appropriate,*  
39 *medically accurate information about reproductive and sexual*  
40 *health care, including, but not limited to, unplanned pregnancy*

1 *prevention, abstinence, use of birth control, abortion, and the*  
2 *prevention and treatment of sexually transmitted infections.*

3 *(II) Informed the child, in an age and developmentally*  
4 *appropriate manner, of the child's right to consent to sexual and*  
5 *reproductive health services and the child's confidentiality rights*  
6 *regarding those services.*

7 *(III) Informed the child how to access reproductive and sexual*  
8 *health care services and facilitated access to that care, including*  
9 *by assisting with any identified barriers to care, as needed.*

10 *(iii) The Judicial Council shall amend and adopt rules of court*  
11 *and develop appropriate forms for the implementation of this*  
12 *subparagraph.*

13 ~~(F)~~

14 *(G) If the review hearing is the last review hearing to be held*  
15 *before the child attains 18 years of age, the court shall conduct the*  
16 *hearing pursuant to Section 366.31 or 366.32.*

17 *(2) The court shall project a likely date by which the child may*  
18 *be returned to and safely maintained in the home or placed for*  
19 *adoption, tribal customary adoption in the case of an Indian child,*  
20 *legal guardianship, placed with a fit and willing relative, or in*  
21 *another planned permanent living arrangement.*

22 *(b) Subsequent to the hearing, periodic reviews of each child*  
23 *in foster care shall be conducted pursuant to the requirements of*  
24 *Sections 366.3 and 16503.*

25 *(c) If the child has been placed out of state, each review*  
26 *described in subdivision (a) and any reviews conducted pursuant*  
27 *to Sections 366.3 and 16503 shall also address whether the*  
28 *out-of-state placement continues to be the most appropriate*  
29 *placement selection and in the best interests of the child.*

30 *(d) (1) A review described in subdivision (a) and any reviews*  
31 *conducted pursuant to Sections 366.3 and 16503 shall not result*  
32 *in a placement of a child outside the United States prior to a judicial*  
33 *finding that the placement is in the best interest of the child, except*  
34 *as required by federal law or treaty.*

35 *(2) The party or agency requesting placement of the child outside*  
36 *the United States shall carry the burden of proof and must show,*  
37 *by clear and convincing evidence, that a placement outside the*  
38 *United States is in the best interest of the child.*

39 *(3) In determining the best interest of the child, the court shall*  
40 *consider, but not be limited to, the following factors:*

- 1 (A) Placement with a relative.
- 2 (B) Placement of siblings in the same home.
- 3 (C) Amount and nature of any contact between the child and
- 4 the potential guardian or caretaker.
- 5 (D) Physical and medical needs of the dependent child.
- 6 (E) Psychological and emotional needs of the dependent child.
- 7 (F) Social, cultural, and educational needs of the dependent
- 8 child.
- 9 (G) Specific desires of any dependent child who is 12 years of
- 10 age or older.

11 (4) If the court finds that a placement outside the United States  
12 is, by clear and convincing evidence, in the best interest of the  
13 child, the court may issue an order authorizing the social worker  
14 or placing agency to make a placement outside the United States.  
15 A child subject to this subdivision shall not leave the United States  
16 prior to the issuance of the order described in this paragraph.

17 (5) For purposes of this subdivision, “outside the United States”  
18 shall not include the lands of any federally recognized American  
19 Indian tribe or Alaskan Natives.

20 (6) This section shall not apply to the placement of a dependent  
21 child with a parent.

22 (e) A child may not be placed in an out-of-state group home,  
23 or remain in an out-of-state group home, unless the group home  
24 is in compliance with Section 7911.1 of the Family Code.

25 (f) The status review of every nonminor dependent, as defined  
26 in subdivision (v) of Section 11400, shall be conducted pursuant  
27 to the requirements of Sections 366.3, 366.31, or 366.32, and 16503  
28 until dependency jurisdiction is terminated pursuant to Section  
29 391.

30 SEC. 2. Section 366.1 of the Welfare and Institutions Code is  
31 amended to read:

32 366.1. Each supplemental report required to be filed pursuant  
33 to Section 366 shall include, but not be limited to, a factual  
34 discussion of each of the following subjects:

35 (a) Whether the county welfare department social worker has  
36 considered either of the following:

37 (1) Child protective services, as defined in Chapter 5  
38 (commencing with Section 16500) of Part 4 of Division 9, as a  
39 possible solution to the problems at hand, and has offered those  
40 services to qualified parents, if appropriate under the circumstances.

1 (2) Whether the child can be returned to the custody of ~~his or~~  
2 ~~her~~ *their* parent who is enrolled in a certified substance abuse  
3 treatment facility that allows a dependent child to reside with ~~his~~  
4 ~~or her~~ *their* parent.

5 (b) What plan, if any, for the return and maintenance of the  
6 child in a safe home is recommended to the court by the county  
7 welfare department social worker.

8 (c) Whether the subject child appears to be a person who is  
9 eligible to be considered for further court action to free the child  
10 from parental custody and control.

11 (d) What actions, if any, have been taken by the parent to correct  
12 the problems that caused the child to be made a dependent child  
13 of the court.

14 (e) If the parent or guardian is unwilling or unable to participate  
15 in making an educational decision for ~~his or her~~ *their* child, or if  
16 other circumstances exist that compromise the ability of the parent  
17 or guardian to make educational decisions for the child, the county  
18 welfare department or social worker shall consider whether the  
19 right of the parent or guardian to make educational decisions for  
20 the child should be limited. If the supplemental report makes that  
21 recommendation, the report shall identify whether there is a  
22 responsible adult available to make educational decisions for the  
23 child pursuant to Section 361.

24 (f) (1) The health and education of the minor, including a copy  
25 of the complete health and education summary as required under  
26 Section 16010, including the name and contact information of the  
27 person or persons currently holding the right to make educational  
28 decisions for the child.

29 (2) In instances where it is determined that disclosure pursuant  
30 to paragraph (1) of the contact information of the person or persons  
31 currently holding the right to make educational decisions for the  
32 child poses a threat to the health and safety of that individual or  
33 those individuals, that contact information shall be redacted or  
34 withheld from the health and education summary within the  
35 supplemental report described in this section.

36 (g) (1) Whether the child has any siblings under the court's  
37 jurisdiction, and, if any siblings exist, all of the following:

38 (A) The nature of the relationship between the child and ~~his or~~  
39 ~~her~~ *the child's* siblings.

1 (B) The appropriateness of developing or maintaining the sibling  
2 relationships pursuant to Section 16002.

3 (C) If the siblings are not placed together in the same home,  
4 why the siblings are not placed together and what efforts are being  
5 made to place the siblings together, or why those efforts are not  
6 appropriate.

7 (D) If the siblings are not placed together, all of the following:

8 (i) The frequency and nature of the visits between the siblings.

9 (ii) If there are visits between the siblings, whether the visits  
10 are supervised or unsupervised. If the visits are supervised, a  
11 discussion of the reasons why the visits are supervised, and what  
12 needs to be accomplished in order for the visits to be unsupervised.

13 (iii) If there are visits between the siblings, a description of the  
14 location and length of the visits.

15 (iv) Any plan to increase visitation between the siblings.

16 (E) The impact of the sibling relationships on the child's  
17 placement and planning for legal permanence.

18 (2) The factual discussion shall include a discussion of indicators  
19 of the nature of the child's sibling relationships, including, but not  
20 limited to, whether the siblings were raised together in the same  
21 home, whether the siblings have shared significant common  
22 experiences or have existing close and strong bonds, whether either  
23 sibling expresses a desire to visit or live with ~~his or her~~ *their*  
24 sibling, as applicable, and whether ongoing contact is in the child's  
25 best emotional interests.

26 (h) (1) *For a child who is 10 years of age or older and has been*  
27 *under the jurisdiction of the juvenile court for a year or longer,*  
28 *either of the following:*

29 (A) *For a child in junior high or middle school, either that the*  
30 *child has already received comprehensive sexual health education*  
31 *that meets the requirements of Chapter 5.6 (commencing with*  
32 *Section 51930) of Part 28 of Division 4 of Title 2 of the Education*  
33 *Code through the school system while in junior high or middle*  
34 *school or how the county will ensure that the child receives that*  
35 *instruction at least once before completing junior high or middle*  
36 *school if the child remains under the jurisdiction of the juvenile*  
37 *court during that timeframe.*

38 (B) *For a child in high school, either that the child has received*  
39 *comprehensive sexual health education that meets the requirements*  
40 *of Chapter 5.6 (commencing with Section 51930) of Part 28 of*



1 *Division 4 of Title 2 of the Education Code through the school*  
2 *system while in high school, or how the county will ensure that*  
3 *the child receives that instruction at least once before completing*  
4 *high school if the child remains under the jurisdiction of the*  
5 *juvenile court during that timeframe.*

6 (2) (A) *For a child who is 10 years of age or older, whether*  
7 *the social worker has done all of the following:*

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

13 (ii) *Informed the child, in an age and developmentally*  
14 *appropriate manner, of the child's right to consent to sexual and*  
15 *reproductive health services and the child's confidentiality rights*  
16 *regarding those services.*

17 (iii) *Informed the child how to access reproductive and sexual*  
18 *health care services and facilitated access to that care, including*  
19 *by assisting with any identified barriers to care, as needed.*

20 (B) *This paragraph does not affect any applicable confidentiality*  
21 *law.*

22 ~~(h)~~

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

34 ~~(i)~~

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

39 SEC. 3. *Section 366.31 of the Welfare and Institutions Code*  
40 *is amended to read:*

1 366.31. (a) If a review hearing is the last review hearing to be  
2 held before the minor attains 18 years of age, the court shall ensure  
3 all of the following:

4 (1) The minor's case plan includes a plan for the minor to satisfy  
5 one or more of the participation conditions described in paragraphs  
6 (1) to (5), inclusive, of subdivision (b) of Section 11403, so that  
7 the minor is eligible to remain in foster care as a nonminor  
8 dependent.

9 (2) The minor has been informed of ~~his or her~~ *their* right to seek  
10 termination of dependency jurisdiction pursuant to Section 391,  
11 and understands the potential benefits of continued dependency.

12 (3) The minor is informed of ~~his or her~~ *their* right to have  
13 dependency reinstated pursuant to subdivision (e) of Section 388,  
14 and understands the potential benefits of continued dependency.

15 (b) At the review hearing that occurs in the six-month period  
16 prior to the minor's attaining 18 years of age, and at every  
17 subsequent review hearing for the nonminor dependent, as  
18 described in subdivision (v) of Section 11400, the report shall  
19 describe all of the following:

20 (1) The minor's and nonminor's plans to remain in foster care  
21 and plans to meet one or more of the participation conditions as  
22 described in paragraphs (1) to (5), inclusive, of subdivision (b) of  
23 Section 11403 to continue to receive AFDC-FC benefits as a  
24 nonminor dependent.

25 (2) The efforts made and assistance provided to the minor and  
26 nonminor by the social worker or the probation officer so that the  
27 minor and nonminor will be able to meet the participation  
28 conditions.

29 (3) Efforts toward completing the items described in paragraph  
30 (2) of subdivision (e) of Section 391.

31 (4) (A) *For a child or nonminor dependent in high school who*  
32 *has been under the jurisdiction of the juvenile court for a year or*  
33 *longer, the information in subparagraph (B) of paragraph (1) of*  
34 *subdivision (h) of Section 366.1.*

35 (B) (i) *Whether the social worker has informed the minor or*  
36 *nonminor dependent of the information in paragraph (2) of*  
37 *subdivision (h) of Section 366.1.*

38 (ii) *This paragraph does not affect any applicable confidentiality*  
39 *law.*

1 (c) The reviews conducted pursuant to this section for a  
2 nonminor dependent shall be conducted in a manner that respects  
3 the nonminor's status as a legal adult, focused on the goals and  
4 services described in the youth's transitional independent living  
5 case plan, as described in subdivision (y) of Section 11400,  
6 including efforts made to maintain connections with caring and  
7 permanently committed adults, and attended, as appropriate, by  
8 additional participants invited by the nonminor dependent.

9 (d) For a nonminor dependent whose case plan is continued  
10 court-ordered family reunification services pursuant to Section  
11 361.6, the court shall consider whether the nonminor dependent  
12 may safely reside in the home of the parent or guardian. If the  
13 nonminor cannot reside safely in the home of the parent or guardian  
14 or if it is not in the nonminor dependent's best interest to reside  
15 in the home of the parent or guardian, the court must consider  
16 whether to continue or terminate reunification services for the  
17 parent or legal guardian.

18 (1) The review report shall include a discussion of all of the  
19 following:

20 (A) Whether foster care placement continues to be necessary  
21 and appropriate.

22 (B) The likely date by which the nonminor dependent may reside  
23 safely in the home of the parent or guardian or will achieve  
24 independence.

25 (C) Whether the parent or guardian and nonminor dependent  
26 were actively involved in the development of the case plan.

27 (D) Whether the social worker or probation officer has provided  
28 reasonable services designed to aid the parent or guardian to  
29 overcome the problems that led to the initial removal of the  
30 nonminor dependent.

31 (E) The extent of progress the parents or guardian have made  
32 toward alleviating or mitigating the causes necessitating placement  
33 in foster care.

34 (F) Whether the nonminor dependent and parent, parents, or  
35 guardian are in agreement with the continuation of reunification  
36 services.

37 (G) Whether continued reunification services are in the best  
38 interest of the nonminor dependent.

1 (H) Whether there is a substantial probability that the nonminor  
2 dependent will be able to safely reside in the home of the parent  
3 or guardian by the next review hearing date.

4 (I) The efforts to maintain the nonminor's connections with  
5 caring and permanently committed adults.

6 (J) The agency's compliance with the nonminor dependent's  
7 transitional independent living case plan, including efforts to  
8 finalize the nonminor's permanent plan and prepare the nonminor  
9 dependent for independence.

10 (K) The progress in providing the information and documents  
11 to the nonminor dependent as described in Section 391.

12 (L) *(i) For a nonminor dependent in high school who has been*  
13 *under the jurisdiction of the juvenile court for a year or longer;*  
14 *the information in subparagraph (B) of paragraph (1) of*  
15 *subdivision (h) of Section 366.1.*

16 *(ii) (I) Whether the social worker has informed the nonminor*  
17 *dependent of the information in paragraph (2) of subdivision (h)*  
18 *of Section 366.1.*

19 *(II) This clause does not affect any applicable confidentiality*  
20 *law.*

21 (2) The court shall inquire about the progress being made to  
22 provide a permanent home for the nonminor, shall consider the  
23 safety of the nonminor dependent, and shall determine all of the  
24 following:

25 (A) The continuing necessity for, and appropriateness of, the  
26 placement.

27 (B) Whether the agency has made reasonable efforts to maintain  
28 relationships between the nonminor dependent and individuals  
29 who are important to the nonminor dependent.

30 (C) The extent of the agency's compliance with the case plan  
31 in making reasonable efforts or, in the case of an Indian child,  
32 active efforts, as described in Section 361.7, to create a safe home  
33 of the parent or guardian for the nonminor to reside in or to  
34 complete whatever steps are necessary to finalize the permanent  
35 placement of the nonminor dependent.

36 (D) The extent of the agency's compliance with the nonminor  
37 dependent's transitional independent living case plan, including  
38 efforts to finalize the youth's permanent plan and prepare the  
39 nonminor dependent for independence.

1 (E) The adequacy of services provided to the parent or guardian  
2 and to the nonminor dependent. The court shall consider the  
3 progress in providing the information and documents to the  
4 nonminor dependent as described in Section 391. The court shall  
5 also consider the need for, and progress in providing, the assistance  
6 and services described in Section 391.

7 (F) The extent of progress the parents or legal guardians have  
8 made toward alleviating or mitigating the causes necessitating  
9 placement in foster care.

10 (G) The likely date by which the nonminor dependent may  
11 safely reside in the home of the parent or guardian or, if the court  
12 is terminating reunification services, the likely date by which it is  
13 anticipated the nonminor dependent will achieve independence,  
14 or, for an Indian child, in consultation with the child's tribe, placed  
15 for tribal customary adoption.

16 (H) Whether the agency has made reasonable efforts as required  
17 in subparagraph (D) of paragraph (1) of subdivision (a) of Section  
18 366 to establish or maintain the nonminor dependent's relationship  
19 with ~~his or her~~ *their* siblings who are under the juvenile court's  
20 jurisdiction.

21 (I) The services needed to assist the nonminor dependent to  
22 make the transition from foster care to successful adulthood.

23 (J) Whether or not reasonable efforts to make and finalize a  
24 permanent placement for the nonminor have been made.

25 (K) *(i) If the nonminor dependent is in high school and has  
26 been under the jurisdiction of the juvenile court for a year or  
27 longer, whether the social worker has taken the actions described  
28 in subparagraph (F) of paragraph (1) of subdivision (a) of Section  
29 366.*

30 *(ii) The Judicial Council shall amend and adopt rules of court  
31 and develop appropriate forms for the implementation of this  
32 subparagraph.*

33 (3) If the court determines that a nonminor dependent may safely  
34 reside in the home of the parent or former guardian, the court may  
35 order the nonminor dependent to return to the family home. After  
36 the nonminor dependent returns to the family home, the court may  
37 terminate jurisdiction and proceed under applicable provisions of  
38 Section 391 or continue jurisdiction as a nonminor under  
39 subdivision (a) of Section 303 and hold hearings as follows:

(A) At every hearing for a nonminor dependent residing in the home of the parent or guardian, the court shall set a hearing within six months of the previous hearing. The court shall advise the parties of their right to be present. At least 10 calendar days before the hearing, the social worker or probation officer shall file a report with the court describing the services offered to the family and the progress made by the family in eliminating the conditions or factors requiring court supervision. The report shall address all of the following:

(i) Whether the parent or guardian and the nonminor dependent were actively involved in the development of the case plan.

(ii) Whether the social worker or probation officer has provided reasonable services to eliminate the need for court supervision.

(iii) The progress of providing information and documents to the nonminor dependent as described in Section 391.

(B) The court shall inquire about progress being made, shall consider the safety of the nonminor dependent, and shall determine all of the following:

(i) The continuing need for court supervision.

(ii) The extent of the agency's compliance with the case plan in making reasonable efforts to maintain a safe family home for the nonminor dependent.

(C) If the court finds that court supervision is no longer necessary, the court shall terminate jurisdiction under applicable provisions of Section 391.

(e) For a nonminor dependent who is no longer receiving court-ordered family reunification services and is in a permanent plan of another planned permanent living arrangement, at the review hearing held every six months pursuant to subdivision (d) of Section 366.3, the reviewing body shall inquire about the progress being made to provide permanent connections with caring, committed adults for the nonminor dependent, shall consider the safety of the nonminor, shall consider the transitional independent living case plan, and shall determine all of the following:

(1) The continuing necessity for, and appropriateness of, the placement.

(2) The continuing appropriateness and extent of compliance with the permanent plan for the nonminor dependent, including efforts to identify and maintain relationships with individuals who are important to the nonminor dependent.

1 (3) The extent of the agency's compliance with the nonminor  
2 dependent's transitional independent living case plan, including  
3 whether or not reasonable efforts have been made to make and  
4 finalize the youth's permanent plan and prepare the nonminor  
5 dependent for independence.

6 (4) Whether a prospective adoptive parent has been identified  
7 and assessed as appropriate for the nonminor dependent's adoption  
8 under this section, whether the prospective adoptive parent has  
9 been informed about the terms of the written negotiated adoption  
10 assistance agreement pursuant to Section 16120, and whether  
11 adoption should be ordered as the nonminor dependent's permanent  
12 plan. If nonminor dependent adoption is ordered as the nonminor  
13 dependent's permanent plan, a hearing pursuant to subdivision (f)  
14 shall be held within 60 days. When the court orders a hearing  
15 pursuant to subdivision (f), it shall direct the agency to prepare a  
16 report that shall include the provisions of paragraph (5) of  
17 subdivision (f).

18 (5) For the nonminor dependent who is an Indian child, whether,  
19 in consultation with the nonminor's tribe, the nonminor should be  
20 placed for tribal customary adoption.

21 (6) The adequacy of services provided to the nonminor  
22 dependent. The court shall consider the progress in providing the  
23 information and documents to the nonminor dependent as described  
24 in Section 391. The court shall also consider the need for, and  
25 progress in providing, the assistance and services described in  
26 Section 391.

27 (7) The likely date by which it is anticipated the nonminor  
28 dependent will achieve adoption or independence.

29 (8) Whether the agency has made reasonable efforts as required  
30 in subparagraph (D) of paragraph (1) of subdivision (a) of Section  
31 366 to establish or maintain the nonminor dependent's relationship  
32 with ~~his or her~~ *their* siblings who are under the juvenile court's  
33 jurisdiction.

34 (9) The services needed to assist the nonminor dependent to  
35 make the transition from foster care to successful adulthood.

36 (10) When the hearing described in this subdivision is held  
37 pursuant to paragraph (3) or (4) of subdivision (d) of Section 366.3,  
38 and the nonminor dependent has a permanent plan of another  
39 planned permanent living arrangement, the court shall do all of  
40 the following:

1 (A) Ask the nonminor dependent about ~~his or her~~ *their* desired  
2 permanency outcome.

3 (B) Make a judicial determination explaining why, as of the  
4 hearing date, another planned permanent living arrangement is the  
5 best permanency plan for the nonminor dependent.

6 (C) State for the record the compelling reason or reasons why  
7 it continues not to be in the best interest of the nonminor dependent  
8 to return home, be placed for adoption, be placed for tribal  
9 customary adoption in the case of an Indian child, be placed with  
10 a legal guardian, or be placed with a fit and willing relative.

11 *(11) (A) If the nonminor dependent is in high school and has*  
12 *been under the jurisdiction of the juvenile court for a year or*  
13 *longer, whether the social worker has taken the actions described*  
14 *in subparagraph (F) of paragraph (1) of subdivision (a) of Section*  
15 *366.*

16 *(B) The Judicial Council shall amend and adopt rules of court*  
17 *and develop appropriate forms for the implementation of this*  
18 *paragraph.*

19 (f) (1) At a hearing to consider a permanent plan of adoption  
20 for a nonminor dependent, the court shall read and consider the  
21 report in paragraph (5) and receive other evidence that the parties  
22 may present. A copy of the executed negotiated agreement shall  
23 be attached to the report. If the court finds pursuant to this section  
24 that nonminor dependent adoption is the appropriate permanent  
25 plan, it shall make findings and orders to do the following:

26 (A) Approve the adoption agreement and declare the nonminor  
27 dependent is the adopted child of the adoptive parent, and that the  
28 nonminor dependent and adoptive parents agree to assume toward  
29 each other the legal relationship of parents and child and to have  
30 all of the rights and be subject to all of the duties and  
31 responsibilities of that relationship.

32 (B) Declare that the birth parents of the nonminor dependent  
33 are, from the time of the adoption, relieved of all parental duties  
34 toward, and responsibility for, the adopted nonminor dependent  
35 and have no rights over the adopted nonminor dependent.

36 (2) If the court finds that the nonminor dependent and the  
37 prospective adoptive parent have mutually consented to the  
38 adoption, the court may enter the adoption order after it determines  
39 all of the following:

40 (A) Whether the notice was given as required by law.



1 (B) Whether the nonminor dependent and prospective adoptive  
2 parent are present for the hearing.

3 (C) Whether the court has read and considered the assessment  
4 prepared by the social worker or probation officer.

5 (D) Whether the court considered the wishes of the nonminor  
6 dependent.

7 (E) If the nonminor dependent is eligible, the prospective  
8 adoptive parent has signed the negotiated adoption assistance  
9 agreement pursuant to subdivision (g) of Section 16120, and  
10 whether a copy of the executed negotiated agreement is attached  
11 to the report.

12 (F) Whether the adoption is in the best interest of the nonminor  
13 dependent.

14 (3) If the court orders the establishment of the nonminor  
15 dependent adoption, it shall dismiss dependency or transitional  
16 jurisdiction.

17 (4) If the court does not order the establishment of the nonminor  
18 dependent adoption, the nonminor dependent shall remain in a  
19 planned permanent living arrangement subject to periodic review  
20 of the juvenile court pursuant to this section.

21 (5) At least 10 calendar days before the hearing, the social  
22 worker or probation officer shall file a report with the court and  
23 provide a copy of the report to all parties. The report shall describe  
24 the following:

25 (A) Whether or not the nonminor dependent has any  
26 developmental disability and whether the proposed adoptive parent  
27 is suitable to meet the needs of the nonminor dependent.

28 (B) The length and nature of the relationship between the  
29 prospective adoptive parent and the nonminor dependent, including  
30 whether the prospective adoptive parent has been determined to  
31 have been established as the nonminor's permanent connection.

32 (C) Whether the nonminor dependent has been determined to  
33 be eligible for the adoption assistance program and, if so, whether  
34 the prospective adoptive parent has signed the negotiated adoption  
35 assistance agreement pursuant to subdivision (g) of Section 16120.

36 (D) Whether a copy of the executed negotiated agreement is  
37 attached to the report.

38 (E) Whether criminal background clearances were completed  
39 for the prospective adoptive parent as required by Section  
40 671(a)(20)(A) and (a)(20)(C) of Title 42 of the United States Code.

1 (F) Whether the prospective adoptive parent who is married and  
2 not legally separated from that spouse has the consent of the  
3 spouse, provided that the spouse is capable of giving that consent.

4 (G) Whether the adoption of the nonminor dependent is in the  
5 best interests of the nonminor dependent and the prospective  
6 adoptive parent.

7 (H) Whether the nonminor dependent and the prospective  
8 adoptive parent have mutually consented to the adoption.

9 (6) The social worker or probation officer shall serve written  
10 notice of the hearing in the manner and to the persons set forth in  
11 Section 295, including the prospective adoptive parent or parents,  
12 except that notice to the nonminor's birth parents is not required.

13 (7) Nothing in this section shall prevent a nonminor dependent  
14 from filing an adoption petition pursuant to Section 9300 of the  
15 Family Code.

16 (g) Each licensed foster family agency shall submit reports for  
17 each nonminor dependent in its care to the court concerning the  
18 continuing appropriateness and extent of compliance with the  
19 nonminor dependent's permanent plan, the extent of compliance  
20 with the transitional independent living case plan, and the type  
21 and adequacy of services provided to the nonminor dependent.  
22 The report shall document that the nonminor has received all the  
23 information and documentation described in paragraph (2) of  
24 subdivision (e) of Section 391. If the court is considering  
25 terminating dependency jurisdiction for a nonminor dependent it  
26 shall first hold a hearing pursuant to Section 391.

27 (h) When the nonminor dependent is in another planned  
28 permanent living arrangement, the social study prepared for the  
29 hearing held under subdivision (e) shall include a description of  
30 all of the following:

31 (1) The intensive and ongoing efforts to return the nonminor  
32 dependent to the home of the parent, place the nonminor dependent  
33 for adoption, or place the nonminor dependent with a fit and willing  
34 relative, as appropriate.

35 (2) The steps taken to do both of the following:

36 (A) Ensure that the nonminor dependent's care provider is  
37 following the reasonable and prudent parent standard.

38 (B) Determine whether the nonminor dependent has regular,  
39 ongoing opportunities to engage in age or developmentally  
40 appropriate activities, including consulting with the nonminor

1 dependent about opportunities for the nonminor dependent to  
2 participate in those activities.

3 SEC. 4. Section 706.5 of the Welfare and Institutions Code is  
4 amended to read:

5 706.5. (a) If placement in foster care is recommended by the  
6 probation officer, or where the minor is already in foster care  
7 placement or pending placement pursuant to an earlier order, the  
8 social study prepared by the probation officer that is received into  
9 evidence at disposition pursuant to Section 706 shall include a  
10 case plan, as described in Section 706.6. If the court elects to hold  
11 the first status review at the disposition hearing, the social study  
12 shall also include, but not be limited to, the factual material  
13 described in subdivision (c).

14 (b) If placement in foster care is not recommended by the  
15 probation officer prior to disposition, but the court orders foster  
16 care placement, the court shall order the probation officer to prepare  
17 a case plan, as described in Section 706.6, within 30 days of the  
18 placement order. The case plan shall be filed with the court.

19 (c) At each status review hearing, the social study shall include,  
20 but not be limited to, an updated case plan as described in Section  
21 706.6 and the following information:

22 (1) The continuing necessity for and appropriateness of the  
23 placement.

24 (2) The extent of the probation department's compliance with  
25 the case plan in making reasonable efforts to safely return the  
26 minor to the minor's home or to complete whatever steps are  
27 necessary to finalize the permanent placement of the minor.

28 (3) The extent of progress that has been made by the minor and  
29 parent or guardian toward alleviating or mitigating the causes  
30 necessitating placement in foster care.

31 (4) If the first permanency planning hearing has not yet occurred,  
32 the social study shall include the likely date by which the minor  
33 may be returned to and safely maintained in the home or placed  
34 for adoption, appointed a legal guardian, permanently placed with  
35 a fit and willing relative, or referred to another planned permanent  
36 living arrangement.

37 (5) Whether the minor has been or will be referred to educational  
38 services and what services the minor is receiving, including special  
39 education and related services if the minor has exceptional needs  
40 as described in Part 30 (commencing with Section 56000) of

1 Division 4 of Title 2 of the Education Code or accommodations  
2 if the child has disabilities as described in Chapter 16 (commencing  
3 with Section 701) of Title 29 of the United States Code Annotated.  
4 The probation officer or child advocate shall solicit comments  
5 from the appropriate local education agency prior to completion  
6 of the social study.

7 (6) If the parent or guardian is unwilling or unable to participate  
8 in making an educational or developmental services decision for  
9 ~~his or her~~ *their* child, or if other circumstances exist that  
10 compromise the ability of the parent or guardian to make  
11 educational or developmental services decisions for the child, the  
12 probation department shall consider whether the right of the parent  
13 or guardian to make educational or developmental services  
14 decisions for the minor should be limited. If the study makes that  
15 recommendation, it shall identify whether there is a responsible  
16 adult available to make educational or developmental services  
17 decisions for the minor pursuant to Section 726.

18 (7) When the minor is 16 years of age or older and in another  
19 planned permanent living arrangement, the social study shall  
20 include a description of all of the following:

21 (A) The intensive and ongoing efforts to return the minor to the  
22 home of the parent, place the minor for adoption, or establish a  
23 legal guardianship, as appropriate.

24 (B) The steps taken to do both of the following:

25 (i) Ensure that the minor's care provider is following the  
26 reasonable and prudent parent standard.

27 (ii) Determine whether the minor has regular, ongoing  
28 opportunities to engage in age or developmentally appropriate  
29 activities, including consulting with the minor about opportunities  
30 for the minor to participate in the activities.

31 (8) When the minor is under 16 years of age and has a permanent  
32 plan of return home, adoption, legal guardianship, or placement  
33 with a fit and willing relative, the social study shall include a  
34 description of any barriers to achieving the permanent plan and  
35 the efforts made by the agency to address those barriers.

36 (9) (A) *For a child who is 10 years of age or older and has*  
37 *been under the jurisdiction of the juvenile court for a year or*  
38 *longer, the information in subparagraph (B) of paragraph (1) of*  
39 *subdivision (h) of Section 366.1.*

1 (B) (i) For a child who is 10 years of age or older, whether the  
2 social worker has informed the minor or nonminor dependent of  
3 the information in paragraph (2) of subdivision (h) of Section  
4 366.1.

5 (ii) This subparagraph does not affect any applicable  
6 confidentiality law.

7 (d) At each permanency planning hearing, the social study shall  
8 include, but not be limited to, an updated case plan as described  
9 in Section 706.6, the factual material described in subdivision (c)  
10 of this section, and a recommended permanent plan for the minor.

11 SEC. 5. Section 727.2 of the Welfare and Institutions Code is  
12 amended to read:

13 727.2. The purpose of this section is to provide a means to  
14 monitor the safety and well-being of every minor in foster care  
15 who has been declared a ward of the juvenile court pursuant to  
16 Section 601 or 602 and to ensure that everything reasonably  
17 possible is done to facilitate the safe and early return of the minor  
18 to ~~his or her~~ the minor's home or to establish an alternative  
19 permanent plan for the minor.

20 (a) If the court orders the care, custody, and control of the minor  
21 to be under the supervision of the probation officer for placement  
22 pursuant to subdivision (a) of Section 727, the juvenile court shall  
23 order the probation department to ensure the provision of  
24 reunification services to facilitate the safe return of the minor to  
25 ~~his or her~~ the minor's home or the permanent placement of the  
26 minor, and to address the needs of the minor while in foster care,  
27 except as provided in subdivision (b).

28 (b) Reunification services need not be provided to a parent or  
29 legal guardian if the court finds by clear and convincing evidence  
30 that one or more of the following is true:

31 (1) Reunification services were previously terminated for that  
32 parent or guardian, pursuant to Section 366.21, 366.22, or 366.25,  
33 or not offered, pursuant to subdivision (b) of Section 361.5, in  
34 reference to the same minor.

35 (2) The parent has been convicted of any of the following:

36 (A) Murder of another child of the parent.

37 (B) Voluntary manslaughter of another child of the parent.

38 (C) Aiding or abetting, attempting, conspiring, or soliciting to  
39 commit that murder or manslaughter described in subparagraph

40 (A) or (B).

1 (D) A felony assault that results in serious bodily injury to the  
2 minor or another child of the parent.

3 (3) The parental rights of the parent with respect to a sibling  
4 have been terminated involuntarily, and it is not in the best interest  
5 of the minor to reunify with ~~his or her~~ *their* parent or legal  
6 guardian.

7 If no reunification services are offered to the parent or guardian,  
8 the permanency planning hearing, as described in Section 727.3,  
9 shall occur within 30 days of the date of the hearing at which the  
10 decision is made not to offer services.

11 (c) The status of every minor declared a ward and ordered to  
12 be placed in foster care shall be reviewed by the court no less  
13 frequently than once every six months. The six-month time periods  
14 shall be calculated from the date the minor entered foster care, as  
15 defined in paragraph (4) of subdivision (d) of Section 727.4. If the  
16 court so elects, the court may declare the hearing at which the court  
17 orders the care, custody, and control of the minor to be under the  
18 supervision of the probation officer for foster care placement  
19 pursuant to subdivision (a) of Section 727 at the first status review  
20 hearing. It shall be the duty of the probation officer to prepare a  
21 written social study report including an updated case plan, pursuant  
22 to subdivision (b) of Section 706.5, and submit the report to the  
23 court prior to each status review hearing, pursuant to subdivision  
24 (b) of Section 727.4. The social study report shall include all  
25 reports the probation officer relied upon in making ~~his or her~~ *their*  
26 recommendations.

27 (d) Prior to any status review hearing involving a minor in the  
28 physical custody of a community care facility or foster family  
29 agency, the facility or agency may provide the probation officer  
30 with a report containing its recommendations. Prior to any status  
31 review hearing involving the physical custody of a foster parent,  
32 relative caregiver, preadoptive parent, or legal guardian, that person  
33 may present to the court a report containing ~~his or her~~ *their*  
34 recommendations. The court shall consider all reports and  
35 recommendations filed pursuant to subdivision (c) and pursuant  
36 to this subdivision.

37 (e) At any status review hearing prior to the first permanency  
38 planning hearing, the court shall consider the safety of the minor  
39 and make findings and orders which determine the following:

1 (1) The continuing necessity for and appropriateness of the  
2 placement.

3 (2) The extent of the probation department's compliance with  
4 the case plan in making reasonable efforts, or in the case of a child  
5 16 years of age or older with another planned permanent living  
6 arrangement, the ongoing and intensive efforts to safely return the  
7 minor to the minor's home or to complete whatever steps are  
8 necessary to finalize the permanent placement of the minor.

9 (3) Whether there should be any limitation on the right of the  
10 parent or guardian to make educational decisions for the minor.  
11 That limitation shall be specifically addressed in the court order  
12 and may not exceed what is necessary to protect the minor. If the  
13 court specifically limits the right of the parent or guardian to make  
14 educational decisions for the minor, the court shall at the same  
15 time appoint a responsible adult to make educational decisions for  
16 the minor pursuant to Section 726.

17 (4) The extent of progress that has been made by the minor and  
18 parent or guardian toward alleviating or mitigating the causes  
19 necessitating placement in foster care.

20 (5) The likely date by which the minor may be returned to and  
21 safely maintained in the home or placed for adoption, appointed  
22 a legal guardian, permanently placed with a fit and willing relative,  
23 or, if the minor is 16 years of age or older, referred to another  
24 planned permanent living arrangement.

25 (6) In the case of a minor who has reached 16 years of age, the  
26 court shall, in addition, determine the services needed to assist the  
27 minor to make the transition from foster care to successful  
28 adulthood.

29 The court shall make these determinations on a case-by-case  
30 basis and reference in its written findings the probation officer's  
31 report and any other evidence relied upon in reaching its decision.

32 (7) (A) *For a child who is 10 years of age or older, is in junior*  
33 *high, middle, or high school, and has been under the jurisdiction*  
34 *of the juvenile court for a year or longer whether the social worker*  
35 *has taken the actions described in subparagraph (F) of paragraph*  
36 *(1) of subdivision (a) of Section 366.*

37 (B) *The Judicial Council shall amend and adopt rules of court*  
38 *and develop appropriate forms for the implementation of this*  
39 *paragraph.*

1 (f) At any status review hearing prior to the first permanency  
2 hearing, after considering the admissible and relevant evidence,  
3 the court shall order return of the minor to the physical custody of  
4 ~~his or her~~ *the minor's* parent or legal guardian unless the court  
5 finds, by a preponderance of evidence, that the return of the minor  
6 to ~~his or her~~ *the minor's* parent or legal guardian would create a  
7 substantial risk of detriment to the safety, protection, or physical  
8 or emotional well-being of the minor. The probation department  
9 shall have the burden of establishing that detriment. In making its  
10 determination, the court shall review and consider the social study  
11 report, recommendations, and the case plan pursuant to subdivision  
12 (b) of Section 706.5, the report and recommendations of any child  
13 advocate appointed for the minor in the case, and any other reports  
14 submitted to the court pursuant to subdivision (d), and shall  
15 consider the efforts or progress, or both, demonstrated by the minor  
16 and family and the extent to which the minor availed ~~himself or~~  
17 *herself herself* of the services provided.

18 (g) At all status review hearings subsequent to the first  
19 permanency planning hearing, the court shall consider the safety  
20 of the minor and make the findings and orders as described in  
21 paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The  
22 court shall either make a finding that the previously ordered  
23 permanent plan continues to be appropriate or shall order that a  
24 new permanent plan be adopted pursuant to subdivision (b) of  
25 Section 727.3. However, the court shall not order a permanent plan  
26 of "return to the physical custody of the parent or legal guardian  
27 after further reunification services are offered," as described in  
28 paragraph (2) of subdivision (b) of Section 727.3.

29 (h) The status review hearings required by subdivision (c) may  
30 be heard by an administrative review panel, provided that the  
31 administrative panel meets all of the requirements listed in  
32 subparagraph (B) of paragraph (7) of subdivision (d) of Section  
33 727.4.

34 (i) (1) On and after January 1, 2012, at any status review hearing  
35 at which a recommendation to terminate delinquency jurisdiction  
36 is being considered, or at the status review hearing held closest to  
37 the ward attaining 18 years of age, but no fewer than 90 days before  
38 the ward's 18th birthday, the court shall consider whether to modify  
39 its jurisdiction pursuant to Section 601 or 602 and assume transition  
40 jurisdiction over the minor pursuant to Section 450. The probation



1 department shall address this issue in its report to the court and  
2 make a recommendation as to whether transition jurisdiction is  
3 appropriate for the minor.

4 (2) The court shall order the probation department or the minor's  
5 attorney to submit an application to the child welfare services  
6 department pursuant to Section 329 to declare the minor a  
7 dependent of the court and modify its jurisdiction from delinquency  
8 to dependency jurisdiction if it finds both of the following:

9 (A) The ward does not come within the description set forth in  
10 Section 450, but jurisdiction as a ward may no longer be required.

11 (B) The ward appears to come within the description of Section  
12 300 and cannot be returned home safely.

13 (3) The court shall set a hearing within 20 judicial days of the  
14 date of its order issued pursuant to paragraph (2) to review the  
15 decision of the child welfare services department and may either  
16 affirm the decision not to file a petition pursuant to Section 300  
17 or order the child welfare services department to file a petition  
18 pursuant to Section 300.

19 (j) On and after January 1, 2012, if a review hearing pursuant  
20 to this section is the last review hearing to be held before the minor  
21 attains 18 years of age, the court shall ensure that the minor's  
22 transitional independent living case plan includes a plan for the  
23 minor to meet one or more of the criteria in paragraphs (1) to (5),  
24 inclusive, of subdivision (b) of Section 11403, so that the minor  
25 can become a nonminor dependent, and that the minor has been  
26 informed of ~~his or her~~ *their* right to decline to become a nonminor  
27 dependent and to seek termination of the court's jurisdiction  
28 pursuant to Section 607.2.

29 SEC. 6. Section 16519.5 of the Welfare and Institutions Code,  
30 as added by Chapter 810 of the Statutes of 2019, is amended to  
31 read:

32 16519.5. (a) The State Department of Social Services, in  
33 consultation with county child welfare agencies, foster parent  
34 associations, and other interested community parties, shall  
35 implement a unified, family friendly, and child-centered resource  
36 family approval process to replace the existing multiple processes  
37 for licensing foster family homes, certifying foster homes by  
38 licensed foster family agencies, approving relatives and nonrelative  
39 extended family members as foster care providers, and approving  
40 guardians and adoptive families.

(b) (1) Counties shall be selected to participate on a voluntary basis as early implementation counties for the purpose of participating in the initial development of the approval process. Early implementation counties shall be selected according to criteria developed by the department in consultation with the County Welfare Directors Association of California. In selecting the five early implementation counties, the department shall promote diversity among the participating counties in terms of size and geographic location.

(2) Additional counties may participate in the early implementation of the program upon authorization by the department.

(3) The State Department of Social Services shall be responsible for all of the following:

(A) Selecting early implementation counties, based on criteria established by the department in consultation with the County Welfare Directors Association of California.

(B) Establishing timeframes for participating counties to submit an implementation plan, enter into terms and conditions for early implementation participation in the program, train appropriate staff, and accept applications from resource families.

(C) Entering into terms and conditions for early implementation participation in the program by counties.

(4) Counties participating in the early implementation of the program shall be responsible for all of the following:

(A) Submitting an implementation plan.

(B) Entering into terms and conditions for early implementation participation in the program.

(C) Consulting with the county probation department in the development of the implementation plan.

(D) Training appropriate staff.

(E) Accepting applications from resource families within the timeframes established by the department.

(5) (A) Approved relatives and nonrelative extended family members, licensed foster family homes, or approved adoptive homes that have completed the license or approval process prior to statewide implementation of the program shall not be considered part of the program. The otherwise applicable assessment and oversight processes shall continue to be administered for families and facilities not included in the program.

1 (B) Upon implementation of the program in a county, that  
2 county shall not accept new applications for the licensure of foster  
3 family homes, the approval of relative and nonrelative extended  
4 family members, or the approval of prospective guardians and  
5 adoptive homes.

6 (6) The department may waive regulations that pose a barrier  
7 to the early implementation and operation of this program. The  
8 waiver of any regulations by the department pursuant to this section  
9 shall apply to only those counties or foster family agencies  
10 participating in the early implementation of the program and only  
11 for the duration of the program.

12 (7) This subdivision shall become inoperative on January 1,  
13 2017.

14 (c) (1) For purposes of this article, “resource family” means an  
15 individual or family that has successfully met both the home  
16 environment assessment standards and the permanency assessment  
17 criteria adopted pursuant to subdivision (d) necessary for providing  
18 care for a child placed by a public or private child placement  
19 agency by court order, or voluntarily placed by a parent or legal  
20 guardian. A resource family shall demonstrate all of the following:

21 (A) An understanding of the safety, permanence, and well-being  
22 needs of children who have been victims of child abuse and neglect,  
23 and the capacity and willingness to meet those needs, including  
24 the need for protection, and the willingness to make use of support  
25 resources offered by the agency, or a support structure in place,  
26 or both.

27 (B) An understanding of children’s needs and development,  
28 effective parenting skills or knowledge about parenting, and the  
29 capacity to act as a reasonable, prudent parent in day-to-day  
30 decisionmaking.

31 (C) An understanding of the role of the individual or family as  
32 a resource family and the capacity to work cooperatively with the  
33 agency and other service providers in implementing the child’s  
34 case plan.

35 (D) The financial ability within the household to ensure the  
36 stability and financial security of the family. An applicant who  
37 will rely on the funding described in subdivision (l) to meet  
38 additional household expenses incurred due to the placement of a  
39 child shall not, for this reason, be denied approval as a resource  
40 family.

1 (E) An ability and willingness to provide a family setting that  
2 promotes normal childhood experiences that serves the needs of  
3 the child.

4 (2) For purposes of this article, and unless otherwise specified,  
5 references to a “child” shall include a “nonminor dependent” and  
6 “nonminor former dependent or ward,” as defined in subdivision  
7 (v) and paragraph (1) of subdivision (aa) of Section 11400.

8 (3) There is no fundamental right to approval as a resource  
9 family. Emergency placement of a child pursuant to Section 309,  
10 361.45, or 727.05, or placement with a resource family applicant  
11 pursuant to subdivision (e), does not entitle an applicant approval  
12 as a resource family.

13 (4) (A) A resource family shall be considered eligible to provide  
14 foster care for children in out-of-home placement and approved  
15 for adoption and guardianship.

16 (B) (i) Notwithstanding subparagraph (A), a county may  
17 approve a resource family to care for a specific child, as specified  
18 in the written directives or regulations adopted pursuant to this  
19 section.

20 (ii) In the case of an Indian child for whom the child’s tribe is  
21 not exercising its right to approve a home, the county shall apply  
22 the prevailing social and cultural standards of the Indian  
23 community to resource family approval for that child, as required  
24 by subdivision (f) of Section 361.31 and the federal Indian Child  
25 Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.). The department  
26 shall engage in the tribal consultation process and develop  
27 regulations to implement this clause. Notwithstanding the  
28 rulemaking provisions of the Administrative Procedure Act  
29 (Chapter 3.5 (commencing with Section 11340) of Part 1 of  
30 Division 3 of Title 2 of the Government Code), the department  
31 may implement this clause through all-county letters or other  
32 similar instruction, and provide guidance to counties regarding  
33 consistent implementation of this clause.

34 (5) For purposes of this article, “resource family approval”  
35 means that the applicant or resource family successfully meets the  
36 home environment assessment and permanency assessment  
37 standards. This approval is in lieu of a foster family home license  
38 issued pursuant to Chapter 3 (commencing with Section 1500) of  
39 Division 2 of the Health and Safety Code, a certificate of approval  
40 issued by a licensed foster family agency, as described in

1 subdivision (b) of Section 1506 of the Health and Safety Code,  
2 relative or nonrelative extended family member approval,  
3 guardianship approval, and the adoption home study approval.

4 (6) Approval of a resource family does not guarantee an initial,  
5 continued, or adoptive placement of a child with a resource family  
6 or with a relative or nonrelative extended family member. Approval  
7 of a resource family does not guarantee the establishment of a legal  
8 guardianship of a child with a resource family.

9 (7) (A) Notwithstanding paragraphs (1) to (6), inclusive, the  
10 county shall, consistent with Sections 1520.3 and 1558.1 of the  
11 Health and Safety Code, cease any further review of an application  
12 if the applicant has had a previous application denial by the  
13 department or a county within the preceding year, or if the applicant  
14 has had a previous rescission, revocation, or exemption denial or  
15 exemption rescission by the department or a county within the  
16 preceding two years.

17 (B) Notwithstanding subparagraph (A), the county may continue  
18 to review an application if it has determined that the reasons for  
19 the previous denial, rescission, or revocation were due to  
20 circumstances and conditions that either have been corrected or  
21 are no longer in existence. If an individual was excluded from a  
22 resource family home or facility licensed by the department, the  
23 county shall cease review of the individual's application unless  
24 the excluded individual has been reinstated pursuant to subdivision  
25 (g) of Section 16519.6 of this code or pursuant to Section 1569.53,  
26 subdivision (h) of Section 1558, subdivision (h) of Section 1569.58,  
27 or subdivision (h) of Section 1596.8897, of the Health and Safety  
28 Code.

29 (C) (i) The county may cease any further review of an  
30 application if, after written notice to the applicant, the applicant  
31 fails to complete an application without good faith effort and within  
32 30 days of the date of the notice, as specified in the written  
33 directives or regulations adopted pursuant to this section.

34 (ii) Clause (i) does not apply if a child is placed with the  
35 applicant pursuant to Section 309, 361.45, 727.05, or paragraph  
36 (1) of subdivision (e) of Section 16519.5.

37 (D) The cessation of an application review pursuant to this  
38 paragraph shall not constitute a denial of the application for  
39 purposes of this section or any other law.

(E) For purposes of this section, the date of a previous denial, rescission, revocation, exemption denial or exemption rescission, or exclusion shall be either of the following:

(i) The effective date of a final decision or order upholding a notice of action or exclusion order.

(ii) The date on the notice of the decision to deny, rescind, revoke, or exclude if the notice was not appealed or otherwise constitutes a final decision.

(8) A resource family shall meet the approval standards set forth in this section, and, as applicable, Chapter 6.3 (commencing with Section 18360) of Part 6, to maintain approval. A resource family shall comply with the written directives or regulations adopted pursuant to this section and applicable laws in order to maintain approval.

(9) A resource family may be approved by a county child welfare department or a probation department pursuant to this section or by a foster family agency pursuant to Section 1517 of the Health and Safety Code.

(10) A resource family shall not be licensed to operate a residential facility, as defined in Section 1502 of the Health and Safety Code, a residential care facility for the elderly, as defined in Section 1569.2 of the Health and Safety Code, or a residential care facility for persons with chronic life-threatening illnesses, as defined in Section 1568.01 of the Health and Safety Code, on the same premises used as the residence of the resource family.

(11) (A) An applicant who withdraws an application prior to its approval or denial may resubmit the application within 12 months of the withdrawal.

(B) This paragraph does not preclude a county from requiring an applicant to complete an application activity, even if that activity was previously completed.

(d) (1) The department shall adopt standards pertaining to the home environment and permanency assessments of a resource family.

(2) Resource family home environment assessment standards shall include, but not be limited to, all of the following:

(A) (i) (I) A criminal record clearance of each applicant and all adults residing in, or regularly present in, the home, and not exempted from fingerprinting, as set forth in subdivision (b) of Section 1522 of the Health and Safety Code, pursuant to Section

1 8712 of the Family Code, utilizing a check of the Child Abuse  
2 Central Index pursuant to Section 1522.1 of the Health and Safety  
3 Code, and receipt of a fingerprint-based state and federal criminal  
4 offender record information search response. The criminal history  
5 information shall include subsequent notifications pursuant to  
6 Section 11105.2 of the Penal Code.

7 (II) Consideration of any substantiated allegations of child abuse  
8 or neglect against the applicant and any other adult residing in, or  
9 regularly present in, the home pursuant to Section 1522.1 of the  
10 Health and Safety Code.

11 (III) If the criminal records check indicates that the person has  
12 been convicted of an offense described in subparagraph (A) of  
13 paragraph (2) of subdivision (g) of Section 1522 of the Health and  
14 Safety Code, home approval shall be denied. If the criminal records  
15 check indicates that the person has been convicted of an offense  
16 described in subparagraph (B) or (C) of paragraph (2) of  
17 subdivision (g) of Section 1522 of the Health and Safety Code,  
18 the home shall not be approved unless a criminal records exemption  
19 has been granted pursuant to subclause (IV).

20 (IV) If the resource family parent, applicant, or any other person  
21 specified in subclause (I) has been convicted of a crime other than  
22 a minor traffic violation or arrested for an offense specified in  
23 subdivision (e) of Section 1522 of the Health and Safety Code,  
24 except for the civil penalty language, the criminal background  
25 check provisions specified in subdivisions (d) through (f) of Section  
26 1522 of the Health and Safety Code shall apply. Exemptions from  
27 the criminal records clearance requirements set forth in this section  
28 may be granted by the department or the county, if that county has  
29 been granted permission by the department to issue criminal  
30 records exemptions pursuant to Section 361.4, using the exemption  
31 criteria currently used for foster care licensing, as specified in  
32 subdivision (g) of Section 1522 of the Health and Safety Code.

33 (V) If it is determined, on the basis of the fingerprint images  
34 and related information submitted to the Department of Justice,  
35 that subsequent to obtaining a criminal record clearance or  
36 exemption from disqualification, the person has been convicted  
37 of, or is awaiting trial for, a sex offense against a minor, or has  
38 been convicted for an offense specified in Section 243.4, 273a,  
39 273ab, 273d, 273g, or 368 of the Penal Code, or a felony, the  
40 department or county shall notify the resource family to act

1 immediately to remove or bar the person from entering the resource  
2 family's home. The department or county, as applicable, may  
3 subsequently grant an exemption from disqualification pursuant  
4 to subdivision (g) of Section 1522 of the Health and Safety Code.  
5 If the conviction or arrest was for another crime, the resource  
6 family shall, upon notification by the department or county, act  
7 immediately to either remove or bar the person from entering the  
8 resource family's home, or require the person to seek an exemption  
9 from disqualification pursuant to subdivision (g) of Section 1522  
10 of the Health and Safety Code. The department or county, as  
11 applicable, shall determine if the person shall be allowed to remain  
12 in the home until a decision on the exemption from disqualification  
13 is rendered.

14 (ii) For public foster family agencies approving resource  
15 families, the criminal records clearance process set forth in clause  
16 (i) shall be utilized.

17 (iii) For private foster family agencies approving resource  
18 families, the criminal records clearance process set forth in clause  
19 (i) shall be utilized, but the Department of Justice shall disseminate  
20 a fitness determination resulting from the federal criminal offender  
21 record information search.

22 (B) A home and grounds evaluation to ensure the health and  
23 safety of children.

24 (C) In addition to the foregoing requirements, the resource  
25 family home environment assessment standards shall require the  
26 following:

27 (i) That the applicant demonstrates an understanding of the  
28 rights of children in care and the applicant's responsibility to  
29 safeguard those rights.

30 (ii) That the total number of children residing in the home of a  
31 resource family shall be no more than the total number of children  
32 the resource family can properly care for, regardless of status, and  
33 shall not exceed six children, unless exceptional circumstances  
34 that are documented in the foster child's case file exist to permit  
35 a resource family to care for more children, including, but not  
36 limited to, the need to place siblings together.

37 (iii) That the applicant understands the applicant's  
38 responsibilities with respect to acting as a reasonable and prudent  
39 parent, and maintaining the least restrictive environment that serves  
40 the needs of the child.



1 (3) The resource family permanency assessment standards shall  
2 include, but not be limited to, all of the following:

3 (A) Caregiver training, as described in subdivisions (g) and (h).

4 (B) A family evaluation, which shall include, but not be limited  
5 to, interviews of an applicant to assess the applicant's personal  
6 history, family dynamic, and need for support or resources, and a  
7 risk assessment.

8 (i) When the applicant is a relative or nonrelative extended  
9 family member to an identified child, the family evaluation shall  
10 consider the nature of the relationship between the relative or  
11 nonrelative extended family member and the child. The relative  
12 or nonrelative extended family member's expressed desire to only  
13 care for a specific child or children shall not be a reason to deny  
14 the approval.

15 (ii) A caregiver risk assessment shall include, but not be limited  
16 to, physical and mental health, alcohol and other substance use  
17 and abuse, family and domestic violence, and the factors listed in  
18 paragraph (1) of subdivision (c).

19 (iii) A county may review and discuss data contained in the  
20 statewide child welfare database with an applicant for purposes of  
21 conducting a family evaluation, as specified in the written  
22 directives or regulations adopted pursuant to this section.

23 (C) Completion of any other activities that relate to the ability  
24 of an applicant or a resource family to achieve permanency with  
25 a child.

26 (4) (A) For a child placed on an emergency basis pursuant to  
27 Section 309, 361.45, or 727.05, the home environment assessment,  
28 the permanency assessment, and the written report shall be  
29 completed within 90 days of the placement, unless good cause  
30 exists based upon the needs of the child.

31 (B) If additional time is needed to complete the home  
32 environment assessment or the permanency assessment, the county  
33 shall document the extenuating circumstances for the delay and  
34 generate a timeframe for the completion of those assessments.

35 (C) The county shall report to the department, on a quarterly  
36 basis, the number of families with emergency placements whose  
37 home environment assessment or permanency assessment goes  
38 beyond 90 days and summarize the reasons for these delays.

39 (e) (1) A county may place a child with a resource family  
40 applicant who has successfully completed the home environment

1 assessment prior to completion of a permanency assessment only  
2 if a compelling reason for the placement exists based on the needs  
3 of the child.

4 (A) The permanency assessment and the written report described  
5 in paragraph (5) of subdivision (g) shall be completed within 90  
6 days of the child's placement in the home, unless good cause exists.

7 (B) If additional time is needed to comply with subparagraph  
8 (A), the county shall document the extenuating circumstances for  
9 the delay and generate a timeframe for the completion of the  
10 permanency assessment.

11 (C) The county shall report to the department, on a quarterly  
12 basis, the number of applicants for whom the requirements of  
13 subparagraph (A) exceed 90 days and summarize the reasons for  
14 these delays.

15 (2) The home environment and permanency assessments, and  
16 the written report described in paragraph (5) of subdivision (g),  
17 shall be completed within 90 days of a child's placement with a  
18 relative or nonrelative extended family member pursuant to Section  
19 309, 361.45, or 727.05, unless good cause exists.

20 (3) For any placement made pursuant to this subdivision,  
21 AFDC-FC funding shall not be available until approval of the  
22 resource family has been completed.

23 (4) Any child placed pursuant to this subdivision shall be  
24 afforded all the rights set forth in Section 16001.9.

25 (5) This section shall not limit the county's authority to inspect  
26 the home of a resource family applicant as often as necessary to  
27 ensure the quality of care provided.

28 (6) This subdivision does not limit the county's obligation under  
29 law to assess and give placement consideration to relatives and  
30 nonrelative extended family members and to place a child pursuant  
31 to Section 309, 361.3, 361.45, 706.6, or 727.1.

32 (f) The State Department of Social Services shall be responsible  
33 for all of the following:

34 (1) (A) Until regulations are adopted, administering the program  
35 through the issuance of written directives that shall have the same  
36 force and effect as regulations. Any directive affecting Article 1  
37 (commencing with Section 700) of Chapter 7 of Division 1 of Title  
38 11 of the California Code of Regulations shall be approved by the  
39 Department of Justice. The directives shall be exempt from the  
40 rulemaking provisions of the Administrative Procedure Act

1 (Chapter 3.5 (commencing with Section 11340)) of Part 1 of  
2 Division 3 of Title 2 of the Government Code.

3 (B) Adopting, amending, or repealing, in accordance with  
4 Chapter 4.5 (commencing with Section 11400) of Part 1 of Division  
5 3 of Title 2 of the Government Code, any reasonable rules,  
6 regulations, and standards that may be necessary or proper to carry  
7 out the purposes and intent of this article and to enable the  
8 department to exercise the powers and perform the duties conferred  
9 upon it by this section, consistent with the laws of this state.

10 (2) Approving and requiring the use of a single standard for  
11 resource family approval.

12 (3) Adopting and requiring the use of standardized  
13 documentation for the home environment and permanency  
14 assessments of resource families.

15 (4) Adopting core competencies for county staff to participate  
16 in the assessment and evaluation of an applicant or resource family.

17 (5) Requiring counties to monitor county-approved resource  
18 families, including, but not limited to, both of the following:

19 (A) Investigating complaints regarding resource families.

20 (B) Developing and monitoring resource family corrective action  
21 plans to correct identified deficiencies and to rescind resource  
22 family approval if compliance with corrective action plans is not  
23 achieved.

24 (6) Ongoing oversight and monitoring of county systems and  
25 operations including all of the following:

26 (A) Reviewing the county's implementation plan and  
27 implementation of the program.

28 (B) Reviewing an adequate number of county-approved resource  
29 families in each county to ensure that approval standards are being  
30 properly applied. The review shall include case file documentation  
31 and may include onsite inspection of individual resource families.  
32 The review shall occur on an annual basis and more frequently if  
33 the department becomes aware that a county is experiencing a  
34 disproportionate number of complaints against individual resource  
35 family homes.

36 (C) Reviewing county reports of serious complaints and  
37 incidents involving resource families, as determined necessary by  
38 the department. The department may conduct an independent  
39 review of the complaint or incident and change the findings  
40 depending on the results of its investigation.

1 (D) Investigating unresolved complaints against counties.

2 (E) Requiring corrective action of counties that are not in full  
3 compliance with this section.

4 (7) Excluding a resource family parent, applicant, or other  
5 individual from presence in any resource family home, consistent  
6 with the established standard for any of the reasons specified in  
7 Section 16519.61.

8 (8) Implementing due process procedures, including, but not  
9 limited to, all of the following:

10 (A) Providing a statewide fair hearing process for application  
11 denials, rescissions of approval, exclusion actions, or criminal  
12 record exemption denials or rescissions by a county or the  
13 department.

14 (B) Providing an excluded individual with due process pursuant  
15 to Section 16519.6.

16 (C) Amending the department's applicable state hearing  
17 procedures and regulations or using the Administrative Procedure  
18 Act, when applicable, as necessary for the administration of the  
19 program.

20 (g) Counties shall be responsible for all of the following:

21 (1) Submitting an implementation plan and consulting with the  
22 county probation department in the development of the  
23 implementation plan.

24 (2) Complying with the written directives or regulations adopted  
25 pursuant to this section.

26 (3) Implementing the requirements for resource family approval  
27 and utilizing standardized documentation established by the  
28 department.

29 (4) Training appropriate staff, including ensuring staff have the  
30 education and experience or core competencies necessary to  
31 participate in the assessment and evaluation of an applicant or  
32 resource family.

33 (5) (A) Taking the following actions, as applicable, for any of  
34 the reasons specified in Section 16519.61:

35 (i) (I) Approving or denying resource family applications,  
36 including preparing a written report that evaluates an applicant's  
37 capacity to foster, adopt, and provide legal guardianship of a child  
38 based on all of the information gathered through the resource  
39 family application and assessment processes.

1 (II) The applicant's preference to provide a specific level of  
2 permanency, including adoption, guardianship, or, in the case of  
3 a relative, placement with a fit and willing relative, shall not be a  
4 basis to deny an application.

5 (ii) Rescinding approvals of resource families.

6 (iii) When applicable, referring a case to the department for an  
7 action to exclude a resource family parent, applicant, or other  
8 individual from presence in any resource family home, consistent  
9 with the established standard.

10 (iv) Issuing a temporary suspension order that suspends the  
11 resource family approval prior to a hearing when, in the opinion  
12 of the county, urgent action is needed to protect a child from  
13 physical or mental abuse, abandonment, or any other substantial  
14 threat to health or safety. The county shall serve the resource family  
15 with the temporary suspension order and a copy of available  
16 discovery in the possession of the county, including, but not limited  
17 to, affidavits, declarations, names of witnesses, and other evidence  
18 upon which the county relied in issuing the temporary suspension  
19 order. The temporary suspension order shall be served upon the  
20 resource family with a notice of action, and if the matter is to be  
21 heard before the Office of Administrative Hearings, an accusation.  
22 The temporary suspension order shall list the effective date on the  
23 order.

24 (v) Granting, denying, or rescinding criminal record exemptions.

25 (B) Providing a resource family parent, applicant, or individual  
26 who is the subject of a criminal record exemption denial or  
27 rescission with due process pursuant to Section 16519.6.

28 (C) Notifying the department of any decisions denying an  
29 application for resource family approval, rescinding the approval  
30 of a resource family, or denying or rescinding a criminal record  
31 exemption and, if applicable, notifying the department of the results  
32 of an administrative action.

33 (6) (A) Updating resource family approval annually and as  
34 necessary to address any changes that have occurred in the resource  
35 family's circumstances, including, but not limited to, moving to  
36 a new home location or commencing operation of a family daycare  
37 home, as defined in Section 1596.78 of the Health and Safety Code.

38 (B) A county shall conduct an announced inspection of a  
39 resource family home during the annual update, and as necessary  
40 to address any changes specified in subparagraph (A), in order to

1 ensure that the resource family is conforming to all applicable laws  
2 and the written directives or regulations adopted pursuant to this  
3 section.

4 (7) Monitoring resource families through all of the following:

5 (A) Ensuring that social workers who identify a condition in  
6 the home that may not meet the approval standards set forth in  
7 subdivision (d) while in the course of a routine visit to children  
8 placed with a resource family take appropriate action as needed.

9 (B) Requiring resource families to meet the approval standards  
10 set forth in this section and to comply with the written directives  
11 or regulations adopted pursuant to this section, other applicable  
12 laws, and corrective action plans as necessary to correct identified  
13 deficiencies. If corrective action is not completed, as specified in  
14 the plan, the county may rescind the resource family approval.

15 (C) Requiring resource families to report to the county child  
16 welfare agency any incidents consistent with the reporting  
17 requirements for licensed foster family homes.

18 (D) Inspecting resource family homes as often as necessary to  
19 ensure the quality of care provided.

20 (8) (A) Investigating all complaints against a resource family  
21 and taking action as necessary, including, but not limited to,  
22 investigating any incidents reported about a resource family  
23 indicating that the approval standard is not being maintained and  
24 inspecting the resource family home.

25 (B) The child's social worker shall not conduct the investigation  
26 into the complaint received concerning a family providing services  
27 pursuant to the standards required by subdivision (d). To the extent  
28 that adequate resources are available, complaints shall be  
29 investigated by a worker who did not conduct the home  
30 environment assessment or family evaluation or prepare the written  
31 report determining approval of the resource family.

32 (C) Upon conclusion of the complaint investigation, the final  
33 disposition shall be reviewed and approved by a supervising staff  
34 member.

35 (D) The department shall be notified of any serious incidents  
36 or serious complaints or any incident that falls within the definition  
37 of Section 11165.5 of the Penal Code. If those incidents or  
38 complaints result in an investigation, the department shall also be  
39 notified as to the status and disposition of that investigation.

40 (9) Performing corrective action as required by the department.

1 (10) Assessing county performance in related areas of the  
2 California Child and Family Services Review System, and  
3 remedying problems identified.

4 (11) Submitting information and data that the department  
5 determines is necessary to study, monitor, and prepare the update  
6 specified in paragraph (7) of subdivision (f).

7 (12) Ensuring resource family applicants and resource families  
8 have the necessary knowledge, skills, and abilities to support  
9 children in foster care by completing caregiver training. The  
10 training should include a curriculum that supports the role of a  
11 resource family in parenting vulnerable children and should be  
12 ongoing in order to provide resource families with information on  
13 trauma-informed practices and requirements and other topics within  
14 the foster care system.

15 (13) Ensuring that a resource family applicant completes a  
16 minimum of 12 hours of preapproval caregiver training. The  
17 training shall include, but not be limited to, all of the following  
18 courses:

19 (A) An overview of the child protective and probation systems.

20 (B) The effects of trauma, including grief and loss, and child  
21 abuse and neglect, on child development and behavior, and  
22 methods to behaviorally support children impacted by that trauma  
23 or child abuse and neglect.

24 (C) Positive discipline and the importance of self-esteem.

25 (D) Health issues in foster care.

26 (E) Accessing services and supports to address education needs,  
27 physical, mental, and behavioral health, and substance use  
28 disorders, including culturally relevant services.

29 (F) The rights of a child in foster care and the resource family's  
30 responsibility to safeguard those rights, including the right to have  
31 fair and equal access to all available services, placement, care,  
32 treatment, and benefits, and to not be subjected to discrimination  
33 or harassment on the basis of actual or perceived race, ethnic group  
34 identification, ancestry, national origin, color, religion, sex, sexual  
35 orientation, gender identity, mental or physical disability, or HIV  
36 status.

37 (G) Cultural needs of children, including instruction on cultural  
38 competency and sensitivity, and related best practices for providing  
39 adequate care for children or youth across diverse ethnic and racial

1 backgrounds, as well as children or youth identifying as lesbian,  
2 gay, bisexual, or transgender.

3 (H) Basic instruction on existing laws and procedures regarding  
4 the safety of foster youth at school.

5 (I) Permanence, well-being, and education needs of children.

6 (J) Child and adolescent development, including sexual  
7 orientation, gender identity, and expression.

8 (K) The role of resource families, including working  
9 cooperatively with the child welfare or probation agency, the  
10 child's family, and other service providers implementing the case  
11 plan.

12 (L) The role of a resource family on the child and family team  
13 as defined in paragraph (4) of subdivision (a) of Section 16501.

14 (M) A resource family's responsibility to act as a reasonable  
15 and prudent parent, as described in subdivision (c) of Section  
16 1522.44 of the Health and Safety Code, and to provide a family  
17 setting that promotes normal childhood experiences and that serves  
18 the needs of the child.

19 (N) An overview of the specialized training identified in  
20 subdivision (h).

21 (O) The information described in subdivision (i) of Section  
22 16521.5. The program may use the curriculum created pursuant  
23 to subdivision (h), and described in subdivision (i), of Section  
24 16521.5.

25 (P) Information on providing care and supervision to children  
26 who have been commercially sexually exploited. For purposes of  
27 this subparagraph, "information" may include, but not be limited  
28 to, informational pamphlets addressing the identification of victims  
29 of commercial sexual exploitation and the provision of existing  
30 resources, such as crisis hotline numbers, survivor and caregiver  
31 supports, and contact information for law enforcement entities.

32 (14) Ensuring resource families complete a minimum of eight  
33 hours of caregiver training annually, a portion of which shall be  
34 from ~~subparagraph (M)~~ *subparagraphs (M) and (O)* of paragraph  
35 (13) and from one or more of the other topics listed in paragraph  
36 (13).

37 (15) (A) Ensuring that resource families that care for children  
38 who are 10 years of age or older attend, within 12 months of  
39 approval as a resource family, a training on understanding how to  
40 use best practices for providing care and supervision to children



1 who have been commercially sexually exploited. This training  
2 shall be survivor informed, culturally relevant and appropriate,  
3 and address issues relating to stigma. The training required by this  
4 subparagraph shall address all of the following topics:

- 5 (i) Recognizing indicators of commercial sexual exploitation.
- 6 (ii) Harm reduction.
- 7 (iii) Trauma-informed care.
- 8 (iv) Available county and state resources.
- 9 (v) Perspectives of individuals or families who have experiences  
10 with commercial sexual exploitation.

11 (B) The information provided in subparagraph (P) of paragraph  
12 (13) shall also be provided during the training described in this  
13 paragraph.

14 (C) After completing the training required by subparagraph (A),  
15 a resource family shall not be required to attend training relating  
16 to children who have been commercially sexually exploited, except  
17 as required pursuant to subdivision (h).

18 (D) Nothing in this section prevents an entity from providing  
19 the training specified in this paragraph in person, virtually, by  
20 recorded means, or by any other available means.

21 (h) In addition to any training required by this section, a county  
22 may require a resource family or applicant to receive relevant  
23 specialized training for the purpose of preparing the resource family  
24 to meet the needs of a particular child in care. This training may  
25 include, but is not limited to, the following:

26 (1) Understanding how to use best practices for providing care  
27 and supervision to commercially sexually exploited children.

28 (2) Understanding how to use best practices for providing care  
29 and supervision to lesbian, gay, bisexual, and transgender children.

30 (3) Understanding the requirements and best practices regarding  
31 psychotropic medications, including, but not limited to, court  
32 authorization, benefits, uses, side effects, interactions, assistance  
33 with self-administration, misuse, documentation, storage, and  
34 metabolic monitoring of children prescribed psychotropic  
35 medications.

36 (4) Understanding the federal Indian Child Welfare Act (25  
37 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of  
38 children covered by the act, and the best interests of Indian  
39 children, including the role of the caregiver in supporting culturally  
40 appropriate, child-centered practices that respect Native American

1 history, culture, retention of tribal membership, and connection to  
2 the tribal community and traditions.

3 (5) Understanding how to use best practices for providing care  
4 and supervision to nonminor dependents.

5 (6) Understanding how to use best practices for providing care  
6 and supervision to children with special health care needs.

7 (7) Understanding the different permanency options and the  
8 services and benefits associated with the options.

9 (i) This section shall not preclude a county from requiring  
10 training in excess of the requirements in this section.

11 (j) (1) Resource families who move home locations shall retain  
12 their resource family status pending the outcome of the update  
13 conducted pursuant to paragraph (6) of subdivision (g).

14 (2) (A) If a resource family moves from one county to another  
15 county, the department, or the county to which a resource family  
16 has moved, shall submit a written request to the Department of  
17 Justice to transfer the individual's subsequent arrest notification,  
18 as specified in subdivision (h) of Section 1522 of the Health and  
19 Safety Code.

20 (B) A request to transfer a subsequent arrest notification shall  
21 contain all prescribed data elements and format protocols pursuant  
22 to a written agreement between the department and the Department  
23 of Justice.

24 (3) Subject to the requirements in paragraph (1), the resource  
25 family shall continue to be approved for guardianship and adoption.  
26 This subdivision shall not limit a county, foster family agency, or  
27 adoption agency from determining that the family is not approved  
28 for guardianship or adoption based on changes in the family's  
29 circumstances or family evaluation.

30 (k) Implementation of the program shall be contingent upon the  
31 continued availability of federal Social Security Act Title IV-E  
32 (42 U.S.C. Sec. 670) funds for costs associated with placement of  
33 children with resource families assessed and approved pursuant  
34 to the program.

35 (l) A child placed with a resource family is eligible for the  
36 resource family basic rate, pursuant to Sections 11460, 11461,  
37 11461.3, and 11463, at the child's assessed level of care.

38 (m) Sharing ratios for nonfederal expenditures for all costs  
39 associated with activities related to the approval of relatives and

1 nonrelative extended family members shall be in accordance with  
2 Section 10101.

3 (n) The Department of Justice shall charge fees sufficient to  
4 cover the cost of initial or subsequent criminal offender record  
5 information and Child Abuse Central Index searches, processing,  
6 or responses, as specified in this section.

7 (o) Except as provided, resource families shall be exempt from  
8 both of the following:

9 (1) Licensure requirements established pursuant to the California  
10 Community Care Facilities Act (Chapter 3 (commencing with  
11 Section 1500) of Division 2 of the Health and Safety Code) and  
12 all regulations promulgated to implement the act.

13 (2) Relative and nonrelative extended family member approval  
14 requirements as those approval requirements existed prior to  
15 January 1, 2017.

16 (p) (1) Early implementation counties shall be authorized to  
17 continue through December 31, 2016. The program shall be  
18 implemented by each county on or before January 1, 2017.

19 (2) (A) (i) On and after January 1, 2017, a county to which the  
20 department has delegated its licensing authority pursuant to Section  
21 1511 of the Health and Safety Code shall approve resource families  
22 in lieu of licensing foster family homes.

23 (ii) Notwithstanding clause (i), the existing licensure and  
24 oversight processes shall continue to be administered for foster  
25 family homes licensed prior to January 1, 2017, or as specified in  
26 subparagraph (C), until the license is revoked or forfeited by  
27 operation of law pursuant to Section 1517.1 of the Health and  
28 Safety Code.

29 (B) (i) On and after January 1, 2017, a county shall approve  
30 resource families in lieu of approving relative and nonrelative  
31 extended family members.

32 (ii) Notwithstanding clause (i), the existing approval and  
33 oversight processes shall continue to be administered for relatives  
34 and nonrelative extended family members approved prior to  
35 January 1, 2017, or as specified in subparagraph (C), until the  
36 approval is revoked or forfeited by operation of law pursuant to  
37 this section.

38 (C) Notwithstanding subparagraph (D), a county shall approve  
39 or deny all applications for foster family home licenses and requests  
40 for relative or nonrelative extended family member approvals

1 received on or before December 31, 2016, in accordance with  
2 Chapter 3 (commencing with Section 1500) of Division 2 of the  
3 Health and Safety Code or provisions providing for the approval  
4 of relatives or nonrelative extended family members, as applicable.

5 (D) On and after January 1, 2017, a county shall not accept  
6 applications for foster family home licenses or requests to approve  
7 relatives or nonrelative extended family members.

8 (3) No later than July 1, 2019, each county shall provide the  
9 following information to all licensed foster family homes and  
10 approved relatives and nonrelative extended family members  
11 licensed or approved by the county:

12 (A) A detailed description of the resource family approval  
13 program.

14 (B) Notification that, in order to care for a foster child, resource  
15 family approval is required by December 31, 2020.

16 (C) Notification that a foster family home license and an  
17 approval of a relative or nonrelative extended family member shall  
18 be forfeited by operation of law, as specified in paragraph (8).

19 (4) The following shall apply to all licensed foster family homes  
20 and approved relative and nonrelative extended family members:

21 (A) A licensed foster family home or an approved relative or  
22 nonrelative extended family member with an approved adoptive  
23 home study completed prior to January 1, 2018, shall be deemed  
24 to be a resource family.

25 (B) A licensed foster family home or an approved relative or  
26 nonrelative extended family member who had a child in placement  
27 at any time between January 1, 2017, and December 31, 2017,  
28 inclusive, may be approved as a resource family on the date of  
29 successful completion of a family evaluation.

30 (C) A licensed foster family home that provided  
31 county-authorized respite services at any time between January 1,  
32 2017, and December 31, 2017, inclusive, may be approved as a  
33 resource family on the date of successful completion of a family  
34 evaluation.

35 (5) A county may provide supportive services to all licensed  
36 foster family homes, relatives, and nonrelative extended family  
37 members with a child in placement to assist with the resource  
38 family transition and to minimize placement disruptions.

39 (6) (A) In order to approve a licensed foster family home or  
40 approved relative or nonrelative extended family member as a

1 resource family pursuant to paragraph (4), a county shall submit  
2 a written request to the Department of Justice to transfer any  
3 subsequent arrest and Child Abuse Central Index notifications, as  
4 specified in subdivision (h) of Section 1522 of the Health and  
5 Safety Code.

6 (B) A request to transfer a subsequent arrest notification shall  
7 contain all prescribed data elements and format protocols pursuant  
8 to a written agreement between the department and the Department  
9 of Justice.

10 (7) An individual who is a member of a resource family  
11 approved pursuant to subparagraph (B) or (C) of paragraph (4)  
12 shall be fingerprinted pursuant to Section 8712 of the Family Code  
13 upon filing an application for adoption.

14 (8) All foster family licenses and approvals of relatives and  
15 nonrelative extended family members shall be forfeited by  
16 operation of law on December 31, 2020, except as provided in this  
17 paragraph or Section 1524 of the Health and Safety Code:

18 (A) All licensed foster family homes that did not have a child  
19 in placement or did not provide county-authorized respite services  
20 at any time between January 1, 2017, and December 31, 2017,  
21 inclusive, shall forfeit the license by operation of law on January  
22 1, 2018.

23 (B) For foster family home licensees and approved relatives or  
24 nonrelative extended family members who have a pending resource  
25 family application on December 31, 2020, the foster family home  
26 license or relative and nonrelative extended family member  
27 approval shall be forfeited by operation of law upon approval as  
28 a resource family. If approval is denied, forfeiture by operation of  
29 law shall occur on the date of completion of any proceedings  
30 required by law to ensure due process.

31 (C) A foster family home license shall be forfeited by operation  
32 of law, pursuant to Section 1517.1 of the Health and Safety Code,  
33 upon approval as a resource family.

34 (D) Approval as a relative or nonrelative extended family  
35 member shall be forfeited by operation of law upon approval as a  
36 resource family.

37 (q) On and after January 1, 2017, all licensed foster family  
38 agencies shall approve resource families in lieu of certifying foster  
39 homes, as set forth in Section 1517 of the Health and Safety Code.

1 (r) The department may establish participation conditions, and  
2 select and authorize foster family agencies that voluntarily submit  
3 implementation plans and revised plans of operation in accordance  
4 with requirements established by the department, to approve  
5 resource families in lieu of certifying foster homes.

6 (1) Notwithstanding any other law, a participating foster family  
7 agency shall require resource families to meet and maintain the  
8 resource family approval standards and requirements set forth in  
9 this chapter and in the written directives adopted consistent with  
10 the chapter prior to approval and in order to maintain approval.

11 (2) A participating foster family agency shall implement the  
12 resource family approval program pursuant to Section 1517 of the  
13 Health and Safety Code.

14 (3) This section does not limit the authority of the department  
15 to inspect, evaluate, or investigate a complaint or incident, or  
16 initiate a disciplinary action against a foster family agency pursuant  
17 to Article 5 (commencing with Section 1550) of Chapter 3 of  
18 Division 2 of the Health and Safety Code, or to take any action it  
19 may deem necessary for the health and safety of children placed  
20 with the foster family agency.

21 (4) The department may adjust the foster family agency  
22 AFDC-FC rate pursuant to Section 11463 for implementation of  
23 this subdivision.

24 (5) This subdivision is inoperative on January 1, 2017.

25 (s) The department or a county is authorized to obtain any arrest  
26 or conviction records or reports from any court or law enforcement  
27 agency as necessary to the performance of its duties, as provided  
28 in this section or subdivision (e) of Section 1522 of the Health and  
29 Safety Code.

30 (t) A resource family approved pursuant to this section shall  
31 forfeit its approval concurrent with resource family approval by a  
32 foster family agency.

33 (u) This section shall become operative on January 1, 2021.

34 SEC. 7. Section 16521.5 of the Welfare and Institutions Code  
35 is amended to read:

36 16521.5. (a) A foster care provider, in consultation with the  
37 county case manager, shall be responsible for ensuring that  
38 adolescents, including nonminor dependents, as described in  
39 subdivision (v) of Section 11400, who remain in long-term foster  
40 care, as defined by the department, receive age-appropriate

1 pregnancy prevention information to the extent state and county  
2 resources are provided.

3 (b) A foster care provider, in consultation with the county case  
4 manager, shall be responsible for ensuring that a foster youth or  
5 nonminor dependent is provided with appropriate referrals to health  
6 services when the foster youth either reaches 18 years of age or  
7 the nonminor dependent exits foster care, and to the extent county  
8 and state resources are provided.

9 (c) As part of the home study process, the prospective foster  
10 care provider shall notify the county if ~~he or she~~ *the provider*  
11 objects to participating in adolescent pregnancy prevention training  
12 or the dissemination of information pursuant to subdivisions (a)  
13 and (b). A licensed foster care provider shall notify the county if  
14 ~~he or she~~ *the provider* objects to participation. If the provider  
15 objects, the county case manager shall assume this responsibility.

16 (d) Subdivisions (a), (b), and (c) shall not take effect until the  
17 department, in consultation with the workgroup, develops  
18 guidelines that describe the duties and responsibilities of foster  
19 care providers and county case managers in delivering pregnancy  
20 prevention services and information.

21 (e) (1) The department, in consultation with the State  
22 Department of Health Services, shall convene a working group  
23 for the purpose of developing a pregnancy prevention plan that  
24 will effectively address the needs of adolescent male and female  
25 foster youth. The workgroup shall meet not more than three times  
26 and thereafter shall provide consultation to the department upon  
27 request.

28 (2) The working group shall include representatives from the  
29 California Youth Connection, the Foster Parent's Association,  
30 group home provider associations, the County Welfare Director's  
31 Association, providers of teen pregnancy prevention programs, a  
32 foster care case worker, an expert in pregnancy prevention  
33 curricula, a representative of the Independent Living Program, and  
34 an adolescent health professional.

35 (f) The plan required pursuant to subdivision (e) shall include,  
36 but not be limited to, all of the following:

37 (1) Effective strategies and programs for preteen and older teen  
38 foster youth and nonminor dependents.

39 (2) The role of foster care and group home care providers.

40 (3) The role of the assigned case management worker.

1 (4) How to involve foster youth and nonminor peers.

2 (5) Selecting and providing appropriate materials to educate  
3 foster youth and nonminors in family life education.

4 (6) The training of foster care and group home care providers  
5 and, when necessary, county case managers in adolescent  
6 pregnancy prevention.

7 (g) Counties currently mandating foster care provider training  
8 shall be encouraged to include the pregnancy prevention curricula  
9 guidelines and educational materials that may be developed by the  
10 workgroup pursuant to subdivision (f).

11 (h) In order to train case management workers and foster care  
12 providers, the department shall develop a curriculum that is  
13 consistent with, and in addition to, the pregnancy prevention plan  
14 and the curricula guidelines and educational materials developed  
15 by the workgroup pursuant to subdivisions (e) and (f).

16 (i) The curriculum created pursuant to subdivision (h) shall  
17 include, but not be limited to, all of the following:

18 (1) The rights of youth and nonminor dependents in foster care  
19 to sexual and reproductive health care and information, to  
20 confidentiality of sensitive health information, and the reasonable  
21 and prudent parent standard.

22 (2) How to document sensitive health information, including,  
23 but not limited to, sexual and reproductive health issues, in a case  
24 plan.

25 (3) The duties and responsibilities of the assigned case  
26 management worker and the foster care provider in ensuring youth  
27 and nonminor dependents in foster care can obtain sexual and  
28 reproductive health services and information.

29 (4) Guidance about how to engage and talk with youth and  
30 nonminor dependents about healthy sexual development and  
31 reproductive and sexual health in a manner that is medically  
32 accurate, developmentally and age-appropriate, trauma-informed,  
33 and strengths-based.

34 (5) Information about current contraception methods and how  
35 to select and provide appropriate referral resources and materials  
36 for information and service delivery.

37 (j) *(1) The department shall compile and report annual*  
38 *performance and outcome data on the implementation of sexual*  
39 *and reproductive health training and education and the availability*  
40 *of sexual health care services.*



1 (A) Performance data shall include the total number and rate  
2 of all of the following:

3 (i) County social workers and probation officers who have  
4 received the information described in subdivision (i) through a  
5 training program described in Section 16206.

6 (ii) Resource families that have received training on the  
7 information described in subdivision (i) as part of its annual  
8 training.

9 (iii) Judges who have received the information described in  
10 subdivision (i) through a training program described in Section  
11 304.7.

12 (iv) Group home administrators who have received the  
13 information described in subdivision (i) through a training  
14 described in subdivision (c) of Section 1522.41 of the Health and  
15 Safety Code.

16 (v) (I) Foster youth who have received comprehensive sexual  
17 health education that meets the requirements of Chapter 5.6  
18 (commencing with Section 51930) of Part 28 of Division 4 of Title  
19 2 of the Education Code and for whom that fact was documented  
20 in the youth's case plan.

21 (II) Youth that received the education described in subclause  
22 (I) in school and those that received it elsewhere.

23 (vi) Youth for whom the social worker provided the information  
24 described in described in paragraph (21) of subdivision (g) of  
25 Section 16501.1 within the last year and for whom that fact was  
26 documented in the youth's case plan.

27 (B) (i) Outcome data shall include data related to the sexual  
28 and reproductive health of youth that is drawn from data  
29 maintained by the State Department of Social Services, the State  
30 Department of Health Care Services, the State Department of  
31 Public Health, and Department of Education. The categories  
32 included in the outcome data shall be determined in consultation  
33 with the work group convened pursuant to subdivision (e) and  
34 shall include, but not be limited to, all of the following:

35 (I) The number of youth who gave birth and the birth weight of  
36 children born to youth.

37 (II) The number of youth who had still births and miscarriages.

38 (III) The severe maternal morbidity conditions experienced by  
39 youth.

1     (IV) Prenatal care received by youth, including, but not limited  
2 to, date of initiation of prenatal care by trimester, frequency of  
3 service delivery, and location and provider of care.

4     (V) Postnatal care received by youth, including, but not limited  
5 to, frequency, type of service delivery, and location and provider  
6 of care.

7     (VI) Contraceptive counseling received, contraceptive initiation,  
8 and contraception method selected by youth.

9     (VII) Testing for sexually transmitted disease or infection of  
10 youth and the number of positive results.

11     (VIII) Frequency with which youth's positive sexually  
12 transmitted disease or infection results were paired with treatment  
13 services in the same visit.

14     (IX) Frequency with which a general health exam or annual  
15 exam was paired with contraceptive counseling, pregnancy testing,  
16 sexually transmitted disease or infection testing, or contraceptive  
17 initiation.

18     (ii) Outcome data shall be disaggregated and reported by age,  
19 race or ethnicity, sexual orientation, gender identity, gender  
20 expression, county, county placement type, provider type, distance  
21 traveled to provider, and parenting status.

22     (iii) Outcome data shall be reported in a way that does not  
23 identify individual youth and complies with all applicable state  
24 and federal confidentiality and privacy laws and regulations.

25     (2) The department shall consult the working group convened  
26 pursuant to subdivision (e) in the selection of additional  
27 performance and outcome data measures to include in the report  
28 and in the development of the report framework.

29     (3) The report shall be completed annually, commencing on  
30 July 1, 2021, and shall be posted on the department's internet  
31 website.

32     (4) For the purposes of this subdivision, "youth" means foster  
33 youth 10 years of age and older and nonminor dependents.

34     (j)

35     (k) The department shall adopt regulations to implement this  
36 section.

37     SEC. 8. To the extent that this act has an overall effect of  
38 increasing the costs already borne by a local agency for programs  
39 or levels of service mandated by the 2011 Realignment Legislation  
40 within the meaning of Section 36 of Article XIII of the California

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

O