

**ASSEMBLY BILL**

**No. 366**

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**Introduced by Assembly Member Blanca Rubio**  
**(Coauthors: Assembly Members Gipson, Stone, and Ting)**  
(Coauthor: Senator Wiener)

February 1, 2021

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An act to amend Sections 366, 366.1, 366.31, 706.5, 727.2, 11465, and 16521.5 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL’S DIGEST

AB 366, as introduced, Blanca Rubio. Foster youth.

(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. Existing law requires the case plan to identify the person or persons responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, unless the child or nonminor dependent states that they do not want to pursue postsecondary education, including career or technical education.

This bill would require a county social worker or probation officer 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 relating to reproductive and sexual health care. This bill would require a county social worker or probation officer to include in certain reports to the juvenile court the identity of the person or persons responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, as specified. The bill would 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 and probation officers, this bill would impose a state-mandated local program.

(2) Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Existing law establishes a schedule of basic rates to be paid for the care and supervision of each foster child. Existing law also establishes the Kinship Guardianship Assistance Payment Program (Kin-GAP), which provides aid on behalf of eligible children who are placed in the home of a relative caretaker.

Existing law requires, when a child is living with a parent who receives AFDC-FC or Kin-GAP benefits, that the rate paid to the foster care provider on behalf of the parent include an additional amount, known as an infant supplement, for the care and supervision of the child.

This bill would make a pregnant minor or nonminor dependent eligible for the infant supplement for a specified period before the expected date of birth, as specified. Because counties would administer these extended benefits, 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, 2022, 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:

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

9 (A) The continuing necessity for and appropriateness of the  
10 placement.

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

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

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

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

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

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

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

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

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

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

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

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

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

(ii) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with

1 ~~his or her~~ *their* sibling, as applicable, and whether ongoing contact  
2 is in the child's best emotional interests.

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

5 (F) (i) *For a child who is 10 years of age or older, is in junior*  
6 *high, middle, or high school, and has been under the jurisdiction*  
7 *of the juvenile court for a year or longer, or a nonminor dependent,*  
8 *whether the social worker or probation officer has verified that*  
9 *the child or nonminor dependent has received comprehensive*  
10 *sexual health education that meets the requirements of Chapter*  
11 *5.6 (commencing with Section 51930) of Part 28 of Division 4 of*  
12 *Title 2 of the Education Code through the school system or has*  
13 *ensured that the child will receive the instruction.*

14 (ii) *For a child or nonminor dependent described in clause (i),*  
15 *whether the social worker or probation officer has done all of the*  
16 *following:*

17 (I) *Informed the child or nonminor dependent that they may*  
18 *access age-appropriate, medically accurate information about*  
19 *reproductive and sexual health care, including, but not limited to,*  
20 *unplanned pregnancy prevention, abstinence, use of birth control,*  
21 *abortion, and the prevention and treatment of sexually transmitted*  
22 *infections.*

23 (II) *Informed the child or nonminor dependent, in an age and*  
24 *developmentally appropriate manner, of the child's right to consent*  
25 *to sexual and reproductive health services and the child's*  
26 *confidentiality rights regarding those services.*

27 (III) *Informed the child or nonminor dependent how to access*  
28 *reproductive and sexual health care services and facilitated access*  
29 *to that care, including by assisting with any identified barriers to*  
30 *care, as needed.*

31 (iii) *On or before January 1, 2023, the Judicial Council shall*  
32 *amend and adopt rules of court and develop appropriate forms*  
33 *for the implementation of this subparagraph.*

34 (G) (i) *For a child who is 16 years of age or older or for a*  
35 *nonminor dependent, whether the social worker or probation*  
36 *officer has, pursuant to the requirements of paragraph (22) of*  
37 *subdivision (g) of Section 16501.1, identified the person or persons*  
38 *who shall be responsible for assisting the child or nonminor*  
39 *dependent with applications for postsecondary education and*  
40 *related financial aid, or that the child or nonminor dependent*

1 *stated that they do not want to pursue postsecondary education,*  
2 *including career or technical education.*

3 *(ii) On or before January 1, 2023, the Judicial Council shall*  
4 *amend and adopt rules of court and develop appropriate forms*  
5 *for the implementation of this subparagraph.*

6 ~~(F)~~

7 *(H) If the review hearing is the last review hearing to be held*  
8 *before the child attains 18 years of age, the court shall conduct the*  
9 *hearing pursuant to Section 366.31 or 366.32.*

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

15 (b) Subsequent to the hearing, periodic reviews of each child  
16 in foster care shall be conducted pursuant to the requirements of  
17 Sections 366.3 and 16503.

18 (c) If the child has been placed out of state, each review  
19 described in subdivision (a) and any reviews conducted pursuant  
20 to Sections 366.3 and 16503 shall also address whether the  
21 out-of-state placement continues to be the most appropriate  
22 placement selection and in the best interests of the child.

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

28 (2) The party or agency requesting placement of the child outside  
29 the United States shall carry the burden of proof and must show,  
30 by clear and convincing evidence, that a placement outside the  
31 United States is in the best interest of the child.

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

34 (A) Placement with a relative.

35 (B) Placement of siblings in the same home.

36 (C) Amount and nature of any contact between the child and  
37 the potential guardian or caretaker.

38 (D) Physical and medical needs of the dependent child.

39 (E) Psychological and emotional needs of the dependent child.

1 (F) Social, cultural, and educational needs of the dependent  
2 child.

3 (G) Specific desires of any dependent child who is 12 years of  
4 age or older.

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

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

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

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

19 (f) The status review of every nonminor dependent, as defined  
20 in subdivision (v) of Section 11400, shall be conducted pursuant  
21 to the requirements of Sections 366.3, 366.31, or 366.32, and 16503  
22 until dependency jurisdiction is terminated pursuant to Section  
23 391.

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

26 366.1. Each supplemental report required to be filed pursuant  
27 to Section 366 shall include, but not be limited to, a factual  
28 discussion of each of the following subjects:

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

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

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

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

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

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

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

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

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

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

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

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

38 (C) If the siblings are not placed together in the same home,  
39 why the siblings are not placed together and what efforts are being



1 made to place the siblings together, or why those efforts are not  
2 appropriate.

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

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

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

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

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

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

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

22 (h) (1) *For a child who is 10 years of age or older and has been*  
23 *under the jurisdiction of the juvenile court for a year or longer,*  
24 *or a nonminor dependent, either of the following:*

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

34 (B) *For a child in high school or a nonminor dependent, either*  
35 *that the child has received comprehensive sexual health education*  
36 *that meets the requirements of Chapter 5.6 (commencing with*  
37 *Section 51930) of Part 28 of Division 4 of Title 2 of the Education*  
38 *Code through the school system while in high school, or how the*  
39 *county will ensure that the child or nonminor dependent receives*  
40 *that instruction at least once before completing high school if the*

1 *child remains under the jurisdiction of the juvenile court during*  
2 *that timeframe.*

3 (2) (A) *For a child who is 10 years of age or older or a*  
4 *nonminor dependent, whether the social worker or probation*  
5 *officer has done all of the following:*

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

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

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

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

22 (i) *For a child who is 16 years of age or older or for a nonminor*  
23 *dependent, whether the social worker or probation officer has,*  
24 *pursuant to the requirements of paragraph (22) of subdivision (g)*  
25 *of Section 16501.1, identified the person or persons who shall be*  
26 *responsible for assisting the child or nonminor dependent with*  
27 *applications for postsecondary education and related financial*  
28 *aid, or that the child or nonminor dependent stated that they do*  
29 *not want to pursue postsecondary education, including career or*  
30 *technical education.*

31 ~~(h)~~

32 (j) *Whether a child who is 10 years of age or older and who has*  
33 *been in an out-of-home placement for six months or longer has*  
34 *relationships with individuals other than the child's siblings that*  
35 *are important to the child, consistent with the child's best interests,*  
36 *and actions taken to maintain those relationships. The social worker*  
37 *shall ask every child who is 10 years of age or older and who has*  
38 *been in an out-of-home placement for six months or longer to*  
39 *identify any individuals other than the child's siblings who are*  
40 *important to the child, consistent with the child's best interest. The*

1 social worker may ask any other child to provide that information,  
2 as appropriate.

3 (i)

4 (k) The implementation and operation of the amendments to  
5 subdivision ~~(h)~~ (j) enacted at the 2005–06 Regular Session shall  
6 be subject to appropriation through the budget process and by  
7 phase, as provided in Section 366.35.

8 SEC. 3. Section 366.31 of the Welfare and Institutions Code  
9 is amended to read:

10 366.31. (a) If a review hearing is the last review hearing to be  
11 held before the minor attains 18 years of age, the court shall ensure  
12 all of the following:

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

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

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

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

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

34 (2) The efforts made and assistance provided to the minor and  
35 nonminor by the social worker or the probation officer so that the  
36 minor and nonminor will be able to meet the participation  
37 conditions.

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

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

5     (B) (i) *Whether the social worker or probation officer has*  
6     *informed the minor or nonminor dependent of the information in*  
7     *paragraph (2) of subdivision (h) of Section 366.1.*

8     (ii) *This paragraph does not affect any applicable confidentiality*  
9     *law.*

10    (5) *Whether the social worker or probation officer has, pursuant*  
11    *to the requirements of paragraph (22) of subdivision (g) of Section*  
12    *16501.1, identified the person or persons who shall be responsible*  
13    *for assisting the child or nonminor dependent with applications*  
14    *for postsecondary education and related financial aid, or that the*  
15    *child or nonminor dependent stated that they do not want to pursue*  
16    *postsecondary education including career or technical education.*

17    (c) The reviews conducted pursuant to this section for a  
18    nonminor dependent shall be conducted in a manner that respects  
19    the nonminor's status as a legal adult, focused on the goals and  
20    services described in the youth's transitional independent living  
21    case plan, as described in subdivision (y) of Section 11400,  
22    including efforts made to maintain connections with caring and  
23    permanently committed adults, and attended, as appropriate, by  
24    additional participants invited by the nonminor dependent.

25    (d) For a nonminor dependent whose case plan is continued  
26    court-ordered family reunification services pursuant to Section  
27    361.6, the court shall consider whether the nonminor dependent  
28    may safely reside in the home of the parent or guardian. If the  
29    nonminor cannot reside safely in the home of the parent or guardian  
30    or if it is not in the nonminor dependent's best interest to reside  
31    in the home of the parent or guardian, the court must consider  
32    whether to continue or terminate reunification services for the  
33    parent or legal guardian.

34    (1) The review report shall include a discussion of all of the  
35    following:

36    (A) Whether foster care placement continues to be necessary  
37    and appropriate.

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

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

3 (D) Whether the social worker or probation officer has provided  
4 reasonable services designed to aid the parent or guardian to  
5 overcome the problems that led to the initial removal of the  
6 nonminor dependent.

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

10 (F) Whether the nonminor dependent and parent, parents, or  
11 guardian are in agreement with the continuation of reunification  
12 services.

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

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

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

20 (J) The agency's compliance with the nonminor dependent's  
21 transitional independent living case plan, including efforts to  
22 finalize the nonminor's permanent plan and prepare the nonminor  
23 dependent for independence.

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

26 (L) (i) *For a nonminor dependent in high school who has been*  
27 *under the jurisdiction of the juvenile court for a year or longer,*  
28 *the information in subparagraph (B) of paragraph (1) of*  
29 *subdivision (h) of Section 366.1.*

30 (ii) (I) *Whether the social worker or probation officer has*  
31 *informed the nonminor dependent of the information in paragraph*  
32 *(2) of subdivision (h) of Section 366.1.*

33 (II) *This clause does not affect any applicable confidentiality*  
34 *law.*

35 (M) *Whether the social worker or probation officer has,*  
36 *pursuant to the requirements of paragraph (22) of subdivision (g)*  
37 *of Section 16501.1, identified the person or persons who shall be*  
38 *responsible for assisting the child or nonminor dependent with*  
39 *applications for postsecondary education and related financial*  
40 *aid, or that the child or nonminor dependent stated that they do*

1 *not want to pursue postsecondary education including career or*  
2 *technical education.*

3 (2) The court shall inquire about the progress being made to  
4 provide a permanent home for the nonminor, shall consider the  
5 safety of the nonminor dependent, and shall determine all of the  
6 following:

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

9 (B) Whether the agency has made reasonable efforts to maintain  
10 relationships between the nonminor dependent and individuals  
11 who are important to the nonminor dependent.

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

18 (D) The extent of the agency's compliance with the nonminor  
19 dependent's transitional independent living case plan, including  
20 efforts to finalize the youth's permanent plan and prepare the  
21 nonminor dependent for independence.

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

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

31 (G) The likely date by which the nonminor dependent may  
32 safely reside in the home of the parent or guardian or, if the court  
33 is terminating reunification services, the likely date by which it is  
34 anticipated the nonminor dependent will achieve independence,  
35 or, for an Indian child, in consultation with the child's tribe, placed  
36 for tribal customary adoption.

37 (H) Whether the agency has made reasonable efforts as required  
38 in subparagraph (D) of paragraph (1) of subdivision (a) of Section  
39 366 to establish or maintain the nonminor dependent's relationship

1 with ~~his or her~~ *their* siblings who are under the juvenile court's  
2 jurisdiction.

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

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

7 (K) *(i) If the nonminor dependent is in high school and has*  
8 *been under the jurisdiction of the juvenile court for a year or*  
9 *longer, whether the social worker has taken the actions described*  
10 *in subparagraph (F) of paragraph (1) of subdivision (a) of Section*  
11 *366.*

12 *(ii) On or before January 1, 2023, the Judicial Council shall*  
13 *amend and adopt rules of court and develop appropriate forms*  
14 *for the implementation of this subparagraph.*

15 (L) *(i) Whether the social worker or probation officer has,*  
16 *pursuant to the requirements of paragraph (22) of subdivision (g)*  
17 *of Section 16501.1, identified the person or persons who shall be*  
18 *responsible for assisting the child or nonminor dependent with*  
19 *applications for postsecondary education and related financial*  
20 *aid, or that the child or nonminor dependent stated that they do*  
21 *not want to pursue postsecondary education, including career or*  
22 *technical education.*

23 *(ii) On or before January 1, 2023, the Judicial Council shall*  
24 *amend and adopt rules of court and develop appropriate forms*  
25 *for the implementation of this subparagraph.*

26 (3) If the court determines that a nonminor dependent may safely  
27 reside in the home of the parent or former guardian, the court may  
28 order the nonminor dependent to return to the family home. After  
29 the nonminor dependent returns to the family home, the court may  
30 terminate jurisdiction and proceed under applicable provisions of  
31 Section 391 or continue jurisdiction as a nonminor under  
32 subdivision (a) of Section 303 and hold hearings as follows:

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

1 requiring court supervision. The report shall address all of the  
2 following:

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

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

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

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

12 (i) The continuing need for court supervision.

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

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

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

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

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

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

39 (4) Whether a prospective adoptive parent has been identified  
40 and assessed as appropriate for the nonminor dependent's adoption



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

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

14 (6) The adequacy of services provided to the nonminor  
15 dependent. The court shall consider the progress in providing the  
16 information and documents to the nonminor dependent as described  
17 in Section 391. The court shall also consider the need for, and  
18 progress in providing, the assistance and services described in  
19 Section 391.

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

22 (8) Whether the agency has made reasonable efforts as required  
23 in subparagraph (D) of paragraph (1) of subdivision (a) of Section  
24 366 to establish or maintain the nonminor dependent's relationship  
25 with ~~his or her~~ *their* siblings who are under the juvenile court's  
26 jurisdiction.

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

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

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

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

39 (C) State for the record the compelling reason or reasons why  
40 it continues not to be in the best interest of the nonminor dependent

1 to return home, be placed for adoption, be placed for tribal  
2 customary adoption in the case of an Indian child, be placed with  
3 a legal guardian, or be placed with a fit and willing relative.

4 (11) (A) *If the nonminor dependent is in high school and has*  
5 *been under the jurisdiction of the juvenile court for a year or*  
6 *longer, whether the social worker or probation officer has taken*  
7 *the actions described in subparagraph (F) of paragraph (1) of*  
8 *subdivision (a) of Section 366.*

9 (B) *On or before January 1, 2023, the Judicial Council shall*  
10 *amend and adopt rules of court and develop appropriate forms*  
11 *for the implementation of this paragraph.*

12 (12) (A) *Whether the social worker or probation officer has,*  
13 *pursuant to the requirements of paragraph (22) of subdivision (g)*  
14 *of Section 16501.1, identified the person or persons who shall be*  
15 *responsible for assisting the child or nonminor dependent with*  
16 *applications for postsecondary education and related financial*  
17 *aid, or that the child or nonminor dependent stated that they do*  
18 *not want to pursue postsecondary education, including career or*  
19 *technical education.*

20 (B) *On or before January 1, 2023, the Judicial Council shall*  
21 *amend and adopt rules of court and develop appropriate forms*  
22 *for the implementation of this subparagraph.*

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

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

36 (B) Declare that the birth parents of the nonminor dependent  
37 are, from the time of the adoption, relieved of all parental duties  
38 toward, and responsibility for, the adopted nonminor dependent  
39 and have no rights over the adopted nonminor dependent.

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

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

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

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

10 (D) Whether the court considered the wishes of the nonminor  
11 dependent.

12 (E) If the nonminor dependent is eligible, the prospective  
13 adoptive parent has signed the negotiated adoption assistance  
14 agreement pursuant to subdivision (g) of Section 16120, and  
15 whether a copy of the executed negotiated agreement is attached  
16 to the report.

17 (F) Whether the adoption is in the best interest of the nonminor  
18 dependent.

19 (3) If the court orders the establishment of the nonminor  
20 dependent adoption, it shall dismiss dependency or transitional  
21 jurisdiction.

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

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

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

33 (B) The length and nature of the relationship between the  
34 prospective adoptive parent and the nonminor dependent, including  
35 whether the prospective adoptive parent has been determined to  
36 have been established as the nonminor's permanent connection.

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

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

3 (E) Whether criminal background clearances were completed  
4 for the prospective adoptive parent as required by Section  
5 671(a)(20)(A) and (a)(20)(C) of Title 42 of the United States Code.

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

9 (G) Whether the adoption of the nonminor dependent is in the  
10 best interests of the nonminor dependent and the prospective  
11 adoptive parent.

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

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

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

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

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

36 (1) The intensive and ongoing efforts to return the nonminor  
37 dependent to the home of the parent, place the nonminor dependent  
38 for adoption, or place the nonminor dependent with a fit and willing  
39 relative, as appropriate.

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

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

3 (B) Determine whether the nonminor dependent has regular,  
4 ongoing opportunities to engage in age or developmentally  
5 appropriate activities, including consulting with the nonminor  
6 dependent about opportunities for the nonminor dependent to  
7 participate in those activities.

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

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

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

24 (c) At each status review hearing, the social study shall include,  
25 but not be limited to, an updated case plan as described in Section  
26 706.6 and the following information:

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

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

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

36 (4) If the first permanency planning hearing has not yet occurred,  
37 the social study shall include the likely date by which the minor  
38 may be returned to and safely maintained in the home or placed  
39 for adoption, appointed a legal guardian, permanently placed with

1 a fit and willing relative, or referred to another planned permanent  
2 living arrangement.

3 (5) Whether the minor has been or will be referred to educational  
4 services and what services the minor is receiving, including special  
5 education and related services if the minor has exceptional needs  
6 as described in Part 30 (commencing with Section 56000) of  
7 Division 4 of Title 2 of the Education Code or accommodations  
8 if the child has disabilities as described in Chapter 16 (commencing  
9 with Section 701) of Title 29 of the United States Code Annotated.  
10 The probation officer or child advocate shall solicit comments  
11 from the appropriate local education agency prior to completion  
12 of the social study.

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

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

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

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

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

33 (ii) Determine whether the minor has regular, ongoing  
34 opportunities to engage in age or developmentally appropriate  
35 activities, including consulting with the minor about opportunities  
36 for the minor to participate in the activities.

37 (8) When the minor is under 16 years of age and has a permanent  
38 plan of return home, adoption, legal guardianship, or placement  
39 with a fit and willing relative, the social study shall include a

1 description of any barriers to achieving the permanent plan and  
2 the efforts made by the agency to address those barriers.

3 (9) (A) *For a child who is 10 years of age or older and has*  
4 *been declared a ward of the juvenile court pursuant to Section 601*  
5 *or 602 for a year or longer, the information in subparagraph (B)*  
6 *of paragraph (1) of subdivision (h) of Section 366.1.*

7 (B) (i) *For a child who is 10 years of age or older, whether the*  
8 *probation officer has informed the minor or nonminor dependent*  
9 *of the information in paragraph (2) of subdivision (h) of Section*  
10 *366.1.*

11 (ii) *This subparagraph does not affect any applicable*  
12 *confidentiality law.*

13 (10) *For a child who is 16 years of age or older or for a*  
14 *nonminor dependent, whether the probation officer has, pursuant*  
15 *to the requirements of paragraph (22) of subdivision (g) of Section*  
16 *16501.1, identified the person or persons who shall be responsible*  
17 *for assisting the child or nonminor dependent with applications*  
18 *for postsecondary education and related financial aid, or that the*  
19 *child or nonminor dependent stated that they do not want to pursue*  
20 *postsecondary education, including career or technical education.*

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

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

27 727.2. The purpose of this section is to provide a means to  
28 monitor the safety and well-being of every minor in foster care  
29 who has been declared a ward of the juvenile court pursuant to  
30 Section 601 or 602 and to ensure that everything reasonably  
31 possible is done to facilitate the safe and early return of the minor  
32 to ~~his or her~~ *the minor's* home or to establish an alternative  
33 permanent plan for the minor.

34 (a) If the court orders the care, custody, and control of the minor  
35 to be under the supervision of the probation officer for placement  
36 pursuant to subdivision (a) of Section 727, the juvenile court shall  
37 order the probation department to ensure the provision of  
38 reunification services to facilitate the safe return of the minor to  
39 ~~his or her~~ *the minor's* home or the permanent placement of the

1 minor, and to address the needs of the minor while in foster care,  
2 except as provided in subdivision (b).

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

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

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

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

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

13 (C) Aiding or abetting, attempting, conspiring, or soliciting to  
14 commit that murder or manslaughter described in subparagraph  
15 (A) or (B).

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

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

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

26 (c) The status of every minor declared a ward and ordered to  
27 be placed in foster care shall be reviewed by the court no less  
28 frequently than once every six months. The six-month time periods  
29 shall be calculated from the date the minor entered foster care, as  
30 defined in paragraph (4) of subdivision (d) of Section 727.4. If the  
31 court so elects, the court may declare the hearing at which the court  
32 orders the care, custody, and control of the minor to be under the  
33 supervision of the probation officer for foster care placement  
34 pursuant to subdivision (a) of Section 727 at the first status review  
35 hearing. It shall be the duty of the probation officer to prepare a  
36 written social study report including an updated case plan, pursuant  
37 to subdivision (b) of Section 706.5, and submit the report to the  
38 court prior to each status review hearing, pursuant to subdivision  
39 (b) of Section 727.4. The social study report shall include all



1 reports the probation officer relied upon in making ~~his or her~~ *their*  
2 recommendations.

3 (d) Prior to any status review hearing involving a minor in the  
4 physical custody of a community care facility or foster family  
5 agency, the facility or agency may provide the probation officer  
6 with a report containing its recommendations. Prior to any status  
7 review hearing involving the physical custody of a foster parent,  
8 relative caregiver, preadoptive parent, or legal guardian, that person  
9 may present to the court a report containing ~~his or her~~ *their*  
10 recommendations. The court shall consider all reports and  
11 recommendations filed pursuant to subdivision (c) and pursuant  
12 to this subdivision.

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

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

18 (2) The extent of the probation department's compliance with  
19 the case plan in making reasonable efforts, or in the case of a child  
20 16 years of age or older with another planned permanent living  
21 arrangement, the ongoing and intensive efforts to safely return the  
22 minor to the minor's home or to complete whatever steps are  
23 necessary to finalize the permanent placement of the minor.

24 (3) Whether there should be any limitation on the right of the  
25 parent or guardian to make educational decisions for the minor.  
26 That limitation shall be specifically addressed in the court order  
27 and may not exceed what is necessary to protect the minor. If the  
28 court specifically limits the right of the parent or guardian to make  
29 educational decisions for the minor, the court shall at the same  
30 time appoint a responsible adult to make educational decisions for  
31 the minor pursuant to Section 726.

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

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

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

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

(7) (A) *For a child who is 10 years of age or older, is in junior high, middle, or high school, and has been declared a ward of the juvenile court pursuant to Section 601 or 602 for a year or longer whether the probation officer has taken the actions described in subparagraph (F) of paragraph (1) of subdivision (a) of Section 366.*

(B) *On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this paragraph.*

(8) *For a child who is 16 years of age or older or for a nonminor dependent, whether the probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.*

(f) At any status review hearing prior to the first permanency hearing, after considering the admissible and relevant evidence, the court shall order return of the minor to the physical custody of ~~his or her~~ the minor's parent or legal guardian unless the court finds, by a preponderance of evidence, that the return of the minor to ~~his or her~~ the minor's parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the minor. The probation department shall have the burden of establishing that detriment. In making its determination, the court shall review and consider the social study report, recommendations, and the case plan pursuant to subdivision (b) of Section 706.5, the report and recommendations of any child advocate appointed for the minor in the case, and any other reports submitted to the court pursuant to subdivision (d), and shall consider the efforts or progress, or both, demonstrated by the minor

1 and family and the extent to which the minor availed ~~himself or~~  
2 ~~herself~~ *themselves* of the services provided.

3 (g) At all status review hearings subsequent to the first  
4 permanency planning hearing, the court shall consider the safety  
5 of the minor and make the findings and orders as described in  
6 paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The  
7 court shall either make a finding that the previously ordered  
8 permanent plan continues to be appropriate or shall order that a  
9 new permanent plan be adopted pursuant to subdivision (b) of  
10 Section 727.3. However, the court shall not order a permanent plan  
11 of “return to the physical custody of the parent or legal guardian  
12 after further reunification services are offered,” as described in  
13 paragraph (2) of subdivision (b) of Section 727.3.

14 (h) The status review hearings required by subdivision (c) may  
15 be heard by an administrative review panel, provided that the  
16 administrative panel meets all of the requirements listed in  
17 subparagraph (B) of paragraph (7) of subdivision (d) of Section  
18 727.4.

19 (i) (1) On and after January 1, 2012, at any status review hearing  
20 at which a recommendation to terminate delinquency jurisdiction  
21 is being considered, or at the status review hearing held closest to  
22 the ward attaining 18 years of age, but no fewer than 90 days before  
23 the ward’s 18th birthday, the court shall consider whether to modify  
24 its jurisdiction pursuant to Section 601 or 602 and assume transition  
25 jurisdiction over the minor pursuant to Section 450. The probation  
26 department shall address this issue in its report to the court and  
27 make a recommendation as to whether transition jurisdiction is  
28 appropriate for the minor.

29 (2) The court shall order the probation department or the minor’s  
30 attorney to submit an application to the child welfare services  
31 department pursuant to Section 329 to declare the minor a  
32 dependent of the court and modify its jurisdiction from delinquency  
33 to dependency jurisdiction if it finds both of the following:

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

36 (B) The ward appears to come within the description of Section  
37 300 and cannot be returned home safely.

38 (3) The court shall set a hearing within 20 judicial days of the  
39 date of its order issued pursuant to paragraph (2) to review the  
40 decision of the child welfare services department and may either

1 affirm the decision not to file a petition pursuant to Section 300  
2 or order the child welfare services department to file a petition  
3 pursuant to Section 300.

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

14 SEC. 6. Section 11465 of the Welfare and Institutions Code is  
15 amended to read:

16 11465. (a) ~~When~~ *If* a child is living with a parent who receives  
17 AFDC-FC or Kin-GAP benefits, or, on or after July 1, 2017,  
18 Approved Relative Caregiver Funding Program (ARC) payments,  
19 the rate paid to the provider on behalf of the parent shall include  
20 an amount for care and supervision of the child.

21 (b) For each category of eligible licensed community care  
22 facility, as defined in Section 1502 of the Health and Safety Code,  
23 the department shall adopt regulations setting forth a uniform rate  
24 to cover the cost of care and supervision of the child in each  
25 category of eligible licensed community care facility.

26 (c) (1) On and after July 1, 1998, the uniform rate to cover the  
27 cost of care and supervision of a child pursuant to this section shall  
28 be increased by 6 percent, rounded to the nearest dollar. The  
29 resultant amounts shall constitute the new uniform rate.

30 (2) (A) On and after July 1, 1999, the uniform rate to cover the  
31 cost of care and supervision of a child pursuant to this section shall  
32 be adjusted by an amount equal to the California Necessities Index  
33 computed pursuant to Section 11453, rounded to the nearest dollar.  
34 The resultant amounts shall constitute the new uniform rate, subject  
35 to further adjustment pursuant to subparagraph (B).

36 (B) In addition to the adjustment specified in subparagraph (A),  
37 on and after January 1, 2000, the uniform rate to cover the cost of  
38 care and supervision of a child pursuant to this section shall be  
39 increased by 2.36 percent, rounded to the nearest dollar. The  
40 resultant amounts shall constitute the new uniform rate.

1 (3) Subject to the availability of funds, for the 2000–01 fiscal  
2 year and annually thereafter, these rates shall be adjusted for cost  
3 of living pursuant to procedures in Section 11453.

4 (4) On and after January 1, 2008, the uniform rate to cover the  
5 cost of care and supervision of a child pursuant to this section shall  
6 be increased by 5 percent, rounded to the nearest dollar. The  
7 resulting amount shall constitute the new uniform rate.

8 (5) Commencing July 1, 2016, the uniform rate to cover the  
9 cost of care and supervision of a child pursuant to this section shall  
10 be supplemented by an additional monthly amount of four hundred  
11 eighty-nine dollars (\$489). This monthly supplement shall only  
12 be provided if funding for this purpose is appropriated in the annual  
13 Budget Act.

14 (d) (1) (A) Prior to July 1, 2017, and notwithstanding  
15 subdivisions (a) to (c), inclusive, the payment made pursuant to  
16 this section for care and supervision of a child who is living with  
17 a teen parent in a whole family foster home, as defined in Section  
18 11400, shall equal the basic rate for children placed in a licensed  
19 or approved home as specified in subdivisions (a) to (d), inclusive,  
20 and subdivision (g), of Section 11461.

21 (B) On or after July 1, 2017, the payment made for care and  
22 supervision of a child who is living with a teen parent in a whole  
23 family foster home shall be the uniform rate developed pursuant  
24 to subdivision (c).

25 (2) (A) The amount paid for care and supervision of a dependent  
26 infant living with a dependent teen parent receiving AFDC-FC  
27 benefits in a group home placement shall equal the infant  
28 supplement rate for group home placements.

29 (B) Commencing January 1, 2017, the amount paid for care and  
30 supervision of a dependent infant living with a dependent teenage  
31 parent receiving AFDC-FC benefits in a short-term residential  
32 therapeutic program shall equal the infant supplement rate for  
33 short-term residential therapeutic programs established by the  
34 department.

35 (3) (A) The caregiver shall provide the county child welfare  
36 agency or probation department with a copy of the shared  
37 responsibility plan developed pursuant to Section 16501.25 and  
38 shall advise the county child welfare agency or probation  
39 department of any subsequent changes to the plan. Once the plan  
40 has been completed and provided to the appropriate agencies, the

1 payment made pursuant to this section shall be increased by an  
2 additional two hundred dollars (\$200) per month to reflect the  
3 increased care and supervision while ~~he or she~~ *the dependent teen*  
4 *parent* is placed in the whole family foster home.

5 (B) A nonminor dependent parent residing in a supervised  
6 independent living placement, as defined in subdivision (w) of  
7 Section 11400, who develops a written parenting support plan  
8 pursuant to Section 16501.26 shall provide the county child welfare  
9 agency or probation department with a copy of the plan and shall  
10 advise the county child welfare agency or probation department  
11 of any subsequent changes to the plan. The payment made pursuant  
12 to this section shall be increased by an additional two hundred  
13 dollars (\$200) per month after all of the following have been  
14 satisfied:

15 (i) The plan has been completed and provided to the appropriate  
16 county agency.

17 (ii) The plan has been approved by the appropriate county  
18 agency.

19 (iii) The county agency has determined that the identified  
20 responsible adult meets the criteria specified in Section 16501.27.

21 (4) In a year in which the payment provided pursuant to this  
22 section is adjusted for the cost of living as provided in paragraph  
23 (1) of subdivision (c), the payments provided for in this subdivision  
24 shall also be increased by the same procedures.

25 (5) A Kin-GAP relative who, immediately prior to entering the  
26 Kin-GAP program, was designated as a whole family foster home  
27 shall receive the same payment amounts for the care and  
28 supervision of a child who is living with a teen parent they received  
29 in foster care as a whole family foster home.

30 (6) (A) On and after January 1, 2012, and prior to July 1, 2017,  
31 the rate paid for a child living with a teen parent in a whole family  
32 foster home as defined in Section 11400 shall also be paid for a  
33 child living with a nonminor dependent parent who is eligible to  
34 receive AFDC-FC or Kin-GAP benefits pursuant to Section 11403.

35 (B) On and after July 1, 2017, the rate paid for a child living  
36 with a teen parent in a whole family foster home as defined in  
37 Section 11400 shall also be paid for a child living with a nonminor  
38 dependent parent who is eligible to receive AFDC-FC, ARC, or  
39 Kin-GAP benefits pursuant to Section 11403.

1     (e) Commencing January 1, 2022, the rate paid for a pregnant  
2     minor or nonminor dependent for the month in which the birth is  
3     anticipated and for the three-month period immediately prior to  
4     the month in which the birth is anticipated shall include the amount  
5     that would otherwise be paid under this section to cover the care  
6     and supervision of a child, if born. Any amount paid pursuant to  
7     this subdivision shall be used to meet the specialized needs of the  
8     pregnant minor or nonminor dependent and to properly prepare  
9     for the needs of the infant.

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

12    16521.5. (a) A foster care provider, in consultation with the  
13    county case manager, shall be responsible for ensuring that  
14    adolescents, including nonminor dependents, as described in  
15    subdivision (v) of Section 11400, who remain in long-term foster  
16    care, as defined by the department, receive age-appropriate  
17    pregnancy prevention information to the extent state and county  
18    resources are provided.

19    (b) A foster care provider, in consultation with the county case  
20    manager, shall be responsible for ensuring that a foster youth or  
21    nonminor dependent is provided with appropriate referrals to health  
22    services when the foster youth either reaches 18 years of age or  
23    the nonminor dependent exits foster care, and to the extent county  
24    and state resources are provided.

25    (c) As part of the home study process, the prospective foster  
26    care provider shall notify the county if ~~he or she~~ *the provider*  
27    objects to participating in adolescent pregnancy prevention training  
28    or the dissemination of information pursuant to subdivisions (a)  
29    and (b). A licensed foster care provider shall notify the county if  
30    ~~he or she~~ *the provider* objects to participation. If the provider  
31    objects, the county case manager shall assume this responsibility.

32    (d) Subdivisions (a), (b), and (c) shall not take effect until the  
33    department, in consultation with the workgroup, develops  
34    guidelines that describe the duties and responsibilities of foster  
35    care providers and county case managers in delivering pregnancy  
36    prevention services and information.

37    (e) (1) The department, in consultation with the State  
38    Department of Health Services, shall convene a working group  
39    for the purpose of developing a pregnancy prevention plan that  
40    will effectively address the needs of adolescent male and female

1 foster youth. The workgroup shall meet not more than three times  
2 and thereafter shall provide consultation to the department upon  
3 request.

4 (2) The working group shall include representatives from the  
5 California Youth Connection, the Foster Parent's Association,  
6 group home provider associations, the County Welfare Director's  
7 Association, providers of teen pregnancy prevention programs, a  
8 foster care case worker, an expert in pregnancy prevention  
9 curricula, a representative of the Independent Living Program, and  
10 an adolescent health professional.

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

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

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

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

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

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

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

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

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

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

34 (1) The rights of youth and nonminor dependents in foster care  
35 to sexual and reproductive health care and information, to  
36 confidentiality of sensitive health information, and the reasonable  
37 and prudent parent standard.

38 (2) How to document sensitive health information, including,  
39 but not limited to, sexual and reproductive health issues, in a case  
40 plan.



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

5 (4) Guidance about how to engage and talk with youth and  
6 nonminor dependents about healthy sexual development and  
7 reproductive and sexual health in a manner that is medically  
8 accurate, developmentally and age-appropriate, trauma-informed,  
9 and strengths-based.

10 (5) Information about current contraception methods and how  
11 to select and provide appropriate referral resources and materials  
12 for information and service delivery.

13 *(j) (1) The department shall compile and report annual*  
14 *performance and outcome data on the implementation of sexual*  
15 *and reproductive health training and education and the availability*  
16 *and use of sexual and reproductive health care services.*

17 *(A) Performance data shall include the total number and rate*  
18 *of all of the following:*

19 *(i) County social workers and probation officers who have*  
20 *received the information described in subdivision (i) through a*  
21 *training program described in Section 16206.*

22 *(ii) Resource families that have received training on the*  
23 *information described in subdivision (i) as part of its annual*  
24 *training.*

25 *(iii) Judges who have received the information described in*  
26 *subdivision (i) through a training program described in Section*  
27 *304.7.*

28 *(iv) Group home administrators who have received the*  
29 *information described in subdivision (i) through a training*  
30 *described in subdivision (c) of Section 1522.41 of the Health and*  
31 *Safety Code.*

32 *(v) (I) Foster youth who have received comprehensive sexual*  
33 *health education that meets the requirements of Chapter 5.6*  
34 *(commencing with Section 51930) of Part 28 of Division 4 of Title*  
35 *2 of the Education Code and for whom that fact was documented*  
36 *in the youth's case plan.*

37 *(II) Youth who received the education described in subclause*  
38 *(I) in school and those who received it elsewhere.*

39 *(vi) Youth for whom the social worker provided the information*  
40 *described in paragraph (21) of subdivision (g) of Section 16501.1*

1 within the last year and for whom that fact was documented in the  
2 youth's case plan.

3 (B) (i) Outcome data shall include integrated data drawn from  
4 data maintained by the State Department of Social Services, the  
5 State Department of Health Care Services, and the State  
6 Department of Public Health. The categories included in the  
7 outcome data, as well as the specific indicators used within each  
8 category, shall be determined in consultation with the work group  
9 convened pursuant to subdivision (e) and shall include, but not be  
10 limited to, those categories listed in clause (ii). Outcome indicators  
11 used within each category may include, but are not limited to  
12 measures found in the Core Set of Children's Health Care Quality  
13 Measure for Medicaid and CHIP (Child Core Set), and the  
14 Healthcare Effectiveness Data and Information Set (HEDIS), or  
15 measures developed using Medi-Cal, FamilyPACT, and other  
16 administrative and claims data codes.

17 (ii) Categories of outcome data shall include, but not be limited  
18 to, all of the following:

19 (I) The total number and rate of youth who gave birth, the  
20 number of live births, and the number of live births weighing less  
21 than 2,500 grams, such as indicator National Quality Forum  
22 (NQF) 1382 from the Child Core Set.

23 (II) Maternal health outcomes for youth, such as indicator NQF  
24 0471 from the Child Core Set.

25 (III) Prenatal care received by youth, including, but not limited  
26 to, date of initiation of prenatal care by trimester, frequency of  
27 service delivery, and type of provider of care, such as indicator  
28 NQF 1517 from the Child Core Set.

29 (IV) Postnatal care received by youth, including, but not limited  
30 to, frequency, type of service delivery, and type of provider of care.

31 (V) The total number and rate of youth who received  
32 contraceptive counseling, initiated contraception, and  
33 contraception method selected, such as indicators NQF 2902,  
34 2903, and 2904 from the Child Core Set.

35 (VI) Testing and treatment for sexually transmitted infection in  
36 youth, such as indicator NQF 0033 from the Child Core Set or  
37 CHL-CH from HEDIS.

38 (VII) Frequency with which treatment of youth for sexually  
39 transmitted infection was followed by testing the same youth for  
40 reinfection within a one- to six- month time span.

1     (VIII) *Receipt of annual wellness exam, such as AWC HEDIS,*  
2     *and frequency with which a general health exam or annual exam*  
3     *was paired with contraceptive counseling, pregnancy testing,*  
4     *sexually transmitted infection testing, or contraceptive initiation.*

5     (iii) *Outcome data shall be disaggregated and reported by age,*  
6     *race, ethnicity, sexual orientation, gender identity, county, and*  
7     *county placement type if possible.*

8     (iv) *Outcome data shall be reported in a way that does not*  
9     *identify individual youth and complies with all applicable state*  
10    *and federal confidentiality and privacy laws and regulations.*

11    (2) *The department shall consult the working group convened*  
12    *pursuant to subdivision (e) in the selection of additional*  
13    *performance and outcome data categories and measures to include*  
14    *in the report and in the development of the report framework.*  
15    *Every three years, or earlier if needed, the department shall consult*  
16    *the Department of Health Care Services and the Department of*  
17    *Public Health and revise measures, if necessary.*

18    (3) *The report shall be completed annually, commencing on*  
19    *July 1, 2022, and shall be posted on the department's internet*  
20    *website in a manner that is publicly accessible.*

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

23    (j)

24    (k) *The department shall adopt regulations to implement this*  
25    *section.*

26    SEC. 8. *To the extent that this act has an overall effect of*  
27    *increasing the costs already borne by a local agency for programs*  
28    *or levels of service mandated by the 2011 Realignment Legislation*  
29    *within the meaning of Section 36 of Article XIII of the California*  
30    *Constitution, it shall apply to local agencies only to the extent that*  
31    *the state provides annual funding for the cost increase. Any new*  
32    *program or higher level of service provided by a local agency*  
33    *pursuant to this act above the level for which funding has been*  
34    *provided shall not require a subvention of funds by the state or*  
35    *otherwise be subject to Section 6 of Article XIII B of the California*  
36    *Constitution.*