

AMENDED IN ASSEMBLY MARCH 28, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 1201

Introduced by Assembly Member Jackson

February 21, 2025

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

LEGISLATIVE COUNSEL’S DIGEST

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

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

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

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

This bill would instead require the violent felony conviction to have occurred in the past 5 years, and would also require the court to find, by a preponderance of the evidence, that one or more specified circumstances exist. The bill would require, if the court finds that the parent's or guardian's conviction does not disqualify them from receiving reunification services, the court to order reunification services unless the court finds, by a preponderance of the evidence, the reunification is not in the best interest of the child, or that the parent or guardian does not qualify for reunification services based upon another reason. By expanding the scope of individuals requiring reunification services, and creating additional duties on county child welfare departments, the bill would impose a state-mandated local program.

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

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

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

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

- 1 SECTION 1. This act shall be known, and may be cited, as the
- 2 Reuniting Engaged Families through Understanding, Nurturing,
- 3 Individualized Treatment, and Youth (ReUNITY) Act.
- 4 SEC. 2. Section 361.5 of the Welfare and Institutions Code is
- 5 amended to read:

1 361.5. (a) Except as provided in subdivision (b), or when the
2 parent has voluntarily relinquished the child and the relinquishment
3 has been filed with the State Department of Social Services, or
4 upon the establishment of an order of guardianship pursuant to
5 Section 360, or when a court adjudicates a petition under Section
6 329 to modify the court's jurisdiction from delinquency jurisdiction
7 to dependency jurisdiction pursuant to subparagraph (A) of
8 paragraph (2) of subdivision (b) of Section 607.2 and the parents
9 or guardian of the ward have had reunification services terminated
10 under the delinquency jurisdiction, whenever a child is removed
11 from a parent's or guardian's custody, the juvenile court shall order
12 the social worker to provide child welfare services to the child and
13 the child's mother and statutorily presumed father or guardians.
14 Upon a finding and declaration of paternity by the juvenile court
15 or proof of a prior declaration of paternity by any court of
16 competent jurisdiction, the juvenile court may order services for
17 the child and the biological father, if the court determines that the
18 services will benefit the child.

19 (1) Family reunification services, when provided, shall be
20 provided as follows:

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

28 (B) For a child who, on the date of initial removal from the
29 physical custody of the child's parent or guardian, was under three
30 years of age, court-ordered services shall be provided for a period
31 of 6 months from the dispositional hearing, as provided in
32 subdivision (e) of Section 366.21, but no longer than 12 months
33 from the date the child entered foster care, as provided in Section
34 361.49, unless the child is returned to the home of the parent or
35 guardian.

36 (C) For the purpose of placing and maintaining a sibling group
37 together in a permanent home should reunification efforts fail, for
38 a child in a sibling group whose members were removed from
39 parental custody at the same time, and in which one member of
40 the sibling group was under three years of age on the date of initial

1 removal from the physical custody of the child's parent or guardian,
2 court-ordered services for some or all of the sibling group may be
3 limited as set forth in subparagraph (B). For the purposes of this
4 paragraph, "a sibling group" shall mean two or more children who
5 are related to each other as full or half siblings.

6 (2) Any motion to terminate court-ordered reunification services
7 prior to the hearing set pursuant to subdivision (f) of Section 366.21
8 for a child described by subparagraph (A) of paragraph (1), or
9 prior to the hearing set pursuant to subdivision (e) of Section
10 366.21 for a child described by subparagraph (B) or (C) of
11 paragraph (1), shall be made pursuant to the requirements set forth
12 in subdivision (c) of Section 388. A motion to terminate
13 court-ordered reunification services shall not be required at the
14 hearing set pursuant to subdivision (e) of Section 366.21 if the
15 court finds by clear and convincing evidence one of the following:

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

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

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

21 (3) (A) Notwithstanding subparagraphs (A), (B), and (C) of
22 paragraph (1), court-ordered services may be extended up to a
23 maximum time period not to exceed 18 months after the date the
24 child was originally removed from physical custody of the child's
25 parent or guardian if it can be shown, at the hearing held pursuant
26 to subdivision (f) of Section 366.21, that the permanent plan for
27 the child is that the child will be returned and safely maintained
28 in the home within the extended time period. The court shall extend
29 the time period only if it finds that there is a substantial probability
30 that the child will be returned to the physical custody of the child's
31 parent or guardian within the extended time period, or that
32 reasonable services have not been provided to the parent or
33 guardian. Additionally, in the case of an Indian child, the court
34 shall extend the time period if it finds active efforts, as defined in
35 subdivision (f) of Section 224.1, to reunite the child with their
36 family have not been made. In determining whether court-ordered
37 services may be extended, the court shall consider the special
38 circumstances of an incarcerated or institutionalized parent or
39 parents, parent or parents court-ordered to a residential substance
40 abuse treatment program, or a parent who has been arrested and

1 issued an immigration hold, detained by the United States
2 Department of Homeland Security, or deported to the parent's
3 country of origin, including, but not limited to, barriers to the
4 parent's or guardian's access to services and ability to maintain
5 contact with their child. The court shall also consider, among other
6 factors, good faith efforts that the parent or guardian has made to
7 maintain contact with the child. If the court extends the time period,
8 the court shall specify the factual basis for its conclusion that there
9 is a substantial probability that the child will be returned to the
10 physical custody of the child's parent or guardian within the
11 extended time period, that reasonable services have not been
12 provided to the parent or guardian, or, in the case of an Indian
13 child, that active efforts to reunite the child with their family have
14 not been made. The court also shall make findings pursuant to
15 subdivision (a) of Section 366 and subdivision (e) of Section 358.1.

16 (B) When counseling or other treatment services are ordered,
17 the parent or guardian shall be ordered to participate in those
18 services, unless the parent's or guardian's participation is deemed
19 by the court to be inappropriate or potentially detrimental to the
20 child, or unless a parent or guardian is incarcerated or detained by
21 the United States Department of Homeland Security and the
22 corrections facility in which the parent or guardian is incarcerated
23 does not provide access to the treatment services ordered by the
24 court, or has been deported to their country of origin and services
25 ordered by the court are not accessible in that country. Physical
26 custody of the child by the parents or guardians during the
27 applicable time period under subparagraph (A), (B), or (C) of
28 paragraph (1) shall not serve to interrupt the running of the time
29 period. If at the end of the applicable time period, a child cannot
30 be safely returned to the care and custody of a parent or guardian
31 without court supervision, but the child clearly desires contact with
32 the parent or guardian, the court shall take the child's desire into
33 account in devising a permanency plan.

34 (C) In cases where the child was under three years of age on
35 the date of the initial removal from the physical custody of the
36 child's parent or guardian or is a member of a sibling group as
37 described in subparagraph (C) of paragraph (1), the court shall
38 inform the parent or guardian that the failure of the parent or
39 guardian to participate regularly in any court-ordered treatment
40 programs or to cooperate or avail themselves of services provided

1 as part of the child welfare services case plan may result in a
2 termination of efforts to reunify the family after six months. The
3 court shall inform the parent or guardian of the factors used in
4 subdivision (e) of Section 366.21 to determine whether to limit
5 services to six months for some or all members of a sibling group
6 as described in subparagraph (C) of paragraph (1).

7 (4) (A) Notwithstanding paragraph (3), court-ordered services
8 may be extended up to a maximum time period not to exceed 24
9 months after the date the child was originally removed from
10 physical custody of the child's parent or guardian if it is shown,
11 at the hearing held pursuant to paragraph (1) of subdivision (b) of
12 Section 366.22, that the permanent plan for the child is that the
13 child will be returned and safely maintained in the home within
14 the extended time period. The court shall extend the time period
15 only if it finds that, (i) it is in the child's best interest to have the
16 time period extended and that there is a substantial probability that
17 the child will be returned to the physical custody of the child's
18 parent or guardian who is described in subdivision (b) of Section
19 366.22 within the extended time period, (ii) reasonable services
20 have not been provided to the parent or guardian, or (iii) in the
21 case of an Indian child, active efforts, as defined in subdivision
22 (f) of Section 224.1, to reunite the child with their family have not
23 been made. If the court extends the time period, the court shall
24 specify the factual basis for its conclusion that there is a substantial
25 probability that the child will be returned to the physical custody
26 of the child's parent or guardian within the extended time period,
27 or that reasonable services have not been provided to the parent
28 or guardian. The court also shall make findings pursuant to
29 subdivision (a) of Section 366 and subdivision (e) of Section 358.1.

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

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

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

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

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

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

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

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

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

38 (B) A finding of severe sexual abuse, for the purposes of this
39 subdivision, may be based on, but is not limited to, sexual
40 intercourse, or stimulation involving genital-genital, oral-genital,

1 anal-genital, or oral-anal contact, whether between the parent or
2 guardian and the child or a sibling or half sibling of the child, or
3 between the child or a sibling or half sibling of the child and
4 another person or animal with the actual or implied consent of the
5 parent or guardian; or the penetration or manipulation of the
6 child's, sibling's, or half sibling's genital organs or rectum by any
7 animate or inanimate object for the sexual gratification of the
8 parent or guardian, or for the sexual gratification of another person
9 with the actual or implied consent of the parent or guardian.

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

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

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

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

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

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

18 (11) (A) That the parental rights of a parent over any sibling
19 or half sibling of the child had been permanently severed, and this
20 parent is the same parent described in subdivision (a), and that,
21 according to the findings of the court, this parent has not
22 subsequently made a reasonable effort to treat the problems that
23 led to removal of the sibling or half sibling of that child from the
24 parent.

25 (B) This paragraph does not apply if the only times the court
26 permanently severed parental rights over any siblings or half
27 siblings of the child were when the parent was a minor parent, a
28 nonminor dependent parent, or adjudged a ward of the juvenile
29 court pursuant to Section 601 or 602. For purposes of this
30 subparagraph, “minor parent” and “nonminor dependent parent”
31 have the same meaning as in Section 16002.5.

32 (12) (A) ~~(i) That the parent or guardian of the child has been~~
33 ~~convicted of a violent felony, as defined in subdivision (c) of~~
34 ~~Section 667.5 of the Penal Code. Code, within the past five years.~~

35 ~~(ii) This subparagraph shall become inoperative on January 1,~~
36 ~~2027.~~

37 (B) ~~(i) Notwithstanding subparagraph (A), the fact alone that~~
38 ~~the parent or guardian of the child has been convicted of a violent~~
39 ~~felony, as defined in subdivision (c) of Section 667.5 of the Penal~~
40 ~~Code, and that, based on an individualized assessment conducted~~

1 by a caseworker from a community-based organization or
2 nongovernmental organization with expertise in family
3 reunification, the violent felony for which the parent or guardian
4 was convicted involved harm to the child or the parent or guardian
5 poses a current and documented risk to the safety of the child.
6 *within the past five years is not a sufficient basis for the denial of*
7 *reunification services. Reunification services shall not be denied*
8 *on the basis of this paragraph unless the court finds, by a*
9 *preponderance of the evidence, one or more of the following:*

10 (ii) ~~Before making the finding specified in clause (i), the court~~
11 ~~shall require a caseworker to conduct trauma-informed assessments~~
12 ~~to evaluate the impact of separation and the denial of reunification~~
13 ~~services on the family, including the social, emotional, and~~
14 ~~developmental trauma experienced by the child and parent or~~
15 ~~guardian. The assessment shall determine the family's readiness~~
16 ~~for reunification services and identify appropriate supports to~~
17 ~~facilitate a safe and successful reunification process. The~~
18 ~~caseworker shall also assist families in accessing services,~~
19 ~~navigating the court process, and providing recommendations to~~
20 ~~the court based on the findings of their assessments.~~

21 (iii) ~~The court shall identify and engage for assessment families~~
22 ~~that were denied reunification services due to a violent felony~~
23 ~~pursuant to this paragraph prior to January 1, 2026. A caseworker~~
24 ~~shall contact these families to evaluate the trauma caused by the~~
25 ~~separation and denial of reunification services, determine their~~
26 ~~readiness for reunification services, and ensure access to necessary~~
27 ~~supports. The court shall prioritize timely reviews of petitions for~~
28 ~~reunification services filed on behalf of these families to prevent~~
29 ~~further delays in reunification.~~

30 (iv) ~~A judge, commissioner, or other hearing officer in a juvenile~~
31 ~~court or family court who presides over cases involving the denial~~
32 ~~of reunification services pursuant to this section shall complete~~
33 ~~annual trauma-informed training developed in collaboration with~~
34 ~~qualified child welfare experts. The training shall include best~~
35 ~~practices for equitable decisionmaking, understanding systemic~~
36 ~~trauma, and fostering reunification through individualized~~
37 ~~assessments. The Judicial Council shall issue an annual public~~
38 ~~report detailing compliance with training requirements and metrics~~
39 ~~on reunification rates and transparent decisionmaking practices.~~

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

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

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

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

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

(i) Both of the following are true about the crime that is the basis for the conviction:

(I) The parent or guardian personally used force or a weapon.

(II) The child or another child was the victim.

(ii) According to evidence presented by the county welfare department, providing reunification services is likely to endanger, or cause additional harm or trauma, to the child.

(iii) According to evidence presented by the county welfare department, the parent or guardian has a history of multiple convictions as an adult in the past five years, other than the conviction for the violent felony, each based upon a separate incident, that collectively pose a current risk to the safety of the child.

(C) If the court finds, pursuant to subparagraph (B), that the parent's or guardian's conviction does not disqualify them from receiving reunification services, the court shall order reunification services to be provided unless it finds, by a preponderance of the evidence, that reunification is not in the best interest of the child,

1 *or that the parent or guardian does not qualify for reunification*
2 *services based upon a reason other than this paragraph.*

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

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

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

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

38 (16) That the parent or guardian has been required by the court
39 to be registered on a sex offender registry under the federal Adam
40 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.

1 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the
2 federal Child Abuse Prevention and Treatment Act (42 U.S.C.
3 Sec. 5106a(2)(B)(xvi)(VI)).

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

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

21 (2) The court shall not order reunification for a parent or
22 guardian described in paragraph (3), (4), (6), (7), (8), (9), (10),
23 (11), ~~(12)~~, (13), (14), (15), (16), or (17) of subdivision (b) unless
24 the court finds, by clear and convincing evidence, that reunification
25 is in the best interest of the child.

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

37 (4) The failure of the parent to respond to previous services, the
38 fact that the child was abused while the parent was under the
39 influence of drugs or alcohol, a past history of violent behavior,
40 or testimony by a competent professional that the parent's behavior

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

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

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

36 (A) Maintaining contact between the parent and child through
37 collect telephone calls.

38 (B) Transportation services, when appropriate.

39 (C) Visitation services, when appropriate.

1 (D) (i) Reasonable services to extended family members or
2 foster parents providing care for the child if the services are not
3 detrimental to the child.

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

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

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

30 (3) Notwithstanding any other law, if the incarcerated parent is
31 a woman seeking to participate in the community treatment
32 program operated by the Department of Corrections and
33 Rehabilitation pursuant to Chapter 4.8 (commencing with Section
34 1174) of Title 7 of Part 2 of, Chapter 4 (commencing with Section
35 3410) of Title 2 of Part 3 of, the Penal Code, the court shall
36 determine whether the parent's participation in a program is in the
37 child's best interest and whether it is suitable to meet the needs of
38 the parent and child.

39 (4) Parents and guardians in custody prior to conviction shall
40 not be denied reunification services pursuant to paragraph (1). In

determining the content of reasonable services, the court shall consider the particular barriers to an incarcerated, institutionalized, detained, or deported parent's or guardian's access to those court-mandated services and ability to maintain contact with the child, and shall document this information in the child's case plan. Reunification services are subject to the applicable time limitations imposed in subdivision (a). Nothing in this paragraph precludes denial of reunification services pursuant to subdivision (b).

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

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

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

(B) A review of the amount of and nature of any contact between the child and the child's parents and other members of the child's extended family since the time of placement. Although the extended family of each child shall be reviewed on a case-by-case basis, "extended family" for the purpose of this subparagraph shall

1 include, but not be limited to, the child's siblings, grandparents,
2 aunts, and uncles.

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

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

10 (iii) In instances where it is determined that disclosure pursuant
11 to clause (ii) of the contact information of the person or persons
12 currently holding the right to make educational decisions for the
13 child poses a threat to the health and safety of that individual or
14 those individuals, that contact information shall be redacted or
15 withheld from the evaluation.

16 (D) A preliminary assessment of the eligibility and commitment
17 of any identified prospective adoptive parent or guardian, including
18 a prospective tribal customary adoptive parent, particularly the
19 caretaker, to include a social history, including screening for
20 criminal records and prior referrals for child abuse or neglect, the
21 capability to meet the child's needs, and the understanding of the
22 legal and financial rights and responsibilities of adoption and
23 guardianship. If a proposed guardian is a relative of the minor, the
24 assessment shall also consider, but need not be limited to, all of
25 the factors specified in subdivision (a) of Section 361.3 and in
26 Section 361.4. As used in this subparagraph, "relative" means an
27 adult who is related to the minor by blood, adoption, or affinity
28 within the fifth degree of kinship, including stepparents,
29 stepsiblings, and all relatives whose status is preceded by the words
30 "great," "great-great," or "grand," or the spouse of any of those
31 persons even if the marriage was terminated by death or
32 dissolution. If the proposed permanent plan is guardianship with
33 an approved relative caregiver for a minor eligible for aid under
34 the Kin-GAP Program, as provided for in Article 4.7 (commencing
35 with Section 11385) of Chapter 2 of Part 3 of Division 9, "relative"
36 as used in this section has the same meaning as "relative" as
37 defined in subdivision (c) of Section 11391.

38 (E) The relationship of the child to any identified prospective
39 adoptive parent or guardian, including a prospective tribal
40 customary parent, the duration and character of the relationship,

1 the degree of attachment of the child to the prospective relative
2 guardian or adoptive parent, the relative's or adoptive parent's
3 strong commitment to caring permanently for the child, the
4 motivation for seeking adoption or guardianship, a statement from
5 the child concerning placement and the adoption or guardianship,
6 and whether the child over 12 years of age has been consulted
7 about the proposed relative guardianship arrangements, unless the
8 child's age or physical, emotional, or other condition precludes
9 the child's meaningful response, and, if so, a description of the
10 condition.

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

13 (G) In the case of an Indian child, in addition to subparagraphs
14 (A) to (F), inclusive, an assessment of the likelihood that the child
15 will be adopted, when, in consultation with the child's tribe, a
16 tribal customary adoption, as defined in Section 366.24, is
17 recommended. If tribal customary adoption is recommended, the
18 assessment shall include an analysis of both of the following:

19 (i) Whether tribal customary adoption would or would not be
20 detrimental to the Indian child and the reasons for reaching that
21 conclusion.

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

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

31 (B) Regardless of a relative caregiver's immigration status, a
32 relative caregiver shall be given information regarding the
33 permanency options of guardianship and adoption, including the
34 long-term benefits and consequences of each option, prior to
35 establishing legal guardianship or pursuing adoption. If the
36 proposed permanent plan is guardianship with an approved relative
37 caregiver for a minor eligible for aid under the Kin-GAP Program,
38 as provided for in Article 4.7 (commencing with Section 11385)
39 of Chapter 2 of Part 3 of Division 9, the relative caregiver shall
40 be informed about the terms and conditions of the negotiated

1 agreement pursuant to Section 11387 and shall agree to its
2 execution prior to the hearing held pursuant to Section 366.26. A
3 copy of the executed negotiated agreement shall be attached to the
4 assessment.

5 (h) If, at any hearing held pursuant to Section 366.26, a
6 guardianship is established for the minor with an approved relative
7 caregiver and juvenile court dependency is subsequently dismissed,
8 the minor shall be eligible for aid under the Kin-GAP Program,
9 as provided for in Article 4.5 (commencing with Section 11360)
10 or Article 4.7 (commencing with Section 11385), as applicable,
11 of Chapter 2 of Part 3 of Division 9.

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

16 (1) The specific act or omission comprising the severe sexual
17 abuse or the severe physical harm inflicted on the child or the
18 child's sibling or half sibling.

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

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

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

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

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

30 (j) When the court determines that reunification services will
31 not be ordered, it shall order that the child's caregiver receive the
32 child's birth certificate in accordance with Sections 16010.4 and
33 16010.5. Additionally, when the court determines that reunification
34 services will not be ordered, it shall order, when appropriate, that
35 a child who is 16 years of age or older receive the child's birth
36 certificate.

37 (k) The court shall read into the record the basis for a finding
38 of severe sexual abuse or the infliction of severe physical harm
39 under paragraph (6) of subdivision (b), and shall also specify the
40 factual findings used to determine that the provision of

1 reunification services to the offending parent or guardian would
2 not benefit the child.

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

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