

**ASSEMBLY BILL**

**No. 899**

---

---

**Introduced by Assembly Member Liu**

February 23, 2001

---

---

An act to add Section 1530.91 to the Health and Safety Code, and to amend Section 16164 of, and to add Sections 27, 355.1, and 16001.9 to, the Welfare and Institutions Code, relating to human services.

LEGISLATIVE COUNSEL'S DIGEST

AB 899, as introduced, Liu. Rights of foster children.

Existing law establishes procedures for the placement of certain children in foster care.

Existing law provides for licensing of facilities that provide foster care for children.

Existing law requires the State Department of Social Services to license defined community care facilities, including facilities that provide foster care services for children, and to adopt regulations for this purpose. Under existing law, violation of the community care licensing provisions or related regulations adopted by the department is a misdemeanor.

This bill would require those facilities to make certain information regarding the rights of children in foster care available to those children. By changing the definition of a crime, this bill would result in a state-mandated local program.

This bill would state the policy of the state with respect to the rights of children placed in foster care, and would require social workers and facilities providing social services for children in foster care to provide those children with information regarding those rights.

To the extent this bill would increase the responsibilities of counties in the administration of the provision of foster care benefits for children, this bill would result in 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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

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 1530.91 is added to the Health and  
2 Safety Code, to read:

3 1530.91. (a) Except as provided in subdivision (b) any  
4 facility licensed to provide foster care for children pursuant to this  
5 chapter shall provide each schoolage child and his or her  
6 authorized representative, as defined in regulations adopted by the  
7 department, who is placed in foster care with an age-appropriate  
8 orientation that includes an explanation of the rights of the child,  
9 as specified in Section 16001.9 of the Welfare and Institutions  
10 Code, and addresses the child's questions and concerns.

11 (b) Any facility licensed to provide foster care for six or more  
12 children pursuant to this chapter shall post a listing of a foster  
13 child's rights specified in Section 16001.9 of the Welfare and  
14 Institutions Code. The office of the State Foster Care Ombudsman  
15 shall design posters and provide the posters to each facility subject  
16 to this subdivision.

17 SEC. 2. Section 27 is added to the Welfare and Institutions  
18 Code, to read:



1 27. Each agency and department responsible for listing in  
2 regulations the rights and responsibilities of children under this  
3 division shall incorporate the rights and responsibilities of foster  
4 children, as listed Section 16001.9, in the list.

5 SEC. 3. Section 355.1 is added to the Welfare and Institutions  
6 Code, to read:

7 355.1. Prior to every status review hearing pursuant to  
8 Section 366.21, the child's social worker shall inform a foster child  
9 of his or her rights and responsibilities as a foster child specified  
10 in Section 16001.9. Information on the child's rights shall be  
11 provided in an age-appropriate manner. If the social worker is  
12 unable to personally inform the child of his or her rights, the social  
13 worker shall ensure that the child's attorney or court appointed  
14 special advocate has informed the child of his or her rights.

15 SEC. 4. Section 16001.9 is added to the Welfare and  
16 Institutions Code, to read:

17 16001.9. The Legislature finds and declares that it is the  
18 policy of the state to strive to ensure that children in foster care  
19 have the following rights:

20 (a) The right to be treated with respect.

21 (b) The right to adequate living conditions and a homelike  
22 environment.

23 (c) The right to adequate medical, dental, and psychiatric care.

24 (d) The right to be free from corporal or unusual punishment,  
25 infliction of pain, humiliation, intimidation, ridicule, coercion,  
26 threat, mental abuse, or other actions of a punitive nature,  
27 including, but not limited to: interference with daily living  
28 functions, including eating, sleeping, or toileting; or withholding  
29 of shelter, clothing, medication, or aids to physical functioning.

30 (e) The right to contact family members, social workers,  
31 attorneys, mentors, California Youth Connection supporters and  
32 the state or local foster care ombudsman.

33 (f) The right to file a complaint with the licensing agency  
34 without fear of retaliation.

35 (g) The right not be locked in any room, building, or facility  
36 premises by day or night.

37 (h) The right not to be placed in any restraining device, except  
38 a supportive restraint approved in advance by the licensing agency.



- 1 (i) The right to attend religious services or activities.  
2 Attendance at religious services, either in or outside the facility,  
3 shall be on a completely voluntary basis.
- 4 (j) The right to education and community involvement.
- 5 (k) The right to work and develop job skills.
- 6 (l) The right to social contacts.
- 7 (m) The right to adequate clothing.
- 8 (n) The right to a reasonable allowance.
- 9 (o) The right to receive emancipation services through a formal  
10 independent living program provided by the State Department of  
11 Social Services.
- 12 (p) The responsibility for involvement in a full-time  
13 educational or job training program leading to a high school  
14 diploma or general educational development certificate (GED).
- 15 (q) The responsibility to be actively involved in preparation for  
16 emancipation by any of the following:
- 17 (1) Working on an individual emancipation plan.  
18 (2) Attending independent living program training.  
19 (3) Participating in a transitional living program.
- 20 (r) The responsibility to open and maintain an emancipation  
21 savings account.
- 22 (s) The responsibility to respect the person and property of the  
23 other members of the family, the care providers, or residential staff  
24 with whom they reside.
- 25 (t) The responsibility to make contact at least every three  
26 months with either a placement worker, an independent living  
27 program staff person, or an emancipation assistant for the county  
28 that placed the foster youth.
- 29 (u) The responsibility to keep his or her care provider, social  
30 worker, and counselors informed about current needs or problems  
31 affecting the foster youth.
- 32 SEC. 5. Section 16164 of the Welfare and Institutions Code  
33 is amended to read:
- 34 16164. (a) The Office of the State Foster Care  
35 Ombudsperson shall do all of the following:
- 36 (1) Disseminate information on the rights of children and youth  
37 in foster care and the services provided by the office. *The rights of*  
38 *children and youths in foster care are listed in Section 16001.9.*  
39 The information shall include notification that conversations with  
40 the office may not be confidential.



1 (2) Investigate and attempt to resolve complaints made by or on  
2 behalf of children placed in foster care, related to their care,  
3 placement, or services.

4 (3) Decide, in its discretion, whether to investigate a complaint,  
5 or refer complaints to another agency for investigation.

6 (4) Upon rendering a decision to investigate a complaint from  
7 a complainant, notify the complainant of the intention to  
8 investigate. If the office declines to investigate a complaint or  
9 continue an investigation, the office shall notify the complainant  
10 of the reason for the action of the office.

11 (5) Update the complainant on the progress of the investigation  
12 and notify the complainant of the final outcome.

13 (6) Document the number, source, origin, location, and nature  
14 of complaints.

15 (7) Compile and make available to the Legislature all data  
16 collected over the course of the year including, but not limited to,  
17 the number of contacts to the toll-free telephone number, the  
18 number of complaints made, the number of investigations  
19 performed by the office, the number of referrals made, and the  
20 number of unresolved complaints.

21 (8) Have access to any record of a state or local agency that is  
22 necessary to carry out his or her responsibilities, and may meet or  
23 communicate with any foster child in his or her placement or  
24 elsewhere.

25 (b) The office may establish, in consultation with a committee  
26 of interested individuals, regional or local foster care  
27 ombudsperson offices for the purposes of expediting  
28 investigations and resolving complaints, subject to appropriations  
29 in the annual Budget Act.

30 SEC. 6. No reimbursement is required by this act pursuant to  
31 Section 6 of Article XIII B of the California Constitution for  
32 certain costs that may be incurred by a local agency or school  
33 district because in that regard this act creates a new crime or  
34 infraction, eliminates a crime or infraction, or changes the penalty  
35 for a crime or infraction, within the meaning of Section 17556 of  
36 the Government Code, or changes the definition of a crime within  
37 the meaning of Section 6 of Article XIII B of the California  
38 Constitution.

39 However, notwithstanding Section 17610 of the Government  
40 Code, if the Commission on State Mandates determines that this



1 act contains other costs mandated by the state, reimbursement to  
2 local agencies and school districts for those costs shall be made  
3 pursuant to Part 7 (commencing with Section 17500) of Division  
4 4 of Title 2 of the Government Code. If the statewide cost of the  
5 claim for reimbursement does not exceed one million dollars  
6 (\$1,000,000), reimbursement shall be made from the State  
7 Mandates Claims Fund.

O

