

AMENDED IN ASSEMBLY APRIL 9, 2014  
AMENDED IN ASSEMBLY MARCH 25, 2014  
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1790**

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**Introduced by Assembly Member Dickinson**

February 18, 2014

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An act to amend Section 8715 of, and to add Section 8715.5 to, the Family Code, and to amend ~~Section~~ *Sections 361.5 and 16125* of the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1790, as amended, Dickinson. Foster children: mental health services.

Existing law provides for the Adoption Assistance Program, administered by the State Department of Social Services, which provides for the payment by the department and counties of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the circumstances of the family. Under existing law, the department, county adoption agency, or licensed adoption agency is required, among other duties, to provide the prospective adoptive family with information on the availability of mental health services through the Medi-Cal program or other programs. Existing law provides that a foster child whose adoption has become final and who is receiving or is eligible to receive Adoption Assistance Program assistance, including Medi-Cal, and whose foster care court supervision has been terminated, shall be provided medically necessary specialty mental health services by the local mental health plan in the county of residence of his or her adoptive parents, as specified.

~~This bill would require the county mental health plan to prioritize referrals of pre- and postadoptive or guardianship families to specialty mental health services providers who are adoption and permanency competent, as described~~ *take steps to increase the pool of specialty mental health providers who meet specified training and experience criteria and are available to meet the needs of children formerly in foster care who have been adopted or placed with a guardian.* The bill would require the department to convene a stakeholder group to *recommend strategies and facilitate the development of a process to approve curricula and determine criteria for trainers of mental health professionals seeking to become adoption and permanency competent.* ~~The bill would also require the county mental health plan to take steps to increase the pool of adoption and permanency competent specialty mental health providers who are available to meet the needs of the children.~~ *of processes relating to the education and training of these specialty mental health providers.*

To the extent that it would impose new duties on counties in connection with the provision of mental health services, this bill would impose a state-mandated local program.

Existing law requires the department, county adoption agency, or licensed adoption agency, whichever is a party to an adoption petition, to submit a full report of the facts of the case to the court. *Existing law also requires that if the juvenile court sets a selection and implementation hearing for a dependent child, the county adoption agency or the department and the agency supervising the child prepare an assessment that addresses, among other things, the relationship of the child to any identified prospective adoptive parent or guardian.*

~~This bill, commencing January 1, 2016, would require the department, county adoption agency, or licensed adoption agency those entities to inform the prospective adoptive parents or prospective guardians about the importance of working with mental health providers who are competent in the provision of adoption- and permanency-related mental health services meet specified training and experience criteria, and to indicate in the report or assessment whether this information has been provided.~~

By requiring county adoption agencies *and county child welfare agencies* to provide this information, this 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, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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. (a) The Legislature finds and declares all of the  
2 following:

3 (1) Despite the increase in the number of children achieving  
4 permanence through adoption, placement of a child into a stable  
5 and motivated family is not considered sufficient to compensate  
6 for psychosocial problems related to prior trauma and chronic  
7 maltreatment. As the number of adopted children with significant  
8 developmental and emotional issues surrounding their adoption  
9 experience has grown, the need has increased for child welfare  
10 professionals and clinicians with an in-depth understanding of  
11 adoption issues and the skills to work effectively with adoptive  
12 persons and their families.

13 (2) Adoption issues are not typically included in the education  
14 of psychologists and marriage and family therapists, and these  
15 issues are given relatively limited attention in the training of  
16 graduate level social workers. Many textbooks for counseling  
17 professionals have limited coverage of adoption. As a result, most  
18 mental health practitioners and many child welfare professionals  
19 lack knowledge about adoption and the issues that are unique to  
20 adoptive families. Many mental health professionals, for example,  
21 are unaware of the potential impact of adoption on clients. Given  
22 the absence of education on adoption issues, it is not surprising  
23 that many counselors report feeling unprepared to deal with  
24 adoption related issues in their practice.

25 (3) The interest in developing specialized clinical training in  
26 adoption has evolved over two decades as a result of the high  
27 demand for postadoption services by families and the lack of local

1 mental health and post permanency supports that address the needs  
2 of adoptive families.

3 (4) Adoption competence begins with a solid foundation of  
4 knowledge and clinical skills gained through an approved graduate  
5 program in psychiatry, psychology, social work, marriage and  
6 family therapy, or counseling. Meeting the needs of individuals  
7 and families touched by adoption also requires specialized training  
8 in assessment, diagnosis, and intervention. At each phase of the  
9 clinical process, therapists must be attuned to the complex array  
10 of historical and contemporary factors impacting the lives of their  
11 clients and, specifically, to the ways in which the adoption  
12 experience can influence their identity, relationships, and  
13 development.

14 (b) It is the intent of the Legislature in enacting this act to  
15 increase stability of adoptive and guardianship families by  
16 increasing the pool of adoption and permanency competent mental  
17 health professionals.

18 SEC. 2. Section 8715 of the Family Code is amended to read:

19 8715. (a) The department, county adoption agency, or licensed  
20 adoption agency, whichever is a party to, or joins in, the petition,  
21 shall submit a full report of the facts of the case to the court.

22 (b) If the child has been adjudged to be a dependent of the  
23 juvenile court pursuant to Section 300 of the Welfare and  
24 Institutions Code, and has thereafter been freed for adoption by  
25 the juvenile court, the report required by this section shall describe  
26 whether the requirements of subdivision (e) of Section 16002 of  
27 the Welfare and Institutions Code have been completed and what,  
28 if any, plan exists for facilitation of postadoptive contact between  
29 the child who is the subject of the adoption petition and his or her  
30 siblings and half siblings.

31 (c) If a petition for adoption has been filed with a postadoption  
32 contact agreement pursuant to Section 8616.5, the report shall  
33 address whether the postadoption contact agreement has been  
34 entered into voluntarily, and whether it is in the best interests of  
35 the child who is the subject of the petition.

36 (d) Commencing January 1, 2016, the report required by this  
37 section shall describe whether the prospective adoptive parents  
38 have been provided with the information required by Section  
39 8715.5.

1 (e) The department may also submit a report in those cases in  
2 which a county adoption agency, or licensed adoption agency is  
3 a party or joins in the adoption petition.

4 (f) If a petitioner is a resident of a state other than California,  
5 an updated and current homestudy report, conducted and approved  
6 by a licensed adoption agency or other authorized resource in the  
7 state in which the petitioner resides, shall be reviewed and endorsed  
8 by the department, county adoption agency, or licensed adoption  
9 agency, if the standards and criteria established for a homestudy  
10 report in the other state are substantially commensurate with the  
11 homestudy standards and criteria established in California adoption  
12 regulations.

13 SEC. 3. Section 8715.5 is added to the Family Code, to read:

14 8715.5. (a) Prior to the finalization of an adoption, the  
15 department, county adoption agency, or licensed adoption agency  
16 shall inform the adoptive parents about the importance of working  
17 with mental health providers who ~~are competent in the provision~~  
18 ~~of adoption- and permanency-related mental health services~~ *have*  
19 *specialized adoption training and experience*, should they require  
20 those services in the future. This information shall include the  
21 ~~competency training and experience~~ criteria set forth in subdivision  
22 (d) of Section 16125 of the Welfare and Institutions Code.

23 (b) This section shall become operative on January 1, 2016.

24 SEC. 4. *Section 361.5 of the Welfare and Institutions Code is*  
25 *amended to read:*

26 361.5. (a) Except as provided in subdivision (b), or when the  
27 parent has voluntarily relinquished the child and the relinquishment  
28 has been filed with the State Department of Social Services, or  
29 upon the establishment of an order of guardianship pursuant to  
30 Section 360, or when a court adjudicates a petition under Section  
31 329 to modify the court's jurisdiction from delinquency jurisdiction  
32 to dependency jurisdiction pursuant to subparagraph (A) of  
33 paragraph (2) of subdivision (b) of Section 607.2 and the parents  
34 or guardian of the ward have had reunification services terminated  
35 under the delinquency jurisdiction, whenever a child is removed  
36 from a parent's or guardian's custody, the juvenile court shall order  
37 the social worker to provide child welfare services to the child and  
38 the child's mother and statutorily presumed father or guardians.  
39 Upon a finding and declaration of paternity by the juvenile court  
40 or proof of a prior declaration of paternity by any court of

1 competent jurisdiction, the juvenile court may order services for  
2 the child and the biological father, if the court determines that the  
3 services will benefit the child.

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

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

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

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

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

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

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

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

6 (3) Notwithstanding subparagraphs (A), (B), and (C) of  
7 paragraph (1), court-ordered services may be extended up to a  
8 maximum time period not to exceed 18 months after the date the  
9 child was originally removed from physical custody of his or her  
10 parent or guardian if it can be shown, at the hearing held pursuant  
11 to subdivision (f) of Section 366.21, that the permanent plan for  
12 the child is that he or she will be returned and safely maintained  
13 in the home within the extended time period. The court shall extend  
14 the time period only if it finds that there is a substantial probability  
15 that the child will be returned to the physical custody of his or her  
16 parent or guardian within the extended time period or that  
17 reasonable services have not been provided to the parent or  
18 guardian. In determining whether court-ordered services may be  
19 extended, the court shall consider the special circumstances of an  
20 incarcerated or institutionalized parent or parents, parent or parents  
21 court-ordered to a residential substance abuse treatment program,  
22 or a parent who has been arrested and issued an immigration hold,  
23 detained by the United States Department of Homeland Security,  
24 or deported to his or her country of origin, including, but not  
25 limited to, barriers to the parent's or guardian's access to services  
26 and ability to maintain contact with his or her child. The court  
27 shall also consider, among other factors, good faith efforts that the  
28 parent or guardian has made to maintain contact with the child. If  
29 the court extends the time period, the court shall specify the factual  
30 basis for its conclusion that there is a substantial probability that  
31 the child will be returned to the physical custody of his or her  
32 parent or guardian within the extended time period. The court also  
33 shall make findings pursuant to subdivision (a) of Section 366 and  
34 subdivision (e) of Section 358.1.

35 When counseling or other treatment services are ordered, the  
36 parent or guardian shall be ordered to participate in those services,  
37 unless the parent's or guardian's participation is deemed by the  
38 court to be inappropriate or potentially detrimental to the child, or  
39 unless a parent or guardian is incarcerated or detained by the United  
40 States Department of Homeland Security and the corrections

1 facility in which he or she is incarcerated does not provide access  
2 to the treatment services ordered by the court, or has been deported  
3 to his or her country of origin and services ordered by the court  
4 are not accessible in that country. Physical custody of the child by  
5 the parents or guardians during the applicable time period under  
6 subparagraph (A), (B), or (C) of paragraph (1) shall not serve to  
7 interrupt the running of the time period. If at the end of the  
8 applicable time period, a child cannot be safely returned to the  
9 care and custody of a parent or guardian without court supervision,  
10 but the child clearly desires contact with the parent or guardian,  
11 the court shall take the child's desire into account in devising a  
12 permanency plan.

13 In cases where the child was under three years of age on the date  
14 of the initial removal from the physical custody of his or her parent  
15 or guardian or is a member of a sibling group as described in  
16 subparagraph (C) of paragraph (1), the court shall inform the parent  
17 or guardian that the failure of the parent or guardian to participate  
18 regularly in any court-ordered treatment programs or to cooperate  
19 or avail himself or herself of services provided as part of the child  
20 welfare services case plan may result in a termination of efforts  
21 to reunify the family after six months. The court shall inform the  
22 parent or guardian of the factors used in subdivision (e) of Section  
23 366.21 to determine whether to limit services to six months for  
24 some or all members of a sibling group as described in  
25 subparagraph (C) of paragraph (1).

26 (4) Notwithstanding paragraph (3), court-ordered services may  
27 be extended up to a maximum time period not to exceed 24 months  
28 after the date the child was originally removed from physical  
29 custody of his or her parent or guardian if it is shown, at the hearing  
30 held pursuant to subdivision (b) of Section 366.22, that the  
31 permanent plan for the child is that he or she will be returned and  
32 safely maintained in the home within the extended time period.  
33 The court shall extend the time period only if it finds that it is in  
34 the child's best interest to have the time period extended and that  
35 there is a substantial probability that the child will be returned to  
36 the physical custody of his or her parent or guardian who is  
37 described in subdivision (b) of Section 366.22 within the extended  
38 time period, or that reasonable services have not been provided to  
39 the parent or guardian. If the court extends the time period, the  
40 court shall specify the factual basis for its conclusion that there is

1 a substantial probability that the child will be returned to the  
2 physical custody of his or her parent or guardian within the  
3 extended time period. The court also shall make findings pursuant  
4 to subdivision (a) of Section 366 and subdivision (e) of Section  
5 358.1.

6 When counseling or other treatment services are ordered, the  
7 parent or guardian shall be ordered to participate in those services,  
8 in order for substantial probability to be found. Physical custody  
9 of the child by the parents or guardians during the applicable time  
10 period under subparagraph (A), (B), or (C) of paragraph (1) shall  
11 not serve to interrupt the running of the time period. If at the end  
12 of the applicable time period, the child cannot be safely returned  
13 to the care and custody of a parent or guardian without court  
14 supervision, but the child clearly desires contact with the parent  
15 or guardian, the court shall take the child's desire into account in  
16 devising a permanency plan.

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

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

24 (1) That the whereabouts of the parent or guardian is unknown.  
25 A finding pursuant to this paragraph shall be supported by an  
26 affidavit or by proof that a reasonably diligent search has failed  
27 to locate the parent or guardian. The posting or publication of  
28 notices is not required in that search.

29 (2) That the parent or guardian is suffering from a mental  
30 disability that is described in Chapter 2 (commencing with Section  
31 7820) of Part 4 of Division 12 of the Family Code and that renders  
32 him or her incapable of utilizing those services.

33 (3) That the child or a sibling of the child has been previously  
34 adjudicated a dependent pursuant to any subdivision of Section  
35 300 as a result of physical or sexual abuse, that following that  
36 adjudication the child had been removed from the custody of his  
37 or her parent or guardian pursuant to Section 361, that the child  
38 has been returned to the custody of the parent or guardian from  
39 whom the child had been taken originally, and that the child is

1 being removed pursuant to Section 361, due to additional physical  
2 or sexual abuse.

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

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

8 (6) That the child has been adjudicated a dependent pursuant  
9 to any subdivision of Section 300 as a result of severe sexual abuse  
10 or the infliction of severe physical harm to the child, a sibling, or  
11 a half sibling by a parent or guardian, as defined in this subdivision,  
12 and the court makes a factual finding that it would not benefit the  
13 child to pursue reunification services with the offending parent or  
14 guardian.

15 A finding of severe sexual abuse, for the purposes of this  
16 subdivision, may be based on, but is not limited to, sexual  
17 intercourse, or stimulation involving genital-genital, oral-genital,  
18 anal-genital, or oral-anal contact, whether between the parent or  
19 guardian and the child or a sibling or half sibling of the child, or  
20 between the child or a sibling or half sibling of the child and  
21 another person or animal with the actual or implied consent of the  
22 parent or guardian; or the penetration or manipulation of the  
23 child's, sibling's, or half sibling's genital organs or rectum by any  
24 animate or inanimate object for the sexual gratification of the  
25 parent or guardian, or for the sexual gratification of another person  
26 with the actual or implied consent of the parent or guardian.

27 A finding of the infliction of severe physical harm, for the  
28 purposes of this subdivision, may be based on, but is not limited  
29 to, deliberate and serious injury inflicted to or on a child's body  
30 or the body of a sibling or half sibling of the child by an act or  
31 omission of the parent or guardian, or of another individual or  
32 animal with the consent of the parent or guardian; deliberate and  
33 torturous confinement of the child, sibling, or half sibling in a  
34 closed space; or any other torturous act or omission that would be  
35 reasonably understood to cause serious emotional damage.

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

39 (8) That the child was conceived by means of the commission  
40 of an offense listed in Section 288 or 288.5 of the Penal Code, or

1 by an act committed outside of this state that, if committed in this  
2 state, would constitute one of those offenses. This paragraph only  
3 applies to the parent who committed the offense or act.

4 (9) That the child has been found to be a child described in  
5 subdivision (g) of Section 300; that the parent or guardian of the  
6 child willfully abandoned the child, and the court finds that the  
7 abandonment itself constituted a serious danger to the child; or  
8 that the parent or other person having custody of the child  
9 voluntarily surrendered physical custody of the child pursuant to  
10 Section 1255.7 of the Health and Safety Code. For the purposes  
11 of this paragraph, “serious danger” means that without the  
12 intervention of another person or agency, the child would have  
13 sustained severe or permanent disability, injury, illness, or death.  
14 For purposes of this paragraph, “willful abandonment” shall not  
15 be construed as actions taken in good faith by the parent without  
16 the intent of placing the child in serious danger.

17 (10) That the court ordered termination of reunification services  
18 for any siblings or half siblings of the child because the parent or  
19 guardian failed to reunify with the sibling or half sibling after the  
20 sibling or half sibling had been removed from that parent or  
21 guardian pursuant to Section 361 and that parent or guardian is  
22 the same parent or guardian described in subdivision (a) and that,  
23 according to the findings of the court, this parent or guardian has  
24 not subsequently made a reasonable effort to treat the problems  
25 that led to removal of the sibling or half sibling of that child from  
26 that parent or guardian.

27 (11) That the parental rights of a parent over any sibling or half  
28 sibling of the child had been permanently severed, and this parent  
29 is the same parent described in subdivision (a), and that, according  
30 to the findings of the court, this parent has not subsequently made  
31 a reasonable effort to treat the problems that led to removal of the  
32 sibling or half sibling of that child from the parent.

33 (12) That the parent or guardian of the child has been convicted  
34 of a violent felony, as defined in subdivision (c) of Section 667.5  
35 of the Penal Code.

36 (13) That the parent or guardian of the child has a history of  
37 extensive, abusive, and chronic use of drugs or alcohol and has  
38 resisted prior court-ordered treatment for this problem during a  
39 three-year period immediately prior to the filing of the petition  
40 that brought that child to the court’s attention, or has failed or

1 refused to comply with a program of drug or alcohol treatment  
2 described in the case plan required by Section 358.1 on at least  
3 two prior occasions, even though the programs identified were  
4 available and accessible.

5 (14) That the parent or guardian of the child has advised the  
6 court that he or she is not interested in receiving family  
7 maintenance or family reunification services or having the child  
8 returned to or placed in his or her custody and does not wish to  
9 receive family maintenance or reunification services.

10 The parent or guardian shall be represented by counsel and shall  
11 execute a waiver of services form to be adopted by the Judicial  
12 Council. The court shall advise the parent or guardian of any right  
13 to services and of the possible consequences of a waiver of  
14 services, including the termination of parental rights and placement  
15 of the child for adoption. The court shall not accept the waiver of  
16 services unless it states on the record its finding that the parent or  
17 guardian has knowingly and intelligently waived the right to  
18 services.

19 (15) That the parent or guardian has on one or more occasions  
20 willfully abducted the child or child's sibling or half sibling from  
21 his or her placement and refused to disclose the child's or child's  
22 sibling's or half sibling's whereabouts, refused to return physical  
23 custody of the child or child's sibling or half sibling to his or her  
24 placement, or refused to return physical custody of the child or  
25 child's sibling or half sibling to the social worker.

26 (16) That the parent or guardian has been required by the court  
27 to be registered on a sex offender registry under the federal Adam  
28 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.  
29 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the  
30 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.  
31 Sec. 5106a(2)(B)(xvi)(VI)).

32 (c) In deciding whether to order reunification in any case in  
33 which this section applies, the court shall hold a dispositional  
34 hearing. The social worker shall prepare a report that discusses  
35 whether reunification services shall be provided. When it is alleged,  
36 pursuant to paragraph (2) of subdivision (b), that the parent is  
37 incapable of utilizing services due to mental disability, the court  
38 shall order reunification services unless competent evidence from  
39 mental health professionals establishes that, even with the provision

1 of services, the parent is unlikely to be capable of adequately caring  
2 for the child within the time limits specified in subdivision (a).

3 The court shall not order reunification for a parent or guardian  
4 described in paragraph (3), (4), (6), (7), (8), (9), (10), (11), (12),  
5 (13), (14), (15), or (16) of subdivision (b) unless the court finds,  
6 by clear and convincing evidence, that reunification is in the best  
7 interest of the child.

8 In addition, the court shall not order reunification in any situation  
9 described in paragraph (5) of subdivision (b) unless it finds that,  
10 based on competent testimony, those services are likely to prevent  
11 reabuse or continued neglect of the child or that failure to try  
12 reunification will be detrimental to the child because the child is  
13 closely and positively attached to that parent. The social worker  
14 shall investigate the circumstances leading to the removal of the  
15 child and advise the court whether there are circumstances that  
16 indicate that reunification is likely to be successful or unsuccessful  
17 and whether failure to order reunification is likely to be detrimental  
18 to the child.

19 The failure of the parent to respond to previous services, the fact  
20 that the child was abused while the parent was under the influence  
21 of drugs or alcohol, a past history of violent behavior, or testimony  
22 by a competent professional that the parent's behavior is unlikely  
23 to be changed by services are among the factors indicating that  
24 reunification services are unlikely to be successful. The fact that  
25 a parent or guardian is no longer living with an individual who  
26 severely abused the child may be considered in deciding that  
27 reunification services are likely to be successful, provided that the  
28 court shall consider any pattern of behavior on the part of the parent  
29 that has exposed the child to repeated abuse.

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

35 (e) (1) If the parent or guardian is incarcerated, institutionalized,  
36 or detained by the United States Department of Homeland Security,  
37 or has been deported to his or her country of origin, the court shall  
38 order reasonable services unless the court determines, by clear and  
39 convincing evidence, those services would be detrimental to the  
40 child. In determining detriment, the court shall consider the age

1 of the child, the degree of parent-child bonding, the length of the  
 2 sentence, the length and nature of the treatment, the nature of the  
 3 crime or illness, the degree of detriment to the child if services are  
 4 not offered and, for children 10 years of age or older, the child's  
 5 attitude toward the implementation of family reunification services,  
 6 the likelihood of the parent's discharge from incarceration,  
 7 institutionalization, or detention within the reunification time  
 8 limitations described in subdivision (a), and any other appropriate  
 9 factors. In determining the content of reasonable services, the court  
 10 shall consider the particular barriers to an incarcerated,  
 11 institutionalized, detained, or deported parent's access to those  
 12 court-mandated services and ability to maintain contact with his  
 13 or her child, and shall document this information in the child's  
 14 case plan. Reunification services are subject to the applicable time  
 15 limitations imposed in subdivision (a). Services may include, but  
 16 shall not be limited to, all of the following:

17 (A) Maintaining contact between the parent and child through  
 18 collect telephone calls.

19 (B) Transportation services, where appropriate.

20 (C) Visitation services, where appropriate.

21 (D) Reasonable services to extended family members or foster  
 22 parents providing care for the child if the services are not  
 23 detrimental to the child.

24 An incarcerated or detained parent may be required to attend  
 25 counseling, parenting classes, or vocational training programs as  
 26 part of the reunification service plan if actual access to these  
 27 services is provided. The social worker shall document in the  
 28 child's case plan the particular barriers to an incarcerated,  
 29 institutionalized, or detained parent's access to those  
 30 court-mandated services and ability to maintain contact with his  
 31 or her child.

32 (E) Reasonable efforts to assist parents who have been deported  
 33 to contact child welfare authorities in their country of origin, to  
 34 identify any available services that would substantially comply  
 35 with case plan requirements, to document the parents' participation  
 36 in those services, and to accept reports from local child welfare  
 37 authorities as to the parents' living situation, progress, and  
 38 participation in services.

39 (2) The presiding judge of the juvenile court of each county  
 40 may convene representatives of the county welfare department,

1 the sheriff's department, and other appropriate entities for the  
2 purpose of developing and entering into protocols for ensuring the  
3 notification, transportation, and presence of an incarcerated or  
4 institutionalized parent at all court hearings involving proceedings  
5 affecting the child pursuant to Section 2625 of the Penal Code.  
6 The county welfare department shall utilize the prisoner locator  
7 system developed by the Department of Corrections and  
8 Rehabilitation to facilitate timely and effective notice of hearings  
9 for incarcerated parents.

10 (3) Notwithstanding any other ~~provision~~ of law, if the  
11 incarcerated parent is a woman seeking to participate in the  
12 community treatment program operated by the Department of  
13 Corrections and Rehabilitation pursuant to Chapter 4.8  
14 (commencing with Section 1174) of Title 7 of Part 2 of, Chapter  
15 4 (commencing with Section 3410) of Title 2 of Part 3 of, the Penal  
16 Code, the court shall determine whether the parent's participation  
17 in a program is in the child's best interest and whether it is suitable  
18 to meet the needs of the parent and child.

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

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

1 it is acting as an adoption agency, to prepare an assessment that  
2 shall include:

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

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

13 (C) An evaluation of the child’s medical, developmental,  
14 scholastic, mental, and emotional status.

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

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

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

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

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

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

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

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

30 (B) Regardless of his or her immigration status, a relative  
31 caregiver shall be given information regarding the permanency  
32 options of guardianship and adoption, including the long-term  
33 benefits and consequences of each option, prior to establishing  
34 legal guardianship or pursuing adoption. If the proposed permanent  
35 plan is guardianship with an approved relative caregiver for a  
36 minor eligible for aid under the Kin-GAP Program, as provided  
37 for in Article 4.7 (commencing with Section 11385) of Chapter 2  
38 of Part 3 of Division 9, the relative caregiver shall be informed  
39 about the terms and conditions of the negotiated agreement  
40 pursuant to Section 11387 and shall agree to its execution prior to

1 the hearing held pursuant to Section 366.26. A copy of the executed  
2 negotiated agreement shall be attached to the assessment.

3 (3) *Commencing January 1, 2016, the entity preparing the*  
4 *assessment shall inform the prospective adoptive parent or*  
5 *guardian of the importance of working with mental health*  
6 *providers who have specialized training and experience, as*  
7 *described in Section 16125, should the prospective adoptive parent*  
8 *or guardian require those services in the future. The assessment*  
9 *shall indicate whether this information was provided.*

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

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

21 (1) The specific act or omission comprising the severe sexual  
22 abuse or the severe physical harm inflicted on the child or the  
23 child's sibling or half sibling.

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

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

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

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

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

35 (j) When the court determines that reunification services will  
36 not be ordered, it shall order that the child's caregiver receive the  
37 child's birth certificate in accordance with Sections 16010.4 and  
38 16010.5. Additionally, when the court determines that reunification  
39 services will not be ordered, it shall order, when appropriate, that

1 a child who is 16 years of age or older receive his or her birth  
2 certificate.

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

9 ~~SEC. 4.~~

10 *SEC. 5.* Section 16125 of the Welfare and Institutions Code is  
11 amended to read:

12 16125. A foster child whose adoption has become final, who  
13 is receiving or is eligible to receive Adoption Assistance Program  
14 assistance, including Medi-Cal, and whose foster care court  
15 supervision has been terminated, shall be provided medically  
16 necessary specialty mental health services by the local mental  
17 health plan in the county of residence of his or her adoptive parents,  
18 pursuant to all of the following:

19 (a) The host county mental health plan shall be responsible for  
20 submitting the treatment authorization request (TAR) to the mental  
21 health plan in the county of origin.

22 (b) The requesting public or private service provider shall  
23 prepare the TAR.

24 (c) The county of origin shall retain responsibility for  
25 authorization and reauthorization of services utilizing an expedited  
26 TAR process.

27 ~~(d) The county mental health plan shall prioritize referrals of  
28 pre- and postadoptive or guardianship families to specialty mental  
29 health services providers who are adoption and permanency  
30 competent.~~

31 ~~(1) A mental health professional shall be considered adoption  
32 and permanency competent if the following requirements are met:~~

33 ~~(d) (1) The county mental health plan shall take steps to  
34 increase the pool of specialty mental health providers who meet  
35 all of the following training and experience criteria and are  
36 available to meet the needs of children formerly in foster care who  
37 have been adopted or placed with a guardian:~~

38 (A) The mental health professional has completed the requisite  
39 education and obtained all necessary licenses otherwise required  
40 by law.

1 (B) The mental health professional has completed a minimum  
2 of 48 hours of ~~adoption and permanency competency~~ training from  
3 an evidence-informed curriculum that shows empirical support for  
4 ~~the impact of training on recipients' knowledge and adoption~~  
5 ~~practice~~ *post-graduate adoption or permanency training program,*  
6 *continuing education courses, or individual workshops.* Topics  
7 covered in the curricula shall *be documented and shall* include, at  
8 a minimum, all of the following:

- 9 (i) Separation, grief, and loss.
  - 10 (ii) Attachment.
  - 11 (iii) Trauma and brain development.
  - 12 (iv) Identity formation.
  - 13 (v) Openness in adoption.
  - 14 (vi) Impact of ~~pre-~~ *prenatal* or postnatal exposure to drugs and  
15 alcohol.
  - 16 (vii) Adoptive family formation, integration, and developmental  
17 stages.
  - 18 (viii) Family constellation challenges in adoption, including the  
19 birth family and the adoptive family.
  - 20 (ix) Race, ethnicity, sexual orientation, gender identity, and  
21 cultural competence.
  - 22 (x) Tools for skilled practice.
  - 23 (xi) Tools for adoptive parents, including, but not limited to,  
24 decoding behaviors, how to mitigate impacts of trauma, and  
25 recognizing behavioral and emotional challenges in context of life  
26 histories.
- 27 (C) A family-based, strength-based, and evidence-based  
28 approach to working with adoptive families and birth families.
- 29 (D) A developmental and systemic approach to understanding  
30 and working with adoptive and birth families.
- 31 (E) Demonstrated knowledge, clinical skills, and experience in  
32 treating individuals with a history of abuse, neglect, or trauma.
- 33 (F) Demonstrated knowledge, clinical skills, and experience in  
34 working with adoptive families and birth families.
- 35 ~~(2) County mental health plans shall take steps to increase the~~  
36 ~~pool of adoption and permanency competent specialty mental~~  
37 ~~health providers who are available to meet the needs of children~~  
38 ~~formerly in foster care who have been adopted or are with~~  
39 ~~guardianship families.~~
- 40 (3)

1 (2) The department shall convene a stakeholder group *comprised*  
2 *of adoptive parents, representatives from the mental health and*  
3 *child welfare fields, and others, as appropriate, to facilitate the*  
4 *development of a process to approve curricula and determine*  
5 *criteria for trainers. The stakeholder group shall also facilitate the*  
6 *establishment of a process by which mental health practitioners*  
7 *with adoption and permanency competency comply with the*  
8 *requirements specified in paragraph (1) trainers, and to facilitate*  
9 *the establishment of a process by which mental health practitioners*  
10 *document adoption and permanency training and experience that*  
11 *satisfies the criteria set forth in paragraph (1). The stakeholder*  
12 *group shall recommend a strategy to educate mental health*  
13 *professionals working with adoptive and guardianship families*  
14 *about the importance of obtaining training and experience that*  
15 *will increase the pool of mental health professionals who can meet*  
16 *the needs of children who were formerly in foster care and are*  
17 *now in adoptive and guardianship families.*

18 ~~SEC. 5.~~

19 SEC. 6. If the Commission on State Mandates determines that  
20 this act contains costs mandated by the state, reimbursement to  
21 local agencies and school districts for those costs shall be made  
22 pursuant to Part 7 (commencing with Section 17500) of Division  
23 4 of Title 2 of the Government Code.

O