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CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1067

Introduced by Assembly Member Gipson

February 26, 2015

An act to amend Section 16501.1 of, and to add Section 16001.8 to, the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1067, as amended, Gipson. Foster children: rights.

(1) Existing law provides that it is the policy of the state that all minors and nonminors in foster care have specified rights, including, among others, the right to be free of the administration of medication or chemical substances, unless authorized by a physician.

This bill would require the State Department of Social Services to convene a working group regarding the specified rights of all minors and nonminors in foster care in order to educate them, foster care providers, and others, and would require the working group to be composed of, among others, the County Welfare Directors Association of California and foster children advocacy groups. The bill would provide the responsibilities of the working group, including making

recommendations to the Legislature, by January 1, 2018, for revising the rights, and developing standardized information regarding the revised rights, by July 1, 2018, as specified.

(2) Existing law requires, at least once every 6 months, at the time of a regularly scheduled placement agency contact with the foster child, a foster child’s social worker or probation officer to inform the child of the above-mentioned rights.

This bill would additionally require the social worker or probation officer to inform the care provider and child and family team, if applicable, of those rights, provide a written copy of the rights to the child, and document in the case plan that he or she has informed the child of, and has provided the child with a written copy of, his or her rights. By imposing duties on local officials, the bill would impose a state-mandated local program.

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

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

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

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

- 1 SECTION 1. Section 16001.8 is added to the Welfare and
- 2 Institutions Code, to read:
- 3 16001.8. (a) The State Department of Social Services shall
- 4 convene a working group regarding the rights of all minors and
- 5 nonminors in foster care, as specified in Section 16001.9, in order
- 6 to educate foster youth, foster care providers, and others.
- 7 Responsibilities of the working group shall include all of the
- 8 following:
- 9 (1) By January 1, 2018, make recommendations to the
- 10 Legislature for revising the rights based on a review of state law.
- 11 (2) By July 1, 2018, develop standardized information regarding
- 12 the revised rights in an age-appropriate manner and reflective of
- 13 any relevant licensing requirements with respect to the foster care
- 14 providers’ responsibilities to adequately supervise children in care.
- 15 (3) By July 1, 2018, develop recommendations regarding
- 16 methods for disseminating the standardized information specified

1 in paragraph (2), including whether to require the signature of a
2 foster child verifying that he or she has received and understands
3 his or her rights.

4 (4) By July 1, 2018, develop recommendations for measuring
5 and improving, if necessary, the degree to which foster youth are
6 adequately informed of their rights.

7 (b) The working group shall be composed of all of the following:

8 (1) The Office of the State Foster Care Ombudsperson.

9 (2) *The bureau at the Department of Justice whose mission is*
10 *to protect the rights of children.*

11 ~~(2)~~

12 (3) The County Welfare Directors Association of California.

13 ~~(3)~~

14 (4) The Chief Probation Officers of California.

15 ~~(4)~~

16 (5) The County Behavioral Health Directors Association of
17 California.

18 ~~(5)~~

19 (6) Current and former foster youth.

20 ~~(6)~~

21 (7) Foster parents and caregivers.

22 ~~(7)~~

23 (8) Foster children advocacy groups.

24 ~~(8)~~

25 (9) Foster care provider associations.

26 ~~(9)~~

27 (10) Any other interested parties.

28 SEC. 2. Section 16501.1 of the Welfare and Institutions Code
29 is amended to read:

30 16501.1. (a) (1) The Legislature finds and declares that the
31 foundation and central unifying tool in child welfare services is
32 the case plan.

33 (2) The Legislature further finds and declares that a case plan
34 ensures that the child receives protection and safe and proper care
35 and case management, and that services are provided to the child
36 and parents or other caretakers, as appropriate, in order to improve
37 conditions in the parent's home, to facilitate the safe return of the
38 child to a safe home or the permanent placement of the child, and
39 to address the needs of the child while in foster care.

1 (3) The agency shall consider the recommendations of the child
2 and family team, as defined in paragraph (4) of subdivision (a) of
3 Section 16501, if any are available. The agency shall document
4 the rationale for any inconsistencies between the case plan and the
5 child and family team recommendations.

6 (b) (1) A case plan shall be based upon the principles of this
7 section and the input from the child and family team.

8 (2) The case plan shall document that a preplacement assessment
9 of the service needs of the child and family, and preplacement
10 preventive services, have been provided, and that reasonable efforts
11 to prevent out-of-home placement have been made. Preplacement
12 services may include intensive mental health services in the home
13 or a community setting and the reasonable efforts made to prevent
14 out-of-home placement.

15 (3) In determining the reasonable services to be offered or
16 provided, the child's health and safety shall be the paramount
17 concerns.

18 (4) Upon a determination pursuant to paragraph (1) of
19 subdivision (e) of Section 361.5 that reasonable services will be
20 offered to a parent who is incarcerated in a county jail or state
21 prison, detained by the United States Department of Homeland
22 Security, or deported to his or her country of origin, the case plan
23 shall include information, to the extent possible, about a parent's
24 incarceration in a county jail or the state prison, detention by the
25 United States Department of Homeland Security, or deportation
26 during the time that a minor child of that parent is involved in
27 dependency care.

28 (5) Reasonable services shall be offered or provided to make it
29 possible for a child to return to a safe home environment, unless,
30 pursuant to subdivisions (b) and (e) of Section 361.5, the court
31 determines that reunification services shall not be provided.

32 (6) If reasonable services are not ordered, or are terminated,
33 reasonable efforts shall be made to place the child in a timely
34 manner in accordance with the permanent plan and to complete
35 all steps necessary to finalize the permanent placement of the child.

36 (c) If out-of-home placement is used to attain case plan goals,
37 the case plan shall consider the recommendations of the child and
38 family team.

39 (d) (1) The case plan shall include a description of the type of
40 home or institution in which the child is to be placed, and the

1 reasons for that placement decision. The decision regarding choice
2 of placement shall be based upon selection of a safe setting that is
3 the least restrictive family setting that promotes normal childhood
4 experiences and the most appropriate setting that meets the child's
5 individual needs and is available, in proximity to the parent's home,
6 in proximity to the child's school, and consistent with the selection
7 of the environment best suited to meet the child's special needs
8 and best interests. The selection shall consider, in order of priority,
9 placement with relatives, nonrelated extended family members,
10 and tribal members; foster family homes, resource families, and
11 nontreatment certified homes of foster family agencies; followed
12 by treatment and intensive treatment certified homes of foster
13 family agencies; or multidimensional treatment foster care homes
14 or therapeutic foster care homes; group care placements in the
15 order of short-term residential treatment centers, group homes,
16 community treatment facilities, and out-of-state residential
17 treatment pursuant to Part 5 (commencing with Section 7900) of
18 Division 12 of the Family Code.

19 (2) If a short-term intensive treatment center placement is
20 selected for a child, the case plan shall indicate the needs of the
21 child that necessitate this placement, the plan for transitioning the
22 child to a less restrictive environment, and the projected timeline
23 by which the child will be transitioned to a less restrictive
24 environment. This section of the case plan shall be reviewed and
25 updated at least semiannually.

26 (A) The case plan for placements in a group home, or
27 commencing January 1, 2017, in a short-term residential treatment
28 center, shall indicate that the county has taken into consideration
29 Section 16010.8.

30 (B) After January 1, 2017, a child and family team meeting as
31 defined in Section 16501 shall be convened by the county placing
32 agency for the purpose of identifying the supports and services
33 needed to achieve permanency and enable the child or youth to be
34 placed in the least restrictive family setting that promotes normal
35 childhood experiences.

36 (3) On or after January 1, 2012, for a nonminor dependent, as
37 defined in subdivision (v) of Section 11400, who is receiving
38 AFDC-FC benefits *and who is* up to 21 years of age pursuant to
39 Section 11403, in addition to the above requirements, the selection
40 of the placement, including a supervised independent living

1 placement, as described in subdivision (w) of Section 11400, shall
2 also be based upon the developmental needs of young adults by
3 providing opportunities to have incremental responsibilities that
4 prepare a nonminor dependent to transition to successful adulthood.
5 If admission to, or continuation in, a group home or short-term
6 residential treatment center placement is being considered for a
7 nonminor dependent, the group home or short-term residential
8 treatment center placement approval decision shall include a
9 youth-driven, team-based case planning process, as defined by the
10 department, in consultation with stakeholders. The case plan shall
11 consider the full range of placement options, and shall specify why
12 admission to, or continuation in, a group home placement is the
13 best alternative available at the time to meet the special needs or
14 well-being of the nonminor dependent, and how the placement
15 will contribute to the nonminor dependent's transition to successful
16 adulthood. The case plan shall specify the treatment strategies that
17 will be used to prepare the nonminor dependent for discharge to
18 a less restrictive family setting that promotes normal childhood
19 experiences, including a target date for discharge from the group
20 home placement. The placement shall be reviewed and updated
21 on a regular, periodic basis to ensure that continuation in the group
22 home placement remains in the best interests of the nonminor
23 dependent and that progress is being made in achieving case plan
24 goals leading to successful adulthood. The group home placement
25 planning process shall begin as soon as it becomes clear to the
26 county welfare department or probation office that a foster child
27 in group home placement is likely to remain in group home
28 placement on his or her 18th birthday, in order to expedite the
29 transition to a less restrictive family setting that promotes normal
30 childhood experiences, if he or she becomes a nonminor dependent.
31 The case planning process shall include informing the youth of all
32 of his or her options, including, but not limited to, admission to
33 or continuation in a group home placement. Consideration for
34 continuation of existing group home placement for a nonminor
35 dependent under 19 years of age may include the need to stay in
36 the same placement in order to complete high school. After a
37 nonminor dependent either completes high school or attains his or
38 her 19th birthday, whichever is earlier, continuation in or admission
39 to a group home placement is prohibited unless the nonminor
40 dependent satisfies the conditions of paragraph (5) of subdivision

1 (b) of Section 11403, and group home placement functions as a
2 short-term transition to the appropriate system of care. Treatment
3 services provided by the group home placement to the nonminor
4 dependent to alleviate or ameliorate the medical condition, as
5 described in paragraph (5) of subdivision (b) of Section 11403,
6 shall not constitute the sole basis to disqualify a nonminor
7 dependent from the group home placement.

8 (4) In addition to the requirements of paragraphs (1) to (3),
9 inclusive, and taking into account other statutory considerations
10 regarding placement, the selection of the most appropriate home
11 that will meet the child's special needs and best interests shall also
12 promote educational stability by taking into consideration
13 proximity to the child's school of origin, and school attendance
14 area, the number of school transfers the child has previously
15 experienced, and the child's school matriculation schedule, in
16 addition to other indicators of educational stability that the
17 Legislature hereby encourages the State Department of Social
18 Services and the State Department of Education to develop.

19 (e) A written case plan shall be completed within a maximum
20 of 60 days of the initial removal of the child or of the in-person
21 response required under subdivision (f) of Section 16501 if the
22 child has not been removed from his or her home, or by the date
23 of the dispositional hearing pursuant to Section 358, whichever
24 occurs first. The case plan shall be updated, as the service needs
25 of the child and family dictate. At a minimum, the case plan shall
26 be updated in conjunction with each status review hearing
27 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
28 the hearing conducted pursuant to Section 366.26, but no less
29 frequently than once every six months. Each updated case plan
30 shall include a description of the services that have been provided
31 to the child under the plan and an evaluation of the appropriateness
32 and effectiveness of those services.

33 (1) It is the intent of the Legislature that extending the maximum
34 time available for preparing a written case plan from 30 to 60 days
35 will afford caseworkers time to actively engage families, and to
36 solicit and integrate into the case plan the input of the child and
37 the child's family, as well as the input of relatives and other
38 interested parties.

39 (2) The extension of the maximum time available for preparing
40 a written case plan from the 30 to 60 days shall be effective 90

1 days after the date that the department gives counties written notice
2 that necessary changes have been made to the Child Welfare
3 Services/Case Management System (CWS/CMS) to account for
4 the 60-day timeframe for preparing a written case plan.

5 (f) The child welfare services case plan shall be comprehensive
6 enough to meet the juvenile court dependency proceedings
7 requirements pursuant to Article 6 (commencing with Section 300)
8 of Chapter 2 of Part 1 of Division 2.

9 (g) The case plan shall be developed considering the
10 recommendations of the child and family team, as follows:

11 (1) The case plan shall be based upon an assessment of the
12 circumstances that required child welfare services intervention.
13 The child shall be involved in developing the case plan as age and
14 developmentally appropriate.

15 (2) The case plan shall identify specific goals and the
16 appropriateness of the planned services in meeting those goals.

17 (3) The case plan shall identify the original allegations of abuse
18 or neglect, as defined in Article 2.5 (commencing with Section
19 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
20 conditions cited as the basis for declaring the child a dependent of
21 the court pursuant to Section 300, or all of these, and the other
22 precipitating incidents that led to child welfare services
23 intervention.

24 (4) The case plan shall include a description of the schedule of
25 the placement agency contacts with the child and the family or
26 other caretakers. The frequency of these contacts shall be in
27 accordance with regulations adopted by the State Department of
28 Social Services. If the child has been placed in foster care out of
29 state, the county social worker or probation officer, or a social
30 worker or probation officer on the staff of the agency in the state
31 in which the child has been placed, shall visit the child in a foster
32 family home or the home of a relative, consistent with federal law
33 and in accordance with the department's approved state plan. For
34 children in out-of-state group home facilities, visits shall be
35 conducted at least monthly, pursuant to Section 16516.5. At least
36 once every six months, at the time of a regularly scheduled
37 placement agency contact with the foster child, and at each
38 placement change, the child's social worker or probation officer
39 shall inform the child, the care provider, and the child and family
40 team, if applicable, of the child's rights as a foster child, as

1 specified in Section 16001.9, and shall provide a written copy of
2 the rights to the child as part of the explanation. The social worker
3 or probation officer shall provide the information to the child in a
4 manner appropriate to the age or developmental level of the child.
5 The social worker or probation officer shall document in the case
6 plan that he or she has informed the child of, and has provided the
7 child with a written copy of, his or her rights.

8 (5) (A) When out-of-home services are used, the frequency of
9 contact between the natural parents or legal guardians and the child
10 shall be specified in the case plan. The frequency of those contacts
11 shall reflect overall case goals, and consider other principles
12 outlined in this section.

13 (B) Information regarding any court-ordered visitation between
14 the child and the natural parents or legal guardians, and the terms
15 and conditions needed to facilitate the visits while protecting the
16 safety of the child, shall be provided to the child's out-of-home
17 caregiver as soon as possible after the court order is made.

18 (6) When out-of-home placement is made, the case plan shall
19 include provisions for the development and maintenance of sibling
20 relationships as specified in subdivisions (b), (c), and (d) of Section
21 16002. If appropriate, when siblings who are dependents of the
22 juvenile court are not placed together, the social worker for each
23 child, if different, shall communicate with each of the other social
24 workers and ensure that the child's siblings are informed of
25 significant life events that occur within their extended family.
26 Unless it has been determined that it is inappropriate in a particular
27 case to keep siblings informed of significant life events that occur
28 within the extended family, the social worker shall determine the
29 appropriate means and setting for disclosure of this information
30 to the child commensurate with the child's age and emotional
31 well-being. These significant life events shall include, but shall
32 not be limited to, the following:

33 (A) The death of an immediate relative.

34 (B) The birth of a sibling.

35 (C) Significant changes regarding a dependent child, unless the
36 child objects to the sharing of the information with his or her
37 siblings, including changes in placement, major medical or mental
38 health diagnoses, treatments, or hospitalizations, arrests, and
39 changes in the permanent plan.

1 (7) If out-of-home placement is made in a foster family home,
2 group home, or other child care institution that is either a
3 substantial distance from the home of the child’s parent or out of
4 state, the case plan shall specify the reasons why that placement
5 is in the best interest of the child. When an out-of-state group home
6 placement is recommended or made, the case plan shall, in
7 addition, specify compliance with Section 7911.1 of the Family
8 Code.

9 (8) A case plan shall ensure the educational stability of the child
10 while in foster care and shall include both of the following:

11 (A) An assurance that the placement takes into account the
12 appropriateness of the current educational setting and the proximity
13 to the school in which the child is enrolled at the time of placement.

14 (B) An assurance that the placement agency has coordinated
15 with the person holding the right to make educational decisions
16 for the child and appropriate local educational agencies to ensure
17 that the child remains in the school in which the child is enrolled
18 at the time of placement or, if remaining in that school is not in
19 the best interests of the child, assurances by the placement agency
20 and the local educational agency to provide immediate and
21 appropriate enrollment in a new school and to provide all of the
22 child’s educational records to the new school.

23 (9) (A) If out-of-home services are used, or if parental rights
24 have been terminated and the case plan is placement for adoption,
25 the case plan shall include a recommendation regarding the
26 appropriateness of unsupervised visitation between the child and
27 any of the child’s siblings. This recommendation shall include a
28 statement regarding the child’s and the siblings’ willingness to
29 participate in unsupervised visitation. If the case plan includes a
30 recommendation for unsupervised sibling visitation, the plan shall
31 also note that information necessary to accomplish this visitation
32 has been provided to the child or to the child’s siblings.

33 (B) Information regarding the schedule and frequency of the
34 visits between the child and siblings, as well as any court-ordered
35 terms and conditions needed to facilitate the visits while protecting
36 the safety of the child, shall be provided to the child’s out-of-home
37 caregiver as soon as possible after the court order is made.

38 (10) If out-of-home services are used and the goal is
39 reunification, the case plan shall describe the services to be
40 provided to assist in reunification and the services to be provided

1 concurrently to achieve legal permanency if efforts to reunify fail.
2 The plan shall also consider in-state and out-of-state placements,
3 the importance of developing and maintaining sibling relationships
4 pursuant to Section 16002, and the desire and willingness of the
5 caregiver to provide legal permanency for the child if reunification
6 is unsuccessful.

7 (11) If out-of-home services are used, the child has been in care
8 for at least 12 months, and the goal is not adoptive placement, the
9 case plan shall include documentation of the compelling reason
10 or reasons why termination of parental rights is not in the child's
11 best interest. A determination completed or updated within the
12 past 12 months by the department when it is acting as an adoption
13 agency or by a licensed adoption agency that it is unlikely that the
14 child will be adopted, or that one of the conditions described in
15 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
16 be deemed a compelling reason.

17 (12) (A) Parents and legal guardians shall have an opportunity
18 to review the case plan, and to sign it whenever possible, and then
19 shall receive a copy of the plan. In a voluntary service or placement
20 agreement, the parents or legal guardians shall be required to
21 review and sign the case plan. Whenever possible, parents and
22 legal guardians shall participate in the development of the case
23 plan. Commencing January 1, 2012, for nonminor dependents, as
24 defined in subdivision (v) of Section 11400, who are receiving
25 AFDC-FC or CalWORKs assistance *and who are* up to 21 years
26 of age pursuant to Section 11403, the transitional independent
27 living case plan, as set forth in subdivision (y) of Section 11400,
28 shall be developed with, and signed by, the nonminor.

29 (B) Parents and legal guardians shall be advised that, pursuant
30 to Section 1228.1 of the Evidence Code, neither their signature on
31 the child welfare services case plan nor their acceptance of any
32 services prescribed in the child welfare services case plan shall
33 constitute an admission of guilt or be used as evidence against the
34 parent or legal guardian in a court of law. However, they shall also
35 be advised that the parent's or guardian's failure to cooperate,
36 except for good cause, in the provision of services specified in the
37 child welfare services case plan may be used in any hearing held
38 pursuant to Section 366.21, 366.22, or 366.25 of this code as
39 evidence.

1 (13) A child shall be given a meaningful opportunity to
2 participate in the development of the case plan and state his or her
3 preference for foster care placement. A child who is 12 years of
4 age or older and in a permanent placement shall also be given the
5 opportunity to review the case plan, sign the case plan, and receive
6 a copy of the case plan.

7 (14) The case plan shall be included in the court report and shall
8 be considered by the court at the initial hearing and each review
9 hearing. Modifications to the case plan made during the period
10 between review hearings need not be approved by the court if the
11 casework supervisor for that case determines that the modifications
12 further the goals of the plan. If out-of-home services are used with
13 the goal of family reunification, the case plan shall consider and
14 describe the application of subdivision (b) of Section 11203.

15 (15) (A) If the case plan has as its goal for the child a permanent
16 plan of adoption or legal guardianship, it shall include a statement
17 of the child's wishes regarding their permanent placement plan
18 and an assessment of those stated wishes. The agency shall also
19 include documentation of the steps the agency is taking to find an
20 adoptive family or other permanent living arrangements for the
21 child; to place the child with an adoptive family, an appropriate
22 and willing relative, or a legal guardian, and to finalize the adoption
23 or legal guardianship. At a minimum, the documentation shall
24 include child-specific recruitment efforts, such as the use of state,
25 regional, and national adoption exchanges, including electronic
26 exchange systems, when the child has been freed for adoption.
27 Regardless of whether the child has been freed for adoption,
28 documentation shall include a description of any barriers to
29 achieving legal permanence and the steps the agency will take to
30 address those barriers. If the plan is for kinship guardianship, the
31 case plan shall document how the child meets the kinship
32 guardianship eligibility requirements.

33 (B) When the child is 16 years of age or older and is in another
34 planned permanent living arrangement, the case plan shall identify
35 the intensive and ongoing efforts to return the child to the home
36 of the parent, place the child for adoption, place the child for tribal
37 customary adoption in the case of an Indian child, establish a legal
38 guardianship, or place the child nonminor dependent with a fit and
39 willing relative, as appropriate. Efforts shall include the use of

1 technology, including social media, to find biological family
2 members of the child.

3 (16) (A) (i) For a child who is 14 or 15 years of age, the case
4 plan shall include a written description of the programs and services
5 that will help the child, consistent with the child's best interests,
6 to prepare for the transition from foster care to successful
7 adulthood. The description may be included in the document
8 described in subparagraph (A) of paragraph (18).

9 (ii) When appropriate, for a child who is 16 years of age or older
10 and, commencing January 1, 2012, for a nonminor dependent, the
11 case plan shall include the transitional independent living plan
12 (TILP), a written description of the programs and services that
13 will help the child, consistent with the child's best interests, to
14 prepare for the transition from foster care to successful adulthood,
15 and, in addition, whether the youth has an in-progress application
16 pending for Title XVI Supplemental Security Income benefits or
17 for Special Immigrant Juvenile Status or other applicable
18 application for legal residency and an active dependency case is
19 required for that application. When appropriate, for a nonminor
20 dependent, the transitional independent living case plan, as
21 described in subdivision (v) of Section 11400, shall include the
22 TILP, a written description of the programs and services that will
23 help the nonminor dependent, consistent with his or her best
24 interests, to prepare for transition from foster care and assist the
25 youth in meeting the eligibility criteria set forth in paragraphs (1)
26 to (5), inclusive, of subdivision (b) of Section 11403. If applicable,
27 the case plan shall describe the individualized supervision provided
28 in the supervised independent living placement as defined in
29 subdivision (w) of Section 11400. The case plan shall be developed
30 with the child or nonminor dependent and individuals identified
31 as important to the child or nonminor dependent, and shall include
32 steps the agency is taking to ensure that the child or nonminor
33 dependent achieves permanence, including maintaining or
34 obtaining permanent connections to caring and committed adults.

35 (B) During the 90-day period prior to the participant attaining
36 18 years of age or older as the state may elect under Section
37 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
38 675(8)(B)(iii)), whether during that period foster care maintenance
39 payments are being made on the child's behalf or the child is
40 receiving benefits or services under Section 477 of the federal

1 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
2 appropriate agency staff or probation officer and other
3 representatives of the participant, as appropriate, shall provide the
4 youth or nonminor dependent with assistance and support in
5 developing the written 90-day transition plan, that is personalized
6 at the direction of the child, information as detailed as the
7 participant elects that shall include, but not be limited to, options
8 regarding housing, health insurance, education, local opportunities
9 for mentors and continuing support services, and workforce
10 supports and employment services, a power of attorney for health
11 care, and information regarding the advance health care directive
12 form.

13 (C) For youth 14 years of age or older, the case plan shall
14 include documentation that a consumer credit report was requested
15 annually from each of the three major credit reporting agencies at
16 no charge to the youth and that any results were provided to the
17 youth. For nonminor dependents, the case plan shall include
18 documentation that the county assisted the nonminor dependent
19 in obtaining his or her reports. The case plan shall include
20 documentation of barriers, if any, to obtaining the credit reports.
21 If the consumer credit report reveals any accounts, the case plan
22 shall detail how the county ensured the youth received assistance
23 with interpreting the credit report and resolving any inaccuracies,
24 including any referrals made for the assistance.

25 (17) For youth 14 years of age or older and nonminor
26 dependents, the case plan shall be developed in consultation with
27 the youth. At the youth's option, the consultation may include up
28 to two members of the case planning team who are chosen by the
29 youth and who are not foster parents of, or caseworkers for, the
30 youth. The agency, at any time, may reject an individual selected
31 by the youth to be a member of the case planning team if the
32 agency has good cause to believe that the individual would not act
33 in the youth's best interest. One individual selected by the youth
34 to be a member of the case planning team may be designated to
35 be the youth's adviser and advocate with respect to the application
36 of the reasonable and prudent parent standard to the youth, as
37 necessary.

38 (18) For youth in foster care 14 years of age and older and
39 nonminor dependents, the case plan shall include both of the
40 following:

1 (A) A document that describes the youth's rights with respect
2 to education, health, visitation, and court participation, the right
3 to be annually provided with copies of his or her credit reports at
4 no cost while in foster care pursuant to Section 10618.6, and the
5 right to stay safe and avoid exploitation.

6 (B) A signed acknowledgment by the youth that he or she has
7 been provided a copy of the document and that the rights described
8 in the document have been explained to the youth in an
9 age-appropriate manner.

10 (19) The case plan for a child or nonminor dependent who is,
11 or who is at risk of becoming, the victim of commercial sexual
12 exploitation, shall document the services provided to address that
13 issue.

14 (h) If the court finds, after considering the case plan, that
15 unsupervised sibling visitation is appropriate and has been
16 consented to, the court shall order that the child or the child's
17 siblings, the child's current caregiver, and the child's prospective
18 adoptive parents, if applicable, be provided with information
19 necessary to accomplish this visitation. This section does not
20 require or prohibit the social worker's facilitation, transportation,
21 or supervision of visits between the child and his or her siblings.

22 (i) The case plan documentation on sibling placements required
23 under this section shall not require modification of existing case
24 plan forms until the Child Welfare Service/Case Management
25 System (CWS/CMS) is implemented on a statewide basis.

26 (j) When a child is 10 years of age or older and has been in
27 out-of-home placement for six months or longer, the case plan
28 shall include an identification of individuals, other than the child's
29 siblings, who are important to the child and actions necessary to
30 maintain the child's relationship with those individuals, provided
31 that those relationships are in the best interest of the child. The
32 social worker or probation officer shall ask every child who is 10
33 years of age or older and who has been in out-of-home placement
34 for six months or longer to identify individuals other than the
35 child's siblings who are important to the child, and may ask any
36 other child to provide that information, or may seek that
37 information from the child and family team, as appropriate. The
38 social worker or probation officer shall make efforts to identify
39 other individuals who are important to the child, consistent with
40 the child's best interests.

1 (k) The child’s caregiver shall be provided a copy of a plan
2 outlining the child’s needs and services. The nonminor dependent’s
3 caregiver shall be provided with a copy of the nonminor’s TILP.

4 (l) Each county shall ensure that the total number of visits made
5 by caseworkers on a monthly basis to children in foster care during
6 a federal fiscal year is not less than 95 percent of the total number
7 of those visits that would occur if each child were visited once
8 every month while in care and that the majority of the visits occur
9 in the residence of the child. The county child welfare and
10 probation departments shall comply with data reporting
11 requirements that the department deems necessary to comply with
12 the federal Child and Family Services Improvement Act of 2006
13 (Public Law 109-288) and the federal Child and Family Services
14 Improvement and Innovation Act of 2011 (Public Law 112-34).

15 (m) The implementation and operation of the amendments to
16 subdivision (i) enacted at the 2005–06 Regular Session shall be
17 subject to appropriation through the budget process and by phase,
18 as provided in Section 366.35.

19 SEC. 3. To the extent that this act has an overall effect of
20 increasing the costs already borne by a local agency for programs
21 or levels of service mandated by the 2011 Realignment Legislation
22 within the meaning of Section 36 of Article XIII of the California
23 Constitution, it shall apply to local agencies only to the extent that
24 the state provides annual funding for the cost increase. Any new
25 program or higher level of service provided by a local agency
26 pursuant to this act above the level for which funding has been
27 provided shall not require a subvention of funds by the state nor
28 otherwise be subject to Section 6 of Article XIII B of the California
29 Constitution.