

AMENDED IN ASSEMBLY AUGUST 19, 2015

SENATE BILL

No. 731

**Introduced by Senator Leno
(Coauthor: Senator Beall)**

February 27, 2015

An act to add Section 1502.8 to the Health and Safety Code, and to amend ~~Section~~ *Sections* 16001.9 and 16501.1 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

SB 731, as amended, Leno. Foster children: housing: gender identity.

~~Existing law provides for the licensure and regulation by the Community Care Licensing Division of the State Department of Social Services of various out-of-home facilities for children and nonminor dependents in foster care, including, among others, licensed foster family homes, certified family homes, and group homes. Existing regulations prohibit children of the opposite sex from sharing a bedroom in those placements unless each child is under five years of age.~~

Under existing law, a county social worker develops a case plan for a minor or nonminor dependent that, among other things, identifies specific goals and the appropriateness of the planned services in meeting those goals. Existing law requires, if out-of-home placement is used to attain case plan goals, the case plan to include a description of the type of home or institution in which the child is to be placed, and the reasons for that placement decision. Existing law also specifies certain factors that must be considered in making a placement decision.

~~This bill would require foster children and nonminor dependents in out-of-home care~~ *require, in all settings, children in an out-of-home placement to be placed according to their gender identity, regardless of*

the gender or sex listed in their court or child welfare records. ~~The bill would require the division to promulgate regulations implementing these provisions.~~ By expanding the duties of counties relating to the placement of foster children and nonminor dependents, this bill would impose a state-mandated local program.

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 have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

This bill would additionally specify that all minors and nonminors in foster care have the right to be placed in ~~out-of-home~~ *out-of-home* care according to their gender identity, regardless of the gender or sex listed in their court or child welfare records. *The bill would require the State Department of Social Services to adopt regulations consistent with this provision.*

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. ~~Section 1502.8 is added to the Health and Safety~~
- 2 ~~Code, to read:~~
- 3 1502.8. ~~(a) Foster children and nonminor dependents in~~
- 4 ~~out-of-home care shall be placed according to their gender identity,~~
- 5 ~~regardless of the gender or sex listed in their court or child welfare~~
- 6 ~~records.~~
- 7 ~~(b) The department's Community Care Licensing Division shall~~
- 8 ~~promulgate regulations implementing this section.~~

1 SECTION 1. Section 1502.8 is added to the Health and Safety
2 Code, to read:

3 1502.8. The department shall adopt regulations consistent with
4 paragraph (24) of subdivision (a) of Section 16001.9 of the Welfare
5 and Institutions Code.

6 SEC. 2. Section 16001.9 of the Welfare and Institutions Code
7 is amended to read:

8 16001.9. (a) It is the policy of the state that all minors and
9 nonminors in foster care shall have the following rights:

10 (1) To live in a safe, healthy, and comfortable home where he
11 or she is treated with respect.

12 (2) To be free from physical, sexual, emotional, or other abuse,
13 or corporal punishment.

14 (3) To receive adequate and healthy food, adequate clothing,
15 and, for youth in group homes, an allowance.

16 (4) To receive medical, dental, vision, and mental health
17 services.

18 (5) To be free of the administration of medication or chemical
19 substances, unless authorized by a physician.

20 (6) To contact family members, unless prohibited by court order,
21 and social workers, attorneys, foster youth advocates and
22 supporters, Court Appointed Special Advocates (CASAs), and
23 probation officers.

24 (7) To visit and contact brothers and sisters, unless prohibited
25 by court order.

26 (8) To contact the Community Care Licensing Division of the
27 State Department of Social Services or the State Foster Care
28 Ombudsperson regarding violations of rights, to speak to
29 representatives of these offices confidentially, and to be free from
30 threats or punishment for making complaints.

31 (9) To make and receive confidential telephone calls and send
32 and receive unopened mail, unless prohibited by court order.

33 (10) To attend religious services and activities of his or her
34 choice.

35 (11) To maintain an emancipation bank account and manage
36 personal income, consistent with the child's age and developmental
37 level, unless prohibited by the case plan.

38 (12) To not be locked in a room, building, or facility premises,
39 unless placed in a community treatment facility.

- 1 (13) To attend school and participate in extracurricular, cultural,
2 and personal enrichment activities, consistent with the child's age
3 and developmental level, with minimal disruptions to school
4 attendance and educational stability.
- 5 (14) To work and develop job skills at an age-appropriate level,
6 consistent with state law.
- 7 (15) To have social contacts with people outside of the foster
8 care system, including teachers, church members, mentors, and
9 friends.
- 10 (16) To attend Independent Living Program classes and activities
11 if he or she meets age requirements.
- 12 (17) To attend court hearings and speak to the judge.
- 13 (18) To have storage space for private use.
- 14 (19) To be involved in the development of his or her own case
15 plan and plan for permanent placement.
- 16 (20) To review his or her own case plan and plan for permanent
17 placement, if he or she is 12 years of age or older and in a
18 permanent placement, and to receive information about his or her
19 out-of-home placement and case plan, including being told of
20 changes to the plan.
- 21 (21) To be free from unreasonable searches of personal
22 belongings.
- 23 (22) To the confidentiality of all juvenile court records consistent
24 with existing law.
- 25 (23) To have fair and equal access to all available services,
26 placement, care, treatment, and benefits, and to not be subjected
27 to discrimination or harassment on the basis of actual or perceived
28 race, ethnic group identification, ancestry, national origin, color,
29 religion, sex, sexual orientation, gender identity, mental or physical
30 disability, or HIV status.
- 31 (24) To be placed in ~~out-of-home~~ *out-of-home* care according
32 to their gender identity, regardless of the gender or sex listed in
33 their court or child welfare records.
- 34 (25) To have caregivers and child welfare personnel who have
35 received instruction on cultural competency and sensitivity relating
36 to, and best practices for, providing adequate care to lesbian, gay,
37 bisexual, and transgender youth in out-of-home care.
- 38 (26) At 16 years of age or older, to have access to existing
39 information regarding the educational options available, including,
40 but not limited to, the coursework necessary for vocational and

1 postsecondary educational programs, and information regarding
2 financial aid for postsecondary education.

3 (27) To have access to age-appropriate, medically accurate
4 information about reproductive health care, the prevention of
5 unplanned pregnancy, and the prevention and treatment of sexually
6 transmitted infections at 12 years of age or older.

7 (b) Nothing in this section shall be interpreted to require a foster
8 care provider to take any action that would impair the health and
9 safety of children in out-of-home placement.

10 (c) The State Department of Social Services and each county
11 welfare department are encouraged to work with the Student Aid
12 Commission, the University of California, the California State
13 University, and the California Community Colleges to receive
14 information pursuant to paragraph (26) of subdivision (a).

15 *SEC. 3. Section 16501.1 of the Welfare and Institutions Code*
16 *is amended to read:*

17 16501.1. (a) (1) The Legislature finds and declares that the
18 foundation and central unifying tool in child welfare services is
19 the case plan.

20 (2) The Legislature further finds and declares that a case plan
21 ensures that the child receives protection and safe and proper care
22 and case management, and that services are provided to the child
23 and parents or other caretakers, as appropriate, in order to improve
24 conditions in the parent's home, to facilitate the safe return of the
25 child to a safe home or the permanent placement of the child, and
26 to address the needs of the child while in foster care.

27 (b) (1) A case plan shall be based upon the principles of this
28 section and shall document that a preplacement assessment of the
29 service needs of the child and family, and preplacement preventive
30 services, have been provided, and that reasonable efforts to prevent
31 out-of-home placement have been made.

32 (2) In determining the reasonable services to be offered or
33 provided, the child's health and safety shall be the paramount
34 concerns.

35 (3) Upon a determination pursuant to paragraph (1) of
36 subdivision (e) of Section 361.5 that reasonable services will be
37 offered to a parent who is incarcerated in a county jail or state
38 prison, detained by the United States Department of Homeland
39 Security, or deported to his or her country of origin, the case plan
40 shall include information, to the extent possible, about a parent's

1 incarceration in a county jail or the state prison, detention by the
2 United States Department of Homeland Security, or deportation
3 during the time that a minor child of that parent is involved in
4 dependency care.

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

9 (5) If reasonable services are not ordered, or are terminated,
10 reasonable efforts shall be made to place the child in a timely
11 manner in accordance with the permanent plan and to complete
12 all steps necessary to finalize the permanent placement of the child.

13 (c) (1) If out-of-home placement is used to attain case plan
14 goals, the case plan shall include a description of the type of home
15 or institution in which the child is to be placed, and the reasons
16 for that placement decision. The decision regarding choice of
17 placement shall be based upon selection of a safe setting that is
18 the least restrictive or most familylike and the most appropriate
19 setting that is available and in close proximity to the parent's home,
20 proximity to the child's school, and consistent with the selection
21 of the environment best suited to meet the child's special needs
22 and best interests. The selection shall consider, in order of priority,
23 placement with relatives, nonrelated extended family members,
24 tribal members, and foster family homes, certified homes of foster
25 family agencies, intensive treatment or multidimensional treatment
26 foster care homes, group care placements, such as group homes
27 and community treatment facilities, and residential treatment
28 pursuant to Section 7950 of the Family Code. *In all settings,*
29 *children shall be placed according to their gender identity,*
30 *regardless of the gender or sex listed in their court or child welfare*
31 *records.*

32 (2) If a group care placement is selected for a child, the case
33 plan shall indicate the needs of the child that necessitate this
34 placement, the plan for transitioning the child to a less restrictive
35 environment, and the projected timeline by which the child will
36 be transitioned to a less restrictive environment. This section of
37 the case plan shall be reviewed and updated at least semiannually.

38 (3) On or after January 1, 2012, for a nonminor dependent, as
39 defined in subdivision (v) of Section 11400, who is receiving
40 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,

1 in addition to the above requirements, the selection of the
2 placement, including a supervised independent living placement,
3 as described in subdivision (w) of Section 11400, shall also be
4 based upon the developmental needs of young adults by providing
5 opportunities to have incremental responsibilities that prepare a
6 nonminor dependent to transition to independent living. If
7 admission to, or continuation in, a group home placement is being
8 considered for a nonminor dependent, the group home placement
9 approval decision shall include a youth-driven, team-based case
10 planning process, as defined by the department, in consultation
11 with stakeholders. The case plan shall consider the full range of
12 placement options, and shall specify why admission to, or
13 continuation in, a group home placement is the best alternative
14 available at the time to meet the special needs or well-being of the
15 nonminor dependent, and how the placement will contribute to the
16 nonminor dependent's transition to independent living. The case
17 plan shall specify the treatment strategies that will be used to
18 prepare the nonminor dependent for discharge to a less restrictive
19 and more familylike setting, including a target date for discharge
20 from the group home placement. The placement shall be reviewed
21 and updated on a regular, periodic basis to ensure that continuation
22 in the group home remains in the best interests of the nonminor
23 dependent and that progress is being made in achieving case plan
24 goals leading to independent living. 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 and more familylike setting if he or
30 she becomes a nonminor dependent. The case planning process
31 shall include informing the youth of all of his or her options,
32 including, but not limited to, admission to or continuation in a
33 group home placement. Consideration for continuation of existing
34 group home placement for a nonminor dependent under 19 years
35 of age may include the need to stay in the same placement in order
36 to complete high school. After a nonminor dependent either
37 completes high school or attains his or her 19th birthday, whichever
38 is earlier, continuation in or admission to a group home is
39 prohibited unless the nonminor dependent satisfies the conditions
40 of paragraph (5) of subdivision (b) of Section 11403, and group

1 home placement functions as a short-term transition to the
2 appropriate system of care. Treatment services provided by the
3 group home placement to the nonminor dependent to alleviate or
4 ameliorate the medical condition, as described in paragraph (5) of
5 subdivision (b) of Section 11403, shall not constitute the sole basis
6 to disqualify a nonminor dependent from the group home
7 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 (d) 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 to account for the 60-day
4 timeframe for preparing a written case plan.

5 (e) 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 (f) The case plan shall be developed as follows:

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

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

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

23 (4) The case plan shall include a description of the schedule of
24 the placement agency contacts with the child and the family or
25 other caretakers. The frequency of these contacts shall be in
26 accordance with regulations adopted by the State Department of
27 Social Services. If the child has been placed in foster care out of
28 state, the county social worker or probation officer, or a social
29 worker or probation officer on the staff of the agency in the state
30 in which the child has been placed, shall visit the child in a foster
31 family home or the home of a relative, consistent with federal law
32 and in accordance with the department's approved state plan. For
33 children in out-of-state group home facilities, visits shall be
34 conducted at least monthly, pursuant to Section 16516.5. At least
35 once every six months, at the time of a regularly scheduled
36 placement agency contact with the foster child, the child's social
37 worker or probation officer shall inform the child of his or her
38 rights as a foster child, as specified in Section 16001.9. The social
39 worker or probation officer shall provide the information to the

1 child in a manner appropriate to the age or developmental level of
2 the child.

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

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

13 (6) When out-of-home placement is made, the case plan shall
14 include provisions for the development and maintenance of sibling
15 relationships as specified in subdivisions (b), (c), and (d) of Section
16 16002. If appropriate, when siblings who are dependents of the
17 juvenile court are not placed together, the social worker for each
18 child, if different, shall communicate with each of the other social
19 workers and ensure that the child's siblings are informed of
20 significant life events that occur within their extended family.
21 Unless it has been determined that it is inappropriate in a particular
22 case to keep siblings informed of significant life events that occur
23 within the extended family, the social worker shall determine the
24 appropriate means and setting for disclosure of this information
25 to the child commensurate with the child's age and emotional
26 well-being. These significant life events shall include, but shall
27 not be limited to, the following:

28 (A) The death of an immediate relative.

29 (B) The birth of a sibling.

30 (C) Significant changes regarding a dependent child, unless the
31 child objects to the sharing of the information with his or her
32 siblings, including changes in placement, major medical or mental
33 health diagnoses, treatments, or hospitalizations, arrests, and
34 changes in the permanent plan.

35 (7) If out-of-home placement is made in a foster family home,
36 group home, or other child care institution that is either a
37 substantial distance from the home of the child's parent or out of
38 state, the case plan shall specify the reasons why that placement
39 is in the best interest of the child. When an out-of-state group home
40 placement is recommended or made, the case plan shall, in

1 addition, specify compliance with Section 7911.1 of the Family
2 Code.

3 (8) Effective January 1, 2010, a case plan shall ensure the
4 educational stability of the child while in foster care and shall
5 include both of the following:

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

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

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

28 (B) Information regarding the schedule and frequency of the
29 visits between the child and siblings, as well as any court-ordered
30 terms and conditions needed to facilitate the visits while protecting
31 the safety of the child, shall be provided to the child's out-of-home
32 caregiver as soon as possible after the court order is made.

33 (10) If out-of-home services are used and the goal is
34 reunification, the case plan shall describe the services to be
35 provided to assist in reunification and the services to be provided
36 concurrently to achieve legal permanency if efforts to reunify fail.
37 The plan shall also consider in-state and out-of-state placements,
38 the importance of developing and maintaining sibling relationships
39 pursuant to Section 16002, and the desire and willingness of the

1 caregiver to provide legal permanency for the child if reunification
2 is unsuccessful.

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

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

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

35 (13) A child shall be given a meaningful opportunity to
36 participate in the development of the case plan and state his or her
37 preference for foster care placement. A child who is 12 years of
38 age or older and in a permanent placement shall also be given the
39 opportunity to review the case plan, sign the case plan, and receive
40 a copy of the case plan.

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

9 (15) If the case plan has as its goal for the child a permanent
10 plan of adoption or placement in another permanent home, it shall
11 include a statement of the child's wishes regarding their permanent
12 placement plan and an assessment of those stated wishes. The
13 agency shall also include documentation of the steps the agency
14 is taking to find an adoptive family or other permanent living
15 arrangements for the child; to place the child with an adoptive
16 family, an appropriate and willing relative, a legal guardian, or in
17 another planned permanent living arrangement; and to finalize the
18 adoption or legal guardianship. At a minimum, the documentation
19 shall include child-specific recruitment efforts, such as the use of
20 state, regional, and national adoption exchanges, including
21 electronic exchange systems, when the child has been freed for
22 adoption. If the plan is for kinship guardianship, the case plan shall
23 document how the child meets the kinship guardianship eligibility
24 requirements.

25 (16) (A) When appropriate, for a child who is 16 years of age
26 or older and, commencing January 1, 2012, for a nonminor
27 dependent, the case plan shall include the transitional independent
28 living plan (TILP), a written description of the programs and
29 services that will help the child, consistent with the child's best
30 interests, to prepare for the transition from foster care to
31 independent living, and, in addition, whether the youth has an
32 in-progress application pending for Title XVI Supplemental
33 Security Income benefits or for Special Immigrant Juvenile Status
34 or other applicable application for legal residency and an active
35 dependency case is required for that application. When appropriate,
36 for a nonminor dependent, the transitional independent living case
37 plan, as described in subdivision (v) of Section 11400, shall include
38 the TILP, a written description of the programs and services that
39 will help the nonminor dependent, consistent with his or her best
40 interests, to prepare for transition from foster care and assist the

1 youth in meeting the eligibility criteria set forth in paragraphs (1)
2 to (5), inclusive, of subdivision (b) Section 11403. If applicable,
3 the case plan shall describe the individualized supervision provided
4 in the supervised independent living placement as defined in
5 subdivision (w) of Section 11400. The case plan shall be developed
6 with the child or nonminor dependent and individuals identified
7 as important to the child or nonminor dependent, and shall include
8 steps the agency is taking to ensure that the child or nonminor
9 dependent achieves permanence, including maintaining or
10 obtaining permanent connections to caring and committed adults.

11 (B) During the 90-day period prior to the participant attaining
12 18 years of age or older as the state may elect under Section
13 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
14 675(8)(B)(iii)), whether during that period foster care maintenance
15 payments are being made on the child's behalf or the child is
16 receiving benefits or services under Section 477 of the federal
17 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
18 appropriate agency staff or probation officer and other
19 representatives of the participant, as appropriate, shall provide the
20 youth or nonminor with assistance and support in developing the
21 written 90-day transition plan, that is personalized at the direction
22 of the child, information as detailed as the participant elects that
23 shall include, but not be limited to, options regarding housing,
24 health insurance, education, local opportunities for mentors and
25 continuing support services, and workforce supports and
26 employment services, a power of attorney for health care, and
27 information regarding the advance health care directive form.

28 (C) For youth 16 years of age or older, the case plan shall
29 include documentation that a consumer credit report was requested
30 annually from each of the three major credit reporting agencies at
31 no charge to the youth and that any results were provided to the
32 youth. For nonminor dependents, the case plan shall include
33 documentation that the county assisted the nonminor dependent
34 in obtaining his or her reports. The case plan shall include
35 documentation of barriers, if any, to obtaining the credit reports.
36 If the consumer credit report reveals any accounts, the case plan
37 shall detail how the county ensured the youth received assistance
38 with interpreting the credit report and resolving any inaccuracies,
39 including any referrals made for the assistance.

1 (g) If the court finds, after considering the case plan, that
2 unsupervised sibling visitation is appropriate and has been
3 consented to, the court shall order that the child or the child's
4 siblings, the child's current caregiver, and the child's prospective
5 adoptive parents, if applicable, be provided with information
6 necessary to accomplish this visitation. This section does not
7 require or prohibit the social worker's facilitation, transportation,
8 or supervision of visits between the child and his or her siblings.

9 (h) The case plan documentation on sibling placements required
10 under this section shall not require modification of existing case
11 plan forms until the Child Welfare Services Case Management
12 System is implemented on a statewide basis.

13 (i) When a child is 10 years of age or older and has been in
14 out-of-home placement for six months or longer, the case plan
15 shall include an identification of individuals, other than the child's
16 siblings, who are important to the child and actions necessary to
17 maintain the child's relationship with those individuals, provided
18 that those relationships are in the best interest of the child. The
19 social worker or probation officer shall ask every child who is 10
20 years of age or older and who has been in out-of-home placement
21 for six months or longer to identify individuals other than the
22 child's siblings who are important to the child, and may ask any
23 other child to provide that information, as appropriate. The social
24 worker or probation officer shall make efforts to identify other
25 individuals who are important to the child, consistent with the
26 child's best interests.

27 (j) The child's caregiver shall be provided a copy of a plan
28 outlining the child's needs and services. The nonminor dependent's
29 caregiver shall be provided with a copy of the nonminor's TILP.

30 (k) On or before June 30, 2008, the department, in consultation
31 with the County Welfare Directors Association of California and
32 other advocates, shall develop a comprehensive plan to ensure that
33 90 percent of foster children are visited by their caseworkers on a
34 monthly basis by October 1, 2011, and that the majority of the
35 visits occur in the residence of the child. The plan shall include
36 any data reporting requirements necessary to comply with the
37 provisions of the federal Child and Family Services Improvement
38 Act of 2006 (Public Law 109-288).

39 (l) The implementation and operation of the amendments to
40 subdivision (i) enacted at the 2005-06 Regular Session shall be

1 subject to appropriation through the budget process and by phase,
2 as provided in Section 366.35.

3 ~~SEC. 3.~~

4 *SEC. 4.* If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.