

AMENDED IN SENATE APRIL 6, 2016

AMENDED IN SENATE MARCH 28, 2016

**SENATE BILL**

**No. 1220**

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**Introduced by Senator McGuire**

February 18, 2016

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An act to amend ~~Sections 369.5 and 739.5~~ *Section 16501.1* of the Welfare and Institutions Code, relating to ~~foster care~~: *child welfare services*.

LEGISLATIVE COUNSEL'S DIGEST

SB 1220, as amended, McGuire. ~~Foster care: psychotropic medication.~~  
*Child welfare services: case plans: behavioral health services.*

*Existing law requires a county social worker to create a case plan for foster youth within a specified timeframe after the child is introduced into the foster care system. Existing law requires the case plan to be developed considering the recommendations of the child and family team according to specified requirements, including, among others, a requirement that the child be involved in developing the case plan as age and developmentally appropriate.*

*This bill would also require, for a child who has been assessed as needing behavioral health services, the case plan to include a summary or copy of the treatment plan developed for the child, or, if the treatment plan has not yet been finalized, the case plan to indicate that fact and be updated at the next regular court hearing after the treatment plan has been finalized. By imposing this duty on county social workers, 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 no reimbursement is required by this act for a specified reason.*

~~Under existing law, only a juvenile court judicial officer may make orders regarding the administration of psychotropic medications for a dependent child or a ward of the court who has been removed from the physical custody of his or her parent, as specified. Existing law requires court authorization for the administration of psychotropic medication to be based on a request from a physician, indicating the reasons for the request, a description of the child's or ward's diagnosis and behavior, the expected results of the medication, and a description of any side effects of the medication.~~

~~This bill would, except under emergency conditions, authorize the juvenile court to make an order for the administration of psychotropic medication only if a treatment plan is attached to the physician's request. The bill would, for these purposes, require a treatment plan to include, among other things, appropriate treatments and interventions to address root causes contributing to the child's emotional, cognitive, or behavioral dysregulation.~~

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

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

1     SECTION 1. Section 16501.1 of the Welfare and Institutions  
2     Code is amended to read:

3     16501.1. (a) (1) The Legislature finds and declares that the  
4     foundation and central unifying tool in child welfare services is  
5     the case plan.

6     (2) The Legislature further finds and declares that a case plan  
7     ensures that the child receives protection and safe and proper care  
8     and case management, and that services are provided to the child  
9     and parents or other caretakers, as appropriate, in order to improve  
10    conditions in the parent's home, to facilitate the safe return of the  
11    child to a safe home or the permanent placement of the child, and  
12    to address the needs of the child while in foster care.

13    (3) The agency shall consider the recommendations of the child  
14    and family team, as defined in paragraph (4) of subdivision (a) of  
15    Section 16501, if any are available. The agency shall document

1 the rationale for any inconsistencies between the case plan and the  
2 child and family team recommendations.

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

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

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

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

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

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

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

36 (d) (1) The case plan shall include a description of the type of  
37 home or institution in which the child is to be placed, and the  
38 reasons for that placement decision. The decision regarding choice  
39 of placement shall be based upon selection of a safe setting that is  
40 the least restrictive family setting that promotes normal childhood

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

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

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

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

33 (3) On or after January 1, 2012, for a nonminor dependent, as  
34 defined in subdivision (v) of Section 11400, who is receiving  
35 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,  
36 in addition to the above requirements, the selection of the  
37 placement, including a supervised independent living placement,  
38 as described in subdivision (w) of Section 11400, shall also be  
39 based upon the developmental needs of young adults by providing  
40 opportunities to have incremental responsibilities that prepare a

1 nonminor dependent to transition to successful adulthood. If  
2 admission to, or continuation in, a group home or short-term  
3 residential treatment center placement is being considered for a  
4 nonminor dependent, the group home or short-term residential  
5 treatment center placement approval decision shall include a  
6 youth-driven, team-based case planning process, as defined by the  
7 department, in consultation with stakeholders. The case plan shall  
8 consider the full range of placement options, and shall specify why  
9 admission to, or continuation in, a group home placement is the  
10 best alternative available at the time to meet the special needs or  
11 well-being of the nonminor dependent, and how the placement  
12 will contribute to the nonminor dependent's transition to successful  
13 adulthood. The case plan shall specify the treatment strategies that  
14 will be used to prepare the nonminor dependent for discharge to  
15 a less restrictive family setting that promotes normal childhood  
16 experiences, including a target date for discharge from the group  
17 home placement. The placement shall be reviewed and updated  
18 on a regular, periodic basis to ensure that continuation in the group  
19 home placement remains in the best interests of the nonminor  
20 dependent and that progress is being made in achieving case plan  
21 goals leading to successful adulthood. The group home placement  
22 planning process shall begin as soon as it becomes clear to the  
23 county welfare department or probation office that a foster child  
24 in group home placement is likely to remain in group home  
25 placement on his or her 18th birthday, in order to expedite the  
26 transition to a less restrictive family setting that promotes normal  
27 childhood experiences, if he or she becomes a nonminor dependent.  
28 The case planning process shall include informing the youth of all  
29 of his or her options, including, but not limited to, admission to  
30 or continuation in a group home placement. Consideration for  
31 continuation of existing group home placement for a nonminor  
32 dependent under 19 years of age may include the need to stay in  
33 the same placement in order to complete high school. After a  
34 nonminor dependent either completes high school or attains his or  
35 her 19th birthday, whichever is earlier, continuation in or admission  
36 to a group home placement is prohibited unless the nonminor  
37 dependent satisfies the conditions of paragraph (5) of subdivision  
38 (b) of Section 11403, and group home placement functions as a  
39 short-term transition to the appropriate system of care. Treatment  
40 services provided by the group home placement to the nonminor

1 dependent to alleviate or ameliorate the medical condition, as  
2 described in paragraph (5) of subdivision (b) of Section 11403,  
3 shall not constitute the sole basis to disqualify a nonminor  
4 dependent from the group home placement.

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

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

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

36 (2) The extension of the maximum time available for preparing  
37 a written case plan from the 30 to 60 days shall be effective 90  
38 days after the date that the department gives counties written notice  
39 that necessary changes have been made to the Child Welfare

1 Services/Case Management System (CWS/CMS) to account for  
2 the 60-day timeframe for preparing a written case plan.

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

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

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

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

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

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

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

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

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

26 (A) The death of an immediate relative.

27 (B) The birth of a sibling.

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

33 (7) If out-of-home placement is made in a foster family home,  
34 group home, or other child care institution that is either a  
35 substantial distance from the home of the child's parent or out of  
36 state, the case plan shall specify the reasons why that placement  
37 is in the best interest of the child. When an out-of-state group home  
38 placement is recommended or made, the case plan shall, in  
39 addition, specify compliance with Section 7911.1 of the Family  
40 Code.

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

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

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

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

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

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

39 (11) If out-of-home services are used, the child has been in care  
40 for at least 12 months, and the goal is not adoptive placement, the

1 case plan shall include documentation of the compelling reason  
2 or reasons why termination of parental rights is not in the child's  
3 best interest. A determination completed or updated within the  
4 past 12 months by the department when it is acting as an adoption  
5 agency or by a licensed adoption agency that it is unlikely that the  
6 child will be adopted, or that one of the conditions described in  
7 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
8 be deemed a compelling reason.

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

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

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

38 (14) The case plan shall be included in the court report and shall  
39 be considered by the court at the initial hearing and each review  
40 hearing. Modifications to the case plan made during the period

1 between review hearings need not be approved by the court if the  
2 casework supervisor for that case determines that the modifications  
3 further the goals of the plan. If out-of-home services are used with  
4 the goal of family reunification, the case plan shall consider and  
5 describe the application of subdivision (b) of Section 11203.

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

24 (B) When the child is 16 years of age or older and is in another  
25 planned permanent living arrangement, the case plan shall identify  
26 the intensive and ongoing efforts to return the child to the home  
27 of the parent, place the child for adoption, place the child for tribal  
28 customary adoption in the case of an Indian child, establish a legal  
29 guardianship, or place the child nonminor dependent with a fit and  
30 willing relative, as appropriate. Efforts shall include the use of  
31 technology, including social media, to find biological family  
32 members of the child.

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

39 (ii) When appropriate, for a child who is 16 years of age or older  
40 and, commencing January 1, 2012, for a nonminor dependent, the

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

25 (B) During the 90-day period prior to the participant attaining  
26 18 years of age or older as the state may elect under Section  
27 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.  
28 675(8)(B)(iii)), whether during that period foster care maintenance  
29 payments are being made on the child's behalf or the child is  
30 receiving benefits or services under Section 477 of the federal  
31 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other  
32 appropriate agency staff or probation officer and other  
33 representatives of the participant, as appropriate, shall provide the  
34 youth or nonminor dependent with assistance and support in  
35 developing the written 90-day transition plan, that is personalized  
36 at the direction of the child, information as detailed as the  
37 participant elects that shall include, but not be limited to, options  
38 regarding housing, health insurance, education, local opportunities  
39 for mentors and continuing support services, and workforce  
40 supports and employment services, a power of attorney for health

1 care, and information regarding the advance health care directive  
2 form.

3 (C) For youth 14 years of age or older, the case plan shall  
4 include documentation that a consumer credit report was requested  
5 annually from each of the three major credit reporting agencies at  
6 no charge to the youth and that any results were provided to the  
7 youth. For nonminor dependents, the case plan shall include  
8 documentation that the county assisted the nonminor dependent  
9 in obtaining his or her reports. The case plan shall include  
10 documentation of barriers, if any, to obtaining the credit reports.  
11 If the consumer credit report reveals any accounts, the case plan  
12 shall detail how the county ensured the youth received assistance  
13 with interpreting the credit report and resolving any inaccuracies,  
14 including any referrals made for the assistance.

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

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

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

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

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

5 (20) *The case plan for a child who has been assessed as needing*  
6 *behavioral health services shall include a summary or copy of the*  
7 *treatment plan developed for the child. If the treatment plan has*  
8 *not been finalized, the case plan shall indicate that fact and shall*  
9 *be updated at the next regular court hearing after the treatment*  
10 *plan has been finalized. Information that is otherwise confidential*  
11 *regarding the child's condition or treatment shall be redacted for*  
12 *purposes of including the treatment plan as a part of the case plan*  
13 *pursuant to this paragraph. The summary or copy of the treatment*  
14 *plan shall be provided to the social worker by the child's physician*  
15 *or county clinician. The social worker shall attach the treatment*  
16 *plan to a request to authorize the administration of psychotropic*  
17 *medication submitted to the court pursuant to Section 369.5.*

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

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

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

1 information from the child and family team, as appropriate. The  
2 social worker or probation officer shall make efforts to identify  
3 other individuals who are important to the child, consistent with  
4 the child’s best interests.

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

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

19 (†)

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

24 *SEC. 2. To the extent that this act has an overall effect of*  
25 *increasing the costs already borne by a local agency for programs*  
26 *or levels of service mandated by the 2011 Realignment Legislation*  
27 *within the meaning of Section 36 of Article XIII of the California*  
28 *Constitution, it shall apply to local agencies only to the extent that*  
29 *the state provides annual funding for the cost increase. Any new*  
30 *program or higher level of service provided by a local agency*  
31 *pursuant to this act above the level for which funding has been*  
32 *provided shall not require a subvention of funds by the state nor*  
33 *otherwise be subject to Section 6 of Article XIII B of the California*  
34 *Constitution.*

35 ~~SECTION 1. Section 369.5 of the Welfare and Institutions~~  
36 ~~Code is amended to read:~~

37 ~~369.5. (a) (1) If a child is adjudged a dependent child of the~~  
38 ~~court under Section 300 and the child has been removed from the~~  
39 ~~physical custody of the parent under Section 361, only a juvenile~~  
40 ~~court judicial officer shall have authority to make orders regarding~~

1 the administration of psychotropic medications for that child. The  
2 juvenile court may issue a specific order delegating this authority  
3 to a parent upon making findings on the record that the parent  
4 poses no danger to the child and has the capacity to authorize  
5 psychotropic medications. Court authorization for the  
6 administration of psychotropic medication shall be based on a  
7 request from a physician, indicating the reasons for the request, a  
8 description of the child's diagnosis and behavior, the expected  
9 results of the medication, and a description of any side effects of  
10 the medication.

11 (2) (A) On or before July 1, 2016, the Judicial Council shall  
12 amend and adopt rules of court and develop appropriate forms for  
13 the implementation of this section, in consultation with the State  
14 Department of Social Services, the State Department of Health  
15 Care Services, and stakeholders, including, but not limited to, the  
16 County Welfare Directors Association of California, the County  
17 Behavioral Health Directors Association of California, the Chief  
18 Probation Officers of California, associations representing current  
19 and former foster children, caregivers, and children's attorneys.  
20 This effort shall be undertaken in coordination with the updates  
21 required under paragraph (2) of subdivision (a) of Section 739.5.

22 (B) The rules of court and forms developed pursuant to  
23 subparagraph (A) shall address all of the following:

24 (i) The child and his or her caregiver and court-appointed special  
25 advocate, if any, have an opportunity to provide input on the  
26 medications being prescribed.

27 (ii) Information regarding the child's overall mental health  
28 assessment and treatment plan is provided to the court.

29 (iii) Information regarding the rationale for the proposed  
30 medication, provided in the context of past and current treatment  
31 efforts, is provided to the court. This information shall include,  
32 but not be limited to, information on other pharmacological and  
33 nonpharmacological treatments that have been utilized and the  
34 child's response to those treatments, a discussion of symptoms not  
35 alleviated or ameliorated by other current or past treatment efforts,  
36 and an explanation of how the psychotropic medication being  
37 prescribed is expected to improve the child's symptoms.

38 (iv) Guidance is provided to the court on how to evaluate the  
39 request for authorization, including how to proceed if information,  
40 otherwise required to be included in a request for authorization

1 under this section, is not included in a request for authorization  
2 submitted to the court.

3 (C) The rules of court and forms developed pursuant to  
4 subparagraph (A) shall include a process for periodic oversight by  
5 the court of orders regarding the administration of psychotropic  
6 medications that includes the caregiver's and child's observations  
7 regarding the effectiveness of the medication and side effects,  
8 information on medication management appointments and other  
9 followup appointments with medical practitioners, and information  
10 on the delivery of other mental health treatments that are a part of  
11 the child's overall treatment plan. The periodic oversight shall be  
12 facilitated by the county social worker, public health nurse, or  
13 other appropriate county staff. This oversight process shall be  
14 conducted in conjunction with other regularly scheduled court  
15 hearings and reports provided to the court by the county child  
16 welfare agency.

17 (3) (A) Except under emergency conditions, the juvenile court  
18 may only make an order for the administration of psychotropic  
19 medication if a treatment plan is attached to the physician's request.

20 (B) For purposes of this paragraph, a treatment plan shall include  
21 all of the following:

22 (i) Appropriate treatments and interventions to address root  
23 causes contributing to the child's emotional, cognitive, or  
24 behavioral dysregulation.

25 (ii) Evidence-based or best practice nonpharmacological  
26 interventions that are linguistically, culturally, and developmentally  
27 appropriate for the child's needs and symptoms.

28 (iii) How, and by whom, symptoms and psychosocial  
29 functioning will be monitored in order to evaluate treatment and  
30 intervention effectiveness.

31 (b) (1) In counties in which the county child welfare agency  
32 completes the request for authorization for the administration of  
33 psychotropic medication, the agency is encouraged to complete  
34 the request within three business days of receipt from the physician  
35 of the information necessary to fully complete the request.

36 (2) Nothing in this subdivision is intended to change current  
37 local practice or local court rules with respect to the preparation  
38 and submission of requests for authorization for the administration  
39 of psychotropic medication.

1     ~~(e) (1) Within seven court days from receipt by the court of a~~  
2 ~~completed request, the juvenile court judicial officer shall either~~  
3 ~~approve or deny in writing a request for authorization for the~~  
4 ~~administration of psychotropic medication to the child, or shall,~~  
5 ~~upon a request by the parent, the legal guardian, or the child's~~  
6 ~~attorney, or upon its own motion, set the matter for hearing.~~

7     ~~(2) Notwithstanding Section 827 or any other law, upon the~~  
8 ~~approval or denial by the juvenile court judicial officer of a request~~  
9 ~~for authorization for the administration of psychotropic medication,~~  
10 ~~the county child welfare agency or other person or entity who~~  
11 ~~submitted the request shall provide a copy of the court order~~  
12 ~~approving or denying the request to the child's caregiver.~~

13     ~~(d) Psychotropic medication or psychotropic drugs are those~~  
14 ~~medications administered for the purpose of affecting the central~~  
15 ~~nervous system to treat psychiatric disorders or illnesses. These~~  
16 ~~medications include, but are not limited to, anxiolytic agents,~~  
17 ~~antidepressants, mood stabilizers, antipsychotic medications,~~  
18 ~~anti-Parkinson agents, hypnotics, medications for dementia, and~~  
19 ~~psychostimulants.~~

20     ~~(e) Nothing in this section is intended to supersede local court~~  
21 ~~rules regarding a minor's right to participate in mental health~~  
22 ~~decisions.~~

23     ~~(f) This section does not apply to nonminor dependents, as~~  
24 ~~defined in subdivision (v) of Section 11400.~~

25     ~~SEC. 2. Section 739.5 of the Welfare and Institutions Code is~~  
26 ~~amended to read:~~

27     ~~739.5. (a) (1) If a minor who has been adjudged a ward of the~~  
28 ~~court under Section 601 or 602 is removed from the physical~~  
29 ~~custody of the parent under Section 726 and placed into foster~~  
30 ~~care, as defined in Section 727.4, only a juvenile court judicial~~  
31 ~~officer shall have authority to make orders regarding the~~  
32 ~~administration of psychotropic medications for that minor. The~~  
33 ~~juvenile court may issue a specific order delegating this authority~~  
34 ~~to a parent upon making findings on the record that the parent~~  
35 ~~poses no danger to the minor and has the capacity to authorize~~  
36 ~~psychotropic medications. Court authorization for the~~  
37 ~~administration of psychotropic medication shall be based on a~~  
38 ~~request from a physician, indicating the reasons for the request, a~~  
39 ~~description of the minor's diagnosis and behavior, the expected~~

1 results of the medication, and a description of any side effects of  
2 the medication.

3 (2) (A) On or before July 1, 2016, the Judicial Council shall  
4 amend and adopt rules of court and develop appropriate forms for  
5 the implementation of this section, in consultation with the State  
6 Department of Social Services, the State Department of Health  
7 Care Services, and stakeholders, including, but not limited to, the  
8 County Welfare Directors Association of California, the County  
9 Behavioral Health Directors Association of California, the Chief  
10 Probation Officers of California, associations representing current  
11 and former foster children, caregivers, and minor's attorneys. This  
12 effort shall be undertaken in coordination with the updates required  
13 under paragraph (2) of subdivision (a) of Section 369.5.

14 (B) The rules of court and forms developed pursuant to  
15 subparagraph (A) shall address all of the following:

16 (i) The minor and his or her caregiver and court-appointed  
17 special advocate, if any, have an opportunity to provide input on  
18 the medications being prescribed.

19 (ii) Information regarding the minor's overall mental health  
20 assessment and treatment plan is provided to the court.

21 (iii) Information regarding the rationale for the proposed  
22 medication, provided in the context of past and current treatment  
23 efforts, is provided to the court. This information shall include,  
24 but not be limited to, information on other pharmacological and  
25 nonpharmacological treatments that have been utilized and the  
26 minor's response to those treatments, a discussion of symptoms  
27 not alleviated or ameliorated by other current or past treatment  
28 efforts, and an explanation of how the psychotropic medication  
29 being prescribed is expected to improve the minor's symptoms.

30 (iv) Guidance is provided to the court on how to evaluate the  
31 request for authorization, including how to proceed if information,  
32 otherwise required to be included in a request for authorization  
33 under this section, is not included in a request for authorization  
34 submitted to the court.

35 (C) The rules of court and forms developed pursuant to  
36 subparagraph (A) shall include a process for periodic oversight by  
37 the court of orders regarding the administration of psychotropic  
38 medications that includes the caregiver's and minor's observations  
39 regarding the effectiveness of the medication and side effects,  
40 information on medication management appointments and other

1 followup appointments with medical practitioners, and information  
2 on the delivery of other mental health treatments that are a part of  
3 the minor's overall treatment plan. This oversight process shall be  
4 conducted in conjunction with other regularly scheduled court  
5 hearings and reports provided to the court by the county probation  
6 agency.

7 (3) (A) Except under emergency conditions, the juvenile court  
8 may only make an order for the administration of psychotropic  
9 medication if a treatment plan is attached to the physician's request.

10 (B) For purposes of this paragraph, a treatment plan shall include  
11 all of the following:

12 (i) Appropriate treatments and interventions to address root  
13 causes contributing to the minor's emotional, cognitive, or  
14 behavioral dysregulation.

15 (ii) Evidence-based or best practice nonpharmacological  
16 interventions that are linguistically, culturally, and developmentally  
17 appropriate for the minor's needs and symptoms.

18 (iii) How, and by whom, symptoms and psychosocial  
19 functioning will be monitored in order to evaluate treatment and  
20 intervention effectiveness.

21 (b) (1) The agency that completes the request for authorization  
22 for the administration of psychotropic medication is encouraged  
23 to complete the request within three business days of receipt from  
24 the physician of the information necessary to fully complete the  
25 request.

26 (2) Nothing in this subdivision is intended to change current  
27 local practice or local court rules with respect to the preparation  
28 and submission of requests for authorization for the administration  
29 of psychotropic medication.

30 (c) (1) Within seven court days from receipt by the court of a  
31 completed request, the juvenile court judicial officer shall either  
32 approve or deny in writing a request for authorization for the  
33 administration of psychotropic medication to the minor, or shall,  
34 upon a request by the parent, the legal guardian, or the minor's  
35 attorney, or upon its own motion, set the matter for hearing.

36 (2) Notwithstanding Section 827 or any other law, upon the  
37 approval or denial by the juvenile court judicial officer of a request  
38 for authorization for the administration of psychotropic medication,  
39 the county probation agency or other person or entity who

1 ~~submitted the request shall provide a copy of the court order~~  
2 ~~approving or denying the request to the minor's caregiver.~~

3 ~~(d) Psychotropic medication or psychotropic drugs are those~~  
4 ~~medications administered for the purpose of affecting the central~~  
5 ~~nervous system to treat psychiatric disorders or illnesses. These~~  
6 ~~medications include, but are not limited to, anxiolytic agents,~~  
7 ~~antidepressants, mood stabilizers, antipsychotic medications,~~  
8 ~~anti-Parkinson agents, hypnotics, medications for dementia, and~~  
9 ~~psychostimulants.~~

10 ~~(e) Nothing in this section is intended to supersede local court~~  
11 ~~rules regarding a minor's right to participate in mental health~~  
12 ~~decisions.~~

13 ~~(f) This section does not apply to nonminor dependents, as~~  
14 ~~defined in subdivision (v) of Section 11400.~~