

AMENDED IN SENATE JULY 15, 1998

AMENDED IN SENATE JULY 1, 1998

AMENDED IN ASSEMBLY MAY 5, 1998

AMENDED IN ASSEMBLY APRIL 16, 1998

AMENDED IN ASSEMBLY MARCH 26, 1998

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

ASSEMBLY BILL

No. 2286

Introduced by Assembly Member Scott

February 19, 1998

An act to add Chapter 2.5 (commencing with Section 8730) to Part 2 of Division 13 of, the Family Code, relating to adoptions.

LEGISLATIVE COUNSEL'S DIGEST

AB 2286, as amended, Scott. Foster parent and caregiver adoptions.

Existing law generally regulates adoptions and requires the State Department of Social Services to establish and administer a program to encourage and promote the adoption of children eligible for the Adoption Assistance Program, as specified.

This bill would provide that, if the prospective adoptive parent of a child is either a foster parent with whom the child has lived for a minimum of six months or a relative caregiver with whom the child has *had* a significant, ~~on-going~~ *ongoing* relationship, an assessment or home study of the prospective

adoptive parent may, at the direction of the department or licensed adoption agency, only require a criminal records check, as specified, specified determinations regarding the prospective adoptive parent's financial stability, care-giving abilities, and disciplinary practices, ~~the environment in which the child is placed,~~ and interviews with specified individuals, and *shall include* a specified medical examination, *except in a specified circumstance.*

This bill would require the department or licensed adoption agency to require the adoptive parent to be provided with specified information relating to ~~adoption and child development issues and relating to the child's siblings or half-siblings,~~ *the specific needs of the child, as specified,* and would require the department to encourage adoption agencies to make adoption training programs available. The bill would also require the department to require adoption agencies to, among other things, inform the responsible placing agency when a relative caregiver or foster parent has been denied approval to adopt based on an inability of the caregiver or foster parent to provide for the health, safety, and security of the child.

By imposing additional duties upon local officials, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, 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. It is the intent of the Legislature to do
2 both of the following:

3 (a) Secure permanent homes for children in the foster
4 care system and minimize the disruption in their lives by
5 reducing barriers to the adoption of foster children by
6 their relative caregivers or by foster parents with whom
7 they have lived for six months or longer.

8 (b) Ensure the safety of children in foster and
9 adoptive homes and increase the ability of foster parents
10 and relative caregivers to adopt children in their care.

11 SEC. 2. The Legislature finds and declares both of the
12 following:

13 (a) That Sara Berman, Adoptions Division Chief for
14 the Los Angeles County Department of Children and
15 Family Services, was a true child advocate who believed
16 that all children deserve every possible opportunity for a
17 permanent family. Her vision for adoption services was
18 expansive, creative, and dedicated to adoptive families
19 for children who would otherwise be raised in foster care.
20 In this capacity, she contributed to the development of an
21 expedited adoption study for those prospective adoptive
22 families who have provided foster care for the children
23 they wish to adopt. She was also known by many for her
24 leadership and commitment to the children of California
25 through her efforts as President of the California
26 Association of Adoption Agencies.

27 (b) This act shall be known as the Sara Berman
28 Adoption Act of 1998.

29 SEC. 3. Chapter 2.5 (commencing with Section 8730)
30 is added to Part 2 of Division 13 of the Family Code, to
31 read:

32

33 CHAPTER 2.5. ADOPTIONS BY RELATIVE CAREGIVERS OR
34 FOSTER PARENTS
35

36 8730. If the prospective adoptive parent of a child is
37 a foster parent with whom the child has lived for a
38 minimum of six months or a relative caregiver—~~described~~



1 ~~in Section 8732~~ *who has had an ongoing and significant*
2 *relationship with the child*, an assessment or home study
3 of the prospective adoptive parent may, at the discretion
4 of the department or a licensed adoption agency, require
5 only the following:

6 (a) A criminal records check of the relative caregiver
7 or foster parent, as provided in subdivision (a) of Section
8 8712.

9 (b) A determination that the relative caregiver or
10 foster parent has sufficient financial stability to support
11 the child and ensure that any adoption assistance
12 program payment or other government assistance to
13 which the child is entitled is used exclusively to meet the
14 child's needs. In making this determination, the
15 experience of the relative caregiver or foster parent only
16 while the child was in his or her care shall be considered.
17 ~~For purposes of this section, a foster parent with whom~~
18 ~~the child has lived for six months or a relative caregiver~~
19 ~~described in Section 8732 shall be required to provide~~ *For*
20 *purposes of this section, the relative caregiver or foster*
21 *parent shall be required to provide* verification of
22 employment records or income or both.

23 (e) ~~A determination, at the time that a relative~~
24 ~~caregiver applies to adopt, that the home is safe and free~~
25 ~~of health and safety violations and other hazardous~~
26 ~~conditions and meets basic sanitation standards.~~

27 (d)

28 (c) A determination that the relative caregiver or
29 foster parent has not abused or neglected the child while
30 ~~he or she~~ *the child* has been in his or her care and has
31 fostered the healthy growth and development of the
32 child. This determination shall include a review of the
33 disciplinary practices of the relative caregiver or foster
34 parent to ensure that the practices are age appropriate
35 and do not physically or emotionally endanger the child.

36 (e)

37 (d) A determination that there is not a likelihood that
38 the relative caregiver or foster parent will abuse or
39 neglect the child in the future, that the caregiver or foster
40 parent can protect the child, ensure necessary care and



1 supervision, and foster ~~his or her~~ *the child's* healthy
2 growth and development.

3 ~~(f)~~

4 (e) A determination that the relative caregiver or
5 foster parent can address racial and cultural issues that
6 may affect the child's well-being.

7 ~~(g)~~

8 (f) An interview with the relative caregiver or foster
9 parent, an interview with each individual residing in the
10 home and an interview with the child to be adopted.

11 8731. If the prospective adoptive parent of a child is
12 a foster parent, the assessment or home study described
13 in Section 8730 shall not be initiated until the child to be
14 adopted has resided in the home of the foster parent for
15 at least six months.

16 ~~8732. The department or licensed adoption agency~~
17 ~~may, at its discretion, conduct an assessment as provided~~
18 ~~in Section 8730 when the prospective adoptive parent is~~
19 ~~a relative caregiver and the department or licensed~~
20 ~~adoption agency has determined that the relative has had~~
21 ~~an on-going and significant relationship with the child.~~

22 ~~8733.~~

23 8732. A report of a medical examination of the foster
24 parent with whom the child has lived for a minimum of
25 six months or the relative caregiver *who has had an*
26 *ongoing and significant relationship with the child* shall
27 be included in the assessment of each applicant unless the
28 department or licensed adoption agency determines that,
29 based on other available information, this report is
30 unnecessary. The assessment shall require certification
31 that the applicant and each adult residing in the
32 applicant's home has received a test for communicable
33 tuberculosis.

34 ~~8734.~~

35 8733. The department or licensed adoption agency
36 shall require the adoptive parent to be provided with
37 information related to the specific needs of the child to be
38 adopted, that, as determined by the licensed adoption
39 agency, may include information regarding the
40 following: issues surrounding birth parents, the effects of



1 abuse and neglect on children, cultural and racial issues,
 2 sexuality, contingency planning for children in the event
 3 of the parents' death or disability, financial assistance for
 4 adopted children, common childhood disabilities,
 5 including, but not limited to, emotional disturbances,
 6 attention deficit disorder, learning disabilities, speech
 7 and hearing impairment, and dyslexia, the importance of
 8 sibling and half-sibling relationships, and other issues
 9 related to adoption and child development and the
 10 availability of counseling to deal with these issues.

11 ~~8735. The department or licensed adoption agency~~
 12 ~~shall provide the applicant with information about the~~
 13 ~~child's siblings or half siblings, subject to court approval~~
 14 ~~of this disclosure, as appropriate, and shall encourage the~~
 15 ~~applicant to make a plan for facilitating postadoptive~~
 16 ~~contact between the child to be adopted and any siblings~~
 17 ~~or half siblings of the child who have not been adopted.~~
 18 ~~Nothing in this section shall require the department or~~
 19 ~~licensed adoption agency to provide otherwise~~
 20 ~~confidential information about the child's former siblings~~
 21 ~~or half siblings who have previously been adopted.~~

22 ~~8736.~~

23 8734. The department shall encourage adoption
 24 agencies to make adoption training programs available to
 25 prospective adoptive families.

26 ~~8737.~~

27 8735. The department shall require adoption
 28 agencies to inform the agency responsible for the foster
 29 care placement when a relative caregiver or foster parent
 30 has been denied approval to adopt based on an inability
 31 of the relative caregiver or foster parent to provide for
 32 the mental and emotional health, safety, and security of
 33 the child and to recommend either that the relative
 34 caregiver or foster parent be provided with additional
 35 support and supervision or that the child be removed
 36 from the home of the relative caregiver or foster parent.

37 ~~8738.~~

38 8736. The requirements of this chapter shall not be
 39 used as basis for removing a child who has been placed
 40 with a relative caregiver or foster parent prior to January



1 1, 1999, unless the noncompliance with the standards
2 described therein present a danger to the health, safety,
3 or emotional well-being of the child.

4 SEC. 3. Notwithstanding Section 17610 of the
5 Government Code, if the Commission on State Mandates
6 determines that this act contains costs mandated by the
7 state, reimbursement to local agencies and school
8 districts for those costs shall be made pursuant to Part 7
9 (commencing with Section 17500) of Division 4 of Title
10 2 of the Government Code. If the statewide cost of the
11 claim for reimbursement does not exceed one million
12 dollars (\$1,000,000), reimbursement shall be made from
13 the State Mandates Claims Fund.

14 Notwithstanding Section 17580 of the Government
15 Code, unless otherwise specified, the provisions of this act
16 shall become operative on the same date that the act
17 takes effect pursuant to the California Constitution.

