

AMENDED IN ASSEMBLY APRIL 25, 2000

AMENDED IN ASSEMBLY APRIL 4, 2000

CALIFORNIA LEGISLATURE—1999–2000 REGULAR SESSION

ASSEMBLY BILL

No. 1987

Introduced by Assembly Member Steinberg

(Coauthors: Assembly Members Aroner, Bock, Calderon, Ducheny, Knox, Kuehl, Leach, Longville, Machado, Mazzone, Romero, Strom-Martin, Washington, and Zettel)

(Coauthors: Senators Alarcon, Bowen, Ortiz, Perata, Polanco, Speier, and Vasconcellos)

February 18, 2000

An act to amend Sections 358.1, 361.2, 362.1, 366, 366.1, 366.3, 388, 16002, and 16501.1 of, and to add Section 16003 to, the Welfare and Institutions Code, relating to dependent children.

LEGISLATIVE COUNSEL'S DIGEST

AB 1987, as amended, Steinberg. Dependent children: siblings.

Existing law provides that a child who has been, or who is at substantial risk of being, abused or neglected is within the jurisdiction of the juvenile court which may adjudge the child to be a dependent child of the court and make a determination regarding the appropriate placement of the child. Existing law requires local agencies, the State Department of Social Services, and the court to take specified actions to facilitate sibling contact. Existing law requires that

a social study or evaluation prepared for the juvenile court regarding a dependent child contain specified information.

This bill would require that the report or evaluation, and specified supplemental reports, include a factual discussion of whether the child has ~~other~~ any siblings under the jurisdiction of the court and other issues related to whether it would be appropriate to keep the siblings together. The bill would also require a court to consider these issues where the court has ordered the removal of the child from the physical custody of his or her parents, and to consider the nature of the relationship ~~of~~ *between* the child ~~to~~ *and* his or her siblings under the court's jurisdiction when the court reviews the status of a dependent child in foster care. *The bill would require the suspension of interaction between siblings where a court determines by clear and convincing evidence, rather than a preponderance of evidence, that sibling interaction is detrimental to a child or children.* The bill would provide that where dependent children who are siblings are not placed together, ~~the case plan shall include, if appropriate, a process for ensuring~~ *social worker shall explain why the siblings are not placed together and shall ensure that siblings are informed of significant life events that occur within the extended family, except as specified. The bill would revise the definition of a sibling for these purposes.* By imposing additional duties on local employees the bill would impose a state-mandated local program.

The bill would also authorize *any person, including a child who is a dependent child or an adult sibling,* to petition the court to assert a relationship ~~to the dependent child~~ as a sibling *to a child who is, or is the subject of a petition for adjudication as, a dependent child,* and to request ~~that this relationship be given consideration in the determination whether to initiate sibling contact~~ *visitation with the child, placement with or make any near the child, consideration when determining or implementing the case plan, or other request for an order, as specified.* In addition, the bill would require the State Department of Social Services to study and ~~develop~~ *make recommendations for to increase the available sibling placement resources, to develop other, related recommendations,* and to submit ~~a report containing~~ those



recommendations to the Legislature by November 1, 2001, as specified.

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. Section 358.1 of the Welfare and
2 Institutions Code is amended to read:

3 358.1. Each social study or evaluation made by a social
4 worker or child advocate appointed by the court,
5 required to be received in evidence pursuant to Section
6 358, shall include, but not be limited to, a factual
7 discussion of each of the following subjects:

8 (a) Whether the county welfare department or social
9 worker has considered child protective services, as
10 defined in Chapter 5 (commencing with Section 16500)
11 of Part 4 of Division 9, as a possible solution to the
12 problems at hand, and has offered these services to
13 qualified parents if appropriate under the circumstances.

14 (b) What plan, if any, for return of the child to his or
15 her parents and for achieving legal permanence for the
16 child if efforts to reunify fail, is recommended to the court
17 by the county welfare department or probation officer.

18 (c) Whether the best interests of the child will be
19 served by granting reasonable visitation rights with the
20 child to his or her grandparents, in order to maintain and
21 strengthen the child's family relationships.



~~1 (d) Whether the child has other siblings under the
2 court's jurisdiction, a description of the nature of the
3 relationship between the child and his or her siblings, the
4 appropriateness of maintaining these sibling
5 relationships pursuant to Section 16002, and the impact of
6 continuing sibling togetherness and contact on issues
7 relating to the child's placement, visitation, and
8 concurrent planning for legal permanence.~~

9 *(d) Whether the child has siblings under the court's
10 jurisdiction, and, if any siblings exist, all of the following:*

11 *(1) The nature of the relationship between the child
12 and his or her siblings.*

13 *(2) The appropriateness of developing or maintaining
14 the sibling relationships pursuant to Section 16002.*

15 *(3) If the siblings are not placed together in the same
16 home, why the siblings are not placed together and what
17 efforts are being made to place the siblings together, or
18 why those efforts are not appropriate.*

19 *(4) If the siblings are not placed together, the
20 frequency and nature of the visits between siblings.*

21 *(5) The impact of the sibling relationships on the
22 child's placement and planning for legal permanence.*

23 *The factual discussion shall include a discussion of
24 indicators of the nature of the child's sibling relationships
25 including, but not limited to, whether the siblings were
26 raised together in the same home, whether the siblings
27 have shared significant common experiences or have
28 existing close and strong bonds, whether either sibling
29 expresses a desire to visit or live with his or her sibling, as
30 applicable, and whether ongoing contact is in the child's
31 best emotional interest.*

32 *(e) Whether the subject child appears to be a person
33 who is eligible to be considered for further court action
34 to free the child from parental custody and control.*

35 *(f) Whether the parent has been advised of his or her
36 option to participate in adoption planning and to
37 voluntarily relinquish the child for adoption if an
38 adoption agency is willing to accept the relinquishment.*

39 *(g) The appropriateness of any relative placement
40 pursuant to Section 361.3; however, this consideration*



1 shall not be cause for continuance of the dispositional
2 hearing.

3 SEC. 2. Section 361.2 of the Welfare and Institutions
4 Code is amended to read:

5 361.2. (a) When a court orders removal of a child
6 pursuant to Section 361, the court shall first determine
7 whether there is a parent of the child, with whom the
8 child was not residing at the time that the events or
9 conditions arose that brought the child within the
10 provisions of Section 300, who desires to assume custody
11 of the child. If that parent requests custody, the court shall
12 place the child with the parent unless it finds that
13 placement with that parent would be detrimental to the
14 safety, protection, or physical or emotional well-being of
15 the child.

16 (b) If the court places the child with that parent it may
17 do either of the following:

18 (1) Order that the parent become legal and physical
19 custodian of the child. The court may also provide
20 reasonable visitation by the noncustodial parent. The
21 court shall then terminate its jurisdiction over the child.
22 The custody order shall continue unless modified by a
23 subsequent order of the superior court. The order of the
24 juvenile court shall be filed in any domestic relation
25 proceeding between the parents.

26 (2) Order that the parent assume custody subject to
27 the supervision of the juvenile court. In that case the
28 court may order that reunification services be provided
29 to the parent or guardian from whom the child is being
30 removed, or the court may order that services be
31 provided solely to the parent who is assuming physical
32 custody in order to allow that parent to retain later
33 custody without court supervision, or that services be
34 provided to both parents, in which case the court shall
35 determine, at review hearings held pursuant to Section
36 366, which parent, if either, shall have custody of the
37 child.

38 (c) The court shall make a finding either in writing or
39 on the record of the basis for its determination under
40 subdivisions (a) and (b).



1 (d) Part 6 (commencing with Section 7950) of
2 Division 12 of the Family Code shall apply to the
3 placement of a child pursuant to paragraphs (1) and (2)
4 of subdivision (e).

5 (e) When the court orders removal pursuant to
6 Section 361, the court shall order the care, custody,
7 control, and conduct of the child to be under the
8 supervision of the social worker who may place the child
9 in any of the following:

10 (1) The home of a relative, including a noncustodial
11 parent.

12 (2) A foster home in which the child has been placed
13 before an interruption in foster care, if that placement is
14 in the best interest of the child and space is available.

15 (3) A suitable licensed community care facility.

16 (4) With a foster family agency to be placed in a
17 suitable licensed foster family home or certified family
18 home which has been certified by the agency as meeting
19 licensing standards.

20 (5) A home or facility in accordance with the federal
21 Indian Child Welfare Act.

22 (6) A child under the age of six years may be placed in
23 a community care facility licensed as a group home for
24 children, or a temporary shelter care facility as defined in
25 Section 1530.8 of the Health and Safety Code, only under
26 any of the following circumstances:

27 (A) When a case plan indicates that placement is for
28 purposes of providing specialized treatment to the child,
29 the case plan specifies the need for, nature of, and
30 anticipated duration of this treatment, and the facility
31 meets the applicable regulations adopted under Section
32 1530.8 of the Health and Safety Code and standards
33 developed pursuant to Section 11467.1. The specialized
34 treatment period shall not exceed 120 days, unless
35 additional time is needed pursuant to the case plan as
36 documented by the caseworker and approved by the
37 caseworker's supervisor.

38 (B) When a case plan indicates that placement is for
39 purposes of providing family reunification services. In
40 addition, the facility offers family reunification services



1 that meet the needs of the individual child and his or her
2 family, permits parents to have reasonable access to their
3 children 24 hours a day, encourages extensive parental
4 involvement in meeting the daily needs of their children,
5 and employs staff trained to provide family reunification
6 services. In addition, one of the following conditions
7 exists:

8 (i) The child's parent is also a ward of the court and
9 resides in the facility.

10 (ii) The child's parent is participating in a treatment
11 program affiliated with the facility and the child's
12 placement in the facility facilitates the coordination and
13 provision of reunification services.

14 (iii) Placement in the facility is the only alternative
15 that permits the parent to have daily 24-hour access to the
16 child in accordance with the case plan, to participate fully
17 in meeting all of the daily needs of the child, including
18 feeding and personal hygiene, and to have access to
19 necessary reunification services.

20 (f) (1) If the child is taken from the physical custody
21 of the child's parent or guardian and unless the child is
22 placed with relatives, the child shall be placed in foster
23 care in the county of residence of the child's parent or
24 guardian in order to facilitate reunification of the family.

25 (2) In the event that there are no appropriate
26 placements available in the parent's or guardian's county
27 of residence, a placement may be made in an appropriate
28 place in another county, preferably a county located
29 adjacent to the parent's or guardian's community of
30 residence.

31 (3) Nothing in this section shall be interpreted as
32 requiring multiple disruptions of the child's placement
33 corresponding to frequent changes of residence by the
34 parent or guardian. In determining whether the child
35 should be moved, the social worker shall take into
36 consideration the potential harmful effects of disrupting
37 the placement of the child and the parent's or guardian's
38 reason for the move.

39 (4) When it has been determined that it is necessary
40 for a child to be placed in a county other than the child's



1 parent's or guardian's county of residence, the specific
2 reason the out-of-county placement is necessary shall be
3 documented in the child's case plan. If the reason the
4 out-of-county placement is necessary is the lack of
5 resources in the sending county to meet the specific
6 needs of the child, those specific resource needs shall be
7 documented in the case plan.

8 (5) When it has been determined that a child is to be
9 placed out-of-county either in a group home or with a
10 foster family agency for subsequent placement in a
11 certified foster family home, and the sending county is to
12 maintain responsibility for supervision and visitation of
13 the child, the sending county shall develop a plan of
14 supervision and visitation that specifies the supervision
15 and visitation activities to be performed and specifies that
16 the sending county is responsible for performing those
17 activities. In addition to the plan of supervision and
18 visitation, the sending county shall document
19 information regarding any known or suspected
20 dangerous behavior of the child that indicates the child
21 may pose a safety concern in the receiving county. Upon
22 implementation of the Child Welfare Services Case
23 Management System, the plan of supervision and
24 visitation, as well as information regarding any known or
25 suspected dangerous behavior of the child, shall be made
26 available to the receiving county upon placement of the
27 child in the receiving county. If placement occurs on a
28 weekend or holiday, the information shall be made
29 available to the receiving county on or before the end of
30 the next business day.

31 (6) When it has been determined that a child is to be
32 placed out-of-county and the sending county plans that
33 the receiving county shall be responsible for the
34 supervision and visitation of the child, the sending county
35 shall develop a formal agreement between the sending
36 and receiving counties. The formal agreement shall
37 specify the supervision and visitation to be provided the
38 child, and shall specify that the receiving county is
39 responsible for providing the supervision and visitation.
40 The formal agreement shall be approved and signed by



1 the sending and receiving counties prior to placement of
2 the child in the receiving county. In addition, upon
3 completion of the case plan, the sending county shall
4 provide a copy of the completed case plan to the
5 receiving county. The case plan shall include information
6 regarding any known or suspected dangerous behavior of
7 the child that indicates the child may pose a safety
8 concern to the receiving county.

9 (g) Whenever the social worker must change the
10 placement of the child and is unable to find a suitable
11 placement within the county and must place the child
12 outside the county, the placement shall not be made until
13 he or she has served written notice on the parent or
14 guardian at least 14 days prior to the placement, unless
15 the child's health or well-being is endangered by delaying
16 the action or would be endangered if prior notice were
17 given. The notice shall state the reasons which require
18 placement outside the county. The parent or guardian
19 may object to the placement not later than seven days
20 after receipt of the notice and, upon objection, the court
21 shall hold a hearing not later than five days after the
22 objection and prior to the placement. The court shall
23 order out-of-county placement if it finds that the child's
24 particular needs require placement outside the county.

25 (h) Where the court has ordered a child placed under
26 the supervision of the social worker and the social worker
27 has found that the needs of the child cannot be met in any
28 available licensed or exempt facility, including
29 emergency shelter, the child may be placed in a suitable
30 family home that has filed a license application with the
31 State Department of Social Services, if all of the following
32 certification conditions are met:

33 (1) A preplacement home visit is made by the social
34 worker to determine the suitability of the family home.

35 (2) The social worker verifies to the licensing agency
36 in writing that the home lacks any deficiencies which
37 would threaten the physical health, mental health, safety,
38 or welfare of the minor.

39 (3) The social worker notifies the licensing agency of
40 the proposed placement and determines that the foster



1 family home applicant has filed specific license
2 application documents prior to and after the placement
3 of the child. If the license is subsequently denied, the
4 child shall be removed from the home immediately. The
5 denial of the license constitutes a withdrawal of the
6 certification.

7 (i) Where the court has ordered removal of the child
8 from the physical custody of his or her parents pursuant
9 to Section 361, the court shall consider whether the family
10 ties and best interest of the child will be served by
11 granting visitation rights to the child's grandparents. The
12 court shall clearly specify those rights to the social worker.

13 (j) Where the court has ordered removal of the child
14 from the physical custody of his or her parents pursuant
15 to Section 361, the court shall consider whether there are
16 ~~other~~ *any* siblings under the court's jurisdiction, the
17 nature of the relationship between the child and his or
18 her siblings, the appropriateness of ~~maintaining these~~
19 *developing or maintaining the* sibling relationships
20 pursuant to Section 16002, and the impact of ~~continuing~~
21 ~~sibling togetherness and contact on issues relating to the~~
22 ~~child's placement, visitation, and concurrent planning for~~
23 ~~legal permanency.~~ *the sibling relationships on the child's*
24 *placement and planning for legal permanency.*

25 SEC. 3. Section 362.1 of the Welfare and Institutions
26 Code is amended to read:

27 362.1. (a) In order to maintain ties between the
28 parent or guardian and any siblings and the child, and to
29 provide information relevant to deciding if, and when, to
30 return a child to the custody of his or her parent or
31 guardian, or to encourage or suspend sibling interaction,
32 any order placing a child in foster care, and ordering
33 reunification services, shall provide as follows:

34 (1) (A) Subject to subparagraph (B), for visitation
35 between the parent or guardian and the child. Visitation
36 shall be as frequent as possible, consistent with the
37 well-being of the child.

38 (B) No visitation order shall jeopardize the safety of
39 the child. To protect the safety of the child, the court may
40 keep the child's address confidential. If the parent of the



1 child has been convicted of murder in the first degree, as
2 defined in Section 189 of the Penal Code, and the victim
3 of the murder was the other parent of the child, the court
4 shall order visitation between the child and the parent
5 only if that order would be consistent with Section 3030
6 of the Family Code.

7 ~~(2) For Pursuant to subdivision (b) of Section 16002,~~
8 ~~for visitation between the child and any siblings, or for the~~
9 ~~suspension of interaction between the child and any~~
10 ~~siblings, pursuant to subdivision (b) of Section 16002, if~~
11 ~~the court notes in the order the reasons for its~~
12 ~~determination that sibling interaction is detrimental to~~
13 ~~the child, unless the court finds by clear and convincing~~
14 ~~evidence that sibling interaction is detrimental to either~~
15 ~~child.~~

16 (b) When reunification services are not ordered
17 pursuant to Section 361.5, the child's plan for legal
18 permanency shall include ~~visitation between the child~~
19 ~~and any siblings, or the suspension of interaction between~~
20 ~~the child and any siblings, pursuant to subdivision (b) of~~
21 ~~Section 16002.~~ *consideration of the existence of and the*
22 *relationship with any sibling pursuant to Section 16002,*
23 *including their impact on placement and visitation.*

24 (c) As used in this section, "sibling" means ~~children~~
25 ~~related~~ *a child related to another person by blood,*
26 *adoption, or affinity through a common legal or biological*
27 *parent and incorporates the definition of sibling in*
28 ~~subdivision (f) of Section 16002.~~

29 SEC. 4. Section 366 of the Welfare and Institutions
30 Code is amended to read:

31 366. (a) (1) The status of every dependent child in
32 foster care shall be reviewed periodically as determined
33 by the court but no less frequently than once every six
34 months, as calculated from the date of the original
35 dispositional hearing, until the hearing described in
36 Section 366.26 is completed. The court shall consider the
37 safety of the child and shall determine all of the following:

38 (A) The continuing necessity for and appropriateness
39 of the placement.



1 (B) The extent of the agency's compliance with the
2 case plan in making reasonable efforts to return the child
3 to a safe home and to complete any steps necessary to
4 finalize the permanent placement of the child.

5 ~~(C) The nature of the relationship of the child to his or~~
6 ~~her other siblings under the court's jurisdiction, and the~~
7 ~~importance of maintaining sibling contact if the sibling~~
8 ~~group is not placed together, or the continuing need to~~
9 ~~suspend sibling interaction, if applicable, pursuant to~~
10 ~~subdivision (e) of Section 16002.~~

11 (C) *Whether the child has other siblings under the*
12 *court's jurisdiction, and, if any siblings exist, all of the*
13 *following:*

14 (i) *The nature of the relationship between the child*
15 *and his or her siblings.*

16 (ii) *The appropriateness of developing or maintaining*
17 *the sibling relationships pursuant to Section 16002.*

18 (iii) *If the siblings are not placed together in the same*
19 *home, why the siblings are not placed together and what*
20 *efforts are being made to place the siblings together, or*
21 *why those efforts are not appropriate.*

22 (iv) *If the siblings are not placed together, the*
23 *frequency and nature of the visits between siblings.*

24 (v) *The impact of the sibling relationships on the*
25 *child's placement and planning for legal permanence.*

26 (vi) *The continuing need to suspend sibling*
27 *interaction, if applicable, pursuant to subdivision (c) of*
28 *Section 16002.*

29 The factors the court may consider in making a
30 determination regarding the nature of the child's sibling
31 relationships may include, but are not limited to, whether
32 the siblings were raised together in the same ~~parental~~
33 home, whether the siblings have shared significant
34 common experiences or have existing close and strong
35 bonds, *whether either sibling expresses a desire to visit or*
36 *live with his or her sibling, as applicable,* and whether
37 ongoing contact is in the child's best ~~material~~ and
38 emotional interests.



1 (D) The extent of progress which has been made
2 toward alleviating or mitigating the causes necessitating
3 placement in foster care.

4 (2) The court shall project a likely date by which the
5 child may be returned to and safely maintained in the
6 home or placed for adoption, legal guardianship, or in
7 another planned permanent living arrangement.

8 (b) Subsequent to the hearing, periodic reviews of
9 each child in foster care shall be conducted pursuant to
10 the requirements of Sections 366.3 and 16503.

11 (c) If the child has been placed out of state, each
12 review described in subdivision (a) and any reviews
13 conducted pursuant to Sections 366.3 and 16503 shall also
14 address whether the out-of-state placement continues to
15 be the most appropriate placement selection and in the
16 best interests of the child.

17 (d) A child shall not be placed in an out-of-state group
18 home, or remain in an out-of-state group home, unless the
19 group home is in compliance with Section 7911.1 of the
20 Family Code.

21 SEC. 5. Section 366.1 of the Welfare and Institutions
22 Code is amended to read:

23 366.1. Each supplemental report required to be filed
24 pursuant to Section 366 shall include, but not be limited
25 to, a factual discussion of each of the following subjects:

26 (a) Whether the county welfare department social
27 worker has considered child protective services, as
28 defined in Chapter 5 (commencing with Section 16500)
29 of Part 4 of Division 9, as a possible solution to the
30 problems at hand, and has offered those services to
31 qualified parents if appropriate under the circumstances.

32 (b) What plan, if any, for the return and maintenance
33 of the child in a safe home is recommended to the court
34 by the county welfare department social worker.

35 (c) Whether the subject child appears to be a person
36 who is eligible to be considered for further court action
37 to free the child from parental custody and control.

38 (d) What actions, if any, have been taken by the
39 parent to correct the problems that caused the child to be
40 made a dependent child of the court.



~~1 (c) Whether the child has other siblings under the
2 court's jurisdiction, a description of the nature of the
3 relationship between the child and his or her siblings, the
4 appropriateness of maintaining these sibling
5 relationships pursuant to Section 16002, and the impact of
6 continuing sibling togetherness and contact on issues
7 relating to child's placement, visitation, and concurrent
8 planning for legal permanence.~~

9 *(e) Whether the child has any siblings under the
10 court's jurisdiction, and, if any siblings exist, all of the
11 following:*

12 *(1) The nature of the relationship between the child
13 and his or her siblings.*

14 *(2) The appropriateness of developing or maintaining
15 the sibling relationships pursuant to Section 16002.*

16 *(3) If the siblings are not placed together in the same
17 home, why the siblings are not placed together and what
18 efforts are being made to place the siblings together, or
19 why those efforts are not appropriate.*

20 *(4) If the siblings are not placed together, the
21 frequency and nature of the visits between siblings.*

22 *(5) The impact of the sibling relationships on the
23 child's placement and planning for legal permanence.*

24 *The factual discussion shall include a discussion of
25 indicators of the nature of the child's sibling relationships
26 including, but not limited to, whether the siblings were
27 raised together in the same home, whether the siblings
28 have shared significant common experiences or have
29 existing close and strong bonds, whether either sibling
30 expresses a desire to visit or live with his or her sibling, as
31 applicable, and whether ongoing contact is in the child's
32 best emotional interests.*

33 SEC. 6. Section 366.3 of the Welfare and Institutions
34 Code is amended to read:

35 366.3. (a) If a juvenile court orders a permanent plan
36 of adoption or legal guardianship pursuant to Section 360
37 or 366.26, the court shall retain jurisdiction over the child
38 until the child is adopted or the legal guardianship is
39 established. The status of the child shall be reviewed
40 every six months to ensure that the adoption or



1 guardianship is completed as expeditiously as possible.
2 When the adoption of the child has been granted, the
3 court shall terminate its jurisdiction over the child.
4 Following establishment of a legal guardianship, the
5 court may continue jurisdiction over the child as a
6 dependent child of the juvenile court following the
7 establishment of a legal guardianship or may terminate its
8 dependency jurisdiction and retain jurisdiction over the
9 child as a ward of the guardianship, as authorized by
10 Section 366.4. If, however, a relative of the child is
11 appointed the legal guardian of the child and the child has
12 been placed with the relative for at least 12 months, the
13 court shall, except upon a finding of exceptional
14 circumstances, terminate its dependency jurisdiction and
15 retain jurisdiction over the child as a ward of the
16 guardianship, as authorized by Section 366.4. Following a
17 termination of parental rights the parent or parents shall
18 not be a party to, or receive notice of, any subsequent
19 proceedings regarding the child.

20 (b) If the court has dismissed dependency jurisdiction
21 following the establishment of a legal guardianship, or no
22 dependency jurisdiction attached because of the granting
23 of a legal guardianship pursuant to Section 360, and the
24 legal guardianship is subsequently revoked or otherwise
25 terminated, the county department of social services or
26 welfare department shall notify the juvenile court of this
27 fact. The court may vacate its previous order dismissing
28 dependency jurisdiction over the child.

29 Notwithstanding Section 1601 of the Probate Code, the
30 proceedings to terminate a guardianship which has been
31 granted pursuant to Section 360 or 366.26 shall be held in
32 the juvenile court, unless the termination is due to the
33 emancipation or adoption of the child. Prior to the
34 hearing on a petition to terminate guardianship pursuant
35 to this paragraph, the court shall order the county
36 department of social services or welfare department to
37 prepare a report, for the court's consideration, that shall
38 include an evaluation of whether the child could safely
39 remain in the guardian's home, without terminating the
40 guardianship, if services were provided to the child or



1 guardian. If applicable, the report shall also identify
2 recommended services to maintain the guardianship and
3 set forth a plan for providing those services. If the petition
4 to terminate guardianship is granted, the juvenile court
5 may resume dependency jurisdiction over the child, and
6 may order the county department of social services or
7 welfare department to develop a new permanent plan,
8 which shall be presented to the court within 60 days of the
9 termination. If no dependency jurisdiction has attached,
10 the social worker shall make any investigation he or she
11 deems necessary to determine whether the child may be
12 within the jurisdiction of the juvenile court, as provided
13 in Section 328.

14 Unless the parental rights of the child's parent or
15 parents have been terminated, they shall be notified that
16 the guardianship has been revoked or terminated and
17 shall be entitled to participate in the new permanency
18 planning hearing. The court shall try to place the child in
19 another permanent placement. At the hearing, the
20 parents may be considered as custodians but the child
21 shall not be returned to the parent or parents unless they
22 prove, by a preponderance of the evidence, that
23 reunification is the best alternative for the child. The
24 court may, if it is in the best interests of the child, order
25 that reunification services again be provided to the
26 parent or parents.

27 (c) If, following the establishment of a legal
28 guardianship, the county welfare department becomes
29 aware of changed circumstances that indicate adoption
30 may be an appropriate plan for the child, the department
31 shall so notify the court. The court may vacate its previous
32 order dismissing dependency jurisdiction over the child
33 and order that a hearing be held pursuant to Section
34 366.26 to determine whether adoption or continued
35 guardianship is the most appropriate plan for the child.
36 The hearing shall be held no later than 120 days from the
37 date of the order. Whenever the court orders that a
38 hearing shall be held pursuant to Section 366.26, the court
39 shall direct the agency supervising the child and the
40 licensed county adoption agency, or the State



1 Department of Social Services when it is acting as an
2 adoption agency in counties that are not served by a
3 county adoption agency, to prepare an assessment under
4 subdivision (b) of Section 366.22.

5 (d) If the child is in a placement other than the home
6 of a legal guardian and jurisdiction has not been
7 dismissed, the status of the child shall be reviewed at least
8 every six months. The review of the status of a child for
9 whom the court has ordered parental rights terminated
10 and who has been ordered placed for adoption shall be
11 conducted by the court. The review of the status of a child
12 for whom the court has not ordered parental rights
13 terminated and who has not been ordered placed for
14 adoption may be conducted by the court or an
15 appropriate local agency. The court shall conduct the
16 review under the following circumstances:

17 (1) Upon the request of the child's parents or
18 guardians.

19 (2) Upon the request of the child.

20 (3) It has been 12 months since a hearing held
21 pursuant to Section 366.26 or an order that the minor
22 remain in long-term foster care pursuant to Section
23 366.21, 366.22, 366.26, or subdivision (g).

24 (4) It has been 12 months since a review was
25 conducted by the court.

26 The court shall determine whether or not reasonable
27 efforts to make and finalize a permanent placement for
28 the child have been made.

29 (e) Except as provided in subdivision (f), at the review
30 held every six months pursuant to subdivision (d), the
31 reviewing body shall inquire about the progress being
32 made to provide a permanent home for the child, shall
33 consider the safety of the child, and shall determine all of
34 the following:

35 (1) The continuing necessity for and appropriateness
36 of the placement.

37 (2) The continuing appropriateness and extent of
38 compliance with the permanent plan for the child.

39 (3) The extent of the agency's compliance with the
40 child welfare services case plan in making reasonable



1 efforts to return the child to a safe home and to complete
2 whatever steps are necessary to finalize the permanent
3 placement of the child.

4 (4) The adequacy of services provided to the child.

5 (5) The extent of progress the parents have made
6 toward alleviating or mitigating the causes necessitating
7 placement in foster care.

8 (6) The likely date by which the child may be returned
9 to and safely maintained in the home, placed for
10 adoption, legal guardianship, or in another planned
11 permanent living arrangement.

12 ~~(7) Whether the child has other siblings under the~~
13 ~~court's jurisdiction, a description of the nature of the~~
14 ~~relationship between the child and his or her siblings, the~~
15 ~~appropriateness of maintaining these sibling~~
16 ~~relationships pursuant to Section 16002, and the impact of~~
17 ~~continuing sibling togetherness and contact during the~~
18 ~~child's legal permanency.~~

19 *(7) Whether the child has any siblings under the*
20 *court's jurisdiction, and, if any siblings exist, all of the*
21 *following:*

22 *(A) The nature of the relationship between the child*
23 *and his or her siblings.*

24 *(B) The appropriateness of developing or maintaining*
25 *the sibling relationships pursuant to Section 16002.*

26 *(C) If the siblings are not placed together in the same*
27 *home, why the siblings are not placed together and what*
28 *efforts are being made to place the siblings together, or*
29 *why those efforts are not appropriate.*

30 *(D) If the siblings are not placed together, the*
31 *frequency and nature of the visits between siblings.*

32 *(E) The impact of the sibling relationships on the*
33 *child's placement and planning for legal permanency.*

34 *The factors the court may consider as indicators of the*
35 *nature of the child's sibling relationships include, but are*
36 *not limited to, whether the siblings were raised together*
37 *in the same home, whether the siblings have shared*
38 *significant common experiences or have existing close*
39 *and strong bonds, whether either sibling expresses a*
40 *desire to visit or live with his or her sibling, as applicable,*



1 *and whether ongoing contact is in the child's best*
2 *emotional interests.*

3 (8) For a child who is 16 years of age or older, the
4 services needed to assist the child to make the transition
5 from foster care to independent living.

6 The reviewing body shall determine whether or not
7 reasonable efforts to make and finalize a permanent
8 placement for the child have been made.

9 Each licensed foster family agency shall submit reports
10 for each child in its care, custody, and control to the court
11 concerning the continuing appropriateness and extent of
12 compliance with the child's permanent plan, the extent
13 of compliance with the case plan, and the type and
14 adequacy of services provided to the child.

15 Unless their parental rights have been permanently
16 terminated, the parent or parents of the child are entitled
17 to receive notice of, and participate in, those hearings. It
18 shall be presumed that continued care is in the best
19 interests of the child, unless the parent or parents prove,
20 by a preponderance of the evidence, that further efforts
21 at reunification are the best alternative for the child. In
22 those cases, the court may order that further reunification
23 services to return the child to a safe home environment
24 be provided to the parent or parents for a period not to
25 exceed six months.

26 (f) At the review conducted by the court and held at
27 least every six months, regarding a child for whom the
28 court has ordered parental rights terminated and who has
29 been ordered placed for adoption, the county welfare
30 department shall prepare and present to the court a
31 report describing the following:

32 (1) The child's present placement.

33 (2) The child's current physical, mental, emotional,
34 and educational status.

35 (3) Whether the child has been placed with a
36 prospective adoptive parent or parents.

37 (4) Whether an adoptive placement agreement has
38 been signed and filed.



1 (5) Whether the final adoption order—~~may~~ *should*
2 include provisions for postadoptive sibling contact
3 pursuant to Section 366.29.

4 (6) The progress of the search for an adoptive
5 placement if one has not been identified.

6 (7) Any impediments to the adoption or the adoptive
7 placement.

8 (8) The anticipated date by which the child will be
9 adopted, or placed in an adoptive home.

10 (9) The anticipated date by which an adoptive
11 placement agreement will be signed.

12 (10) Recommendations for court orders that will assist
13 in the placement of the child for adoption or in the
14 finalization of the adoption.

15 The court shall determine whether or not reasonable
16 efforts to make and finalize a permanent placement for
17 the child have been made.

18 The court shall make appropriate orders to protect the
19 stability of the child and to facilitate and expedite the
20 permanent placement and adoption of the child.

21 (g) At the review held pursuant to subdivision (d) for
22 a child in long-term foster care, the court shall consider
23 all permanency planning options for the child including
24 whether the child should be returned to the home of the
25 parent, placed for adoption, or appointed a legal
26 guardian, or whether the child should remain in
27 long-term foster care. The court shall order that a hearing
28 be held pursuant to Section 366.26 unless it determines by
29 clear and convincing evidence, that there is a compelling
30 reason for determining that a hearing held pursuant to
31 Section 366.26 is not in the best interest of the child
32 because the child is being returned to the home of the
33 parent, the child is not a proper subject for adoption, or
34 no one is willing to accept legal guardianship. If the
35 licensed adoption agency, or the department when it is
36 acting as an adoption agency, has determined it is
37 unlikely that the child will be adopted or one of the
38 conditions described in paragraph (1) of subdivision (c)
39 of Section 366.26 applies, that fact shall constitute a
40 compelling reason for purposes of this subdivision. Only



1 upon that determination may the court order that the
2 child remain in long-term foster care, without holding a
3 hearing pursuant to Section 366.26.

4 (h) If, as authorized by subdivision (g), the court
5 orders a hearing pursuant to Section 366.26, the court
6 shall direct the agency supervising the child and the
7 licensed county adoption agency, or the State
8 Department of Social Services when it is acting as an
9 adoption agency in counties that are not served by a
10 county adoption agency, to prepare an assessment as
11 provided for in subdivision (i) of Section 366.21 or
12 subdivision (b) of Section 366.22. A hearing held pursuant
13 to Section 366.26 shall be held no later than 120 days from
14 the date of the 12-month review at which it is ordered,
15 and at that hearing the court shall determine whether
16 adoption, guardianship, or long-term foster care is the
17 most appropriate plan for the child.

18 SEC. 7. Section 388 of the Welfare and Institutions
19 Code is amended to read:

20 388. (a) Any parent or other person having an
21 interest in a child who is a dependent child of the juvenile
22 court or the child himself *or herself* through a properly
23 appointed guardian may, upon grounds of change of
24 circumstance or new evidence, petition the court in the
25 same action in which the child was found to be a
26 dependent child of the juvenile court or in which a
27 guardianship was ordered pursuant to Section 360 for a
28 hearing to change, modify, or set aside any order of court
29 previously made or to terminate the jurisdiction of the
30 court. The petition shall be verified and, if made by a
31 person other than the child, shall state the petitioner's
32 relationship to or interest in the child and shall set forth
33 in concise language any change of circumstance or new
34 evidence which are alleged to require the change of
35 order or termination of jurisdiction.

36 ~~(b) A dependent child, acting through a properly~~
37 ~~appointed guardian, or an adult sibling who has an~~
38 ~~interest in a child who is a dependent child of the juvenile~~

39 *(b) Any person, including a child who is a dependent*
40 *of the juvenile court, may petition the court to assert a*



1 ~~relationship between the dependent child and~~ as a sibling
2 related by blood, adoption, or affinity through a common
3 legal or biological parent, and to request that this
4 relationship be considered in making a determination
5 whether to initiate appropriate sibling contact pursuant
6 ~~to Section 16002.~~ biological parent to a child who is, or is
7 the subject of a petition for adjudication as, a dependent
8 of the juvenile court, and may request visitation with the
9 dependent child, placement with or near the dependent
10 child, or consideration when determining or
11 implementing a case plan or permanent plan for the
12 dependent child or make any other request for an order
13 which may be shown to be in the best interest of the
14 dependent child. The petition shall be verified and shall
15 set forth the following:

16 (1) Through which parent he or she is related to the
17 dependent child.

18 (2) Whether he or she is related to the dependent
19 child by blood, adoption, or affinity.

20 (3) The request or order that the petitioner is seeking.

21 (4) Why that request or order is in the best interest of
22 the dependent child.

23 (c) If it appears that the best interests of the child may
24 be promoted by the proposed change of order,
25 recognition of a sibling relationship, or termination of
26 jurisdiction, the court shall order that a hearing be held
27 and shall give prior notice, or cause prior notice to be
28 given, to the persons and by the means prescribed by
29 Section 386, and, in those instances in which the means of
30 giving notice is not prescribed by those sections, then by
31 means the court prescribes.

32 SEC. 8. Section 16002 of the Welfare and Institutions
33 Code is amended to read:

34 16002. (a) It is the intent of the Legislature to
35 maintain the continuity of the family unit, and ensure the
36 preservation and strengthening of the child's family ties
37 by ensuring that when siblings have been removed from
38 their home, either as a group on one occurrence or
39 individually on separate occurrences, the siblings will be
40 placed in foster care together, unless it has been



1 determined that placement together is not in the best
2 interest of one or more siblings. The Legislature
3 recognizes that in order to ensure the placement of a
4 sibling group in the same foster care placement,
5 placement resources need to be expanded.

6 (b) The responsible local agency shall make a diligent
7 effort in all out-of-home placements of dependent
8 children, including those with relatives, to *develop and*
9 *maintain sibling-togetherness and contact relationships.*
10 *If siblings are not placed together in the same home, the*
11 *social worker shall explain why the siblings are not placed*
12 *together and what efforts he or she is making to place the*
13 *siblings together or why those efforts are not*
14 *appropriate..* When ~~maintaining placement of sibling~~
15 ~~togetherness~~ *siblings together in the same home* is not
16 possible, diligent effort shall be made, and a case plan
17 prepared, to provide for ongoing and frequent
18 interaction among siblings until family reunification is
19 achieved, or, if parental rights are terminated, as part of
20 developing the permanent plan for the child. If the court
21 determines by ~~a preponderance of the~~ *clear and*
22 *convincing* evidence that sibling interaction is
23 detrimental to a child or children, the reasons for the
24 determination shall be noted in the court order, and
25 interaction shall be suspended.

26 (c) When there has been a judicial suspension of
27 sibling interaction, the reasons for the suspension shall be
28 reviewed at each periodic review hearing pursuant to
29 Section 366. When the court determines that sibling
30 interaction can be safely resumed, that determination
31 shall be noted in the court order and the case plan shall
32 be revised to provide for sibling interaction.

33 (d) If the case plan for the child has provisions for
34 sibling interaction, the child, or his or her parent or legal
35 guardian shall have the right to comment on those
36 provisions. If a person wishes to assert a sibling
37 relationship with a dependent child, he or she may file a
38 petition in the juvenile court having jurisdiction over the
39 dependent child pursuant to subdivision (b) of Section
40 388.



1 (e) If parental rights are terminated and the court
2 orders a dependent child to be placed for adoption, the
3 licensed county adoption agency or the State
4 Department of Social Services shall take all of the
5 following steps to facilitate ongoing sibling contact,
6 except in those cases provided in subdivision (b) where
7 the court determines by a preponderance of the evidence
8 that sibling interaction is detrimental to the child:

9 (1) Include in training provided to prospective
10 adoptive parents information about the importance of
11 sibling relationships to the adopted child and counseling
12 on methods for maintaining sibling relationships.

13 (2) Provide prospective adoptive parents with
14 information about siblings or half-siblings of the child,
15 except the address where the siblings or half-siblings of
16 the children reside. However, this address may be
17 disclosed by court order for good cause shown.

18 (3) Encourage prospective adoptive parents to make
19 a plan for facilitating postadoptive contact between the
20 child who is the subject of a petition for adoption and any
21 siblings or half-siblings of this child.

22 ~~(f) For the purpose of placement and visitation~~
23 ~~“sibling” is defined as sister, brother, half-sister,~~
24 ~~half-brother, or as appropriate, stepsister or stepbrother.~~

25 *(f) As used in this section, “sibling” means a child*
26 *related to another person by blood, adoption, or affinity*
27 *through a common legal or biological parent.*

28 (g) The court documentation on sibling placements
29 required under this section shall not require the
30 modification of existing court order forms until the Child
31 Welfare Services Case Management System is
32 implemented on a statewide basis.

33 SEC. 9. Section 16003 is added to the Welfare and
34 Institutions Code, to read:

35 16003. (a) The Legislature finds and declares that
36 there is an urgent need to develop placement resources
37 to permit sibling groups to remain together in
38 out-of-home care when removed from *the custody of*
39 their parents due to child abuse or neglect. Multiple
40 barriers exist ~~in~~, *including* local ordinances and ~~in~~



1 community care licensing standards, that limit or
2 prevent the county placement agency from fulfilling its
3 obligation pursuant to subdivision (b) of Section 16002 to
4 place siblings together.

5 Therefore, the Legislature declares its intent to
6 develop ~~additional~~ *specific* placement resources ~~adapted~~
7 ~~to the special needs of large~~ *to accommodate* sibling
8 groups.

9 (b) The State Department of Social Services shall, in
10 consultation with the County Welfare Directors
11 Association, the California Children's Lobby, the
12 California Youth Connection, *the Judicial Council*, and
13 other similar, interested organizations, study and
14 ~~develop~~ *make* recommendations ~~for~~ *to increase the*
15 *available* sibling placement resources, ~~that~~. *The possible*
16 *policy changes to be addressed* shall include, but shall not
17 be limited to, the following:

18 (1) The creation of a special licensing category for
19 sibling care, including sibling group foster homes ~~and~~
20 ~~group home care with cottages~~, *to provide housing for*
21 *each sibling group*.

22 ~~(2).~~

23 ~~(2)~~ *Development of children's villages with separate*
24 *cottages to provide a home for each sibling group.*

25 (3) Funding for targeted recruitment of foster parents
26 for large sibling groups.

27 ~~(3)~~

28 ~~(4)~~ Establishment of a ~~special rate for sibling groups to~~
29 ~~serve as a fiscal incentive for caregivers.~~ *higher foster*
30 *care payment rate for caretakers who accept sibling*
31 *groups.*

32 ~~(4)~~

33 (5) Funding for one-time capital improvement costs
34 to remodel homes to accommodate placement of siblings
35 and provide for other up-front costs, such as vans, car
36 seats, and other items.

37 ~~(5)~~

38 (6) Establishment of guidelines for placing siblings,
39 who cannot be placed in the same home, within
40 geographic proximity to each other and exploration of the



1 possibility of permitting these siblings to have the option
2 of enrolling in the same school district even when the
3 siblings reside in different school districts.

4 (c) *The department shall develop recommendations*
5 *for the Legislature, in consultation with the Chief*
6 *Probation Officers Association and the County Welfare*
7 *Directors Association, regarding procedures for doing*
8 *both of the following:*

9 (1) *Placing siblings together when one or more*
10 *siblings are in the juvenile dependency system and one*
11 *or more siblings are in the juvenile delinquency systems,*
12 *when such placements are appropriate.*

13 (2) *Maintaining contact and sharing information*
14 *between siblings who are placed separately in*
15 *out-of-home care under the juvenile dependency and the*
16 *juvenile delinquency systems.*

17 (d) The department shall submit the ~~report~~
18 ~~recommendations described in subdivision (b)~~
19 *subdivisions (b) and (c)* to the Legislature by November
20 1, 2001.

21 SEC. 10. Section 16501.1 of the Welfare and
22 Institutions Code is amended to read:

23 16501.1. (a) The Legislature finds and declares that
24 the foundation and central unifying tool in child welfare
25 services is the case plan.

26 (b) The Legislature further finds and declares that a
27 case plan ensures that the child receives protection and
28 safe and proper care and case management, and that
29 services are provided to the child and parents or other
30 caretakers as appropriate in order to improve conditions
31 in the parent's home, to facilitate the safe return of the
32 child to a safe home or the permanent placement of the
33 child, and to address the needs of the child while in foster
34 care. A case plan shall be based upon the principles of this
35 section and shall document that a preplacement
36 assessment of the service needs of the child and family,
37 and preplacement preventive services, have been
38 provided, and that reasonable efforts to prevent
39 out-of-home placement have been made. In determining
40 the reasonable services to be offered or provided, the



1 child's health and safety shall be the paramount concerns.
2 Reasonable services shall be offered or provided to make
3 it possible for a child to return to a safe home
4 environment, unless, pursuant to subdivisions (b) and (e)
5 of Section 361.5, the court determines that reunification
6 services shall not be provided. If reasonable services are
7 not ordered, or are terminated, reasonable efforts shall be
8 made to place the child in a timely manner in accordance
9 with the permanent plan and to complete all steps
10 necessary to finalize the permanent placement of the
11 child.

12 (c) When out-of-home placement is used to attain case
13 plan goals, the decision regarding choice of placement
14 shall be based upon selection of a safe setting that is the
15 least restrictive or most familylike and the most
16 appropriate setting that is available and in close proximity
17 to the parent's home, consistent with the selection of the
18 environment best suited to meet the child's special needs
19 and best interest, or both. The selection shall consider, in
20 order of priority, placement with relatives, tribal
21 members, and foster family, group care, and residential
22 treatment pursuant to Section 7950 of the Family Code.

23 (d) A written case plan shall be completed within 30
24 days of the initial removal of the child or of the in-person
25 response required under subdivision (f) of Section 16501
26 if the child has not been removed from his or her home,
27 or by the date of the dispositional hearing pursuant to
28 Section 358, whichever occurs first. The case plan shall be
29 updated, as the service needs of the child and family
30 dictate. At a minimum, the case plan shall be updated in
31 conjunction with each status review hearing conducted
32 pursuant to Section 366.21, and the hearing conducted
33 pursuant to Section 366.26, but no less frequently than
34 once every six months. Each updated case plan shall
35 include a description of the services that have been
36 provided to the child under the plan and an evaluation of
37 the appropriateness and effectiveness of those services.

38 (e) The child welfare services case plan shall be
39 comprehensive enough to meet the juvenile court
40 dependency proceedings requirements pursuant to



1 Article 6 (commencing with Section 300) of Chapter 2 of
2 Part 1 of Division 2.

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

4 (1) The case plan shall be based upon an assessment of
5 the circumstances that required child welfare services
6 intervention.

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

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

17 (4) The case plan shall include a description of the
18 schedule of the social worker contacts with the child and
19 the family or other caretakers. The frequency of these
20 contacts shall be in accordance with regulations adopted
21 by the State Department of Social Services. If the child
22 has been placed in foster care out of state, the county
23 social worker or a social worker on the staff of the social
24 service agency in the state in which the child has been
25 placed shall visit the child in a foster family home or the
26 home of a relative at least every 12 months and submit a
27 report to the court on each visit. For children in
28 out-of-state group home facilities, visits shall be
29 conducted at least monthly, pursuant to Section 16516.5.

30 (5) When out-of-home services are used, the
31 frequency of contact between the natural parents or legal
32 guardians and the child shall be specified in the case plan.
33 The frequency of those contacts shall reflect overall case
34 goals, and consider other principles outlined in this
35 section.

36 (6) When out-of-home placement is made, the case
37 plan shall include ~~documentation of the provisions for the~~
38 *development and maintenance of sibling-togetherness*
39 ~~and contact relationships as specified in subdivisions (b),~~
40 (c), and (d) of Section 16002. If ~~dependent siblings~~



1 *appropriate, when siblings who are dependents of the*
2 *juvenile court are not placed together, the case plan shall*
3 *include, if appropriate, a process to ensure that the social*
4 *worker for each child, if different, shall communicate*
5 *with each of the other social workers and ensure that the*
6 *child's siblings are informed of significant life events that*
7 *occur within their extended family. These events shall*
8 *include, but shall not be limited to, the following:*

9 (A) The death of an immediate relative.

10 (B) The birth of a sibling.

11 (C) Significant changes regarding a dependent child,
12 unless the child objects to the sharing of the information
13 with his or her siblings, including changes in placement,
14 major medical or mental health *diagnoses*, treatments, or
15 ~~hospitalization~~ *hospitalizations*, arrests, and changes in
16 the permanent plan, ~~and placements out of county or~~
17 ~~out of state~~. Unless it has been determined that it is
18 inappropriate in a particular case to keep siblings
19 informed of significant life events that occur within the
20 extended family, the social worker shall determine the
21 appropriate means and setting for disclosure of this
22 information to the child commensurate with the child's
23 age and emotional well-being.

24 (7) When out-of-home placement is made in a foster
25 family home, group home or other child care institution
26 that is either a substantial distance from the home of the
27 child's parent or out of state, the case plan shall specify the
28 reasons why that placement is in the best interest of the
29 child. When an out-of-state group home placement is
30 recommended or made, the case plan shall, in addition,
31 specify compliance with Section 7911.1 of the Family
32 Code.

33 (8) When out-of-home services are used, or when
34 parental rights have been terminated and the case plan
35 is placement for adoption, the case plan shall include a
36 recommendation regarding the appropriateness of
37 unsupervised visitation between the child and any of the
38 child's siblings. This recommendation shall include a
39 statement regarding the child's and the siblings'
40 willingness to participate in unsupervised visitation. If the



1 case plan includes a recommendation for unsupervised
2 sibling visitation, the plan shall also note that information
3 necessary to accomplish this visitation has been provided
4 to the child or to the child's siblings.

5 (9) When out-of-home services are used and the goal
6 is reunification, the case plan shall describe the services
7 to be provided to assist in reunification and the services
8 to be provided concurrently to achieve legal permanency
9 if efforts to reunify fail. The plan shall also consider the
10 ~~appropriateness of maintaining sibling togetherness and~~
11 ~~contact~~ *importance of developing and maintaining*
12 *sibling relationships* pursuant to Section 16002.

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

25 (11) (A) Parents and legal guardians shall have an
26 opportunity to review the case plan, sign it whenever
27 possible, and then shall receive a copy of the plan. In any
28 voluntary service or placement agreement, the parents
29 or legal guardians shall be required to review and sign the
30 case plan. Whenever possible, parents and legal
31 guardians shall participate in the development of the case
32 plan.

33 (B) Parents and legal guardians shall be advised that,
34 pursuant to Section 1228.1 of the Evidence Code, neither
35 their signature on the child welfare services case plan nor
36 their acceptance of any services prescribed in the child
37 welfare services case plan shall constitute an admission of
38 guilt or be used as evidence against the parent or legal
39 guardian in a court of law. However, they shall also be
40 advised that the parent's or guardian's failure to



1 cooperate, except for good cause, in the provision of
2 services specified in the child welfare services case plan
3 may be used in any hearing held pursuant to Section
4 366.21 or 366.22 as evidence.

5 (12) The case plan shall be included in the court report
6 and shall be considered by the court at the initial hearing
7 and each review hearing. Modifications to the case plan
8 made during the period between review hearings need
9 not be approved by the court if the casework supervisor
10 for that case determines that the modifications further
11 the goals of the plan.

12 (13) When the case plan has as its goal for the child a
13 permanent plan of adoption or placement in another
14 permanent home, it shall include documentation of the
15 steps the agency is taking to find an adoptive family or
16 other permanent living arrangements for the child; to
17 place the child with an adoptive family, an appropriate
18 and willing relative, a legal guardian, or in another
19 planned permanent living arrangement; and to finalize
20 the adoption or legal guardianship. At a minimum, the
21 documentation shall include child specific recruitment
22 efforts, such as the use of state, regional, and national
23 adoption exchanges, including electronic exchange
24 systems, when the child has been freed for adoption.

25 (g) If the court finds, after considering the case plan,
26 that unsupervised sibling visitation is appropriate and has
27 been consented to, the court shall order that the child or
28 the child's siblings, and the child's prospective adoptive
29 parents, if applicable, be provided with information
30 necessary to accomplish this visitation. Nothing in this
31 section shall be construed to require or prohibit the social
32 worker's facilitation, transportation, or supervision of
33 visits between the child and his or her siblings.

34 (h) The case plan documentation on sibling
35 placements required under this section shall not require
36 modification of existing case plan forms until the Child
37 Welfare Services Case Management System is
38 implemented on a statewide basis.

39 (i) The department, in consultation with the County
40 Welfare Directors Association and other advocates, shall



1 develop standards and guidelines for a model relative
2 placement search and assessment process based on the
3 criteria established in Section 361.3. These guidelines
4 shall be incorporated in the training described in Section
5 16206. These model standards and guidelines shall be
6 developed by March 1, 1999.

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

