

AMENDED IN ASSEMBLY APRIL 13, 2016

AMENDED IN ASSEMBLY MARCH 28, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1879

Introduced by Assembly Member McCarty

February 10, 2016

An act to amend Sections 361.5, 366, 366.21, 366.22, 366.25, 366.26, 366.3, 706.5, 706.6, 727.2, 727.3, 11400, 16501, and 16501.1 of, and to add Section 371 to, the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 1879, as amended, McCarty. Foster youth: permanency.

Existing law provides that a minor may be removed from the physical custody of his or her parents if there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage and there are no reasonable means to protect the child without removing him or her. Additionally, a minor who is in wardship proceedings may be removed from the physical custody of his or her parents if the court finds that one of several facts is present, including that the parent or guardian has failed to provide proper maintenance, training, and education for the minor. When a minor is removed from the physical custody of his or her parents in dependency or wardship proceedings, existing law generally requires that reunification services be provided to the minor and his or her family. Existing law also provides for periodic status review hearings, at which the court is required to return a minor to the physical custody of his or her parents unless the court makes specified findings.

Existing law requires, if a minor is not returned to the physical custody of his or her parents, the juvenile court to devise a permanency plan, including, among others things, an order that the child be placed for adoption, an order that a legal guardian be appointed, or an order that the child remain in another planned permanent living arrangement if the child is 16 years of age or older. Existing law requires, prior to ordering a dependent child to remain in another planned permanent living arrangement as his or her permanent plan, the court to make a finding that the child is not a proper subject for adoption and has no one willing to accept legal guardianship.

This bill would require the court to order the provision of child-centered specialized permanency services, as defined, to a child who does not have a permanent plan of adoption and who is not placed with a fit and willing relative, or who is 16 years of age or older and placed in another planned permanent living arrangement. The bill would also authorize the court to order these services for a nonminor dependent in another planned permanent living arrangement. The bill would require the case plan for the child to identify the child-centered specialized permanency services to be ~~provided~~, *provided* and would require the court to review the child-centered specialized permanency services that have been provided to the child, as specified.

The bill would also require, in any case in which the court has ordered a dependent child or a ward of the juvenile court placed for adoption or has appointed a relative or nonrelative legal guardian, the social worker or probation officer to provide the prospective adoptive family or the guardian or guardians specified mental health treatment information.

By expanding the duties of social workers and probation officers with regard to the provision of child welfare services, 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.

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. (a) The Legislature finds and declares all of the
2 following:

3 (1) As of September 30, 2014, there were 62,545 California
4 children living in the foster care system, with 16,561 children, or
5 approximately 26 percent, in foster care for over three years, and
6 9,780 children, or approximately 16 percent, in foster care for over
7 five years. Adult outcomes are often poor for the children who
8 emancipate from foster care without a permanent family. Within
9 two years of exiting the foster care system, approximately 50
10 percent of former foster youth will be homeless, in prison,
11 victimized, or dead.

12 (2) Families committing to adoption or guardianship of children
13 in foster care may face challenges unique to the adoption or
14 guardianship experience that result from the trauma of the child's
15 adverse childhood experiences. These challenges can create stress
16 that puts the adoption or guardianship at risk of disruption and
17 potentially results in the child's reentry into the foster care system.

18 (3) Provisions of the federal Preventing Sex Trafficking and
19 Strengthening Families Act (Public Law 113-183) address the need
20 to enhance efforts to improve permanency outcomes for older
21 children in care by eliminating the use of other planned permanent
22 living arrangements as a permanent plan for children under 16
23 years of age.

24 (4) The new federal law also requires documentation of intensive
25 and ongoing efforts to achieve permanence for youth with a case
26 plan for another planned permanent living arrangement, and adds
27 additional case plan and case plan review system requirements for
28 children 16 years of age and older.

29 (b) It is the intent of the Legislature in enacting this act to
30 improve permanency outcomes and stability for older children in
31 foster care by doing the following:

32 (1) Improving the stability of adoptive and guardianship families
33 by requiring the State Department of Social Services, county
34 adoption agencies, county child welfare agencies, and licensed
35 adoption agencies to provide potential adoptive families and
36 guardians information, in writing, regarding the importance of
37 working with mental health providers that have specialized
38 adoption or permanency clinical training and experience if the

1 family needs clinical support, and a description of the desirable
2 clinical expertise the family should look for when choosing an
3 adoption- or permanency-competent mental health professional.

4 (2) Improving permanency outcomes for children in foster care
5 by requiring child-centered, specialized permanency services for
6 children whose reunification services have been terminated, who
7 are not placed with a fit and willing relative, and who are
8 considered unlikely to achieve a permanent family.

9 SEC. 2. Section 361.5 of the Welfare and Institutions Code is
10 amended to read:

11 361.5. (a) Except as provided in subdivision (b), or when the
12 parent has voluntarily relinquished the child and the relinquishment
13 has been filed with the State Department of Social Services, or
14 upon the establishment of an order of guardianship pursuant to
15 Section 360, or when a court adjudicates a petition under Section
16 329 to modify the court’s jurisdiction from delinquency jurisdiction
17 to dependency jurisdiction pursuant to subparagraph (A) of
18 paragraph (2) of subdivision (b) of Section 607.2 and the parents
19 or guardian of the ward have had reunification services terminated
20 under the delinquency jurisdiction, whenever a child is removed
21 from a parent’s or guardian’s custody, the juvenile court shall order
22 the social worker to provide child welfare services to the child and
23 the child’s mother and statutorily presumed father or guardians.
24 Upon a finding and declaration of paternity by the juvenile court
25 or proof of a prior declaration of paternity by any court of
26 competent jurisdiction, the juvenile court may order services for
27 the child and the biological father, if the court determines that the
28 services will benefit the child.

29 (1) Family reunification services, when provided, shall be
30 provided as follows:

31 (A) Except as otherwise provided in subparagraph (C), for a
32 child who, on the date of initial removal from the physical custody
33 of his or her parent or guardian, was three years of age or older,
34 court-ordered services shall be provided beginning with the
35 dispositional hearing and ending 12 months after the date the child
36 entered foster care as provided in Section 361.49, unless the child
37 is returned to the home of the parent or guardian.

38 (B) For a child who, on the date of initial removal from the
39 physical custody of his or her parent or guardian, was under three
40 years of age, court-ordered services shall be provided for a period

1 of six months from the dispositional hearing as provided in
2 subdivision (e) of Section 366.21, but no longer than 12 months
3 from the date the child entered foster care as provided in Section
4 361.49 unless the child is returned to the home of the parent or
5 guardian.

6 (C) For the purpose of placing and maintaining a sibling group
7 together in a permanent home should reunification efforts fail, for
8 a child in a sibling group whose members were removed from
9 parental custody at the same time, and in which one member of
10 the sibling group was under three years of age on the date of initial
11 removal from the physical custody of his or her parent or guardian,
12 court-ordered services for some or all of the sibling group may be
13 limited as set forth in subparagraph (B). For the purposes of this
14 paragraph, “a sibling group” shall mean two or more children who
15 are related to each other as full or half siblings.

16 (2) Any motion to terminate court-ordered reunification services
17 prior to the hearing set pursuant to subdivision (f) of Section 366.21
18 for a child described by subparagraph (A) of paragraph (1), or
19 prior to the hearing set pursuant to subdivision (e) of Section
20 366.21 for a child described by subparagraph (B) or (C) of
21 paragraph (1), shall be made pursuant to the requirements set forth
22 in subdivision (c) of Section 388. A motion to terminate
23 court-ordered reunification services shall not be required at the
24 hearing set pursuant to subdivision (e) of Section 366.21 if the
25 court finds by clear and convincing evidence one of the following:

26 (A) That the child was removed initially under subdivision (g)
27 of Section 300 and the whereabouts of the parent are still unknown.

28 (B) That the parent has failed to contact and visit the child.

29 (C) That the parent has been convicted of a felony indicating
30 parental unfitness.

31 (3) (A) Notwithstanding subparagraphs (A), (B), and (C) of
32 paragraph (1), court-ordered services may be extended up to a
33 maximum time period not to exceed 18 months after the date the
34 child was originally removed from physical custody of his or her
35 parent or guardian if it can be shown, at the hearing held pursuant
36 to subdivision (f) of Section 366.21, that the permanent plan for
37 the child is that he or she will be returned and safely maintained
38 in the home within the extended time period. The court shall extend
39 the time period only if it finds that there is a substantial probability
40 that the child will be returned to the physical custody of his or her

1 parent or guardian within the extended time period or that
2 reasonable services have not been provided to the parent or
3 guardian. In determining whether court-ordered services may be
4 extended, the court shall consider the special circumstances of an
5 incarcerated or institutionalized parent or parents, parent or parents
6 court-ordered to a residential substance abuse treatment program,
7 or a parent who has been arrested and issued an immigration hold,
8 detained by the United States Department of Homeland Security,
9 or deported to his or her country of origin, including, but not
10 limited to, barriers to the parent's or guardian's access to services
11 and ability to maintain contact with his or her child. The court
12 shall also consider, among other factors, good faith efforts that the
13 parent or guardian has made to maintain contact with the child. If
14 the court extends the time period, the court shall specify the factual
15 basis for its conclusion that there is a substantial probability that
16 the child will be returned to the physical custody of his or her
17 parent or guardian within the extended time period. The court also
18 shall make findings pursuant to subdivision (a) of Section 366 and
19 subdivision (e) of Section 358.1.

20 (B) When counseling or other treatment services are ordered,
21 the parent or guardian shall be ordered to participate in those
22 services, unless the parent's or guardian's participation is deemed
23 by the court to be inappropriate or potentially detrimental to the
24 child, or unless a parent or guardian is incarcerated or detained by
25 the United States Department of Homeland Security and the
26 corrections facility in which he or she is incarcerated does not
27 provide access to the treatment services ordered by the court, or
28 has been deported to his or her country of origin and services
29 ordered by the court are not accessible in that country. Physical
30 custody of the child by the parents or guardians during the
31 applicable time period under subparagraph (A), (B), or (C) of
32 paragraph (1) shall not serve to interrupt the running of the time
33 period. If, at the end of the applicable time period, a child cannot
34 be safely returned to the care and custody of a parent or guardian
35 without court supervision, but the child clearly desires contact with
36 the parent or guardian, the court shall take the child's desire into
37 account in devising a permanency plan.

38 (C) In cases in which the child was under three years of age on
39 the date of the initial removal from the physical custody of his or
40 her parent or guardian or is a member of a sibling group as

1 described in subparagraph (C) of paragraph (1), the court shall
2 inform the parent or guardian that the failure of the parent or
3 guardian to participate regularly in any court-ordered treatment
4 programs or to cooperate or avail himself or herself of services
5 provided as part of the child welfare services case plan may result
6 in a termination of efforts to reunify the family after six months.
7 The court shall inform the parent or guardian of the factors used
8 in subdivision (e) of Section 366.21 to determine whether to limit
9 services to six months for some or all members of a sibling group
10 as described in subparagraph (C) of paragraph (1).

11 (4) (A) Notwithstanding paragraph (3), court-ordered services
12 may be extended up to a maximum time period not to exceed 24
13 months after the date the child was originally removed from
14 physical custody of his or her parent or guardian if it is shown, at
15 the hearing held pursuant to subdivision (b) of Section 366.22,
16 that the permanent plan for the child is that he or she will be
17 returned and safely maintained in the home within the extended
18 time period. The court shall extend the time period only if it finds
19 that it is in the child's best interest to have the time period extended
20 and that there is a substantial probability that the child will be
21 returned to the physical custody of his or her parent or guardian
22 who is described in subdivision (b) of Section 366.22 within the
23 extended time period, or that reasonable services have not been
24 provided to the parent or guardian. If the court extends the time
25 period, the court shall specify the factual basis for its conclusion
26 that there is a substantial probability that the child will be returned
27 to the physical custody of his or her parent or guardian within the
28 extended time period. The court also shall make findings pursuant
29 to subdivision (a) of Section 366 and subdivision (e) of Section
30 358.1.

31 (B) When counseling or other treatment services are ordered,
32 the parent or guardian shall be ordered to participate in those
33 services, in order for substantial probability to be found. Physical
34 custody of the child by the parents or guardians during the
35 applicable time period under subparagraph (A), (B), or (C) of
36 paragraph (1) shall not serve to interrupt the running of the time
37 period. If, at the end of the applicable time period, the child cannot
38 be safely returned to the care and custody of a parent or guardian
39 without court supervision, but the child clearly desires contact with

1 the parent or guardian, the court shall take the child's desire into
2 account in devising a permanency plan.

3 (C) Except in cases in which, pursuant to subdivision (b), the
4 court does not order reunification services, the court shall inform
5 the parent or parents of Section 366.26 and shall specify that the
6 parent's or parents' parental rights may be terminated.

7 (b) Reunification services need not be provided to a parent or
8 guardian described in this subdivision when the court finds, by
9 clear and convincing evidence, any of the following:

10 (1) That the whereabouts of the parent or guardian is unknown.
11 A finding pursuant to this paragraph shall be supported by an
12 affidavit or by proof that a reasonably diligent search has failed
13 to locate the parent or guardian. The posting or publication of
14 notices is not required in that search.

15 (2) That the parent or guardian is suffering from a mental
16 disability that is described in Chapter 2 (commencing with Section
17 7820) of Part 4 of Division 12 of the Family Code and that renders
18 him or her incapable of utilizing those services.

19 (3) That the child or a sibling of the child has been previously
20 adjudicated a dependent pursuant to any subdivision of Section
21 300 as a result of physical or sexual abuse, that following that
22 adjudication the child had been removed from the custody of his
23 or her parent or guardian pursuant to Section 361, that the child
24 has been returned to the custody of the parent or guardian from
25 whom the child had been taken originally, and that the child is
26 being removed pursuant to Section 361, due to additional physical
27 or sexual abuse.

28 (4) That the parent or guardian of the child has caused the death
29 of another child through abuse or neglect.

30 (5) That the child was brought within the jurisdiction of the
31 court under subdivision (e) of Section 300 because of the conduct
32 of that parent or guardian.

33 (6) That the child has been adjudicated a dependent pursuant
34 to any subdivision of Section 300 as a result of severe sexual abuse
35 or the infliction of severe physical harm to the child, a sibling, or
36 a half sibling by a parent or guardian, as defined in this subdivision,
37 and the court makes a factual finding that it would not benefit the
38 child to pursue reunification services with the offending parent or
39 guardian.

1 (A) A finding of severe sexual abuse, for the purposes of this
2 subdivision, may be based on, but is not limited to, sexual
3 intercourse, or stimulation involving genital-genital, oral-genital,
4 anal-genital, or oral-anal contact, whether between the parent or
5 guardian and the child or a sibling or half sibling of the child, or
6 between the child or a sibling or half sibling of the child and
7 another person or animal with the actual or implied consent of the
8 parent or guardian; or the penetration or manipulation of the
9 child's, sibling's, or half sibling's genital organs or rectum by any
10 animate or inanimate object for the sexual gratification of the
11 parent or guardian, or for the sexual gratification of another person
12 with the actual or implied consent of the parent or guardian.

13 (B) A finding of the infliction of severe physical harm, for the
14 purposes of this subdivision, may be based on, but is not limited
15 to, deliberate and serious injury inflicted to or on a child's body
16 or the body of a sibling or half sibling of the child by an act or
17 omission of the parent or guardian, or of another individual or
18 animal with the consent of the parent or guardian; deliberate and
19 torturous confinement of the child, sibling, or half sibling in a
20 closed space; or any other torturous act or omission that would be
21 reasonably understood to cause serious emotional damage.

22 (7) That the parent is not receiving reunification services for a
23 sibling or a half sibling of the child pursuant to paragraph (3), (5),
24 or (6).

25 (8) That the child was conceived by means of the commission
26 of an offense listed in Section 288 or 288.5 of the Penal Code, or
27 by an act committed outside of this state that, if committed in this
28 state, would constitute one of those offenses. This paragraph only
29 applies to the parent who committed the offense or act.

30 (9) That the child has been found to be a child described in
31 subdivision (g) of Section 300; that the parent or guardian of the
32 child willfully abandoned the child, and the court finds that the
33 abandonment itself constituted a serious danger to the child; or
34 that the parent or other person having custody of the child
35 voluntarily surrendered physical custody of the child pursuant to
36 Section 1255.7 of the Health and Safety Code. For the purposes
37 of this paragraph, "serious danger" means that without the
38 intervention of another person or agency, the child would have
39 sustained severe or permanent disability, injury, illness, or death.
40 For purposes of this paragraph, "willful abandonment" shall not

1 be construed as actions taken in good faith by the parent without
2 the intent of placing the child in serious danger.

3 (10) That the court ordered termination of reunification services
4 for any siblings or half siblings of the child because the parent or
5 guardian failed to reunify with the sibling or half sibling after the
6 sibling or half sibling had been removed from that parent or
7 guardian pursuant to Section 361 and that parent or guardian is
8 the same parent or guardian described in subdivision (a) and that,
9 according to the findings of the court, this parent or guardian has
10 not subsequently made a reasonable effort to treat the problems
11 that led to removal of the sibling or half sibling of that child from
12 that parent or guardian.

13 (11) That the parental rights of a parent over any sibling or half
14 sibling of the child had been permanently severed, and this parent
15 is the same parent described in subdivision (a), and that, according
16 to the findings of the court, this parent has not subsequently made
17 a reasonable effort to treat the problems that led to removal of the
18 sibling or half sibling of that child from the parent.

19 (12) That the parent or guardian of the child has been convicted
20 of a violent felony, as defined in subdivision (c) of Section 667.5
21 of the Penal Code.

22 (13) That the parent or guardian of the child has a history of
23 extensive, abusive, and chronic use of drugs or alcohol and has
24 resisted prior court-ordered treatment for this problem during a
25 three-year period immediately prior to the filing of the petition
26 that brought that child to the court's attention, or has failed or
27 refused to comply with a program of drug or alcohol treatment
28 described in the case plan required by Section 358.1 on at least
29 two prior occasions, even though the programs identified were
30 available and accessible.

31 (14) That the parent or guardian of the child has advised the
32 court that he or she is not interested in receiving family
33 maintenance or family reunification services or having the child
34 returned to or placed in his or her custody and does not wish to
35 receive family maintenance or reunification services.

36 The parent or guardian shall be represented by counsel and shall
37 execute a waiver of services form to be adopted by the Judicial
38 Council. The court shall advise the parent or guardian of any right
39 to services and of the possible consequences of a waiver of
40 services, including the termination of parental rights and placement

1 of the child for adoption. The court shall not accept the waiver of
2 services unless it states on the record its finding that the parent or
3 guardian has knowingly and intelligently waived the right to
4 services.

5 (15) That the parent or guardian has on one or more occasions
6 willfully abducted the child or child's sibling or half sibling from
7 his or her placement and refused to disclose the child's or child's
8 sibling's or half sibling's whereabouts, refused to return physical
9 custody of the child or child's sibling or half sibling to his or her
10 placement, or refused to return physical custody of the child or
11 child's sibling or half sibling to the social worker.

12 (16) That the parent or guardian has been required by the court
13 to be registered on a sex offender registry under the federal Adam
14 Walsh Child Protection and Safety Act of 2006 (42 U.S.C. Sec.
15 16913(a)), as required in Section 106(b)(2)(B)(xvi)(VI) of the
16 Child Abuse Prevention and Treatment Act of 2006 (42 U.S.C.
17 Sec. 5106a(2)(B)(xvi)(VI)).

18 (c) In deciding whether to order reunification in any case in
19 which this section applies, the court shall hold a dispositional
20 hearing. The social worker shall prepare a report that discusses
21 whether reunification services shall be provided. When it is alleged,
22 pursuant to paragraph (2) of subdivision (b), that the parent is
23 incapable of utilizing services due to mental disability, the court
24 shall order reunification services unless competent evidence from
25 mental health professionals establishes that, even with the provision
26 of services, the parent is unlikely to be capable of adequately caring
27 for the child within the time limits specified in subdivision (a).

28 (1) The court shall not order reunification for a parent or
29 guardian described in paragraph (3), (4), (6), (7), (8), (9), (10),
30 (11), (12), (13), (14), (15), or (16) of subdivision (b) unless the
31 court finds, by clear and convincing evidence, that reunification
32 is in the best interest of the child.

33 (2) In addition, the court shall not order reunification in any
34 situation described in paragraph (5) of subdivision (b) unless it
35 finds that, based on competent testimony, those services are likely
36 to prevent reabuse or continued neglect of the child or that failure
37 to try reunification will be detrimental to the child because the
38 child is closely and positively attached to that parent. The social
39 worker shall investigate the circumstances leading to the removal
40 of the child and advise the court whether there are circumstances

1 that indicate that reunification is likely to be successful or
2 unsuccessful and whether failure to order reunification is likely to
3 be detrimental to the child.

4 (3) The failure of the parent to respond to previous services, the
5 fact that the child was abused while the parent was under the
6 influence of drugs or alcohol, a past history of violent behavior,
7 or testimony by a competent professional that the parent's behavior
8 is unlikely to be changed by services are among the factors
9 indicating that reunification services are unlikely to be successful.
10 The fact that a parent or guardian is no longer living with an
11 individual who severely abused the child may be considered in
12 deciding that reunification services are likely to be successful,
13 provided that the court shall consider any pattern of behavior on
14 the part of the parent that has exposed the child to repeated abuse.

15 (d) If reunification services are not ordered pursuant to
16 paragraph (1) of subdivision (b) and the whereabouts of a parent
17 become known within six months of the out-of-home placement
18 of the child, the court shall order the social worker to provide
19 family reunification services in accordance with this subdivision.

20 (e) (1) If the parent or guardian is incarcerated, institutionalized,
21 or detained by the United States Department of Homeland Security,
22 or has been deported to his or her country of origin, the court shall
23 order reasonable services unless the court determines, by clear and
24 convincing evidence, those services would be detrimental to the
25 child. In determining detriment, the court shall consider the age
26 of the child, the degree of parent-child bonding, the length of the
27 sentence, the length and nature of the treatment, the nature of the
28 crime or illness, the degree of detriment to the child if services are
29 not offered and, for children 10 years of age or older, the child's
30 attitude toward the implementation of family reunification services,
31 the likelihood of the parent's discharge from incarceration,
32 institutionalization, or detention within the reunification time
33 limitations described in subdivision (a), and any other appropriate
34 factors. In determining the content of reasonable services, the court
35 shall consider the particular barriers to an incarcerated,
36 institutionalized, detained, or deported parent's access to those
37 court-mandated services and ability to maintain contact with his
38 or her child, and shall document this information in the child's
39 case plan. Reunification services are subject to the applicable time

1 limitations imposed in subdivision (a). Services may include, but
2 shall not be limited to, all of the following:

3 (A) Maintaining contact between the parent and child through
4 collect telephone calls.

5 (B) Transportation services, when appropriate.

6 (C) Visitation services, when appropriate.

7 (D) Reasonable services to extended family members or foster
8 parents providing care for the child if the services are not
9 detrimental to the child.

10 An incarcerated or detained parent may be required to attend
11 counseling, parenting classes, or vocational training programs as
12 part of the reunification service plan if actual access to these
13 services is provided. The social worker shall document in the
14 child's case plan the particular barriers to an incarcerated,
15 institutionalized, or detained parent's access to those
16 court-mandated services and ability to maintain contact with his
17 or her child.

18 (E) Reasonable efforts to assist parents who have been deported
19 to contact child welfare authorities in their country of origin, to
20 identify any available services that would substantially comply
21 with case plan requirements, to document the parents' participation
22 in those services, and to accept reports from local child welfare
23 authorities as to the parents' living situation, progress, and
24 participation in services.

25 (2) The presiding judge of the juvenile court of each county
26 may convene representatives of the county welfare department,
27 the sheriff's department, and other appropriate entities for the
28 purpose of developing and entering into protocols for ensuring the
29 notification, transportation, and presence of an incarcerated or
30 institutionalized parent at all court hearings involving proceedings
31 affecting the child pursuant to Section 2625 of the Penal Code.
32 The county welfare department shall utilize the prisoner locator
33 system developed by the Department of Corrections and
34 Rehabilitation to facilitate timely and effective notice of hearings
35 for incarcerated parents.

36 (3) Notwithstanding any other law, if the incarcerated parent is
37 a woman seeking to participate in the community treatment
38 program operated by the Department of Corrections and
39 Rehabilitation pursuant to Chapter 4.8 (commencing with Section
40 1174) of Title 7 of Part 2 of the Penal Code or Chapter 4

1 (commencing with Section 3410) of Title 2 of Part 3 of the Penal
2 Code, the court shall determine whether the parent's participation
3 in a program is in the child's best interest and whether it is suitable
4 to meet the needs of the parent and child.

5 (f) If the court, pursuant to paragraph (2), (3), (4), (5), (6), (7),
6 (8), (9), (10), (11), (12), (13), (14), (15), or (16) of subdivision (b)
7 or paragraph (1) of subdivision (e), does not order reunification
8 services, it shall, at the dispositional hearing, that shall include a
9 permanency hearing, determine if a hearing under Section 366.26
10 shall be set in order to determine whether adoption, guardianship,
11 or continuation in foster care, or, in the case of an Indian child, in
12 consultation with the child's tribe, tribal customary adoption, is
13 the most appropriate current plan for the child, and shall consider
14 in-state and out-of-state placement options. If the court so
15 determines, it shall conduct the hearing pursuant to Section 366.26
16 within 120 days after the dispositional hearing. However, the court
17 shall not schedule a hearing so long as the other parent is being
18 provided reunification services pursuant to subdivision (a). The
19 court may continue to permit the parent to visit the child unless it
20 finds that visitation would be detrimental to the child.

21 (g) (1) Whenever a court orders that a hearing shall be held
22 pursuant to Section 366.26, including, when, in consultation with
23 the child's tribe, tribal customary adoption is recommended, it
24 shall direct the agency supervising the child and the county
25 adoption agency, or the State Department of Social Services when
26 it is acting as an adoption agency, to prepare an assessment that
27 shall include:

28 (A) Current search efforts for an absent parent or parents and
29 notification of a noncustodial parent in the manner provided for
30 in Section 291.

31 (B) A review of the amount of and nature of any contact between
32 the child and his or her parents and other members of his or her
33 extended family since the time of placement. Although the
34 extended family of each child shall be reviewed on a case-by-case
35 basis, "extended family" for the purpose of this subparagraph shall
36 include, but not be limited to, the child's siblings, grandparents,
37 aunts, and uncles.

38 (C) An evaluation of the child's medical, developmental,
39 scholastic, mental, and emotional status.

1 (D) A preliminary assessment of the eligibility and commitment
2 of any identified prospective adoptive parent or guardian, including
3 a prospective tribal customary adoptive parent, particularly the
4 caretaker, to include a social history, including screening for
5 criminal records and prior referrals for child abuse or neglect, the
6 capability to meet the child’s needs, and the understanding of the
7 legal and financial rights and responsibilities of adoption and
8 guardianship. If a proposed guardian is a relative of the minor, the
9 assessment shall also consider, but need not be limited to, all of
10 the factors specified in subdivision (a) of Section 361.3 and in
11 Section 361.4. As used in this subparagraph, “relative” means an
12 adult who is related to the minor by blood, adoption, or affinity
13 within the fifth degree of kinship, including stepparents,
14 stepsiblings, and all relatives whose status is preceded by the words
15 “great,” “great-great,” or “grand,” or the spouse of any of those
16 persons even if the marriage was terminated by death or
17 dissolution. If the proposed permanent plan is guardianship with
18 an approved relative caregiver for a minor eligible for aid under
19 the Kin-GAP Program, as provided for in Article 4.7 (commencing
20 with Section 11385) of Chapter 2 of Part 3 of Division 9, “relative”
21 as used in this section has the same meaning as “relative” as
22 defined in subdivision (c) of Section 11391.

23 (E) The relationship of the child to any identified prospective
24 adoptive parent or guardian, including a prospective tribal
25 customary parent, the duration and character of the relationship,
26 the degree of attachment of the child to the prospective relative
27 guardian or adoptive parent, the relative’s or adoptive parent’s
28 strong commitment to caring permanently for the child, the
29 motivation for seeking adoption or guardianship, a statement from
30 the child concerning placement and the adoption or guardianship,
31 and whether the child over 12 years of age has been consulted
32 about the proposed relative guardianship arrangements, unless the
33 child’s age or physical, emotional, or other condition precludes
34 his or her meaningful response, and, if so, a description of the
35 condition.

36 (F) An analysis of the likelihood that the child will be adopted
37 if parental rights are terminated.

38 (G) In the case of an Indian child, in addition to subparagraphs
39 (A) to (F), inclusive, an assessment of the likelihood that the child
40 will be adopted, when, in consultation with the child’s tribe, a

1 customary adoption, as defined in Section 366.24, is recommended.
2 If tribal customary adoption is recommended, the assessment shall
3 include an analysis of both of the following:

4 (i) Whether tribal customary adoption would or would not be
5 detrimental to the Indian child and the reasons for reaching that
6 conclusion.

7 (ii) Whether the Indian child cannot or should not be returned
8 to the home of the Indian parent or Indian custodian and the reasons
9 for reaching that conclusion.

10 (2) (A) A relative caregiver's preference for legal guardianship
11 over adoption, if it is due to circumstances that do not include an
12 unwillingness to accept legal or financial responsibility for the
13 child, shall not constitute the sole basis for recommending removal
14 of the child from the relative caregiver for purposes of adoptive
15 placement.

16 (B) Regardless of his or her immigration status, a relative
17 caregiver shall be given information regarding the permanency
18 options of guardianship and adoption, including the long-term
19 benefits and consequences of each option, prior to establishing
20 legal guardianship or pursuing adoption. If the proposed permanent
21 plan is guardianship with an approved relative caregiver for a
22 minor eligible for aid under the Kin-GAP Program, as provided
23 for in Article 4.7 (commencing with Section 11385) of Chapter 2
24 of Part 3 of Division 9, the relative caregiver shall be informed
25 about the terms and conditions of the negotiated agreement
26 pursuant to Section 11387 and shall agree to its execution prior to
27 the hearing held pursuant to Section 366.26. A copy of the executed
28 negotiated agreement shall be attached to the assessment.

29 (h) If, at any hearing held pursuant to Section 366.26, a
30 guardianship is established for the minor with an approved relative
31 caregiver and juvenile court dependency is subsequently dismissed,
32 the minor shall be eligible for aid under the Kin-GAP Program as
33 provided for in Article 4.5 (commencing with Section 11360) or
34 Article 4.7 (commencing with Section 11385) of Chapter 2 of Part
35 3 of Division 9, as applicable.

36 (i) In determining whether reunification services will benefit
37 the child pursuant to paragraph (6) or (7) of subdivision (b), the
38 court shall consider any information it deems relevant, including
39 the following factors:

1 (1) The specific act or omission comprising the severe sexual
2 abuse or the severe physical harm inflicted on the child or the
3 child's sibling or half sibling.

4 (2) The circumstances under which the abuse or harm was
5 inflicted on the child or the child's sibling or half sibling.

6 (3) The severity of the emotional trauma suffered by the child
7 or the child's sibling or half sibling.

8 (4) Any history of abuse of other children by the offending
9 parent or guardian.

10 (5) The likelihood that the child may be safely returned to the
11 care of the offending parent or guardian within 12 months with no
12 continuing supervision.

13 (6) Whether or not the child desires to be reunified with the
14 offending parent or guardian.

15 (j) When the court determines that reunification services will
16 not be ordered, it shall order that the child's caregiver receive the
17 child's birth certificate in accordance with Sections 16010.4 and
18 16010.5. Additionally, when the court determines that reunification
19 services will not be ordered, it shall order, when appropriate, that
20 a child who is 16 years of age or older receive his or her birth
21 certificate.

22 (k) The court shall read into the record the basis for a finding
23 of severe sexual abuse or the infliction of severe physical harm
24 under paragraph (6) of subdivision (b), and shall also specify the
25 factual findings used to determine that the provision of
26 reunification services to the offending parent or guardian would
27 not benefit the child.

28 SEC. 3. Section 366 of the Welfare and Institutions Code is
29 amended to read:

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

36 (A) The continuing necessity for and appropriateness of the
37 placement.

38 (B) The extent of the agency's compliance with the case plan
39 in making reasonable efforts, or, in the case of a child 16 years of
40 age or older with another planned permanent living arrangement,

1 the ongoing and intensive efforts, including child-centered
2 specialized permanency services, as defined in Section 11400, or,
3 in the case of an Indian child, active efforts to return the child to
4 a safe home, as described in Section 361.7, and to complete any
5 steps necessary to finalize the permanent placement of the child,
6 including efforts to maintain relationships between a child who is
7 10 years of age or older and who has been in an out-of-home
8 placement for six months or longer, and individuals other than the
9 child's siblings who are important to the child, consistent with the
10 child's best interests.

11 (C) Whether there should be any limitation on the right of the
12 parent or guardian to make educational decisions or developmental
13 services decisions for the child. That limitation shall be specifically
14 addressed in the court order and may not exceed those necessary
15 to protect the child. Whenever the court specifically limits the right
16 of the parent or guardian to make educational decisions or
17 developmental services decisions for the child, the court shall at
18 the same time appoint a responsible adult to make educational
19 decisions or developmental services decisions for the child pursuant
20 to Section 361.

21 (D) (i) Whether the child has other siblings under the court's
22 jurisdiction, and, if any siblings exist, all of the following:

23 (I) The nature of the relationship between the child and his or
24 her siblings.

25 (II) The appropriateness of developing or maintaining the sibling
26 relationships pursuant to Section 16002.

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

31 (IV) If the siblings are not placed together, all of the following:

32 (ia) The frequency and nature of the visits between the siblings.

33 (ib) If there are visits between the siblings, whether the visits
34 are supervised or unsupervised. If the visits are supervised, a
35 discussion of the reasons why the visits are supervised, and what
36 needs to be accomplished in order for the visits to be unsupervised.

37 (ic) If there are visits between the siblings, a description of the
38 location and length of the visits.

39 (id) Any plan to increase visitation between the siblings.

1 (V) The impact of the sibling relationships on the child's
2 placement and planning for legal permanence.

3 (VI) The continuing need to suspend sibling interaction, if
4 applicable, pursuant to subdivision (c) of Section 16002.

5 (ii) The factors the court may consider in making a determination
6 regarding the nature of the child's sibling relationships may
7 include, but are not limited to, whether the siblings were raised
8 together in the same home, whether the siblings have shared
9 significant common experiences or have existing close and strong
10 bonds, whether either sibling expresses a desire to visit or live with
11 his or her sibling, as applicable, and whether ongoing contact is
12 in the child's best emotional interests.

13 (E) The extent of progress that has been made toward alleviating
14 or mitigating the causes necessitating placement in foster care.

15 (F) If the review hearing is the last review hearing to be held
16 before the child attains 18 years of age, the court shall conduct the
17 hearing pursuant to Section 366.31 or 366.32.

18 (2) The court shall project a likely date by which the child may
19 be returned to and safely maintained in the home or placed for
20 adoption, tribal customary adoption in the case of an Indian child,
21 legal guardianship, placed with a fit and willing relative, or, if the
22 child is 16 years of age or older, in another planned permanent
23 living arrangement with the provision of child-centered specialized
24 permanency services, as defined in Section 11400.

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

28 (c) If the child has been placed out of state, each review
29 described in subdivision (a) and any reviews conducted pursuant
30 to Sections 366.3 and 16503 shall also address whether the
31 out-of-state placement continues to be the most appropriate
32 placement selection and in the best interests of the child.

33 (d) (1) A review described in subdivision (a) and any reviews
34 conducted pursuant to Sections 366.3 and 16503 shall not result
35 in a placement of a child outside the United States prior to a judicial
36 finding that the placement is in the best interest of the child, except
37 as required by federal law or treaty.

38 (2) The party or agency requesting placement of the child outside
39 the United States shall carry the burden of proof and must show,

1 by clear and convincing evidence, that a placement outside the
2 United States is in the best interest of the child.

3 (3) In determining the best interest of the child, the court shall
4 consider, but not be limited to, the following factors:

5 (A) Placement with a relative.

6 (B) Placement of siblings in the same home.

7 (C) Amount and nature of any contact between the child and
8 the potential guardian or caretaker.

9 (D) Physical and medical needs of the dependent child.

10 (E) Psychological and emotional needs of the dependent child.

11 (F) Social, cultural, and educational needs of the dependent
12 child.

13 (G) Specific desires of any dependent child who is 12 years of
14 age or older.

15 (4) If the court finds that a placement outside the United States
16 is, by clear and convincing evidence, in the best interest of the
17 child, the court may issue an order authorizing the social worker
18 or placing agency to make a placement outside the United States.
19 A child subject to this subdivision shall not leave the United States
20 prior to the issuance of the order described in this paragraph.

21 (5) For purposes of this subdivision, “outside the United States”
22 shall not include the lands of any federally recognized American
23 Indian tribe or Alaskan Natives.

24 (6) This section shall not apply to the placement of a dependent
25 child with a parent.

26 (e) A child may not be placed in an out-of-state group home,
27 or remain in an out-of-state group home, unless the group home
28 is in compliance with Section 7911.1 of the Family Code.

29 (f) The status review of every nonminor dependent, as defined
30 in subdivision (v) of Section 11400, shall be conducted pursuant
31 to the requirements of Sections 366.3, 366.31, or 366.32, and 16503
32 until dependency jurisdiction is terminated pursuant to Section
33 391.

34 SEC. 4. Section 366.21 of the Welfare and Institutions Code
35 is amended to read:

36 366.21. (a) Every hearing conducted by the juvenile court
37 reviewing the status of a dependent child shall be placed on the
38 appearance calendar. The court shall advise all persons present at
39 the hearing of the date of the future hearing and of their right to
40 be present and represented by counsel.

1 (b) Except as provided in Sections 294 and 295, notice of the
2 hearing shall be provided pursuant to Section 293.

3 (c) At least 10 calendar days prior to the hearing, the social
4 worker shall file a supplemental report with the court regarding
5 the services provided or offered to the parent or legal guardian to
6 enable him or her to assume custody and the efforts made to
7 achieve legal permanence for the child if efforts to reunify fail,
8 including, but not limited to, efforts to maintain relationships
9 between a child who is 10 years of age or older and has been in
10 out-of-home placement for six months or longer and individuals
11 who are important to the child, consistent with the child's best
12 interests; the progress made; and, where relevant, the prognosis
13 for return of the child to the physical custody of his or her parent
14 or legal guardian; and shall make his or her recommendation for
15 disposition. If the child is a member of a sibling group described
16 in subparagraph (C) of paragraph (1) of subdivision (a) of Section
17 361.5, the report and recommendation may also take into account
18 those factors described in subdivision (e) relating to the child's
19 sibling group. If the recommendation is not to return the child to
20 a parent or legal guardian, the report shall specify why the return
21 of the child would be detrimental to the child. The social worker
22 shall provide the parent or legal guardian, counsel for the child,
23 and any court-appointed child advocate with a copy of the report,
24 including his or her recommendation for disposition, at least 10
25 calendar days prior to the hearing. In the case of a child removed
26 from the physical custody of his or her parent or legal guardian,
27 the social worker shall, at least 10 calendar days prior to the
28 hearing, provide a summary of his or her recommendation for
29 disposition to any foster parents, relative caregivers, and certified
30 foster parents who have been approved for adoption by the State
31 Department of Social Services when it is acting as an adoption
32 agency or by a county adoption agency, community care facility,
33 or foster family agency having the physical custody of the child.
34 The social worker shall include a copy of the Judicial Council
35 Caregiver Information Form (JV-290) with the summary of
36 recommendations to the child's foster parents, relative caregivers,
37 or foster parents approved for adoption, in the caregiver's primary
38 language when available, along with information on how to file
39 the form with the court.

1 (d) Prior to any hearing involving a child in the physical custody
2 of a community care facility or a foster family agency that may
3 result in the return of the child to the physical custody of his or
4 her parent or legal guardian, in adoption or the creation of a legal
5 guardianship, or, in the case of an Indian child, in consultation
6 with the child's tribe, tribal customary adoption, the facility or
7 agency shall file with the court a report, or a Judicial Council
8 Caregiver Information Form (JV-290), containing its
9 recommendation for disposition. Prior to the hearing involving a
10 child in the physical custody of a foster parent, a relative caregiver,
11 or a certified foster parent who has been approved for adoption by
12 the State Department of Social Services when it is acting as an
13 adoption agency or by a county adoption agency, the foster parent,
14 relative caregiver, or the certified foster parent who has been
15 approved for adoption by the State Department of Social Services
16 when it is acting as an adoption agency or by a county adoption
17 agency, may file with the court a report containing his or her
18 recommendation for disposition. The court shall consider the report
19 and recommendation filed pursuant to this subdivision prior to
20 determining any disposition.

21 (e) (1) At the review hearing held six months after the initial
22 dispositional hearing, but no later than 12 months after the date
23 the child entered foster care as determined in Section 361.49,
24 whichever occurs earlier, after considering the admissible and
25 relevant evidence, the court shall order the return of the child to
26 the physical custody of his or her parent or legal guardian unless
27 the court finds, by a preponderance of the evidence, that the return
28 of the child to his or her parent or legal guardian would create a
29 substantial risk of detriment to the safety, protection, or physical
30 or emotional well-being of the child. The social worker shall have
31 the burden of establishing that detriment. At the hearing, the court
32 shall consider the criminal history, obtained pursuant to paragraph
33 (1) of subdivision (f) of Section 16504.5, of the parent or legal
34 guardian subsequent to the child's removal to the extent that the
35 criminal record is substantially related to the welfare of the child
36 or the parent's or guardian's ability to exercise custody and control
37 regarding his or her child, provided the parent or legal guardian
38 agreed to submit fingerprint images to obtain criminal history
39 information as part of the case plan. The court shall also consider
40 whether the child can be returned to the custody of his or her parent

1 who is enrolled in a certified substance abuse treatment facility
2 that allows a dependent child to reside with his or her parent. The
3 fact that the parent is enrolled in a certified substance abuse
4 treatment facility shall not be, for that reason alone, prima facie
5 evidence of detriment. The failure of the parent or legal guardian
6 to participate regularly and make substantive progress in
7 court-ordered treatment programs shall be prima facie evidence
8 that return would be detrimental. In making its determination, the
9 court shall review and consider the social worker's report and
10 recommendations and the report and recommendations of any child
11 advocate appointed pursuant to Section 356.5; and shall consider
12 the efforts or progress, or both, demonstrated by the parent or legal
13 guardian and the extent to which he or she availed himself or
14 herself of services provided, taking into account the particular
15 barriers to a minor parent or a nonminor dependent parent, or an
16 incarcerated, institutionalized, detained, or deported parent's or
17 legal guardian's access to those court-mandated services and ability
18 to maintain contact with his or her child.

19 (2) Regardless of whether the child is returned to a parent or
20 legal guardian, the court shall specify the factual basis for its
21 conclusion that the return would be detrimental or would not be
22 detrimental. The court also shall make appropriate findings
23 pursuant to subdivision (a) of Section 366; and, when relevant,
24 shall order any additional services reasonably believed to facilitate
25 the return of the child to the custody of his or her parent or legal
26 guardian. The court shall also inform the parent or legal guardian
27 that if the child cannot be returned home by the 12-month
28 permanency hearing, a proceeding pursuant to Section 366.26 may
29 be instituted. This section does not apply in a case in which,
30 pursuant to Section 361.5, the court has ordered that reunification
31 services shall not be provided.

32 (3) If the child was under three years of age on the date of the
33 initial removal, or is a member of a sibling group described in
34 subparagraph (C) of paragraph (1) of subdivision (a) of Section
35 361.5, and the court finds by clear and convincing evidence that
36 the parent failed to participate regularly and make substantive
37 progress in a court-ordered treatment plan, the court may schedule
38 a hearing pursuant to Section 366.26 within 120 days. If, however,
39 the court finds there is a substantial probability that the child, who
40 was under three years of age on the date of initial removal or is a

1 member of a sibling group described in subparagraph (C) of
2 paragraph (1) of subdivision (a) of Section 361.5, may be returned
3 to his or her parent or legal guardian within six months or that
4 reasonable services have not been provided, the court shall continue
5 the case to the 12-month permanency hearing.

6 (4) For the purpose of placing and maintaining a sibling group
7 together in a permanent home, the court, in making its
8 determination to schedule a hearing pursuant to Section 366.26
9 for some or all members of a sibling group, as described in
10 subparagraph (C) of paragraph (1) of subdivision (a) of Section
11 361.5, shall review and consider the social worker's report and
12 recommendations. Factors the report shall address, and the court
13 shall consider, may include, but need not be limited to, whether
14 the sibling group was removed from parental care as a group, the
15 closeness and strength of the sibling bond, the ages of the siblings,
16 the appropriateness of maintaining the sibling group together, the
17 detriment to the child if sibling ties are not maintained, the
18 likelihood of finding a permanent home for the sibling group,
19 whether the sibling group is currently placed together in a
20 preadoptive home or has a concurrent plan goal of legal
21 permanency in the same home, the wishes of each child whose
22 age and physical and emotional condition permits a meaningful
23 response, and the best interests of each child in the sibling group.
24 The court shall specify the factual basis for its finding that it is in
25 the best interests of each child to schedule a hearing pursuant to
26 Section 366.26 within 120 days for some or all of the members of
27 the sibling group.

28 (5) If the child was removed initially under subdivision (g) of
29 Section 300 and the court finds by clear and convincing evidence
30 that the whereabouts of the parent are still unknown, or the parent
31 has failed to contact and visit the child, the court may schedule a
32 hearing pursuant to Section 366.26 within 120 days. The court
33 shall take into account any particular barriers to a parent's ability
34 to maintain contact with his or her child due to the parent's
35 incarceration, institutionalization, detention by the United States
36 Department of Homeland Security, or deportation. If the court
37 finds by clear and convincing evidence that the parent has been
38 convicted of a felony indicating parental unfitness, the court may
39 schedule a hearing pursuant to Section 366.26 within 120 days.

1 (6) If the child had been placed under court supervision with a
2 previously noncustodial parent pursuant to Section 361.2, the court
3 shall determine whether supervision is still necessary. The court
4 may terminate supervision and transfer permanent custody to that
5 parent, as provided for by paragraph (1) of subdivision (b) of
6 Section 361.2.

7 (7) In all other cases, the court shall direct that any reunification
8 services previously ordered shall continue to be offered to the
9 parent or legal guardian pursuant to the time periods set forth in
10 subdivision (a) of Section 361.5, provided that the court may
11 modify the terms and conditions of those services.

12 (8) If the child is not returned to his or her parent or legal
13 guardian, the court shall determine whether reasonable services
14 that were designed to aid the parent or legal guardian in
15 overcoming the problems that led to the initial removal and the
16 continued custody of the child have been provided or offered to
17 the parent or legal guardian. The court shall order that those
18 services be initiated, continued, or terminated.

19 (f) (1) The permanency hearing shall be held no later than 12
20 months after the date the child entered foster care, as that date is
21 determined pursuant to Section 361.49. At the permanency hearing,
22 the court shall determine the permanent plan for the child, which
23 shall include a determination of whether the child will be returned
24 to the child's home and, if so, when, within the time limits of
25 subdivision (a) of Section 361.5. After considering the relevant
26 and admissible evidence, the court shall order the return of the
27 child to the physical custody of his or her parent or legal guardian
28 unless the court finds, by a preponderance of the evidence, that
29 the return of the child to his or her parent or legal guardian would
30 create a substantial risk of detriment to the safety, protection, or
31 physical or emotional well-being of the child. The social worker
32 shall have the burden of establishing that detriment.

33 (A) At the permanency hearing, the court shall consider the
34 criminal history, obtained pursuant to paragraph (1) of subdivision
35 (f) of Section 16504.5, of the parent or legal guardian subsequent
36 to the child's removal to the extent that the criminal record is
37 substantially related to the welfare of the child or the parent's or
38 legal guardian's ability to exercise custody and control regarding
39 his or her child, provided that the parent or legal guardian agreed
40 to submit fingerprint images to obtain criminal history information

1 as part of the case plan. The court shall also determine whether
2 reasonable services that were designed to aid the parent or legal
3 guardian to overcome the problems that led to the initial removal
4 and continued custody of the child have been provided or offered
5 to the parent or legal guardian.

6 (B) The court shall also consider whether the child can be
7 returned to the custody of his or her parent who is enrolled in a
8 certified substance abuse treatment facility that allows a dependent
9 child to reside with his or her parent. The fact that the parent is
10 enrolled in a certified substance abuse treatment facility shall not
11 be, for that reason alone, prima facie evidence of detriment. The
12 failure of the parent or legal guardian to participate regularly and
13 make substantive progress in court-ordered treatment programs
14 shall be prima facie evidence that return would be detrimental.

15 (C) In making its determination, the court shall review and
16 consider the social worker's report and recommendations and the
17 report and recommendations of any child advocate appointed
18 pursuant to Section 356.5, shall consider the efforts or progress,
19 or both, demonstrated by the parent or legal guardian and the extent
20 to which he or she availed himself or herself of services provided,
21 taking into account the particular barriers to a minor parent or a
22 nonminor dependent parent, or an incarcerated, institutionalized,
23 detained, or deported parent's or legal guardian's access to those
24 court-mandated services and ability to maintain contact with his
25 or her child, and shall make appropriate findings pursuant to
26 subdivision (a) of Section 366.

27 (D) For each youth 16 years of age and older, the court shall
28 also determine whether services have been made available to assist
29 him or her in making the transition from foster care to successful
30 adulthood.

31 (2) Regardless of whether the child is returned to his or her
32 parent or legal guardian, the court shall specify the factual basis
33 for its decision. If the child is not returned to a parent or legal
34 guardian, the court shall specify the factual basis for its conclusion
35 that the return would be detrimental. The court also shall make a
36 finding pursuant to subdivision (a) of Section 366. If the child is
37 not returned to his or her parent or legal guardian, the court shall
38 consider, and state for the record, in-state and out-of-state
39 placement options. If the child is placed out of the state, the court

1 shall make a determination whether the out-of-state placement
2 continues to be appropriate and in the best interests of the child.

3 (g) If the time period in which the court-ordered services were
4 provided has met or exceeded the time period set forth in
5 subparagraph (A), (B), or (C) of paragraph (1) of subdivision (a)
6 of Section 361.5, as appropriate, and a child is not returned to the
7 custody of a parent or legal guardian at the permanency hearing
8 held pursuant to subdivision (f), the court shall do one of the
9 following:

10 (1) Continue the case for up to six months for a permanency
11 review hearing, provided that the hearing shall occur within 18
12 months of the date the child was originally taken from the physical
13 custody of his or her parent or legal guardian. The court shall
14 continue the case only if it finds that there is a substantial
15 probability that the child will be returned to the physical custody
16 of his or her parent or legal guardian and safely maintained in the
17 home within the extended period of time or that reasonable services
18 have not been provided to the parent or legal guardian. For the
19 purposes of this section, in order to find a substantial probability
20 that the child will be returned to the physical custody of his or her
21 parent or legal guardian and safely maintained in the home within
22 the extended period of time, the court shall be required to find all
23 of the following:

24 (A) That the parent or legal guardian has consistently and
25 regularly contacted and visited with the child.

26 (B) That the parent or legal guardian has made significant
27 progress in resolving problems that led to the child's removal from
28 the home.

29 (C) The parent or legal guardian has demonstrated the capacity
30 and ability both to complete the objectives of his or her treatment
31 plan and to provide for the child's safety, protection, physical and
32 emotional well-being, and special needs.

33 (i) For purposes of this subdivision, the court's decision to
34 continue the case based on a finding or substantial probability that
35 the child will be returned to the physical custody of his or her
36 parent or legal guardian is a compelling reason for determining
37 that a hearing held pursuant to Section 366.26 is not in the best
38 interests of the child.

39 (ii) The court shall inform the parent or legal guardian that if
40 the child cannot be returned home by the next permanency review

1 hearing, a proceeding pursuant to Section 366.26 may be instituted.
2 The court shall not order that a hearing pursuant to Section 366.26
3 be held unless there is clear and convincing evidence that
4 reasonable services have been provided or offered to the parent or
5 legal guardian.

6 (2) Continue the case for up to six months for a permanency
7 review hearing, provided that the hearing shall occur within 18
8 months of the date the child was originally taken from the physical
9 custody of his or her parent or legal guardian, if the parent has
10 been arrested and issued an immigration hold, detained by the
11 United States Department of Homeland Security, or deported to
12 his or her country of origin, and the court determines either that
13 there is a substantial probability that the child will be returned to
14 the physical custody of his or her parent or legal guardian and
15 safely maintained in the home within the extended period of time
16 or that reasonable services have not been provided to the parent
17 or legal guardian.

18 (3) For purposes of paragraph (2), in order to find a substantial
19 probability that the child will be returned to the physical custody
20 of his or her parent or legal guardian and safely maintained in the
21 home within the extended period of time, the court shall find all
22 of the following:

23 (A) The parent or legal guardian has consistently and regularly
24 contacted and visited with the child, taking into account any
25 particular barriers to a parent’s ability to maintain contact with his
26 or her child due to the parent’s arrest and receipt of an immigration
27 hold, detention by the United States Department of Homeland
28 Security, or deportation.

29 (B) The parent or legal guardian has made significant progress
30 in resolving the problems that led to the child’s removal from the
31 home.

32 (C) The parent or legal guardian has demonstrated the capacity
33 or ability both to complete the objectives of his or her treatment
34 plan and to provide for the child’s safety, protection, physical and
35 emotional well-being, and special needs.

36 (4) Order that a hearing be held within 120 days, pursuant to
37 Section 366.26, but only if the court does not continue the case to
38 the permanency planning review hearing and there is clear and
39 convincing evidence that reasonable services have been provided
40 or offered to the parents or legal guardians. On and after January

1 1, 2012, a hearing pursuant to Section 366.26 shall not be ordered
2 if the child is a nonminor dependent, unless the nonminor
3 dependent is an Indian child and tribal customary adoption is
4 recommended as the permanent plan.

5 (5) Order that the child remain in foster care with one of the
6 permanent plans listed in subparagraph (A), but only if the court
7 finds by clear and convincing evidence, based upon the evidence
8 already presented to it, including a recommendation by the State
9 Department of Social Services when it is acting as an adoption
10 agency or by a county adoption agency, that there is a compelling
11 reason for determining that a hearing held pursuant to Section
12 366.26 is not in the best interests of the child because the child is
13 not currently a proper subject for adoption and has no one willing
14 to accept legal guardianship as of the hearing date. For purposes
15 of this section, a recommendation by the State Department of
16 Social Services when it is acting as an adoption agency or by a
17 county adoption agency that adoption is not currently in the best
18 interests of the child shall constitute a compelling reason for the
19 court's determination. That recommendation shall be based on the
20 present circumstances of the child and shall not preclude a different
21 recommendation at a later date if the child's circumstances change.
22 On and after January 1, 2012, the nonminor dependent's legal
23 status as an adult is in and of itself a compelling reason not to hold
24 a hearing pursuant to Section 366.26. The court may order that a
25 nonminor dependent who otherwise is eligible pursuant to Section
26 11403 remain in a planned, permanent living arrangement.

27 (A) The court shall make factual findings identifying any
28 barriers to achieving the permanent plan as of the hearing date.
29 When the child is under 16 years of age, the court shall order a
30 permanent plan of return home, adoption, tribal customary adoption
31 in the case of an Indian child, legal guardianship, or placement
32 with a fit and willing relative, as appropriate. If the court
33 determines that it will not order a hearing pursuant to Section
34 366.26, and the child is not currently placed with a fit and willing
35 relative, the court shall order the provision of child-centered
36 specialized permanency services, as defined in Section 11400.
37 When the child is 16 years of age or older, or is a nonminor
38 dependent, and no other permanent plan is appropriate at the time
39 of the hearing, the court may order another planned permanent
40 living arrangement, as described in paragraph (2) of subdivision

1 (i) of Section 16501, ~~and~~ *and, if such a permanent plan is ordered,*
2 *shall* order that the appropriateness of the child's continuation in
3 another planned permanent living arrangement be assessed at the
4 next review hearing held pursuant to Section 366. If the court
5 orders another planned permanent living arrangement for a child
6 16 years of age or older, the court shall order the provision of
7 child-centered specialized permanency services, as defined in
8 Section 11400. If the court orders another planned permanent living
9 arrangement for a nonminor dependent, the court may order the
10 same services for the nonminor dependent.

11 (B) If the court orders that a child who is 10 years of age or
12 older remain in foster care, the court shall determine whether the
13 agency has made reasonable efforts to maintain the child's
14 relationships with individuals other than the child's siblings who
15 are important to the child, consistent with the child's best interests,
16 and may make any appropriate order to ensure that those
17 relationships are maintained.

18 (C) If the child is not returned to his or her parent or legal
19 guardian, the court shall consider, and state for the record, in-state
20 and out-of-state options for permanent placement. If the child is
21 placed out of the state, the court shall make a determination
22 whether the out-of-state placement continues to be appropriate and
23 in the best interests of the child.

24 (h) In any case in which the court orders that a hearing pursuant
25 to Section 366.26 shall be held, it shall also order the termination
26 of reunification services to the parent or legal guardian. The court
27 shall continue to permit the parent or legal guardian to visit the
28 child pending the hearing unless it finds that visitation would be
29 detrimental to the child. The court shall make any other appropriate
30 orders to enable the child to maintain relationships with individuals,
31 other than the child's siblings, who are important to the child,
32 consistent with the child's best interests. When the court orders a
33 termination of reunification services to the parent or legal guardian,
34 it shall also order that the child's caregiver receive the child's birth
35 certificate in accordance with Sections 16010.4 and 16010.5.
36 Additionally, when the court orders a termination of reunification
37 services to the parent or legal guardian, it shall order, when
38 appropriate, that a child who is 16 years of age or older receive
39 his or her birth certificate.

1 (i) (1) Whenever a court orders that a hearing pursuant to
2 Section 366.26, including, when, in consultation with the child’s
3 tribe, tribal customary adoption is recommended, shall be held, it
4 shall direct the agency supervising the child and the county
5 adoption agency, or the State Department of Social Services when
6 it is acting as an adoption agency, to prepare an assessment that
7 shall include:

8 (A) Current search efforts for an absent parent or parents or
9 legal guardians.

10 (B) A review of the amount of and nature of any contact between
11 the child and his or her parents or legal guardians and other
12 members of his or her extended family since the time of placement.
13 Although the extended family of each child shall be reviewed on
14 a case-by-case basis, “extended family” for the purpose of this
15 subparagraph shall include, but not be limited to, the child’s
16 siblings, grandparents, aunts, and uncles.

17 (C) An evaluation of the child’s medical, developmental,
18 scholastic, mental, and emotional status.

19 (D) A preliminary assessment of the eligibility and commitment
20 of any identified prospective adoptive parent or legal guardian,
21 including the prospective tribal customary adoptive parent,
22 particularly the caretaker, to include a social history including
23 screening for criminal records and prior referrals for child abuse
24 or neglect, the capability to meet the child’s needs, and the
25 understanding of the legal and financial rights and responsibilities
26 of adoption and guardianship. If a proposed guardian is a relative
27 of the minor, the assessment shall also consider, but need not be
28 limited to, all of the factors specified in subdivision (a) of Section
29 361.3 and in Section 361.4.

30 (E) The relationship of the child to any identified prospective
31 adoptive parent or legal guardian, the duration and character of
32 the relationship, the degree of attachment of the child to the
33 prospective relative guardian or adoptive parent, the relative’s or
34 adoptive parent’s strong commitment to caring permanently for
35 the child, the motivation for seeking adoption or guardianship, a
36 statement from the child concerning placement and the adoption
37 or guardianship, and whether the child, if over 12 years of age,
38 has been consulted about the proposed relative guardianship
39 arrangements, unless the child’s age or physical, emotional, or

1 other condition precludes his or her meaningful response, and, if
2 so, a description of the condition.

3 (F) A description of efforts to be made to identify a prospective
4 adoptive parent or legal guardian, including, but not limited to,
5 child-specific recruitment and listing on an adoption exchange
6 within the state or out of the state.

7 (G) An analysis of the likelihood that the child will be adopted
8 if parental rights are terminated.

9 (H) In the case of an Indian child, in addition to subparagraphs
10 (A) to (G), inclusive, an assessment of the likelihood that the child
11 will be adopted, when, in consultation with the child's tribe, a
12 tribal customary adoption, as defined in Section 366.24, is
13 recommended. If tribal customary adoption is recommended, the
14 assessment shall include an analysis of both of the following:

15 (i) Whether tribal customary adoption would or would not be
16 detrimental to the Indian child and the reasons for reaching that
17 conclusion.

18 (ii) Whether the Indian child cannot or should not be returned
19 to the home of the Indian parent or Indian custodian and the reasons
20 for reaching that conclusion.

21 (2) (A) A relative caregiver's preference for legal guardianship
22 over adoption, if it is due to circumstances that do not include an
23 unwillingness to accept legal or financial responsibility for the
24 child, shall not constitute the sole basis for recommending removal
25 of the child from the relative caregiver for purposes of adoptive
26 placement.

27 (B) Regardless of his or her immigration status, a relative
28 caregiver shall be given information regarding the permanency
29 options of guardianship and adoption, including the long-term
30 benefits and consequences of each option, prior to establishing
31 legal guardianship or pursuing adoption. If the proposed permanent
32 plan is guardianship with an approved relative caregiver for a
33 minor eligible for aid under the Kin-GAP Program, as provided
34 for in Article 4.7 (commencing with Section 11385) of Chapter 2
35 of Part 3 of Division 9, the relative caregiver shall be informed
36 about the terms and conditions of the negotiated agreement
37 pursuant to Section 11387 and shall agree to its execution prior to
38 the hearing held pursuant to Section 366.26. A copy of the executed
39 negotiated agreement shall be attached to the assessment.

1 (j) If, at any hearing held pursuant to Section 366.26, a
2 guardianship is established for the minor with an approved relative
3 caregiver, and juvenile court dependency is subsequently
4 dismissed, the minor shall be eligible for aid under the Kin-GAP
5 Program, as provided for in Article 4.5 (commencing with Section
6 11360) or Article 4.7 (commencing with Section 11385), as
7 applicable, of Chapter 2 of Part 3 of Division 9.

8 (k) As used in this section, “relative” means an adult who is
9 related to the minor by blood, adoption, or affinity within the fifth
10 degree of kinship, including stepparents, stepsiblings, and all
11 relatives whose status is preceded by the words “great,”
12 “great-great,” or “grand,” or the spouse of any of those persons
13 even if the marriage was terminated by death or dissolution. If the
14 proposed permanent plan is guardianship with an approved relative
15 caregiver for a minor eligible for aid under the Kin-GAP Program,
16 as provided for in Article 4.7 (commencing with Section 11385)
17 of Chapter 2 of Part 3 of Division 9, “relative” as used in this
18 section has the same meaning as “relative” as defined in
19 subdivision (c) of Section 11391.

20 (l) For purposes of this section, evidence of any of the following
21 circumstances shall not, in and of itself, be deemed a failure to
22 provide or offer reasonable services:

23 (1) The child has been placed with a foster family that is eligible
24 to adopt a child, or has been placed in a preadoptive home.

25 (2) The case plan includes services to make and finalize a
26 permanent placement for the child if efforts to reunify fail.

27 (3) Services to make and finalize a permanent placement for
28 the child, if efforts to reunify fail, are provided concurrently with
29 services to reunify the family.

30 SEC. 5. Section 366.22 of the Welfare and Institutions Code
31 is amended to read:

32 366.22. (a) (1) When a case has been continued pursuant to
33 paragraph (1) or (2) of subdivision (g) of Section 366.21, the
34 permanency review hearing shall occur within 18 months after the
35 date the child was originally removed from the physical custody
36 of his or her parent or legal guardian. After considering the
37 admissible and relevant evidence, the court shall order the return
38 of the child to the physical custody of his or her parent or legal
39 guardian unless the court finds, by a preponderance of the evidence,
40 that the return of the child to his or her parent or legal guardian

1 would create a substantial risk of detriment to the safety, protection,
2 or physical or emotional well-being of the child. The social worker
3 shall have the burden of establishing that detriment. At the
4 permanency review hearing, the court shall consider the criminal
5 history, obtained pursuant to paragraph (1) of subdivision (f) of
6 Section 16504.5, of the parent or legal guardian subsequent to the
7 child’s removal, to the extent that the criminal record is
8 substantially related to the welfare of the child or the parent’s or
9 legal guardian’s ability to exercise custody and control regarding
10 his or her child, provided that the parent or legal guardian agreed
11 to submit fingerprint images to obtain criminal history information
12 as part of the case plan. The court shall also consider whether the
13 child can be returned to the custody of his or her parent who is
14 enrolled in a certified substance abuse treatment facility that allows
15 a dependent child to reside with his or her parent. The fact that the
16 parent is enrolled in a certified substance abuse treatment facility
17 shall not be, for that reason alone, prima facie evidence of
18 detriment. The failure of the parent or legal guardian to participate
19 regularly and make substantive progress in court-ordered treatment
20 programs shall be prima facie evidence that return would be
21 detrimental. In making its determination, the court shall review
22 and consider the social worker’s report and recommendations and
23 the report and recommendations of any child advocate appointed
24 pursuant to Section 356.5; shall consider the efforts or progress,
25 or both, demonstrated by the parent or legal guardian and the extent
26 to which he or she availed himself or herself of services provided,
27 taking into account the particular barriers of a minor parent or a
28 nonminor dependent parent, or an incarcerated or institutionalized
29 parent’s or legal guardian’s access to those court-mandated services
30 and ability to maintain contact with his or her child; and shall make
31 appropriate findings pursuant to subdivision (a) of Section 366.

32 (2) Whether or not the child is returned to his or her parent or
33 legal guardian, the court shall specify the factual basis for its
34 decision. If the child is not returned to a parent or legal guardian,
35 the court shall specify the factual basis for its conclusion that return
36 would be detrimental. If the child is not returned to his or her parent
37 or legal guardian, the court shall consider, and state for the record,
38 in-state and out-of-state options for the child’s permanent
39 placement. If the child is placed out of the state, the court shall

1 make a determination whether the out-of-state placement continues
2 to be appropriate and in the best interests of the child.

3 (3) Unless the conditions in subdivision (b) are met and the
4 child is not returned to a parent or legal guardian at the permanency
5 review hearing, the court shall order that a hearing be held pursuant
6 to Section 366.26 in order to determine whether adoption, or, in
7 the case of an Indian child, in consultation with the child's tribe,
8 tribal customary adoption, guardianship, or continued placement
9 in foster care is the most appropriate plan for the child. On and
10 after January 1, 2012, a hearing pursuant to Section 366.26 shall
11 not be ordered if the child is a nonminor dependent, unless the
12 nonminor dependent is an Indian child, and tribal customary
13 adoption is recommended as the permanent plan. However, if the
14 court finds by clear and convincing evidence, based on the evidence
15 already presented to it, including a recommendation by the State
16 Department of Social Services when it is acting as an adoption
17 agency or by a county adoption agency, that there is a compelling
18 reason, as described in paragraph (5) of subdivision (g) of Section
19 366.21, for determining that a hearing held under Section 366.26
20 is not in the best interests of the child because the child is currently
21 not a proper subject for adoption and has no one willing to accept
22 legal guardianship as of the hearing date, the court may, only under
23 these circumstances, order that the child remain in foster care with
24 a permanent plan of return home, adoption, tribal customary
25 adoption in the case of an Indian child, legal guardianship, or
26 placement with a fit and willing relative, as appropriate. If the
27 court determines it will not order a hearing pursuant to Section
28 366.26, and the child is not currently placed with a fit and willing
29 relative, the court shall order the provision of child-centered
30 specialized permanency services, as defined in Section 11400. If
31 the child is 16 years of age or older or is a nonminor dependent,
32 and no other permanent plan is appropriate at the time of the
33 hearing, the court may order another planned permanent living
34 arrangement, as described in paragraph (2) of subdivision (i) of
35 Section 16501, and order that the appropriateness of the child's
36 continuation in another planned permanent living arrangement be
37 assessed at the next review hearing held pursuant to Section 366.3.
38 If the court orders another planned permanent living arrangement
39 for a child 16 years of age or older, the court shall order the
40 provision of child-centered specialized permanency services, as

1 defined in Section 11400. The court shall make factual findings
2 identifying any barriers to achieving the permanent plan as of the
3 hearing date. On and after January 1, 2012, the nonminor
4 dependent's legal status as an adult is in and of itself a compelling
5 reason not to hold a hearing pursuant to Section 366.26. The court
6 may order that a nonminor dependent who otherwise is eligible
7 pursuant to Section 11403 remain in a planned, permanent living
8 arrangement and may order the provision of child-centered
9 specialized permanency services, as defined in Section 11400. If
10 the court orders that a child who is 10 years of age or older remain
11 in foster care, the court shall determine whether the agency has
12 made reasonable efforts to maintain the child's relationships with
13 individuals other than the child's siblings who are important to the
14 child, consistent with the child's best interests, and may make any
15 appropriate order to ensure that those relationships are maintained.
16 The hearing shall be held no later than 120 days from the date of
17 the permanency review hearing. The court shall also order
18 termination of reunification services to the parent or legal guardian.
19 The court shall continue to permit the parent or legal guardian to
20 visit the child unless it finds that visitation would be detrimental
21 to the child. The court shall determine whether reasonable services
22 have been offered or provided to the parent or legal guardian. For
23 purposes of this subdivision, evidence of any of the following
24 circumstances shall not, in and of themselves, be deemed a failure
25 to provide or offer reasonable services:

26 (A) The child has been placed with a foster family that is eligible
27 to adopt a child, or has been placed in a preadoptive home.

28 (B) The case plan includes services to make and finalize a
29 permanent placement for the child if efforts to reunify fail.

30 (C) Services to make and finalize a permanent placement for
31 the child, if efforts to reunify fail, are provided concurrently with
32 services to reunify the family.

33 (b) (1) If the child is not returned to a parent or legal guardian
34 at the permanency review hearing and the court determines by
35 clear and convincing evidence that the best interests of the child
36 would be met by the provision of additional reunification services
37 to a parent or legal guardian who is making significant and
38 consistent progress in a court-ordered residential substance abuse
39 treatment program, a parent who was either a minor parent or a
40 nonminor dependent parent at the time of the initial hearing making

1 significant and consistent progress in establishing a safe home for
2 the child's return, or a parent recently discharged from
3 incarceration, institutionalization, or the custody of the United
4 States Department of Homeland Security and making significant
5 and consistent progress in establishing a safe home for the child's
6 return, the court may continue the case for up to six months for a
7 subsequent permanency review hearing, provided that the hearing
8 shall occur within 24 months of the date the child was originally
9 taken from the physical custody of his or her parent or legal
10 guardian. The court shall continue the case only if it finds that
11 there is a substantial probability that the child will be returned to
12 the physical custody of his or her parent or legal guardian and
13 safely maintained in the home within the extended period of time
14 or that reasonable services have not been provided to the parent
15 or legal guardian. For the purposes of this section, in order to find
16 a substantial probability that the child will be returned to the
17 physical custody of his or her parent or legal guardian and safely
18 maintained in the home within the extended period of time, the
19 court shall be required to find all of the following:

20 (A) That the parent or legal guardian has consistently and
21 regularly contacted and visited with the child.

22 (B) That the parent or legal guardian has made significant and
23 consistent progress in the prior 18 months in resolving problems
24 that led to the child's removal from the home.

25 (C) The parent or legal guardian has demonstrated the capacity
26 and ability both to complete the objectives of his or her substance
27 abuse treatment plan as evidenced by reports from a substance
28 abuse provider as applicable, or complete a treatment plan
29 postdischarge from incarceration, institutionalization, or detention,
30 or following deportation to his or her country of origin and his or
31 her return to the United States, and to provide for the child's safety,
32 protection, physical and emotional well-being, and special needs.

33 (2) For purposes of this subdivision, the court's decision to
34 continue the case based on a finding or substantial probability that
35 the child will be returned to the physical custody of his or her
36 parent or legal guardian is a compelling reason for determining
37 that a hearing held pursuant to Section 366.26 is not in the best
38 interests of the child.

39 (3) The court shall inform the parent or legal guardian that if
40 the child cannot be returned home by the subsequent permanency

1 review hearing, a proceeding pursuant to Section 366.26 may be
2 instituted. The court shall not order that a hearing pursuant to
3 Section 366.26 be held unless there is clear and convincing
4 evidence that reasonable services have been provided or offered
5 to the parent or legal guardian.

6 (c) (1) Whenever a court orders that a hearing pursuant to
7 Section 366.26, including when a tribal customary adoption is
8 recommended, shall be held, it shall direct the agency supervising
9 the child and the county adoption agency, or the State Department
10 of Social Services when it is acting as an adoption agency, to
11 prepare an assessment that shall include:

12 (A) Current search efforts for an absent parent or parents.

13 (B) A review of the amount of and nature of any contact between
14 the child and his or her parents and other members of his or her
15 extended family since the time of placement. Although the
16 extended family of each child shall be reviewed on a case-by-case
17 basis, “extended family” for the purposes of this subparagraph
18 shall include, but not be limited to, the child’s siblings,
19 grandparents, aunts, and uncles.

20 (C) An evaluation of the child’s medical, developmental,
21 scholastic, mental, and emotional status.

22 (D) A preliminary assessment of the eligibility and commitment
23 of any identified prospective adoptive parent or legal guardian,
24 particularly the caretaker, to include a social history including
25 screening for criminal records and prior referrals for child abuse
26 or neglect, the capability to meet the child’s needs, and the
27 understanding of the legal and financial rights and responsibilities
28 of adoption and guardianship. If a proposed legal guardian is a
29 relative of the minor, the assessment shall also consider, but need
30 not be limited to, all of the factors specified in subdivision (a) of
31 Section 361.3 and Section 361.4.

32 (E) The relationship of the child to any identified prospective
33 adoptive parent or legal guardian, the duration and character of
34 the relationship, the degree of attachment of the child to the
35 prospective relative guardian or adoptive parent, the relative’s or
36 adoptive parent’s strong commitment to caring permanently for
37 the child, the motivation for seeking adoption or legal guardianship,
38 a statement from the child concerning placement and the adoption
39 or legal guardianship, and whether the child, if over 12 years of
40 age, has been consulted about the proposed relative guardianship

1 arrangements, unless the child's age or physical, emotional, or
2 other condition precludes his or her meaningful response, and, if
3 so, a description of the condition.

4 (F) An analysis of the likelihood that the child will be adopted
5 if parental rights are terminated.

6 (G) In the case of an Indian child, in addition to subparagraphs
7 (A) to (F), inclusive, an assessment of the likelihood that the child
8 will be adopted, when, in consultation with the child's tribe, a
9 tribal customary adoption, as defined in Section 366.24, is
10 recommended. If tribal customary adoption is recommended, the
11 assessment shall include an analysis of both of the following:

12 (i) Whether tribal customary adoption would or would not be
13 detrimental to the Indian child and the reasons for reaching that
14 conclusion.

15 (ii) Whether the Indian child cannot or should not be returned
16 to the home of the Indian parent or Indian custodian and the reasons
17 for reaching that conclusion.

18 (2) (A) A relative caregiver's preference for legal guardianship
19 over adoption, if it is due to circumstances that do not include an
20 unwillingness to accept legal or financial responsibility for the
21 child, shall not constitute the sole basis for recommending removal
22 of the child from the relative caregiver for purposes of adoptive
23 placement.

24 (B) Regardless of his or her immigration status, a relative
25 caregiver shall be given information regarding the permanency
26 options of guardianship and adoption, including the long-term
27 benefits and consequences of each option, prior to establishing
28 legal guardianship or pursuing adoption. If the proposed permanent
29 plan is guardianship with an approved relative caregiver for a
30 minor eligible for aid under the Kin-GAP Program, as provided
31 for in Article 4.7 (commencing with Section 11385) of Chapter 2
32 of Part 3 of Division 9, the relative caregiver shall be informed
33 about the terms and conditions of the negotiated agreement
34 pursuant to Section 11387 and shall agree to its execution prior to
35 the hearing held pursuant to Section 366.26. A copy of the executed
36 negotiated agreement shall be attached to the assessment.

37 (d) This section shall become operative January 1, 1999. If at
38 any hearing held pursuant to Section 366.26, a legal guardianship
39 is established for the minor with an approved relative caregiver,
40 and juvenile court dependency is subsequently dismissed, the minor

1 shall be eligible for aid under the Kin-GAP Program, as provided
2 for in Article 4.5 (commencing with Section 11360) or Article 4.7
3 (commencing with Section 11385), as applicable, of Chapter 2 of
4 Part 3 of Division 9.

5 (e) As used in this section, “relative” means an adult who is
6 related to the child by blood, adoption, or affinity within the fifth
7 degree of kinship, including stepparents, stepsiblings, and all
8 relatives whose status is preceded by the words “great,”
9 “great-great,” or “grand,” or the spouse of any of those persons
10 even if the marriage was terminated by death or dissolution. If the
11 proposed permanent plan is guardianship with an approved relative
12 caregiver for a minor eligible for aid under the Kin-GAP Program,
13 as provided for in Article 4.7 (commencing with Section 11385)
14 of Chapter 2 of Part 3 of Division 9, “relative” as used in this
15 section has the same meaning as “relative” as defined in
16 subdivision (c) of Section 11391.

17 SEC. 6. Section 366.25 of the Welfare and Institutions Code
18 is amended to read:

19 366.25. (a) (1) When a case has been continued pursuant to
20 subdivision (b) of Section 366.22, the subsequent permanency
21 review hearing shall occur within 24 months after the date the
22 child was originally removed from the physical custody of his or
23 her parent or legal guardian. After considering the relevant and
24 admissible evidence, the court shall order the return of the child
25 to the physical custody of his or her parent or legal guardian unless
26 the court finds, by a preponderance of the evidence, that the return
27 of the child to his or her parent or legal guardian would create a
28 substantial risk of detriment to the safety, protection, or physical
29 or emotional well-being of the child. The social worker shall have
30 the burden of establishing that detriment. At the subsequent
31 permanency review hearing, the court shall consider the criminal
32 history, obtained pursuant to paragraph (1) of subdivision (f) of
33 Section 16504.5, of the parent or legal guardian subsequent to the
34 child’s removal to the extent that the criminal record is substantially
35 related to the welfare of the child or parent’s or legal guardian’s
36 ability to exercise custody and control regarding his or her child
37 provided that the parent or legal guardian agreed to submit
38 fingerprint images to obtain criminal history information as part
39 of the case plan. The court shall also consider whether the child
40 can be returned to the custody of a parent who is enrolled in a

1 certified substance abuse treatment facility that allows a dependent
2 child to reside with his or her parent. The fact that the parent is
3 enrolled in a certified substance abuse treatment facility shall not
4 be, for that reason alone, prima facie evidence of detriment. The
5 failure of the parent or legal guardian to participate regularly and
6 make substantive progress in court-ordered treatment programs
7 shall be prima facie evidence that return would be detrimental. In
8 making its determination, the court shall review and consider the
9 social worker's report and recommendations and the report and
10 recommendations of any child advocate appointed pursuant to
11 Section 356.5; shall consider the efforts or progress, or both,
12 demonstrated by the parent or legal guardian and the extent to
13 which he or she availed himself or herself of services provided;
14 and shall make appropriate findings pursuant to subdivision (a) of
15 Section 366.

16 (2) Whether or not the child is returned to his or her parent or
17 legal guardian, the court shall specify the factual basis for its
18 decision. If the child is not returned to a parent or legal guardian,
19 the court shall specify the factual basis for its conclusion that return
20 would be detrimental. If the child is not returned to his or her parent
21 or legal guardian, the court shall consider and state for the record,
22 in-state and out-of-state options for the child's permanent
23 placement. If the child is placed out of the state, the court shall
24 make a determination whether the out-of-state placement continues
25 to be appropriate and in the best interests of the child.

26 (3) If the child is not returned to a parent or legal guardian at
27 the subsequent permanency review hearing, the court shall order
28 that a hearing be held pursuant to Section 366.26 in order to
29 determine whether adoption, or, in the case of an Indian child,
30 tribal customary adoption, guardianship, or, in the case of a child
31 16 years of age or older when no other permanent plan is currently
32 appropriate, another planned permanent living arrangement is the
33 most appropriate plan for the child. On and after January 1, 2012,
34 a hearing pursuant to Section 366.26 shall not be ordered if the
35 child is a nonminor dependent, unless the nonminor dependent is
36 an Indian child and tribal customary adoption is recommended as
37 the permanent plan. However, if the court finds by clear and
38 convincing evidence, based on the evidence already presented to
39 it, including a recommendation by the State Department of Social
40 Services when it is acting as an adoption agency or by a county

1 adoption agency, that there is a compelling reason, as described
2 in paragraph (5) of subdivision (g) of Section 366.21, for
3 determining that a hearing held under Section 366.26 is not in the
4 best interest of the child because the child is not currently a proper
5 subject for adoption or, in the case of an Indian child, tribal
6 customary adoption, and has no one willing to accept legal
7 guardianship as of the hearing date, then the court may, only under
8 these circumstances, order that the child remain in foster care with
9 a permanent plan of return home, adoption, tribal customary
10 adoption in the case of an Indian child, legal guardianship, or
11 placement with a fit and willing relative, as appropriate. If the
12 court determines it will not order a hearing pursuant to Section
13 366.26, and the child is not currently placed with a fit and willing
14 relative, the court shall order the provision of child-centered
15 specialized permanency services, as defined in Section 11400. If
16 the child is 16 years of age or older or is a nonminor dependent,
17 and no other permanent plan is appropriate at the time of the
18 hearing, the court may order another planned permanent living
19 arrangement, as described in paragraph (2) of subdivision (i) of
20 Section 16501, ~~and~~ *and, if such a permanent plan is ordered, shall*
21 *order that the appropriateness of the child's continuation in another*
22 *planned permanent living arrangement be assessed at the next*
23 *review hearing held pursuant to Section 366. If the court orders*
24 *another planned permanent living arrangement for a child 16 years*
25 *of age or older, the court shall order the provision of child-centered*
26 *specialized permanency services, as defined in Section 11400, and*
27 *that the appropriateness of the child's continuation in another*
28 *planned permanent living arrangement be assessed at the next*
29 *review hearing held pursuant to Section 366.3. If the court orders*
30 *another planned permanent living arrangement for a nonminor*
31 *dependent, the court may order the same services for the nonminor*
32 *dependent. The court shall make factual findings identifying any*
33 *barriers to achieving the permanent plan as of the hearing date.*
34 *On and after January 1, 2012, the nonminor dependent's legal*
35 *status as an adult is in and of itself a compelling reason not to hold*
36 *a hearing pursuant to Section 366.26. The court may order that a*
37 *nonminor dependent who otherwise is eligible pursuant to Section*
38 *11403 remain in a planned, permanent living arrangement. If the*
39 *court orders that a child who is 10 years of age or older remain in*
40 *foster care, the court shall determine whether the agency has made*

1 reasonable efforts to maintain the child’s relationships with
2 individuals other than the child’s siblings who are important to the
3 child, consistent with the child’s best interests, and may make any
4 appropriate order to ensure that those relationships are maintained.
5 The hearing shall be held no later than 120 days from the date of
6 the subsequent permanency review hearing. The court shall also
7 order termination of reunification services to the parent or legal
8 guardian. The court shall continue to permit the parent or legal
9 guardian to visit the child unless it finds that visitation would be
10 detrimental to the child. The court shall determine whether
11 reasonable services have been offered or provided to the parent or
12 legal guardian. For purposes of this paragraph, evidence of any of
13 the following circumstances shall not, in and of themselves, be
14 deemed a failure to provide or offer reasonable services:

15 (A) The child has been placed with a foster family that is eligible
16 to adopt a child, or has been placed in a preadoptive home.

17 (B) The case plan includes services to make and finalize a
18 permanent placement for the child if efforts to reunify fail.

19 (C) Services to make and finalize a permanent placement for
20 the child, if efforts to reunify fail, are provided concurrently with
21 services to reunify the family.

22 (b) (1) Whenever a court orders that a hearing pursuant to
23 Section 366.26 shall be held, it shall direct the agency supervising
24 the child and the county adoption agency, or the State Department
25 of Social Services when it is acting as an adoption agency, to
26 prepare an assessment that shall include:

27 (A) Current search efforts for an absent parent or parents.

28 (B) A review of the amount of, and nature of, any contact
29 between the child and his or her parents and other members of his
30 or her extended family since the time of placement. Although the
31 extended family of each child shall be reviewed on a case-by-case
32 basis, “extended family” for the purposes of this paragraph shall
33 include, but not be limited to, the child’s siblings, grandparents,
34 aunts, and uncles.

35 (C) An evaluation of the child’s medical, developmental,
36 scholastic, mental, and emotional status.

37 (D) A preliminary assessment of the eligibility and commitment
38 of any identified prospective adoptive parent or legal guardian,
39 including a prospective tribal customary adoptive parent,
40 particularly the caretaker, to include a social history including

1 screening for criminal records and prior referrals for child abuse
2 or neglect, the capability to meet the child's needs, and the
3 understanding of the legal and financial rights and responsibilities
4 of adoption and guardianship. If a proposed legal guardian is a
5 relative of the minor, the assessment shall also consider, but need
6 not be limited to, all of the factors specified in subdivision (a) of
7 Section 361.3 and in Section 361.4.

8 (E) The relationship of the child to any identified prospective
9 adoptive parent or legal guardian, including a prospective tribal
10 customary adoptive parent, the duration and character of the
11 relationship, the degree of attachment of the child to the prospective
12 relative guardian or adoptive parent, the relative's or adoptive
13 parent's strong commitment to caring permanently for the child,
14 the motivation for seeking adoption or legal guardianship, a
15 statement from the child concerning placement and the adoption
16 or legal guardianship, and whether the child, if over 12 years of
17 age, has been consulted about the proposed relative guardianship
18 arrangements, unless the child's age or physical, emotional, or
19 other condition precludes his or her meaningful response, and, if
20 so, a description of the condition.

21 (F) An analysis of the likelihood that the child will be adopted
22 if parental rights are terminated.

23 (G) In the case of an Indian child, in addition to subparagraphs
24 (A) to (F), inclusive, an assessment of the likelihood that the child
25 will be adopted, when, in consultation with the child's tribe, a
26 tribal customary adoption, as defined in Section 366.24, is
27 recommended. If tribal customary adoption is recommended, the
28 assessment shall include an analysis of both of the following:

29 (i) Whether tribal customary adoption would or would not be
30 detrimental to the Indian child and the reasons for reaching that
31 conclusion.

32 (ii) Whether the Indian child cannot or should not be returned
33 to the home of the Indian parent or Indian custodian and the reasons
34 for reaching that conclusion.

35 (2) (A) A relative caregiver's preference for legal guardianship
36 over adoption, if it is due to circumstances that do not include an
37 unwillingness to accept legal or financial responsibility for the
38 child, shall not constitute the sole basis for recommending removal
39 of the child from the relative caregiver for purposes of adoptive
40 placement.

1 (B) Regardless of his or her immigration status, a relative
2 caregiver shall be given information regarding the permanency
3 options of guardianship and adoption, including the long-term
4 benefits and consequences of each option, prior to establishing
5 legal guardianship or pursuing adoption. If the proposed permanent
6 plan is guardianship with an approved relative caregiver for a
7 minor eligible for aid under the Kin-GAP Program, as provided
8 for in Article 4.7 (commencing with Section 11385) of Chapter 2
9 of Part 3 of Division 9, the relative caregiver shall be informed
10 about the terms and conditions of the negotiated agreement
11 pursuant to Section 11387 and shall agree to its execution prior to
12 the hearing held pursuant to Section 366.26. A copy of the executed
13 negotiated agreement shall be attached to the assessment.

14 (c) If, at any hearing held pursuant to Section 366.26, a
15 guardianship is established for the minor with an approved relative
16 caregiver, and juvenile court dependency is subsequently
17 dismissed, the minor shall be eligible for aid under the Kin-GAP
18 Program, as provided for in Article 4.5 (commencing with Section
19 11360) or Article 4.7 (commencing with Section 11385), as
20 applicable, of Chapter 2 of Part 3 of Division 9.

21 (d) As used in this section, “relative” means an adult who is
22 related to the minor by blood, adoption, or affinity within the fifth
23 degree of kinship, including stepparents, stepsiblings, and all
24 relatives whose status is preceded by the words “great,”
25 “great-great,” or “grand,” or the spouse of any of those persons
26 even if the marriage was terminated by death or dissolution. If the
27 proposed permanent plan is guardianship with an approved relative
28 caregiver for a minor eligible for aid under the Kin-GAP Program,
29 as provided in Article 4.7 (commencing with Section 11385) of
30 Chapter 2 of Part 3 of Division 9, “relative” as used in this section
31 has the same meaning as “relative” as defined in subdivision (c)
32 of Section 11391.

33 SEC. 7. Section 366.26 of the Welfare and Institutions Code
34 is amended to read:

35 366.26. (a) This section applies to children who are adjudged
36 dependent children of the juvenile court pursuant to subdivision
37 (d) of Section 360. The procedures specified herein are the
38 exclusive procedures for conducting these hearings; Part 2
39 (commencing with Section 3020) of Division 8 of the Family Code
40 is not applicable to these proceedings. Section 8616.5 of the Family

1 Code is applicable and available to all dependent children meeting
2 the requirements of that section, if the postadoption contact
3 agreement has been entered into voluntarily. For children who are
4 adjudged dependent children of the juvenile court pursuant to
5 subdivision (d) of Section 360, this section and Sections 8604,
6 8605, 8606, and 8700 of the Family Code and Chapter 5
7 (commencing with Section 7660) of Part 3 of Division 12 of the
8 Family Code specify the exclusive procedures for permanently
9 terminating parental rights with regard to, or establishing legal
10 guardianship of, the child while the child is a dependent child of
11 the juvenile court.

12 (b) At the hearing, which shall be held in juvenile court for all
13 children who are dependents of the juvenile court, the court, in
14 order to provide stable, permanent homes for these children, shall
15 review the report as specified in Section 361.5, 366.21, 366.22, or
16 366.25, shall indicate that the court has read and considered it,
17 shall receive other evidence that the parties may present, and then
18 shall make findings and orders in the following order of preference:

19 (1) Terminate the rights of the parent or parents and order that
20 the child be placed for adoption and, upon the filing of a petition
21 for adoption in the juvenile court, order that a hearing be set. The
22 court shall proceed with the adoption after the appellate rights of
23 the natural parents have been exhausted.

24 (2) Order, without termination of parental rights, the plan of
25 tribal customary adoption, as described in Section 366.24, through
26 tribal custom, traditions, or law of the Indian child's tribe, and
27 upon the court affording the tribal customary adoption order full
28 faith and credit at the continued selection and implementation
29 hearing, order that a hearing be set pursuant to paragraph (2) of
30 subdivision (e).

31 (3) Appoint a relative or relatives with whom the child is
32 currently residing as legal guardian or guardians for the child, and
33 order that letters of guardianship issue.

34 (4) On making a finding under paragraph (3) of subdivision (c),
35 identify adoption or tribal customary adoption as the permanent
36 placement goal and order that efforts be made to locate an
37 appropriate adoptive family for the child within a period not to
38 exceed 180 days.

39 (5) Appoint a nonrelative legal guardian for the child and order
40 that letters of guardianship issue.

1 (6) Order that the child be permanently placed with a fit and
2 willing relative, subject to the periodic review of the juvenile court
3 under Section 366.3.

4 (7) Order that the child remain in foster care, subject to the
5 conditions described in paragraph (4) of subdivision (c) and the
6 periodic review of the juvenile court under Section 366.3.

7 In choosing among the above alternatives the court shall proceed
8 pursuant to subdivision (c).

9 (c) (1) If the court determines, based on the assessment provided
10 as ordered under subdivision (i) of Section 366.21, subdivision (b)
11 of Section 366.22, or subdivision (b) of Section 366.25, and any
12 other relevant evidence, by a clear and convincing standard, that
13 it is likely the child will be adopted, the court shall terminate
14 parental rights and order the child placed for adoption. The fact
15 that the child is not yet placed in a preadoptive home nor with a
16 relative or foster family who is prepared to adopt the child, shall
17 not constitute a basis for the court to conclude that it is not likely
18 the child will be adopted. A finding under subdivision (b) or
19 paragraph (1) of subdivision (e) of Section 361.5 that reunification
20 services shall not be offered, under subdivision (e) of Section
21 366.21 that the whereabouts of a parent have been unknown for
22 six months or that the parent has failed to visit or contact the child
23 for six months, or that the parent has been convicted of a felony
24 indicating parental unfitness, or, under Section 366.21 or 366.22,
25 that the court has continued to remove the child from the custody
26 of the parent or guardian and has terminated reunification services,
27 shall constitute a sufficient basis for termination of parental rights.
28 Under these circumstances, the court shall terminate parental rights
29 unless either of the following applies:

30 (A) The child is living with a relative who is unable or unwilling
31 to adopt the child because of circumstances that do not include an
32 unwillingness to accept legal or financial responsibility for the
33 child, but who is willing and capable of providing the child with
34 a stable and permanent environment through legal guardianship,
35 and the removal of the child from the custody of his or her relative
36 would be detrimental to the emotional well-being of the child. For
37 purposes of an Indian child, “relative” shall include an “extended
38 family member,” as defined in the federal Indian Child Welfare
39 Act of 1978 (25 U.S.C. Sec. 1903(2)).

1 (B) The court finds a compelling reason for determining that
2 termination would be detrimental to the child due to one or more
3 of the following circumstances:

4 (i) The parents have maintained regular visitation and contact
5 with the child and the child would benefit from continuing the
6 relationship.

7 (ii) A child 12 years of age or older objects to termination of
8 parental rights.

9 (iii) The child is placed in a residential treatment facility,
10 adoption is currently unlikely or undesirable, and continuation of
11 parental rights will not prevent finding the child a permanent family
12 placement if the parents cannot resume custody when residential
13 care is no longer needed. If the court determines that adoption is
14 currently unlikely or undesirable, the court shall order
15 child-centered specialized permanency services, as defined in
16 Section 11400, and assess progress towards placement in a
17 permanent family at the next review hearing held pursuant to
18 Section 366.3.

19 (iv) The child is living with a foster parent or Indian custodian
20 who is unable or unwilling to adopt the child because of
21 exceptional circumstances, that do not include an unwillingness
22 to accept legal or financial responsibility for the child, but who is
23 willing and capable of providing the child with a stable and
24 permanent environment and the removal of the child from the
25 physical custody of his or her foster parent or Indian custodian
26 would be detrimental to the emotional well-being of the child. This
27 clause does not apply to any child who is either (I) under six years
28 of age or (II) a member of a sibling group where at least one child
29 is under six years of age and the siblings are, or should be,
30 permanently placed together.

31 (v) There would be substantial interference with a child's sibling
32 relationship, taking into consideration the nature and extent of the
33 relationship, including, but not limited to, whether the child was
34 raised with a sibling in the same home, whether the child shared
35 significant common experiences or has existing close and strong
36 bonds with a sibling, and whether ongoing contact is in the child's
37 best interest, including the child's long-term emotional interest,
38 as compared to the benefit of legal permanence through adoption.

1 (vi) The child is an Indian child and there is a compelling reason
2 for determining that termination of parental rights would not be
3 in the best interest of the child, including, but not limited to:

4 (I) Termination of parental rights would substantially interfere
5 with the child’s connection to his or her tribal community or the
6 child’s tribal membership rights.

7 (II) The child’s tribe has identified guardianship, foster care
8 with a fit and willing relative, tribal customary adoption, or another
9 planned permanent living arrangement for the child.

10 (III) The child is a nonminor dependent, and the nonminor and
11 the nonminor’s tribe have identified tribal customary adoption for
12 the nonminor.

13 (C) For purposes of subparagraph (B), in the case of tribal
14 customary adoptions, Section 366.24 shall apply.

15 (D) If the court finds that termination of parental rights would
16 be detrimental to the child pursuant to clause (i), (ii), (iii), (iv),
17 (v), or (vi), it shall state its reasons in writing or on the record.

18 (2) The court shall not terminate parental rights if:

19 (A) At each hearing at which the court was required to consider
20 reasonable efforts or services, the court has found that reasonable
21 efforts were not made or that reasonable services were not offered
22 or provided.

23 (B) In the case of an Indian child:

24 (i) At the hearing terminating parental rights, the court has found
25 that active efforts were not made as required in Section 361.7.

26 (ii) The court does not make a determination at the hearing
27 terminating parental rights, supported by evidence beyond a
28 reasonable doubt, including testimony of one or more “qualified
29 expert witnesses” as defined in Section 224.6, that the continued
30 custody of the child by the parent is likely to result in serious
31 emotional or physical damage to the child.

32 (iii) The court has ordered tribal customary adoption pursuant
33 to Section 366.24.

34 (3) If the court finds that termination of parental rights would
35 not be detrimental to the child pursuant to paragraph (1) and that
36 the child has a probability for adoption but is difficult to place for
37 adoption and there is no identified or available prospective adoptive
38 parent, the court may identify adoption as the permanent placement
39 goal and without terminating parental rights, order that efforts be
40 made to locate an appropriate adoptive family for the child, within

1 the state or out of the state, within a period not to exceed 180 days.
2 During this 180-day period, the public agency responsible for
3 seeking adoptive parents for each child shall, to the extent possible,
4 ask each child who is 10 years of age or older to identify any
5 individuals, other than the child's siblings, who are important to
6 the child, in order to identify potential adoptive parents. The public
7 agency may ask any other child to provide that information, as
8 appropriate. During the 180-day period, the public agency shall,
9 to the extent possible, contact other private and public adoption
10 agencies regarding the availability of the child for adoption. During
11 the 180-day period, the public agency shall conduct the search for
12 adoptive parents in the same manner as prescribed for children in
13 Sections 8708 and 8709 of the Family Code. At the expiration of
14 this period, another hearing shall be held and the court shall
15 proceed pursuant to paragraph (1), (2), (3), (5), or (6) of subdivision
16 (b). For purposes of this section, a child may only be found to be
17 difficult to place for adoption if there is no identified or available
18 prospective adoptive parent for the child because of the child's
19 membership in a sibling group, or the presence of a diagnosed
20 medical, physical, or mental handicap, or the child is seven years
21 of age or more. If the child is found to be difficult to place for
22 adoption, the court shall order child-centered specialized
23 permanency services, as defined in Section 11400.

24 (4) (A) If the court finds that adoption of the child or
25 termination of parental rights is not in the best interest of the child,
26 because one of the conditions in clause (i), (ii), (iii), (iv), (v), or
27 (vi) of subparagraph (B) of paragraph (1) or in paragraph (2)
28 applies, the court shall order that the present caretakers or other
29 appropriate persons shall become legal guardians of the child, or,
30 in the case of an Indian child, consider a tribal customary adoption
31 pursuant to Section 366.24. Legal guardianship shall be considered
32 before continuing the child in foster care under any other permanent
33 plan, if it is in the best interests of the child and if a suitable
34 guardian can be found. If the child continues in foster care, the
35 court shall make factual findings identifying any barriers to
36 achieving adoption, tribal customary adoption in the case of an
37 Indian child, legal guardianship, or placement with a fit and willing
38 relative as of the date of the hearing and shall order the agency to
39 begin providing child-centered specialized permanency services,
40 as defined in Section 11400. A child who is 10 years of age or

1 older shall be asked to identify any individuals, other than the
2 child's siblings, who are important to the child, in order to identify
3 potential guardians or, in the case of an Indian child, prospective
4 tribal customary adoptive parents. The agency may ask any other
5 child to provide that information, as appropriate.

6 (B) (i) If the child is living with an approved relative who is
7 willing and capable of providing a stable and permanent
8 environment, but not willing to become a legal guardian as of the
9 hearing date, the court shall order a permanent plan of placement
10 with a fit and willing relative, and the child shall not be removed
11 from the home if the court finds the removal would be seriously
12 detrimental to the emotional well-being of the child because the
13 child has substantial psychological ties to the relative caretaker.

14 (ii) If the child is living with a nonrelative caregiver who is
15 willing and capable of providing a stable and permanent
16 environment but is not willing to become a legal guardian as of
17 the hearing date, the court shall order that the child remain in foster
18 care with a permanent plan of return home, adoption, legal
19 guardianship, or placement with a fit and willing relative, as
20 appropriate, and shall order the agency supervising the child and
21 the county adoption agency, or the State Department of Social
22 Services when it is acting as an adoption agency, to begin providing
23 child-centered specialized permanency services, as defined in
24 Section 11400. If the child is 16 years of age or older, or a
25 nonminor dependent, and no other permanent plan is appropriate
26 at the time of the hearing, the court may order another planned
27 permanent living arrangement, as described in paragraph (2) of
28 subdivision (i) of Section 16501, ~~and~~ *and, if such a permanent*
29 *plan is ordered, shall* order the provision of child-centered
30 specialized permanency services, as defined in Section 11400. If
31 the child is 16 years of age or older, the appropriateness of the
32 child's continuation in a planned permanent living arrangement
33 shall be assessed at the next review hearing held pursuant to
34 Section 366.3. If the order of another planned permanent living
35 arrangement is made for a nonminor dependent, the court may
36 order the provision of child-centered specialized permanency
37 services, as defined in Section 11400. Regardless of the age of the
38 child, the child shall not be removed from the home if the court
39 finds the removal would be seriously detrimental to the emotional

1 well-being of the child because the child has substantial
2 psychological ties to the caregiver.

3 (iii) If the child is living in a group home or, on or after January
4 1, 2017, a short-term residential treatment center, the court shall
5 order that the child remain in foster care with a permanent plan of
6 return home, adoption, tribal customary adoption in the case of an
7 Indian child, legal guardianship, or placement with a fit and willing
8 relative, as appropriate. If the child is 16 years of age or older, or
9 a nonminor dependent, and no other permanent plan is appropriate
10 at the time of the hearing, the court may order another planned
11 permanent living arrangement, as described in paragraph (2) of
12 subdivision (i) of Section 16501. If the child is 16 years *of age* or
13 older, the court shall order the provision of child-centered
14 specialized permanency services, as defined in Section 11400, and
15 order that the appropriateness of the child's continuation in a
16 planned permanent living arrangement be assessed again at the
17 next review hearing held pursuant to Section 366.3. If the order
18 of another planned permanent living arrangement is made for a
19 nonminor dependent, the court may order the provision of
20 child-centered specialized permanency services, as defined in
21 Section 11400.

22 (C) The court shall also make an order for visitation with the
23 parents or guardians unless the court finds by a preponderance of
24 the evidence that the visitation would be detrimental to the physical
25 or emotional well-being of the child.

26 (5) (A) If the court finds that the child should not be placed for
27 adoption, that legal guardianship shall not be established, that
28 placement with a fit and willing relative is not appropriate as of
29 the hearing date, and that there are no suitable foster parents except
30 exclusive-use homes available to provide the child with a stable
31 and permanent environment, the court may order the care, custody,
32 and control of the child transferred from the county welfare
33 department to a licensed foster family agency. The court shall
34 consider the written recommendation of the county welfare director
35 regarding the suitability of the transfer. The transfer shall be subject
36 to further court orders.

37 (B) The licensed foster family agency shall place the child in a
38 suitable licensed or exclusive-use home that has been certified by
39 the agency as meeting licensing standards. The licensed foster
40 family agency shall be responsible for supporting the child and

1 providing appropriate services to the child, including those services
2 ordered by the court. Responsibility for the support of the child
3 shall not, in and of itself, create liability on the part of the foster
4 family agency to third persons injured by the child. Those children
5 whose care, custody, and control are transferred to a foster family
6 agency shall not be eligible for foster care maintenance payments
7 or child welfare services, except for emergency response services
8 pursuant to Section 16504.

9 (d) The proceeding for the appointment of a guardian for a child
10 who is a dependent of the juvenile court shall be in the juvenile
11 court. If the court finds pursuant to this section that legal
12 guardianship is the appropriate permanent plan, it shall appoint
13 the legal guardian and issue letters of guardianship. The assessment
14 prepared pursuant to subdivision (g) of Section 361.5, subdivision
15 (i) of Section 366.21, subdivision (b) of Section 366.22, and
16 subdivision (b) of Section 366.25 shall be read and considered by
17 the court prior to the appointment, and this shall be reflected in
18 the minutes of the court. The person preparing the assessment may
19 be called and examined by any party to the proceeding.

20 (e) (1) The proceeding for the adoption of a child who is a
21 dependent of the juvenile court shall be in the juvenile court if the
22 court finds pursuant to this section that adoption is the appropriate
23 permanent plan and the petition for adoption is filed in the juvenile
24 court. Upon the filing of a petition for adoption, the juvenile court
25 shall order that an adoption hearing be set. The court shall proceed
26 with the adoption after the appellate rights of the natural parents
27 have been exhausted. The full report required by Section 8715 of
28 the Family Code shall be read and considered by the court prior
29 to the adoption and this shall be reflected in the minutes of the
30 court. The person preparing the report may be called and examined
31 by any party to the proceeding. It is the intent of the Legislature,
32 pursuant to this subdivision, to give potential adoptive parents the
33 option of filing in the juvenile court the petition for the adoption
34 of a child who is a dependent of the juvenile court. Nothing in this
35 section is intended to prevent the filing of a petition for adoption
36 in any other court as permitted by law, instead of in the juvenile
37 court.

38 (2) In the case of an Indian child, if the Indian child's tribe has
39 elected a permanent plan of tribal customary adoption, the court,
40 upon receiving the tribal customary adoption order will afford the

1 tribal customary adoption order full faith and credit to the same
2 extent that the court would afford full faith and credit to the public
3 acts, records, judicial proceedings, and judgments of any other
4 entity. Upon a determination that the tribal customary adoption
5 order may be afforded full faith and credit, consistent with Section
6 224.5, the court shall thereafter order a hearing to finalize the
7 adoption be set upon the filing of the adoption petition. The
8 prospective tribal customary adoptive parents and the child who
9 is the subject of the tribal customary adoption petition shall appear
10 before the court for the finalization hearing. The court shall
11 thereafter issue an order of adoption pursuant to Section 366.24.

12 (3) If a child who is the subject of a finalized tribal customary
13 adoption shows evidence of a developmental disability or mental
14 illness as a result of conditions existing before the tribal customary
15 adoption to the extent that the child cannot be relinquished to a
16 licensed adoption agency on the grounds that the child is considered
17 difficult to place for adoption as pursuant to paragraph (3) of
18 subdivision (c) and of which condition the tribal customary
19 adoptive parent or parents had no knowledge or notice before the
20 entry of the tribal customary adoption order, a petition setting forth
21 those facts may be filed by the tribal customary adoptive parent
22 or parents with the juvenile court that granted the tribal customary
23 adoption petition. If these facts are proved to the satisfaction of
24 the juvenile court, it may make an order setting aside the tribal
25 customary adoption order. The set-aside petition shall be filed
26 within five years of the issuance of the tribal customary adoption
27 order. The court clerk shall immediately notify the child's tribe
28 and the department in Sacramento of the petition within 60 days
29 after the notice of filing of the petition. The department shall file
30 a full report with the court and shall appear before the court for
31 the purpose of representing the child. Whenever a final decree of
32 tribal customary adoption has been vacated or set aside, the child
33 shall be returned to the custody of the county in which the
34 proceeding for tribal customary adoption was finalized. The
35 biological parent or parents of the child may petition for return of
36 custody. The disposition of the child after the court has entered an
37 order to set aside a tribal customary adoption shall include
38 consultation with the child's tribe.

1 (f) At the beginning of any proceeding pursuant to this section,
2 if the child or the parents are not being represented by previously
3 retained or appointed counsel, the court shall proceed as follows:

4 (1) In accordance with subdivision (c) of Section 317, if a child
5 before the court is without counsel, the court shall appoint counsel
6 unless the court finds that the child would not benefit from the
7 appointment of counsel. The court shall state on the record its
8 reasons for that finding.

9 (2) If a parent appears without counsel and is unable to afford
10 counsel, the court shall appoint counsel for the parent, unless this
11 representation is knowingly and intelligently waived. The same
12 counsel shall not be appointed to represent both the child and his
13 or her parent. The public defender or private counsel may be
14 appointed as counsel for the parent.

15 (3) Private counsel appointed under this section shall receive a
16 reasonable sum for compensation and expenses, the amount of
17 which shall be determined by the court. The amount shall be paid
18 by the real parties in interest, other than the child, in any
19 proportions the court deems just. However, if the court finds that
20 any of the real parties in interest are unable to afford counsel, the
21 amount shall be paid out of the general fund of the county.

22 (g) The court may continue the proceeding for a period of time
23 not to exceed 30 days as necessary to appoint counsel, and to
24 enable counsel to become acquainted with the case.

25 (h) (1) At all proceedings under this section, the court shall
26 consider the wishes of the child and shall act in the best interests
27 of the child.

28 (2) In accordance with Section 349, the child shall be present
29 in court if the child or the child's counsel so requests or the court
30 so orders. If the child is 10 years of age or older and is not present
31 at a hearing held pursuant to this section, the court shall determine
32 whether the minor was properly notified of his or her right to attend
33 the hearing and inquire as to the reason why the child is not present.

34 (3) (A) The testimony of the child may be taken in chambers
35 and outside the presence of the child's parent or parents, if the
36 child's parent or parents are represented by counsel, the counsel
37 is present, and any of the following circumstances exists:

38 (i) The court determines that testimony in chambers is necessary
39 to ensure truthful testimony.

1 (ii) The child is likely to be intimidated by a formal courtroom
2 setting.

3 (iii) The child is afraid to testify in front of his or her parent or
4 parents.

5 (B) After testimony in chambers, the parent or parents of the
6 child may elect to have the court reporter read back the testimony
7 or have the testimony summarized by counsel for the parent or
8 parents.

9 (C) The testimony of a child also may be taken in chambers and
10 outside the presence of the guardian or guardians of a child under
11 the circumstances specified in this subdivision.

12 (i) (1) Any order of the court permanently terminating parental
13 rights under this section shall be conclusive and binding upon the
14 child, upon the parent or parents, and upon all other persons who
15 have been served with citation by publication or otherwise as
16 provided in this chapter. After making the order, the juvenile court
17 shall have no power to set aside, change, or modify it, except as
18 provided in paragraph (2), but nothing in this section shall be
19 construed to limit the right to appeal the order.

20 (2) A tribal customary adoption order evidencing that the Indian
21 child has been the subject of a tribal customary adoption shall be
22 afforded full faith and credit and shall have the same force and
23 effect as an order of adoption authorized by this section. The rights
24 and obligations of the parties as to the matters determined by the
25 Indian child's tribe shall be binding on all parties. A court shall
26 not order compliance with the order absent a finding that the party
27 seeking the enforcement participated, or attempted to participate,
28 in good faith, in family mediation services of the court or dispute
29 resolution through the tribe regarding the conflict, prior to the
30 filing of the enforcement action.

31 (3) A child who has not been adopted after the passage of at
32 least three years from the date the court terminated parental rights
33 and for whom the court has determined that adoption is no longer
34 the permanent plan may petition the juvenile court to reinstate
35 parental rights pursuant to the procedure prescribed by Section
36 388. The child may file the petition prior to the expiration of this
37 three-year period if the State Department of Social Services, county
38 adoption agency, or licensed adoption agency that is responsible
39 for custody and supervision of the child as described in subdivision
40 (j) and the child stipulate that the child is no longer likely to be

1 adopted. A child over 12 years of age shall sign the petition in the
2 absence of a showing of good cause as to why the child could not
3 do so. If it appears that the best interests of the child may be
4 promoted by reinstatement of parental rights, the court shall order
5 that a hearing be held and shall give prior notice, or cause prior
6 notice to be given, to the social worker or probation officer and to
7 the child's attorney of record, or, if there is no attorney of record
8 for the child, to the child, and the child's tribe, if applicable, by
9 means prescribed by subdivision (c) of Section 297. The court
10 shall order the child or the social worker or probation officer to
11 give prior notice of the hearing to the child's former parent or
12 parents whose parental rights were terminated in the manner
13 prescribed by subdivision (f) of Section 294 where the
14 recommendation is adoption. The juvenile court shall grant the
15 petition if it finds by clear and convincing evidence that the child
16 is no longer likely to be adopted and that reinstatement of parental
17 rights is in the child's best interest. If the court reinstates parental
18 rights over a child who is under 12 years of age and for whom the
19 new permanent plan will not be reunification with a parent or legal
20 guardian, the court shall specify the factual basis for its findings
21 that it is in the best interest of the child to reinstate parental rights.
22 This subdivision is intended to be retroactive and applies to any
23 child who is under the jurisdiction of the juvenile court at the time
24 of the hearing regardless of the date parental rights were terminated.
25 (j) If the court, by order or judgment, declares the child free
26 from the custody and control of both parents, or one parent if the
27 other does not have custody and control, or declares the child
28 eligible for tribal customary adoption, the court shall at the same
29 time order the child referred to the State Department of Social
30 Services, county adoption agency, or licensed adoption agency for
31 adoptive placement by the agency. However, except in the case
32 of a tribal customary adoption where there is no termination of
33 parental rights, a petition for adoption may not be granted until
34 the appellate rights of the natural parents have been exhausted.
35 The State Department of Social Services, county adoption agency,
36 or licensed adoption agency shall be responsible for the custody
37 and supervision of the child and shall be entitled to the exclusive
38 care and control of the child at all times until a petition for adoption
39 or tribal customary adoption is granted, except as specified in
40 subdivision (n). With the consent of the agency, the court may

1 appoint a guardian of the child, who shall serve until the child is
2 adopted.

3 (k) Notwithstanding any other law, the application of any person
4 who, as a relative caretaker or foster parent, has cared for a
5 dependent child for whom the court has approved a permanent
6 plan for adoption, or who has been freed for adoption, shall be
7 given preference with respect to that child over all other
8 applications for adoptive placement if the agency making the
9 placement determines that the child has substantial emotional ties
10 to the relative caretaker or foster parent and removal from the
11 relative caretaker or foster parent would be seriously detrimental
12 to the child's emotional well-being.

13 As used in this subdivision, "preference" means that the
14 application shall be processed and, if satisfactory, the family study
15 shall be completed before the processing of the application of any
16 other person for the adoptive placement of the child.

17 (l) (1) An order by the court that a hearing pursuant to this
18 section be held is not appealable at any time unless all of the
19 following apply:

20 (A) A petition for extraordinary writ review was filed in a timely
21 manner.

22 (B) The petition substantively addressed the specific issues to
23 be challenged and supported that challenge by an adequate record.

24 (C) The petition for extraordinary writ review was summarily
25 denied or otherwise not decided on the merits.

26 (2) Failure to file a petition for extraordinary writ review within
27 the period specified by rule, to substantively address the specific
28 issues challenged, or to support that challenge by an adequate
29 record shall preclude subsequent review by appeal of the findings
30 and orders made pursuant to this section.

31 (3) The Judicial Council shall adopt rules of court, effective
32 January 1, 1995, to ensure all of the following:

33 (A) A trial court, after issuance of an order directing a hearing
34 pursuant to this section be held, shall advise all parties of the
35 requirement of filing a petition for extraordinary writ review as
36 set forth in this subdivision in order to preserve any right to appeal
37 in these issues. This notice shall be made orally to a party if the
38 party is present at the time of the making of the order or by
39 first-class mail by the clerk of the court to the last known address
40 of a party not present at the time of the making of the order.

1 (B) The prompt transmittal of the records from the trial court
2 to the appellate court.

3 (C) That adequate time requirements for counsel and court
4 personnel exist to implement the objective of this subdivision.

5 (D) That the parent or guardian, or their trial counsel or other
6 counsel, is charged with the responsibility of filing a petition for
7 extraordinary writ relief pursuant to this subdivision.

8 (4) The intent of this subdivision is to do both of the following:

9 (A) Make every reasonable attempt to achieve a substantive and
10 meritorious review by the appellate court within the time specified
11 in Sections 366.21, 366.22, and 366.25 for holding a hearing
12 pursuant to this section.

13 (B) Encourage the appellate court to determine all writ petitions
14 filed pursuant to this subdivision on their merits.

15 (5) This subdivision shall only apply to cases in which an order
16 to set a hearing pursuant to this section is issued on or after January
17 1, 1995.

18 (m) Except for subdivision (j), this section shall also apply to
19 minors adjudged wards pursuant to Section 727.31.

20 (n) (1) Notwithstanding Section 8704 of the Family Code or
21 any other law, the court, at a hearing held pursuant to this section
22 or anytime thereafter, may designate a current caretaker as a
23 prospective adoptive parent if the child has lived with the caretaker
24 for at least six months, the caretaker currently expresses a
25 commitment to adopt the child, and the caretaker has taken at least
26 one step to facilitate the adoption process. In determining whether
27 to make that designation, the court may take into consideration
28 whether the caretaker is listed in the preliminary assessment
29 prepared by the county department in accordance with subdivision
30 (i) of Section 366.21 as an appropriate person to be considered as
31 an adoptive parent for the child and the recommendation of the
32 State Department of Social Services, county adoption agency, or
33 licensed adoption agency.

34 (2) For purposes of this subdivision, steps to facilitate the
35 adoption process include, but are not limited to, the following:

36 (A) Applying for an adoption home study.

37 (B) Cooperating with an adoption home study.

38 (C) Being designated by the court or the adoption agency as the
39 adoptive family.

40 (D) Requesting de facto parent status.

1 (E) Signing an adoptive placement agreement.

2 (F) Engaging in discussions regarding a postadoption contact
3 agreement.

4 (G) Working to overcome any impediments that have been
5 identified by the State Department of Social Services, county
6 adoption agency, or licensed adoption agency.

7 (H) Attending classes required of prospective adoptive parents.

8 (3) Prior to a change in placement and as soon as possible after
9 a decision is made to remove a child from the home of a designated
10 prospective adoptive parent, the agency shall notify the court, the
11 designated prospective adoptive parent, or the current caretaker,
12 if that caretaker would have met the threshold criteria to be
13 designated as a prospective adoptive parent pursuant to paragraph
14 (1) on the date of service of this notice, the child’s attorney, and
15 the child, if the child is 10 years of age or older, of the proposal
16 in the manner described in Section 16010.6.

17 (A) Within five court days or seven calendar days, whichever
18 is longer, of the date of notification, the child, the child’s attorney,
19 or the designated prospective adoptive parent may file a petition
20 with the court objecting to the proposal to remove the child, or the
21 court, upon its own motion, may set a hearing regarding the
22 proposal. The court may, for good cause, extend the filing period.
23 A caretaker who would have met the threshold criteria to be
24 designated as a prospective adoptive parent pursuant to paragraph
25 (1) on the date of service of the notice of proposed removal of the
26 child may file, together with the petition under this subparagraph,
27 a petition for an order designating the caretaker as a prospective
28 adoptive parent for purposes of this subdivision.

29 (B) A hearing ordered pursuant to this paragraph shall be held
30 as soon as possible and not later than five court days after the
31 petition is filed with the court or the court sets a hearing upon its
32 own motion, unless the court for good cause is unable to set the
33 matter for hearing five court days after the petition is filed, in
34 which case the court shall set the matter for hearing as soon as
35 possible. At the hearing, the court shall determine whether the
36 caretaker has met the threshold criteria to be designated as a
37 prospective adoptive parent pursuant to paragraph (1), and whether
38 the proposed removal of the child from the home of the designated
39 prospective adoptive parent is in the child’s best interest, and the
40 child may not be removed from the home of the designated

1 prospective adoptive parent unless the court finds that removal is
2 in the child's best interest. If the court determines that the caretaker
3 did not meet the threshold criteria to be designated as a prospective
4 adoptive parent on the date of service of the notice of proposed
5 removal of the child, the petition objecting to the proposed removal
6 filed by the caretaker shall be dismissed. If the caretaker was
7 designated as a prospective adoptive parent prior to this hearing,
8 the court shall inquire into any progress made by the caretaker
9 towards the adoption of the child since the caretaker was designated
10 as a prospective adoptive parent.

11 (C) A determination by the court that the caretaker is a
12 designated prospective adoptive parent pursuant to paragraph (1)
13 or subparagraph (B) does not make the caretaker a party to the
14 dependency proceeding nor does it confer on the caretaker any
15 standing to object to any other action of the department, county
16 adoption agency, or licensed adoption agency, unless the caretaker
17 has been declared a de facto parent by the court prior to the notice
18 of removal served pursuant to paragraph (3).

19 (D) If a petition objecting to the proposal to remove the child
20 is not filed, and the court, upon its own motion, does not set a
21 hearing, the child may be removed from the home of the designated
22 prospective adoptive parent without a hearing.

23 (4) Notwithstanding paragraph (3), if the State Department of
24 Social Services, county adoption agency, or licensed adoption
25 agency determines that the child must be removed from the home
26 of the caretaker who is or may be a designated prospective adoptive
27 parent immediately, due to a risk of physical or emotional harm,
28 the agency may remove the child from that home and is not
29 required to provide notice prior to the removal. However, as soon
30 as possible and not longer than two court days after the removal,
31 the agency shall notify the court, the caretaker who is or may be
32 a designated prospective adoptive parent, the child's attorney, and
33 the child, if the child is 10 years of age or older, of the removal.
34 Within five court days or seven calendar days, whichever is longer,
35 of the date of notification of the removal, the child, the child's
36 attorney, or the caretaker who is or may be a designated prospective
37 adoptive parent may petition for, or the court on its own motion
38 may set, a noticed hearing pursuant to paragraph (3). The court
39 may, for good cause, extend the filing period.

1 (5) Except as provided in subdivision (b) of Section 366.28, an
2 order by the court issued after a hearing pursuant to this subdivision
3 shall not be appealable.

4 (6) Nothing in this section shall preclude a county child
5 protective services agency from fully investigating and responding
6 to alleged abuse or neglect of a child pursuant to Section 11165.5
7 of the Penal Code.

8 (7) The Judicial Council shall prepare forms to facilitate the
9 filing of the petitions described in this subdivision, which shall
10 become effective on January 1, 2006.

11 SEC. 8. Section 366.3 of the Welfare and Institutions Code is
12 amended to read:

13 366.3. (a) If a juvenile court orders a permanent plan of
14 adoption, tribal customary adoption, adoption of a nonminor
15 dependent pursuant to subdivision (f) of Section 366.31, or legal
16 guardianship pursuant to Section 360 or 366.26, the court shall
17 retain jurisdiction over the child or nonminor dependent until the
18 child or nonminor dependent is adopted or the legal guardianship
19 is established, except as provided for in Section 366.29 or, on and
20 after January 1, 2012, Section 366.32. The status of the child or
21 nonminor dependent shall be reviewed every six months to ensure
22 that the adoption or legal guardianship is completed as
23 expeditiously as possible. When the adoption of the child or
24 nonminor dependent has been granted, or in the case of a tribal
25 customary adoption, when the tribal customary adoption order has
26 been afforded full faith and credit and the petition for adoption
27 has been granted, the court shall terminate its jurisdiction over the
28 child or nonminor dependent. Following establishment of a legal
29 guardianship, the court may continue jurisdiction over the child
30 as a dependent child of the juvenile court or may terminate its
31 dependency jurisdiction and retain jurisdiction over the child as a
32 ward of the legal guardianship, as authorized by Section 366.4. If,
33 however, a relative of the child is appointed the legal guardian of
34 the child and the child has been placed with the relative for at least
35 six months, the court shall, except if the relative guardian objects,
36 or upon a finding of exceptional circumstances, terminate its
37 dependency jurisdiction and retain jurisdiction over the child as a
38 ward of the guardianship, as authorized by Section 366.4.
39 Following a termination of parental rights, the parent or parents

1 shall not be a party to, or receive notice of, any subsequent
2 proceedings regarding the child.

3 (b) (1) If the court has dismissed dependency jurisdiction
4 following the establishment of a legal guardianship, or no
5 dependency jurisdiction attached because of the granting of a legal
6 guardianship pursuant to Section 360, and the legal guardianship
7 is subsequently revoked or otherwise terminated, the county
8 department of social services or welfare department shall notify
9 the juvenile court of this fact. The court may vacate its previous
10 order dismissing dependency jurisdiction over the child.

11 (2) Notwithstanding Section 1601 of the Probate Code, the
12 proceedings to terminate a legal guardianship that has been granted
13 pursuant to Section 360 or 366.26 shall be held either in the
14 juvenile court that retains jurisdiction over the guardianship as
15 authorized by Section 366.4 or the juvenile court in the county
16 where the guardian and child currently reside, based on the best
17 interests of the child, unless the termination is due to the
18 emancipation or adoption of the child. The juvenile court having
19 jurisdiction over the guardianship shall receive notice from the
20 court in which the petition is filed within five calendar days of the
21 filing. Prior to the hearing on a petition to terminate legal
22 guardianship pursuant to this subdivision, the court shall order the
23 county department of social services or welfare department having
24 jurisdiction or jointly with the county department where the
25 guardian and child currently reside to prepare a report, for the
26 court's consideration, that shall include an evaluation of whether
27 the child could safely remain in, or be returned to, the legal
28 guardian's home, without terminating the legal guardianship, if
29 services were provided to the child or legal guardian. If applicable,
30 the report shall also identify recommended family maintenance or
31 reunification services to maintain the legal guardianship and set
32 forth a plan for providing those services. If the petition to terminate
33 legal guardianship is granted, either juvenile court may resume
34 dependency jurisdiction over the child, and may order the county
35 department of social services or welfare department to develop a
36 new permanent plan, which shall be presented to the court within
37 60 days of the termination. If no dependency jurisdiction has
38 attached, the social worker shall make any investigation he or she
39 deems necessary to determine whether the child may be within the
40 jurisdiction of the juvenile court, as provided in Section 328.

1 (3) Unless the parental rights of the child's parent or parents
2 have been terminated, they shall be notified that the legal
3 guardianship has been revoked or terminated and shall be entitled
4 to participate in the new permanency planning hearing. The court
5 shall try to place the child in another permanent placement. At the
6 hearing, the parents may be considered as custodians but the child
7 shall not be returned to the parent or parents unless they prove, by
8 a preponderance of the evidence, that reunification is the best
9 alternative for the child. The court may, if it is in the best interests
10 of the child, order that reunification services again be provided to
11 the parent or parents.

12 (c) If, following the establishment of a legal guardianship, the
13 county welfare department becomes aware of changed
14 circumstances that indicate adoption or, for an Indian child, tribal
15 customary adoption, may be an appropriate plan for the child, the
16 department shall so notify the court. The court may vacate its
17 previous order dismissing dependency jurisdiction over the child
18 and order that a hearing be held pursuant to Section 366.26 to
19 determine whether adoption or continued legal guardianship is the
20 most appropriate plan for the child. The hearing shall be held no
21 later than 120 days from the date of the order. If the court orders
22 that a hearing shall be held pursuant to Section 366.26, the court
23 shall direct the agency supervising the child and the county
24 adoption agency, or the State Department of Social Services if it
25 is acting as an adoption agency, to prepare an assessment under
26 subdivision (b) of Section 366.22.

27 (d) If the child or, on and after January 1, 2012, nonminor
28 dependent is in a placement other than the home of a legal guardian
29 and jurisdiction has not been dismissed, the status of the child shall
30 be reviewed at least every six months. The review of the status of
31 a child for whom the court has ordered parental rights terminated
32 and who has been ordered placed for adoption shall be conducted
33 by the court. The review of the status of a child or, on and after
34 January 1, 2012, nonminor dependent for whom the court has not
35 ordered parental rights terminated and who has not been ordered
36 placed for adoption may be conducted by the court or an
37 appropriate local agency. The court shall conduct the review under
38 the following circumstances:

39 (1) Upon the request of the child's parents or legal guardians.

1 (2) Upon the request of the child or, on and after January 1,
2 2012, nonminor dependent.

3 (3) It has been 12 months since a hearing held pursuant to
4 Section 366.26 or an order that the child remain in foster care
5 pursuant to Section 366.21, 366.22, 366.25, 366.26, or subdivision
6 (h).

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

9 The court shall determine whether or not reasonable efforts,
10 including the provision of child-centered specialized permanency
11 services, as defined in Section 11400, to make and finalize a
12 permanent placement for the child have been made.

13 (e) Except as provided in subdivision (g), at the review held
14 every six months pursuant to subdivision (d), the reviewing body
15 shall inquire about the progress being made to provide a permanent
16 home for the child, shall consider the safety of the child, and shall
17 determine all of the following:

18 (1) The continuing necessity for, and appropriateness of, the
19 placement.

20 (2) The extent to which child-centered specialized permanency
21 services, as described Section 11400, have been provided.

22 (3) Identification of individuals other than the child's siblings
23 who are important to a child who is 10 years of age or older and
24 has been in out-of-home placement for six months or longer, and
25 actions necessary to maintain the child's relationship with those
26 individuals, provided that those relationships are in the best interest
27 of the child. The social worker shall ask every child who is 10
28 years of age or older and who has been in out-of-home placement
29 for six months or longer to identify individuals other than the
30 child's siblings who are important to the child, and may ask any
31 other child to provide that information, as appropriate. The social
32 worker shall make efforts to identify other individuals who are
33 important to the child, consistent with the child's best interests.

34 (4) The continuing appropriateness and extent of compliance
35 with the permanent plan for the child, including efforts to maintain
36 relationships between a child who is 10 years of age or older and
37 who has been in out-of-home placement for six months or longer
38 and individuals who are important to the child and efforts to
39 identify a prospective adoptive parent or legal guardian, including,

1 but not limited to, child-specific recruitment efforts and listing on
2 an adoption exchange.

3 (5) The extent of the agency’s compliance with the child welfare
4 services case plan in making reasonable efforts either to return the
5 child to the safe home of the parent or to complete whatever steps
6 are necessary to finalize the permanent placement of the child,
7 including the provision of child-centered specialized permanency
8 services, as defined in Section 11400. If the reviewing body
9 determines that a second period of reunification services is in the
10 child’s best interests, and that there is a significant likelihood of
11 the child’s return to a safe home due to changed circumstances of
12 the parent, pursuant to subdivision (f), the specific reunification
13 services required to effect the child’s return to a safe home shall
14 be described.

15 (6) Whether there should be any limitation on the right of the
16 parent or guardian to make educational decisions or developmental
17 services decisions for the child. That limitation shall be specifically
18 addressed in the court order and may not exceed what is necessary
19 to protect the child. If the court specifically limits the right of the
20 parent or guardian to make educational decisions or developmental
21 services decisions for the child, the court shall at the same time
22 appoint a responsible adult to make educational decisions or
23 developmental services decisions for the child pursuant to Section
24 361.

25 (7) The adequacy of services provided to the child. The court
26 shall consider the progress in providing the information and
27 documents to the child, as described in Section 391. The court
28 shall also consider the need for, and progress in providing, the
29 assistance and services described in Section 391.

30 (8) The extent of progress the parents or legal guardians have
31 made toward alleviating or mitigating the causes necessitating
32 placement in foster care.

33 (9) The likely date by which the child may be returned to, and
34 safely maintained in, the home, placed for adoption, legal
35 guardianship, placed with a fit and willing relative, or, for an Indian
36 child, in consultation with the child’s tribe, placed for tribal
37 customary adoption, or, if the child is 16 years of age or older, and
38 no other permanent plan is appropriate at the time of the hearing,
39 in another planned permanent living arrangement with the provision

1 of child-centered specialized permanency services, as defined in
2 Section 11400.

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

5 (A) The nature of the relationship between the child and his or
6 her siblings.

7 (B) The appropriateness of developing or maintaining the sibling
8 relationships pursuant to Section 16002.

9 (C) If the siblings are not placed together in the same home,
10 why the siblings are not placed together and what efforts are being
11 made to place the siblings together, or why those efforts are not
12 appropriate.

13 (D) If the siblings are not placed together, all of the following:

14 (i) The frequency and nature of the visits between the siblings.

15 (ii) If there are visits between the siblings, whether the visits
16 are supervised or unsupervised. If the visits are supervised, a
17 discussion of the reasons why the visits are supervised, and what
18 needs to be accomplished in order for the visits to be unsupervised.

19 (iii) If there are visits between the siblings, a description of the
20 location and length of the visits.

21 (iv) Any plan to increase visitation between the siblings.

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

24 The factors the court may consider as indicators of the nature of
25 the child's sibling relationships include, but are not limited to,
26 whether the siblings were raised together in the same home,
27 whether the siblings have shared significant common experiences
28 or have 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 best
31 emotional interests.

32 (11) For a child who is 14 years of age or older, and, effective
33 January 1, 2012, for a nonminor dependent, the services needed
34 to assist the child or nonminor dependent to make the transition
35 from foster care to successful adulthood.

36 The reviewing body shall determine whether or not reasonable
37 efforts, including the provision of child-centered specialized
38 permanency services, as defined in Section 11400, to make and
39 finalize a permanent placement for the child have been made.

1 Each licensed foster family agency shall submit reports for each
2 child in its care, custody, and control to the court concerning the
3 continuing appropriateness and extent of compliance with the
4 child's permanent plan, the extent of compliance with the case
5 plan, and the type and adequacy of services provided to the child.

6 (f) Unless their parental rights have been permanently
7 terminated, the parent or parents of the child are entitled to receive
8 notice of, and participate in, those hearings. It shall be presumed
9 that continued care is in the best interests of the child, unless the
10 parent or parents prove, by a preponderance of the evidence, that
11 further efforts at reunification are the best alternative for the child.
12 In those cases, the court may order that further reunification
13 services to return the child to a safe home environment be provided
14 to the parent or parents up to a period of six months, and family
15 maintenance services, as needed for an additional six months in
16 order to return the child to a safe home environment. On and after
17 January 1, 2012, this subdivision shall not apply to the parents of
18 a nonminor dependent.

19 (g) (1) At the review conducted by the court and held at least
20 every six months, regarding a child for whom the court has ordered
21 parental rights terminated and who has been ordered placed for
22 adoption, or, for an Indian child for whom parental rights are not
23 being terminated and a tribal customary adoption is being
24 considered, the county welfare department shall prepare and present
25 to the court a report describing the following:

26 (A) The child's present placement.

27 (B) The child's current physical, mental, emotional, and
28 educational status.

29 (C) If the child has not been placed with a prospective adoptive
30 parent or guardian, identification of individuals, other than the
31 child's siblings, who are important to the child and actions
32 necessary to maintain the child's relationship with those
33 individuals, provided that those relationships are in the best interest
34 of the child. The agency shall ask every child who is 10 years of
35 age or older to identify any individuals who are important to him
36 or her, consistent with the child's best interest, and may ask any
37 child who is younger than 10 years of age to provide that
38 information as appropriate. The agency shall make efforts to
39 identify other individuals who are important to the child.

1 (D) Whether the child has been placed with a prospective
2 adoptive parent or parents.

3 (E) Whether an adoptive placement agreement has been signed
4 and filed.

5 (F) If the child has not been placed with a prospective adoptive
6 parent or parents, the efforts made to identify an appropriate
7 prospective adoptive parent or legal guardian, including, but not
8 limited to, child-centered specialized permanency services, as
9 defined in Section 11400, child-specific recruitment efforts, and
10 listing on an adoption exchange.

11 (G) Whether the final adoption order should include provisions
12 for postadoptive sibling contact pursuant to Section 366.29.

13 (H) The progress of the search for an adoptive placement if one
14 has not been identified.

15 (I) Any impediments to the adoption or the adoptive placement.

16 (J) The anticipated date by which the child will be adopted or
17 placed in an adoptive home.

18 (K) The anticipated date by which an adoptive placement
19 agreement will be signed.

20 (L) Recommendations for court orders that will assist in the
21 placement of the child for adoption or in the finalization of the
22 adoption, including the provision of child-centered specialized
23 permanency services, as defined in Section 11400.

24 (2) The court shall determine whether or not reasonable efforts
25 to make and finalize a permanent placement for the child have
26 been made.

27 (3) The court shall make appropriate orders to protect the
28 stability of the child and to facilitate and expedite the permanent
29 placement and adoption of the child.

30 (h) (1) At the review held pursuant to subdivision (d) for a child
31 in foster care, the court shall consider all permanency planning
32 options for the child including whether the child should be returned
33 to the home of the parent, placed for adoption, or, for an Indian
34 child, in consultation with the child's tribe, placed for tribal
35 customary adoption, or appointed a legal guardian, placed with a
36 fit and willing relative, or, if compelling reasons exist for finding
37 that none of the foregoing options are in the best interest of the
38 child and the child is 16 years of age or older, whether the child
39 should be placed in another planned permanent living arrangement
40 with the provision of child-centered specialized permanency

1 services, as defined in Section 11400. The court shall order that a
2 hearing be held pursuant to Section 366.26, unless it determines
3 by clear and convincing evidence that there is a compelling reason
4 for determining that a hearing held pursuant to Section 366.26 is
5 not in the best interest of the child because the child is being
6 returned to the home of the parent, the child is not currently a
7 proper subject for adoption, or no one is willing to accept legal
8 guardianship as of the hearing date. If the county adoption agency,
9 or the department when it is acting as an adoption agency, has
10 determined it is unlikely that the child will be adopted or one of
11 the conditions described in paragraph (1) of subdivision (c) of
12 Section 366.26 applies, that fact shall constitute a compelling
13 reason for purposes of this subdivision. Only upon that
14 determination may the court order that the child remain in foster
15 care, without holding a hearing pursuant to Section 366.26. The
16 court shall make factual findings identifying any barriers to
17 achieving the permanent plan as of the hearing date. On and after
18 January 1, 2012, the nonminor dependent's legal status as an adult
19 is in and of itself a compelling reason not to hold a hearing pursuant
20 to Section 366.26.

21 (2) When the child is 16 years of age or older and in another
22 planned permanent living arrangement, the court shall do all of
23 the following:

24 (A) Ask the child about his or her desired permanency outcome.

25 (B) Make a judicial determination explaining why, as of the
26 hearing date, another planned permanent living arrangement is the
27 best permanency plan for the child.

28 (C) State for the record the compelling reason or reasons why
29 it continues not to be in the best interest of the child to return home,
30 be placed for adoption, be placed for tribal customary adoption in
31 the case of an Indian child, be placed with a legal guardian, or be
32 placed with a fit and willing relative.

33 (3) When the child is 16 years of age or older and is in another
34 planned permanent living arrangement, the social study prepared
35 for the hearing shall include a description of all of the following:

36 (A) The intensive and ongoing efforts, including the provision
37 of child-centered specialized permanency services, as defined in
38 Section 11400, to return the child to the home of the parent, place
39 the child for adoption, or establish a legal guardianship, as
40 appropriate.

1 (B) The steps taken to do both of the following:

2 (i) Ensure that the child’s care provider is following the
3 reasonable and prudent parent standard.

4 (ii) Determine whether the child has regular, ongoing
5 opportunities to engage in age or developmentally appropriate
6 activities, including consulting with the child about opportunities
7 for the child to participate in those activities.

8 (4) When the child is under 16 years of age and has a permanent
9 plan of return home, adoption, legal guardianship, or placement
10 with a fit and willing relative, any barriers to achieving the
11 permanent plan and the efforts made by the agency address those
12 barriers, including the provision of child-centered specialized
13 permanency services, as defined in Section 11400.

14 (i) If, as authorized by subdivision (h), the court orders a hearing
15 pursuant to Section 366.26, the court shall direct the agency
16 supervising the child and the county adoption agency, or the State
17 Department of Social Services when it is acting as an adoption
18 agency, to prepare an assessment as provided for in subdivision
19 (i) of Section 366.21 or subdivision (b) of Section 366.22. A
20 hearing held pursuant to Section 366.26 shall be held no later than
21 120 days from the date of the 12-month review at which it is
22 ordered, and at that hearing the court shall determine whether
23 adoption, tribal customary adoption, legal guardianship, placement
24 with a fit and willing relative, or, for a child 16 years of age or
25 older, another planned permanent living arrangement is the most
26 appropriate plan for the child. On and after January 1, 2012, a
27 hearing pursuant to Section 366.26 shall not be ordered if the child
28 is a nonminor dependent, unless the nonminor dependent is an
29 Indian child and tribal customary adoption is recommended as the
30 permanent plan. The court may order that a nonminor dependent
31 who otherwise is eligible pursuant to Section 11403 remain in a
32 planned, permanent living arrangement. At the request of the
33 nonminor dependent who has an established relationship with an
34 adult determined to be the nonminor dependent’s permanent
35 connection, the court may order adoption of the nonminor
36 dependent pursuant to subdivision (f) of Section 366.31.

37 (j) The reviews conducted pursuant to subdivision (a) or (d)
38 may be conducted earlier than every six months if the court
39 determines that an earlier review is in the best interests of the child
40 or as court rules prescribe.

1 SEC. 9. Section 371 is added to the Welfare and Institutions
2 Code, to read:

3 371. When the court has ordered a dependent child or a ward
4 of the juvenile court placed for adoption or has appointed a relative
5 or nonrelative legal guardian, the social worker or probation officer
6 shall provide the prospective adoptive family or the guardian or
7 guardians information, in writing, regarding the importance of
8 working with mental health providers that have specialized
9 adoption or permanency clinical training and experience if the
10 family needs clinical support, and a description of the desirable
11 clinical expertise the family should look for when choosing an
12 adoption- or permanency-competent mental health professional.

13 SEC. 10. Section 706.5 of the Welfare and Institutions Code
14 is amended to read:

15 706.5. (a) If placement in foster care is recommended by the
16 probation officer, or where the minor is already in foster care
17 placement or pending placement pursuant to an earlier order, the
18 social study prepared by the probation officer that is received into
19 evidence at disposition pursuant to Section 706 shall include a
20 case plan, as described in Section 706.6. If the court elects to hold
21 the first status review at the disposition hearing, the social study
22 shall also include, but not be limited to, the factual material
23 described in subdivision (c).

24 (b) If placement in foster care is not recommended by the
25 probation officer prior to disposition, but the court orders foster
26 care placement, the court shall order the probation officer to prepare
27 a case plan, as described in Section 706.6, within 30 days of the
28 placement order. The case plan shall be filed with the court.

29 (c) At each status review hearing, the social study shall include,
30 but not be limited to, an updated case plan as described in Section
31 706.6 and the following information:

32 (1) The continuing necessity for and appropriateness of the
33 placement.

34 (2) The extent of the probation department's compliance with
35 the case plan in making reasonable efforts to safely return the
36 minor to the minor's home or to complete whatever steps are
37 necessary to finalize the permanent placement of the minor.

38 (3) The extent of progress that has been made by the minor and
39 parent or guardian toward alleviating or mitigating the causes
40 necessitating placement in foster care.

1 (4) If the first permanency planning hearing has not yet occurred,
2 the social study shall include the likely date by which the minor
3 may be returned to and safely maintained in the home or placed
4 for adoption, appointed a legal guardian, permanently placed with
5 a fit and willing relative, or referred to another planned permanent
6 living arrangement.

7 (5) Whether the minor has been or will be referred to educational
8 services and what services the minor is receiving, including special
9 education and related services if the minor has exceptional needs
10 as described in Part 30 (commencing with Section 56000) of
11 Division 4 of Title 2 of the Education Code or accommodations
12 if the child has disabilities as described in Chapter 16 (commencing
13 with Section 701) of Title 29 of the United States Code Annotated.
14 The probation officer or child advocate shall solicit comments
15 from the appropriate local education agency prior to completion
16 of the social study.

17 (6) If the parent or guardian is unwilling or unable to participate
18 in making an educational or developmental services decision for
19 his or her child, or if other circumstances exist that compromise
20 the ability of the parent or guardian to make educational or
21 developmental services decisions for the child, the probation
22 department shall consider whether the right of the parent or
23 guardian to make educational or developmental services decisions
24 for the minor should be limited. If the study makes that
25 recommendation, it shall identify whether there is a responsible
26 adult available to make educational or developmental services
27 decisions for the minor pursuant to Section 726.

28 (7) When the minor is 16 years of age or older and in another
29 planned permanent living arrangement, the social study shall
30 include a description of all of the following:

31 (A) The intensive and ongoing efforts, including child-centered
32 specialized permanency services, as defined in Section 11400, to
33 return the minor to the home of the parent, place the minor for
34 adoption, or establish a legal guardianship, as appropriate.

35 (B) The steps taken to do both of the following:

36 (i) Ensure that the minor's care provider is following the
37 reasonable and prudent parent standard.

38 (ii) Determine whether the minor has regular, ongoing
39 opportunities to engage in age or developmentally appropriate

1 activities, including consulting with the minor about opportunities
2 for the minor to participate in the activities.

3 (8) When the minor is under 16 years of age and has a permanent
4 plan of return home, adoption, legal guardianship, or placement
5 with a fit and willing relative, the social study shall include a
6 description of any barriers to achieving the permanent plan and
7 the efforts made by the agency to address those barriers.

8 (d) At each permanency planning hearing, the social study shall
9 include, but not be limited to, an updated case plan as described
10 in Section 706.6, the factual material described in subdivision (c)
11 of this section, and a recommended permanent plan for the minor.

12 SEC. 11. Section 706.6 of the Welfare and Institutions Code
13 is amended to read:

14 706.6. (a) Services to minors are best provided in a framework
15 that integrates service planning and delivery among multiple
16 service systems, including the mental health system, using a
17 team-based approach, such as a child and family team. A child
18 and family team brings together individuals that engage with the
19 child or youth and family in assessing, planning, and delivering
20 services. Use of a team approach increases efficiency, and thus
21 reduces cost, by increasing coordination of formal services and
22 integrating the natural and informal supports available to the child
23 or youth and family.

24 (b) (1) For the purposes of this section, “child and family team”
25 has the same meaning as in paragraph (4) of subdivision (a) of
26 Section 16501.

27 (2) In its development of the case plan, the probation agency
28 shall consider any recommendations of the child and family team,
29 as defined in paragraph (4) of subdivision (a) of Section 16501.
30 The agency shall document the rationale for any inconsistencies
31 between the case plan and the child and family team
32 recommendations.

33 (c) A case plan prepared as required by Section 706.5 shall be
34 submitted to the court. It shall either be attached to the social study
35 or incorporated as a separate section within the social study. The
36 case plan shall include, but not be limited to, the following
37 information:

38 (1) A description of the circumstances that resulted in the minor
39 being placed under the supervision of the probation department
40 and in foster care.

1 (2) Documentation of the preplacement assessment of the
2 minor's and family's strengths and service needs showing that
3 preventive services have been provided, and that reasonable efforts
4 to prevent out-of-home placement have been made. The assessment
5 shall include the type of placement best equipped to meet those
6 needs.

7 (3) (A) A description of the type of home or institution in which
8 the minor is to be placed, and the reasons for that placement
9 decision, including a discussion of the safety and appropriateness
10 of the placement, including the recommendations of the child and
11 family team, if available.

12 (B) An appropriate placement is a placement in the least
13 restrictive, most family-like environment that promotes normal
14 childhood experiences, in closest proximity to the minor's home,
15 that meets the minor's best interests and special needs.

16 (d) The following shall apply:

17 (1) The agency selecting a placement shall consider, in order
18 of priority:

19 (A) Placement with relatives, nonrelated extended family
20 members, and tribal members.

21 (B) Foster family homes and certified homes or resource families
22 of foster family agencies.

23 (C) Treatment and intensive treatment certified homes or
24 resource families of foster family agencies, or multidimensional
25 treatment foster homes or therapeutic foster care homes.

26 (D) Group care placements in the following order:

27 (i) Short-term residential treatment centers.

28 (ii) Group homes.

29 (iii) Community treatment facilities.

30 (iv) Out-of-state residential treatment pursuant to Part 5
31 (commencing with Section 7900) of Division 12 of the Family
32 Code.

33 (2) Although the placement options shall be considered in the
34 preferential order specified in paragraph (1), the placement of a
35 child may be with any of these placement settings in order to ensure
36 the selection of a safe placement setting that is in the child's best
37 interests and meets the child's special needs.

38 (3) A minor may be placed into a community care facility
39 licensed as a short-term residential treatment center, as defined in
40 subdivision (ad) of Section 11400, provided the case plan indicates

1 that the placement is for the purposes of providing short-term,
2 specialized, and intensive treatment for the minor, the case plan
3 specifies the need for, nature of, and anticipated duration of this
4 treatment, and the case plan includes transitioning the minor to a
5 less restrictive environment and the projected timeline by which
6 the minor will be transitioned to a less restrictive environment.

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

10 (1) Assurances that the placement takes into account the
11 appropriateness of the current educational setting and the proximity
12 to the school in which the child is enrolled at the time of placement.

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

21 (f) Specific time-limited goals and related activities designed
22 to enable the safe return of the minor to his or her home, or in the
23 event that return to his or her home is not possible, activities
24 designed to result in permanent placement or emancipation.
25 Specific responsibility for carrying out the planned activities shall
26 be assigned to one or more of the following:

27 (1) The probation department.

28 (2) The minor's parent or parents or legal guardian or guardians,
29 as applicable.

30 (3) The minor.

31 (4) The foster parents or licensed agency providing foster care.

32 (g) The projected date of completion of the case plan objectives
33 and the date services will be terminated.

34 (h) (1) Scheduled visits between the minor and his or her family
35 and an explanation if no visits are made.

36 (2) Whether the child has other siblings, and, if any siblings
37 exist, all of the following:

38 (A) The nature of the relationship between the child and his or
39 her siblings.

1 (B) The appropriateness of developing or maintaining the sibling
2 relationships pursuant to Section 16002.

3 (C) If the siblings are not placed together in the same home,
4 why the siblings are not placed together and what efforts are being
5 made to place the siblings together, or why those efforts are not
6 appropriate.

7 (D) If the siblings are not placed together, all of the following:

8 (i) The frequency and nature of the visits between the siblings.

9 (ii) If there are visits between the siblings, whether the visits
10 are supervised or unsupervised. If the visits are supervised, a
11 discussion of the reasons why the visits are supervised and what
12 needs to be accomplished in order for the visits to be unsupervised.

13 (iii) If there are visits between the siblings, a description of the
14 location and length of the visits.

15 (iv) Any plan to increase visitation between the siblings.

16 (E) The impact of the sibling relationships on the child's
17 placement and planning for legal permanence.

18 (F) The continuing need to suspend sibling interaction, if
19 applicable, pursuant to subdivision (c) of Section 16002.

20 (3) The factors the court may consider in making a determination
21 regarding the nature of the child's sibling relationships may
22 include, but are not limited to, whether the siblings were raised
23 together in the same home, whether the siblings have shared
24 significant common experiences or have existing close and strong
25 bonds, whether either sibling expresses a desire to visit or live with
26 his or her sibling, as applicable, and whether ongoing contact is
27 in the child's best emotional interests.

28 (i) (1) When placement is made in a foster family home, group
29 home, or other child care institution that is either a substantial
30 distance from the home of the minor's parent or legal guardian or
31 out of state, the case plan shall specify the reasons why the
32 placement is the most appropriate and is in the best interest of the
33 minor.

34 (2) When an out-of-state group home placement is recommended
35 or made, the case plan shall comply with Section 727.1 of this
36 code and Section 7911.1 of the Family Code. In addition,
37 documentation of the recommendation of the multidisciplinary
38 team and the rationale for this particular placement shall be
39 included. The case plan shall also address what in-state services

1 or facilities were used or considered and why they were not
2 recommended.

3 (j) If applicable, efforts to make it possible to place siblings
4 together, unless it has been determined that placement together is
5 not in the best interest of one or more siblings.

6 (k) A schedule of visits between the minor and the probation
7 officer, including a monthly visitation schedule for those children
8 placed in group homes.

9 (l) Health and education information about the minor, school
10 records, immunizations, known medical problems, and any known
11 medications the minor may be taking, names and addresses of the
12 minor's health and educational providers; the minor's grade level
13 performance; assurances that the minor's placement in foster care
14 takes into account proximity to the school in which the minor was
15 enrolled at the time of placement; and other relevant health and
16 educational information.

17 (m) When out-of-home services are used and the goal is
18 reunification, the case plan shall describe the services that were
19 provided to prevent removal of the minor from the home, those
20 services to be provided to assist in reunification and the services
21 to be provided concurrently to achieve legal permanency if efforts
22 to reunify fail.

23 (n) (1) The updated case plan prepared for a permanency
24 planning hearing shall include a recommendation for a permanent
25 plan for the minor. The identified permanent plan for a minor under
26 16 years of age shall be return home, adoption, legal guardianship,
27 or placement with a fit and willing relative. The case plan shall
28 identify any barriers to achieving legal permanence and the steps
29 the agency will take to address those barriers.

30 (2) If, after considering reunification, adoptive placement, legal
31 guardianship, or permanent placement with a fit and willing relative
32 the probation officer recommends placement in a planned
33 permanent living arrangement for a minor 16 years of age or older,
34 the case plan shall include documentation of a compelling reason
35 or reasons why termination of parental rights is not in the minor's
36 best interest. For purposes of this subdivision, a "compelling
37 reason" shall have the same meaning as in subdivision (c) of
38 Section 727.3. The case plan shall also identify the intensive and
39 ongoing efforts, including the provision of child-centered
40 specialized permanency services, as described *in* Section 11400,

1 to return the minor to the home of the parent, place the minor for
2 adoption, establish a legal guardianship, or place the minor with
3 a fit and willing relative, as appropriate. Efforts shall include the
4 use of technology, including social media, to find biological family
5 members of the minor.

6 (o) Each updated case plan shall include a description of the
7 services that have been provided to the minor under the plan and
8 an evaluation of the appropriateness and effectiveness of those
9 services.

10 (p) A statement that the parent or legal guardian and the minor
11 have had an opportunity to participate in the development of the
12 case plan, to review the case plan, to sign the case plan, and to
13 receive a copy of the plan, or an explanation about why the parent,
14 legal guardian, or minor was not able to participate or sign the case
15 plan.

16 (q) For a minor in out-of-home care who is 16 years of age or
17 older, a written description of the programs and services, which
18 will help the minor prepare for the transition from foster care to
19 successful adulthood.

20 SEC. 12. Section 727.2 of the Welfare and Institutions Code
21 is amended to read:

22 727.2. The purpose of this section is to provide a means to
23 monitor the safety and well-being of every minor in foster care
24 who has been declared a ward of the juvenile court pursuant to
25 Section 601 or 602 and to ensure that everything reasonably
26 possible is done to facilitate the safe and early return of the minor
27 to his or her home or to establish an alternative permanent plan
28 for the minor.

29 (a) If the court orders the care, custody, and control of the minor
30 to be under the supervision of the probation officer for placement
31 pursuant to subdivision (a) of Section 727, the juvenile court shall
32 order the probation department to ensure the provision of
33 reunification services to facilitate the safe return of the minor to
34 his or her home or the permanent placement of the minor, and to
35 address the needs of the minor while in foster care, except as
36 provided in subdivision (b).

37 (b) Reunification services need not be provided to a parent or
38 legal guardian if the court finds by clear and convincing evidence
39 that one or more of the following is true:

1 (1) Reunification services were previously terminated for that
2 parent or guardian, pursuant to Section 366.21, 366.22, or 366.25,
3 or not offered, pursuant to subdivision (b) of Section 361.5, in
4 reference to the same minor.

5 (2) The parent has been convicted of any of the following:

6 (A) Murder of another child of the parent.

7 (B) Voluntary manslaughter of another child of the parent.

8 (C) Aiding or abetting, attempting, conspiring, or soliciting to
9 commit that murder or manslaughter described in subparagraph
10 (A) or (B).

11 (D) A felony assault that results in serious bodily injury to the
12 minor or another child of the parent.

13 (3) The parental rights of the parent with respect to a sibling
14 have been terminated involuntarily, and it is not in the best interest
15 of the minor to reunify with his or her parent or legal guardian.

16 If no reunification services are offered to the parent or guardian,
17 the permanency planning hearing, as described in Section 727.3,
18 shall occur within 30 days of the date of the hearing at which the
19 decision is made not to offer services.

20 (c) The status of every minor declared a ward and ordered to
21 be placed in foster care shall be reviewed by the court no less
22 frequently than once every six months. The six-month time periods
23 shall be calculated from the date the minor entered foster care, as
24 defined in paragraph (4) of subdivision (d) of Section 727.4. If the
25 court so elects, the court may declare the hearing at which the court
26 orders the care, custody, and control of the minor to be under the
27 supervision of the probation officer for foster care placement
28 pursuant to subdivision (a) of Section 727 at the first status review
29 hearing. It shall be the duty of the probation officer to prepare a
30 written social study report including an updated case plan, pursuant
31 to subdivision (b) of Section 706.5, and submit the report to the
32 court prior to each status review hearing, pursuant to subdivision
33 (b) of Section 727.4. The social study report shall include all
34 reports the probation officer relied upon in making his or her
35 recommendations.

36 (d) Prior to any status review hearing involving a minor in the
37 physical custody of a community care facility or foster family
38 agency, the facility or agency may provide the probation officer
39 with a report containing its recommendations. Prior to any status
40 review hearing involving the physical custody of a foster parent,

1 relative caregiver, preadoptive parent, or legal guardian, that person
2 may present to the court a report containing his or her
3 recommendations. The court shall consider all reports and
4 recommendations filed pursuant to subdivision (c) and pursuant
5 to this subdivision.

6 (e) At any status review hearing prior to the first permanency
7 planning hearing, the court shall consider the safety of the minor
8 and make findings and orders which determine the following:

9 (1) The continuing necessity for and appropriateness of the
10 placement.

11 (2) The extent of the probation department's compliance with
12 the case plan in making reasonable efforts, or, in the case of a child
13 16 years of age or older with another planned permanent living
14 arrangement, the ongoing and intensive efforts, including provision
15 of child-centered specialized permanency services, as defined in
16 Section 11400, to safely return the minor to the minor's home or
17 to complete whatever steps are necessary to finalize the permanent
18 placement of the minor.

19 (3) Whether there should be any limitation on the right of the
20 parent or guardian to make educational decisions for the minor.
21 That limitation shall be specifically addressed in the court order
22 and may not exceed what is necessary to protect the minor. If the
23 court specifically limits the right of the parent or guardian to make
24 educational decisions for the minor, the court shall at the same
25 time appoint a responsible adult to make educational decisions for
26 the minor pursuant to Section 726.

27 (4) The extent of progress that has been made by the minor and
28 parent or guardian toward alleviating or mitigating the causes
29 necessitating placement in foster care.

30 (5) The likely date by which the minor may be returned to and
31 safely maintained in the home or placed for adoption, appointed
32 a legal guardian, permanently placed with a fit and willing relative,
33 or, if the minor is 16 years of age or older, referred to another
34 planned permanent living arrangement with the provision of
35 child-centered specialized permanency services, as defined in
36 Section 11400.

37 (6) In the case of a minor who has reached 16 years of age, the
38 court shall, in addition, determine the services needed to assist the
39 minor to make the transition from foster care to successful
40 adulthood.

1 The court shall make these determinations on a case-by-case
2 basis and reference in its written findings the probation officer's
3 report and any other evidence relied upon in reaching its decision.

4 (f) At any status review hearing prior to the first permanency
5 hearing, after considering the admissible and relevant evidence,
6 the court shall order return of the minor to the physical custody of
7 his or her parent or legal guardian unless the court finds, by a
8 preponderance of evidence, that the return of the minor to his or
9 her parent or legal guardian would create a substantial risk of
10 detriment to the safety, protection, or physical or emotional
11 well-being of the minor. The probation department shall have the
12 burden of establishing that detriment. In making its determination,
13 the court shall review and consider the social study report,
14 recommendations, and the case plan pursuant to subdivision (b)
15 of Section 706.5, the report and recommendations of any child
16 advocate appointed for the minor in the case, and any other reports
17 submitted to the court pursuant to subdivision (d), and shall
18 consider the efforts or progress, or both, demonstrated by the minor
19 and family and the extent to which the minor availed himself or
20 herself of the services provided.

21 (g) At all status review hearings subsequent to the first
22 permanency planning hearing, the court shall consider the safety
23 of the minor and make the findings and orders as described in
24 paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The
25 court shall either make a finding that the previously ordered
26 permanent plan continues to be appropriate or shall order that a
27 new permanent plan be adopted pursuant to subdivision (b) of
28 Section 727.3. However, the court shall not order a permanent plan
29 of "return to the physical custody of the parent or legal guardian
30 after further reunification services are offered," as described in
31 paragraph (2) of subdivision (b) of Section 727.3.

32 (h) The status review hearings required by subdivision (c) may
33 be heard by an administrative review panel, provided that the
34 administrative panel meets all of the requirements listed in
35 subparagraph (B) of paragraph (7) of subdivision (d) of Section
36 727.4.

37 (i) (1) On and after January 1, 2012, at any status review hearing
38 at which a recommendation to terminate delinquency jurisdiction
39 is being considered, or at the status review hearing held closest to
40 the ward attaining 18 years of age, but no fewer than 90 days before

1 the ward's 18th birthday, the court shall consider whether to modify
2 its jurisdiction pursuant to Section 601 or 602 and assume transition
3 jurisdiction over the minor pursuant to Section 450. The probation
4 department shall address this issue in its report to the court and
5 make a recommendation as to whether transition jurisdiction is
6 appropriate for the minor.

7 (2) The court shall order the probation department or the minor's
8 attorney to submit an application to the child welfare services
9 department pursuant to Section 329 to declare the minor a
10 dependent of the court and modify its jurisdiction from delinquency
11 to dependency jurisdiction if it finds both of the following:

12 (A) The ward does not come within the description set forth in
13 Section 450, but jurisdiction as a ward may no longer be required.

14 (B) The ward appears to come within the description of Section
15 300 and cannot be returned home safely.

16 (3) The court shall set a hearing within 20 judicial days of the
17 date of its order issued pursuant to paragraph (2) to review the
18 decision of the child welfare services department and may either
19 affirm the decision not to file a petition pursuant to Section 300
20 or order the child welfare services department to file a petition
21 pursuant to Section 300.

22 (j) On and after January 1, 2012, if a review hearing pursuant
23 to this section is the last review hearing to be held before the minor
24 attains 18 years of age, the court shall ensure that the minor's
25 transitional independent living case plan includes a plan for the
26 minor to meet one or more of the criteria in paragraphs (1) to (5),
27 inclusive, of subdivision (b) of Section 11403, so that the minor
28 can become a nonminor dependent, and that the minor has been
29 informed of his or her right to decline to become a nonminor
30 dependent and to seek termination of the court's jurisdiction
31 pursuant to Section 607.2.

32 SEC. 13. Section 727.3 of the Welfare and Institutions Code
33 is amended to read:

34 727.3. The purpose of this section is to provide a means to
35 monitor the safety and well-being of every minor in foster care
36 who has been declared a ward of the juvenile court pursuant to
37 Section 601 or 602 and to ensure that everything reasonably
38 possible is done to facilitate the safe and early return of the minor
39 to his or her own home or to establish an alternative permanent
40 plan for the minor.

1 (a) (1) For every minor declared a ward and ordered to be
2 placed in foster care, a permanency planning hearing shall be
3 conducted within 12 months of the date the minor entered foster
4 care, as defined in paragraph (4) of subdivision (d) of Section
5 727.4. Subsequent permanency planning hearings shall be
6 conducted periodically, but no less frequently than once every 12
7 months thereafter during the period of placement. It shall be the
8 duty of the probation officer to prepare a written social study report
9 including an updated case plan and a recommendation for a
10 permanent plan, pursuant to subdivision (c) of Section 706.5, and
11 submit the report to the court prior to each permanency planning
12 hearing, pursuant to subdivision (b) of Section 727.4.

13 (2) Prior to any permanency planning hearing involving a minor
14 in the physical custody of a community care facility or foster family
15 agency, the facility or agency may file with the court a report
16 containing its recommendations, in addition to the probation
17 officer's social study. Prior to any permanency planning hearing
18 involving the physical custody of a foster parent, relative caregiver,
19 preadoptive parent, or legal guardian, that person may present to
20 the court a report containing his or her recommendations. The
21 court shall consider all reports and recommendations filed pursuant
22 to this subdivision.

23 (3) If the minor has a continuing involvement with his or her
24 parents or legal guardians, the parents or legal guardians shall be
25 involved in the planning for a permanent placement. The court
26 order placing the minor in a permanent placement shall include a
27 specification of the nature and frequency of visiting arrangements
28 with the parents or legal guardians.

29 (4) At each permanency planning hearing, the court shall order
30 a permanent plan for the minor, as described in subdivision (b).
31 The court shall also make findings, as described in subdivision (e)
32 of Section 727.2. In the case of a minor who has reached 16 years
33 of age or older, the court shall, in addition, determine the services
34 needed to assist the minor to make the transition from foster care
35 to successful adulthood. The court shall make all of these
36 determinations on a case-by-case basis and make reference to the
37 probation officer's report, the case plan, or other evidence relied
38 upon in making its decisions.

1 (5) When the minor is 16 years of age or older, and is in another
2 planned permanent living arrangement, the court, at each
3 permanency planning hearing, shall do all of the following:

4 (A) Ask the minor about his or her desired permanency outcome.

5 (B) Review documentation of intensive and ongoing efforts,
6 including the provision of child-centered specialized permanency
7 services, as defined in Section 11400, to place the child in a
8 permanent family.

9 (C) Make a judicial determination explaining why, as of the
10 hearing date, another planned permanent living arrangement is the
11 best permanency plan for the minor.

12 (D) State for the record the compelling reason or reasons why
13 it continues not to be in the best interest of the minor to return
14 home, be placed for adoption, be placed with a legal guardian, or
15 be placed with a fit and willing relative.

16 (b) At all permanency planning hearings, the court shall
17 determine the permanent plan for the minor. The court shall order
18 one of the following permanent plans, which are, in order of
19 priority:

20 (1) Return of the minor to the physical custody of the parent or
21 legal guardian. After considering the admissible and relevant
22 evidence, the court shall order the return of the minor to the
23 physical custody of his or her parent or legal guardian unless:

24 (A) Reunification services were not offered, pursuant to
25 subdivision (b) of Section 727.2.

26 (B) The court finds, by a preponderance of the evidence, that
27 the return of the minor to his or her parent or legal guardian would
28 create a substantial risk of detriment to the safety, protection, or
29 physical or emotional well-being of the minor. The probation
30 department shall have the burden of establishing that detriment.
31 In making its determination, the court shall review and consider
32 the social study report and recommendations pursuant to Section
33 706.5, the report and recommendations of any child advocate
34 appointed for the minor in the case, and any other reports submitted
35 pursuant to paragraph (2) of subdivision (a), and shall consider
36 the efforts or progress, or both, demonstrated by the minor and
37 family and the extent to which the minor availed himself or herself
38 of the services provided.

39 (2) Order that the permanent plan for the minor will be to return
40 the minor to the physical custody of the parent or legal guardian,

1 order further reunification services to be provided to the minor
2 and his or her parent or legal guardian for a period not to exceed
3 six months and continue the case for up to six months for a
4 subsequent permanency planning hearing, provided that the
5 subsequent hearing shall occur within 18 months of the date the
6 minor was originally taken from the physical custody of his or her
7 parent or legal guardian. The court shall continue the case only if
8 it finds that there is a substantial probability that the minor will be
9 returned to the physical custody of his or her parent or legal
10 guardian and safely maintained in the home within the extended
11 period of time or that reasonable services have not been provided
12 to the parent or guardian. For purposes of this section, in order to
13 find that there is a substantial probability that the minor will be
14 returned to the physical custody of his or her parent or legal
15 guardian, the court shall be required to find that the minor and his
16 or her parent or legal guardian have demonstrated the capacity and
17 ability to complete the objectives of the case plan.

18 (A) The court shall inform the parent or legal guardian that if
19 the minor cannot be returned home by the next permanency
20 planning hearing, a proceeding pursuant to Section 727.31 may
21 be initiated.

22 (B) The court shall not continue the case for further reunification
23 services if it has been 18 months or more since the date the minor
24 was originally taken from the physical custody of his or her parent
25 or legal guardian.

26 (3) Identify adoption as the permanent plan and order that a
27 hearing be held within 120 days, pursuant to the procedures
28 described in Section 727.31. The court shall only set a hearing
29 pursuant to Section 727.31 if there is clear and convincing evidence
30 that reasonable services have been provided or offered to the
31 parents. When the court sets a hearing pursuant to Section 727.31,
32 it shall order that an adoption assessment report be prepared,
33 pursuant to subdivision (b) of Section 727.31.

34 (4) Order a legal guardianship, pursuant to procedures described
35 in subdivisions (c) to (f), inclusive, of Section 728.

36 (5) Place the minor with a fit and willing relative. "Placement
37 with a fit and willing relative" means placing the minor with an
38 appropriate approved relative who is willing to provide a permanent
39 and stable home for the minor, but is unable or unwilling to become
40 the legal guardian. When a minor is placed with a fit and willing

1 relative, the court may authorize the relative to provide the same
2 legal consent for the minor’s medical, surgical, and dental care,
3 and education as the custodial parent of the minor.

4 (6) (A) (i) If he or she is 16 years of age or older, place the
5 minor in another planned permanent living arrangement. For
6 purposes of this section, “planned permanent living arrangement”
7 means any permanent living arrangement described in Section
8 11402 that is ordered by the court for a minor 16 years of age or
9 older when there is a compelling reason or reasons to determine
10 that it is not in the best interest of the minor to have any permanent
11 plan listed in paragraphs (1) to (5), inclusive. These plans include,
12 but are not limited to, placement in a specific, identified foster
13 family home, program, or facility on a permanent basis, or
14 placement in a transitional housing placement facility. When the
15 court places a minor in a planned permanent living arrangement,
16 the court shall specify the goal of the placement, which may
17 include, but shall not be limited to, return home, emancipation,
18 guardianship, or permanent placement with a relative.

19 (ii) The court shall only order that the minor remain in a planned
20 permanent living arrangement if the court finds by clear and
21 convincing evidence, based upon the evidence already presented
22 to it that there is a compelling reason, as defined in subdivision
23 (c), for determining that a plan of termination of parental rights
24 and adoption is not in the best interest of the minor. If the court
25 orders that the minor remain in another planned permanent living
26 arrangement, the court shall order the provision of child-centered
27 permanency services, as defined in Section 11400, and that the
28 appropriateness of the child’s continuation in a planned permanent
29 living arrangement be assessed again at the next permanency
30 planning hearing.

31 (B) If the minor is under 16 years of age and the court finds by
32 clear and convincing evidence, based upon the evidence already
33 presented to it, that there is a compelling reason, as defined in
34 subdivision (c), for determining that a plan of termination of
35 parental rights and adoption is not in the best interest of the minor
36 as of the hearing date, the court shall order the minor to remain in
37 a foster care placement with a permanent plan of return home,
38 adoption, legal guardianship, or placement with a fit and willing
39 relative, as appropriate. The court shall make factual findings
40 identifying any barriers to achieving the permanent plan as of the

1 hearing date and shall order the provision of child-centered
2 specialized permanency services unless the minor is currently
3 placed with a fit and willing relative.

4 (c) A compelling reason for determining that a plan of
5 termination of parental rights and adoption is not in the best interest
6 of the minor is any of the following:

7 (1) Documentation by the probation department that adoption
8 is not currently in the best interest of the minor and is not currently
9 an appropriate permanency goal. That documentation may include,
10 but is not limited to, documentation that:

11 (A) The minor is 12 years of age or older and objects to
12 termination of parental rights.

13 (B) The minor is 17 years of age or older and specifically
14 requests that transition to independent living with the identification
15 of a caring adult to serve as a lifelong connection be established
16 as his or her permanent plan. On and after January 1, 2012, this
17 includes a minor who requests that his or her transitional
18 independent living case plan include modification of his or her
19 jurisdiction to that of dependency jurisdiction pursuant to
20 subdivision (b) of Section 607.2 or subdivision (i) of Section 727.2,
21 or to that of transition jurisdiction pursuant to Section 450, in order
22 to be eligible as a nonminor dependent for the extended benefits
23 pursuant to Section 11403.

24 (C) The parent or guardian and the minor have a significant
25 bond, but the parent or guardian is unable to care for the minor
26 because of an emotional or physical disability, and the minor's
27 caregiver has committed to raising the minor to the age of majority
28 and facilitating visitation with the disabled parent or guardian.

29 (D) The minor agrees to continued placement in a residential
30 treatment facility that provides services specifically designed to
31 address the minor's treatment needs, including child-centered
32 specialized permanency services, as defined in Section 11400, and
33 the minor's needs could not be served by a less restrictive
34 placement.

35 The probation department's recommendation that adoption is
36 not in the best interest of the minor shall be based on the present
37 family circumstances of the minor and shall not preclude a different
38 recommendation at a later date if the minor's family circumstances
39 change.

1 (2) Documentation by the probation department that no grounds
2 exist to file for termination of parental rights.

3 (3) Documentation by the probation department that the minor
4 is an unaccompanied refugee minor, or there are international legal
5 obligations or foreign policy reasons that would preclude
6 terminating parental rights.

7 (4) A finding by the court that the probation department was
8 required to make reasonable efforts to reunify the minor with the
9 family pursuant to subdivision (a) of Section 727.2, and did not
10 make those efforts.

11 (5) Documentation by the probation department that the minor
12 is living with a relative who is unable or unwilling to adopt the
13 minor because of exceptional circumstances that do not include
14 an unwillingness to accept legal or financial responsibility for the
15 minor, but who is willing and capable of providing the minor with
16 a stable and permanent home environment, and the removal of the
17 minor from the physical custody of his or her relative would be
18 detrimental to the minor's emotional well-being.

19 (d) Nothing in this section shall be construed to limit the ability
20 of a parent to voluntarily relinquish his or her child to the State
21 Department of Social Services when it is acting as an adoption
22 agency or to a county adoption agency at any time while the minor
23 is a ward of the juvenile court if the department or county adoption
24 agency is willing to accept the relinquishment.

25 (e) Any change in the permanent plan of a minor placed with a
26 fit and willing relative or in a planned permanent living
27 arrangement shall be made only by order of the court pursuant to
28 a Section 778 petition or at a regularly scheduled and noticed status
29 review hearing or permanency planning hearing. Any change in
30 the permanent plan of a minor placed in a guardianship shall be
31 made only by order of the court pursuant to a motion filed in
32 accordance with Section 728.

33 SEC. 14. Section 11400 of the Welfare and Institutions Code
34 is amended to read:

35 11400. For purposes of this article, the following definitions
36 shall apply:

37 (a) "Aid to Families with Dependent Children-Foster Care
38 (AFDC-FC)" means the aid provided on behalf of needy children
39 in foster care under the terms of this division.

1 (b) “Case plan” means a written document that, at a minimum,
2 specifies the type of home in which the child shall be placed, the
3 safety of that home, and the appropriateness of that home to meet
4 the child’s needs. It shall also include the agency’s plan for
5 ensuring that the child receive proper care and protection in a safe
6 environment, and shall set forth the appropriate services to be
7 provided to the child, the child’s family, and the foster parents, in
8 order to meet the child’s needs while in foster care, and to reunify
9 the child with the child’s family. In addition, the plan shall specify
10 the services that will be provided or steps that will be taken to
11 facilitate an alternate permanent plan if reunification is not possible.

12 (c) “Certified family home” means a family residence certified
13 by a licensed foster family agency and issued a certificate of
14 approval by that agency as meeting licensing standards, and used
15 only by that foster family agency for placements.

16 (d) “Family home” means the family residence of a licensee in
17 which 24-hour care and supervision are provided for children.

18 (e) “Small family home” means any residential facility, in the
19 licensee’s family residence, which provides 24-hour care for six
20 or fewer foster children who have mental disorders or
21 developmental or physical disabilities and who require special care
22 and supervision as a result of their disabilities.

23 (f) “Foster care” means the 24-hour out-of-home care provided
24 to children whose own families are unable or unwilling to care for
25 them, and who are in need of temporary or long-term substitute
26 parenting.

27 (g) “Foster family agency” means a licensed community care
28 facility, as defined in paragraph (4) of subdivision (a) of Section
29 1502 of the Health and Safety Code. Private foster family agencies
30 shall be organized and operated on a nonprofit basis.

31 (h) “Group home” means a nondetention privately operated
32 residential home, organized and operated on a nonprofit basis only,
33 of any capacity, or a nondetention licensed residential care home
34 operated by the County of San Mateo with a capacity of up to 25
35 beds, that accepts children in need of care and supervision in a
36 group home, as defined by paragraph (13) of subdivision (a) of
37 Section 1502 of the Health and Safety Code.

38 (i) “Periodic review” means review of a child’s status by the
39 juvenile court or by an administrative review panel, that shall
40 include a consideration of the safety of the child, a determination

1 of the continuing need for placement in foster care, evaluation of
2 the goals for the placement and the progress toward meeting these
3 goals, and development of a target date for the child’s return home
4 or establishment of alternative permanent placement.

5 (j) “Permanency planning hearing” means a hearing conducted
6 by the juvenile court in which the child’s future status, including
7 whether the child shall be returned home or another permanent
8 plan shall be developed, is determined.

9 (k) “Placement and care” refers to the responsibility for the
10 welfare of a child vested in an agency or organization by virtue of
11 the agency or organization having (1) been delegated care, custody,
12 and control of a child by the juvenile court, (2) taken responsibility,
13 pursuant to a relinquishment or termination of parental rights on
14 a child, (3) taken the responsibility of supervising a child detained
15 by the juvenile court pursuant to Section 319 or 636, or (4) signed
16 a voluntary placement agreement for the child’s placement; or to
17 the responsibility designated to an individual by virtue of his or
18 her being appointed the child’s legal guardian.

19 (l) “Preplacement preventive services” means services that are
20 designed to help children remain with their families by preventing
21 or eliminating the need for removal.

22 (m) “Relative” means an adult who is related to the child by
23 blood, adoption, or affinity within the fifth degree of kinship,
24 including stepparents, stepsiblings, and all relatives whose status
25 is preceded by the words “great,” “great-great,” or “grand” or the
26 spouse of any of these persons even if the marriage was terminated
27 by death or dissolution.

28 (n) “Nonrelative extended family member” means an adult
29 caregiver who has an established familial or mentoring relationship
30 with the child, as described in Section 362.7.

31 (o) “Voluntary placement” means an out-of-home placement
32 of a child by (1) the county welfare department, probation
33 department, or Indian tribe that has entered into an agreement
34 pursuant to Section 10553.1, after the parents or guardians have
35 requested the assistance of the county welfare department and have
36 signed a voluntary placement ~~agreement~~; *agreement* or (2) the
37 county welfare department licensed public or private adoption
38 agency, or the department acting as an adoption agency, after the
39 parents have requested the assistance of either the county welfare
40 department, the licensed public or private adoption agency, or the

1 department acting as an adoption agency for the purpose of
2 adoption planning, and have signed a voluntary placement
3 agreement.

4 (p) “Voluntary placement agreement” means a written agreement
5 between either the county welfare department, probation
6 department, or Indian tribe that has entered into an agreement
7 pursuant to Section 10553.1, licensed public or private adoption
8 agency, or the department acting as an adoption agency, and the
9 parents or guardians of a child that specifies, at a minimum, the
10 following:

11 (1) The legal status of the child.

12 (2) The rights and obligations of the parents or guardians, the
13 child, and the agency in which the child is placed.

14 (q) “Original placement date” means the most recent date on
15 which the court detained a child and ordered an agency to be
16 responsible for supervising the child or the date on which an agency
17 assumed responsibility for a child due to termination of parental
18 rights, relinquishment, or voluntary placement.

19 (r) (1) “Transitional housing placement provider” means an
20 organization licensed by the State Department of Social Services
21 pursuant to Section 1559.110 of the Health and Safety Code, to
22 provide transitional housing to foster children at least 16 years of
23 age and not more than 18 years of age, and nonminor dependents,
24 as defined in subdivision (v). A transitional housing placement
25 provider shall be privately operated and organized on a nonprofit
26 basis.

27 (2) Prior to licensure, a provider shall obtain certification from
28 the applicable county, in accordance with Section 16522.1.

29 (s) “Transitional Housing Program-Plus” means a provider
30 certified by the applicable county, in accordance with subdivision
31 (c) of Section 16522, to provide transitional housing services to
32 former foster youth who have exited the foster care system on or
33 after their 18th birthday.

34 (t) “Whole family foster home” means a new or existing family
35 home, approved relative caregiver or nonrelative extended family
36 member’s home, the home of a nonrelated legal guardian whose
37 guardianship was established pursuant to Section 360 or 366.26,
38 certified family home, or a host family home placement of a
39 transitional housing placement provider, that provides foster care
40 for a minor or nonminor dependent parent and his or her child,

1 and is specifically recruited and trained to assist the minor or
2 nonminor dependent parent in developing the skills necessary to
3 provide a safe, stable, and permanent home for his or her child.
4 The child of the minor or nonminor dependent parent need not be
5 the subject of a petition filed pursuant to Section 300 to qualify
6 for placement in a whole family foster home.

7 (u) “Mutual agreement” means any of the following:

8 (1) A written voluntary agreement of consent for continued
9 placement and care in a supervised setting between a minor or, on
10 and after January 1, 2012, a nonminor dependent, and the county
11 welfare services or probation department or tribal agency
12 responsible for the foster care placement, that documents the
13 nonminor’s continued willingness to remain in supervised
14 out-of-home placement under the placement and care of the
15 responsible county, tribe, consortium of tribes, or tribal
16 organization that has entered into an agreement with the state
17 pursuant to Section 10553.1, remain under the jurisdiction of the
18 juvenile court as a nonminor dependent, and report any change of
19 circumstances relevant to continued eligibility for foster care
20 payments, and that documents the nonminor’s and social worker’s
21 or probation officer’s agreement to work together to facilitate
22 implementation of the mutually developed supervised placement
23 agreement and transitional independent living case plan.

24 (2) An agreement, as described in paragraph (1), between a
25 nonminor former dependent or ward in receipt of Kin-GAP
26 payments under Article 4.5 (commencing with Section 11360) or
27 Article 4.7 (commencing with Section 11385), and the agency
28 responsible for the Kin-GAP benefits, provided that the nonminor
29 former dependent or ward satisfies the conditions described in
30 Section 11403.01, or one or more of the conditions described in
31 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
32 11403. For purposes of this paragraph and paragraph (3),
33 “nonminor former dependent or ward” has the same meaning as
34 described in subdivision (aa).

35 (3) An agreement, as described in paragraph (1), between a
36 nonminor former dependent or ward in receipt of AFDC-FC
37 payments under subdivision (e) or (f) of Section 11405 and the
38 agency responsible for the AFDC-FC benefits, provided that the
39 nonminor former dependent or ward described in subdivision (e)
40 of Section 11405 satisfies one or more of the conditions described

1 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
2 11403, and the nonminor described in subdivision (f) of Section
3 11405 satisfies the secondary school or equivalent training or
4 certificate program conditions described in that subdivision.

5 (v) “Nonminor dependent” means, on and after January 1, 2012,
6 a foster child, as described in Section 675(8)(B) of Title 42 of the
7 United States Code under the federal Social Security Act who is
8 a current dependent child or ward of the juvenile court, or who is
9 a nonminor under the transition jurisdiction of the juvenile court,
10 as described in Section 450, and who satisfies all of the following
11 criteria:

12 (1) He or she has attained 18 years of age while under an order
13 of foster care placement by the juvenile court, and is not more than
14 19 years of age on or after January 1, 2012, not more than 20 years
15 of age on or after January 1, 2013, or not more than 21 years of
16 age on or after January 1, 2014, and as described in Section
17 10103.5.

18 (2) He or she is in foster care under the placement and care
19 responsibility of the county welfare department, county probation
20 department, Indian tribe, consortium of tribes, or tribal organization
21 that entered into an agreement pursuant to Section 10553.1.

22 (3) He or she has a transitional independent living case plan
23 pursuant to Section 475(8) of the federal Social Security Act (42
24 U.S.C. Sec. 675(8)), as contained in the federal Fostering
25 Connections to Success and Increasing Adoptions Act of 2008
26 (Public Law 110-351), as described in Section 11403.

27 (w) “Supervised independent living placement” means, on and
28 after January 1, 2012, an independent supervised setting, as
29 specified in a nonminor dependent’s transitional independent living
30 case plan, in which the youth is living independently, pursuant to
31 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.
32 Sec. 672(c)(2)).

33 (x) “Supervised independent living setting,” pursuant to Section
34 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
35 672(c)(2)), includes both a supervised independent living
36 placement, as defined in subdivision (w), and a residential housing
37 unit certified by the transitional housing placement provider
38 operating a Transitional Housing Placement-Plus Foster Care
39 program, as described in paragraph (2) of subdivision (a) of Section
40 16522.1.

1 (y) “Transitional independent living case plan” means, on or
2 after January 1, 2012, a child’s case plan submitted for the last
3 review hearing held before he or she reaches 18 years of age or
4 the nonminor dependent’s case plan, updated every six months,
5 that describes the goals and objectives of how the nonminor will
6 make progress in the transition to living independently and assume
7 incremental responsibility for adult decisionmaking, the
8 collaborative efforts between the nonminor and the social worker,
9 probation officer, or Indian tribal placing entity and the supportive
10 services as described in the transitional independent living plan
11 (TILP) to ensure active and meaningful participation in one or
12 more of the eligibility criteria described in paragraphs (1) to (5),
13 inclusive, of subdivision (b) of Section 11403, the nonminor’s
14 appropriate supervised placement setting, and the nonminor’s
15 permanent plan for transition to living independently, which
16 includes maintaining or obtaining permanent connections to caring
17 and committed adults, as set forth in paragraphs (16) and (17) of
18 subdivision (g) of Section 16501.1.

19 (z) “Voluntary reentry agreement” means a written voluntary
20 agreement between a former dependent child or ward or a former
21 nonminor dependent, who has had juvenile court jurisdiction
22 terminated pursuant to Section 391, 452, or 607.2, and the county
23 welfare or probation department or tribal placing entity that
24 documents the nonminor’s desire and willingness to reenter foster
25 care, to be placed in a supervised setting under the placement and
26 care responsibility of the placing agency, the nonminor’s desire,
27 willingness, and ability to immediately participate in one or more
28 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
29 (b) of Section 11403, the nonminor’s agreement to work
30 collaboratively with the placing agency to develop his or her
31 transitional independent living case plan within 60 days of reentry,
32 the nonminor’s agreement to report any changes of circumstances
33 relevant to continued eligibility for foster care payments, and (1)
34 the nonminor’s agreement to participate in the filing of a petition
35 for juvenile court jurisdiction as a nonminor dependent pursuant
36 to subdivision (e) of Section 388 within 15 judicial days of the
37 signing of the agreement and the placing agency’s efforts and
38 supportive services to assist the nonminor in the reentry process,
39 or (2) if the nonminor meets the definition of a nonminor former
40 dependent or ward, as described in subdivision (aa), the nonminor’s

1 agreement to return to the care and support of his or her former
2 juvenile court-appointed guardian and meet the eligibility criteria
3 for AFDC-FC pursuant to subdivision (e) of Section 11405.

4 (aa) “Nonminor former dependent or ward” means, on and after
5 January 1, 2012, either of the following:

6 (1) A nonminor who reached 18 years of age while subject to
7 an order for foster care placement, and for whom dependency,
8 delinquency, or transition jurisdiction has been terminated, and
9 who is still under the general jurisdiction of the court.

10 (2) A nonminor who is over 18 years of age and, while a minor,
11 was a dependent child or ward of the juvenile court when the
12 guardianship was established pursuant to Section 360 or 366.26,
13 or subdivision (d) of Section 728, and the juvenile court
14 dependency or wardship was dismissed following the establishment
15 of the guardianship.

16 (ab) “Runaway and homeless youth shelter” means a type of
17 group home, as defined in paragraph (14) of subdivision (a) of
18 Section 1502 of the Health and Safety Code, that is not an eligible
19 placement option under Sections 319, 361.2, 450, and 727, and
20 that is not eligible for AFDC-FC funding pursuant to subdivision
21 (c) of Section 11402 or Section 11462.

22 (ac) “Transition dependent” is a minor between 17 years and
23 five months and 18 years of age who is subject to the court’s
24 transition jurisdiction under Section 450.

25 (ad) “Short-term residential treatment center” means a
26 nondetention, licensed community care facility, as defined in
27 paragraph (18) of subdivision (a) of Section 1502 of the Health
28 and Safety Code, that provides short-term, specialized, and
29 intensive treatment for the child or youth, when the child’s or
30 youth’s case plan specifies the need for, nature of, and anticipated
31 duration of this specialized treatment.

32 (ae) “Resource family” means an approved caregiver, as defined
33 in subdivision (c) of Section 16519.5.

34 (af) “Core Services” mean services, made available to children,
35 youth, and nonminor dependents either directly or secured through
36 formal agreement with other agencies, which are trauma informed
37 and culturally relevant as specified in Sections 11462 and 11463.

38 (ag) “Child-centered specialized permanency services” means
39 services designed for, and with, the child to address the child’s
40 history of trauma, separation, and loss. Those services shall include

1 mental health services, as necessary, or other services that are
2 needed to ameliorate impairments in significant areas of life
3 functioning that may reduce the likelihood of the child achieving
4 a permanent family. These services shall utilize family finding and
5 engagement, including, but not limited to, using search technology
6 and social media to locate family members, and child-specific
7 recruitment to assist the child in achieving a permanent family
8 through reunification, adoption, legal guardianship, or other
9 lifelong connections to caring adults, including at least one adult
10 who will provide a permanent, parent-like relationship for that
11 child. These services include services designed to prepare the
12 permanent family to meet the child’s needs, set appropriate
13 expectations for before and after permanency, and stabilize the
14 placement.

15 SEC. 15. Section 16501 of the Welfare and Institutions Code
16 is amended to read:

17 16501. (a) (1) As used in this chapter, “child welfare services”
18 means public social services that are directed toward the
19 accomplishment of any or all of the following purposes: protecting
20 and promoting the welfare of all children, including disabled,
21 homeless, dependent, or neglected children; preventing or
22 remedying, or assisting in the solution of problems which may
23 result in, the neglect, abuse, exploitation, or delinquency of
24 children; preventing the unnecessary separation of children from
25 their families by identifying family problems, assisting families
26 in resolving their problems, and preventing breakup of the family
27 where the prevention of child removal is desirable and possible;
28 restoring to their families children who have been removed, by
29 the provision of services to the child and the families; identifying
30 children to be placed in suitable adoptive homes, in cases where
31 restoration to the biological family is not possible or appropriate;
32 and ensuring adequate care of children away from their homes, in
33 cases where the child cannot be returned home or cannot be placed
34 for adoption.

35 (2) “Child welfare services” also means services provided on
36 behalf of children alleged to be the victims of child abuse, neglect,
37 or exploitation. The child welfare services provided on behalf of
38 each child represent a continuum of services, including emergency
39 response services, family preservation services, family maintenance
40 services, family reunification services, and permanent placement

1 services, including supportive transition services. The individual
2 child’s case plan is the guiding principle in the provision of these
3 services. The case plan shall be developed within a maximum of
4 60 days of the initial removal of the child or of the in-person
5 response required under subdivision (f) if the child has not been
6 removed from his or her home, or by the date of the dispositional
7 hearing pursuant to Section 358, whichever comes first.

8 (3) “Child welfare services” are best provided in a framework
9 that integrates service planning and delivery among multiple
10 service systems, including the mental health system, using a
11 team-based approach, such as a child and family team. A child
12 and family team brings together individuals that engage with the
13 child or youth and family in assessing, planning, and delivering
14 services consistent with paragraph (1) of subdivision (d) of Section
15 16501.1. Use of a team approach increases efficiency, and thus
16 reduces cost, by increasing coordination of formal services and
17 integrating the natural and informal supports available to the child
18 or youth and family.

19 (4) “Child and family team” means a group of individuals who
20 are convened by the placing agency and who are engaged through
21 a variety of team-based processes to identify the strengths and
22 needs of the child or youth and his or her family, and to help
23 achieve positive outcomes for safety, permanency, and well-being.

24 (A) The activities of the team shall include, but not be limited
25 to, both of the following:

26 (i) Providing input into the development of a child and family
27 plan that is strengths-based, needs-driven, and culturally relevant.

28 (ii) Providing input into the placement decision made by the
29 placing agency and the services to be provided in order to support
30 the child or youth.

31 (B) The child and family team process shall engage the child
32 or youth, the child’s family, and other people important to the
33 family or to the child or youth in meeting the objectives set forth
34 in subparagraph (A). The child and family team shall also include
35 representatives who provide formal supports to the child or youth
36 and family when appropriate, including, but not limited to, the
37 caregiver, the placing agency caseworker, a representative from a
38 foster family agency or short-term residential treatment center with
39 which a child or youth is placed, a county mental health
40 representative, a representative from the regional center when the

1 child is eligible for regional center service, and a representative
2 of the child’s or youth’s tribe or Indian custodian, as applicable.
3 As appropriate, the child and family team also may include other
4 formal supports, such as substance use disorder treatment
5 professionals and educational professionals, providing services to
6 the child or youth and family. For purposes of this definition, the
7 child and family team also may include extended family and
8 informal support persons, such as friends, coaches, faith-based
9 connections, and tribes as identified by the child or youth and
10 family. If placement into a short-term residential treatment center
11 or a foster family agency that provides treatment services has
12 occurred or is being considered, the mental health representative
13 is required to be a licensed mental health professional. Any party
14 to the child’s case who is represented by an attorney may consult
15 with his or her attorney regarding this process. The child or youth
16 and his or her family may request specific persons to be included
17 on the child and family team. Nothing shall preclude another
18 agency serving the child or youth from convening a team in
19 collaboration with the placing agency.

20 (5) Child welfare services may include, but are not limited to,
21 a range of service-funded activities, including case management,
22 counseling, emergency shelter care, emergency in-home caretakers,
23 temporary in-home caretakers, respite care, therapeutic day
24 services, teaching and demonstrating homemakers, parenting
25 training, substance abuse testing, and transportation. These
26 service-funded activities shall be available to children and their
27 families in all phases of the child welfare program in accordance
28 with the child’s case plan and departmental regulations. Funding
29 for services is limited to the amount appropriated in the annual
30 Budget Act and other available county funds.

31 (6) Service-funded activities to be provided may be determined
32 by each county, based upon individual child and family needs as
33 reflected in the service plan.

34 (7) As used in this chapter, “emergency shelter care” means
35 emergency shelter provided to children who have been removed
36 pursuant to Section 300 from their parent or parents or their
37 guardian or guardians. The department may establish, by
38 regulation, the time periods for which emergency shelter care shall
39 be funded. For the purposes of this paragraph, “emergency shelter
40 care” may include “transitional shelter care facilities” as defined

1 in paragraph (11) of subdivision (a) of Section 1502 of the Health
2 and Safety Code.

3 (b) As used in this chapter, “respite care” means temporary care
4 for periods not to exceed 72 hours, and, in order to preserve the
5 placement, may be extended up to 14 days in any one month
6 pending the development of policies and regulations in consultation
7 with county placing agencies and stakeholders. This care may be
8 provided to the child’s parents or guardians. This care shall not be
9 limited by regulation to care over 24 hours. These services shall
10 not be provided for the purpose of routine, ongoing child care.

11 (c) The county shall provide child welfare services as needed
12 pursuant to an approved service plan and in accordance with
13 regulations promulgated, in consultation with the counties, by the
14 department. Counties may contract for service-funded activities
15 as defined in paragraph (1) of subdivision (a). Counties shall not
16 contract for needs assessment, client eligibility determination, or
17 any other activity as specified by regulations of the State
18 Department of Social Services, except as specifically authorized
19 in Section 16100.

20 (d) Nothing in this chapter shall be construed to affect duties
21 which are delegated to probation officers pursuant to Sections 601
22 and 654.

23 (e) Any county may utilize volunteer individuals to supplement
24 professional child welfare services by providing ancillary support
25 services in accordance with regulations adopted by the State
26 Department of Social Services.

27 (f) As used in this chapter, emergency response services consist
28 of a response system providing in-person response, 24 hours a day,
29 seven days a week, to reports of abuse, neglect, or exploitation, as
30 required by Article 2.5 (commencing with Section 11164) of
31 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of
32 investigation pursuant to Section 11166 of the Penal Code and to
33 determine the necessity for providing initial intake services and
34 crisis intervention to maintain the child safely in his or her own
35 home or to protect the safety of the child. County welfare
36 departments shall respond to any report of imminent danger to a
37 child immediately and all other reports within 10 calendar days.
38 An in-person response is not required when the county welfare
39 department, based upon an evaluation of risk, determines that an
40 in-person response is not appropriate. This evaluation includes

1 collateral, contacts, a review of previous referrals, and other
2 relevant information, as indicated.

3 (g) As used in this chapter, family maintenance services are
4 activities designed to provide in-home protective services to
5 prevent or remedy neglect, abuse, or exploitation, for the purposes
6 of preventing separation of children from their families.

7 (h) As used in this chapter, family reunification services are
8 activities designed to provide time-limited foster care services to
9 prevent or remedy neglect, abuse, or exploitation, when the child
10 cannot safely remain at home, and needs temporary foster care,
11 while services are provided to reunite the family.

12 (i) (1) As used in this chapter, permanent placement services
13 are activities designed to provide an alternate permanent family
14 structure for children who because of abuse, neglect, or exploitation
15 cannot safely remain at home and who are unlikely to ever return
16 home. These services shall be provided on behalf of children for
17 whom there has been a judicial determination of a permanent plan
18 for adoption, legal guardianship, placement with a fit and willing
19 relative, or continued foster care placement, and, as needed to
20 achieve a permanent family, shall include child-centered
21 specialized permanency services, as defined in Section 11400.
22 Permanent placement services for nonminor dependents may
23 include child-centered specialized permanency services and shall
24 include supportive transition services.

25 (2) For purposes of this section, “another planned permanent
26 living arrangement” means a permanent plan ordered by the court
27 for a child 16 years of age or older or a nonminor dependent, when
28 there is a compelling reason or reasons to determine that it is not
29 in the best interest of the child or nonminor dependent to return
30 home, be placed for adoption, be placed for tribal customary
31 adoption in the case of an Indian child, or be placed with a fit and
32 willing relative. Placement in a group home, or, on and after
33 January 1, 2017, a short-term residential treatment facility, shall
34 not be the identified permanent plan for any child or nonminor
35 dependent.

36 (j) As used in this chapter, family preservation services include
37 those services specified in Section 16500.5 to avoid or limit
38 out-of-home placement of children, and may include those services
39 specified in that section to place children in the least restrictive
40 environment possible.

1 (k) (1) (A) In any county electing to implement this
2 subdivision, all county welfare department employees who have
3 frequent and routine contact with children shall, by February 1,
4 1997, and all welfare department employees who are expected to
5 have frequent and routine contact with children and who are hired
6 on or after January 1, 1996, and all such employees whose duties
7 change after January 1, 1996, to include frequent and routine
8 contact with children, shall, if the employees provide services to
9 children who are alleged victims of abuse, neglect, or exploitation,
10 sign a declaration under penalty of perjury regarding any prior
11 criminal conviction, and shall provide a set of fingerprints to the
12 county welfare director.

13 (B) The county welfare director shall secure from the
14 Department of Justice a criminal record to determine whether the
15 employee has ever been convicted of a crime other than a minor
16 traffic violation. The Department of Justice shall deliver the
17 criminal record to the county welfare director.

18 (C) If it is found that the employee has been convicted of a
19 crime, other than a minor traffic violation, the county welfare
20 director shall determine whether there is substantial and convincing
21 evidence to support a reasonable belief that the employee is of
22 good character so as to justify frequent and routine contact with
23 children.

24 (D) No exemption shall be granted pursuant to subparagraph
25 (C) if the person has been convicted of a sex offense against a
26 minor, or has been convicted of an offense specified in Section
27 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in
28 paragraph (1) of Section 273a of, or subdivision (a) or (b) of
29 Section 368 of, the Penal Code, or has been convicted of an offense
30 specified in subdivision (c) of Section 667.5 of the Penal Code.
31 The county welfare director shall suspend such a person from any
32 duties involving frequent and routine contact with children.

33 (E) Notwithstanding subparagraph (D), the county welfare
34 director may grant an exemption if the employee or prospective
35 employee, who was convicted of a crime against an individual
36 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5
37 of the Penal Code, has been rehabilitated as provided in Section
38 4852.03 of the Penal Code and has maintained the conduct required
39 in Section 4852.05 of the Penal Code for at least 10 years and has
40 the recommendation of the district attorney representing the

1 employee's or prospective employee's county of residence, or if
2 the employee or prospective employee has received a certificate
3 of rehabilitation pursuant to Chapter 3.5 (commencing with Section
4 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the
5 county welfare director may give the employee or prospective
6 employee an opportunity to explain the conviction and shall
7 consider that explanation in the evaluation of the criminal
8 conviction record.

9 (F) If no criminal record information has been recorded, the
10 county welfare director shall cause a statement of that fact to be
11 included in that person's personnel file.

12 (2) For purposes of this subdivision, a conviction means a plea
13 or verdict of guilty or a conviction following a plea of nolo
14 contendere. Any action that the county welfare director is permitted
15 to take following the establishment of a conviction may be taken
16 when the time for appeal has elapsed, or the judgment of conviction
17 has been affirmed on appeal or when an order granting probation
18 is made suspending the imposition of sentence, notwithstanding
19 a subsequent order pursuant to Sections 1203.4 and 1203.4a of the
20 Penal Code permitting the person to withdraw his or her plea of
21 guilty and to enter a plea of not guilty, or setting aside the verdict
22 of guilty, or dismissing the accusation, information, or indictment.
23 For purposes of this subdivision, the record of a conviction, or a
24 copy thereof certified by the clerk of the court or by a judge of the
25 court in which the conviction occurred, shall be conclusive
26 evidence of the conviction.

27 SEC. 16. Section 16501.1 of the Welfare and Institutions Code
28 is amended to read:

29 16501.1. (a) (1) The Legislature finds and declares that the
30 foundation and central unifying tool in child welfare services is
31 the case plan.

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

39 (3) The agency shall consider the recommendations of the child
40 and family team, as defined in paragraph (4) of subdivision (a) of

1 Section 16501, if any are available. The agency shall document
2 the rationale for any inconsistencies between the case plan and the
3 child and family team recommendations.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 opportunities to have incremental responsibilities that prepare a
2 nonminor dependent to transition to successful adulthood. If
3 admission to, or continuation in, a group home or short-term
4 residential treatment center placement is being considered for a
5 nonminor dependent, the group home or short-term residential
6 treatment center placement approval decision shall include a
7 youth-driven, team-based case planning process, as defined by the
8 department, in consultation with stakeholders. The case plan shall
9 consider the full range of placement options, and shall specify why
10 admission to, or continuation in, a group home placement is the
11 best alternative available at the time to meet the special needs or
12 well-being of the nonminor dependent, and how the placement
13 will contribute to the nonminor dependent's transition to successful
14 adulthood. The case plan shall specify the treatment strategies that
15 will be used to prepare the nonminor dependent for discharge to
16 a less restrictive family setting that promotes normal childhood
17 experiences, including a target date for discharge from the group
18 home placement. The placement shall be reviewed and updated
19 on a regular, periodic basis to ensure that continuation in the group
20 home placement remains in the best interests of the nonminor
21 dependent and that progress is being made in achieving case plan
22 goals leading to successful adulthood. The group home placement
23 planning process shall begin as soon as it becomes clear to the
24 county welfare department or probation office that a foster child
25 in group home placement is likely to remain in group home
26 placement on his or her 18th birthday, in order to expedite the
27 transition to a less restrictive family setting that promotes normal
28 childhood experiences, if he or she becomes a nonminor dependent.
29 The case planning process shall include informing the youth of all
30 of his or her options, including, but not limited to, admission to
31 or continuation in a group home placement and the provision of
32 child-centered specialized permanency services, as defined in
33 Section 11400. Consideration for continuation of existing group
34 home placement for a nonminor dependent under 19 years of age
35 may include the need to stay in the same placement in order to
36 complete high school. After a nonminor dependent either completes
37 high school or attains his or her 19th birthday, whichever is earlier,
38 continuation in or admission to a group home placement is
39 prohibited unless the nonminor dependent satisfies the conditions
40 of paragraph (5) of subdivision (b) of Section 11403, and group

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (A) The death of an immediate relative.

29 (B) The birth of a sibling.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 (15) (A) If the case plan has as its goal for the child a permanent
10 plan of adoption or legal guardianship, it shall include a statement
11 of the child’s wishes regarding their permanent placement plan
12 and an assessment of those stated wishes. The agency shall also
13 include documentation of the steps the agency is taking to find an
14 adoptive family or other permanent living arrangements for the
15 child, to place the child with an adoptive family, an appropriate
16 and willing relative, or a legal guardian, and to finalize the adoption
17 or legal guardianship. At a minimum, the documentation shall
18 include child-specific recruitment efforts, such as the use of state,
19 regional, and national adoption exchanges, including electronic
20 exchange systems, when the child has been freed for adoption.
21 The documentation shall also reflect the provision of child-centered
22 specialized permanency services, as defined in Section 11400.
23 Regardless of whether the child has been freed for adoption,
24 documentation shall include a description of any barriers to
25 achieving legal permanence and the steps the agency will take to
26 address those barriers, including the provision of child-centered
27 specialized permanency services, as defined in Section 11400. If
28 the plan is for kinship guardianship, the case plan shall document
29 how the child meets the kinship guardianship eligibility
30 requirements.

31 (B) When the child is 16 years of age or older and is in another
32 planned permanent living arrangement, the case plan shall identify
33 the intensive and ongoing efforts, including child-centered
34 specialized permanency services, as defined in Section 11400, to
35 return the child to the home of the parent, place the child for
36 adoption, place the child for tribal customary adoption in the case
37 of an Indian child, establish a legal guardianship, or place the child
38 nonminor dependent with a fit and willing relative, as appropriate.
39 Efforts shall include the use of technology, including social media,
40 to find biological family members of the child.

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

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

33 (B) During the 90-day period prior to the participant attaining
34 18 years of age or older as the state may elect under Section
35 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
36 675(8)(B)(iii)), whether during that period foster care maintenance
37 payments are being made on the child's behalf or the child is
38 receiving benefits or services under Section 477 of the federal
39 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
40 appropriate agency staff or probation officer and other

1 representatives of the participant, as appropriate, shall provide the
2 youth or nonminor dependent with assistance and support in
3 developing the written 90-day transition plan, that is personalized
4 at the direction of the child, information as detailed as the
5 participant elects that shall include, but not be limited to, options
6 regarding housing, health insurance, education, local opportunities
7 for mentors and continuing support services, and workforce
8 supports and employment services, a power of attorney for health
9 care, and information regarding the advance health care directive
10 form.

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

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

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

39 (A) A document that describes the youth's rights with respect
40 to education, health, visitation, and court participation, the right

1 to be annually provided with copies of his or her credit reports at
2 no cost while in foster care pursuant to Section 10618.6, and the
3 right to stay safe and avoid exploitation.

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

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

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

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

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

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

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

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

19 SEC. 17. To the extent that this act has an overall effect of
20 increasing the costs already borne by a local agency for programs
21 or levels of service mandated by the 2011 Realignment Legislation
22 within the meaning of Section 36 of Article XIII of the California
23 Constitution, it shall apply to local agencies only to the extent that
24 the state provides annual funding for the cost increase. Any new
25 program or higher level of service provided by a local agency
26 pursuant to this act above the level for which funding has been
27 provided shall not require a subvention of funds by the state nor
28 otherwise be subject to Section 6 of Article XIII B of the California
29 Constitution.