DEPARTMENT OF SOCIAL SERVICES
744 P Street, Sacramento, California 95814

June 12, 2002

REASON FOR THIS TRANSMITTAL

[ ] State Law Change
[ ] Federal Law or Regulation Change
[ ] Court Order
[ ] Clarification Requested by One or More Counties
[X] Initiated by CDSS

ALL COUNTY INFORMATION NOTICE NO. I-41-02

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS
ALL COUNTY COUNSELS
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES
ALL CDSS ADOPTION DISTRICT OFFICES

SUBJECT: **2001 CHAPTERED LEGISLATION AFFECTING THE EMERGENCY RESPONSE, FAMILY MAINTENANCE, FAMILY REUNIFICATION AND PERMANENCY PLANNING COMPONENTS OF CHILD WELFARE SERVICES AND THE ADOPTIONS PROGRAM**

The purpose of this All County Information Notice (ACIN) is to provide you with summaries of legislation affecting Child Welfare Services, Adoption and Foster Care programs. These summaries are for general informational purposes only. The statutes listed in this document became effective on January 1, 2002, unless the summary notes otherwise.

All County Letters (ACLs) or ACINs have been or will be issued for legislation that requires more detailed descriptions of specific programmatic issues and necessary implementation activities. For ease of identification, legislation has been listed under the specific program components of Emergency Response Services and Family Maintenance Services, Family Reunification Services and Permanent Placement Services and the Children Services Operation Branch.

EMERGENCY RESPONSE SERVICES AND FAMILY MAINTENANCE SERVICES COMPONENTS OF CHILD WELFARE SERVICES

Assembly Bill 102 (Pacheco), Chapter 133, Statutes of 2001

- Amends the Penal Code (PC) to clarify and simplify the current mandatory child abuse reporting laws. Includes the following sections:
  1. Clarifies child abuse or neglect in out-of-home care. (PC 11165.5)
  2. Deletes the reference to "out-of-home care" addressed in PC11165.5. (PC11165.6)
  3. Replaces the term "child care custodian" with "mandated reporters." (PC 11165.7)
- Further defines where mandated reporters are to send reports of suspected child abuse reports. (PC 11165.9) Adds "or" to police or sheriff's department.

- Adds to section that mandated reporters be informed of reporting obligations by employers and have signed a statement upon employment stating so. (This section, "On and after January 1, 1985," applies to mandated reporters with the exception of child visitation monitors). Adds child "neglect" in sections related to interagency child death review teams. (PC 11166.7 & 11166.9)
- Adds the condition of suspected mental suffering or emotional well-being as being reportable by mandated reporters, using the term "may" report, in instances of known or suspected child abuse or neglect. (PC 11166.05)
- Clarifies cases of neglect to be forwarded to the Department of Justice as "severe" neglect. (PC 11169)
- Clarifies requirements agencies are to follow when a request is received from a person wanting to know if they are on the Child Abuse Central Index. (PC 11170)
- Simplifies language related to mandated reporters and civil or criminal liability. (PC 11172)

Assembly Bill 160 (Bates), Chapter 698, Statutes of 2001

- Amends Penal Code Section 136.2 to mandate the Judicial Council to promulgate a protocol to provide for the timely coordination of all orders against the same defendant and in favor of the same named victim or victims, thereby better ensuring the protection of the victim, as well as, the victim's children.
- Amends Family Code Section 6383 to specify that a criminal restraining order or protective order has precedence in enforcement over any civil court order pertaining to the same persons.
- Amends Family Code Section 6380 regarding domestic violence restraining orders (with minor language changes).
- Requires a court that modifies, extends, or terminates an order protecting a victim of violent crime, to transmit that modification, extension, or termination to the law enforcement agency that entered the protective order into the Domestic Violence Restraining Order System.
- Permits family or juvenile court orders to coexist with criminal court orders as long as the orders protect the safety of the parties.
- Imposes new reporting duties on local law enforcement agencies, thereby creating a state-mandated local program.
- Implements the provisions of the bill on January 1, 2003.

Assembly Bill 1129 (Liu), Chapter 713, Statutes of 2001

- Amends Welfare and Institutions Code (WIC) Section 213.5 to allow the court to issue an ex parte order enjoining any person from disturbing a parent, or guardian of the child, regardless of where the child resides.
- Allows the juvenile court to issue ex parte orders enjoining any person from molesting, attacking, striking, sexually assaulting, stalking, or battering the child or any other child in the household.

- Allows the juvenile court to issue ex parte orders excluding any person from the dwelling of the person who has care, custody, and control of the child.
- Allows the juvenile court to issue ex parte orders enjoining any person from behavior, including contacting, threatening, or disturbing the peace of the child.
- Creates a new crime, thereby imposing a state-mandated local program.

Senate Bill 432 (Monteith), Chapter 470, Statutes of 2001

- Amends the Penal Code Section 3058.65 to require California Department of Corrections to notify county Child Welfare Services agencies that request notification of release of an inmate confined for an act of domestic abuse.
- Amends the WIC Section 16507 to provide that when a Child Welfare Services agency is providing one parent with family reunification services and the other parent is serving a prison term for the conviction of child abuse, any sex offense specified as being perpetrated against a minor, or an act of domestic violence, the agency may request that it be provided with notification that the imprisoned parent is scheduled to be released on parole, or re-released following a period of confinement pursuant to a parole revocation with a new commitment.

CHILDREN'S SERVICES OPERATION AND EVALUATION BRANCH COMPONENTS OF CHILD WELFARE SERVICES

Assembly Bill 636 (Steinberg), Chapter 678, Statutes of 2001

Adds Welfare and Institutions Code Section 10601.2 to:

- Establish and require implementation of the new California Child and Family Service Review System by January 1, 2004 to review all counties' child welfare services systems. Also allows suspension of the state's existing compliance review system for a short period of time in order to provide training and technical assistance to counties regarding the new requirements.
- Require the new review system to maximize compliance with federal regulations to ensure conformance with state plan requirements and to obtain maximum federal financial reimbursement.
- Require the convention of a work group by October 1, 2002 to establish a work plan by which the new reviews will be conducted, including a process for qualitative peer reviews of case information.
- Require that the new review system's outcome indicators are consistent with the current federal review requirements. The first review cycle must use these indicators. Subsequent review cycles may incorporate additional indicators, contingent upon their support of federal and other appropriate outcome indicators.
- Require the identification and promotion of replication of child welfare services' best practices to achieve the required measurable outcomes.

- By January 1, 2004 require the commencement of the new reviews and the availability of technical assistance to help counties that do not meet the new measurable outcomes. The technical assistance must be provided from teams comprised of state and peer-county administrators.

FAMILY REUNIFICATION SERVCIES AND PERMANENT PLACEMENT SERVICES COMPONENTS OF CHILD WELFARE SERVICES PROGRAM

Assembly Bill 333 (Wright) Chapter 675, Statutes of 2001

- Amends WIC Section 16516.5 to require that monthly visits by probation officers or social worker to children placed in group homes shall include private, confidential discussions with each child visited. The information obtained in those discussions may be disclosed to group home staff only if: (a) the probation officer or social worker believes that the child may be in danger of harming himself or herself or others; (b) the probation officer or social worker believes that disclosure is necessary to meet the child's needs; or (c) the child consents to disclosure.
- Amends WIC Section 16516.6 to require that scheduled visits by probation officers or social worker to children placed in licensed, certified, or approved foster homes shall include private, confidential discussions with each child visited. The information obtained in those discussions may be disclosed to foster parent or caregiver only if (a) the probation officer or social worker believes that the child may be in danger of harming himself or herself or others; (b) the probation officer or social worker believes that disclosure is necessary to meet the child's needs; or (c) the child consents to disclosure.

Assembly Bill 427 (Hertzberg) Chapter 125, Statutes of 2001

- Amends Health and Safety Code Section 1559.110 and WIC Section 11400, 16522 and 16522.1 to broaden the eligibility requirements for Transitional Housing Placement Program (THPP) to include 16 year olds; includes single-family dwellings and condominiums as permissible housing models; ensure that otherwise eligible probation youth and youth receiving psychotropic drugs be considered for THPP participation; and establishes a county certified transitional housing program for emancipated foster/probation youth eighteen to twenty-one years old (THP+).
- Adds WIC Section 11403.1 – 11403.4 to create the Supportive Transitional Emancipation Program (STEP) which allows participating counties to provide support to emancipated foster/probation youth up to age 21 who are pursuing career and educational goals set out in their STEP transitional independent living plan; establishes the Transitional Housing for Foster Youth Fund; sets forth a rate increase methodology for THPP; and provides a rate setting methodology for THP +.
- Adds WIC Section 16011which provides funds for Los Angeles County to develop, implement and evaluate a pilot internet-based health and education passport.

Assembly Bill 538 (Cardoza), Chapter 353, Statutes of 2001

- Amends Section 7630 of the Family Code to require that, absent a showing of substantial hardship, in any case where the mother has relinquished the child or signed a consent for adoptive placement, related paternity actions shall be consolidated with that action and heard simultaneously in the county where the termination of parental rights action is being held.
- Amends Section 8919 of the Family Code to permit the issuance of a California birth certificate for a child whose adoption was finalized in a foreign country.
- Amends Section 9001 of the family Code to authorize licensed Clinical Social Workers and licensed Marriage Family Therapists to make an investigation for the Court in the case of stepparent adoptions.
- Adds Section 16005 to the WIC to require that a single social worker be assigned to all members of a sibling group when a prospective adoptive family intends to adopt the group, unless the responsible local agency finds that assigning the siblings to the same social worker would not be in the best interest of the child or the siblings or the operation of the county agency.
- Amends Section 16010 of the WIC to permit counties to disclose to a prospective foster family that has committed to potentially adopt, prior to placement of a child, a summary of the health and education information or records, including mental health information or records, on that child, equivalent in content to information shared with adoptive families.

Assembly Bill 705, (Steinberg), Chapter 747, Statutes of 2001

- Adds WIC Section 306.5 to require a social worker who takes a minor into custody, to the extent that it is practical and appropriate, to place the minor together with any siblings or half-siblings who are also detained or include in the court report a statement of the social worker's continuing efforts to place the siblings together or why those efforts are not appropriate.
- Amends WIC Section 366.26 and 366.29 to add that upon legal finalization of the adoption and the dismissal of the juvenile court dependency case the court would retain jurisdiction over the child for enforcement of the postadoption contact agreements.
- Amends WIC Section 366.21 to require a social worker that is completing the report to the court for a hearing pursuant to WIC Section 366.26 to consider the quality and magnitude of the child's relationship with his or her siblings. It also requires the social worker to provide the dependent child's counsel with a copy of the supplemental report and recommendation regarding disposition at least 10 days prior to the status hearing.
- Amends WIC Section 366.3 to require the social worker to determine if termination of parental rights would cause substantial interference with a sibling relationship; the court would be able to consider this a compelling reason not to terminate parental rights.

Assembly Bill 899 (Liu), Chapter 683, Statutes of 2001

- Adds Health and Safety Code Section 1530.91 to require every foster care provider to provide each school age foster child and his or her authorized representative with an age and developmentally appropriate orientation that includes an explanation of the rights of the foster child. This section also requires a provider that is providing care to six or more foster children to post a listing of a foster child's rights.
- Adds WIC Section 16001.9 to codify 21 specified rights of youth in foster care.
- Amends WIC Section 16164 to require the Office of the State Foster Care Ombudsperson, by July 1, 2002, and in consultation with specified entities to develop standardized information explaining the rights of foster youth. The Office of the State Foster Care Ombudsperson, the counties, foster care providers, and others may use the information developed to inform foster children and youth of their rights.
- Amends WIC Section 16501.1 to require a social worker, at least once every six months, at the time of a regularly scheduled social worker contact with the foster child, to inform the foster child of his or her rights in a manner appropriate to the age or developmental level of the child.

Assembly Bill 1261 (Migden), Chapter 686, Statutes of 2001

- Amends WIC Section 11155.5. by removing the mandate that youth be ILP participants. It increases the cash amount to $10,000 in addition to personal property, pursuant to the youth's Transitional Independent Living Plan (TILP).

Assembly Bill 1449 (Keeley), Chapter 463, Statutes of 2001

- Amends Family Code Section 17415 to specify the exception in Family Code Section 17552 regarding the duty of the county welfare department to refer cases to the local child support agency.
- Adds Family Code Section 17550 to allow the local child support agency to eliminate or reduce a parents' liability for public assistance debt owed to the state for reimbursement of public assistance payments (AFDC-FC or CalWORKs), where the child is a dependent of the court under WIC 300 and reunified with the obligor parent with whom the child resided prior to the child's placement in foster care, and the compromise is in the child's best interest and necessary for the child's support. Prior to compromising a parent's liability for debt, the local child support agency shall consult with the county child welfare department. Defines "guardian" and "relative caregiver" for purposes of this section.
- Adds Family Code Section 17552 to require the county child welfare department to determine whether it is in the best interests of the child to have the case referred to the local child support agency and whether the payment of support by the parent will pose a barrier to the parent's ability to meet the requirements of the proposed reunification plan and to meet the financial needs of the child.
- Where the county child welfare department determines that it is not in the best interest of the child to seek a support order against the parent, the department shall

refrain from referring the case to the local child support agency. The county child welfare department shall review that determination following each court hearing and refer the child's case to the local child support agency upon a determination of changed circumstances and it is no longer contrary to the child's best interests.

- Amends WIC Section 903 to provide that for those placements of a minor subject to this section in which an AFDC-FC grant is made, the local child support agency shall seek an order; and determine the correct amount of support of a minor consistent with Family Code section 17415(a).
- Requires CDSS, in consultation with the Department of Child Support Services, to promulgate regulations by October 1, 2002 that set forth guidelines to be used by the county child welfare department.
- Requires the Department of Child Support Services and CDSS to report, which may be combined into a single report, to the Governor and Legislature by October 1, 2003 on the results of the provisions of this act.

Assembly Bill 1695 (Committee on Human Services), Chapter 653, Statutes of 2001

Assembly Bill 1695, an urgency measure which outlines and describes California's conformance with the Adoptions and Safe Families Act (ASFA) of 1997, became effective October 10, 2001 and ensures continuous Title IV-E funding to the State. It requires CDSS to adopt regulations to implement these provisions by July 1, 2002.

- Clarifies that existing law has been, and is, consistent with recent federal regulations relating to the placement of foster children in foster family homes, and that all foster family homes are required to meet the same health and safety standards in order to become licensed or approved. It clarifies that licensure/approval is not an entitlement for placement. WIC 309 and 16507.5
- Adds to the existing approval category of relative homes a new category: nonrelative extended family member, and authorizes it for either state or federal AFDC funds depending of the child's eligibility. WIC 361.2(e) and 11402
- Extends the "relative search" requirement to the detention hearing.
- Eliminates "Certification Pending Licensure" terminology.
- Requires the submission of caregiver fingerprints for California and FBI criminal record clearance requests for licensure and approval of foster family homes, and allows the Department of Justice to provide notice to both licensing and county placing agencies of any subsequent arrests of foster parents. H & S 11522; WIC 309; WIC 16404.5; PC Section 11105.

All County Letter # 01-85 dated December 4, 2001 with attached interim standards was issued to implement the relative/nonrelative extended family member approval provisions of AB 1695.

Assembly Bill 1696 (Assembly Human Services), Chapter 831, Statutes of 2001.

- Amends WIC Section 628 to require a probation officer to first make reasonable efforts to prevent or eliminate the need for the removal of the minor from his or her home.

- Amends WIC Section 636, in situations where a probation officer is recommending that the minor be detained, to require a probation officer 1) to submit to the court documentation as part of the detention report, evidencing that continuance in the home is contrary to the minor's welfare and 2) to submit documentation as part of the detention report or as part of the case plan, but in no case later than 30 days from the date of detention, that reasonable efforts were made to prevent or eliminate the need for removal of the minor from the home. Based on this documentation, the court will make its findings.
- Amends WIC Section 636.1 to require a probation officer to complete a case plan within 30 calendar days of initial removal or by the date of the disposition hearing, whichever occurs first, if the minor has been detained and the court has made a finding that continuance in the home is contrary to the minor's welfare and the minor is at-risk of entering foster care. This provision specifies what information shall be included in the case plan if the probation officer believes foster care is the most appropriate disposition for the minor.
- Amends WIC Section 658 to require that upon the filing of a supplemental petition where the minor has been declared a ward of the court, and care, custody and control is with the probation department, the court clerk shall issue a copy of the notice to any foster parents, preadoptive parents, legal guardians, or relatives providing care to the minor.
- Repeals and adds WIC Section 706.5 to clarify what must be included in the social study and case plan for the disposition and status review hearings.
- Amends WIC Section 706.6 to provide that the case plan submitted to the court and required for the disposition and status review hearings may be attached to the social study or incorporated as a separate section within the social study.
- Amends WIC Section 727.1 to include the provision previously contained in Section 727.2 related to placement of a minor in foster care shall be based on the selection of a safe setting that is the least restrictive or most family like.
- Repeals and adds WIC Section 727.2 to include the circumstances under which reunification services need not be provided to a parent or legal guardian. This section also revises the procedures for the conduct of status review hearings.
- Repeals and adds WIC Section 727.3 to revise the procedures for the conduct of permanency planning hearings.
- Adds WIC Section 727.32 to require the probation officer to petition the court to terminate parental rights if the minor has been in foster care 15 of the most recent 22 months, with certain exceptions.

<u>Senate Bill 104 (Scott), Chapter 688, Statutes of 2001</u>

- Amends Section 8801.3 of the Family Code to reduce, from the current 90 days to 30 days, the amount of time provided to birth parents in which they can sign and deliver to the Department or delegated county adoption agency a written statement revoking their signed consent to the adoption in Independent Adoptions.

Senate Bill 442 (Vasconcellos), Chapter 577, Statutes of 2001

- Amends Health and Safety Code Section 50451 and adds Health and Safety Code Section 59455.6 to expand Housing and Community Development's housing plan to include strategies to assist specific population groups such as: elderly persons, persons with disabilities, large families, families where a female is the head of the household, and farm-worker households.
- Adds Government Code Section 12019 which provides for an Internet web-site that provides statewide information on available housing resources for low-income and other specific population groups including non-English speaking groups.

Senate Bill 841 (Alpert), Chapter 694, Statutes of 2001

- This bill requires the Department to provide technical assistance and training to counties that elect to establish an Early Start to Emancipation program similar to the Early Start to Emancipation program currently operating in Los Angeles county. The Los Angeles model services foster youth 14 and 15 years of age in a way that maximizes their chance of graduating high school and entering college. There is one-time funding of $125,000 available through June 20, 2002.

Senate Bill 940 (Senate Judiciary), Chapter 830, Statutes of 2001.

- Amends WIC Section 202, requires juvenile court judges to take into consideration the recommendations contained in subdivision (e) of the Standards of Judicial Administration contained in Division I of the Appendix to the California Rules of the Court. This provision encourages juvenile court judges to play a role in the leadership of a community, in developing resources for prevention, intervention, and treatment services for at-risk youth and families.
- Amends WIC Section 241.1 to provide for coordination between counties when a minor is under the jurisdiction of the juvenile court in one county and a petition is filed in another county to assert jurisdiction.
- Amends WIC Section 257 to authorize courts to proceed on a written notice to appear against a minor for an infraction, removing the requirement in existing statute that the minor consent to the hearing being held upon written notice to appear.
- Adds WIC Section 727.32 to require the probation officer to petition the court to terminate parental rights if the minor has been in foster care 15 of the most recent 22 months, with certain exceptions.
- Adds WIC Section 827.9 to create new standards and procedures for the release of juvenile police records in Los Angeles County. The new standards and procedures are to be evaluated by the juvenile court and law enforcement and a report is due to the Legislature in five years.

Senate Bill 884, (Escutia), Chapter 445, Statutes of 2001

- Amends WIC Section 361.4 to provide that a social worker may not place a child into the home of a relative, guardian or other individual that is not licensed or certified,

with a criminal record unless the county has requested and received, from CDSS permission to grant criminal record exemptions.

- The bill authorizes the Department to approve a county's request to grant a criminal record exemption.
- The bill establishes a process for an Indian tribe to request a criminal record exemption from either a county or the Department, but not both.
- The bill adds a provision to require the Department to monitor and evaluate a county's process for granting criminal record exemptions for relative caregivers and nonrelative extended family members.

I hope these general summaries are of use to you. Please contact Nina Grayson, Chief of Child Protection and Family Support Branch if you have any questions regarding any specific new statute related to the Emergency Response Services and Family Maintenance Services components of Child Welfare Services at (916) 445-2777. Please contact Patricia Aguiar, Chief of the Child and Youth Permanency Branch if you have any questions regarding any specific new statute related to Family Reunification Services and Permanency Planning Services components of Child Welfare Services and the Adoptions Program at (916) 324-9084. Please contact Wes Beers, Chief of the Children Services Operations and Evaluations Branch if you have any questions regarding any specific new statute related to Services Operation and Evaluation Components of Child Welfare Services at (916) 445-3146.

Sincerely,

Original Document
Signed By

SYLVIA PIZZINI
Deputy Director
Children and Family Services Division

c: CWDA