

(c) Reimbursement for nonrecurring expenses shall be limited to costs incurred by or on behalf of an adoptive parent or adoptive parents that are not reimbursed from other sources. No payments shall be made under this section if the federal program for reimbursement of nonrecurring expenses for the adoption of children eligible for the Adoption Assistance Program pursuant to [Section 673 of Title 42 of the United States Code](#) is terminated.

(d) Reimbursement for nonrecurring expenses shall be in addition to any adoption expenses paid pursuant to Section 16121 and shall not be included in the computation of maximum benefits for which the adoptive family is eligible pursuant to Section 16121.

**Leg.H.**

Added Stats 1989 ch 1376 § 2, operative until January 1, 1992. Amended Stats 1991 ch 987 § 1 (SB 700), operative until January 1, 1994; Stats 1992 ch 722 § 133, effective September 14, 1992, operative October 1, 1992, operative until January 1, 1994; Stats 1993 ch 1087 § 8 (AB 930), effective October 10, 1993, ch 1089 § 33 (AB 2129); Stats 2009 ch 339 § 8 (SB 597), effective January 1, 2010; Stats 2012 ch 35 § 110 (SB 1013), effective June 27, 2012, ch 846 § 49 (AB 1712), effective January 1, 2013.

## **§ 16121. Procedure for Payment of Aid.**

**(a)**

(1) For initial adoption assistance agreements executed on October 1, 1992, to December 31, 2007, inclusive, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2007, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(2) For initial adoption assistance agreements executed from January 1, 2008, to December 31, 2009, inclusive, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that shall not exceed the basic foster care maintenance payment rate structure in effect on December 31, 2009, that would have been paid based on the age-related state-approved foster family home rate, and any applicable specialized care increment, for a child placed in a licensed or approved family home.

(3) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on January 1, 2010, to June 30, 2011, inclusive, or the effective date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William Lightbourne, et al., (U.S. Dist. Ct. No. C 07-08056 WHA), whichever is earlier, where the adoption is finalized on or before June 30, 2011, or the date specified in that order, whichever is earlier, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstance of the adopting parents, but that amount shall not exceed the basic foster care maintenance payment rate structure in effect on June 30, 2011, or the date immediately before the date specified in the order described in this paragraph, whichever is earlier, and any applicable specialized care increment, that the child would have received while placed in a licensed or approved family home. Adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

(4) Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after July 1, 2011, or the effective date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association,

et al. v. William Lightbourne, et al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, where the adoption is finalized on or after July 1, 2011, or the effective date of that order, whichever is earlier, and before December 31, 2016, and for initial adoption assistance agreements executed before July 1, 2011, or the date specified in that order, whichever is earlier, where the adoption is finalized on or after the earlier of July 1, 2011, or that specified date, and before December 31, 2016, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed the basic foster family home rate structure effective and available as of December 31, 2016, plus any applicable specialized care increment. These adoption assistance benefit payments shall not be increased based solely on age. This paragraph shall not preclude any reassessments of the child's needs, consistent with other provisions of this chapter.

**(5)** Notwithstanding any other provision of this section, for initial adoption assistance agreements executed on or after January 1, 2017, the adoptive family shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the adopting parents, but that amount shall not exceed the home-based family care rate structure developed pursuant to subdivision (g) of Section 11461 and Section 11463, inclusive of any level of care determination, plus any applicable specialized care increment. This paragraph shall not preclude any reassessments of the child's needs consistent with other provisions of this chapter.

**(b)** Payment may be made on behalf of an otherwise eligible child in a state-approved group home, short-term residential therapeutic program, or residential care treatment facility if the department or county responsible for determining payment has confirmed that the placement is necessary for the temporary resolution of mental or emotional problems related to a condition that existed before the adoptive placement. Out-of-home in-state placements shall be in accordance with the applicable provisions of Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code and other applicable statutes and regulations governing eligibility for AFDC-FC payments for placements in in-state facilities. If the placement is out-of-state, the facility must be eligible for Title IV-E funded placements in the state in which it is situated. The Adoption Assistance Program (AAP) rate paid on behalf of the child shall not exceed the rate paid for a short-term residential therapeutic program. The designation of the placement facility shall be made after consultation with the family by the department or county welfare agency responsible for determining the Adoption Assistance Program eligibility and authorizing financial aid. Group home, short-term residential therapeutic program, or residential placement shall only be made as part of a plan for return of the child to the adoptive family, that shall actively participate in the plan. Adoption Assistance Program benefits may be authorized for payment for an eligible child's group home, short-term residential therapeutic program, or residential treatment facility placement if the placement is justified by a specific episode or condition and does not exceed an 18-month cumulative period of time. After an initial authorized group home, short-term residential therapeutic program, or residential treatment facility placement, subsequent authorizations for payment for a group home, short-term residential therapeutic program, or residential treatment facility placement may be based on an eligible child's subsequent specific episodes or conditions.

**(c)**

**(1)** Payments on behalf of a child who is a recipient of AAP benefits who is also a consumer of regional center services shall be based on the rates established by the State Department of Social Services pursuant to Section 11464 and subject to the process described in paragraph (1) of subdivision (d) of Section 16119.

**(2)**

**(A)** Except as provided for in subparagraph (B), this subdivision shall apply to adoption assistance agreements signed on or after July 1, 2007.

**(B)** Rates paid on behalf of regional center consumers who are recipients of AAP benefits and for whom an adoption assistance agreement was executed before July 1, 2007, shall remain in effect, and may only be changed in accordance with Section 16119.

**(i)** If the rates paid pursuant to adoption assistance agreements executed before July 1, 2007, are lower than the rates specified in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, respectively, those rates shall be increased, as appropriate and in accordance with Section 16119, to the amount set forth in paragraph (1) of subdivision (c) or paragraph (1) of subdivision (d) of Section 11464, effective July 1, 2007. Once set, the rates shall remain in effect and may only be changed in accordance with Section 16119.

**(ii)** For purposes of this clause, for a child who is a recipient of AAP benefits or for whom the execution of an AAP agreement is pending, and who has been deemed eligible for or has sought an eligibility determination for regional center services pursuant to subdivision (a) of Section 4512, and for whom a determination of eligibility for those regional center services has been made, and for whom, before July 1, 2007, a maximum rate determination has been requested and is pending, the rate shall be determined through an individualized assessment and pursuant to subparagraph (C) of paragraph (1) of subdivision (c) of [Section 35333 of Title 22 of the California Code of Regulations](#) as in effect on January 1, 2007, or the rate established in subdivision (b) of Section 11464, whichever is greater. Once the rate has been set, it shall remain in effect and may only be changed in accordance with Section 16119. Other than the circumstances described in this clause, regional centers shall not make maximum rate benefit determinations for the AAP.

**(3)** Regional centers shall separately purchase or secure the services contained in the child's IFSP or IPP, pursuant to Section 4684.

**(4)** Regulations adopted by the department pursuant to this subdivision shall be adopted as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including [Section 11349.6 of the Government Code](#), the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health, safety, and general welfare. The regulations authorized by this paragraph shall remain in effect for no more than 180 days, by which time final regulations shall be adopted.

**(d)**

**(1)** In the event that a family signs an adoption assistance agreement where a cash benefit is not awarded, the adopting family shall be otherwise eligible to receive Medi-Cal benefits for the child if it is determined that the benefits are needed pursuant to this chapter.

**(2)** Regional centers shall separately purchase or secure the services that are contained in the child's Individualized Family Service Plan (IFSP) or Individual Program Plan (IPP) pursuant to Section 4684.

**(e)** Subdivisions (a), (b), and (d) shall apply only to adoption assistance agreements signed on or after October 1, 1992. An adoption assistance agreement executed before October 1, 1992, shall continue to be paid in accordance with the terms of that agreement, and shall not be eligible for any increase in the basic foster care maintenance rate structure that occurred after December 31, 2007.

**(f)** This section shall supersede the requirements of subparagraph (C) of paragraph (1) of [Section 35333 of Title 22 of the California Code of Regulations](#).

(g) The adoption assistance payment rate structure identified in subdivisions (a) and (e) shall be adjusted by the percentage changes in the California Necessities Index, beginning with the 2011–12 fiscal year, and shall not require a reassessment.

#### **Leg.H.**

Added Stats 1982 ch 977 § 28, effective September 13, 1982, operative October 1, 1982. Amended Stats 1987 ch 360 § 3; Stats 1988 ch 160 § 194; Stats 1992 ch 722 § 135 (SB 485), effective September 14, 1992, operative October 1, 1992; Stats 1993 ch 1087 § 10 (AB 930), effective October 10, 1993; Stats 1995 ch 540 § 11 (AB 1523); Stats 2007 ch 177 § 36.5 (SB 84), effective August 24, 2007; Stats 2009–2010 4th Ex Sess ch 4 § 36 (AB4 4), effective July 28, 2009; Stats 2009 ch 339 § 9 (SB 597), effective January 1, 2010; Stats 2011 ch 32 § 67 (AB 106), effective June 29, 2011; Stats 2017 ch 732 § 96 (AB 404), effective January 1, 2018; Stats 2018 ch 35 § 36 (AB 1811), effective June 27, 2018; Stats 2018 ch 454 § 8 (SB 876), effective September 17, 2018; Stats 2021 ch 86 § 47 (AB 153), effective July 16, 2021.

## **§ 16121.01. [Section Repealed 2011.]**

#### **Leg.H.**

Added Stats 2007 ch 177 § 37 (SB 84), effective August 24, 2007. Repealed Stats 2011 ch 32 § 68 (AB 106), effective June 29, 2011. The repealed section related to adjustment of rates for adoption assistance agreements executed prior to January 1, 2008.

## **§ 16121.05. Recovery of Overpayments; Reporting Change in Circumstances; Additional Terms of Financial Assistance.**

(a) The department or county adoption agency may recover any overpayments of financial assistance under the Adoption Assistance Program, and shall develop regulations that establish the means to recoup them, including an appropriate notice of action and appeal rights, when the department determines either of the following applies:

(1) The adoptive parents are no longer legally responsible for the support of the child.

(2) The child is no longer receiving support from the adoptive family.

(3) The adoptive family has committed fraud in its application for, or reassessment of, the adoption assistance.

(b) Children on whose behalf an adoption assistance agreement had been executed prior to October 1, 1992, shall continue to receive adoption assistance in accordance with the terms of that agreement.

(c) Payment shall begin on or after the effective date of an adoption assistance agreement, or a deferred adoption assistance agreement, or a final decree of adoption, provided that the adoption assistance agreement has been signed by all required parties prior to or at the time the adoption decree is issued by the court. The amount and duration of assistance shall not be changed without the concurrence of the adoptive parents, unless any of the following has occurred:

(1) The child has attained 18 years of age, or 21 years of age where the child has a mental or physical disability that warrants the continuation of assistance.

(2) The adoptive parents are no longer legally responsible for the support of the child.

(3) The child is no longer receiving any support from adoptive parents.

#### **Leg.H.**

Added Stats 1993 ch 1087 § 11 (AB 930), effective October 10, 1993. Amended Stats 1999 ch 547 § 4 (AB 390). Amended Stats 2004 ch 183 § 392 (AB 3082); Stats 2009 ch 339 § 10 (SB 597), effective January 1, 2010; Stats 2012 ch 35 § 111 (SB 1013), effective June

27, 2012.

## **§ 16121.1. Residence of Adoptive Parents Shall Not Terminate Eligibility.**

Notwithstanding the provisions of Section 11105, the residence of the adoptive parents at the time of or subsequent to adoptive placement shall not terminate the eligibility of a child who is otherwise eligible for adoptive assistance payments.

**Leg.H.**

1982 ch. 977 § 28.5, effective September 13, 1982.

## **§ 16121.2. Interstate Agreements Providing for Necessary Services for Special Needs Children.**

The Director of Social Services and the Director of Health Services may enter into interstate agreements pursuant to Chapter 2.6 (commencing with Section 16170) that provide for medical and other necessary services for special needs children, establish procedures for interstate delivery of adoption assistance and related services and benefits, and provide for the adoption of related regulations.

**Leg.H.**

1999 ch. 887.

## **§ 16122. Compensation of Private Adoption Agencies for Otherwise Unreimbursed Placement Costs.**

(a) It is the intent of the Legislature in enacting this chapter to provide children or nonminor dependents who would otherwise remain in long-term foster care with permanent adoptive homes. It is also the intent of this Legislature to encourage private adoption agencies to continue placing these children, and in so doing, to achieve a substantial savings to the state in foster care costs.

(b) From any funds appropriated for this purpose, the state shall compensate private adoption agencies licensed pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code for costs of placing for adoption children or nonminor dependents eligible for Adoption Assistance Program benefits pursuant to Section 16120.

These agencies shall be compensated for otherwise unreimbursed costs for the placement of these children in an amount not to exceed a total of three thousand five hundred dollars (\$3,500) per child adopted. Half of the compensation shall be paid at the time the adoptive placement agreement is signed. The remainder shall be paid at the time the adoption petition is granted by the court. Requests for compensation shall conform to claims procedures established by the department. This section shall not be construed to authorize reimbursement to private agencies for intercountry adoption services.

(c) Effective July 1, 1999, the maximum amount of reimbursement pursuant to subdivision (b) shall be five thousand dollars (\$5,000).

(d) Effective February 1, 2008, the maximum amount of reimbursement pursuant to subdivision (b) shall be ten thousand dollars (\$10,000). This rate increase shall apply only to those cases for which the adoptive home study approval occurred on or after July 1, 2007.

**Leg.H.**

Added Stats 1982 ch 977 § 30, effective September 13, 1982, operative October 1, 1982. Amended Stats 1984 ch 1116 § 10, effective September 13, 1984; Stats 1986 ch 767 § 8, ch 1517 § 5, effective September 30, 1986; Stats 1988 ch 160 § 195; Stats 1996 ch 1083 § 8 (AB 1524); Stats 1999 ch 905 § 3 (AB 1225), effective October 10, 1999; Stats 2007 ch 177 § 38 (SB 84), effective August 24, 2007; Stats 2012 ch 35 § 112 (SB 1013), effective June 27, 2012, ch. 846 § 50 (AB 1712), effective January 1, 2013.

## **§ 16123. Continuing Payments Dependent on Receipt of Federal Funds and State Continues to Exercise Option to Extend Payments; Exception.**

The provisions of Section 16120, permitting the payment of adoption assistance until a child attains 18 or 21 years of age if the child has mental or physical handicaps, or effective January 1, 2012, up to 21 years of age, if the child or nonminor meets the criteria specified in paragraph (3) of subdivision (d) of Section 16120, shall be effective as long as federal funds are available under Title IV-E of the federal Social Security Act (Part E (commencing with Section 670) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code), and the state continues to exercise its option to extend payments up to 21 years of age, pursuant to Section 473(a)(4) of the federal Social Security Act ([42 U.S.C. Sec. 673\(a\)\(4\)](#)). When those funds cease to be available, the maximum length for payment of the Adoption Assistance Program shall be five years except in instances in which there is a continuing need, related to a chronic health condition of the child which necessitated the initial financial assistance. On and after October 1, 1992, the parent may petition the department or the responsible county to continue financial assistance up to the age of majority.

**Leg.H.**

Added Stats 1982 ch 977 § 31, effective September 13, 1982, operative October 1, 1982. Amended Stats 1992 ch 722 § 136 (SB 485), effective September 14, 1992; Stats 2010 ch 559 § 60 (AB 12), effective January 1, 2011; Stats 2012 ch 35 § 113 (SB 1013), effective June 27, 2012, ch 846 § 51 (AB 1712), effective January 1, 2013.

## **§ 16124. Preadoption and Postadoption Services Project; Funding; Evaluation.**

(a)

(1) Upon the appropriation of funds by the Legislature for the purposes set forth in this section, the State Department of Social Services shall establish a project in four counties and one state district office of the department to provide preadoption and postadoption services to ensure the successful adoption of children and youth who have been in foster care 18 months or more, are at least nine years of age, and are placed in an unrelated foster home or in a group home.

(2) The participating entities shall include the following:

(A) City and County of San Francisco.

(B) County of Los Angeles.

(C) Two additional counties and one state district office, based on criteria developed by the department in consultation with the County Welfare Directors Association, which shall demonstrate geographic diversity.

(3) A county that elects to apply for funding pursuant to this section shall submit an application to the department no later than a date determined by the department to ensure timely allocation of funds. The

department shall review the applications received, and select the eligible counties in accordance with this section.

(b) Each entity identified pursuant to paragraph (2) of subdivision (a) shall receive funding to provide preadoption and postadoption services to the adoptive parents and the targeted population identified in paragraph (1) of subdivision (a).

(1) Preadoption and postadoption services for the child and each family may include, but shall not be limited to, all of the following:

- (A) Individualized or other recruitment efforts.
- (B) Postadoption services, including respite care.
- (C) Behavioral health services.
- (D) Peer support groups.
- (E) Information and referral services.
- (F) Other locally designed services, as appropriate.
- (G) Relative search efforts.
- (H) Training of adoptive parents, foster youth, or mentoring families.
- (I) Mediation services.
- (J) Facilitation of siblings in the same placement.
- (K) Facilitation of postadoption contact.
- (L) Engaging youth in permanency decisionmaking.
- (M) Any service or support necessary to resolve any identified barrier to adoption.

(2) The services specified in paragraph (1) may be provided directly by the county, contracted for by the county, or provided through reimbursement to the family, as approved by the county.

(c) The amount of funding provided in the appropriation of funds provided by the annual Budget Act to each county participating in the project shall be allocated as follows:

- (1) Seven hundred fifty thousand dollars (\$750,000) to the City and County of San Francisco.
- (2) One million two hundred fifty thousand dollars (\$1,250,000) to the County of Los Angeles.

(3) A total of two million dollars (\$2,000,000), to be awarded to the two additional counties and the district office selected pursuant to subparagraph (C) of paragraph (2) of subdivision (a), minus any funds subtracted by the department for the purpose of administering the project. The amount of funds provided to the department for administration of the project, including the costs of collecting and analyzing data pursuant to subdivision (h) and developing the information pursuant to subdivision (i), shall not exceed three hundred thousand dollars (\$300,000).

(4) If the appropriated amount in the annual Budget Act differs from the total amount specified above, then the funds shall be distributed in the same proportion as the amounts listed in paragraphs (1) to (3), inclusive.



(d) Funds shall be allocated to the counties pursuant to subdivision (c) no later than January 1 of each year, and shall remain available for expenditure until June 30, 2010.

(e)

(1) The department shall seek approval for any federal matching funds that may be available to supplement the project.

(2) The implementation of the project shall not be dependent upon the receipt of federal funding.

(3) Project funds shall supplement, and not supplant, existing federal, state, and local funds, and shall be used only in accordance with the terms and conditions of the project.

(4) No expenditure made for services specified in subdivision (b) may be made to the extent that it renders the family ineligible for federal adoption assistance.

(f) The project shall be implemented only upon the adoption of a resolution adopted by each county board of supervisors.

(g) The department shall work with the counties to develop the requirements for the project, including the number of families that may participate in the project, given the available resources, and guidelines for data collection, as required by subdivision (h).

(h)

(1) The department shall work with the participating county and the state district office to analyze the effects of the project.

(2) Measures assessed by the state and counties shall include, but shall not be limited to, the following:

(A) The extent to which the adoptions of the targeted population identified in paragraph (1) of subdivision (a) increased as a result of the project.

(B) The number of families and children served by the project.

(C) The type and amount of preadoption and postadoption services that were provided to children and families under the project.

(i) The department shall provide information to the Legislature on the results of the project by May 31, 2011.

(j) Adoption programs in the project counties shall be encouraged to create public-private partnerships with private adoption agencies to maximize their success in improving permanent outcomes for older foster youth.

**Leg.H.**

Added Stats 2006 ch 75 § 37.1 (AB 1808), effective July 12, 2006. Amended Stats 2009 ch 427 § 1 (AB 295), effective January 1, 2010; Stats 2010 ch 328 § 257 (SB 1330), effective January 1, 2011.

## **§ 16125. Providing Medically Necessary Specialty Mental Health Services to Certain Foster Child Whose Adoption Has Become Final.**



A foster child whose adoption has become final, who is receiving or is eligible to receive Adoption Assistance Program assistance, including Medi-Cal, and whose foster care court supervision has been terminated, shall be provided medically necessary specialty mental health services by the local mental health plan in the county of residence of his or her adoptive parents, pursuant to all of the following:

(a) The host county mental health plan shall be responsible for submitting the treatment authorization request (TAR) to the mental health plan in the county of origin.

(b) The requesting public or private service provider shall prepare the TAR.

(c) The county of origin shall retain responsibility for authorization and reauthorization of services utilizing an expedited TAR process.

(d)

(1) The State Department of Social Services shall convene a stakeholder group to identify barriers to the provision of mental health services by mental health professionals with specialized clinical training in adoption or permanency issues to children who are receiving services pursuant to this section. The stakeholder group shall include, but is not limited to, all of the following persons:

(A) Adoptive parents.

(B) Former foster youth.

(C) Representatives from the mental health and child welfare fields, including associations representing county mental health departments and private organizations providing specialty mental health services.

(D) Representatives from mental health and social work graduate degree-granting postsecondary education institutions.

(E) Representatives from relevant state and local agencies.

(2) The stakeholder group shall, on or before January 31, 2016, make specific recommendations for voluntary measures available to state and local government agencies and private entities, as appropriate, to address those barriers. The department shall collect existing research and professional literature pertinent to the need for specialized clinical training in adoption and permanency issues, and shall distribute the information to the stakeholder group for consideration and use in making its recommendations. The stakeholder group shall coordinate with, and endeavor not to duplicate, existing local, state, or national initiatives.

(3) A recommendation made pursuant to paragraph (2) shall not be construed to be binding on any state or local government agency or private entity.

#### **Leg.H.**

Added Stats 2007 ch 469 § 3 (SB 785), effective January 1, 2008. Amended Stats 2014 ch 766 § 1 (AB 1790), effective January 1, 2015.

## **CHAPTER 2.2**

### **STATE ADOPTION SERVICES**

## § 16130. Establishment of State Adoption Services.

In any county which does not have a county adoption agency established pursuant to Section 16100, the department may establish services incident to the relinquishment of children for adoption. The services shall be provided in such manner as may be deemed advisable by the department.

**Leg.H.**

1968 ch. 879.

## § 16131. Legislative Intent—Conform State Statutes to Adoption and Safe Families Act of 1997.

It is the intent of the Legislature to conform state statutes to federal legislation, including the Preventing Sex Trafficking and Strengthening Families Act ([Public Law 113-183](#)) and the Adoption and Safe Families Act of 1997 ([Public Law 105-89](#)), and to reinvest any incentive payments received through implementation of the federal act into the child welfare system in order to provide adoption services and other legal permanency options for children.

**Leg.H.**

1998 ch. 1056, 2002 ch. 1022 (AB 444), effective September 28, 2002; Stats 2015 ch 425 § 25 (SB 794), effective January 1, 2016.

## § 16131.5. Reinvestment of Incentive Payments; Allocation; Use.

(a) The state shall reinvest adoption and guardianship incentive payments received through the implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 ([Public Law 110-351](#)) and the Preventing Sex Trafficking and Strengthening Families Act ([Public Law 113-183](#)) into the child welfare system, in order to provide legal permanency outcomes for older children, including, but not limited to, adoption, guardianship, and reunification of children whose reunification services were previously terminated.

(b) The incentive payments received pursuant to subdivision (a), upon appropriation by the Legislature in the annual Budget Act or another statute, shall be allocated by the State Department of Social Services to the counties, and the department for a county in which the department serves as an adoption agency, based on documented increases in legal permanency outcomes for older children achieved by each county, as determined by the department, in consultation with counties, for the purposes specified in this section.

(c) A county, or the department when it acts as the adoption agency for a county, shall use adoption and guardianship incentive payment funds to improve or sustain legal permanency outcomes for older children.

(d) Nothing in this section shall be construed to supplant funds currently being spent on programs to provide legal permanency outcomes.

**Leg.H.**

Added Stats 2004 ch 810 § 9 (AB 2807). Amended Stats 2009 ch 250 § 1 (AB 665), effective January 1, 2010; Stats 2015 ch 425 § 26 (SB 794), effective January 1, 2016.

## § 16132. Legislative Intent; Conforming with Federal Legislation.

It is the intent of the Legislature to conform state statutes to recently enacted federal legislation, the Fostering Connections to Success and Increasing Adoptions Act of 2008 ([Public Law 110-351](#)) and to expend savings resulting from changes in eligibility for adoption assistance on services, including, but not limited to, postadoption assistance, that may be provided under Title IV-B and IV-E of the federal Social Security Act.

**Leg.H.**

Added Stats 2009 ch 222 § 3 (AB 154), effective January 1, 2010.

## **§ 16133. Retention of Certain Benefits for Former Employee of State Department of Social Services.**

On and after July 1, 2011, when a person has been an employee of the State Department of Social Services within the 12-month period prior to his or her employment by a county, the board of supervisors, to the extent feasible, may allow that person to retain, as a county employee, those employee benefits to which that person was entitled or had accumulated as an employee of the State Department of Social Services, or provide that employee with comparable benefits provided for other county employees whose services as county employees is equal to the state service of the former employee of the State Department of Social Services. These benefits include, but are not limited to, retirement benefits, seniority rights under civil service, accumulated vacation, and sick leave.

**Leg.H.**

Added Stats 2012 ch 35 § 114 (SB 1013), effective June 27, 2012.

## **CHAPTER 2.3**

# **ADOPTION OF ALCOHOL- AND DRUG-EXPOSED AND HIV POSITIVE CHILDREN**

## **§ 16135. Purpose of Chapter.**

The purpose of this chapter is to establish a program for special training and services to facilitate the adoption of children who are HIV positive, or born to a substance-abusing mother. This program shall be available to any county that elects to participate pursuant to procedures established by the department.

**Leg.H.**

Added Stats 1998 ch 1014 § 2 (AB 2198). Amended Stats 2012 ch 35 § 116 (SB 1013), effective June 27, 2012.

## **§ 16135.1. Definitions.**

(a) “Eligible child” means any child who meets the requirements of paragraph (1) or (2), and paragraph (3).

(1) Any child who has a condition or symptoms resulting from, or are suspected as resulting from, alcohol or substance abuse by the mother.

(2) Any child who is HIV positive.

(3) Any child who meets the requirements of either paragraph (1) or (2) and who meets all of the following requirements:

(A) The child is a dependent child of the court.

(B) The child has an adoption case plan and resides with a preadoptive or adoptive caregiver, or the plan is to transition and move the child to a preadoptive or adoptive caregiver.

(b) “TIES for Adoption” means Training, Intervention, Education, and Services for Adoption, a training project developed and implemented by the Adoptions Division of the Los Angeles County Department of Children’s Services, the UCLA Center for Healthier Children, Families, and Communities, and the UCLA Psychology Department, a demonstration project funded by the Federal Adoption Opportunities Program from September 30, 1995, to December 31, 1997, inclusive.

(c) “HIV positive” means having a human immunodeficiency virus infection.

(d) “Specialized in-home health care” means, but is not limited to, those services identified by the child’s primary physician as appropriately administered by a prospective adoptive parent who has been trained by mental health or health care professionals.

**Leg.H.**

Added Stats 1998 ch 1014 § 2 (AB 2198).

## **§ 16135.10. Training and Supportive Services for Parents; Respite Services.**

(a) In order to promote successful adoptions of substance and alcohol exposed court dependent children, participating counties shall maintain a program of specialized training and supportive services to families adopting court dependent children who are either HIV positive or assessed as being prenatally exposed to alcohol or a controlled substance.

(b) The program shall include respite services. Notwithstanding any other provision of law, respite services shall be funded with a 30 percent nonfederal county share consistent with the normal sharing ratio for child welfare services. This county share may be provided with county general funds, in-kind contributions, or other funds. The source of the county share shall meet all applicable state and federal requirements and provide counties with maximum flexibility.

(c) Notwithstanding subdivision (b), beginning in the 2011–12 fiscal year, and each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in [Sections 30025 and 30026.5 of the Government Code](#).

**Leg.H.**

Added Stats 1998 ch 1014 § 2 (AB 2198). Amended Stats 2012 ch 35 § 117 (SB 1013), effective June 27, 2012.

## **§ 16135.13. Provision of Training by County to Recruited Adoptive Parents.**

(a) A participating county shall provide special training to recruited adoptive parents to care for eligible children. The training curriculum shall include, but is not limited to, all of the following:

(1) Orientation.

(2) Effect of alcohol and controlled substances on the fetus and children.

(3) Normal and abnormal infant and early childhood development.

(4) Special medical needs and disabilities.

(5) Recovery from addiction to alcohol and controlled substances.

(6) Self-care for the caregiver.

(7) HIV/AIDS in children.

(8) Issues in parenting and providing lifelong permanency and substance abuse prevention to, children with prenatal alcohol and other controlled substances exposure.

(9) Issues specific to caring for a child who tests HIV positive.

(b) Participating counties may provide the same special training to relative caretakers in the process of adopting program-eligible children.

**Leg.H.**

Added Stats 1998 ch 1014 § 2 (AB 2198).

## **§ 16135.14. Selection of Home; Change of Placement to Another County.**

(a) The county shall determine whether a child is eligible for services pursuant to this section.

(b) A participating county shall select a specialized prospective adoptive home for the child.

(c) If an eligible child's adoptive placement changes from one participating county to another participating county, the child shall remain eligible for services.

**Leg.H.**

Added Stats 1998 ch 1014 § 2 (AB 2198).

## **§ 16135.16. Implementation of TIES for Adoption Program.**

The requirements of this section may be met by the implementation of the TIES for Adoption program as defined in Subdivision (b) of Section 16135.1.

**Leg.H.**

Added Stats 1998 ch 1014 § 2 (AB 2198). Amended Stats 2012 ch 35 § 118 (SB 1013), effective June 27, 2012.

## **§ 16135.17. Preparation by Counties of Adoption Services Case Plans.**

Participating counties shall prepare an adoption services case plan pursuant to regulations adopted by the department and arrange for nonmedical support services. Nonmedical support services shall include respite care for specially trained prospective adoptive parents, including relative caretakers, pursuant to regulations adopted by the department. Nonmedical support services may also include, but are not limited to, temperament and

behavior management training, consultation regarding medical and psychological issues and services, and educational advocacy.

**Leg.H.**

Added Stats 1998 ch 1014 § 2 (AB 2198).

## **§ 16135.25. Duties of Department.**

The department shall do all of the following:

- (a) Develop necessary procedures and standardized programs for a specialized adoptive home training project.
- (b) Assist counties in coordinating sources of funding and services available to eligible children in order to maximize the social services provided to these children and avoid duplication of program funding.
- (c) Require that participating counties coordinate available services for this population and their adoptive families.
- (d) Provide to a requesting county information necessary to establish a program.

**Leg.H.**

Added Stats 1998 ch 1014 § 2 (AB 2198).

## **§ 16135.26. [Section Repealed 2012.]**

**Leg.H.**

Added 1998 ch 1014 § 2 (AB 2198). Repealed Stats 2012 ch 35 § 119 (SB 1013), effective June 27, 2012. The repealed section related to existing county contracts for the provision of services.

## **§ 16135.30. Placement in Prospective Adoptive Homes; Provision of In-Home Health Care.**

(a) Notwithstanding any other provision of law, subdivisions (b) and (c) shall control the placement of a child pursuant to this chapter.

(b) A county may place children who are alcohol or controlled substance exposed or HIV positive in prospective adoptive homes pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code.

(c) If a county makes a placement pursuant to subdivision (b), a preadoptive parent trained by health care professionals may provide specialized in-home health care to that child who was placed in their home for the purpose of adoption.

**Leg.H.**

Added Stats 1998 ch 1014 § 2 (AB 2198).

## **CHAPTER 2.5**

# FOSTER CHILD OMBUDSMAN PROGRAM

## § 16160. Legislative Intent.

The Legislature finds and declares that the people of California have benefited from the establishment of a long-term care ombudsperson pursuant to [Section 9710 of the Welfare and Institutions Code](#) and a child care ombudsperson program pursuant to [Section 1596.872a of the Health and Safety Code](#). It is the intent of the Legislature to provide similar protections for foster children by establishing a foster care ombudsperson program within the State Department of Social Services.

**Leg.H.**

1998 ch. 311, effective August 19, 1998.

## § 16161. Office of the State Foster Care Ombudsperson—Establishment; Purpose.

(a) The Office of the State Foster Care Ombudsperson shall be established as an autonomous entity within the department for the purpose of providing children who are placed in foster care, either voluntarily or pursuant to Section 300 and Sections 600 and following, with a means to resolve issues related to their care, placement, or services. The work of the office falls within the provisions of subparagraphs (I) and (J) of paragraph (1) of subdivision (a) of Section 827, and the office shall meet all of the provisions and requirements of that section with regard to access, confidentiality, and the use of information.

(b) For purposes of this chapter, “foster care” includes all of the following:

(1) Voluntary placement in a licensed or approved children’s residential facility or with an approved resource family.

(2) Placement in a licensed or approved children’s residential facility, with an approved resource family, or with a family pending approval as a resource family, or placement pursuant to a juvenile court order, pursuant to Article 6 (commencing with Section 300) and Article 14 (commencing with Section 601) of Chapter 2 of Part 1 of Division 2.

(3) Placement by a governmental entity in a residential facility or home subject to licensure, certification, or approval by the State Department of Social Services pursuant to the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code).

**Leg.H.**

Added Stats 1998 ch 311 § 66 (SB 933), effective August 19, 1998. Amended Stats 2021 ch 293 § 2 (AB 317), effective January 1, 2022.

## § 16162. Director and Committee Appoint Ombudsperson; Term.

(a) The Director of Social Services, in consultation with, and after receiving a list of possible nominees from, a committee of at least five interested individuals that are described in this subdivision, and after obtaining the committee’s input, shall appoint an ombudsperson who is qualified by training and experience to perform the duties of the office for a term of four years. The director may reappoint the ombudsperson for consecutive terms.



The director shall select the committee members, the majority of whom shall be representatives of nonprofit children's advocacy organizations and current or former foster youth.

(b) The ombudsperson shall, in the performance of their duties during the duration of their appointment, be independent and the exercise of their discretion related to the duties and powers set forth in this chapter shall not be controlled, supervised, or directed, directly or indirectly, by the director or any other official. The ombudsperson shall devote their entire time to the duties and powers set forth in this chapter and may not be removed from office for exercising their independence and discretion in furtherance of those duties and powers.

(c) If the term of an ombudsperson expires without the appointment of a successor under this chapter, the incumbent ombudsperson may continue in office until a successor is appointed. If the ombudsperson dies, resigns, becomes ineligible to serve, or is removed or suspended from office, the director shall designate an acting ombudsperson until the ombudsperson is appointed. The director shall appoint a new ombudsperson pursuant to this section within the nine months from the date the office became vacant. In no event shall the acting ombudsperson remain in office longer than nine months before a new ombudsperson is appointed pursuant to this section.

**Leg.H.**

Added Stats 1998 ch 311 § 66 (SB 933), effective August 19, 1998. Amended Stats 2002 ch 1160 § 2 (AB 2294); Stats 2021 ch 293 § 3 (AB 317), effective January 1, 2022.

## **§ 16163. Personnel; Priority.**

The department shall hire the necessary personnel to perform the functions of the office. Priority shall be given to former foster youth in hiring decisions.

**Leg.H.**

1998 ch. 311, effective August 19, 1998.

## **§ 16164. Duties of Office; Access; Standardized Information Explaining Rights.**

(a) The Office of the State Foster Care Ombudsperson shall do all of the following:

(1)

(A) Disseminate information and provide training and technical assistance to foster youth, social workers, probation officers, tribes' child welfare agencies, child welfare organizations, children's advocacy groups, consumer and service provider organizations, and other interested parties on the rights of children and youth in foster care, reasonable and prudent parent standards, and the services provided by the office. The rights of children and youth in foster care are listed in Section 16001.9. The information shall include methods of contacting the office and notification that conversations with the office may be disclosed to other persons, as necessary to adequately investigate and resolve a complaint.

(B) At the end of every two-year legislative session, review amendments to the laws applicable to foster youth and determine whether updates to the rights listed in Section 16001.9 should be recommended in the compilation prepared pursuant to paragraph (8). The office shall update the standardized information prepared pursuant to paragraph (1) of subdivision (e), and any training materials prepared pursuant to subparagraph (A), in accordance with the legislative review.

(2) Receive complaints made by or on behalf of children placed in foster care, related to their care, placement, or services, including for children placed by the Office of Refugee Resettlement of the United States Department of Health and Human Services in residential facilities and homes that are subject to regulation by the State Department of Social Services pursuant to the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code) or pursuant to Article 2 (commencing with Section 16519.5) of Chapter 5.

(3) Decide, in its discretion, whether to investigate a complaint, or refer complaints to another agency for investigation. After rendering a decision to investigate a complaint, attempt to resolve the complaint without using a judicial or administrative proceeding.

(4) Upon rendering a decision to investigate a complaint from a complainant, notify the complainant of the intention to investigate. If the office declines to investigate a complaint or continue an investigation, the office shall notify the complainant of the reason for the action of the office.

(5) Update the complainant on the progress of the investigation and the attempts to resolve the complaint, and notify the complainant of the final outcome.

(6) Document the number, source, origin, location, and nature of complaints.

(7) Receive data from the State Department of Education regarding complaints about foster youth education rights made through the uniform complaint process.

(8)

(A) Compile and make available to the Legislature all data collected over the course of the year, including, but not limited to, the number of contacts to the office, the number of complaints made, including the type and source of those complaints, the number of investigations performed by the office, the trends and issues that arose in the course of investigating complaints, the number of referrals made, the number of pending complaints, and a summary of the data received from the State Department of Education pursuant to paragraph (7). The office shall include recommendations consistent with this data for improving the child welfare system.

(B) Present this compiled data, on an annual basis, at appropriate child welfare conferences, forums, and other events, as determined by the department, that may include presentations to, but are not limited to, representatives of the Legislature, the County Welfare Directors Association of California, Chief Probation Officers of California, Indian tribes, child welfare agencies, child welfare organizations, children's advocacy groups, consumer and service provider organizations, and other interested parties.

(C) It is the intent of the Legislature that representatives of the organizations described in subparagraph (B) consider this data in the development of any recommendations offered toward improving the child welfare system.

(D) The compiled data shall be posted so that it is available to the public on the existing internet website of the office.

(E) Nothing shall preclude the office from issuing data, findings, or reports other than the annual compilation of data described in this paragraph.

(9) Have access to copies of any record of a state or local agency, and contractors with state and local agencies, that is necessary to carry out their responsibilities, and may meet or communicate with any foster child in their placement or elsewhere.

(b) The office may establish, in consultation with a committee of interested individuals, regional or local foster care ombudsperson offices for the purposes of expediting investigations and resolving complaints, subject to appropriations in the annual Budget Act.

(c)

(1) Information obtained by the office from a complaint, regardless of whether it is investigated by the office, referred to another entity for investigation, or determined not to be the proper subject of an investigation, shall remain confidential under relevant state and federal confidentiality laws. Disclosure of information that is not confidential under state and federal confidentiality laws shall occur only as necessary to carry out the mission of the office, including as necessary to provide explanation and support for the office's recommendations for improving the child welfare system to the Legislature and state and local agencies that provide services and supports to children placed in foster care.

(2) The ombudsperson shall maintain confidentiality with respect to the identities of the complainants or witnesses coming before them, except insofar as disclosure may be necessary to enable the ombudsperson to carry out the duties of the office set forth in paragraphs (2) to (5), inclusive, of subdivision (a). The ombudsperson may not disclose a record that is confidential under relevant state and federal confidentiality laws.

(3) If a child or nonminor dependent is represented by counsel pursuant to Section 317, the office may notify the counsel of a complaint in order for counsel to satisfy their obligations specified under paragraph (3) of subdivision (e) of Section 317. If appropriate, the office may also share the outcome of any investigation performed by the office with the child's or nonminor dependent's counsel.

(d) The office shall provide administrative and technical assistance to county, regional, or local foster care ombudsperson's offices, including, but not limited to, assistance in developing policies and procedures consistent with the policies and procedures used by the office.

(e)

(1) The office, in consultation with the County Welfare Directors Association of California, Chief Probation Officers of California, Indian tribes located in the state, foster youth advocate and support groups, groups representing children, families, foster parents, children's facilities, and other interested parties, shall develop standardized information explaining the rights specified in Section 16001.9. The information shall be developed in an age-appropriate manner, and shall reflect any relevant licensing requirements with respect to foster care providers' responsibilities to adequately supervise children in care.

(2) The office, counties, foster care providers, and others shall use the information developed in paragraph (1) in carrying out their responsibilities to inform foster children and youth of their rights pursuant to [Section 1530.91 of the Health and Safety Code](#), Sections 27 and 16501.1, and this section.

(3) The office shall measure the distribution of the standardized materials for purposes of evaluating and improving the degree to which foster youth are adequately informed of their rights. This data shall be included in the compilation prepared pursuant to paragraph (8) of subdivision (a).

#### Leg.H.

Added Stats 1998 ch 311 § 66 (SB 933), effective August 19, 1998. Amended Stats 1999 ch 147 § 37 (AB 1111), effective July 22, 1999; Stats 2001 ch 683 § 4 (AB 899); Stats 2002 ch 1160 § 3 (AB 2294); Stats 2019 ch 416 § 4 (AB 175), effective January 1, 2020; Stats 2021 ch 293 § 4 (AB 317), effective January 1, 2022; Stats 2021 ch 297 § 2.5 (AB 1140), effective January 1, 2022 (ch 297 prevails).

## § 16165. Ombudsperson—Powers; Discretion.

As part of the office's efforts to resolve complaints related to foster care, the ombudsperson may do all of the following:

(a) Establish policies and procedures for receiving and processing complaints, conducting investigations, and reporting findings.

(b) Conduct whatever investigation reasonably related to the complaint and to foster care that the ombudsperson deems necessary, including, but not limited to, both of the following:

(1) Access to, and inspection of, premises within the control of a state or local agency or a contractor with a state and local agency, and access to, and inspection of, a licensed or approved children's residential facility, at any time, with or without prior notice, for the purpose of carrying out the duties of the office. The ombudsperson shall be granted access to records and residents at all times for the purpose of carrying out the duties of the office.

(A) For purposes of this section, "access" means the right to do all of the following:

(i) Enter any licensed or approved children's residential facility, upon providing identification.

(ii) Communicate privately and without restriction with any resident, caregiver, personnel, or volunteer.

(iii) Review and copy any resident record or caregiver file.

(iv) Observe all resident and staff areas of a facility.

(v) Review and reproduce administrative records, policies, and documents of any licensed or approved children's residential care facility.

(vi) Review and copy all licensing records maintained by the state, county, or agency, and review and reproduce any records of a state, county, or local agency and their contractors, except sealed court records, which may be obtained only by subpoena or other lawful court order.

(vii) Interview all relevant witnesses.

(B) For purposes of this section, "record" means a document, paper, memorandum, book, letter, file, drawing, map, plat, photo, photographic file, motion picture, film, microfilm, microphotograph, exhibit, magnetic or paper tape, punched card, or other item developed or received under law or in connection with the transaction of official business, but does not include material that is protected by privilege.

(2) Observe proceedings and attend hearings, consistent with Section 346.

(c) Attempt to resolve the complaint.

(d) Submit a written plan to the relevant state or county agency, or a contractor with the state or local agency, recommending a course of action to resolve the complaint. If the ombudsperson makes a written recommendation, the state or county agency, or contractor, shall submit a written response to the ombudsperson within 30 calendar days.

#### **Leg.H.**

Added Stats 1998 ch 311 § 66 (SB 933), effective August 19, 1998. Amended Stats 2021 ch 293 § 5 (AB 317), effective January 1, 2022.

## **§ 16167. Toll-Free Number.**

(a) A toll-free number shall be established for the office.

(b) Social workers shall provide foster children with the toll-free number for the office and verbal or written information regarding the existence and purpose of the office.

**Leg.H.**

1998 ch. 311, effective August 19, 1998.

# **CHAPTER 2.6**

## **INTERSTATE ADOPTION ASSISTANCE AGREEMENTS**

## **§ 16170. Legislative Findings and Declarations.**

The Legislature finds and declares all of the following:

(a) Finding adoptive families for children, for whom state assistance is desirable pursuant to Chapter 2.1 (commencing with Section 16115), and assuring the protection of the interests of the children affected during the entire assistance period, require special measures when the adoptive parents move to other states or are residents of another state.

(b) Provision of medical and other necessary services for children, with state assistance, encounters special difficulties when the provision of services takes place in other states.

**Leg.H.**

1999 ch. 887.

## **§ 16171. Purposes of Chapter.**

The purposes of this chapter are to:

(a) Authorize the State Department of Social Services and the State Department of Health Services to enter into interstate agreements with agencies of other states for the protection of children on behalf of whom adoption assistance is being provided by the State Department of Social Services.

(b) Provide procedures for interstate children's adoption assistance payments, including medical payments.

**Leg.H.**

1999 ch. 887.

## **§ 16172. Definitions.**

As used in this chapter, the following definitions apply, unless the context clearly indicates otherwise:

(a) “Adoption assistance state” means the state that is signatory to an adoption assistance agreement in a particular case.

(b) “Residence state” means the state where the child is living.

(c) “State” means a state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, or a territory or possession of or administered by the United States.

**Leg.H.**

1999 ch. 887.

## **§ 16173. Interstate Compacts.**

The State Department of Social Services and the State Department of Health Services are authorized to develop, participate in the development of, negotiate, or enter into one or more interstate compacts on behalf of this state with other states to implement one or more of the purposes set forth in this chapter. When entered into, and for so long as it shall remain in force, a compact shall have the force and effect of law.

**Leg.H.**

1999 ch. 887.

## **§ 16174. Required Contents of Compact.**

A compact entered into pursuant to the authority conferred by this chapter shall contain all of the following:

(a) A provision making it available for joinder by all states.

(b) A provision for withdrawal from the compact upon written notice to the parties, with a period of one year between the date of the notice and the effective date of the withdrawal.

(c) A requirement that the protections afforded by the compact continue in force for the duration of the adoption assistance and be applicable to all children and their adoptive parents who on the effective date of the withdrawal are receiving adoption assistance from a party state other than the one in which they are resident and have their principal place of abode.

(d) A requirement that each instance of adoption assistance to which the compact applies be covered by an adoption assistance agreement in writing between the adoptive parents and the state child welfare agency of the state which undertakes to provide the adoption assistance, and further, that any such agreement be expressly for the benefit of the adopted child and enforceable by the adoptive parents, and the state agency providing the adoption assistance.

(e) Any other provision as may be appropriate to implement the proper administration of the compact.

**Leg.H.**

1999 ch. 887.

## **§ 16175. Additional Provisions of Compact.**

A compact entered into pursuant to the authority conferred by this chapter may contain provisions in addition to those required pursuant to Section 16174, as follows:

(a) Provisions establishing procedures and entitlement to medical and other necessary social services for the child in accordance with applicable laws, even though the child and the adoptive parents are in a state other than the one responsible for or providing the services or the funds to defray part or all of the costs thereof.

(b) Any other provision as may be appropriate or incidental to the proper administration of the compact.

**Leg.H.**

1999 ch. 887.

## **§ 16176. Children Subject of State-Only Adoption Assistance Agreements.**

**(a)**

(1) Any child who is a resident of California and who is the subject of a state-only adoption assistance agreement with another state, shall be eligible to receive Medi-Cal benefits whether or not there is a cash benefit.

(2) Any child with special needs who is the subject of a state-only adoption assistance agreement with California shall continue to be eligible for Medi-Cal benefits if the child is placed out-of-state or with his or her adoptive family, moves out-of-state, and the receiving state does not provide Medicaid benefits to the child.

**(b)** The departments shall adopt regulations to implement the provisions of this chapter.

**Leg.H.**

Added Stats 1999 ch 887 § 9 (SB 1270).

## **§ 16177. Inclusion of Applicable Federal Aid.**

Consistent with federal law, the State Department of Social Services and the State Department of Health Services, in connection with the administration of this chapter and any compact pursuant thereto, shall include in any state plan made pursuant to the Adoption Assistance and Child Welfare of 1980 ([Public Law 96-272](#)), Titles IV (e) and XIX of the Social Security Act, or any other applicable federal laws, the provision of adoption assistance and medical assistance for which the federal government pays some or all the cost. The departments shall apply for and administer all relevant federal aid in accordance with law.

**Leg.H.**

1999 ch. 887.

# **CHAPTER 3**

## **CHILD WELFARE TRAINING**



## ARTICLE 2

### Child Welfare Training Program

#### § 16205. Grant to Establish Statewide Program.

The department shall select and award a grant to a private nonprofit or public entity for the purpose of establishing a statewide multipurpose child welfare training program.

**Leg.H.**

1987 ch. 1310.

#### § 16206. Purpose of Program; Practice-Relevant Training; Assessment of Program's Performance.

(a) The purpose of the program is to develop and implement statewide coordinated training programs designed specifically to meet the needs of county child protective services social workers assigned emergency response, family maintenance, family reunification, permanent placement, and adoption responsibilities. It is the intent of the Legislature that the program include training for other agencies under contract with county welfare departments to provide child welfare services. In addition, the program shall provide training programs for persons defined as a mandated reporter pursuant to the Child Abuse and Neglect Reporting Act (Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code). The program shall provide the services required in this section to the extent possible within the total allocation. If allocations are insufficient, the department, in consultation with the grantee or grantees and the Child Welfare Training Advisory Board, shall prioritize the efforts of the program, giving primary attention to the most urgently needed services. County child protective services social workers assigned emergency response responsibilities shall receive first priority for training pursuant to this section.

(b) The training program shall provide practice-relevant training for mandated child abuse reporters and all members of the child welfare delivery system that will address critical issues affecting the well-being of children, and shall develop curriculum materials and training resources for use in meeting staff development needs of mandated child abuse reporters and child welfare personnel in public and private agency settings.

(c) The training provided pursuant to this section shall include all of the following:

(1) Crisis intervention.

(2) Investigative techniques.

(3) Rules of evidence.

(4) Indicators of abuse and neglect.

(5) Assessment criteria, including the application of guidelines for assessment of relatives for placement according to the criteria described in Section 361.3.

(6) Intervention strategies.

(7) Legal requirements of child protection, including requirements of child abuse reporting laws.

(8) Case management.

(9) Use of community resources.

(10) Information regarding the dynamics and effects of domestic violence upon families and children, including indicators and dynamics of teen dating violence.

(11) Post-traumatic stress disorder and the causes, symptoms, and treatment of post-traumatic stress disorder in children and the types of and behavioral manifestation of trauma, loss, and grief.

(12) The importance of maintaining relationships with individuals who are important to a child in out-of-home placement, including methods to identify those individuals, consistent with the child's best interests, including, but not limited to, asking the child about individuals who are important, and ways to maintain and support those relationships.

(13) The legal duties of a child protective services social worker, in order to protect the legal rights and safety of children and families from the initial time of contact during investigation through treatment.

(14) The information described in subdivision (d) of Section 16501.4.

(15) The information described in subdivision (i) of Section 16521.5. The program may use the curriculum created pursuant to subdivision (h), and described in subdivision (i), of Section 16521.5.

(d) The training provided pursuant to this section may also include any or all of the following:

(1) Child development and parenting.

(2) Intake, interviewing, and initial assessment.

(3) Casework and treatment.

(4) Medical aspects of child abuse and neglect.

(e) The training program in each county shall assess the program's performance at least annually and forward it to the State Department of Social Services for an evaluation. The assessment shall include, at a minimum, all of the following:

(1) Workforce data, including education, qualifications, and demographics.

(2) The number of persons trained.

(3) The type of training provided.

(4) The degree to which the training is perceived by participants as useful in practice.

(5) Any additional information or data deemed necessary by the department for reporting, oversight, and monitoring purposes.

(f) The training program shall provide practice-relevant training to county child protective services social workers who screen referrals for child abuse or neglect and for all workers assigned to provide emergency response, family maintenance, family reunification, and permanent placement services. The training shall be developed in consultation with the Child Welfare Training Advisory Board and domestic violence victims' advocates and other public and private agencies that provide programs for victims of domestic violence or programs of intervention for perpetrators.

Added Stats 1987 ch 1310 § 1; Amended Stats 1996 ch 1139 § 12 (AB 2647); Stats 1997 ch 793 § 30 (AB 1544); Stats 1999 ch 211 § 1 (SB 1089); Stats 2002 ch 354 § 1 (SB 1505); Stats 2003 ch 813 § 11 (AB 408); Stats 2004 ch 292 § 2 (AB 2749); Stats 2005 ch 22 § 228 (SB 1108), effective January 1, 2006; Stats 2012 ch 847 § 3 (SB 1521), effective January 1, 2013; Stats 2015 ch 534 § 8 (SB 238), effective January 1, 2016; Amended Stats 2017 ch 24 § 48 (SB 89), effective June 27, 2017. Stats 2017 ch 714 § 3 (AB 1006), effective January 1, 2018.

## **§ 16207. Chapter Not Intended to Replace Department's Training Requirements.**

Nothing in this chapter is intended to replace training requirements established by the department in regulations contained in Sections 30-196 and 30-272 of the department's manual of policies and procedures.

**Leg.H.**

1987 ch. 1310.

# **CHAPTER 5**

## **STATE CHILD WELFARE SERVICES**

## **§ 16500. Creation and Support of Statewide Child Welfare Services.**

The state, through the department and county welfare departments, shall establish and support a public system of statewide child welfare services to be developed as rapidly as possible and to be available in each county of the state. All counties shall establish and maintain specialized organizational entities within the county welfare department which shall have sole responsibility for the operation of the child welfare services program.

The Legislature hereby declares its intent, in providing for this statewide system of child welfare services, that all children are entitled to be safe and free from abuse and neglect.

**Leg.H.**

Amended 1982 ch. 978, effective September 13, 1982, 1996 ch. 1084.

## **§ 16500.1. Using Strengths of Families and Communities to Serve Needs of Abused or Neglected Children; Goals; Encouraging Development of Approaches to Child Protection.**

(a) It is the intent of the Legislature to use the strengths of families and communities to serve the needs of children who are alleged to be abused or neglected, as described in Section 300, to reduce the necessity for removing these children from their home, to encourage speedy reunification of families when it can be safely accomplished, to locate permanent homes and families for children who cannot return to their biological families, to reduce the number of placements experienced by these children, to ensure that children leaving the foster care system have support within their communities, to improve the quality and homelike nature of out-of-home care, and to foster the educational progress of children in out-of-home care.

(b) In order to achieve the goals specified in subdivision (a), the state shall encourage the development of approaches to child protection that do all of the following:

- (1) Allow children to remain in their own schools, in close proximity to their families.

- (2) Increase the number and quality of foster families available to serve these children.
- (3) Use a team approach to foster care that permits the biological and foster family and the child to be part of that team.
- (4) Use team decisionmaking in case planning.
- (5) Provide support to foster children and foster families.
- (6) Ensure that licensing requirements do not create barriers to recruitment of qualified, high-quality foster homes.
- (7) Provide training for foster parents and professional staff on working effectively with families and communities.
- (8) Encourage foster parents to serve as mentors and role models for biological parents.
- (9) Use community resources, including community-based agencies and volunteer organizations, to assist in developing placements for children and to provide support for children and their families.
- (10) Ensure an appropriate array of placement resources for children in need of out-of-home care.
- (11) Ensure that no child leaves foster care without a lifelong connection to a committed adult.
- (12) Ensure that children are actively involved in the case plan and permanency planning process.

(c)

(1) Each county shall provide the department with a disaster response plan describing how county programs assisted under Part B (commencing with Section 620) and Part E (commencing with Section 670) of Subchapter IV of Chapter 7 of Title 42 of the United States Code (Titles IV-B and IV-E of the Social Security Act) would respond to a disaster. The plan shall set forth procedures describing how each county will perform the following services:

(A) Identify, locate, and continue availability of services for children under state care or supervision who are displaced or adversely affected by a disaster.

(B) Respond, as appropriate, to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases.

(C) Remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster.

(D) Preserve essential program records.

(E) Coordinate services and share information with other counties.

(2) The department shall review its disaster plan with respect to subparagraphs (A) to (E), inclusive, of paragraph (1), and shall revise the plan to clarify the role and responsibilities of the state in the event of a disaster.

(3) The department shall consult with counties to identify opportunities for collaboration between counties, and between the county and the state, in the event of a disaster.

(d) In carrying out the requirements of subdivisions (b) and (c), the department shall do all of the following:

(1) Consider the existing array of program models provided in statute and in practice, including, but not limited to, wraparound services, as defined in Section 18251, children's systems of care, as provided for in Section 5852, the Oregon Family Unity or Santa Clara County Family Conference models, which include family conferences at key points in the casework process, such as when out-of-home placement or return home is considered, and the Annie E. Casey Foundation Family to Family initiative, which uses team decisionmaking in case planning, community-based placement practices requiring that children be placed in foster care in the communities where they resided prior to placement, and involve foster families as team members in family reunification efforts.

(2) Ensure that emergency response services, family maintenance services, family reunification services, and permanent placement services are coordinated with the implementation of the models described in paragraph (1).

(3) Ensure consistency between child welfare services program regulations and the program models described in paragraph (1).

(e) The department, in conjunction with stakeholders, including, but not limited to, county child welfare services agencies, foster parent and group home associations, the California Youth Connection, and other child advocacy groups, shall review the existing child welfare services program regulations to ensure that these regulations are consistent with the legislative intent specified in subdivision (a). This review shall also determine how to incorporate the best practice guidelines for assessment of children and families receiving child welfare and foster care services, as required by Section 16501.2.

(f) The department shall report to the Legislature on the results of the actions taken under this section on or before January 1, 2002.

#### **Leg.H.**

Added Stats 1999 ch 634 § 2 (SB 955). Amended Stats 2003 ch 813 § 12 (AB 408); Stats 2005 ch 640 § 10 (AB 1412), effective January 1, 2006; Stats 2006 ch 538 § 713 (SB 1852), effective January 1, 2007; Stats 2007 ch 583 § 29 (SB 703), effective January 1, 2008.

## **§ 16500.5. Family Preservation and Support Program; Federal Funding; Conditions.**

### **(a)**

(1) The Legislature hereby declares its intent to encourage the continuity of the family unit by:

### **(A)**

(i) Providing family preservation services.

(ii) For purposes of this subdivision, "family preservation services" means intensive services for families whose children, without these services, would be subject to any of the following:

(I) Be at imminent risk of out-of-home placement.

(II) Remain in existing out-of-home placement for longer periods of time.

(III) Be placed in a more restrictive out-of-home placement.

(B) Providing supportive services for those children within the meaning of Sections 360, 361, and 364 when they are returned to the family unit or when a minor will probably soon be within the

jurisdiction of the juvenile court pursuant to Section 301.

(C) Providing counseling and family support services designed to eradicate the situation that necessitated intervention.

(2) The Legislature finds that maintaining abused and neglected children in foster care grows increasingly costly each year, and that adequate funding for family services that might enable these children to remain in their homes is not as readily available as funding for foster care placement.

(3) The Legislature further finds that other state bodies have addressed this problem through various systems of flexible reimbursement in child welfare programs that provide for more intensive and appropriate services to prevent foster care placement or significantly reduce the length of stay in foster care.

(b) It is the intent of the Legislature that family preservation and support services in California conform to the federal definitions contained in Section 431 of the Social Security Act. The Legislature finds and declares that California's existing family preservation programs meet the intent of the federal Promoting Safe and Stable Families program.

(c)

(1) Services that may be provided under this program may include, but are not limited to, counseling, mental health treatment and substance abuse treatment services, including treatment at a residential substance abuse treatment facility that accepts families, parenting, respite, day treatment, transportation, homemaking, and family support services. Each county that chooses to provide mental health treatment and substance abuse treatment shall identify and develop these services in consultation with county mental health treatment and substance abuse treatment agencies. Additional services may include those enumerated in Sections 16506 and 16507. The services to be provided pursuant to this section may be determined by each participating county. Each county may contract with individuals and organizations for services to be provided pursuant to this section. Each county shall utilize available private nonprofit resources in the county prior to developing new county-operated resources when these private nonprofit resources are of at least equal quality and costs as county-operated resources and shall utilize available county resources of at least equal quality and cost prior to new private nonprofit resources.

(2) Participating counties authorized by this subdivision shall provide specific programs of direct services based on individual family needs as reflected in the service plans to families of the following:

(A) Children who are dependent children not taken from physical custody of their parents or guardians pursuant to Section 364.

(B) Children who are dependent children removed from the physical custody of their parents or guardian pursuant to Section 361.

(C) Children who it is determined will probably soon be within the jurisdiction of the juvenile court pursuant to Section 301.

(D) Upon approval of the department, children who have been adjudged wards of the court pursuant to Sections 601 and 602.

(E) Upon approval of the department, families of children subject to Sections 726 and 727.

(F) Upon approval of the department, children who are determined to require out-of-home placement pursuant to [Section 7572.5 of the Government Code](#).

(3) The services shall only be provided to families whose children will be placed in out-of-home care without the provision of services or to children who can be returned to their families with the provision of services.

(4) The services selected by a participating county shall be reasonable and meritorious and shall demonstrate cost-effectiveness and success at avoiding out-of-home placement, or reducing the length of stay in out-of-home placement. A county shall not expend more funds for services under this subdivision than that amount which would be expended for placement in out-of-home care.

(5) The program in each county shall be deemed successful if it meets the following standards:

(A) Enables families to resolve their own problems, effectively utilize service systems, and advocate for their children in educational and social agencies.

(B) Enhancing family functioning by building on family strengths.

(C) At least 75 percent of the children receiving services remain in their own home for six months after termination of services.

(D) During the first year after services are terminated:

(i) At least 60 percent of the children receiving services remain at home one year after services are terminated.

(ii) The average length of stay in out-of-home care of children selected to receive services who have already been removed from their home and placed in out-of-home care is 50 percent less than the average length of stay in out-of-home care of children who do not receive program services.

(E) Two years after the termination of family preservation services:

(i) The average length of out-of-home stay of children selected to receive services under this section who, at the time of selection, are in out-of-home care, is 50 percent less than the average length of stay in out-of-home care for children in out-of-home care who do not receive services pursuant to this section.

(ii) At least 60 percent of the children who were returned home pursuant to this section remain at home.

(6) Funds used for services provided under this section shall supplement, not supplant, child welfare services funds available for services pursuant to Sections 16506 and 16507.(7) Programs authorized after the original pilot projects shall submit data to the department upon the department's request.

(d)

(1) A county welfare department social worker or probation officer may, pursuant to an appropriate court order, return a dependent minor or ward of the court removed from the home pursuant to Section 361 to his or her home, with appropriate interagency family preservation program services.

(2) The county probation department may, with the approval of the State Department of Social Services, through an interagency agreement with the county welfare department, refer cases to the county welfare department for the direct provision of services under this subdivision.

(e) Foster care funds shall remain within the administrative authority of the county welfare department and shall be used only for placement services or placement prevention services or county welfare department



administrative cost related to the interagency family preservation program.

(f) To the extent permitted by federal law, any federal funds provided for services to families and children may be utilized for the purposes of this section.

(g) A county may establish family preservation programs that serve one or more geographic areas of the county, subject to the approval of the State Department of Social Services.

(1) All funds expended by a county for activities under this section shall be expended by the county in a manner that will maximize eligibility for federal financial participation.

(2) A county, subject to the approval of the State Department of Social Services, may claim federal financial participation, if allowable and available, as provided by the State Department of Social Services in the federal Promoting Safe and Stable Families program in accordance with the federal guidelines and regulations for that county's AFDC-FC expenditures pursuant to subdivision (d) of Section 11450, for children subject to Sections 300, 301, 360, and 364, in advance, provided that the county conducts a program of family reunification and family maintenance services for families receiving these services pursuant to Sections 300, 301, 360, and 364, and as permitted by the department, children subject to Sections 601, 602, 726, and 727 of this code and [Section 7572.5 of the Government Code](#).

(h) In order to maintain federal funding and meet federal requirements, the State Department of Social Services and the Office of Child Abuse Prevention shall provide administrative oversight, monitoring, and consultation to ensure both of the following:

(1) Each county includes in its county plan information that details what services are to be funded under this section and who will be served, and how the services are coordinated with the array of services available in the county. In order to maintain federal funding to meet federal requirements, the State Department of Social Services shall review these plans and provide technical assistance as needed, as provided in Section 10601.2. In order to meet federal requirements, the Office of Child Abuse Prevention shall require counties to submit annual reports, as part of the current reporting process, on program services and children and families served. The annual reporting process shall be developed jointly by the department and county agencies for the purpose of meeting federal reporting requirements.

(2) In order to maximize federal financial participation for the federal Promoting Safe and Stable Families grant, funds expended from this program are in compliance with data-reporting requirements in order to meet federal nonsupplantation requirements in accordance with [Section 1357.32\(f\) of Title 45 of the Code of Federal Regulations](#), and the 25 percent state match requirement in accordance with [Section 1357.32\(d\) of Title 45 of the Code of Federal Regulations](#).

(i) Beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be made with moneys allocated pursuant to [Section 30025 of the Government Code](#).

#### Leg.H.

Added Stats 1988 ch 105 § 1, effective May 11, 1988; Amended Stats 1989 ch 1360 § 166; Stats 1990 ch 1117 § 2 (AB 1696), effective September 21, 1990, ch 1120 § 3 (AB 3773), effective September 21, 1990, ch 1463 § 1 (AB 2939), effective September 28, 1990; Stats 1991 ch 91 § 31 (AB 948), effective June 30, 1991, ch 868 § 2 (AB 546); Stats 1992 ch 717 § 2 (AB 2365); Stats 1993 ch 1006 § 1 (AB 776), effective October 9, 1993; Stats 1998 ch 1069 § 1 (SB 1897); Stats 2001 ch 745 § 262 (SB 1191), effective October 12, 2001; Stats 2012 ch 35 § 120 (SB 1013), effective June 27, 2012; Stats 2014 ch 219 § 9 (SB 977), effective January 1, 2015; Stats 2015 ch 303 § 629 (AB 731), effective January 1, 2016; Amended Stats 2018 ch 910 § 42 (AB 1930), effective January 1, 2019.

## § 16500.51. Expansion of Program in Solano and Alameda Counties.

(a) In addition to participation in the program provided for under Section 16500.5, Solano and Alameda Counties may, on a two-year project basis, and subject to the election of the board of supervisors of each county to participate, expand the program provided for in Section 16500.5 to also provide those family preservation services to:

(1) Children who have been adjudged wards of the court pursuant to Sections 601 and 602.

(2) Families of children subject to Section 726 and 727.

(b) Except as otherwise provided in this section, the expanded programs authorized under this section shall be subject to all of the provisions of Section 16500.5 and shall be administered in accordance with Section 16500.5.

(c) The county probation department, through an interagency agreement with the county welfare department, may refer cases to the county welfare department for the provision of services under this subdivision.

(d) The county shall ensure that the proportion of funds used for family preservation services for families and children needing these services pursuant to Sections 300, 330, 361, and 364 shall be no less than the proportion of those children in the county's foster care population.

(e) A dependent minor or ward of the court removed from the home pursuant to Section 726 may also be returned to his or her home with appropriate interagency family preservation services as provided in subdivision (c) of Section 16500.5.

(f) This participation is subject to the provisions of Section 16500.5.

**Leg.H.**

Added Stats 1990 ch 1120 § 4 (AB 3773), effective September 21, 1990. Amended Stats 2012 ch 35 § 121 (SB 1013), effective June 27, 2012.

## **§ 16500.55. Services to Wards of the Court.**

(e) Any county that participates in the program pursuant to this section on or after the effective date of the act which amends this section in the 1991 calendar year shall provide services to children who have been adjudged wards of the court pursuant to Sections 601 and 602 only to the extent approved by the department.

**Leg.H.**

Added Stats 1990 ch 1117 § 3 (AB 1696), effective September 21, 1990. Amended Stats 1991 ch 91 § 32 (AB 948), effective June 30, 1991; Stats 2012 ch 35 § 123 (SB 1013), effective June 27, 2012.

## **§ 16500.65. Family Preservation and Reunification Program in Contra Costa County.**

(a) In addition to the three programs authorized under Section 16500.5, Contra Costa County may implement a family preservation and reunification program. The program shall be administered in accordance with Section 16500.5, and shall be subject to all of the provisions of that section.

(b) The family preservation program authorized by this section may serve all of the following:

(1) Families receiving those services pursuant to Sections 300, 330, 361, and 364.

(2) Children who have been adjudged wards of the court pursuant to Sections 601 and 602.

(3) Families of children subject to Sections 726 and 727.

(c) The county probation department may, through an interagency agreement with the county welfare department, refer cases to the county welfare department for the direct provision of services under this subdivision.

(d) The county shall ensure that the proportion of funds used for family preservation services for families and children needing those services pursuant to Sections 300, 330, 361, and 364 shall be no less than the proportion of those children in the county's foster care program.

(e) The project authorized by this subdivision shall be deemed successful if the following criteria have been met:

(1) At least 75 percent of the children who are not placed in out-of-home care and who receive project services remain in their home for at least six months after the termination of family preservation services.

(2) Two years after the termination of family preservation services, the average length of out-of-home stay of children selected to receive services under this section who, at the time of selection, are in out-of-home care, is 50 percent less than the average length of stay in out-of-home care for children in out-of-home care who do not receive demonstration project services pursuant to this section.

(3) Two years after project services are terminated, at least 60 percent of the children who were returned home with project services remain at home.

(f)

(1) The participating county shall submit, to the department and to the appropriate committees of the Legislature, a preliminary report upon the conclusion of the demonstration project, and a final report six months after the conclusion of the project.

(2) The participating county shall, in the reports required by paragraph (1), demonstrate the extent the project met the criteria for determining the success of the project specified in subdivision (e).

(g) A dependent minor or ward of the court removed from the home pursuant to Section 726 may also be returned to his or her home with appropriate interagency family preservation services as provided in subdivision (c) of Section 16500.5.

#### **Leg.H.**

Added Stats 1990 ch 1463 § 2 (AB 2939), effective September 28, 1990. Amended Stats 2012 ch 35 § 124 (SB 1013), effective June 27, 2012.

## **§ 16500.7. [See Subsection (f) for Repeal Information] Transfer of Funds for Family Preservation Programs.**

(a)

(1) Commencing with the 1993–94 fiscal year, each county or city and county with a family preservation program pursuant to Section 16500.5, in operation at least three consecutive years, may request a permanent transfer of funds from the category of General Fund moneys appropriated for out-of-home placement provided pursuant to subdivision (d) of Section 11450 for children subject to Section 300, 301, 360, 361, or 364, and, as permitted by the department, children subject to Sections 601, 602, 726, and

727, and [Section 7572.5 of the Government Code](#), for that county or city and county, to the category of child welfare services as specified in subdivision (j) of Section 16501 for the purposes of providing family preservation services. The county shall make the request to the department no later than 90 calendar days following the beginning of the fiscal year in which the permanent transfer is to be made, or 90 days following the date on which the annual Budget Act is chaptered, whichever is later.

(2) Notwithstanding paragraph (1), any county that has operated a family preservation program in accordance with Section 16500.5 for three consecutive years may request a permanent transfer of funds as described in paragraph (1) retroactively to July 1, 1993, provided the department determines that the county was adversely impacted by the implementation of Chapter 1006 of the Statutes of 1993, and provided the request is submitted no later than October 1, 1994.

(3) Any county that served children subject to Section 601 or 602, or [Section 7572.5 of the Government Code](#), during the pilot phase may continue to serve the same populations after the permanent transfer described in this section.

(4) Subject to the approval of the department, a county may, at any time after the permanent transfer, request a supplemental permanent transfer to serve additional populations of eligible children who were not served during the pilot phase. The maximum amount that may be transferred pursuant to this paragraph is subject to the limits specified in clause (iii) of subparagraph (A) of paragraph (1) of subdivision (c) of Section 16500.5.

(5) For any county with an approved plan pursuant to Section 16500.5, the three-year period required by paragraph (1) may, at the discretion of the department, include any year in which a county has operated a family preservation program pursuant to Section 16500.5, that has been financed with county funds.

(b) The amount identified for transfer pursuant to this section shall be an amount up to 70 percent of the highest annual amount spent pursuant to Section 16500.5 and agreed to by both the county or city and county and the department as sufficient to maintain family preservation services at a level that ensures the continuation of an appropriate level of family preservation services on a permanent basis. This determination shall be made on a county-by-county basis, relying on the experience each county has with conducting its program under Section 16500.5.

(c) Beginning with the fiscal year in which the transfer takes place, each participating county or city and county shall be required to match these funds consistent with the matching requirements in place for other General Fund moneys appropriated and allocated to counties for child welfare services provided pursuant to Section 16501.

(d) Upon approval of the transfer, the department and the Department of Finance shall incorporate the transferred funding into the base funding allocations in later years provided to the participating counties for services provided under Section 16501.

(e) For counties receiving transfers pursuant to subdivision (a), the provisions of subdivision (c) of Section 16500.5, including the ability to claim additional advances on AFDC-FC funds in subparagraph (A) of paragraph (1) of that subdivision and the financial risk provisions in subparagraph (B) of paragraph (1) of that subdivision, shall no longer apply.

(f)

(1) In enacting this section, the Legislature establishes the commitment to provide the means by which family preservation services may convert from pilot projects as established in Section 16500.5 to ongoing permanent programs. However, in order to assess the feasibility of the approach provided in this section, the Legislature has provided for the repeal of this section.

(2) Subject to paragraph (3), this section shall remain in effect only until six months following the execution of a declaration, that shall be retained by the director, stating that the department has secured a permanent stable federal funding source to support family preservation services, and as of that date shall be repealed.

(3) If the director does not execute the declaration described in paragraph (2) prior to January 1, 1997, this section shall become inoperative on July 1, 1997, and as of January 1, 1998, is repealed unless a later enacted statute, that becomes effective on or before January 1, 1998, deletes or extends the dates on which it becomes inoperative and is repealed.

(4) If the director executes the declaration described in paragraph (2), the department shall make reasonable arrangements to shift those counties operating a family preservation program under a memorandum of understanding with the department, to the newly federally funded family preservation program.

**Leg.H.**

1992 ch. 717, 1993 ch. 1006, effective October 11, 1993, 1994 ch. 961, effective September 28, 1994.

## **§ 16500.8. Federal Revenue Sources.**

(a) The department shall, in consultation with counties, seek additional federal revenues to finance the family preservation activities described in Section 16500.7. Those revenue sources shall include, but need not be limited to, all of the following:

(1) Title IV-A of the federal Social Security Act, contained in Part A (commencing with Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.

(2) Title IV-E of the federal Social Security Act contained in Part E (commencing with Section 670) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.

(3) Title IV-B of the federal Social Security Act contained in Part B (commencing with Section 620) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.

(4) Title XIX of the federal Social Security Act, contained in Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code.

(b) It is the intent of the Legislature that any additional funds received pursuant to this section shall supplement, and not supplant, existing funding for family preservation services.

**Leg.H.**

Added Stats 1993 ch 1006 § 3 (AB 776), effective October 9, 1993. Amended Stats 2012 ch 35 § 125 (SB 1013), effective June 27, 2012.

## **§ 16500.9. Assistance for Counties in Complying with Federal Indian Child Welfare Act.**

The department shall establish one full-time position, within the office of the director, to assist counties in complying with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.) and related state laws, regulations, and rules of court. This assistance shall include, but not be limited to, all of the following:

- (a) Acting as a clearinghouse for up-to-date information regarding tribes within and outside of the state.
- (b) Providing information and support regarding the requirements of laws, regulations, and rules of court in juvenile dependency cases involving a child who is subject to the federal Indian Child Welfare Act.
- (c) Providing or coordinating training and technical assistance for counties regarding the requirements described in subdivision (b).

**Leg.H.**

2005 ch. 78 (SB 68) § 35, effective July 19, 2005.

## **§ 16501. “Child Welfare Services”; Service Funded Activities; Definitions; Approved Service Plans and Regulations; Security Procedures for County Welfare Department Employees Having Frequent Contact with Children.**

**(a)**

(1) As used in this chapter, “child welfare services” means public social services that are directed toward the accomplishment of any or all of the following purposes:

(A) Protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children.

(B) Preventing or remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children.

(C) Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible.

(D) Restoring to their families children who have been removed, by the provision of services to the child and the families.

(E) Identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate.

(F) Ensuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

(2) “Child welfare services” also means services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. The child welfare services provided on behalf of each child represent a continuum of services, including emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services. The individual child’s case plan is the guiding principle in the provision of these services. The case plan shall be developed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) if the child has not been removed from their home, or by the date of the dispositional hearing pursuant to Section 358, whichever comes first.

(3) “Child welfare services” are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a team-based approach,



such as a child and family team. A child and family team brings together individuals that engage with the child or youth and family in assessing, planning, and delivering services consistent with paragraph (1) of subdivision (d) of Section 16501.1. Use of a team approach increases efficiency, and thus reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child or youth and family.

(4) “Child and family team” means a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being. The child and family team shall have the same meaning as the “family and permanency team,” as described in [Section 675a\(c\)\(1\)\(B\)\(ii\) of Title 42 of the United States Code](#).

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

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

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

(iii) On and after October 1, 2021, for a child placed into a short-term residential therapeutic program, providing input into all of the following:

(I) Required determinations by a qualified individual pursuant to subdivision (g) of Section 4096.

(II) Required components of the case plan, including those specified in subparagraph (C) of paragraph (2) of subdivision (d) of Section 16501.1.

(III) Development of the plan for family-based aftercare services described in Section 4096.6.

(B)

(i) The child and family team process shall engage the child or youth, the child’s family, and other people important to the family or to the child or youth in meeting the objectives set forth in subparagraph (A). The child and family team shall also include representatives who provide formal supports to the child or youth and family when appropriate, including, but not limited to, all of the following:

(I) The caregiver.

(II) The placing agency caseworker.

(III) A representative from a foster family agency or short-term residential therapeutic program with which a child or youth is placed.

(IV) A county mental health representative.

(V) A representative from the regional center if the child is eligible for regional center services.

(VI) The child or youth’s Court-Appointed Special Advocate, if one has been appointed, unless the child or youth objects.

(VII) A representative of the child or youth’s tribe or Indian custodian, as applicable.



(ii) As appropriate, the child and family team also may include other formal supports, such as substance use disorder treatment professionals and educational professionals, providing services to the child or youth and family. For purposes of this definition, the child and family team also may include extended family and informal support persons, such as friends, coaches, faith-based connections, and tribes as identified by the child or youth and family. If placement into a short-term residential therapeutic program or a foster family agency that provides treatment services has occurred or is being considered, the mental health representative is required to be a licensed mental health professional. Any party to the child's case who is represented by an attorney may consult with their attorney regarding this process. The child or youth and their family may request specific persons to be included on the child and family team. Nothing shall preclude another agency serving the child or youth from convening a team in collaboration with the placing agency.

(5) "Child and family team meeting" means a convening of all or some members of the child and family team. A child and family team meeting may be requested by any member of the child and family team.

(A) Upon the scheduling of a child and family team meeting, a notification shall be provided to the child or youth, their parent or guardian, and the caregiver.

(B) The occurrence of the child and family team meeting shall be documented in the court report that is prepared pursuant to Section 358.1 or 366.1.

(C)

(i) The child's court-appointed educational rights holder, if someone other than the parent, guardian, or caregiver, shall be invited to the child and family team meeting if either of the following applies:

(I) The child and family team will develop and implement a placement preservation strategy pursuant to Section 16010.7.

(II) The child and family team will discuss a placement change.

(ii) The child and family team shall discuss if remaining in the school of origin is in the child's best interest.

(iii) Pursuant to, and in accordance with, [Section 48853.5 of the Education Code](#), if the child's educational rights holder determines that remaining in, or returning to, the child's school of origin is in the child's best interest, the child and family team, in consultation with the foster care educational liaison, shall determine an appropriate transportation plan for the child to attend their school of origin and any available extracurricular activities.

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

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

(8) As used in this chapter, “emergency shelter care” means emergency shelter provided to children who have been removed pursuant to Section 300 from their parent or parents or their guardian or guardians. The department may establish, by regulation, the time periods for which emergency shelter care shall be funded. For the purposes of this paragraph, “emergency shelter care” may include “transitional shelter care facilities” as defined in paragraph (11) of [subdivision \(a\) of Section 1502 of the Health and Safety Code](#).

(9) As used in this chapter, “specialized permanency services” means services to assist a child or nonminor dependent whose case plan is for permanent placement or supportive transition to adulthood in achieving a permanent family through reunification, adoption, legal guardianship, or other lifelong connection to caring adults, including at least one adult who will provide a permanent, parent-like relationship for the child or nonminor dependent. Specialized permanency services are designed for and with the child to address the child’s history of trauma, separation, and loss. “Specialized permanency services” may include all of the following:

(A) Medically necessary mental health services, if the medical necessity criteria for Medi-Cal specialty mental health services, as described in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations, is met, as needed to ameliorate impairments in significant areas of life functioning that may reduce the likelihood of the child or nonminor dependent achieving a permanent family, and may include other services designed to address the child’s or nonminor dependent’s history of trauma, grief, loss, stigma, and rejection that reduce the likelihood of the child or nonminor dependent achieving a permanent family.

(B) Permanency support core services, as appropriate to achieve, stabilize, and sustain the child or nonminor dependent in a permanent family.

(C) Services designed to prepare the identified permanent family to meet the child’s or nonminor dependent’s needs, set appropriate expectations before and after permanency is achieved, and stabilize the placement.

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

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

(d) This chapter shall not be construed to affect duties that are delegated to probation officers pursuant to Sections 601 and 654.

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

(f) As used in this chapter, emergency response services consist of a response system providing in-person response, 24 hours a day, seven days a week, to reports of abuse, neglect, or exploitation, as required by Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of investigation pursuant to [Section 11166 of the Penal Code](#) and to determine the necessity for providing initial intake services and crisis intervention to maintain the child safely in their own home or to protect the safety of

the child. County welfare departments shall respond to any report of imminent danger to a child immediately and all other reports within 10 calendar days. An in-person response is not required when the county welfare department, based upon an evaluation of risk, determines that an in-person response is not appropriate. This evaluation includes collateral contacts, a review of previous referrals, and other relevant information, as indicated.

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

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

**(i)**

**(1)** As used in this chapter, permanent placement services are activities designed to provide an alternate permanent family structure for children who, because of abuse, neglect, or exploitation, cannot safely remain at home and who are unlikely to ever return home. These services shall be provided on behalf of children for whom there has been a judicial determination of a permanent plan for adoption, legal guardianship, placement with a fit and willing relative, or continued foster care placement, and, as needed, shall include supportive transition services to nonminor dependents, as described in subdivision (v) of Section 11400.

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

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

**(k)**

**(1)**

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

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

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

(D) An exemption shall not be granted pursuant to subparagraph (C) if the person has been convicted of a sex offense against a minor, or has been convicted of an offense specified in [Section 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code](#), or in paragraph (1) of Section 273a of, or subdivision (a) or (b) of [Section 368 of, the Penal Code](#), or has been convicted of an offense specified in [subdivision \(c\) of Section 667.5 of the Penal Code](#). The county welfare director shall suspend such a person from any duties involving frequent and routine contact with children.

(E) Notwithstanding subparagraph (D), the county welfare director may grant an exemption if the employee or prospective employee, who was convicted of a crime against an individual specified in paragraph (1) or (7) of [subdivision \(c\) of Section 667.5 of the Penal Code](#), has been rehabilitated as provided in [Section 4852.03 of the Penal Code](#) and has maintained the conduct required in [Section 4852.05 of the Penal Code](#) for at least 10 years and has the recommendation of the district attorney representing the employee's or prospective employee's county of residence, or if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the county welfare director may give the employee or prospective employee an opportunity to explain the conviction and shall consider that explanation in the evaluation of the criminal conviction record.

(F) If criminal record information has not been recorded, the county welfare director shall cause a statement of that fact to be included in that person's personnel file.

(2) For purposes of this subdivision, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that the county welfare director is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to [Sections 1203.4 and 1203.4a of the Penal Code](#) permitting the person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this subdivision, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

(D)

(1) Consistent with [Section 675a\(c\)\(1\)\(D\) of Title 42 of the United States Code](#), "qualified individual" means a trained professional or licensed clinician responsible for conducting the determination described in subdivision (g) of Section 4096 and determining the most effective and appropriate placement for a child. In the case of an Indian child, as defined in Section 224.1, a person may be designated by the child's tribe as the qualified individual pursuant to this subdivision and as defined in subdivision (c) of Section 224.6. In the absence of that designation, the qualified individual shall have specialized knowledge of, training about, or experience with, tribes and the federal Indian Child Welfare Act of 1978 ([25 U.S.C. Sec. 1901 et seq.](#)).

(2) Except as provided in paragraph (3), the qualified individual shall not be an employee of the IV-E agency and shall not be connected to, or affiliated with, any placement setting in which the IV-E agency places children.

(3)

(A) The department shall seek approval from the Secretary of the United States Department of Health and Human Services for authorization to permit employees of the IV-E agency or an individual connected to, or affiliated with, a placement setting to serve as the qualified individual who conducts the assessment described in subdivision (g) of Section 4096. A request for approval shall describe the process through which the department may certify that an employee of a Title IV-E agency, or individual connected to or affiliated with a placement setting, and designated as a qualified individual will maintain objectivity in conducting the assessment and determination of the most effective and appropriate placement for a child or nonminor dependent.

(B) Any process developed pursuant to subparagraph (A) shall be developed jointly with the State Department of Health Care Services and in consultation with the State Department of Developmental Services, the State Department of Education, county child welfare, probation, and behavioral health agencies, and other interested stakeholders.

(C) If approval is granted, the department and the State Department of Health Care services shall issue joint instructions to counties regarding the process for the department to approve a joint request and plan submitted to the department by a county placing agency and behavioral health plan to permit an individual who is an employee of a Title IV-E agency or connected to, or affiliated with, a IV-E placement setting to serve as a qualified individual.

(4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this subdivision by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

#### **Leg.H.**

Added Stats 1968 ch 69 § 1. Amended Stats 1975 ch 403 § 1; Stats 1982 ch 978 § 35, effective September 13, 1982, operative July 1, 1982; Stats 1987 ch 1353 § 4, operative February 1, 1988; Stats 1990 ch 1139 § 3 (SB 2039), effective September 21, 1990; Stats 1991 ch 1203 § 10 (SB 1125); Stats 1992 ch 717 § 4 (AB 2365); Stats 1994 ch 950 § 6 (AB 1334); Stats 1995 ch 284 § 1 (AB 247); Stats 1996 ch 1083 § 9 (AB 1524); Stats 2010 ch 559 § 61 (AB 12), effective January 1, 2011; Stats 2012 ch 846 § 52 (AB 1712), effective January 1, 2013; Stats 2015 ch 425 § 27 (SB 794), effective January 1, 2016, ch 773 § 108.5 (AB 403), effective January 1, 2016; Stats 2016 ch 612 § 114 (AB 1997), effective January 1, 2017; Stats 2017 ch 714 § 4 (AB 1006), effective January 1, 2018; Stats 2018 ch 92 § 240 (SB 1289), effective January 1, 2019; Stats 2018 ch 151 § 1 (SB 925), effective January 1, 2019 (ch 151 prevails); Stats 2019 ch 780 § 4 (AB 1068), effective January 1, 2020; Stats 2021 ch 86 § 48 (AB 153), effective July 16, 2021.

## **§ 16501.1. Legislative Findings and Declarations on Case Plan; Placement Considerations; Time for Completion; Development of Plan; Individuals Important to Child; Monthly Caseworker Visit.**

### **(a)**

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

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

(3) The agency shall consider and document the recommendations of the child and family team, as defined in Section 16501, if any are available. The agency shall document the rationale for any inconsistencies between the case plan and the child and family team recommendations.

**(b)**

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

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

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

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

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

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

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

**(d)**

(1) The case plan shall include a description of the type of home or institution in which the child is to be placed, and the reasons for that placement decision. The decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive family setting that promotes normal childhood experiences and the most appropriate setting that meets the child's individual needs and is available, in proximity to the parent's home, in proximity to the child's school, and consistent with the selection of the environment best suited to meet the child's special needs and best interests. The selection shall consider, in order of priority, placement with relatives, nonrelative extended family members, and tribal members; foster family homes, resource families, and approved or certified homes of foster family agencies; followed by intensive services for foster care homes; or multidimensional treatment foster care homes or therapeutic foster care homes; group care placements in the order of short-term residential therapeutic programs, group homes, community treatment facilities, and out-of-state residential treatment pursuant to Part 5 (commencing with Section 7900) of Division 12 of the Family Code.

(2) If a short-term residential therapeutic program placement is selected for a child or nonminor dependent, the case plan shall indicate the needs, including the needs as identified by the qualified

individual pursuant to subdivision (g) of Section 4096, of the child or nonminor dependent that necessitate this placement, the plan for transitioning the child or nonminor dependent to a less restrictive environment, and the projected timeline by which the child or nonminor dependent will be transitioned to a less restrictive environment, and the plan for aftercare services for at least six months postdischarge to a family-based setting, as required by Section 4096.6. The six months postdischarge requirement is inapplicable to the Medi-Cal component of the aftercare services, which shall be provided for the length of time the child needs specialty mental health services based on medical necessity criteria and other state and federal requirements. This section of the case plan shall be reviewed and updated at least semiannually.

**(A)** The case plan for placements in a group home, or commencing January 1, 2017, in a short-term residential therapeutic program, shall indicate that the county has taken into consideration Section 16010.8.

**(B)**

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

**(ii)** Child and family teams shall be provided written or electronic information developed by the department describing services and activities, including specialized permanency services, shown to be effective in achieving and sustaining permanency for all children, youth, and nonminor dependents.

**(C)** On and after October 1, 2021, within 30 days of placement in a short-term residential therapeutic program, the case plan shall document all of the following:

**(i)** The reasonable and good faith effort by the social worker to identify and include all required individuals in the child and family team.

**(ii)** All contact information for members of the child and family team, as well as contact information for other relatives and nonrelative extended family members who are not part of the child and family team.

**(iii)** Evidence that meetings of the child and family team, including the meetings related to the determination required under Section 4096, are held at a time and place convenient for the family.

**(iv)** If reunification is the goal, evidence that the parent from whom the child was removed provided input on the members of the child and family team.

**(v)** Evidence that the determination required under subdivision (g) of Section 4096 was conducted in conjunction with the child and family team.

**(vi)** The placement preferences of the child or nonminor dependent and the child and family team relative to the determination and, if the placement preferences of the child or nonminor dependent or the child and family team are not the placement setting recommended by the qualified individual conducting the determination, the reasons why the preferences of the team or the child or nonminor dependent were not recommended.

**(D)** Following the court review pursuant to Section 361.22, the case plan shall document the court's approval or disapproval of the placement.

(E) When the child or nonminor dependent has been placed in a short-term residential therapeutic program for more than 12 consecutive months or 18 nonconsecutive months, or, in the case of a child who has not attained 13 years of age, for more than six consecutive or nonconsecutive months, the case plan shall include both of the following:

(i) Documentation of the information submitted to the court pursuant to subdivision (l) of Section 366.1, subdivision (k) of Section 366.3, or paragraph (4) of subdivision (b) of Section 366.31, as applicable.

(ii) Documentation that the deputy director or director of the county child welfare department has approved the continued placement of the child or nonminor dependent in the setting.

(F)

(i) On and after October 1, 2021, prior to discharge from a short-term residential therapeutic program, the case plan shall include a description of the type of in-home or institution-based services to encourage the safety, stability, and appropriateness of the next placement, including the recommendations of the child and family team, if available.

(ii) A plan, developed in collaboration with the short-term residential therapeutic program, for the provision of discharge planning and family-based aftercare support pursuant to Section 4096.6.

(3) On or after January 1, 2012, for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is receiving AFDC-FC benefits and who is up to 21 years of age pursuant to Section 11403, in addition to the above requirements, the selection of the placement, including a supervised independent living placement, as described in subdivision (w) of Section 11400, shall also be based upon the developmental needs of young adults by providing opportunities to have incremental responsibilities that prepare a nonminor dependent to transition to successful adulthood. If admission to, or continuation in, a group home or short-term residential therapeutic program placement is being considered for a nonminor dependent, the group home or short-term residential therapeutic program placement approval decision shall include a youth-driven, team-based case planning process, as defined by the department, in consultation with stakeholders. The case plan shall consider the full range of placement options, and shall specify why admission to, or continuation in, a group home or short-term residential therapeutic program placement is the best alternative available at the time to meet the special needs or well-being of the nonminor dependent, and how the placement will contribute to the nonminor dependent's transition to successful adulthood. The case plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive family setting that promotes normal childhood experiences, including a target date for discharge from the group home or short-term residential therapeutic program placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home or short-term residential therapeutic program placement remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to successful adulthood. The group home or short-term residential therapeutic program placement planning process shall begin as soon as it becomes clear to the county welfare department or probation office that a foster child in group home or short-term residential therapeutic program placement is likely to remain in group home or short-term residential therapeutic program placement on their 18th birthday, in order to expedite the transition to a less restrictive family setting that promotes normal childhood experiences, if the child becomes a nonminor dependent. The case planning process shall include informing the youth of all of the options, including, but not limited to, admission to or continuation in a group home or short-term residential therapeutic program placement.



(4) Consideration for continuation of existing group home placement for a nonminor dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains their 19th birthday, whichever is earlier, continuation in or admission to a group home placement is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care. Treatment services provided by the group home placement to the nonminor dependent to alleviate or ameliorate the medical condition, as described in paragraph (5) of subdivision (b) of Section 11403, shall not constitute the sole basis to disqualify a nonminor dependent from the group home placement.

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

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

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

(2) The extension of the maximum time available for preparing a written case plan from 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services/Case Management System (CWS/CMS) to account for the 60-day timeframe for preparing a written case plan.

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

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

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

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

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions

cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the placement agency contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or probation officer, or a social worker or probation officer on the staff of the agency in the state in which the child has been placed, shall visit the child in a foster family home or the home of a relative, consistent with federal law and in accordance with the department's approved state plan. If a child is placed in an out-of-state residential facility, as defined in paragraph (2) of [subdivision \(b\) of Section 7910 of the Family Code](#), pursuant to Section 361.21 or 727.1, visits shall be conducted at least monthly, pursuant to Section 16516.5. At least once every six months, at the time of a regularly scheduled placement agency contact with the foster child, and at each placement change, the child's social worker or probation officer shall inform the child, the care provider, and the child and family team, if applicable, of the child's rights as a foster child, as specified in Section 16001.9, and shall provide a written copy of the rights to the child as part of the explanation. The social worker or probation officer shall provide the information to the child in a manner appropriate to the age or developmental level of the child. The social worker or probation officer shall document in the case plan that they have informed the child of, and have provided the child with a written copy of, the child's rights.

(5)

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

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

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

(A) The death of an immediate relative.

(B) The birth of a sibling.

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

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

out-of-state residential facility placement is recommended or made, the case plan shall, in addition, specify compliance with Section 16010.9 of this code and [Section 7911.1 of the Family Code](#).

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

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

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

**(9)**

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

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

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

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

**(12)**

**(A)** Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In a voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan. Commencing January 1, 2012, for nonminor dependents, as defined in subdivision (v) of Section

11400, who are receiving AFDC-FC or CalWORKs assistance and who are up to 21 years of age pursuant to Section 11403, the transitional independent living case plan, as set forth in subdivision (y) of Section 11400, shall be developed with, and signed by, the nonminor.

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

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

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

**(15)**

**(A)** If the case plan has as its goal for the child a permanent plan of adoption, legal guardianship, or another planned permanent living arrangement, it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, or a legal guardian, and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. Regardless of whether the child has been freed for adoption, documentation shall include a description of any barriers to achieving legal permanence and the steps the agency will take to address those barriers. If a child has been in care for three years or more, the documentation shall include a description of the specialized permanency services used or, if specialized permanency services have not been used, a statement explaining why the agency chose not to provide these services. If the plan is for kinship guardianship, the case plan shall document how the child meets the kinship guardianship eligibility requirements.

**(B)** Specific elements of specialized permanency services may be included in the case plan as needed to meet the permanency needs of the individual child or nonminor dependent.

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

**(16)**

**(A)**

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

(ii) When appropriate, for a child who is 16 years of age or older and, commencing January 1, 2012, for a nonminor dependent, the case plan shall include the transitional independent living plan (TILP), a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood, and, in addition, whether the youth has an in-progress application pending for Title XVI Supplemental Security Income benefits or for special immigrant juvenile status or other applicable application for legal residency and an active dependency case is required for that application. When appropriate, for a nonminor dependent, the transitional independent living case plan, as described in subdivision (y) of Section 11400, shall include the TILP, a written description of the programs and services that will help the nonminor dependent, consistent with their best interests, to prepare for transition from foster care and assist the youth in meeting the eligibility criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403. If applicable, the case plan shall describe the individualized supervision provided in the supervised independent living placement as defined in subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

**(B)** During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec. 675(8)(B)(iii)), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 of the federal Social Security Act (42 U.S.C. Sec. 677), a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care, and information regarding the advance health care directive form. Information provided regarding health insurance options shall include verification that the eligible youth or nonminor dependent is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the youth's social worker or probation officer to ensure that the eligible youth or nonminor dependent is transitioned into the Medi-Cal program for former foster youth upon case closure with no interruption in coverage and with no new application being required, as provided in Section 14005.28.

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

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

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

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

**(B)** A signed acknowledgment by the youth that they have been provided a copy of the document and that the rights described in the document have been explained to the youth in an age-appropriate manner.

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

**(20)** For a youth in foster care 10 years of age or older who is in junior high, middle, or high school, or a nonminor dependent enrolled in high school, the case plan shall be reviewed annually, and updated as needed, to indicate that the case management worker has verified that the youth or nonminor dependent received comprehensive sexual health education that meets the requirements established in Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code, through the school system. The case plan shall document either of the following:

**(A)** For a youth in junior high or middle school, either that the youth has already received this instruction during junior high or middle school, or how the county will ensure that the youth receives the instruction at least once before completing junior high or middle school if the youth remains under the jurisdiction of the dependency court during this timeframe.

**(B)** For a youth or nonminor dependent in high school, either that the youth or nonminor dependent already received this instruction during high school, or how the county will ensure that the youth or nonminor dependent receives the instruction at least once before completing high school if the youth or nonminor dependent remains under the jurisdiction of the dependency court during this timeframe.

**(21)**

**(A)** For a youth in foster care 10 years of age or older or a nonminor dependent, the case plan shall be updated annually to indicate that the case management worker has done all of the following:

**(i)** Informed the youth or nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

**(ii)** Informed the youth or nonminor dependent, in an age- and developmentally appropriate manner, of their right to consent to sexual and reproductive health services and their confidentiality rights regarding those services.



(iii) Informed the youth or nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

(B) This paragraph shall not be construed to affect any applicable confidentiality law.

(22) For a child who is 16 years of age or older and for a nonminor dependent, the case plan shall identify the person or persons, who may include the child's high school counselor, Court-Appointed Special Advocate, guardian, or other adult, who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, unless the child or nonminor dependent states that they do not want to pursue postsecondary education, including career or technical education. If, at any point in the future, the child or nonminor dependent expresses that they wish to pursue postsecondary education, the case plan shall be updated to identify an adult individual responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid.

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

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

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

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

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

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

**Leg.H.**

Added Stats 1991 ch 1203 § 12 (SB 1125). Amended Stats 1992 ch 665 § 1 (AB 3332); Stats 1993 ch 1006 § 4 (AB 776), effective October 9, 1993; Stats 1994 ch 663 § 5 (SB 17), ch 1269 § 65.6 (AB 2208); Stats 1995 ch 540 § 12 (AB 1523); Stats 1997 ch 793 § 31 (AB 1544); Stats 1998 ch 311 § 67 (SB 933), effective August 19, 1998, ch 1056 § 28 (AB 2773), ch 1072 § 4.7 (AB 2196); Stats 1999 ch 83 § 208 (SB 966), ch 887 § 10 (SB 1270) (ch 887 prevails); Stats 2000 ch 909 § 10 (AB 1987); Stats 2001 ch 111 § 49 (AB 429), effective July 30, 2001, ch 683 § 5 (AB 899); Stats 2003 ch 812 § 8 (SB 591), ch 813 § 13 (AB 408), ch 862 § 16.5 (AB 490); Stats 2004 ch 332 § 4 (AB 2795), ch 810 § 10.5 (AB 2807); Stats 2005 ch 640 § 11 (AB 1412), effective January 1, 2006; Stats 2007 ch 583 § 30 (SB 703), effective January 1, 2008; Stats 2008 ch 701 § 13 (AB 2651), effective September 30, 2008; Stats 2009–2010 4th Ex Sess ch 4 § 37 (ABX4 4), effective July 28, 2009; Stats 2009 ch 338 § 1 (SB 118), effective January 1, 2010, ch 339 § 11.5 (SB 597), effective January 1, 2010; Stats 2010 ch 557 § 5 (SB 1353), ch 559 § 62 (AB 12), ch 631 § 3.3 (SB 945); Stats 2011 ch 459 § 41 (AB 212), effective October 4, 2011; Stats 2012 ch 35 § 126 (SB 1013), effective June 27, 2012, ch 845 § 18 (SB 1064), effective January 1, 2013, ch 846 § 53 (AB 1712), effective January 1, 2013, ch 847 § 4.3 (SB 1521), effective January 1, 2013; Stats 2013 ch 487 § 9 (AB 787), effective January 1, 2014; Stats 2015 ch 425 § 28 (SB 794), effective January 1, 2016, ch 773 § 109.5 (AB 403), effective January 1, 2016; Stats 2016 ch 86 § 324 (SB 1171), effective January 1, 2017; Stats 2016 ch 609 § 2 (AB 1849), effective January 1, 2017; Stats 2016 ch 612 § 115 (AB 1997), effective January 1, 2017; Stats 2016 ch 851 § 2.3 (AB 1067), effective January 1, 2017 (ch 851 prevails); Stats 2017 ch 24 § 49 (SB 89), effective June 27, 2017; Stats 2017 ch 714 § 5 (AB 1006), effective January 1, 2018; Stats 2017 ch 722 § 5 (SB 12), effective January 1, 2018; Stats 2017 ch 732 § 98.3 (AB 404), effective January 1, 2018 (ch 732 prevails); Stats 2019 ch 780 § 5 (AB 1068), effective January 1, 2020; Stats 2021 ch 86 § 49 (AB 153), effective July 16, 2021.

## § 16501.15. Meaning of “Safe” Home or Setting.

As used in subdivisions (b) and (c) of Section 16501.1, a home or setting that is “safe” means that the home or setting is free from abuse or neglect, as described in [Section 11165.5 of the Penal Code](#).

### Leg.H.

2003 ch. 847 (AB 1151).

## § 16501.16. Information to Be Included in Case Plan.

In addition to the assurances required to be included in a case plan pursuant to paragraph (8) of subdivision (g) of Section 16501.1, a case plan shall include all of the following:

### (a)

(1) The health and education summary as required under Section 16010, including the name and contact information of the person or persons currently holding the right to make educational decisions for the child.

(2) In instances where it is determined that disclosure pursuant to paragraph (1) of the contact information of the person or persons currently holding the right to make educational decisions for the child poses a threat to the health and safety of that individual or those individuals, that contact information shall be redacted or withheld from the evaluation.

(b) The same factual discussion regarding educational decisions required in the study under subdivision (e) of Section 358.1.

(c) An assurance that the placement agency provided the health and education summary to the current caregiver, explained to the caregiver his or her rights and responsibilities under [Sections 49069.3 and 56055 of the Education Code](#) and Section 16010 of this code, and assisted any caregiver in obtaining the information needed for the health and education summary to comply with Section 16010.

### Leg.H.

Added Stats 2017 ch 829 § 11 (SB 233), effective January 1, 2018.



## **§ 16501.2. Legislative Findings and Declarations; Best Practices Guidelines; Pilot Project—Conditions; Assessment; Collaboration; Recommendations.**

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

(1) Safety, stability, and the permanence of families in the child welfare system are of paramount importance.

(2) Ongoing assessments that build on the strength of the child and family unit, and that identify desired outcomes, are critical in the development of appropriate case plans for children.

(3) If it is necessary to place a child in out-of-home care, the use of a formal child and family assessment can enhance the appropriateness of placement and the identification and delivery of services necessary to meet the child's needs and strengths, consistent with case plan goals.

(b) On or before December 31, 1998, the department shall issue to all county placing agencies and the courts, current best practice guidelines for the assessment of a child and the child's family unit. The guidelines shall include recommended methods for gathering certain background information on the child and the child's family unit, identifying appropriate services for the case plan, and methods of monitoring and reassessing the case plan to best meet case plan goals. For children placed in group homes or foster family agencies, the guidelines shall include methods for identifying appropriate placement options, and monitoring the services provided by the group home or foster family agency to best address the strengths and needs of the child and the child's family unit.

(c)

(1) The department shall conduct a pilot project to test the effectiveness of utilizing best practice standards for the assessment of children and families receiving child welfare and foster care services, for the purpose of identifying the strengths and needs of the family and the child, developing and monitoring appropriate case plans, and determining appropriate services.

(2) The pilot project shall meet all of the following conditions:

(A) On or before July 1, 1999, the department shall solicit participation in the pilot project by counties, and, to the extent possible, provide for broad geographical representation. On or before September 1, 1999, the department shall select pilot counties and begin operation of the pilot project.

(B) The pilot project shall use an assessment protocol or process developed by the department in collaboration with county agencies and other stakeholders.

(C) The pilot project shall be evaluated independently to judge the effectiveness of the assessment protocol or instrument, including whether the assessment provides adequate background data on the child and the child's family unit, improves achievement of case plan goals, is judged useful to the counties and service providers, and can be applied with ease.

(D) For children placed in group homes or foster family agencies, the assessment protocol or process developed pursuant to subparagraph (B) shall identify the strengths and needs of the child to be met by the placement program and methods for monitoring the delivery of services by the placement agencies.

(E) The assessment shall be sensitive to the ethnic and linguistic background of the children and families being assessed, and shall include, but not be limited to, the child's age, previous placement history, specific indicators, including living situation, social situation, medical situation, educational situation, vocational situation, emotional situation, behavioral situation, and legal, cultural, and religious history, and areas and activities of interest.

(d) In collaboration with county agencies and other stakeholders, and based on the results of the pilot project described in this section, the department shall develop a formal assessment process for children receiving foster care and child welfare services. On or before May 1, 2001, the department shall inform the Legislature on the status of the pilot project described in this section, and the proposed assessment protocol or process with recommendations for its implementation, including incorporation of the assessment process into the child welfare services case management system.

(e) Upon satisfactory completion of the pilot project described in this section, and development of a formal assessment instrument or process, the department, in collaboration with representatives of county placing agencies, training academies, and the California Social Work Education Center, shall integrate training and technical assistance on the family assessment guidelines into the curriculum of the regional training academies.

**Leg.H.**

1998 ch. 311, effective August 19, 1998.

## **§ 16501.25. Development of Shared Responsibility Plan for Custodial Teen Parent.**

(a) For the purposes of this section, "teen parent" means a child who has been adjudged to be a dependent child or ward of the court on the grounds that he or she is a person described under Section 300 or 602, or a ward of a nonrelated legal guardian whose guardianship was established pursuant to Section 360 or 366.26, living in out-of-home placement in a whole family foster home, as defined in subdivision (u) of Section 11400, who is a parent. Commencing January 1, 2012, "teen parent" also means a nonminor dependent, as defined in subdivision (v) of Section 11400, who is living in a whole family foster home, as defined in subdivision (t) of Section 11400, and is eligible for AFDC-FC or Kin-GAP payments pursuant to Section 11403.

**(b)**

(1) When the child of a teen parent is not subject to the jurisdiction of the dependency court but is in the full or partial physical custody of the teen parent, a written shared responsibility plan shall be developed. The plan shall be developed between the teen parent, caregiver, and a representative of the county child welfare agency or probation department, and in the case of a certified family home or resource family of a foster family agency, a representative of the agency providing direct and immediate supervision to the caregiver. Additional input may be provided by any individuals identified by the teen parent, the other parent of the child, if appropriate, and other extended family members. The plan shall be developed as soon as is practicably possible. However, if one or more of the above stakeholders are not available to participate in the creation of the plan within the first 30 days of the teen parent's placement, the teen parent and caregiver may enter into a plan for the purposes of fulfilling the requirements of subparagraph (A) of paragraph (3) of subdivision (d) of Section 11465, which may be modified at a later time when the other individuals become available.

(2) The plan shall be designed to preserve and strengthen the teen parent family unit, as described in Section 16002.5, to assist the teen parent in meeting the goals outlined in Section 16002.5, to facilitate a supportive home environment for the teen parent and the child, and to ultimately enable the teen parent to

independently provide a safe, stable, and permanent home for the child. The plan shall in no way limit the teen parent's legal right to make decisions regarding the care, custody, and control of the child.

(3) The plan shall be written for the express purpose of aiding the teen parent and the caregiver to reach agreements aimed at reducing conflict and misunderstandings. The plan shall outline, with as much specificity as is practicable, the duties, rights, and responsibilities of both the teen parent and the caregiver with regard to the child, and identify supportive services to be offered to the teen parent by the caregiver or, in the case of a certified family home or resource family of a foster family agency, the agency providing direct and immediate supervision to the caregiver, or both. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the teen parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the teen parent's case plan. Areas to be addressed by the plan include, but are not limited to, all of the following:

(A) Feeding.

(B) Clothing.

(C) Hygiene.

(D) Purchase of necessary items, including, but not limited to, safety items, food, clothing, and developmentally appropriate toys and books. This includes both one-time purchases and items needed on an ongoing basis.

(E) Health care.

(F) Transportation to health care appointments, child care, and school, as appropriate.

(G) Provision of child care and babysitting.

(H) Discipline.

(I) Sleeping arrangements.

(J) Visits among the child, his or her noncustodial parent, and other appropriate family members, including the responsibilities of the teen parent, the caregiver, and the foster family agency, as appropriate, for facilitating the visitation. The shared responsibility plan shall not conflict with the teen parent's case plan and any visitation orders made by the court.

(c) Upon completion of the shared responsibility plan and any subsequent updates to the plan, a copy shall be provided to the teen parent and his or her attorney, the caregiver, the county child welfare agency or probation department, and, in the case of a certified family home or resource family of a foster family agency, the agency providing direct and immediate supervision to the caregiver.

(d) The shared responsibility plan requirements shall no longer apply when the two hundred-dollar (\$200) monthly payment is made under the Kin-GAP program pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 to a former whole family foster home pursuant to subdivision (a) of Section 11465.

#### **Leg.H.**

Added Stats 2005 ch 630 § 7 (SB 500), effective January 1, 2006; Amended Stats 2007 ch 475 § 4 (SB 720), effective January 1, 2008; Stats 2010 ch 559 § 63 (AB 12), effective January 1, 2011; Stats 2014 ch 770 § 2 (AB 2668), effective January 1, 2015; Amended Stats 2017 ch 732 § 99 (AB 404), effective January 1, 2018.

## **§ 16501.26. Written Parenting Support Plan For Child Living With Nonminor Dependent Parent.**

(a) For the purposes of this section, “nonminor dependent parent” means a nonminor dependent as described in subdivision (v) of Section 11400, residing in a supervised independent living placement as defined in subdivision (w) of Section 11400, who is a parent.

(b) When the child of a nonminor dependent parent is not subject to the jurisdiction of the dependency court, but is in the full or partial custody of the nonminor dependent, a written parenting support plan may be developed between the nonminor dependent parent and an identified responsible adult who has agreed to act as a parenting mentor to the nonminor dependent parent. The plan, if developed, shall be developed between the nonminor dependent parent, the identified responsible adult, and a representative of the county child welfare agency or probation department. Additional input may be provided by any individuals identified by the nonminor dependent parent, the other parent of the child, if appropriate, and other extended family members. The plan shall be developed as soon as is practicably possible. However, if one or more of the above stakeholders are not available to participate in the creation of the plan within the first 30 days of the nonminor dependent parent’s request to enter into the plan, the nonminor dependent parent and the identified responsible adult may enter into a plan for the purposes of fulfilling the requirements of subparagraph (B) of paragraph (3) of subdivision (d) of Section 11465, which may be modified at a later time when the other individuals become available.

(1) The plan shall be designed to preserve and strengthen the nonminor dependent parent family unit, as described in Section 16002.5, to assist the nonminor dependent parent in meeting the goals outlined in Section 16002.5, to assist the nonminor dependent parent in maintaining a safe, stable, and permanent home for the child, and to support the nonminor dependent parent’s educational and employment goals. The plan shall in no way limit the nonminor dependent parent’s legal right to make decisions regarding the care, custody, and control of the child.

(2) The plan shall be written for the express purpose of identifying additional support and assisting the nonminor dependent parent in providing the best care plan for his or her child. The plan shall outline, with as much specificity as is practicable, the ways in which the identified responsible adult will assist the nonminor dependent parent with regard to the child, and identify supportive services to be offered to the nonminor dependent parent by the identified responsible adult. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the nonminor dependent parent’s changing school, employment, or other outside responsibilities. The plan shall not conflict with the nonminor dependent parent’s transitional independent living case plan or any visitation orders made by the court. Areas to be addressed by the plan may include, but are not limited to, all of the following:

(A) Transportation to health care appointments, child care, and school, as appropriate.

(B) Providing child care and babysitting.

(c) Upon completion of the parenting support plan and any subsequent updates to the plan, a copy shall be provided to the nonminor dependent parent and his or her attorney, the identified responsible adult, and the county child welfare agency or probation department.

(d) This section shall become operative on July 1, 2015.

### **Leg.H.**

Added Stats 2014 ch 770 § 3 (AB 2668), effective January 1, 2015, operative July 1, 2015.

## **§ 16501.27. Requirements To Become Identified Responsible Adult To Nonminor Dependent Parent.**

(a) For purposes of Section 16501.26, a person who wishes to become an identified responsible adult to a nonminor dependent parent shall comply with all of the following requirements:

- (1) Meet the minimum criteria established pursuant to Section 16501.28.
- (2) Be at least 21 years of age.
- (3) Undergo a criminal records check in accordance with [Section 1522 of the Health and Safety Code](#).
- (4) Undergo a Child Abuse Central Index check pursuant to [Section 11170 of the Penal Code](#).

(b) An identification card from a foreign consulate or foreign passport shall be considered a valid form of identification for purposes of conducting a criminal records check and fingerprint clearance check pursuant to subdivision (a).

(c) This section shall become operative on July 1, 2015.

### **Leg.H.**

Added Stats 2014 ch 770 § 4 (AB 2668), effective January 1, 2015, operative July 1, 2015.

## **§ 16501.28. Development Of All-County Letter Specifying Criteria To Serve As Identified Responsible Adult To Nonminor Dependent Parent.**

Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department shall convene a working group no later than February 1, 2015, that includes representatives of the County Welfare Directors Association and child welfare advocates to develop an all-county letter that specifies the minimum criteria a person must meet in order to serve as an identified responsible adult to a nonminor dependent parent. The working group shall issue the letter to all counties by June 30, 2015.

### **Leg.H.**

Added Stats 2014 ch 770 § 5 (AB 2668), effective January 1, 2015.

## **§ 16501.3. Public Health Nursing Program; Funding and Expenditures for Programs and Activities.**

(a) The State Department of Social Services shall establish and maintain a program of public health nursing in the child welfare services program that meets the federal requirements for the provision of health care to minor and nonminor dependents in foster care consistent with [Section 30026.5 of the Government Code](#). The purpose of the public health nursing program shall be to promote and enhance the physical, mental, dental, and developmental well-being of children in the child welfare system.

(b) Under this program, counties shall use the services of a foster care public health nurse. The foster care public health nurse shall work with the appropriate child welfare services workers to coordinate health care services and serve as a liaison with health care professionals and other providers of health-related services. This

shall include coordination with county mental health plans and local health jurisdictions, as appropriate. In order to fulfill these duties, the foster care public health nurse shall have access to the child's medical, dental, and mental health care information, in a manner that is consistent with all relevant privacy requirements.

(c) The duties of a foster care public health nurse shall include, but need not be limited to, the following:

(1) Documenting that each child in foster care receives initial and followup health screenings that meet reasonable standards of medical practice.

(2) Collecting health information and other relevant data on each foster child as available, receiving all collected information to determine appropriate referral and services, and expediting referrals to providers in the community for early intervention services, specialty services, dental care, mental health services, and other health-related services necessary for the child.

(3) Participating in medical care planning and coordinating for the child. This may include, but is not limited to, assisting case workers in arranging for comprehensive health and mental health assessments, interpreting the results of health assessments or evaluations for the purpose of case planning and coordination, facilitating the acquisition of any necessary court authorizations for procedures or medications, monitoring and oversight of psychotropic medications, advocating for the health care needs of the child, and ensuring the creation of linkage among various providers of care.

(4) Providing followup contact to assess the child's progress in meeting treatment goals.

(5) At the request of and under the direction of a nonminor dependent, as described in subdivision (v) of Section 11400, assisting the nonminor dependent in accessing physical health and mental health care, coordinating the delivery of health and mental health care services, advocating for the health and mental health care that meets the needs of the nonminor dependent, assisting the nonminor dependent to make informed decisions about his or her health care by, at a minimum, providing educational materials, and assisting the nonminor dependent to assume responsibility for his or her ongoing physical and mental health care management.

(d) The services provided by foster care public health nurses under this section shall be limited to those for which reimbursement may be claimed under Title XIX of the federal Social Security Act at an enhanced rate for services delivered by skilled professional medical personnel. Notwithstanding any other law, this section shall be implemented only if, and to the extent that, the department determines that federal financial participation, as provided under Title XIX of the federal Social Security Act ([42 U.S.C. Sec. 1396 et seq.](#)), is available.

(e)

(1) The State Department of Health Care Services shall seek any necessary federal approvals for child welfare agencies to appropriately claim enhanced federal Title XIX funds for services provided pursuant to this section.

(2) Commencing in the fiscal year immediately following the fiscal year in which the necessary federal approval pursuant to paragraph (1) is secured, county child welfare agencies shall provide health care oversight and coordination services pursuant to this section, and may accomplish this through agreements with local public health agencies.

(f)

(1) Notwithstanding Section 10101, prior to the 2011–12 fiscal year, there shall be no required county match of the nonfederal cost of this program.

(2) Commencing in the 2011–12 fiscal year, and each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in **Sections 30025 and 30026.5 of the Government Code.**

(g) Public health nurses shall receive training developed pursuant to subdivision (d) of Section 16501.4.

**Leg.H.**

Added Stats 1999 ch 147 § 38 (AB 1111), effective July 22, 1999. Amended Stats 2009–2010 4th Ex Sess ch 4 § 38 (ABX4 4), effective July 28, 2009; Stats 2012 ch 35 § 127 (SB 1013), effective June 27, 2012, ch 846 § 54 (AB 1712), effective January 1, 2013; Stats 2014 ch 772 § 19 (SB 1460), effective January 1, 2015; Stats 2015 ch 534 § 9 (SB 238), effective January 1, 2016, ch 535 § 3.5 (SB 319), effective January 1, 2016.

## **§ 16501.5. Child Welfare Services Case Management System; Establishment; Intent.**

(a) In order to protect children and effectively administer and evaluate California's Child Welfare Services and Foster Care programs, the department shall implement a single statewide Child Welfare Services Case Management System no later than July 1, 1993.

(b) It is the intent of the Legislature in developing and implementing a statewide Child Welfare Services Case Management System to minimize the administrative and systems barriers which inhibit the effective provision of services to children and families by applying current technology to the systems which support the provision and management of child welfare services. Therefore, it is the intent of the Legislature that the Child Welfare Services Case Management System achieve all of the following:

(1) Provide child welfare services workers with immediate access to child and family specific information in order to make appropriate and expeditious case decisions.

(2) Provide child welfare services workers with the case management information needed to effectively and efficiently manage their caseloads and take appropriate and timely case management actions.

(3) Provide state and county child welfare services management with the information needed to monitor and evaluate the accomplishment of child welfare services tasks and goals.

(4) Provide all child welfare services agencies with a common data base and definition of information from which to evaluate the child welfare services programs in terms of the following:

(A) Effectiveness in meeting statutory and regulatory mandates, goals, and objectives of the programs.

(B) Effectiveness in meeting the needs of the families and children serviced by the program.

(C) Projecting and planning for the future needs of the families and children served by the program.

(5) Meeting federal statistical reporting requirements with a minimum of duplication of effort.

(6) Consolidate the collection and reporting of information for those programs which are closely related to child welfare services, including foster care and emergency assistance.

(7) Utilize the child welfare services functionality defined in current and planned automated systems as the foundation for the development of the technical requirements for the Child Welfare Services Case



## Management System.

(c) It is the intent of the Legislature that the Child Welfare Services Case Management System shall provide the required comprehensive and detailed individual county data needed by the department to implement and monitor the performance standards system.

### **Leg.H.**

Added Stats 1989 ch 1294 § 20. Amended Stats 1991 ch 91 § 33 (AB 948), effective June 30, 1991; Stats 2012 ch 35 § 128 (SB 1013), effective June 27, 2012.

## **§ 16501.6. Enhancement of Child Welfare Services Case Management System; Study of Collection Method for Certain Data.**

(a) It is the intent of the Legislature for the State Department of Social Services to enhance the Child Welfare Services Case Management System to include information concerning the level of care required, educational accomplishments, and health history of children placed in foster care. If appropriate, this enhancement could be made after the system is operational statewide as required in Section 16501.5.

(b) The department shall conduct a study to examine the most efficient methods of collecting and maintaining all of the following data for each child in foster care:

(1) The names and addresses of the child's health and educational providers.

(2) The child's grade level performance.

(3) The child's school record.

(4) Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.

(5) A record of the child's immunizations.

(6) The child's known medical problems.

(7) The child's medications.

(8) Any other relevant level of care, health, and education information concerning the child as determined appropriate by the department.

(c) In conducting its study, the department shall, as required, examine county health passport systems for possible replication on a statewide basis and consult with other state departments, county associations, and provider groups.

(d) By February 15, 1992, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature on the results of its study. The department shall include the following in its report:

(1) Recommendations for coordinating data collection among local child health and disability prevention programs, other health care providers, county welfare departments, schools, and other agencies providing services for foster children.

(2) Recommendations for the interfacing with any alternative system recommended pursuant to paragraph (1) with the mental health assessment required by Section 5407, and with other requirements of law.



(e) The report required by subdivision (d) shall address the feasibility, timeframe, and estimated costs of doing either of the following:

(1) Incorporating the data specified in subdivision (b) in the Child Welfare Services Case Management System.

(2) Implementing an alternative system that is more appropriate for the collection and maintenance of the data specified in subdivision (b).

**Leg.H.**

1990 ch. 1378 § 1, 2004 chs. 183 (AB 3082), 193 (SB 111) (ch. 183 prevails; ch. 193 not effective).

## **§ 16501.7. Provision for a Child Welfare Services/Case Management System Performance Commitments Plan.**

(a) On or before December 1, 2005, the State Department of Social Services shall develop, and provide to the Chairperson of the Joint Legislative Budget Committee, a Child Welfare Services/Case Management System system performance commitments plan. The plan shall be developed in conjunction with the Office of System Integration, the Office of Technology Services, and the County Welfare Directors Association.

(b)

(1) The plan developed as required by subdivision (a) shall include, but not be limited to, performance standards for system availability, application transaction time, batch processing windows, data downloads, a process for the identification, tracking, and response of repair service requests, data backup and recovery, help desk responsiveness, and a process for security incidents.

(2) The plan may include print time.

(3) The plan shall describe all of the following:

(A) The mechanism for tracking system performance.

(B) Corrective action protocols.

(C) The steps that will be taken should performance fall below standards for a specified period of time.

(c) It is the intent of the Legislature that the plan developed pursuant to this section shall do all of the following:

(1) Appropriately assign responsibility for ensuring service levels to the entity accountable.

(2) Prioritize implementation of components of the plan.

(3) Address implementation feasibility of the plan's components, including any issues regarding plan implementation that need to be addressed.

**Leg.H.**

Added Stats 2005 ch 78 § 36 (SB 68), effective July 19, 2005. Amended by the Governor's Reorganization Plan No. 1 § 70, effective May 10, 2009; Stats 2010 ch 404 § 78 (AB 2408), effective January 1, 2011.

## **§ 16501.8. Collection of Data Regarding Incarcerated Parents.**

(a) Social workers shall make reasonable efforts to collect and update necessary data regarding a child's incarcerated parent or parents.

(b) The Legislature encourages the Department of Justice, the Department of Corrections and Rehabilitation, county welfare departments, and county sheriffs to develop protocols for facilitating the exchange of information regarding the location and sentencing of the incarcerated parent or parents of a minor child who is in dependency care.

Nothing in this section shall be interpreted to require the department to create a new field in the statewide database for incorporating the information specified in this section.

### **Leg.H.**

Added Stats 2009 ch 338 § 2 (SB 118), effective January 1, 2010. Amended Stats 2012 ch 35 § 129 (SB 1013), effective June 27, 2012.

## **§ 16501.9. Child Welfare Services-New System (CWS-NS); Engagement by counties; Governance; Monthly updates on development and implementation; Maintenance of existing CWS/CMS operations and functionality; Legislative findings and declarations.**

### **(a)**

(1) The Legislature hereby finds and declares the Child Welfare Services-New System (CWS-NS) is the most important system in the state for child welfare services staff to ensure the safety and well-being of California's children. The State of California has embarked upon on an agile procurement of the CWS-NS.

(2) The Legislature further finds and declares that this approach requires significant engagement with the end user throughout the life of the system, including the county human services agencies and child welfare services and probation staff.

### **(b)**

(1) The State Department of Social Services and the Office of Systems Integration (OSI), in collaboration with the County Welfare Directors Association (CWDA), shall seek resources to enable the necessary level of engagement by the counties in the CWS-NS agile development and maintenance process to prevent the disruption of services to families and children at risk. This shall include, but not be limited to, timely and expeditious execution of contracts and contract amendments for participation in this effort, effective monitoring and evaluation of the CWS-NS effort, and implementation of mitigation strategies for risks and issues arising in the procurement, development, implementation, or operation of digital services pursuant to this section.

(2) The department and OSI shall provide a voting seat on all governance bodies of the CWS-NS for a CWDA representative and shall support and provide necessary accommodation for the stationing of county representatives at the project site.

(3) The department and OSI shall continue to provide monthly updates to the Legislature and to stakeholders, including CWDA, regarding efforts to develop and implement the CWS-NS. The updates

shall include, but not be limited to, (A) the vacancy rate, the duration of each vacant position and its classification, and the status of efforts to fill the position, (B) challenges with recruiting and retaining qualified staff and a description of efforts to resolve the issues, (C) challenges with procurement, including any delays, and a description of efforts to resolve the issues, (D) any issues or risks, including, but not limited to, pending state and federal approvals and impacts on county child welfare programs that may jeopardize the project's completion or result in delays relative to the approved project schedule, budget, and scope, and (E) progress on the project, by digital service (module) along with a description of each digital service, and projected completion dates for any significant upcoming project milestones. Following the effective date of this section, a list of newly executed contracts, their purpose, and amounts shall be added to the monthly update.

(4) The department and OSI, in coordination with CWDA and the Department of Technology, shall convene a regularly scheduled quarterly forum to provide project updates to stakeholders and legislative staff. These forums shall include updates on (A) the progress of the CWS-NS development and implementation, (B) expenditures incurred to date, (C) significant issues and risks overcome in the last quarter and significant issues and risks presently being addressed, (D) upcoming project milestones and significant events, (E) how the agile approach has affected the project's overall cost and schedule, (F) how the Department of Technology's approval and oversight processes are being applied to the agile implementation approach, and (G) how lessons learned from the agile implementation of the CWS-NS project can be leveraged by other state IT projects.

(c) The existing Child Welfare Services Case Management System (CWS/CMS) operations and functionality shall be maintained at a level at least commensurate with its December 2015 status and shall not be decommissioned prior to the full statewide implementation of the CWS-NS in all counties. Full statewide implementation is defined as after all existing CWS/CMS functionality has been replaced in CWS-NS and has been implemented in all 58 counties for a minimum of six months with no significant (noncosmetic) defects outstanding.

**Leg.H.**

Added Stats 2016 ch 25 § 26 (AB 1603), effective June 27, 2016.

## **§ 16502. Creation and Operation of Certified Plan for Child Welfare Services.**

The child welfare services authorized by this chapter shall be established in any county or combination of counties when a plan which includes financing of such services has been certified by the department. Such certified plan of child welfare services shall then be operated in accordance with standards and regulations established by the department, subject to all the provisions of this code relating to the supervision of public social services by the department.

**Leg.H.**

Amended 1982 ch. 978 § 40, effective September 13, 1982.

## **§ 16502.5. Review of Information Concerning Death of Child Who Had Come to the Attention of County Child Welfare Agency; Confidentiality.**

(a) Notwithstanding any other provision of law, a county board of supervisors may receive and review any records in the custody of the juvenile court or any other involved county agencies relating to a child who has

died and who had previously come to the attention of, or was under the supervision of, the county child welfare agency.

(b) The board may only receive and review the information in closed session. A board of supervisors in a county with a foster care population of more than 10,000 may take formal action to permit individual board members' offices to receive and review the information for the purpose of determining which cases should be brought to the attention of the full board in closed session. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(c) The board or its members and staff may not disclose or release any information obtained pursuant to subdivision (a), unless otherwise permitted by state law, and shall be bound by all state and federal confidentiality laws.

**Leg.H.**

Added Stats 2008 ch 255 § 2 (AB 2904), effective January 1, 2009.

## **§ 16503. Periodical Administrative Reviews of Placement of Child or Nonminor Dependent in Foster Care.**

(a) Subsequent to completion of the hearing conducted pursuant to Section 366.26, the agency responsible for placement and care of a minor, or, on or after January 1, 2012, a nonminor dependent, as defined in subdivision (v) of Section 11400, shall ensure that a child in foster care shall receive administrative reviews periodically but no less frequently than once every six months. The administrative review shall determine the appropriateness of the placement, the continuing appropriateness and extent of compliance with the permanent plan for the child, the extent of compliance with the case plan, and adequacy of services provided to the child.

(b) The term "administrative review" means a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review. On and after January 1, 2012, administrative reviews held for nonminor dependents shall be conducted pursuant to subdivision (b) of Section 295 and subdivision (m) of Section 366.3.

(c) The department shall develop and implement regulations establishing processes, procedures, and standards for the conduct of administrative reviews that conform to [Section 675.6 of Title 42 of the United States Code](#).

(d) The requirements of this section shall not be interpreted as requiring duplicate concurrent court and administrative reviews.

**Leg.H.**

Added Stats 1982 ch 978 § 40.5, effective September 13, 1982, operative July 1, 1982. Amended Stats 1989 ch 913 § 19; Stats 1991 ch 1203 § 15 (SB 1125); Stats 2010 ch 559 § 64 (AB 12), effective January 1, 2011.

### **§ 16503.5. Caregiver Placement Agreement.**

(a) A placing agency shall provide a caregiver placement agreement to the child's or nonminor dependent's caregiver at the time of the child's placement with that caregiver.

(b)

(1) For purposes of this section, “caregiver placement agreement” means a written agreement between the placing agency and the child’s or nonminor dependent’s caregiver. The department shall approve the format and content of the placement agreement form to be used by a placing agency.

(2) For purposes of this section, “nonminor dependent” means an individual described in subdivision (v) of Section 11400.

(c) The agreement shall describe the terms and conditions of the placement and any agreements made by the placing agency and the child’s or nonminor’s caregiver.

(d) The agreement shall provide, at a minimum, the contact information for the placing agency’s social worker and the worker’s supervisor, including, but not limited to, telephone numbers, facsimile numbers, and identifying information about the child or nonminor, including, but not limited to, the child’s or nonminor’s social security number, if available, the child’s or nonminor’s Medi-Cal number or group health plan number and information, if available, and the child’s or nonminor’s State Department of Social Services identification number.

(e) A county placing agency may modify the forms to meet local needs by adding to the form requirements for information, but may not delete the form’s core elements as determined by the department.

**Leg.H.**

Added Stats 2003 ch 812 § 9 (SB 591). Amended Stats 2012 ch 846 § 55 (AB 1712), effective January 1, 2013.

## **§ 16504. Eligibility of Endangered Child for Intake and Evaluation of Risk Services.**

(a) Any child reported to the county child welfare services department to be endangered by abuse, neglect, or exploitation shall be eligible for initial intake and evaluation of risk services. Each county child welfare services department shall maintain and operate a 24-hour response system. An immediate in-person response shall be made by a county child welfare services department social worker in emergency situations in accordance with regulations of the department. The person making any initial response to a request for child welfare services shall consider providing appropriate social services to maintain the child safely in his or her own home. However, an in-person response is not required when the county child welfare services department, based upon an evaluation of risk, determines that an in-person response is not appropriate. An evaluation of risk includes collateral contacts, a review of previous referrals, and other relevant information.

(b) A county child welfare services department social worker shall make an in-person response whenever a referral is received pursuant to Section 11254. Whenever a referral is received pursuant to Section 11254, the county child welfare services department social worker, within 20 calendar days from the receipt of the referral, shall determine whether the physical or emotional health or safety of the individual or child would be jeopardized if the individual and child lived in the same residence with the individual’s own parent or legal guardian, or other adult relative.

(c) Notwithstanding Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, any nonminor dependent, as described in subdivision (v) of Section 11403, reported to the county welfare services department to be endangered by abuse, neglect, or exploitation by a licensed or approved caregiver while in a foster care placement shall be eligible for evaluation of risk services, to determine if the placement is safe and appropriate. The county child welfare services department shall cross-report the suspected abuse, neglect, or exploitation by the licensed or approved caregiver to the appropriate licensing or approval agency and, as appropriate, to law enforcement.

**Leg.H.**

Added Stats 1982 ch 978 § 42, effective September 13, 1982, operative October 1, 1983. Amended Stats 1987 ch 1459 § 25; Stats 1991 ch 1203 § 16 (SB 1125); Stats 1995 ch 307 § 18 (AB 908), effective August 3, 1995; Stats 2011 ch 459 § 42 (AB 212), effective October 4, 2011.

## **§ 16504.5. Use of California Law Enforcement Telecommunications System by child welfare agencies; Misdemeanor disclosure of information; Information to determine suitability of reunification.**

**(a)**

**(1)** Notwithstanding any other law, pursuant to [subdivision \(b\) of Section 11105 of the Penal Code](#), a child welfare agency may secure from an appropriate governmental criminal justice agency the state summary criminal history information, as defined in [subdivision \(a\) of Section 11105 of the Penal Code](#), through the California Law Enforcement Telecommunications System for the following purposes:

**(A)** To conduct an investigation pursuant to [Section 11166.3 of the Penal Code](#) or an investigation involving a child in which the child is alleged to come within the jurisdiction of the juvenile court pursuant to Section 300.

**(B)**

**(i)** To assess the appropriateness and safety of placing, pursuant to Section 309 or 361.45, a child who has been detained or is a dependent of the court in the home of a relative, as defined in Section 319, or a nonrelative extended family member, as defined in Section 362.7.

**(ii)** When a relative or nonrelative extended family member who has been assessed pursuant to clause (i) and approved as a caregiver moves to a different county and continued placement of the child with that person is intended, the move shall be considered an emergency situation for purposes of this subparagraph.

**(C)** To attempt to locate a parent or guardian pursuant to Section 311 of a child who is the subject of dependency court proceedings.

**(D)** To obtain information about the background of a nonminor who has petitioned to reenter foster care under subdivision (e) of Section 388, in order to assess the appropriateness and safety of placing the nonminor in a foster care or other placement setting with minor dependent children.

**(2)** Any time that a child welfare agency initiates a criminal background check through the California Law Enforcement Telecommunications System for the purpose described in subparagraph (B) of paragraph (1) and the child is placed with the relative or nonrelative extended family member, the agency shall ensure that a state-level fingerprint check is initiated pursuant to Section 16519.5 of this code and [Section 8712 of the Family Code](#).

**(b)** Criminal justice personnel shall cooperate with requests for criminal history information authorized pursuant to this section and shall provide the information to the requesting entity in a timely manner.

**(c)** Any law enforcement officer or person authorized by this section to receive the information who obtains the information in the record and knowingly provides the information to a person not authorized by law to receive the information is guilty of a misdemeanor, as specified in [Section 11142 of the Penal Code](#).

**(d)** Information obtained pursuant to this section shall not be used for any purposes other than those described in subdivision (a).



(e) This section shall not preclude a nonminor petitioning to reenter foster care or a relative or other person living in a relative's home from refuting any of the information obtained by law enforcement if the individual believes the state- or federal-level criminal records check revealed erroneous information.

(f)

(1) A state or county welfare agency may submit to the Department of Justice fingerprint images and related information required by the Department of Justice of parents or legal guardians when determining their suitability for reunification with a dependent child subject to the jurisdiction of the juvenile court, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests, as well as information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal. Of the information received by the Department of Justice pursuant to this subdivision, only the parent's or legal guardian's criminal history for the time period following the removal of the child from the parent or legal guardian shall be considered.

(2) A county welfare agency or county probation office may submit to the Department of Justice fingerprint images and related information required by the Department of Justice of nonminors petitioning to reenter foster care pursuant to Section 388, in order to assess the appropriateness and safety of placing the nonminor in a foster care or other placement setting with minor dependent children.

(3) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this subdivision. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and respond to the state or county welfare agency.

(4) The Department of Justice shall provide a response to the state or county welfare agency pursuant to [subdivision \(p\) of Section 11105 of the Penal Code](#).

(5) The state or county welfare agency shall not request from the Department of Justice subsequent arrest notification service, as provided pursuant to [Section 11105.2 of the Penal Code](#), for individuals described in this subdivision.

(6) The Department of Justice shall charge a fee sufficient to cover the costs of processing the request described in this subdivision.

(g) A fee, determined by the Federal Bureau of Investigation and collected by the Department of Justice, shall be charged for each federal-level criminal offender record information request submitted pursuant to this section and Section 361.4.

#### Leg.H.

Added Stats 2000 ch 421 § 6 (SB 2161), effective September 13, 2000; Amended Stats 2001 ch 653 § 18 (AB 1695), effective October 10, 2001; Stats 2002 ch 918 § 13 (AB 1694); Stats 2006 ch 726 § 5 (AB 1774), effective September 29, 2006; Stats 2007 ch 580 § 2 (SB 776), effective January 1, 2008; Stats 2010 ch 559 § 64.5 (AB 12), effective January 1, 2011; Stats 2011 ch 459 § 43 (AB 212), effective October 4, 2011; Amended Stats 2016 ch 612 § 116 (AB 1997), effective January 1, 2017; Stats 2017 ch 732 § 100 (AB 404), effective January 1, 2018; Stats 2018 ch 910 § 44 (AB 1930), effective January 1, 2019.

## § 16504.6. Evaluation of Exemption Request From Indian Tribe.

The State Department of Social Services shall evaluate a request from an Indian tribe to exempt a crime that is exemptible under [Section 1522 of the Health and Safety Code](#), if needed, to allow placement into an Indian home that the tribe has designated for placement under the federal Indian Child Welfare Act ([25 U.S.C. Sec. 1901 et seq.](#)). However, the tribe may request that the county with jurisdiction over the child evaluate the exemption

request. Once a tribe has elected to have the exemption request reviewed by either the State Department of Social Services or the county, the exemption decision may only be made by that entity. Nothing in this section limits the duty of a county social worker to evaluate the home for placement or to gather information needed to evaluate an exemption request.

**Leg.H.**

Added Stats 2017 ch 732 § 101 (AB 404), effective January 1, 2018.

## **§ 16504.7. Assessment Of Appropriateness Of Placing Child With Person Receiving Criminal Records Exemption; Sharing Of Summary Information.**

(a) Upon request by a county child welfare agency, the department shall provide a list identifying each person who has received a criminal records exemption pursuant to **subdivision (g) of Section 1522 of the Health and Safety Code** related to a licensed or certified foster home so that the county may assess the appropriateness of placing a child who has been detained or is a dependent of the court in the licensed or certified foster home with which the individual is associated.

(b) Except as otherwise limited by state or federal law, the department shall make available to the county child welfare agency, summary information used in making the determination to grant the exemption. The department shall consult with the Department of Justice, counties, and other interested stakeholders to ensure that information is shared expeditiously and in accordance with state and federal law.

(c) For purposes of this section, “summary information” means information pertaining to the specific crimes for which the exemption was requested and a summary of the evidence the department used in making its determination to grant the exemption. The information shall be limited to one page for each crime exempted.

(d) In providing summary information pursuant to this section, the department shall not disclose the names of individuals who are not the subject of the exemption request. County child welfare agencies shall not disclose information related to the exemption beyond what is necessary, as determined by the department and in accordance with state and federal law, to assess the appropriateness of placing a child in a licensed or certified foster home.

(e) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department shall implement this section by means of an all-county letter issued on or before March 1, 2015. The all-county letter shall specify the process by which a county may request summary information, how the information will be issued by the department, and how the information may be used by a county.

**Leg.H.**

Added Stats 2014 ch 222 § 2 (SB 1136), effective January 1, 2015.

## **§ 16506. Families Eligible for Family Maintenance Services.**

Family maintenance services shall be provided or arranged for by county welfare department staff in order to maintain the child in his or her own home. These services shall be limited to six months, and may be extended in periods of six-month increments if it can be shown that the objectives of the service plan can be achieved within the extended time periods, and provided within the county’s allocation. Family maintenance services shall be available without regard to income and shall only be provided to any of the following:



(a) Families whose child or children have been adjudicated a dependent of the court under Section 300, and where the court has ordered the county welfare department to supervise while the child remains in the child's home.

(b) Families whose child is in potential danger of abuse, neglect, or exploitation, who are willing to accept services and participate in corrective efforts, and where it is safe for the child to remain in the child's home only with the provision of services.

(c) Families in which the child is in the care of a previously noncustodial parent, under the supervision of the juvenile court.

(d) Family maintenance services shall be provided to any individual and child who are referred pursuant to Section 11254 and who are not placed in foster care and who meet any of the criteria of subdivision (b) of Section 11254. The services shall be provided until the individual reaches 18 years of age.

**Leg.H.**

Amended 1991 ch. 1203, 1995 ch. 307, effective August 3, 1995, 2004 ch. 332 (AB 2795).

## **§ 16507. Availability of Family Reunification Services; Notice to Agency of Release of Parolee.**

(a) Family reunification services shall be provided or arranged for by county welfare department staff in order to reunite the child separated from his or her parent because of abuse, neglect, or exploitation. These services shall not exceed 12 months except as provided in subdivision (a) of Section 361.5 and subdivision (c) of Section 366.3. Family reunification services pursuant to Section 361.6 may be provided to nonminor dependents as described in subdivision (v) of Section 11400. Family reunification services shall be available without regard to income to families whose child has been adjudicated or is in the process of being adjudicated a dependent child of the court under the provisions of Section 300. Family reunification services shall include a plan for visitation of the child by his or her grandparents, where the visitation is in the best interests of the child and will serve to maintain and strengthen the family relationships of the child.

(b) Family reunification services shall only be provided when a child has been placed in out-of-home care, or is in the care of a previously noncustodial parent under the supervision of the juvenile court.

(c) When a minor has been placed in foster care with a nonparent, family reunification services may be provided to one or both parents.

(d) When a county child welfare services agency is providing one parent with reunification services and the other parent is serving a prison term for the conviction of child abuse, pursuant to [Section 273a](#), [273ab](#), or [273d of the Penal Code](#), any sex offense specified as being perpetrated against a minor, or an act of domestic violence, the county child welfare services agency may request that the Board of Prison Terms, with respect to inmates sentenced pursuant to [subdivision \(b\) of Section 1168 of the Penal Code](#), or the Department of Corrections, with respect to inmates sentenced pursuant to [Section 1170 of the Penal Code](#), provide the agency, during the time in which reunification services are being provided, with notification that the person is scheduled to be released on parole, or rereleased following a period of confinement pursuant to a parole revocation without a new commitment.

**Leg.H.**

Added Stats 1982 ch 978 § 51, effective September 13, 1982, operative July 1, 1982. Amended Stats 1983 ch 1170 § 3; Stats 1985 ch 1068 § 3, effective September 27, 1985; Stats 1986 ch 1122 § 23; Stats 1991 ch 1203 § 20 (SB 1125); Stats 2001 ch 470 § 2 (SB 432); Stats 2012 ch 846 § 56 (AB 1712), effective January 1, 2013.

## **§ 16507.2. Social Worker's Goal of Keeping Family Together Using Child Welfare Services.**

Prior to entering into a voluntary placement agreement with a parent or guardian, the social worker shall make every attempt to keep the family together by offering appropriate child welfare services except in the case of a voluntary placement pending relinquishment as provided for in subdivision (c) of Section 16507.4.

### **Leg.H.**

1982 ch. 978 § 53, effective September 13, 1982.

## **§ 16507.3. Maximum Period of Child Welfare Services.**

(a) Beginning on October 1, 1982, child welfare services for children placed voluntarily after January 1, 1982, shall be limited to a period not to exceed 180 days. Subject to the availability of federal funding, voluntary placement services for federally eligible children may be extended for an additional six months, for a total period not to exceed 12 months for either of the following:

(1) Families who have a custodial parent or guardian in residential substance abuse treatment who is demonstrating progress that indicates the problems warranting the initial placement are likely to be resolved within the extended time period.

(2) Families whose minor child is seriously emotionally disturbed, who requires placement in a residential treatment facility, who otherwise would be likely to be found to fit the description in subdivision (c) of Section 300, and who reasonably may be expected to be returned home within the extended time period.

(b) Whenever a seriously emotionally disturbed child as described in paragraph (2) of subdivision (a) is initially voluntarily placed, the initial placement shall be made pursuant to the approval of an interagency administrative review board as described in paragraph (4) of subdivision (a) of Section 16507.6.

(c) The extension of voluntary placement services for an additional six months shall be subject to the approval of an administrative review board pursuant to paragraphs (4) and (5) of subdivision (a) of Section 16507.6. The extension of voluntary placement services is contingent upon the receipt of federal funding. Any administrative and foster care costs that exceed the amount of federal reimbursement shall be paid solely with county funds.

(d) An otherwise eligible child placed voluntarily prior to January 1, 1982, may remain eligible for child welfare services without regard to the length of time in placement until April 1, 1984. Beginning on October 1, 1982, such a child shall receive administrative review pursuant to the requirements of Section 16503.

### **Leg.H.**

Added Stats 1982 ch 978 § 54, effective September 13, 1982, operative July 1, 1982. Amended Stats 1991 ch 1203 § 22 (SB 1125); Stats 2010 ch 559 § 65 (AB 12), effective January 1, 2011.

## **§ 16507.4. Qualification of Family for Voluntary Reunification Services; Prerequisites to Out-of-home Placement without Adjudication.**

(a) Notwithstanding any other provisions of this chapter, voluntary family reunification services shall be provided without fee to families who qualify, or would qualify if application had been made therefor, as recipients of public assistance under the Aid to Families with Dependent Children program as described in the State Plan in effect on July 1, 1996. If the family is not qualified for aid, voluntary family reunification services may be utilized, provided that the county seeks reimbursement from the parent or guardian on a statewide sliding scale according to income as determined by the State Department of Social Services and approved by the Department of Finance. The fee may be waived if the social worker determines that the payment of the fee may be a barrier to reunification. **Section 17552 of the Family Code** shall also apply.

(b) An out-of-home placement of a minor without adjudication by the juvenile court may occur only when all of the following conditions exist:

(1) There is a mutual decision between the child's parent, Indian custodian, or guardian and the county welfare department in accordance with regulations promulgated by the State Department of Social Services.

(2) There is a written agreement between the county welfare department and the parent or guardian specifying the terms of the voluntary placement. The State Department of Social Services shall develop a form for voluntary placement agreements that shall be used by all counties. The form shall indicate that foster care under the Aid to Families with Dependent Children program is available to those children.

(3) In the case of an Indian child, in accordance with Section 1913 of the federal Indian Child Welfare Act of 1978 (**25 U.S.C. Sec. 1901 et seq.**), the following criteria are met:

(A) The parent or Indian custodian's consent to the voluntary out-of-home placement is executed in writing at least 10 days after the child's birth and recorded before a judge.

(B) The judge certifies that the terms and consequences of the consent were fully explained in detail in English and were fully understood by the parent or that they were interpreted into a language that the parent understood.

(C) A parent of an Indian child may withdraw his or her consent to a voluntary foster care placement or voluntary termination of parental rights or relinquishment for any reason at any time and the child shall be returned to the parent.

(D) The placement complies with preferences set forth in Section 361.31.

(c) In the case of a voluntary placement pending relinquishment, a county welfare department shall have the option of delegating to a licensed private adoption agency the responsibility for placement by the county welfare department. If a delegation occurs, the voluntary placement agreement shall be signed by the county welfare department, the child's parent or guardian, and the licensed private adoption agency.

(d) The State Department of Social Services shall amend its plan pursuant to Part E (commencing with Section 670) of Subchapter IV of Chapter 7 of Title 42 of the United States Code in order to conform to mandates of **Public Law 96-272** and **Public Law 110-351** for federal financial participation in voluntary placements.

#### **Leg.H.**

Added Stats 1982 ch 978 § 55, effective September 13, 1982, operative July 1, 1982; Amended Stats 1991 ch 1203 § 23 (SB 1125); Stats 2006 ch 838 § 55 (SB 678), effective January 1, 2007; Stats 2010 ch 559 § 66 (AB 12), effective January 1, 2011; Amended Stats 2018 ch 833 § 34 (AB 3176), effective January 1, 2019.

## **§ 16507.5. Duties of Social Worker in Voluntary Placement of Minor.**

(a)

(1) When a minor is separated, or is in the process of being separated, from the minor's family under the provisions of a voluntary placement agreement, the county welfare department or a licensed private or public adoption agency social worker shall make any and all reasonable and necessary provisions for the care, supervision, custody, conduct, maintenance, and support of the minor, including medical treatment.

(2) Responsibility for placement and care of the minor shall be with the social worker who may place the minor in any of the following:

(A) The home of a relative or the home of a nonrelative extended family member, as described in Section 362.7, that has been assessed pursuant to Section 361.4.

(B) The home of a resource family, as defined in Section 16519.5.

(C) A suitable licensed community care facility.

(D) With a foster family agency to be placed in a suitable licensed home or other family home which has been certified by the agency as meeting licensing standards.

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

(b) The granting of a community care license or approval status does not entitle the caregiver to the placement of a specific child or children. Placement is based on the child's needs and best interests.

**Leg.H.**

Added Stats 1982 ch 978 § 56, effective September 13, 1982, operative July 1, 1982; Amended Stats 1983 ch 467 § 6; Stats 1986 ch 1120 § 15, effective September 24, 1986; Stats 2001 ch 653 § 19 (AB 1695), effective October 10, 2001; Stats 2014 ch 772 § 20 (SB 1460), effective January 1, 2015; Amended Stats 2018 ch 935 § 6 (SB 1083), effective January 1, 2019.

## **§ 16507.6. Disposition of Minor Remaining Out of Parents' Custody for Specified Period.**

If a minor has been voluntarily placed with the county welfare department subsequent to January 1, 1982, for out-of-home placement by his or her parents or guardians pursuant to this chapter and the minor has remained out of their physical custody for a consecutive period not to exceed 180 days or at least 90 days before the minor attains 18 years of age, the department shall do one of the following:

(a) Return the minor to the physical custody of his or her parents or guardians.

(b) Refer the minor to a licensed adoption agency for consideration of adoptive planning and receipt of a permanent relinquishment of care and custody rights from the parents pursuant to [Section 8700 of the Family Code](#).

(c) Apply for a petition pursuant to Section 332 and file the petition with the juvenile court to have the minor declared a dependent child of the court under Section 300, in that return to the parental home would be contrary to the best interests of the child. The petition shall be filed, and the juvenile court shall issue a dispositional order in the case, if appropriate, prior to the minor attaining 18 years of age.

(d) Refer the minor placed pursuant to paragraph (2) of subdivision (a) of Section 16507.3 to an interagency administrative review board as may be required in federal regulations. One member of the board shall be a licensed mental health practitioner. The review board shall review the appropriateness and continued necessity of six additional months of voluntary placement, the extent of the compliance with the

voluntary placement plan, and the adequacy of services to the family and child. If the minor cannot be returned home by the 12th month of voluntary placement services, the department shall proceed pursuant to subdivision (b) or (c).

(e) Refer the minor placed pursuant to paragraph (1) of subdivision (a) of Section 16507.3 to an administrative review board as may be required in federal regulations and as described in subdivision (b) of Section 16503. If the minor cannot be returned home by the 12th month of voluntary placement services, the department shall proceed as described in subdivision (b), (c), or (d).

**Leg.H.**

Added Stats 1982 ch 978 § 57, effective September 13, 1982, operative July 1, 1982. Amended Stats 1990 ch 1363 § 21 (AB 3532), operative July 1, 1991; Stats 1991 ch 1203 § 24 (SB 1125); Stats 1992 ch 163 § 159 (AB 2641), operative January 1, 1994; Stats 2010 ch 559 § 67 (AB 12), effective January 1, 2011; Stats 2013 ch 487 § 10 (AB 787), effective January 1, 2014.

## **§ 16507.7. Requirements for Parenting Courses to Be Eligible for State Funds.**

Each agency or entity, except for a community college, which offers a parenting course as part of a family maintenance or family reunification effort for a parent or parents of a child who has been adjudicated or is in the process of being adjudicated a dependent child of the court under Section 300, or whose family is participating in a voluntary family maintenance program, shall meet all of the requirements specified in this section. Effective July 1, 1992, organizations which receive state funding for the purpose of providing parenting courses shall meet those requirements as a condition of receiving state funding. The requirements are as follows:

(a) Each parenting course shall be no more than six months in duration, and shall meet for a specified number of hours determined by each program as sufficient for the program to meet all of the requirements listed in subdivision (b).

(b) The curriculum shall include all of the following components:

(1) Building self-esteem, including, but not limited to, parents' building a positive parental identity and building the self-esteem of their children.

(2) Handling stress and anger.

(3) The growth and development of children, including, but not limited to, safety, nutrition, and health.

(4) Developing and increasing communication skills in order that a parent may learn to listen to and speak with his or her child or children.

(5) Learning to use positive disciplinary mechanisms as alternatives to the physical punishment of a child, including, but not limited to, learning what constitutes abuse and neglect.

(6) Learning the boundaries of permissible sexual conduct by adults with regard to children.

(7) Respect for, and sensitivity to, cultural differences in child rearing practices in addressing all of the topics listed in paragraphs (1) to (6), inclusive.

(c) Each parenting course is encouraged to have a maximum parent to teacher ratio of 15 parents for each teacher.

(d) Each parenting course is encouraged to conduct an initial assessment and interview of each parent enrolled in the course.

(e) Each parenting course shall give a preliminary examination prior to the start of the parenting course and an examination at the conclusion of the parenting course to measure changes in parental attitudes.

(f) Each parenting course shall enter into a written agreement with each parent with respect to the responsibilities a parent must satisfy in order to pass the course.

(g) The staff of each parenting course shall have training in the following areas:

(1) The prevention of child abuse and neglect.

(2) Parenting techniques.

(h) Each parenting course shall provide all of the following information to the county welfare department of the county in which the course is taught, for clients referred through child welfare services programs:

(1) Level of participation by parents.

(2) Number of course hours completed.

(3) Topics covered during attendance in class by a parent and topics covered during a parent's absence from class.

(4) Assessment of a parent's gain in his or her knowledge about parenting as demonstrated by tests prior to and after the parenting course.

**Leg.H.**

1991 ch. 1112 § 2.

## **§ 16508. Availability of Permanent Placement Services.**

Permanent placement services shall be provided or arranged for by county welfare department staff for children who cannot safely live with their parents and are not likely to return to their own homes, and to nonminor dependents in planned permanent living arrangements. Permanent placement services, including supportive transition services, shall be available without regard to income to the following children:

(a) Children judged dependent under Section 300 where a review has determined that reunification, adoption, tribal customary adoption, or guardianship is inappropriate.

(b) Recipients of public assistance under the nonfederally funded Aid to Families with Dependent Children Foster Care program who are wards of a legal guardian pursuant to Section 11405, where a review has determined that reunification or adoption is inappropriate.

(c) On and after January 1, 2012, nonminor dependents, as defined in subdivision (v) of Section 11400, who are receiving AFDC-FC pursuant to Section 11403.

(d) For purposes of this section, "supportive transition services" means permanent placement services provided to nonminor dependents as described in subdivision (v) of Section 11400.

**Leg.H.**



Added Stats 1982 ch 978 § 59, effective September 13, 1982, operative July 1, 1982. Amended Stats 2009 ch 287 § 21 (AB 1325), effective January 1, 2010, operative July 1, 2010, repealed January 1, 2014; Stats 2010 ch 559 § 68 (AB 12), effective January 1, 2011, repealed January 1, 2014; Stats 2012 ch 35 § 130 (SB 1013), effective June 27, 2012, ch 846 § 57 (AB 1712), effective January 1, 2013.

## **§ 16508.1. Recommendation for Terminating Parental Rights.**

(a) For every child who is in foster care, or who enters foster care, on or after January 1, 1999, and has been in foster care for 15 of the most recent 22 months, the social worker shall submit to the court a recommendation that the court set a hearing pursuant to Section 366.26 for the purpose of terminating parental rights. The social worker shall concurrently initiate and describe a plan to identify, recruit, process and approve a qualified family for adoption of the child.

(b) The social worker is not required to submit the recommendation as described in subdivision (a) if any of the following applies:

(1) The case plan for the child has documented a compelling reason or reasons why it is unlikely that the child will be adopted, as determined by the department when it is acting as an adoption agency or by the licensed adoption agency, and therefore termination of parental rights would not be in the best interest of the child or that one of the conditions set forth in paragraph (1) of subdivision (c) of Section 366.26 applies.

(2) A hearing under Section 366.26 is already set.

(3) The court has found at the previous hearing under Section 366.21 that there is a substantial probability that the child will be returned to the child's home within the extended period of time permitted.

(4) The court has found at the previous hearing under Section 366.21 that reasonable reunification services have not been offered or provided.

(5) The court has found at each and every hearing at which the court was required to consider reasonable efforts or services that reasonable efforts were not made or that reasonable services were not offered or provided.

(6) The incarceration or institutionalization of the parent or parents, or the court-ordered participation of the parent or parents in a residential substance abuse treatment program, constitutes a significant factor in the child's placement in foster care for a period of 15 of the most recent 22 months, and termination of parental rights is not in the child's best interests, considering factors such as the age of the child, the degree of parent and child bonding, the length of the sentence, and the nature of the treatment and the nature of the crime or illness.

(7) Tribal customary adoption is recommended.

(c) A recommendation to the court pursuant to subdivision (a) shall not be made if the social worker documents in the case record a compelling reason why a hearing pursuant to Section 366.26 is not in the best interest of the child, or that reasonable efforts to safely return the child home are continuing consistent with the time period provided for in paragraph (1) of subdivision (g) of Section 366.21.

(d) Beginning January 1, 1999, the county welfare department shall implement a procedure for reviewing the application of this section to the case plans of all children who have been in foster care for 15 out of the most recent 22 months. The review shall proceed within the following timeframes:

(1) By July 1, 1999, one-third of the children shall have been reviewed, giving priority to children who have been in foster care the greatest length of time.



(2) By January 1, 2000, at least two-thirds of the children shall have been reviewed.

(3) By July 1, 2000, all children shall have been reviewed.

(e) For purposes of this section, a child shall be considered to have entered foster care on the earlier of the date of the jurisdictional hearing held pursuant to Section 356 or the date that is 60 days after the date on which the child was initially removed from the home of his or her parent or guardian.

**Leg.H.**

Added Stats 1998 ch 1056 § 29 (AB 2773). Amended Stats 2008 ch 482 § 9 (AB 2070), effective January 1, 2009; Stats 2009 ch 287 § 23 (AB 1325), effective January 1, 2010, operative July 1, 2010, repealed January 1, 2014; Stats 2012 ch 35 § 132 (SB 1013), effective June 27, 2012.

## **§ 16508.2. Therapeutic Day Services as Alternative to Foster Care Placements.**

It is the intent of the Legislature to establish additional alternatives to foster care placements. Therapeutic day services is an alternative which has been shown in other states to be effective in reunifying families, and in avoiding or shortening the time the children must stay in foster care, and in reunifying placed children with their families. It has also been found to be significantly less expensive than foster care.

**Leg.H.**

Amended 1990 ch. 1139 § 4, effective September 21, 1990.

## **§ 16508.3. [Section Repealed 2012.]**

**Leg.H.**

Added Stats 1990 ch 1139 § 5 (SB 2039), effective September 21, 1990, operative term contingent. Repealed Stats 2012 ch 35 § 134 (SB 1013), effective June 27, 2012. The repealed section related to establishment of advisory committee to assist in development of therapeutic day services standards and report to Legislature.

## **§ 16509. Effect of Differences in Cultural and Religious Child-Rearing Practices and Beliefs.**

Cultural and religious child-rearing practices and beliefs which differ from general community standards shall not in themselves create a need for child welfare services unless the practices present a specific danger to the physical or emotional safety of the child.

**Leg.H.**

Renumbered from § 16508, 1982 ch. 978 § 58, effective September 13, 1982.

## **§ 16509.1. No Neglect When Child Treated Solely by Spiritual Means.**

No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this chapter.

**Leg.H.**

1982 ch. 978 § 62, effective September 13, 1982.

## **§ 16509.2. No Presumption of Need for Services When Child and/or Parent Has Mental or Physical Incapacity.**

The physical or mental incapacity, or both, in itself, of a parent or a child, shall not result in a presumption of need for child welfare services.

**Leg.H.**

1982 ch. 978 § 63, effective September 13, 1982.

## **§ 16511. Construction.**

This chapter shall not be construed to give the department or county welfare departments any law enforcement powers.

Nothing in this chapter shall be construed in such a manner as to give the department any law enforcement powers, nor to change or interfere with the responsibility of law enforcement, probation officers and departments to take direct action on behalf of children as provided in Article 6 (commencing with Section 625) of Chapter 2 of Part 1 and Article 7 (commencing with Section 650) of Chapter 2 of Part 1 of Division 2. Nor shall this part in any way relieve persons administering and working in child welfare services programs from the obligation resting on all citizens to report crimes to duly authorized law enforcement agencies. Nothing herein shall be construed as changing in any way the responsibility of probation officers and departments for initiating juvenile court proceedings as set forth in Article 7 (commencing with Section 650) of Chapter 2 of Part 1 of Division 2, nor other duties and responsibilities assigned to them by law.

**Leg.H.**

Renumbered from § 16506, 1982 ch. 978 § 45, effective September 13, 1982.

## **§ 16512. Reporting Requirements.**

(a) The department shall report every third year, commencing in 1989, to the Legislature on the operation and progress of the child welfare services program.

(b) The report shall include both of the following:

(1) The number of reported child abuse cases, on an aggregate basis and on a county-by-county basis, and by types of abuse.

(2) The disposition of cases reported, on an aggregate basis and on a county-by-county basis.

**Leg.H.**

Amended 1988 ch. 722 § 3.

## **§ 16513. Immunity From Liability For Making Report.**

Anyone participating in good faith in the making of a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

**Leg.H.**

Added Stats 1968 ch 69 § 1, as § 16509. Amended and renumbered by Stats 1982 ch 978 § 61, effective September 13, 1982, operative July 1, 1982. Amended Stats 2004 ch 842 § 24 (SB 1313).

## **§ 16513.2. (Operative term contingent) Funding.**

Funding of this chapter is subject to the provisions of Part 1.5 (commencing with Section 10100).

### **Leg.H.**

Added Stats 1978 ch 1235 § 9, as W & I C § 16513. Amended and renumbered by Stats 2015 ch 303 § 630 (AB 731) effective January 1, 2016, operative term contingent.

## **§ 16513.5. Grounds for Removal of Social Worker from Dependency Case.**

Any party to a dependency proceeding may bring a motion before the juvenile court to have a social worker removed from the case. The juvenile court judge in the dependency proceeding shall grant the motion if a preponderance of evidence shows that a conflict of interest has occurred that would interfere with the social worker's ability to objectively carry out his or her duties, which may include, but is not limited to, any of the following:

(a) The social worker has had sexual contact, as defined in [Section 43.93 of the Civil Code](#), with any party to the dependency proceedings.

(b) The social worker has a relationship with an individual who is adopting or attempting to adopt a child who is the subject of the pending dependency proceeding, and the relationship is of such a nature that a conflict of interest or bias may exist on the part of the social worker which may compromise his or her objectivity.

(c) The social worker has been convicted of perjury with regard to the dependency proceeding before the court.

### **Leg.H.**

1994 ch. 502.

## **§ 16514. Permissible Placement of Child Dependent, Nonminor Dependent, or Ward of Juvenile Court.**

(a) A child or nonminor who has been voluntarily placed, adjudged a dependent child of the juvenile court pursuant to Section 300, or as to whom a petition has been filed under Section 325, may be housed in an emergency shelter or, pursuant to the procedures for placement set forth in this code, placed in a foster family home, a resource family home, or with a foster family agency for subsequent placement in a certified family home or with a resource family, with minors adjudged wards of the juvenile court pursuant to Section 601.

(b) A child who has been voluntarily placed, adjudged a dependent child of the juvenile court pursuant to Section 300, or adjudged a ward of the juvenile court pursuant to Section 601, shall not be housed in an emergency shelter with any minor adjudged a ward of the juvenile court pursuant to Section 602.

(c)

(1) A child or nonminor who has been voluntarily placed, adjudged a dependent child of the juvenile court pursuant to Section 300, or as to whom a petition has been filed under Section 325, or a nonminor dependent, as described in subdivision (v) of Section 11400, shall not be placed or detained in a short-term residential therapeutic program, group home, licensed foster family home, resource family, or certified family home or resource family of a foster family agency, with any minor adjudged a ward of the juvenile court pursuant to Section 601 or 602, unless the social worker or probation officer with placement authority has determined that both of the following are true:

(A) The placement setting has a program that meets the specific needs of the child or nonminor dependent being placed or detained, or, in the case of placement when no program is required by law, the home meets the specific needs of the child or nonminor.

(B) There is a commonality of needs with the other children and nonminor dependents in the placement setting.

(2) Notwithstanding Section 206, a child who has been voluntarily placed, adjudged a dependent child of the juvenile court pursuant to Section 300, or as to whom a petition has been filed under Section 325, or a nonminor dependent, as described in subdivision (v) of Section 11400, may be placed with a child or nonminor who is a current dependent of the juvenile court and for whom a petition has been subsequently filed alleging he or she is a ward of the juvenile court pursuant to Section 601 or 602. That placement may be made only when the social worker or probation officer with placement authority has determined that both of the following are true:

(A) The placement setting meets the specific needs of the child or nonminor dependent being placed or detained.

(B) There is a commonality of needs with the other children and nonminor dependents in the placement setting.

(d) Nothing in this section shall transfer or eliminate the responsibility of the placing agency for the care, custody, or control of the child. Nothing in this section shall relieve a foster family agency of its responsibilities for or on behalf of a child placed with it.

(e) For purposes of this section, the placing of children or nonminor dependents by foster family agencies shall be referred to as “subsequent placement” to distinguish the activity from the placing by public agencies.

#### **Leg.H.**

Added Stats 1968 ch 69 § 1, as W & I C § 16510; Amended and renumbered by Stats 1982 ch 978 § 64, effective September 13, 1982, operative July 1, 1982; Amended Stats 1984 ch 1429 § 2; Stats 1988 ch 1142 § 14; Stats 2012 ch 846 § 58 (AB 1712), effective January 1, 2013; Stats 2015 ch 773 § 110 (AB 403), effective January 1, 2016; Stats 2016 ch 612 § 117 (AB 1997), effective January 1, 2017; Stats 2017 ch 732 § 102 (AB 404), effective January 1, 2018.

## **§ 16516. Prohibition against Financial Interest in Business Receiving Child Welfare Service Funds.**

(a) No social worker or probation officer acting as an officer of the court for purposes of this chapter shall, directly or indirectly, lobby for, act as a consultant to, enter into a business transaction with, acquire ownership of, or obtain a pecuniary interest in, any business, whether organized for profit or as a nonprofit entity, which has received any funds or income from court-ordered child welfare services.

(b)

(1) Any public law enforcement agency or any private entity shall have standing to bring an action seeking a civil remedy pursuant to this section in any court of competent jurisdiction.

(2) Any person who violates this section shall be subject to any or all of the following remedies, as ordered by the court, in its discretion:

(A) Restitution of funds received in violation of this section.

(B) Statutory damages of not less than one thousand dollars (\$1,000), not to exceed treble the amount of the funds received in violation of this section.

(C) Actual damages resulting from a violation of this section.

(D) Termination of the grant or contract.

(E) Reasonable attorney's fees.

(F) Any other relief that the court deems proper.

(c) For purposes of this section, "court-ordered child welfare services" include those services ordered by the court pursuant to Sections 11450 and 16501 for a dependent or ward of the court.

**Leg.H.**

1992 ch. 497, 1993 ch. 589, 1994 ch. 146.

## **§ 16516.5. Monthly Visitation Requirements for Foster Children Placed in Group Homes; Private Discussion Requirements; Funding and Expenditures.**

(a) Notwithstanding any other law or regulation, all foster children who are placed in group homes by county welfare departments or county probation departments shall be visited at least monthly by a county social worker or probation officer. Each monthly visit shall include a private discussion between the foster child and the county social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the group home staff. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the group home. If a foster child requests to have the private discussion outside the group home, that private discussion shall not replace the visit in the group home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the group home staff, except that the social worker or probation officer may disclose information under any of the following circumstances:

(1) The social worker or probation officer believes that the foster child may be in danger of harming himself or herself, or others.

(2) The social worker or probation officer believes that disclosure is necessary to meet the needs of the child.

(3) The child consents to disclosure of the information.

(b) The location of monthly visits for each foster child who is placed in a group home by a county welfare department or a county probation department shall comply with federal requirements as described in [Section](#)

**624(f)(2)(A) of Title 42 of the United States Code.** No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

(d)

(1) Prior to the 2011–12 fiscal year, notwithstanding Section 10101, the state shall pay 100 percent of the nonfederal costs associated with the monthly visitation requirement in subdivision (a) in excess of the minimum semiannual visits required under current regulations.

(2) Notwithstanding subdivision (b), beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in **Sections 30025 and 30026.5 of the Government Code.**

**Leg.H.**

Added Stats 1998 ch 311 § 69 (SB 933), effective August 19, 1998. Amended Stats 2001 ch 675 § 1 (AB 333); Stats 2012 ch 35 § 135 (SB 1013), effective June 27, 2012; Stats 2013 ch 492 § 1 (SB 342), effective January 1, 2014.

## **§ 16516.6. Private Discussion Requirements for Regular Visits for Foster Children Placed in Foster Home.**

(a) When a county social worker or probation officer makes a regular visit with a child in any licensed, certified, or approved foster home, the regular visit shall include a private discussion between the foster child and the social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the foster parent or caregiver. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the foster home. If a foster child requests to have the private discussion outside the foster home, that private discussion shall not replace the visit in the foster home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the foster parent or caregiver, except that the social worker or probation officer may disclose information under any of the following circumstances:

(1) The social worker or probation officer believes that the foster child may be in danger of harming himself or herself, or others.

(2) The social worker or probation officer believes that disclosure is necessary to meet the needs of the child.

(3) The child consents to disclosure of the information.

(b) The location of monthly visits for each foster child who is placed in a licensed, certified, or approved foster home by a county welfare department or a county probation department shall comply with federal requirements as described in **Section 624(f)(2)(A) of Title 42 of the United States Code.** No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

**Leg.H.**

Added Stats 2001 ch 675 § 2 (AB 333). Amended Stats 2013 ch 492 § 2 (SB 342), effective January 1, 2014.

## **§ 16517. County Participation In Federal Homeless Housing Program.**

**(a)**

**(1)** It is the intent of the Legislature to accomplish both of the following:

**(A)** To prevent the unnecessary separation of children from their families because of homelessness or the lack of shelter.

**(B)** To assist in the reunification of foster children and their families when housing remains a problem.

**(2)** Through the Section 8 housing certificate program created by Section 553 of the Cranston-Gonzalez National Affordable Housing Act ([P.L. 101-625](#)), housing assistance may be made available to families eligible for assistance under this program.

**(b)**

**(1)** For the purposes of the Section 8 housing certificate program created by Section 553 of the Cranston Gonzalez National Affordable Housing Act ([P.L. 101-625](#)), the county department of social services is designated “the public child welfare agency.”

**(2)** If a county chooses to participate in the Section 8 housing certificate program, all of the following shall occur:

**(A)** The county department of social services shall make the determination, pursuant to Section 553 of the Cranston-Gonzalez National Affordable Housing Act ([P.L. 101-625](#)), that an eligible child is at imminent risk of placement in out-of home care or that an eligible child in out-of-home care under its supervision may be returned to his or her family.

**(B)** The county department of social services shall certify an eligible family as one for which the lack of adequate housing is a primary factor in the imminent placement of the family’s child or children in out-of-home care or in the delayed discharge of a child or children to the family from out-of-home care.

**(C)** The county department of social services shall transmit, in writing, its certification pursuant to subparagraph (B) to the local public housing agency responsible, pursuant to [Section 34327.3 of the Health and Safety Code](#), for administering assistance under the Section 8 housing certificate program.

**(c)** As used in this section, “Section 8” means Section 8 of the United States Housing Act of 1937 ([Sec. 1437 et seq., Title 42, U.S.C.](#))

**(d)** The State Department of Social Services may, upon the request of a local public entity, provide technical assistance for the purpose of developing applications and plans from the local public entity for federal funding under the Section 8 housing certificate program created by Section 553 of the Cranston-Gonzalez National Affordable Housing Act ([P.L. 101-625](#)).

**(e)** The State Department of Social Services is authorized to adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code in



order to implement the purposes of this section.

**Leg.H.**

1992 ch. 292, effective July 23, 1992.

## **§ 16518. Criteria for Conduct of Home Study of Licensed Foster Parents.**

The State Department of Social Services, in consultation with county placement agencies, foster care providers, and other interested community parties, shall establish criteria to be used for conducting a comprehensive home study of a licensed or foster parent that evaluates the ability, readiness, and willingness of the licensed foster parent to meet the varying needs of children, including, but not limited to, hard-to-place children. The department shall consult with the Task Force on Accreditation of Services for Children established pursuant to [Section 1565 of the Health and Safety Code](#), and shall, as appropriate, consider the accreditation standards that are included in the accreditation plan when developing the home study criteria. The home study criteria developed pursuant to this section shall become operative at such time as the regulations adopted pursuant to [Section 1521.6 of the Health and Safety Code](#) are filed with the Secretary of State.

**Leg.H.**

1993 ch. 1089, 2001 ch. 653, effective October 10, 2001.

## **§ 16519. Legislative Findings and Declarations.**

The Legislature finds and declares the following:

(a) Safety, permanency, and well-being are crucial for the more than 82,000 California children in foster care, and are paramount to achieving both federal and state child welfare system improvement goals. Foster children need safe homes with permanent connections to family or other caring adults. The current licensing and approval system, which screens families to care for foster children, fails to support these outcomes.

(b) Children in foster care live in a variety of out-of-home care settings: licensed foster family homes, approved relative and nonrelative extended family member homes, foster family agencies, and group homes. All of these placement types, considered facilities under current law, are required to meet the respective health and safety standards in order to be licensed or approved. This has produced administrative inefficiencies and confusion among stakeholders, and has contributed to difficulty in recruiting suitable foster family homes for children in out-of-home care. Increasing the number of available suitable homes will improve the likelihood that the best home will be initially identified to meet a child's particular needs.

(c) Child safety and well-being are not achieved solely by ensuring that the home the child is placed in is free from physical hazards and that adults living in the home do not have disqualifying criminal convictions or past reports of child abuse. Child safety and well-being are also dependent upon consideration of the resource family's psychosocial history that includes physical health, mental health, alcohol and substance abuse, family violence or abuse, and experience caring for children.

(d) Research shows that children in out-of-home care placed with relatives and nonrelative extended family members are more stable, more likely to be placed with siblings, and more likely to stay connected to their community and extended family. California statutory and regulatory provisions should maximize the likelihood that a child will initially be placed in the care of a safe relative or nonrelative extended family member who is willing to provide permanent care if reunification cannot be achieved.

(e) Families living in the same neighborhood as a family from which a child has been removed are often best suited to provide for the immediate placement needs of that child.

(f) Families who provide care to children in out-of-home placement are a valuable resource to the people of this state and to the children for whom they provide care.

**Leg.H.**

Added Stats 2007 ch 464 § 2 (AB 340), effective January 1, 2008.

## **§ 16519.5. Establishment of Child-Centered Resource Family Approval Process; Criteria.**

(a) The State Department of Social Services, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, shall implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, certifying foster homes by licensed foster family agencies, approving relatives and nonrelative extended family members as foster care providers, and approving guardians and adoptive families.

(b)

(1) Counties shall be selected to participate on a voluntary basis as early implementation counties for the purpose of participating in the initial development of the approval process. Early implementation counties shall be selected according to criteria developed by the department in consultation with the County Welfare Directors Association of California. In selecting the five early implementation counties, the department shall promote diversity among the participating counties in terms of size and geographic location.

(2) Additional counties may participate in the early implementation of the program upon authorization by the department.

(3) The State Department of Social Services shall be responsible for all of the following:

(A) Selecting early implementation counties, based on criteria established by the department in consultation with the County Welfare Directors Association of California.

(B) Establishing timeframes for participating counties to submit an implementation plan, enter into terms and conditions for early implementation participation in the program, train appropriate staff, and accept applications from resource families.

(C) Entering into terms and conditions for early implementation participation in the program by counties.

(4) Counties participating in the early implementation of the program shall be responsible for all of the following:

(A) Submitting an implementation plan.

(B) Entering into terms and conditions for early implementation participation in the program.

(C) Consulting with the county probation department in the development of the implementation plan.

(D) Training appropriate staff.

(E) Accepting applications from resource families within the timeframes established by the department.

(5)

(A) Approved relatives and nonrelative extended family members, licensed foster family homes, or approved adoptive homes that have completed the license or approval process prior to statewide implementation of the program shall not be considered part of the program. The otherwise applicable assessment and oversight processes shall continue to be administered for families and facilities not included in the program.

(B) Upon implementation of the program in a county, that county shall not accept new applications for the licensure of foster family homes, the approval of relative and nonrelative extended family members, or the approval of prospective guardians and adoptive homes.

(6) The department may waive regulations that pose a barrier to the early implementation and operation of this program. The waiver of a regulation by the department pursuant to this section applies to only those counties or foster family agencies participating in the early implementation of the program and only for the duration of the program.

(7) This subdivision is inoperative on January 1, 2017.

(c)

(1) For purposes of this article, “resource family” means an individual or family that has successfully met both the home environment assessment standards and the permanency assessment criteria adopted pursuant to subdivision (d) necessary for providing care for a child placed by a public or private child placement agency by court order, or voluntarily placed by a parent or legal guardian. A resource family shall demonstrate all of the following:

(A) An understanding of the safety, permanence, and well-being needs of children who have been victims of child abuse and neglect, and the capacity and willingness to meet those needs, including the need for protection, and the willingness to make use of support resources offered by the agency, or a support structure in place, or both.

(B) An understanding of children’s needs and development, effective parenting skills or knowledge about parenting, and the capacity to act as a reasonable, prudent parent in day-to-day decisionmaking.

(C) An understanding of the role of the individual or family as a resource family and the capacity to work cooperatively with the agency and other service providers in implementing the child’s case plan.

(D) The financial ability within the household to ensure the stability and financial security of the family. This requirement may be waived for relative and nonrelative extended family member resource families on a case-by-case basis. For purposes of this subparagraph, there is no minimum income requirement and an applicant who will rely on the funding described in subdivision (1) to meet additional household expenses incurred due to the placement of a child shall not, for this reason, be denied approval as a resource family.

(E) An ability and willingness to provide a family setting that promotes normal childhood experiences that serves the needs of the child.

(2) For purposes of this article, and unless otherwise specified, references to a “child” include a “nonminor dependent” and “nonminor former dependent or ward,” as defined in subdivision (v) and paragraph (1) of subdivision (aa) of Section 11400.

(3) There is no fundamental right to approval as a resource family. Emergency placement of a child pursuant to Section 309, 319, 361.45, or 727.05, or with a resource family applicant pursuant to subdivision (e), does not entitle an applicant to approval as a resource family.

(4)

(A) A resource family shall be considered eligible to provide foster care for children in out-of-home placement and approved for adoption and guardianship.

(B)

(i) Notwithstanding subparagraph (A), a county may approve a resource family to care for a specific child, as specified in the written directives or regulations adopted pursuant to this section. Child-specific approval shall be considered if the applicant is a relative or nonrelative extended family member who has an established and significant relationship with a child or a child is already placed in the home of the relative or nonrelative extended family member pursuant to subdivision (e) or Section 309, 319, 361.45, or 727.05.

(ii) When child-specific approval is granted to a relative who has received a criminal records exemption pursuant to clause (iv) of subparagraph (A) of paragraph (2) of [subdivision \(g\) of Section 1522 of the Health and Safety Code](#), the child’s placement shall be funded pursuant to Section 11461.3 and the relative shall not be eligible for federal financial participation while the child is placed with them.

(iii) In the case of an Indian child for whom the child’s tribe is not exercising its right to approve a home, the county shall apply the prevailing social and cultural standards of the Indian community to resource family approval for that child, as required by subdivision (f) of Section 361.31 and the federal Indian Child Welfare Act of 1978 ([25 U.S.C. Sec. 1901 et seq.](#)). The department shall engage in the tribal consultation process and develop regulations to implement this clause. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this clause through all-county letters or other similar instruction, and provide guidance to counties regarding consistent implementation of this clause.

(5) For purposes of this article, “resource family approval” means that the applicant or resource family successfully meets the home environment assessment and permanency assessment standards. This approval is in lieu of a foster family home license issued pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code, a certificate of approval issued by a licensed foster family agency, as described in [subdivision \(b\) of Section 1506 of the Health and Safety Code](#), relative or nonrelative extended family member approval, guardianship approval, and the adoption home study approval.

(6) Approval of a resource family does not guarantee an initial, continued, or adoptive placement of a child with a resource family or with a relative or nonrelative extended family member. Approval of a resource family does not guarantee the establishment of a legal guardianship of a child with a resource family.

(7)

(A) Notwithstanding paragraphs (1) to (6), inclusive, the county shall, consistent with [Sections 1520.3 and 1558.1 of the Health and Safety Code](#), cease any further review of an application if the applicant has had a previous application denial by the department or a county within the preceding year, or if the applicant has had a previous rescission, revocation, or exemption denial or exemption rescission by the department or a county within the preceding two years.

(B) Notwithstanding subparagraph (A), the county may continue to review an application if it has determined that the reasons for the previous denial, rescission, or revocation were due to circumstances and conditions that either have been corrected or are no longer in existence. If an individual was excluded from a resource family home or facility licensed by the department, the county shall cease review of the individual's application unless the excluded individual has been reinstated pursuant to subdivision (g) of Section 16519.6 of this code or pursuant to Section 1569.53, subdivision (h) of Section 1558, subdivision (h) of Section 1569.58, or [subdivision \(h\) of Section 1596.8897, of the Health and Safety Code](#).

(C)

(i) The county may cease any further review of an application if, after written notice to the applicant, the applicant fails to complete an application without good faith effort and within 30 days of the date of the notice, as specified in the written directives or regulations adopted pursuant to this section.

(ii) Clause (i) does not apply if a child is placed with the applicant pursuant to Section 309, 361.45, 727.05, or paragraph (1) of subdivision (e) of Section 16519.5.

(D) The cessation of an application review pursuant to this paragraph does not constitute a denial of the application for purposes of this section or any other law.

(E) For purposes of this section, the date of a previous denial, rescission, revocation, exemption denial or exemption rescission, or exclusion shall be either of the following:

(i) The effective date of a final decision or order upholding a notice of action or exclusion order.

(ii) The date on the notice of the decision to deny, rescind, revoke, or exclude if the notice was not appealed or otherwise constitutes a final decision.

(8) A resource family shall meet the approval standards set forth in this section, and, as applicable, Chapter 6.3 (commencing with Section 18360) of Part 6, to maintain approval. A resource family shall comply with the written directives or regulations adopted pursuant to this section and applicable laws in order to maintain approval.

(9) A resource family may be approved by a county child welfare department or a probation department pursuant to this section or by a foster family agency pursuant to [Section 1517 of the Health and Safety Code](#).

(10) A resource family shall not be licensed to operate a residential facility, as defined in [Section 1502 of the Health and Safety Code](#), a residential care facility for the elderly, as defined in [Section 1569.2 of the Health and Safety Code](#), or a residential care facility for persons with chronic life-threatening illnesses, as defined in [Section 1568.01 of the Health and Safety Code](#), on the same premises used as the residence of the resource family.

(11)

(A) An applicant who withdraws an application prior to its approval or denial may resubmit the application within 12 months of the withdrawal.

(B) This paragraph does not preclude a county from requiring an applicant to complete an application activity, even if that activity was previously completed.

(d)

(1) The department shall adopt standards pertaining to the home environment and permanency assessments of a resource family.

(2) Resource family home environment assessment standards shall include, but not be limited to, all of the following:

(A)

(i)

(I) A criminal record clearance of each applicant and all adults residing in, or regularly present in, the home, and not exempted from fingerprinting, as set forth in [subdivision \(b\) of Section 1522 of the Health and Safety Code](#), pursuant to [Section 8712 of the Family Code](#), utilizing a check of the Child Abuse Central Index pursuant to [Section 1522.1 of the Health and Safety Code](#), and receipt of a fingerprint-based state and federal criminal offender record information search response. The criminal history information shall include subsequent notifications pursuant to [Section 11105.2 of the Penal Code](#).

(II) Consideration of any substantiated allegations of child abuse or neglect against the applicant and any other adult residing in, or regularly present in, the home pursuant to [Section 1522.1 of the Health and Safety Code](#).

(III) If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (A) of paragraph (2) of [subdivision \(g\) of Section 1522 of the Health and Safety Code](#), home approval shall be denied unless the person has received a criminal records exemption pursuant to clause (iv) of subparagraph (A) of paragraph (2) of [subdivision \(g\) of Section 1522 of the Health and Safety Code](#). If the criminal records check indicates that the person has been convicted of an offense described in subparagraph (B) or (D) of paragraph (2) of [subdivision \(g\) of Section 1522 of the Health and Safety Code](#), the home shall not be approved unless a criminal record exemption has been granted pursuant to subclause (IV).

(IV) If the resource family parent, applicant, or any other person specified in subclause (I) has been convicted of a crime other than an infraction or arrested for an offense specified in [subdivision \(e\) of Section 1522 of the Health and Safety Code](#), except for the civil penalty language, the criminal background check provisions specified in subdivisions (d) through (f) of [Section 1522 of the Health and Safety Code](#) shall apply. Exemptions from the criminal records clearance requirements set forth in this section may be granted by the department or the county, if that county has been granted permission by the department to issue criminal record exemptions pursuant to Section 361.4, using the exemption criteria currently used for foster care licensing, as specified in [subdivision \(g\) of Section 1522 of the Health and Safety Code](#).

(V) If it is determined, on the basis of the fingerprint images and related information submitted to the Department of Justice, that subsequent to obtaining a criminal record clearance or exemption from disqualification, the person has been convicted of, or is

awaiting trial for, a sex offense against a minor, or has been convicted for an offense specified in [Section 243.4, 273a, 273ab, 273d, 273g](#), or [368 of the Penal Code](#), or a felony, the department or county shall notify the resource family to act immediately to remove or bar the person from entering the resource family's home. The department or county, as applicable, may subsequently grant an exemption from disqualification pursuant to [subdivision \(g\) of Section 1522 of the Health and Safety Code](#). If the conviction or arrest was for another crime, the resource family shall, upon notification by the department or county, act immediately to either remove or bar the person from entering the resource family's home, or require the person to seek an exemption from disqualification pursuant to [subdivision \(g\) of Section 1522 of the Health and Safety Code](#). The department or county, as applicable, shall determine if the person shall be allowed to remain in the home until a decision on the exemption from disqualification is rendered.

(ii) For public foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized.

(iii) For private foster family agencies approving resource families, the criminal records clearance process set forth in clause (i) shall be utilized, but the Department of Justice shall disseminate a fitness determination resulting from the federal criminal offender record information search.

(B) A home and grounds evaluation to ensure the health and safety of children.

(C) In addition to the foregoing requirements, the resource family home environment assessment standards shall require the following:

(i) That the applicant demonstrates an understanding of the rights of children in care and the applicant's responsibility to safeguard those rights.

(ii) That the total number of children residing in the home of a resource family shall be no more than the total number of children the resource family can properly care for, regardless of status, and shall not exceed six children, unless exceptional circumstances that are documented in the foster child's case file exist to permit a resource family to care for more children, including, but not limited to, the need to place siblings together, consistent with Section 16002.

(iii) That the applicant understands the applicant's responsibilities with respect to acting as a reasonable and prudent parent, and maintaining the least restrictive environment that serves the needs of the child.

(3) The resource family permanency assessment standards shall include, but not be limited to, all of the following:

(A) Caregiver training, as described in subdivisions (g) and (h).

(B) A family evaluation, which shall include, but not be limited to, interviews of an applicant to assess the applicant's personal history, family dynamic, and need for support or resources, and a risk assessment.

(i) When the applicant is a relative or nonrelative extended family member to an identified child, the family evaluation shall consider the nature of the relationship between the relative or nonrelative extended family member and the child. The relative or nonrelative extended family member's expressed desire to only care for a specific child or children shall not be a reason to deny the approval.



(ii) A caregiver risk assessment shall include, but not be limited to, physical and mental health, alcohol and other substance use and abuse, family and domestic violence, and the factors listed in paragraph (1) of subdivision (c).

(iii) A county may review and discuss data contained in the statewide child welfare database with an applicant for purposes of conducting a family evaluation, as specified in the written directives or regulations adopted pursuant to this section.

(C) Completion of any other activities that relate to the ability of an applicant or a resource family to achieve permanency with a child.

(4)

(A) For a child placed on an emergency basis pursuant to Section 309, 361.45, or 727.05, the home environment assessment, the permanency assessment, and the written report shall be completed within 90 days of the placement, unless good cause exists based upon the needs of the child.

(B) If additional time is needed to complete the home environment assessment or the permanency assessment, the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of those assessments.

(C) The county shall report to the department, on a quarterly basis, the number of families with emergency placements whose home environment assessment or permanency assessment goes beyond 90 days and summarize the reasons for these delays.

(e)

(1) A county may place a child with a resource family applicant who has successfully completed the home environment assessment prior to completion of a permanency assessment only if a compelling reason for the placement exists based on the needs of the child.

(A) The permanency assessment and the written report described in paragraph (5) of subdivision (g) shall be completed within 90 days of the child's placement in the home, unless good cause exists.

(B) If additional time is needed to comply with subparagraph (A), the county shall document the extenuating circumstances for the delay and generate a timeframe for the completion of the permanency assessment.

(C) The county shall report to the department, on a quarterly basis, the number of applicants for whom the requirements of subparagraph (A) exceed 90 days and summarize the reasons for these delays.

(2) The home environment and permanency assessments, and the written report described in paragraph (5) of subdivision (g), shall be completed within 90 days of a child's placement with a relative or nonrelative extended family member pursuant to Section 309, 361.45, or 727.05, unless good cause exists.

(3) For any placement made pursuant to this subdivision, AFDC-FC funding shall not be available until approval of the resource family has been completed.

(4) A child placed pursuant to this subdivision shall be afforded all the rights set forth in Section 16001.9.

(5) This section does not limit the county's authority to inspect the home of a resource family applicant as often as necessary to ensure the quality of care provided.

(6) This subdivision does not limit the county's obligation under law to assess and give placement consideration to relatives and nonrelative extended family members and to place a child pursuant to Section 309, 361.3, 361.45, 706.6, or 727.1.

(f) The State Department of Social Services shall be responsible for all of the following:

(1)

(A) Until regulations are adopted, administering the program through the issuance of written directives that shall have the same force and effect as regulations. Any directive affecting Article 1 (commencing with Section 700) of Chapter 7 of Division 1 of Title 11 of the California Code of Regulations shall be approved by the Department of Justice. The directives shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code. Code).

(B) Adopting, amending, or repealing, in accordance with Chapter 4.5 (commencing with Section 11400) of Part 1 of Division 3 of Title 2 of the Government Code, any reasonable rules, regulations, and standards that may be necessary or proper to carry out the purposes and intent of this article and to enable the department to exercise the powers and perform the duties conferred upon it by this section, consistent with the laws of this state.

(2) Approving and requiring the use of a single standard for resource family approval.

(3) Adopting and requiring the use of standardized documentation for the home environment and permanency assessments of resource families. The department shall permit counties to maintain documentation relating to the resource family approval process in an electronic format.

(4) Adopting core competencies for county staff to participate in the assessment and evaluation of an applicant or resource family.

(5) Requiring counties to monitor county-approved resource families, including, but not limited to, both of the following:

(A) Investigating complaints regarding resource families.

(B) Developing and monitoring resource family corrective action plans to correct identified deficiencies and to rescind resource family approval if compliance with corrective action plans is not achieved.

(6) Ongoing oversight and monitoring of county systems and operations including all of the following:

(A) Reviewing the county's implementation plan and implementation of the program.

(B) Reviewing an adequate number of county-approved resource families in each county to ensure that approval standards are being properly applied. The review shall include case file documentation and may include onsite inspection of individual resource families. The review shall occur on a biennial basis and more frequently if the department becomes aware that a county is experiencing a disproportionate number of complaints against individual resource family homes.

(C) Reviewing county reports of serious complaints and incidents involving resource families, as determined necessary by the department. The department may conduct an independent review of the complaint or incident and change the findings depending on the results of its investigation.

(D) Investigating unresolved complaints against counties.

(E) Requiring corrective action of counties that are not in full compliance with this section.

(7) Excluding a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard for any of the reasons specified in Section 16519.61.

(8) Implementing due process procedures, including, but not limited to, all of the following:

(A) Providing a statewide fair hearing process for application denials, rescissions of approval, exclusion actions, or criminal record exemption denials or rescissions by a county or the department.

(B) Providing an excluded individual with due process pursuant to Section 16519.6.

(C) Amending the department's applicable state hearing procedures and regulations or using the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), when applicable, as necessary for the administration of the program.

(g) Counties shall be responsible for all of the following:

(1) Submitting an implementation plan and consulting with the county probation department in the development of the implementation plan.

(2) Complying with the written directives or regulations adopted pursuant to this section.

(3) Implementing the requirements for resource family approval and utilizing standardized documentation established by the department. A county may maintain documentation relating to the resource family approval process in an electronic format.

(4) Training appropriate staff, including ensuring staff have the education and experience or core competencies necessary to participate in the assessment and evaluation of an applicant or resource family.

(5)

(A) Taking the following actions, as applicable, for any of the reasons specified in Section 16519.61:

(i)

(I) Approving or denying resource family applications, including preparing a written report that evaluates an applicant's capacity to foster, adopt, and provide legal guardianship of a child based on all of the information gathered through the resource family application and assessment processes.

(II) The applicant's preference to provide a specific level of permanency, including adoption, guardianship, or, in the case of a relative, placement with a fit and willing relative, shall not be a basis to deny an application.

(ii) Rescinding approvals of resource families.

(iii) When applicable, referring a case to the department for an action to exclude a resource family parent, applicant, or other individual from presence in any resource family home, consistent with the established standard.

(iv) Issuing a temporary suspension order that suspends the resource family approval prior to a hearing when, in the opinion of the county, urgent action is needed to protect a child from physical or mental abuse, abandonment, or any other substantial threat to health or safety. The

county shall serve the resource family with the temporary suspension order and a copy of available discovery in the possession of the county, including, but not limited to, affidavits, declarations, names of witnesses, and other evidence upon which the county relied in issuing the temporary suspension order. The temporary suspension order shall be served upon the resource family with a notice of action, and if the matter is to be heard before the Office of Administrative Hearings, an accusation. The temporary suspension order shall list the effective date on the order.

(v) Granting, denying, or rescinding criminal record exemptions.

(B) Providing a resource family parent, applicant, or individual who is the subject of a criminal record exemption denial or rescission with due process pursuant to Section 16519.6.

(C) Notifying the department of any decisions denying an application for resource family approval, rescinding the approval of a resource family, or denying or rescinding a criminal record exemption and, if applicable, notifying the department of the results of an administrative action.

(6)

(A) Updating resource family approval biennially and as necessary to address any changes that have occurred in the resource family's circumstances, including, but not limited to, moving to a new home location or commencing operation of a family daycare home, as defined in [Section 1596.78 of the Health and Safety Code](#).

(B) A county shall conduct an announced inspection of a resource family home during the biennial update, and as necessary to address any changes specified in subparagraph (A), in order to ensure that the resource family is conforming to all applicable laws and the written directives or regulations adopted pursuant to this section.

(7) Monitoring resource families through all of the following:

(A) Ensuring that social workers who identify a condition in the home that may not meet the approval standards set forth in subdivision (d) while in the course of a routine visit to children placed with a resource family take appropriate action as needed.

(B) Requiring resource families to meet the approval standards set forth in this section and to comply with the written directives or regulations adopted pursuant to this section, other applicable laws, and corrective action plans as necessary to correct identified deficiencies. If corrective action is not completed, as specified in the plan, the county may rescind the resource family approval.

(C) Requiring resource families to report any incidents consistent with the reporting requirements pursuant to the written directives or regulations adopted pursuant to this section.

(D) Inspecting resource family homes as often as necessary to ensure the quality of care provided.

(8)

(A) Investigating all complaints against a resource family and taking action as necessary, including, but not limited to, investigating any incidents reported about a resource family indicating that the approval standard is not being maintained and inspecting the resource family home.

(B) The child's social worker shall not conduct the investigation into the complaint received concerning a family providing services pursuant to the standards required by subdivision (d). To the

extent that adequate resources are available, complaints shall be investigated by a worker who did not conduct the home environment assessment or family evaluation or prepare the written report determining approval of the resource family.

(C) Upon conclusion of the complaint investigation, the final disposition shall be reviewed and approved by a supervising staff member.

(D) The department shall be notified of any serious incidents or serious complaints or any incident that falls within the definition of [Section 11165.5 of the Penal Code](#). If those incidents or complaints result in an investigation, the department shall also be notified as to the status and disposition of that investigation.

(9) Performing corrective action as required by the department.

(10) Assessing county performance in related areas of the California Child and Family Services Review System, and remedying problems identified.

(11) Submitting information and data that the department determines is necessary to study, monitor, and prepare the update specified in paragraph (7) of subdivision (f).

(12) Ensuring resource family applicants and resource families have the necessary knowledge, skills, and abilities to support children in foster care by completing caregiver training. The training should include a curriculum that supports the role of a resource family in parenting vulnerable children and should be ongoing in order to provide resource families with information on trauma-informed practices and requirements and other topics within the foster care system.

(13) Ensuring that a resource family applicant completes a minimum of 12 hours of preapproval caregiver training. The training shall include, but not be limited to, all of the following courses:

(A) An overview of the child protective and probation systems.

(B) The effects of trauma, including grief and loss, and child abuse and neglect, on child development and behavior, and methods to behaviorally support children impacted by that trauma or child abuse and neglect.

(C) Positive discipline and the importance of self-esteem.

(D) Health issues in foster care.

(E) Accessing services and supports to address education needs, physical, mental, and behavioral health, and substance use disorders, including culturally relevant services.

(F) The rights of a child in foster care and the resource family's responsibility to safeguard those rights, including the right to have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(G) Cultural needs of children, including instruction on cultural competency and sensitivity, and related best practices for providing adequate care for children or youth across diverse ethnic and racial backgrounds, as well as children or youth identifying as lesbian, gay, bisexual, or transgender.

(H) Basic instruction on existing laws and procedures regarding the safety of foster youth at school.

(I) Permanence, well-being, and education needs of children.

(J) Child and adolescent development, including sexual orientation, gender identity, and expression.

(K) The role of resource families, including working cooperatively with the child welfare or probation agency, the child's family, and other service providers implementing the case plan.

(L) The role of a resource family on the child and family team as defined in paragraph (4) of subdivision (a) of Section 16501.

(M) A resource family's responsibility to act as a reasonable and prudent parent, as described in [subdivision \(c\) of Section 1522.44 of the Health and Safety Code](#), and to provide a family setting that promotes normal childhood experiences and that serves the needs of the child.

(N) An overview of the specialized training identified in subdivision (h).

(O) The information described in subdivision (i) of Section 16521.5. The program may use the curriculum created pursuant to subdivision (h), and described in subdivision (i), of Section 16521.5.

(P) Information on providing care and supervision to children who have been commercially sexually exploited or who have been victims of child labor trafficking. For purposes of this subparagraph, "information" may include, but not be limited to, informational pamphlets addressing the identification of victims of commercial sexual exploitation and child labor trafficking and the provision of existing resources, including crisis hotline numbers, survivor and caregiver supports, and contact information for law enforcement entities.

(14) Ensuring resource families complete a minimum of eight hours of caregiver training annually, a portion of which shall be from subparagraph (M) of paragraph (13) and from one or more of the other topics listed in paragraph (13).

(15)

(A) Ensuring that resource families that care for children who are 10 years of age or older attend, within 12 months of approval as a resource family, a training on understanding how to use best practices for providing care and supervision to children who have been commercially sexually exploited or who have been victims of child labor trafficking. This training shall be survivor informed, culturally relevant and appropriate, and address issues relating to stigma. The training required by this subparagraph shall address all of the following topics:

(i) Recognizing indicators of commercial sexual exploitation and child labor trafficking.

(ii) Harm reduction.

(iii) Trauma-informed care.

(iv) Available county and state resources.

(v) Perspectives of individuals or families who have experiences with commercial sexual exploitation and child labor trafficking.

(B) The information provided in subparagraph (P) of paragraph (13) shall also be provided during the training described in this paragraph.

(C) After completing the training required by subparagraph (A), a resource family shall not be required to attend training relating to children who have been commercially sexually exploited or who

have been victims of child labor trafficking, except as required pursuant to subdivision (h).

(D) This section does not prevent an entity from providing the training specified in this paragraph in person, virtually, by recorded means, or by any other available means.

(h) In addition to any training required by this section, a county may require a resource family or applicant to receive relevant specialized training for the purpose of preparing the resource family to meet the needs of a particular child in care. This training may include, but is not limited to, the following:

(1) Understanding how to use best practices for providing care and supervision to commercially sexually exploited children and children who have been victims of child labor trafficking.

(2) Understanding how to use best practices for providing care and supervision to lesbian, gay, bisexual, and transgender children.

(3) Understanding the requirements and best practices regarding psychotropic medications, including, but not limited to, court authorization, benefits, uses, side effects, interactions, assistance with self-administration, misuse, documentation, storage, and metabolic monitoring of children prescribed psychotropic medications.

(4) Understanding the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.), its historical significance, the rights of children covered by the act, and the best interests of Indian children, including the role of the caregiver in supporting culturally appropriate, child-centered practices that respect Native American history, culture, retention of tribal membership, and connection to the tribal community and traditions.

(5) Understanding how to use best practices for providing care and supervision to nonminor dependents.

(6) Understanding how to use best practices for providing care and supervision to children with special health care needs.

(7) Understanding the different permanency options and the services and benefits associated with the options.

(i) This section does not preclude a county from requiring training in excess of the requirements in this section.

(j)

(1) Resource families who move home locations shall retain their resource family status pending the outcome of the update conducted pursuant to paragraph (6) of subdivision (g).

(2)

(A) If a resource family moves from one county to another county, the department, or the county to which a resource family has moved, shall submit a written request to the Department of Justice to transfer the individual's subsequent arrest notification, as specified in subdivision (h) of Section 1522 of the Health and Safety Code.

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.



(3) Subject to the requirements in paragraph (1), the resource family shall continue to be approved for guardianship and adoption. This subdivision shall not limit a county, foster family agency, or adoption agency from determining that the family is not approved for guardianship or adoption based on changes in the family's circumstances or family evaluation.

(k) Implementation of the program shall be contingent upon the continued availability of federal Social Security Act Title IV-E ([42 U.S.C. Sec. 670](#)) funds for costs associated with placement of children with resource families assessed and approved pursuant to the program.

(l) A child placed with a resource family is eligible for the resource family basic rate, pursuant to Sections 11460, 11461, 11461.3, and 11463, at the child's assessed level of care.

(m) Sharing ratios for nonfederal expenditures for all costs associated with activities related to the approval of relatives and nonrelative extended family members shall be in accordance with Section 10101.

(n) The Department of Justice shall charge fees sufficient to cover the cost of initial or subsequent criminal offender record information and Child Abuse Central Index searches, processing, or responses, as specified in this section.

(o) Except as provided, resource families shall be exempt from both of the following:

(1) Licensure requirements established pursuant to the California Community Care Facilities Act (Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code) and all regulations promulgated to implement the act.

(2) Relative and nonrelative extended family member approval requirements as those approval requirements existed prior to January 1, 2017.

(p)

(1) Early implementation counties shall be authorized to continue through December 31, 2016. The program shall be implemented by each county on or before January 1, 2017.

(2)

(A)

(i) On and after January 1, 2017, a county to which the department has delegated its licensing authority pursuant to [Section 1511 of the Health and Safety Code](#) shall approve resource families in lieu of licensing foster family homes.

(ii) Notwithstanding clause (i), the existing licensure and oversight processes shall continue to be administered for foster family homes licensed prior to January 1, 2017, or as specified in subparagraph (C), until the license is revoked or forfeited by operation of law pursuant to [Section 1517.1 of the Health and Safety Code](#).

(B)

(i) On and after January 1, 2017, a county shall approve resource families in lieu of approving relative and nonrelative extended family members.

(ii) Notwithstanding clause (i), the existing approval and oversight processes shall continue to be administered for relatives and nonrelative extended family members approved prior to January 1, 2017, or as specified in subparagraph (C), until the approval is revoked or forfeited by operation of law pursuant to this section.

(C) Notwithstanding subparagraph (D), a county shall approve or deny all applications for foster family home licenses and requests for relative or nonrelative extended family member approvals received on or before December 31, 2016, in accordance with Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code or provisions providing for the approval of relatives or nonrelative extended family members, as applicable.

(D) On and after January 1, 2017, a county shall not accept applications for foster family home licenses or requests to approve relatives or nonrelative extended family members.

(3) No later than July 1, 2019, each county shall provide the following information to all licensed foster family homes and approved relatives and nonrelative extended family members licensed or approved by the county:

(A) A detailed description of the resource family approval program.

(B) Notification that, in order to care for a foster child, resource family approval is required by December 31, 2020.

(C) Notification that a foster family home license and an approval of a relative or nonrelative extended family member shall be forfeited by operation of law, as specified in paragraph (8).

(4) The following applies to all licensed foster family homes and approved relative and nonrelative extended family members:

(A) A licensed foster family home or an approved relative or nonrelative extended family member with an approved adoptive home study completed prior to January 1, 2018, shall be deemed to be a resource family.

(B) A licensed foster family home or an approved relative or nonrelative extended family member who had a child in placement at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

(C) A licensed foster family home that provided county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, may be approved as a resource family on the date of successful completion of a family evaluation.

(5) A county may provide supportive services to all licensed foster family homes, relatives, and nonrelative extended family members with a child in placement to assist with the resource family transition and to minimize placement disruptions.

(6)

(A) In order to approve a licensed foster family home or approved relative or nonrelative extended family member as a resource family pursuant to paragraph (4), a county shall submit a written request to the Department of Justice to transfer any subsequent arrest and Child Abuse Central Index notifications, as specified in [subdivision \(h\) of Section 1522 of the Health and Safety Code](#).

(B) A request to transfer a subsequent arrest notification shall contain all prescribed data elements and format protocols pursuant to a written agreement between the department and the Department of Justice.

(7) An individual who is a member of a resource family approved pursuant to subparagraph (B) or (C) of paragraph (4) shall be fingerprinted pursuant to [Section 8712 of the Family Code](#) upon filing an

application for adoption.

(8) All foster family licenses and approvals of relatives and nonrelative extended family members shall be forfeited by operation of law on December 31, 2020, except as provided in this paragraph or [Section 1524 of the Health and Safety Code](#):

(A) All licensed foster family homes that did not have a child in placement or did not provide county-authorized respite services at any time between January 1, 2017, and December 31, 2017, inclusive, shall forfeit the license by operation of law on January 1, 2018.

(B) For foster family home licensees and approved relatives or nonrelative extended family members who have a pending resource family application on December 31, 2020, the foster family home license or relative and nonrelative extended family member approval shall be forfeited by operation of law upon approval as a resource family. If approval is denied, forfeiture by operation of law shall occur on the date of completion of any proceedings required by law to ensure due process.

(C) A foster family home license shall be forfeited by operation of law, pursuant to [Section 1517.1 of the Health and Safety Code](#), upon approval as a resource family.

(D) Approval as a relative or nonrelative extended family member shall be forfeited by operation of law upon approval as a resource family.

(q) On and after January 1, 2017, all licensed foster family agencies shall approve resource families in lieu of certifying foster homes, as set forth in [Section 1517 of the Health and Safety Code](#).

(r) The department may establish participation conditions, and select and authorize foster family agencies that voluntarily submit implementation plans and revised plans of operation in accordance with requirements established by the department, to approve resource families in lieu of certifying foster homes.

(1) Notwithstanding any other law, a participating foster family agency shall require resource families to meet and maintain the resource family approval standards and requirements set forth in this chapter and in the written directives adopted consistent with the chapter prior to approval and in order to maintain approval.

(2) A participating foster family agency shall implement the resource family approval program pursuant to [Section 1517 of the Health and Safety Code](#).

(3) This section does not limit the authority of the department to inspect, evaluate, or investigate a complaint or incident, or initiate a disciplinary action against a foster family agency pursuant to Article 5 (commencing with Section 1550) of Chapter 3 of Division 2 of the Health and Safety Code, or to take any action it may deem necessary for the health and safety of children placed with the foster family agency.

(4) The department may adjust the foster family agency AFDC-FC rate pursuant to Section 11463 for implementation of this subdivision.

(5) This subdivision is inoperative on January 1, 2017.

(s) The department or a county is authorized to obtain any arrest or conviction records or reports from any court or law enforcement agency as necessary to the performance of its duties, as provided in this section or [subdivision \(e\) of Section 1522 of the Health and Safety Code](#).

(t) A resource family approved pursuant to this section shall forfeit its approval concurrent with resource family approval by a foster family agency.

Added Stats 2019 ch 810 § 2.3 (AB 865), effective January 1, 2020, operative January 1, 2021. Amended Stats 2020 ch 11 § 76 (AB 79), effective June 29, 2020, operative January 1, 2021; Stats 2020 ch 104 § 21 (AB 2944), effective September 18, 2020, operative January 1, 2021; Stats 2021 ch 548 § 1 (SB 584), effective January 1, 2022; Stats 2021 ch 581 § 4.2 (AB 366), effective January 1, 2022; Stats 2021 ch 687 § 13.3 (SB 354), effective January 1, 2022 (ch 687 prevails).

## **§ 16519.55. Confidentiality of Resource Family Information.**

(a) Subject to subdivision (d), to encourage the recruitment of resource families, to protect their personal privacy, and to preserve the security of confidentiality of the placements with resource families, the names, addresses, and other identifying information of resource families shall be considered personal information for purposes of the Information Practices Act of 1977 (Chapter 1 (commencing with Section 1798) of Title 1.8 of Part 4 of Division 3 of the Civil Code). This information shall not be disclosed by any state or local agency pursuant to the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code), except as necessary for administering the resource family approval program, facilitating the placement of children with resource families, and providing names and addresses, upon request, only to bona fide professional foster parent organizations and to professional organizations educating foster parents, including the Foster and Kinship Care Education Program of the California Community Colleges.

(b) The application form signed by a resource family applicant of a county shall be signed with a declaration by the applicant that the information submitted is true, correct, and contains no material omissions of fact to the best knowledge and belief of the applicant. Any person who willfully and knowingly, with the intent to deceive, makes a false statement or fails to disclose a material fact in their application is guilty of a misdemeanor.

(c)

(1) Before approving a resource family, a county may conduct a reference check of the applicant to determine whether it is safe and appropriate for the county to approve the applicant to be a resource family by contacting the following:

(A) Any foster family agencies that have certified the applicant.

(B) Any state or county licensing offices that have licensed the applicant as a foster family home.

(C) Any counties that have approved the applicant as a relative or nonrelative extended family member.

(D) Any foster family agencies or counties that have approved the applicant as a resource family.

(E) Any state licensing offices that have licensed the applicant as a community care facility, child daycare center, or family child care home.

(F) Any Indian tribe or tribal agency that has approved or licensed an applicant in any of the categories described in subparagraphs (A) to (E), inclusive.

(2) Notwithstanding subdivision (d), within 20 business days of being contacted by a county, a foster family agency that has previously certified the applicant or approved the applicant as a resource family shall divulge information, as specified in the written directives or regulations adopted by the department pursuant to [Section 16519.5 of the Welfare and Institutions Code](#) and unless otherwise prohibited by law, regarding the applicant to the county that is conducting a reference check.

(d) The department, a county, a foster family agency, an Indian tribe, or a tribal agency may request information from, or divulge information to, the department, a county, a foster family agency, an Indian tribe, or

a tribal agency regarding a prospective resource family for the purpose of and as necessary to conduct a reference check to determine whether it is safe and appropriate to approve an applicant to be a resource family.

(e) For purposes of this section, the term Indian tribe means Indian tribe as defined in [subdivision \(a\) of Section 224.1 of the Welfare and Institutions Code](#).

**Leg.H.**

Added Stats 2015 ch 773 § 115 (AB 403), effective January 1, 2016. Amended Stats 2016 ch 612 § 122 (AB 1997), effective January 1, 2017; Stats 2020 ch 104 § 23 (AB 2944), effective September 18, 2020; Stats 2021 ch 615 § 460 (AB 474), effective January 1, 2022.

## **§ 16520. Legislative Intent for Special Consideration of Factors in Placement of Wards.**

The Legislature recognizes that wards and dependent children share many characteristics, often have similar family histories, and often require similar services such as out-of-home placement. The Legislature also recognizes that while there are similarities in the characteristics and service needs of the ward and dependent populations, there are also significant differences, the first being that the wards have been found responsible for committing offenses. Given this difference, the Legislature deems it imperative that placement agencies give special consideration when placing wards to factors which are not as significant when placing dependent children, including the effect on, including safety of, the community in which the out-of-home placement facility is located. However, the Legislature also acknowledges that for some wards, separate from the issue of accountability and punishment with regard to the offense, after satisfying the orders of the court with regard to the offense, placement in the out-of-home care system, with board and care funded through the Aid to Families with Dependent Children-Foster Care program, is appropriate and in their best interest.

In order to ensure that wards in the out-of-home care system, with board and care funded through the Aid to Families with Dependent Children-Foster Care program, receive appropriate services, and to ensure that applicable federal and state statutory requirements are met, it is the intent of the Legislature that the State Department of Social Services, regulate and monitor these placement activities.

**Leg.H.**

1993 ch. 1089.

## **§ 16521. Development of Regulations Regarding Placement of Wards Funded for Room and Board Through Aid to Families with Dependent Children-Foster Care Program.**

The State Department of Social Services, in consultation with representatives of local probation departments, foster care providers, and other interested parties, shall review federal and state statutes, federal requirements, and state regulations pertaining to the placement of children whose board and care is funded through the Aid to Families with Dependent Children-Foster Care program, and shall by January 1, 1995, develop regulations which identify specific initial and ongoing placement activities which must be performed by the probation department to ensure the needs of wards in placement whose board and care is funded through the Aid to Families with Dependent Children-Foster Care program are met.

**Leg.H.**

1993 ch. 1089.

### **§ 16521.3. Cooperation with Other State Agencies on Technical Architecture Alternatives Analysis Plan and Procurements; Automation Contracts and Strategies; Outside Legal Counsel; Consultation with Stakeholders.**

(a) The Department of General Services and all other affected state agencies shall cooperate with the State Department of Social Services and the California Health and Human Services Agency Data Center to expedite and achieve timely completion and review of the Technical Architecture Alternatives Analysis Plan and all procurements related to child welfare services.

(b) Notwithstanding [Section 11040 of the Government Code](#), the State Department of Social Services may obtain outside legal counsel to assist in negotiations for automation contracts related to child welfare services.

(c) The State Department of Social Services shall consult with stakeholders, including the County Welfare Directors Association, during the development of procurement and automation strategies related to child welfare services.

#### **Leg.H.**

2004 ch. 229 (SB 1104), effective August 16, 2004.

### **§ 16521.5. Responsibility for Ensuring Foster Youths, Adolescents, and Nonminor Dependents in Long-Term Foster Care Receive Appropriate Pregnancy Information or Referrals; Convening of Working Group; Purpose.**

(a) A foster care provider, in consultation with the county case manager, shall be responsible for ensuring that adolescents, including nonminor dependents, as described in subdivision (v) of Section 11400, who remain in long-term foster care, as defined by the department, receive age-appropriate pregnancy prevention information to the extent state and county resources are provided.

(b) A foster care provider, in consultation with the county case manager, shall be responsible for ensuring that a foster youth or nonminor dependent is provided with appropriate referrals to health services when the foster youth either reaches 18 years of age or the nonminor dependent exits foster care, and to the extent county and state resources are provided.

(c) As part of the home study process, the prospective foster care provider shall notify the county if he or she objects to participating in adolescent pregnancy prevention training or the dissemination of information pursuant to subdivisions (a) and (b). A licensed foster care provider shall notify the county if he or she objects to participation. If the provider objects, the county case manager shall assume this responsibility.

(d) Subdivisions (a), (b), and (c) shall not take effect until the department, in consultation with the workgroup, develops guidelines that describe the duties and responsibilities of foster care providers and county case managers in delivering pregnancy prevention services and information.

(e)

(1) The department, in consultation with the State Department of Health Services, shall convene a working group for the purpose of developing a pregnancy prevention plan that will effectively address the

needs of adolescent male and female foster youth. The workgroup shall meet not more than three times and thereafter shall provide consultation to the department upon request.

(2) The working group shall include representatives from the California Youth Connection, the Foster Parent's Association, group home provider associations, the County Welfare Director's Association, providers of teen pregnancy prevention programs, a foster care case worker, an expert in pregnancy prevention curricula, a representative of the Independent Living Program, and an adolescent health professional.

(f) The plan required pursuant to subdivision (e) shall include, but not be limited to, all of the following:

(1) Effective strategies and programs for preteen and older teen foster youth and nonminor dependents.

(2) The role of foster care and group home care providers.

(3) The role of the assigned case management worker.

(4) How to involve foster youth and nonminor peers.

(5) Selecting and providing appropriate materials to educate foster youth and nonminors in family life education.

(6) The training of foster care and group home care providers and, when necessary, county case managers in adolescent pregnancy prevention.

(g) Counties currently mandating foster care provider training shall be encouraged to include the pregnancy prevention curricula guidelines and educational materials that may be developed by the workgroup pursuant to subdivision (f).

(h) In order to train case management workers and foster care providers, the department shall develop a curriculum that is consistent with, and in addition to, the pregnancy prevention plan and the curricula guidelines and educational materials developed by the workgroup pursuant to subdivisions (e) and (f).

(i) The curriculum created pursuant to subdivision (h) shall include, but not be limited to, all of the following:

(1) The rights of youth and nonminor dependents in foster care to sexual and reproductive health care and information, to confidentiality of sensitive health information, and the reasonable and prudent parent standard.

(2) How to document sensitive health information, including, but not limited to, sexual and reproductive health issues, in a case plan.

(3) The duties and responsibilities of the assigned case management worker and the foster care provider in ensuring youth and nonminor dependents in foster care can obtain sexual and reproductive health services and information.

(4) Guidance about how to engage and talk with youth and nonminor dependents about healthy sexual development and reproductive and sexual health in a manner that is medically accurate, developmentally and age-appropriate, trauma-informed, and strengths-based.

(5) Information about current contraception methods and how to select and provide appropriate referral resources and materials for information and service delivery.



(j) The department shall adopt regulations to implement this section.

**Leg.H.**

Added Stats 1996 ch 216 § 1 (AB 1127); Amended Stats 2012 ch 846 § 59 (AB 1712), effective January 1, 2013; Amended Stats 2017 ch 24 § 51 (SB 89), effective June 27, 2017.

## ARTICLE 4

### Transitional Housing Placement Program

#### § 16522. Transitional Housing Program-Plus Providers; Adoption of Regulations; Certification Standards; Programs.

(a) The State Department of Social Services shall license transitional housing placement providers that provide supervised transitional housing services to foster children who are at least 16 years of age pursuant to [Section 1559.110 of the Health and Safety Code](#).

(b) Transitional Housing Program-Plus providers, as defined in subdivision (s) of Section 11400, shall not be subject to licensure pursuant to [Section 1559.110 of the Health and Safety Code](#), if they are certified to provide transitional housing by the applicable county and have obtained a local fire clearance.

(c) By July 31, 2012, the department shall establish certification standards and procedures for the Transitional Housing Placement program for nonminor dependents as described in subdivision (c) of Section 16522.1, in consultation with the County Welfare Directors Association, the California Youth Connection, county probation departments, provider representatives, and other stakeholders, as appropriate.

**Leg.H.**

Added Stats 1993 ch 799 § 5 (AB 1198); Amended Stats 1998 ch 873 § 9 (AB 2774); Stats 2001 ch 125 § 9 (AB 427), effective July 30, 2001; Stats 2011 ch 459 § 44 (AB 212), effective October 4, 2011; Stats 2012 ch 35 § 137 (SB 1013), effective June 27, 2012, ch 846 § 60 (AB 1712), effective January 1, 2013; Amended Stats 2017 ch 731 § 11 (SB 612), effective January 1, 2018.

#### § 16522.1. Transitional Housing Placement Provider; Certification Criteria; Contents.

(a) In order to be licensed as a transitional housing placement provider pursuant to [Section 1559.110 of the Health and Safety Code](#) and be eligible for payment of AFDC-FC benefits pursuant to Sections 11403.2 and 11403.3, an applicant shall obtain certification from the applicable county specifying whether the facility will serve foster youth at least 16 years of age and not more than 18 years of age, nonminor dependents, as defined in subdivision (v) of Section 11400, or both, as follows:

(1) A program serving foster children at least 16 years of age and not more than 18 years of age shall obtain a certification entitled “Transitional Housing Placement program for minor foster children.”

(2) A program serving nonminor dependents at least 18 years of age and not more than 21 years of age shall obtain a certification entitled a “Transitional Housing Placement program for nonminor dependents.”

(b) The certification for the Transitional Housing Placement program for minor foster children shall confirm that the program provides for all of the following:

(1) Admission criteria for participants in the program, including, but not limited to, consideration of the participant's age, previous placement history, delinquency history, history of drug or alcohol abuse, current strengths, level of education, mental health history, medical history, prospects for successful participation in the program, and work experience. Youth who are wards of the court described in Section 602 and youth receiving psychotropic medications shall be eligible for consideration to participate in the program, and shall not be automatically excluded due to these factors.

(2) The department shall review the admission criteria to ensure that the criteria are sufficient to protect participants and that they do not discriminate on the basis of any characteristic listed or defined in [Section 11135 of the Government Code](#).

(3) Strict employment criteria that include a consideration of the employee's age, drug or alcohol history, and experience in working with persons in this age group.

(4) A training program designed to educate employees who work directly with participants about the characteristics of persons in this age group placed in long-term care settings, and designed to ensure that these employees are able to adequately supervise and counsel participants and to provide them with training in independent living skills.

(5) A detailed plan for monitoring the placement of persons under the licensee's care.

(6) A contract between the participant and the licensee that specifically sets out the requirements for each party, and in which the licensee and the participant agree to the requirements of this article.

(7) An allowance to be provided to each participant in the program. In the case of a participant living independently, this allowance shall be sufficient for the participant to purchase food and other necessities.

(8) A system for payment for utilities, telephone, and rent.

(9) Policies regarding all of the following:

(A) Education requirements.

(B) Work expectations.

(C) Savings requirements.

(D) Personal safety.

(E) Visitors, including, but not limited to, visitation by the placement auditor pursuant to paragraph (5).

(F) Emergencies.

(G) Medical problems.

(H) Disciplinary measures.

(I) Childcare.

(J) Pregnancy.

(K) Curfew.

(L) Housing unit cleanliness.

(M) Use of utilities and telephone.

(N) Budgeting.

(O) Care of furnishings.

(P) Decorating of housing units.

(Q) Cars.

(R) Lending or borrowing money.

(S) Unauthorized purchases.

(T) Dating.

(U) Grounds for termination that may include, but shall not be limited to, illegal activities or harboring runaways.

(V) The approval of any nonparticipant roommates.

(10) Housing unit furnishings, and a policy on disposition of the furnishings when the participant completes the program.

(11) Evaluation of the participant's progress in the program and reporting to the independent living program and to the department regarding that progress.

(12) A linkage to the federal Workforce Investment Act of 1998 (29 U.S.C. Sec. 2801 et seq.) program administered in the local area to provide employment training to eligible participants.

(13) Effective January 1, 2013, a program staffing ratio of case manager to participant not to exceed 1 to 12.

(c) The certification for the Transitional Housing Placement program for nonminor dependents shall confirm that the program provides for all of the following:

(1) That the program is needed by the county.

(2) That the transitional housing placement provider is capable of effectively and efficiently operating the program.

(3) That the transitional housing placement provider is willing and able to accept the AFDC-FC-eligible nonminor dependents for placement by the placing agency who need the level of care and services that will be provided by the program.

(4) That the plan of operation is suitable to meet the needs of the identified population.

(5) Maintain a program staffing ratio for nonminor dependents of case manager to participant not to exceed a shared average caseload of 1 to 12, inclusive, with a designated lead case manager assigned to each youth.

(6) That the provider has established a process, which includes the county if the county chooses to participate, to evaluate whether a participant may be placed with a nonparticipant.

(d)

(1) A county may continue to approve payment to a transitional housing placement provider for a period of up to 14 days in a calendar month in which the nonminor dependent is absent from the placement if the nonminor dependent provides notice to the transitional housing placement provider that they intend to return to that placement within 14 days or the transitional housing placement provider has reason to believe the nonminor dependent will be returning within 14 days.

(2) If the county continues to pay the board and care costs for up to 14 days during the nonminor dependent's absence, the transitional housing placement provider shall not provide a removal notice or fill a nonminor dependent's place in the program.

(3) The State Department of Social Services shall issue guidance encouraging counties to continue to approve payment during temporary absences from the program as a best practice, consistent with federal law, to prevent nonminor dependent housing instability.

(e) For purposes of this section, "applicable county" means the county where the administrative office or subadministrative office of a transitional housing placement provider is located or a primary placing county.

**Leg.H.**

Added Stats 1993 ch 799 § 5 (AB 1198). Amended Stats 1998 ch 873 § 10 (AB 2774); Stats 2001 ch 125 § 10 (AB 427), effective July 30, 2001; Stats 2007 ch 568 § 52 (AB 14), effective January 1, 2008; Stats 2008 ch 179 § 251 (SB 1498), effective January 1, 2009; Stats 2012 ch 35 § 138 (SB 1013), effective June 27, 2012, ch 846 § 61 (AB 1712), effective January 2013; Stats 2017 ch 731 § 12 (SB 612), effective January 1, 2018; Stats 2020 ch 141 § 5 (AB 1979), effective January 1, 2021.

## **§ 16522.2. Transitional Housing; Permission to be Obtained from Specified County.**

(a) Eligible persons may receive transitional housing only with the permission of both the independent living program of the county in which the program is located and the county department of social services or the county probation department that has custody of the person.

(b) This section does not apply to a nonminor dependent, as defined in subdivision (v) of Section 11400.

**Leg.H.**

Added Stats 1993 ch 799 § 5 (AB 1198). Amended Stats 2012 ch 35 § 139 (SB 1013), effective June 27, 2012.

## **§ 16522.5. Approval of Screening and Supervision Plan.**

Prior to county certification of any program to be provided by a transitional housing placement provider, the department shall approve a plan submitted by the county's independent living program that includes assurances that the independent living program shall participate actively in the screening of candidates for this program and shall assist the licensed agency in the supervision of participants participating in the program. This section does not apply to nonminor dependents, as defined in subdivision (v) of Section 11400.

**Leg.H.**

Added Stats 1993 ch 799 § 5 (AB 1198); Amended Stats 2012 ch 35 § 140 (SB 1013), effective June 27, 2012; Amended Stats 2017 ch 731 § 13 (SB 612), effective January 1, 2018.

## **§ 16522.6. Availability of Program Information to Legislature.**

The department shall make information available to the Legislature upon request regarding services rendered pursuant to this article.

**Leg.H.**

1993 ch. 799.

## **§ 16524.7. Commercially Sexually Exploited Children Program Established; Allocation Of Funding; Case Planning.**

**(a)**

(1) There is hereby established the Commercially Sexually Exploited Children Program. This program shall be administered by the State Department of Social Services.

(2) The department, in consultation with the County Welfare Directors Association of California, shall develop an allocation methodology to distribute funding for the program. Funds allocated pursuant to this section shall be utilized to cover expenditures related to the costs of implementing the program, prevention and intervention services, and training related to children who are, or may become, victims of commercial sexual exploitation.

**(3)**

(A) Funds shall be provided to counties that elect to participate in the program for the provision of training to county children's services workers to identify, intervene, and provide case management services to children who are victims of commercial sexual exploitation and trafficking, as applicable, and to foster caregivers for the prevention and identification of potential victims.

(B) The department shall contract to provide training for county workers and foster caregivers. Training shall be selected and contracted for in consultation with the County Welfare Directors Association, county children's services representatives, and other stakeholders. The department shall consult and collaborate with the California Community Colleges Chancellor's Office to provide training for foster parents of licensed foster family homes.

(4) Funds provided to the counties electing to participate in the program shall be used for prevention activities, which includes training county workers, intervention activities, and services to children who are victims, or at risk of becoming victims, of commercial sexual exploitation. These activities and services may include, but are not limited to, all of the following:

(A) Educating foster children to help recognize and help avoid commercial sexual exploitation. Counties may target educational activities to foster children who are at higher risk of commercial sexual exploitation.

(B) Engaging survivors of commercial sexual exploitation to do all of the following:

(i) Provide support to county staff who serve children who are victims of commercial sexual exploitation.

(ii) Participate in activities that may include education, training, and technical assistance.

(iii) Serve as advocates for and perform outreach and support to children who are victims of commercial sexual exploitation.

(C) Consulting and coordinating with homeless youth shelters and other service providers who work with children who are disproportionately at risk of, or involved in, commercial sexual exploitation, including, but not limited to, lesbian, gay, bisexual, and transgender youth organizations, regarding outreach and support to children who are victims of commercial sexual exploitation.

(D) Hiring county staff trained and specialized to work with children who are victims of commercial sexual exploitation to support victims and their caregivers, and to provide case management to support interagency and cross-departmental response.

(E) Providing supplemental foster care rates for placement of child victims of commercial sexual exploitation adjudged to be within the definition of Section 300, to foster homes, relatives, foster family agency certified homes, or other specialized placements for the increased care and supervision needs of the victim in accordance with Section 11460.

(b) Funds allocated for the program shall not supplant funds for existing programs.

(c)

(1) In order to ensure timely access to services to which commercially sexually exploited children are entitled as dependents in foster care, in participating counties, county agency representatives from mental health, probation, public health, and substance abuse disorders shall participate in the case planning and assist in linking commercially sexually exploited children to services that serve children who are in the child welfare system and that are identified in the child's case plan and may include other stakeholders as determined by the county.

(2) The entities described in paragraph (1) shall provide input to the child welfare services agency regarding the services and supports needed for these children to support treatment needs and aid in their recovery and may assist in linking these children to services that are consistent with their county plans submitted to the department pursuant to subdivision (d).

(d)

(1) A county electing to receive funding from the Commercially Sexually Exploited Children Program pursuant to this chapter shall submit a plan describing how the county intends to utilize the funds allocated pursuant to paragraph (4) of subdivision (a).

(2)

(A) The county shall submit a plan to the department pursuant to a process developed by the department, in consultation with the County Welfare Directors Association. The plan shall include documentation indicating the county's collaboration with county partner agencies, educational entities, and children-focused entities, which shall include the formation of a multidisciplinary team to serve children pursuant to this chapter.

(B) A multidisciplinary team serving a child pursuant to this chapter shall include, but is not limited to, appropriate staff from the county child welfare, probation, mental health, substance abuse disorder, and public health departments. Staff from a local provider of services to this population, local education agencies, and local law enforcement, and survivors of commercial sexual exploitation and trafficking may be included on the team.

#### **Leg.H.**

Added Stats 2014 ch 29 § 79 (SB 855), effective June 20, 2014, operative January 1, 2015; Amended Stats 2015 ch 303 § 632 (AB 731), effective January 1, 2016; Amended Stats 2017 ch 558 § 6 (AB 1227), effective January 1, 2018.

## **§ 16524.8. County Interagency Protocol.**

**(a)**

(1) Each county electing to receive funds from the Commercially Sexually Exploited Children Program pursuant to this chapter shall develop an interagency protocol to be utilized in serving sexually exploited children. The county protocol shall be developed by a team led by a representative of the county human services department and shall include representatives from each of the following agencies:

**(A)** The county office of education.

**(B)** The county office of education.

**(C)** The county office of education.

**(D)** The county office of education.

**(E)** The county office of education.

**(F)** The county sheriff's department.

(2) The team may include, but shall not be limited to, representatives from local education agencies, local law enforcement, survivors of sexual exploitation, and other providers as necessary.

**(b)** At a minimum, the interagency protocol shall address the provision of services to children who have been sexually exploited and are within the definition of Section 300, including, but not limited to, the use of a multidisciplinary team approach to provide coordinated case management, service planning, and services to these children.

**(c)** Counties that developed a protocol prior to the inclusion of county offices of education and county sheriff's departments as required partners pursuant to this section may, but are not required to, revise protocols to reflect input by these entities.

### **Leg.H.**

Added Stats 2014 ch 29 § 79 (SB 855), effective June 20, 2014, operative January 1, 2015; Amended Stats 2015 ch 303 § 633 (AB 731), effective January 1, 2016; Amended Stats 2017 ch 558 § 7 (AB 1227), effective January 1, 2018.

## **§ 16524.9. Collection of Data.**

**(a)** The State Department of Social Services, in consultation with the County Welfare Directors Association, shall ensure that the Child Welfare Services/Case Management System is capable of collecting data concerning children who are commercially sexually exploited, including children who are referred to the child abuse hotline and children currently served by county child welfare and probation departments who are subsequently identified as victims of commercial sexual exploitation.

**(b)** The department shall disseminate any necessary instructions on data entry to the county child welfare and probation department staff.

**(c)** The department shall implement this section no later than June 1, 2018.

### **Leg.H.**

Added Stats 2014 ch 29 § 79 (SB 855), effective June 20, 2014, operative January 1, 2015; Amended Stats 2015 ch 303 § 634 (AB 731), effective January 1, 2016; Amended Stats 2017 ch 558 § 8 (AB 1227), effective January 1, 2018.



## **§ 16524.10. Report.**

The State Department of Social Services, no later than April 1, 2017, shall provide the following information to the Legislature regarding the implementation of this chapter:

(a) The participating counties.

(b) The number of victims served by each county.

(c) The types of services provided.

(d) Innovative strategies relating to collaboration with children, child service providers, and survivors of commercial sexual exploitation regarding prevention, training, and services.

(e) The identification of further barriers and challenges to preventing and serving commercially sexually exploited children.

### **Leg.H.**

Added Stats 2014 ch 29 § 79 (SB 855), effective June 20, 2014, operative January 1, 2015.

## **§ 16524.11. Operative Date of Chapter.**

This chapter shall become operative on January 1, 2015.

### **Leg.H.**

Added Stats 2014 ch 29 § 79 (SB 855), effective June 20, 2014, operative January 1, 2015.

## **CHAPTER 5.1**

# **CHILD WELFARE SERVICES PROGRAM IMPROVEMENT FUND**

## **§ 16524. Child Welfare Services Program Improvement Fund Established; Use of Moneys; Legislative Intent.**

(a) The Child Welfare Services Program Improvement Fund is hereby established in the State Treasury. The fund shall consist of donated grants, gifts, or bequests made to the state from private sources, and the moneys in the fund shall be expended, upon appropriation by the Legislature, to enhance the state's ability to provide a comprehensive system of supports that promote positive outcomes for children and families.

(b) To the extent possible, the department shall use moneys in the fund as a match to obtain federal participation in the cost of eligible activities.

(c) Moneys made available through the Child Welfare Services Program Improvement Fund shall be used to augment federal, state, or county funds made available for the child welfare services program.

(d) It is the intent of the Legislature that moneys in the Child Welfare Services Program Improvement Fund shall provide for activities including, but not limited to, the following:

- (1) Providing mandated training statewide for all child welfare services social workers.
- (2) Standardizing training so that all foster parents and relative caregivers in the state receive the same level and quality of training.
- (3) Expediting the implementation of evidence-based practices, as recommended in the Child Welfare Services (CWS) Redesign.
- (4) Supporting the state's ability to achieve improved outcomes for children and families consistent with the terms of the State of California Program Improvement Plan (PIP) for the Child Welfare Services Program.
- (5) Supporting technical assistance efforts for counties.

**Leg.H.**

2004 ch. 168 (AB 2496).

## **§ 16524.5. Funding Through Grants; Renewal.**

(a) The State Department of Social Services may fund the various activities authorized pursuant to Section 16524 by means of grants rather than contracts. The grants shall not be subject to the review specified in [Section 10295 of the Public Contract Code](#).

(b) The department may renew grants for the various activities authorized pursuant to Section 16524 that exceed three years in duration if the grant is reviewed annually and the grantee is found to be satisfactorily meeting the grant objectives.

**Leg.H.**

Added Stats 2010 ch 594 § 1 (AB 2129), effective January 1, 2011.

## **CHAPTER 5.3**

# **SERVICES FOR CHILDREN WHO ARE EXPOSED TO ALCOHOL OR DRUGS OR WHO ARE HIV POSITIVE**

## **ARTICLE 1**

### **General**

## **§ 16525. Control of Definitions in Interpretation of Chapter.**

The definitions in this article shall control the interpretation of this chapter, unless the context requires otherwise.

**Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## § 16525.1. “Department” Defined.

“Department” means the State Department of Social Services.

### Leg.H.

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## § 16525.2. “Eligible Child” Defined.

“Eligible child” means any child who meets the requirements of subdivision (a) or (b), and subdivision (c).

(a) Any child who has a medically diagnosed condition or symptoms resulting from, or suspected as resulting from, substance abuse by the mother.

(b) Any child who is HIV positive.

(c) Any child who meets the requirements of either subdivision (a) or (b) and who meets all of the following requirements:

(1) The child is a dependent child of the court.

(2) The child is aged newborn to 36 months. The maximum age prescribed by this paragraph shall be increased to 60 months if funds are available within the existing appropriation for counties maintaining a program for a minimum of three years, or, for other counties, if funds are available pursuant to the California Children and Families Program (Division 108 (commencing with Section 130100) of the Health and Safety Code) to provide services to children who are aged between 36 and 60 months.

(3) The child is the child of a resident of a participating county pursuant to this chapter.

### Leg.H.

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended), 2000 ch. 799.

## § 16525.3. “HIV” Defined.

“HIV” means human immunodeficiency virus.

### Leg.H.

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## § 16525.4. “HIV Positive” Defined.

“HIV positive” means a condition of being medically diagnosed as infected with HIV.

### Leg.H.

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## **§ 16525.5. “Specialized In-Home Health Care” Defined.**

“Specialized in-home health care” means, but is not limited to, those services identified by the child’s primary physician as appropriately administered by a foster parent, trained by health care professionals pursuant to the discharge plan of the facility releasing the child to his or her home.

### **Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## **ARTICLE 2**

### **Options for Recovery Program**

## **§ 16525.10. “Options for Recovery” Program; Funding and Expenditures.**

(a) In order to promote the development of placements that will allow children to move into more homelike environments, counties may establish an “Options for Recovery” program.

(b) Prior to the 2011–12 fiscal year, notwithstanding any other provision of law, the “Options for Recovery” services shall be funded with a 30 percent nonfederal county share consistent with the normal sharing ratio for child welfare services. This county share may be provided with county general funds, or other sources of funds which are unrestricted and are eligible for this use as provided by the funding source. The source of the county share shall meet all applicable state and federal requirements and provide counties with maximum flexibility.

(c) Notwithstanding subdivision (b), beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in [Sections 30025 and 30026.5 of the Government Code](#).

### **Leg.H.**

Added Stats 1993 ch 296 § 2 (SB 1050), effective July 30, 1993, operative until January 1, 1995. Amended Stats 1994 ch 148 § 20 (AB 836), effective July 9, 1994; Stats 1995 ch 307 § 20 (AB 908), effective August 3, 1995; Stats 1996 ch 206 § 31 (SB 1780), effective July 22, 1996; Stats 1997 ch 606 § 51 (AB 67), effective October 3, 1997; Stats 2012 ch 35 § 141 (SB 1013), effective June 27, 2012.

## **§ 16525.11. Recruitment of Foster Families by County.**

Each participating county shall recruit foster families that shall be licensed as foster family homes and trained to care for children who are alcohol or drug-exposed or who test HIV positive.

### **Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## **§ 16525.13. Training of Foster Families.**

(a) A participating county shall provide special training to recruited foster parents to care for eligible children and shall certify that the training has been provided.

(b) Participating counties may provide the same special training to relative caretakers of project-eligible children, if classroom space permits and the cost of providing the training does not exceed the county's allocation for project training.

### **Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## **§ 16525.14. Determination of Child's Eligibility for Placement.**

When a child is identified by a physician, medical team, county social worker, or placement source as a child who may be eligible for services under this chapter, the county shall determine if the child is eligible for placement pursuant to this chapter.

### **Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## **§ 16525.15. Placement of Eligible Children in and Between Participating Counties.**

(a) A participating county shall select a specialized foster family home for the child within the county in which the child's eligibility is established.

(b) If an eligible child's out-of-home placement changes from one participating county to another participating county, the child shall remain eligible for services.

### **Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended), 1997 ch. 606, effective October 3, 1997.

## **§ 16525.17. Duty of County to Create Child Welfare Services Plan and Monitor Foster Homes.**

(a) Participating counties shall prepare a child welfare services case plan pursuant to regulations adopted by the department and arrange nonmedical support services, including respite care for specially trained foster parents and relative caretakers.

(b) Each participating county shall monitor the foster home in accordance with applicable regulations governing the foster care and child welfare services programs authorized by Article 5 (commencing with Section 11400) of Part 3 and Chapter 5 (commencing with Section 16500).

### **Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## **§ 16525.20. Creation of Respite Services; Limit on Payments.**

(a) The Legislature encourages participating counties to design and implement a range of respite options for specially trained foster parents and relative caretakers, from foster parent to foster parent cooperatives to more formal arrangements for services from subcontractors.

(b) No one who resides in the home with the eligible child shall receive payment for providing respite services for the eligible child or for any other child living in the home.

### **Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## **§ 16525.25. Procedures and Programs; Funding.**

The counties participating pursuant to this section shall do both of the following:

(a) Maintain existing programs and standards for a specialized foster home recruitment and training project that will establish foster care placements to care for eligible children.

(b) Coordinate sources of funding and services available to eligible children in order to maximize the social services provided to these children and avoid duplication of programs and funding.

### **Leg.H.**

Added Stats 1993 ch 296 § 2 (SB 1050), effective July 30, 1993, operative until January 1, 1995. Amended Stats 2012 ch 35 § 142 (SB 1013), effective June 27, 2012.

## **§ 16525.26. Authority to Contract for Services on Sole Source Basis.**

A participating county may contract for the provision of services under this chapter on a sole source basis.

### **Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## **§ 16525.27. Contents of Required Progress Reports.**

(a) Each participating county shall submit written progress reports as required by the department.

(b) The progress report required by subdivision (a) shall include, but need not be limited to, all of the following data:

(1) An estimate of the number of children adjudicated dependents of the juvenile court under Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2 who are eligible children.

(2) The number of eligible children who are in all of the following:

(A) Foster family homes.

- (B) Group homes.
- (C) Homes of relative caretakers.
- (D) Certified foster family homes.

(3) The number of eligible children who are in specialized foster care placements during and at the termination of the demonstration project.

(4) The cost of providing training to foster parents in the care of eligible children.

(5) The cost of providing specialized care for eligible children.

(6) The cost of providing respite care services and the number of respite care hours each family received.

**Leg.H.**

Added Stats 1993 ch 296 § 2 (SB 1050), effective July 30, 1993; Amended Stats 1997 ch 606 § 53 (AB 67), effective October 3, 1997.

## **§ 16525.29. Goal of Adoption Does Not Prevent Child from Receiving Services.**

Nothing in this chapter shall be construed to prevent children who are alcohol or drug-exposed or HIV positive who have adoption as a case plan goal from receiving services under this chapter.

**Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

## **§ 16525.30. Certain Sections to Control Placement of Children; Specialized In-Home Health Care for Certain Foster Children.**

(a) Notwithstanding any other provision of law, including, but not limited to, Sections 1250, 1251, 1254, 1270, 1501, 1502, 1505, 1507, 1521, 1530.6, and 11002, subdivision (c) of Section 1550, and **subdivision (a) of Section 11154 of the Health and Safety Code**, and **Sections 2052, 2725, 2732, and 2795 of the Business and Professions Code**, subdivisions (b) and (c) shall control the placement of a child pursuant to this chapter.

(b) A county may place children who are alcohol or drug-exposed or HIV positive in foster family homes pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code.

(c) If a county makes a placement pursuant to subdivision (b), a foster parent trained by health care professionals pursuant to the discharge plan of the facility releasing the child may provide specialized in-home health care to that foster child.

**Leg.H.**

1993 ch. 296, effective August 2, 1993, repealed operative January 1, 1995, 1994 ch. 148, effective July 11, 1994 (repeal date extended), 1995 ch. 307, effective August 3, 1995 (repeal date extended), 1996 ch. 206, effective July 22, 1996 (repeal date extended).

# **CHAPTER 5.5**



# CHILD WELFARE LEADERSHIP AND PERFORMANCE ACCOUNTABILITY

## § 16540. California Child Welfare Council Established.

The California Child Welfare Council is hereby established, which shall serve as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children and youth in the child welfare and foster care systems. The council shall monitor and report the extent to which child welfare and foster care programs and the courts are responsive to the needs of children in their joint care. The council shall issue advisory reports whenever it deems appropriate, but in any event, no less frequently than annually, to the Governor, the Legislature, the Judicial Council, and the public. A report of the Child Welfare Council shall, at a minimum, include recommendations for all of the following:

(a) Ensuring that all state child welfare, foster care, and judicial funding and services for children, youth, and families is, to the greatest extent possible, coordinated to eliminate fragmentation and duplication of services provided to children or families who would benefit from integrated multiagency services.

(b) Increasing the quality, appropriateness, and effectiveness of program services and judicial processes delivered to children, youth, and families who would benefit from integrated multiagency services to achieve better outcomes for these children, youth, and families.

(c) Promoting consistent program and judicial excellence across counties to the greatest extent possible while recognizing the demographic, geographic, and financial differences among the counties.

(d) Increasing collaboration and coordination between county agencies, state agencies, federal agencies, and the courts.

(e) Ensuring that all state Title IV-E plans, program improvement plans, and court improvement plans demonstrate effective collaboration between public agencies and the courts.

(f) Assisting the Secretary of California Health and Human Services and the chief justice in formulating policies for the effective administration of the child welfare and foster care programs and judicial processes.

(g) Modifying program practices and court processes, rate structures, and other system changes needed to promote and support relative caregivers, family foster parents, therapeutic placements, and other placements for children who cannot remain in the family home.

(h) Developing data and information-sharing agreements and protocols for the exchange of aggregate data across program and court systems that are providing services to children and families in the child welfare system. These data-sharing agreements shall allow child welfare agencies and the courts to access data concerning the health, mental health, special education, and educational status and progress of children served by county child welfare systems subject to state and federal confidentiality laws and regulations. They shall be developed in tandem with the establishment of judicial case management systems as well as additional or enhanced performance measures described in subdivision (b) of Section 16544.

(i) Developing systematic methods for obtaining policy recommendations from foster youth about the effectiveness and quality of program services and judicial processes, and ensuring that the interests of

foster youth are adequately addressed in all policy development.

(j) Implementing legislative enactments in the child welfare and foster care programs and the courts, and reporting to the Legislature on the timeliness and consistency of the implementation.

(k) Monitoring the adequacy of resources necessary for the implementation of existing programs and court processes, and the prioritization of program and judicial responsibilities.

(l) Strengthening and increasing the independence and authority of the foster care ombudsperson.

(m) Coordinating available services for former foster youth and improving outreach efforts to those youth and their families.

**Leg.H.**

Added Stats 2006 ch 384 § 3 (AB 2216), effective January 1, 2007. Amended Stats 2007 ch 130 § 251 (AB 299), effective January 1, 2008.

## **§ 16541. California Child Welfare Council Membership.**

The council shall be comprised of the following members:

(a) The Secretary of California Health and Human Services, who shall serve as cochair.

(b) The Chief Justice of the California Supreme Court, or his or her designee, who shall serve as cochair.

(c) The Superintendent of Public Instruction, or his or her designee.

(d) The Chancellor of the California Community Colleges, or his or her designee.

(e) The executive director of the State Board of Education.

(f) The Director of Social Services.

(g) The Director of Health Care Services.

(h) The Director of State Hospitals.

(i) The Director of Developmental Services.

(j) The Director of the Youth Authority.

(k) The Administrative Director of the Courts.

(l) The State Foster Care Ombudsperson.

(m) Four foster youth or former foster youth.

(n) The chairpersons of the Assembly Human Services Committee and the Assembly Judiciary Committee, or two other Members of the Assembly as appointed by the Speaker of the Assembly.

(o) The chairpersons of the Senate Human Services Committee and the Senate Judiciary Committee, or two other members appointed by the President pro Tempore of the Senate.

(p) Leaders and representatives of county child welfare, foster care, health, education, probation, and mental health agencies and departments, child advocacy organizations; labor organizations, recognized professional associations that represent child welfare and foster care social workers, tribal representatives, and other groups and stakeholders that provide benefits, services, and advocacy to families and children in the child welfare and foster care systems, as recommended by representatives of these groups and as designated by the cochairs.

**Leg.H.**

Added Stats 2006 ch 384 § 3 (AB 2216), effective January 1, 2007. Amended Stats 2014 ch 442 § 41 (SB 1465), effective September 18, 2014.

## **§ 16541.5. Meetings.**

The council shall meet no less frequently than each quarter of the state fiscal year and at the call of the cochairs, at a time and location convenient to the public as it may deem appropriate. All meetings of the council shall be open to the public. Members shall serve without compensation, with the exception of foster youth members, who shall be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties.

**Leg.H.**

Added Stats 2006 ch 384 § 3 (AB 2216), effective January 1, 2007. Amended Stats 2007 ch 130 § 252 (AB 299), effective January 1, 2008.

## **§ 16542. Council Committees.**

The cochairs may appoint committees composed of council members, experts in specialized fields, foster youth, program stakeholders, state and county child welfare and foster care staff, child advocacy organizations, members of the judiciary, foster care public health nurses, or any combination thereof, to advise the council on any functions of the council and the services provided through the child welfare and foster care programs and the courts. Members of these committees shall receive no compensation from the state for their services, with the exception of foster youth members, who shall be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties. The committees may assemble information and make recommendations to the council, but shall not exercise any of the powers vested in the council. The council may seek input from groups and individuals as it deems appropriate, including, but not limited to, advisory committees, the judiciary and child welfare and foster care program stakeholders.

**Leg.H.**

Added Stats 2006 ch 384 § 3 (AB 2216), effective January 1, 2007. Amended Stats 2007 ch 130 § 253 (AB 299), effective January 1, 2008.

## **§ 16543. Access to Data.**

Consistent with state and federal law, the council shall have access to aggregate data and information concerning the child welfare and foster care systems held by any state or local department, agency, or court that serves children, youth, and families receiving child welfare and foster care services subject to state and federal confidentiality laws and regulations.

**Leg.H.**

Added Stats 2006 ch 384 § 3 (AB 2216), effective January 1, 2007.

## **§ 16543.5. Legislative Intent.**

It is the intent of the Legislature to inspect other state child welfare and foster care systems over the course of the 2007–08 Legislative Session, for the purpose of examining effective administrative structures of leadership. It is further the intent of the Legislature to conduct legislative hearings through the Assembly Select Committee on Foster Care, and other standing committees, and to review reports and recommendations of other commissions and bodies, including the California Blue Ribbon Commission on Foster Care and the Little Hoover Commission, to determine if a reconfigured administrative structure would provide statewide leadership and coordination between departments and agencies, which are essential to improving outcomes for current and former foster children and youth throughout the state.

**Leg.H.**

Added Stats 2006 ch 384 § 3 (AB 2216), effective January 1, 2007.

## **§ 16544. Posting of Goals and Outcome Standards on Web Site.**

The secretary shall ensure that all of the federal Child and Family Services Review outcome measures and all of the California Child and Family Service Review System outcome indicators, along with any performance goals and federal outcome standards, are clearly posted on the State Department of Social Service's Internet Web site. Before any of the federal goals or any of the California Child and Family Service Review System outcome indicators are added, deleted, or amended, the secretary shall consult with the Child Welfare Council and ensure that there has been a public process for the submission of comments and recommendations.

**Leg.H.**

Added Stats 2006 ch 384 § 3 (AB 2216), effective January 1, 2007.

## **§ 16545. Adoption of Measures by Judicial Council.**

By April 1, 2008, the Judicial Council shall adopt, through rules of court, performance measures designed to complement and promote those measures specified in Section 16544 so that courts are able to measure their performance and track their own progress in improving safety, permanency, timeliness, and well-being of children and to inform decisions about the allocation of court resources. In adopting performance measures, the Judicial Council shall consult with the council and the secretary. The performance measures shall be based on data that is available from current or planned data collection processes and to the greatest extent possible, shall ensure uniformity of data reporting.

**Leg.H.**

Added Stats 2006 ch 384 § 3 (AB 2216), effective January 1, 2007. Amended Stats 2007 ch 130 § 254 (AB 299), effective January 1, 2008.

# **PART 6**

## **Miscellaneous Provisions**

## **CHAPTER 4**

# COUNTY WRAP-AROUND SERVICES PILOT PROJECT

## § 18250. Legislative Intent; Funding and Expenditures for Programs and Activities.

(a) It is the intent of the Legislature that all counties be authorized to provide children with service alternatives to out-of-home care through the development of expanded family-based services programs. These programs shall include individualized or “wraparound” services, where services are wrapped around a child living with his or her birth parent, relative, nonrelative extended family member as defined in Section 362.7, adoptive parent, licensed or certified foster parent, resource family, or guardian. The wraparound services developed under this section shall build on the strengths of each eligible child and family and be tailored to address their unique and changing needs.

(b) It is further the intent of the Legislature that the county wraparound services program include the following elements:

(1) Enabling the county to access all possible sources of federal funds for the purpose of developing family-based service alternatives.

(2) Encouraging collaboration among persons and entities including, but not limited to, parents, county welfare departments, county mental health departments, county probation departments, county health departments, special education local planning agencies, school districts, and private service providers for the purpose of planning and providing individualized services for children and their birth or substitute families.

(3) Ensuring local community participation in the development and implementation of wraparound services by county placing or referring agencies and service providers.

(4) Preserving and using the service resources and expertise of nonprofit providers to develop family-based and community-based service alternatives.

(c) Beginning in the 2011-12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in [Sections 30025 and 30026.5 of the Government Code](#).

### Leg.H.

Added Stats 1996 ch 274 § 1 (AB 2297), effective July 25, 1996; Amended Stats 1997 ch 795 § 1.5 (SB 163); Stats 2010 ch 561 § 2 (AB 1758), effective January 1, 2011; Stats 2012 ch 35 § 144 (SB 1013), effective June 27, 2012; Stats 2016 ch 612 § 127 (AB 1997), effective January 1, 2017; Stats 2017 ch 561 § 291 (AB 1516), effective January 1, 2018. Stats 2017 ch 732 § 122 (AB 404), effective January 1, 2018 (ch 732 prevails).

## § 18251. Definitions.

As used in this chapter:

(a) “County” means each county participating in an individualized or wraparound services program.

(b) “County placing or referring agency” means a county welfare or probation department, or a county mental health department.

(c) “Eligible child” means a child or nonminor dependent, as described in subdivision (v) of Section 11400, who is any of the following:

(1) A child or nonminor dependent who has been adjudicated as either a dependent, transition dependent, or ward of the juvenile court pursuant to Section 300, 450, 601, or 602.

(2) A child who is the subject of a petition filed pursuant to Section 602 and who is participating in a program described in Section 654.2, 725, or 790, and is at risk of placement in out-of-home care.

(3) A child or nonminor dependent who is currently, or who would be, placed in out-of-home care.

(4) A child who is eligible for adoption assistance program benefits when the responsible public agency has approved the provision of wraparound services in lieu of out-of-home care.

(d) “Wraparound services” means community-based intervention services that emphasize the strengths of the child and family and includes the delivery of coordinated, highly individualized unconditional services to address needs and achieve positive outcomes in their lives.

(e) “Service allocation slot” means a specified amount of funds available to the county to pay for an individualized intensive wraparound services package for an eligible child. A service allocation slot may be used for more than one child on a successive basis.

#### **Leg.H.**

Added Stats 1996 ch 274 § 1 (AB 2297), effective July 25, 1996; Amended Stats 1997 ch 795 § 2 (SB 163); Stats 2000 ch 259 § 1 (AB 2706); Stats 2010 ch 561 § 3 (AB 1758), effective January 1, 2011; Stats 2012 ch 846 § 62 (AB 1712), effective January 1, 2013; Stats 2015 ch 773 § 117 (AB 403), effective January 1, 2016; Stats 2016 ch 612 § 128 (AB 1997), effective January 1, 2017; Stats 2017 ch 732 § 123 (AB 404), effective January 1, 2018.

## **§ 18252. County Plan.**

Each county shall, at the county’s option, develop a county plan for intensive wrap-around services and monitor the provision of those services in accordance with the plan. This plan shall be submitted to the department for informational purposes. Where a county operates both systems of care under the Children’s Mental Health Services Act, Part 4 (commencing with Section 5850) of Division 5, and wrap-around services, these plans shall be coordinated. Each county’s plan shall include all the following elements:

(a) A process and protocol for reviewing the eligibility of children and families for service and for monitoring accessibility and availability of service to the targeted population. Children shall be determined as eligible for wrap-around services pursuant to subdivision (c) of Section 18251, except that:

(1) Once a child is determined to be eligible for wrap-around services under this chapter, he or she shall remain eligible for the time period specified in his or her individualized services plan.

(2) A child and family participating in a family maintenance services program as described in Section 16506 and the wrap-around services program, shall not be subject to the time limitations specified in Section 16506.

(b) A process to accept, modify, or deny proposed individualized service plans for eligible children and families.

(c) A process for parent support, mentoring, and advocacy that ensures parent understanding of, and participation in, wrap-around services programs.

(d) A planning and review process to support and facilitate the following principles in delivering intensive wrap-around services to eligible children and families:

(1) Focusing on an individual child and family through the creation of service plans designed specifically to address the unique needs and strengths of each child and his or her family.

(2) Providing services geared toward enabling children to remain in the least restrictive, most family-like setting possible.

(3) Developing a close collaborative relationship with each child's family in the planning and provision of wrap-around services.

(4) Conducting a thorough, strengths-based assessment of each child and family that will form the basis for the development of the individualized intervention plan.

(5) Designing and delivering services that incorporate the religious customs, and regional, racial, and ethnic values and beliefs of the children and families served.

(6) Measuring consumer satisfaction to assess outcomes.

(e) Written interagency agreements or memorandums of understanding between the county departments of mental health, social services, and probation that specify jointly provided or integrated services, staff tasks and responsibilities, facility and supply commitments, budget considerations, and linkage and referral services.

**Leg.H.**

1996 ch. 274 (AB 2297), effective July 25, 1996, 1997 ch. 795 (SB 163).

## **§ 18253. Evaluation.**

Each county shall ensure that an evaluation of the wraparound services program is conducted to determine the cost and treatment effectiveness of outcomes such as family functioning and social performance, preventing placement in more restrictive environments, improving emotional and behavioral adjustments, school attendance, and stability in the least restrictive school placement for eligible children. Systems of care outcomes shall be included to the extent they are applicable to the target population.

**Leg.H.**

Added Stats 1996 ch 274 § 1 (AB 2297), effective July 25, 1996. Amended Stats 1997 ch 795 § 4 (SB 163); Stats 2010 ch 561 § 4 (AB 1758), effective January 1, 2011.

## **§ 18253.5. Wrap—Around Training.**

Each county shall ensure that staff participating in the wraparound services program have completed training provided or approved by the department, on providing individualized wraparound services.

**Leg.H.**

Added Stats 1997 ch 795 § 5 (SB 163). Amended Stats 2010 ch 561 § 5 (AB 1758), effective January 1, 2011.



## **§ 18254. Rates for Wraparound Services; Factors; Reimbursement; Funding and Expenditures; Costs.**

(a) Retroactive to January 1, 2017, the rate for wraparound services, under the county optional wraparound services program, shall be equal to the rate for short-term residential therapeutic programs established pursuant to Section 11462, less the cost of any concurrent out-of-home placement.

(b) For each fiscal year, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in **Sections 30025 and 30026.5 of the Government Code**.

(c) County and federal foster care funds, to the extent permitted by federal law, shall remain with the administrative authority of the county, which may enter into an interagency agreement to transfer those funds, and shall be used to provide intensive wraparound services.

(d) Costs for the provision of benefits to eligible children, at rates authorized by subdivision (a), through the wraparound services program authorized by this chapter, shall not exceed the costs that otherwise would have been incurred had the eligible children been placed in a short-term residential therapeutic program.

(e) Commencing July 1, 2017, and each July 1 thereafter, an annual cost-of-living increase shall be applied to the wraparound rate, subject to the availability of county funds, equal to the California Necessities Index used in the preparation of the May Revision for the current fiscal year.

(f) This section shall become operative on January 1, 2017.

### **Leg.H.**

Added Stats 2015 ch 773 § 119 (AB 403), effective January 1, 2016, operative January 1, 2017; Amended Stats 2016 ch 612 § 129 (AB 1997), effective January 1, 2017; Stats 2017 ch 732 § 124 (AB 404), effective January 1, 2018.

## **§ 18255. [Section Repealed 2012.]**

### **Leg.H.**

Added Stats 1996 ch 274 § 1 (AB 2297), effective July 25, 1996. Amended Stats 1997 ch 795 § 7 (SB 163); Stats 2010 ch 561 § 7 (AB 1758), effective January 1, 2011. Repealed Stats 2012 ch 35 § 146 (SB 1013), effective June 27, 2012. The repealed section related to implementation of a wraparound services program by county and the assignment of number of service allocation slots.

## **§ 18256. Duties of Department.**

The department shall work with the County Welfare Directors Association of California to identify periodic data elements to be collected in order to track the impact of the counties' wraparound services programs on applicable California Child and Family Services Review System outcome indicators, such as safety, permanency, and the well-being of the child.

### **Leg.H.**

Added Stats 2010 ch 561 § 9 (AB 1758), effective January 1, 2011.

## **§ 18256.5. Continuation of Services.**

In order to prevent disruption to a child participating in a wraparound services program, any county that terminates its wraparound services program shall ensure the participating child's service needs are met without disruption until his or her case is closed.

**Leg.H.**

Added Stats 1997 ch 795 § 9 (SB 163). Amended Stats 2010 ch 561 § 10 (AB 1758), effective January 1, 2011.

## § 18257. Maximizing Number of Eligible Children.

(a) The State Department of Social Services shall seek applicable federal approval to make the maximum number of children being served through such programs eligible for federal financial participation and amend any applicable state regulations to the extent necessary to eliminate any limitations on the numbers of children who can participate in these programs.

**Leg.H.**

Adopted by voters at the 2004 general election, Prop. 63 § 6, effective January 1, 2005. Amended Stats 2012 ch 35 § 147 (SB 1013), effective June 27, 2012.

## § 18258. Children's Eligibility for Medi-Cal Benefits.

(a) A child who is categorically eligible for Medi-Cal benefits pursuant to [Section 1396a\(a\)\(10\)\(A\)\(i\)\(I\) of Title 42 of the United States Code](#) shall remain eligible for Medi-Cal benefits so long as foster care maintenance payments under Title IV-E of the federal Social Security Act are made on the child's behalf. Placement at home without a change in the child's status as an adjudicated dependent or ward of the juvenile court shall not be cause for a redetermination unless necessary to obtain federal financial participation for Medi-Cal.

(b) A child who is eligible for Medi-Cal benefits, but is not described in subdivision (a), shall remain eligible for benefits subject to annual Medi-Cal redetermination pursuant to Section 14012. Placement at home without a change in the child's status as an adjudicated dependent or ward of the juvenile court shall not be cause for a redetermination unless necessary to obtain federal financial participation for Medi-Cal.

(c) Medi-Cal eligibility for a child receiving wraparound services pursuant to this chapter shall be determined in accordance with the standards, methodologies, and procedures outlined in Chapter 7 (commencing with Section 14000) of Part 3 of Division 9.

(d) This section is declaratory of existing law.

**Leg.H.**

Added Stats 2010 ch 561 § 11 (AB 1758), effective January 1, 2011.

## § 18259. Program for treatment of commercially sexually exploited minors

(a) The County of Alameda, contingent upon local funding, may establish a project consistent with this chapter to develop a comprehensive, replicative, multidisciplinary model to address the needs and effective treatment of commercially sexually exploited minors who have been arrested or detained by local law enforcement for a violation of subdivision (a) or (b) of Section 647 or [subdivision \(a\) of Section 653.22 of the Penal Code](#), or who have been adjudged a dependent of the juvenile court pursuant to paragraph (2) of subdivision (b) of Section 300.

(b) The District Attorney of the County of Alameda, in collaboration with the county child welfare agency, county probation, sheriff, and community-based agencies, may develop, as a component of the program described in this chapter, protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of commercial sexual exploitation. The protocol shall include the process for

how to make a report to the county child welfare agency if there is reason to believe the minor is a person described in Section 300. The protocol shall also include the process for the child welfare agency to investigate the report pursuant to Section 328.

(c) The District Attorney of the County of Alameda, in collaboration with the county child welfare agency, county probation, sheriff, and community-based agencies that serve commercially sexually exploited minors, may develop, as a component of the program described in this chapter, a diversion program reflecting the best practices to address the needs and requirements of minors who have been determined to be victims of commercial sexual exploitation.

(d) The District Attorney of the County of Alameda, in collaboration with the county and community-based agencies, may form, as a component of the program described in this chapter, a multidisciplinary team including, but not limited to, city police departments, the county sheriff's department, the public defender's office, the probation department, child protection services, and community-based organizations that work with or advocate for commercially sexually exploited minors, to do both of the following:

(1) Develop a training curriculum reflecting the best practices for identifying and assessing minors who may be victims of commercial sexual exploitation.

(2) Offer and provide this training curriculum through multidisciplinary teams to law enforcement, child protective services, and others who are required to respond to arrested or detained minors who may be victims of commercial sexual exploitation.

**Leg.H.**

Added Stats 2008 ch 359 § 2 (AB 499), effective January 1, 2009, repealed January 1, 2017. Amended Stats 2016 ch 653 §§ 2, 5 (SB 1064), effective January 1, 2017 (repealer repealed).

## **§ 18360.15. Individual Needs And Services Plan; Limit on Number of Placements.**

(a) Each licensed foster family agency or county operating an intensive services foster care program shall develop a child's individual needs and services plan in coordination with the child's case worker, intensive services foster care resource family, and child and family team, if available. A county operating under a public delivery model or as a licensed foster family agency model may utilize the child's case plan as the individual needs and services plan.

(b) Notwithstanding paragraph (1) of subdivision (a) of Section 17732, no more than three foster children, two of whom may be eligible children, may be placed in an intensive services foster care resource family home. Prior to the placement of a second or third foster child in the home, who may be an eligible or noneligible child, the requirements of paragraphs (1), (2), (3), and (4) of subdivision (c) shall be met.

(c) Notwithstanding subdivision (b), a county placing agency may approve placements for additional foster children that would result in the placement of more than three foster children or more than two eligible children in the home in compelling circumstances, including in order to accommodate a preexisting relationship, to place a sibling group together when at least one sibling is an eligible child or was previously an eligible child in that home, or to accommodate the extraordinary needs of a specific child that the resource family has a unique ability to meet. A shortage of foster homes shall not be a compelling circumstance absent other factors. Prior to the approval of the placement of additional foster children beyond the capacity described in subdivision (b), all of the following requirements shall be met:

(1) A licensed foster family agency or county operating an intensive services foster care program shall provide each county placing agency that has children placed in that home or proposed to be placed in

the home with a written assessment of the risk and compatibility of placing an additional child or children with the currently placed child or children in that home, and the ability of the resource family parent or parents to provide care and support for all of the children in the home.

(2) The needs and services plan of each child placed in the home shall specify the plan to ensure timely support and services for each child placed in the home.

(3) When a child and family team meeting has been conducted, the county placing agency shall consider information from the child and family teams of all children placed in the home or proposed to be placed that may impact placement.

(4) The capacity of the home shall not exceed the number determined by the department or county pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code or Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4.

(5) The total number of eligible children placed in the home shall not exceed three unless all eligible children are related.

(6) A licensed foster family agency or county operating an intensive services foster care program shall provide to the director of the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all county placing agencies with children placed or proposed to be placed in the home with the written assessment of risk and compatibility and needs and services plans described in paragraphs (1) and (2).

(7) Placement of a child in the home pursuant to this subdivision shall be subject to the approval of the director of the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all of the county placing agencies with children placed or proposed to be placed in the home.

(d) If a foster child resides in an intensive services foster care resource family home pursuant to subdivision (b) or (c), and this foster child is being considered for intensive services foster care, and subsequently becomes a third eligible child, the continued placement of this child is authorized subject to the approval of the director of the county child welfare department or the chief probation officer of the county probation department, or their respective designees, of all the county placing agencies with children placed in the home.

(e) The county placing agency shall notify the department of each child in the placement and notify counsel of each child in the placement within 10 days of approval of a placement pursuant to subdivision (c) or approval to maintain a placement pursuant to subdivision (d). As part of the notification to the department, the county shall provide the department with a copy of the written assessment of the risk and compatibility described in subdivision (c).

#### **Leg.H.**

Added Stats 2017 ch 732 § 125 (AB 404), effective January 1, 2018. Amended Stats 2019 ch 777 § 28 (AB 819), effective January 1, 2020.

## **CHAPTER 12.9**

# **INTEGRATED CHILDREN'S SERVICES PROGRAMS**

## § 18986.40. Definitions.

(a) For the purposes of this chapter, “program” or “integrated children’s services programs” means a coordinated children’s service system, operating as a program that is part of a department or State Department of Health Care Services initiative, that offers a full range of integrated behavioral social, health, and mental health services, including applicable educational services, to seriously emotionally disturbed and special needs children, or programs established by county governments, local education agencies, or consortia of public and private agencies, to jointly provide two or more of the following services to children or their families, or both:

(1) Educational services for children at risk of dropping out, or who need additional educational services to be successful academically.

(2) Health care.

(3) All mental health diagnostic and treatment services, including medication.

(4) Substance abuse prevention and treatment.

(5) Child abuse prevention, identification, and treatment.

(6) Nutrition services.

(7) Child care and development services.

(8) Juvenile justice services.

(9) Child welfare services.

(10) Early intervention and prevention services.

(11) Crisis intervention services, as defined in subdivision (c).

(12) Any other service which will enhance the health, development, and well-being of children and their families.

(b) For the purposes of this chapter, “children’s multidisciplinary services team” means a team of two or more persons trained and qualified to provide one or more of the services listed in subdivision (a), who are responsible in the program for identifying the educational, health, or social service needs of a child and his or her family, and for developing a plan to address those needs. A family member, or the designee of a family member, shall be invited to participate in team meetings and decisions, unless the team determines that, in its professional judgment, this participation would present a reasonable risk of a significant adverse or detrimental effect on the minor’s psychological or physical safety. Members of the team shall be trained in the confidentiality and information sharing provisions of this chapter.

(c) “Crisis intervention services” means early support and psychological assistance, to be continued as necessary, to children who have been victims of, or whose lives have been affected by, a violent crime or a cataclysmic incident, such as a natural disaster, or who have been involved in school, neighborhood, or family based critical incidents likely to cause profound psychological effects if not addressed immediately and thoroughly.

### Leg.H.

Added Stats 1991 ch 1205 § 4 (AB 2184). Amended Stats 1993 ch 111 § 1 (AB 1167). Amended Stats 1998 ch 509 § 1 (AB 1801); Stats 2012 ch 34 § 250 (SB 1009), effective June 27, 2012.

## **§ 18986.46. Disclosure of Records and Information; Confidentiality.**

(a) A program shall utilize children's multidisciplinary services teams, as defined in this chapter.

(b) A team member shall provide program services only as employed by, under contract with, or otherwise affiliated with, the program, and shall not share information, or provide program services, when acting as a separate local, state, or private agency or entity.

(c) A program shall be considered a single program for purposes of federal substance abuse program regulations contained in Part 2 (commencing with Section 2.1) of Title 42 of the Code of Federal Regulations.

(d) Notwithstanding any other provision of law regarding disclosure of information and records, a program shall be permitted to establish a unified services record for a child and family. That record shall contain all records of prior services that are released to the program and that are relevant and necessary to formulate an integrated services plan, pursuant to valid written authorizations, as well as a record of all service provided under the program.

(e) Notwithstanding any other provision of law regarding disclosure of information and records, when a child enters the program a parent, guardian, judicial office with jurisdiction over the minor, or a minor with legal power to consent, or nonminor dependent, as described in subdivision (v) of Section 11400, shall be asked to sign a single authorization that gives a knowing and informed consent, in writing, and that complies with all other applicable provisions of state law governing release of medical, mental health, social service, and educational records, and that covers multiple service providers, in order to permit the release of records to the program. This single authorization shall not include adoption records. The authorized representative of the child, or the child in a case where he or she has the legal right to consent, or the nonminor dependent, shall be fully apprised of the requirements of this subdivision prior to participation in the program. Before information may be exchanged about a particular child or family pursuant to this chapter, a representative of the program shall do all of the following:

(1) Explain to the authorized representative of the child, or the child in a case where he or she has the legal right to consent, or the nonminor dependent, both of the following, and this explanation shall be given before any information about the child or family is recorded and before any services are provided:

(A) Information provided by the child or family, or nonminor dependent, may only be exchanged within the program with the express written consent of the authorized representative.

(B) Information shall not be disclosed to anyone other than members of the children's multidisciplinary services team, and those qualified to receive information as explained in subdivision (i).

(2) The authorized representative of the child, or the child in a case where he or she has the legal right to consent, or the nonminor dependent, shall be informed that he or she has a right to refuse to sign, or to limit the scope of, the consent form, and that a refusal to sign, or to limit the scope of, the consent form will not have an adverse impact on the client's eligibility for services under the programs described in this chapter.

(f) The knowing and informed consent given pursuant to this chapter shall only be in force for the time that the child or family, or nonminor dependent, is a client of the program.

(g)

(1) Notwithstanding any provision of state law governing the disclosure of information and records, persons who are trained, qualified, and assigned by their respective agencies to serve on teams within a

program and other team members included pursuant to this chapter may view relevant sections of unified program records and may disclose to one another relevant information and view records on a child or the child's family as necessary to formulate an integrated services plan or to deliver services to children and their families.

(2) This information and records may include information relevant to the evaluation of the child and his or her family, the development of a treatment plan for the child and his or her family, and the delivery of services. Relevant information and records shall be shared with family members or family designees on the team, except information or records, if any, disclosure of which the team determines would present a reasonable risk of a significant adverse or detrimental effect on the minor's psychological or physical safety.

(h)

(1) If the members of a children's multidisciplinary services team within an integrated children's services program require records held by other team members, copies may be provided to them.

(2) Notwithstanding any other provisions of law regarding disclosure of information and records, a program may establish and maintain a common data base for the purpose of delivering services under the program. The database may contain demographic data and may identify the services recommended for, and provided to, a child and his or her family by the program. The database shall be for use and disclosure only within the program, except by properly authorized consent by a parent, guardian, judicial officer with jurisdiction over the child, or a minor with the legal power to consent.

(3) The program may authorize use of information contained in the database for bona fide evaluation and research purposes, unless otherwise prohibited by law. No information disclosed under this paragraph shall permit identification of the individual patient or client. The release of copies of mental health records, physical health records, and drug or alcohol records in programs establishing a unified services record shall be governed by the single authorization of informed and knowing consent to release these records. In programs not establishing a unified services record and not utilizing the single authorization of informed and knowing consent, release of these records may take place only after the team has received a form permitting release of records on the child or the child's family, signed by the child, to the extent the records were generated as a result of health care services to which the child has the power to consent under state law, or, to the extent that the records have not been generated by the provision of these health care services, by the child's parent, guardian, or legal representative, including the court which has jurisdiction over those children who are wards or dependents of the court.

(i) The children's multidisciplinary services team may designate persons qualified pursuant to Section 18986.40 to be a member of the team for a particular case. A person designated as a team member pursuant to this subdivision may receive and disclose relevant information and records, subject to the confidentiality provisions of subdivision (k).

(j) The sharing of information permitted under subdivision (g) shall be governed by memoranda of understanding among the participating service providers or agencies in the coordinated children's service system or program. These memoranda shall specify the types of information that may be shared without a signed release form, in accordance with subdivision (e), and the process to be used to ensure that current confidentiality requirements, as described in subdivision (k), are met. This paragraph shall not be construed to waive any right of privilege contained in the Evidence Code, except in compliance with Section 912 of that code.

(k) Every member of the children's multidisciplinary services team who receives information or records on children and families served in the integrated children's services program shall be under the same privacy and confidentiality obligations and subject to the same confidentiality penalties as the person disclosing or providing



the information or records. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(l) This section shall not be construed to restrict guarantees of confidentiality provided under federal law.

(m) Information and records communicated or provided to the program, by all providers, programs, and agencies, as well as information and records created by the program in the course of serving its children and their families, shall be deemed private and confidential and shall be protected from discovery and disclosure by all applicable statutory and common law protections. Civil and criminal penalties shall apply to the inappropriate disclosure of information held by the program. Nothing in this section shall be construed to affect the authority of a health care provider to disclose medical information pursuant to paragraph (1) of **subdivision (c) of Section 56.10 of the Civil Code**.

**Leg.H.**

Added Stats 1992 ch 477 § 1 (AB 3688), operative until January 1, 1996. Amended Stats 1994 ch 1038 § 2 (AB 2488); Stats 1998 ch 509 § 2 (AB 1801); Stats 2012 ch 846 § 64 (AB 1712), effective January 1, 2013.

## CHAPTER 12.991

# COUNTY INTEGRATED HEALTH AND HUMAN SERVICES PROGRAM

### **§ 18986.86. Operation of Integrated System. [Renumbered].**

**Leg.H.**

Added Stats 1999 ch 705 § 1 (AB 1259), repealed January 1, 2005; Amended Stats 2004 ch 655 § 1 (AB 1881); Amended and renumbered W & I C § 18991 by Stats 2017 ch 561 § 296 (AB 1516), effective January 1, 2018.

### **§ 18986.87. Implementation of Pilot Program. [Renumbered].**

**Leg.H.**

Added Stats 1999 ch 705 § 1 (AB 1259), repealed January 1, 2005; Amended Stats 2004 ch 655 § 2 (AB 1881); Amended and renumbered W & I C § 18991.2 by Stats 2017 ch 561 § 297 (AB 1516), effective January 1, 2018.

### **§ 18986.88. [Section Repealed 2008.]**

**Leg.H.**

Added Stats 1999 ch 705 § 1 (AB 1259). Amended Stats 2004 ch 655 § 3 (AB 1881). Repealed Stats 2007 ch 264 § 1 (AB 315), effective January 1, 2008. The repealed section related to repeal of Chapter 12.991.