

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



March 30, 2001

ALL COUNTY INFORMATION NOTICE NO. I-22-01

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

REASON FOR THIS TRANSMITTAL

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

SUBJECT: 2000 CHAPTERED LEGISLATION AFFECTING THE EMERGENCY
 RESPONSE, FAMILY MAINTENANCE, FAMILY REUNIFICATION AND
 PERMANENCY PLANNING COMPONENTS OF CHILD WELFARE
 SERVICES AND THE ADOPTIONS PROGRAM.

The purpose of this All County Information Notice (ACIN) is to provide you with summaries of legislation affecting child welfare services and adoption programs. All County Letters (ACLs) or ACINs have been or will be issued for legislation that requires more detailed descriptions of specific programmatic issues and necessary implementation activities. For ease of identification, legislation has been listed under the specific program components of Child Welfare Services and Adoptions.

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

Assembly Bill 1241 (Pacheco), Chapter 916, Statutes of 2000

- Amends the Penal Code to clarify and simplify the current mandatory child abuse reporting laws.
- Redefines the term child abuse to include "child abuse and/or neglect".
- Clarifies the list of specified persons who are required to report and designates them as mandated reporters.
- Deletes the term "child protection agency" and designates a list of county agencies that are authorized and equipped to handle mandated reports.
- Requires more detailed information from mandated reporters when a report of child abuse or neglect is made.
- Deletes the requirement for specified mandated reporter training.
- Adds the probation department as an agency that may receive positive toxicology screens when a child is born.
- Reorders all sections pertaining to mandated reporters so that they are easily understood.

Assembly Bill 1716 (Pacheco), Chapter 56, Statutes of 2000

- Amends Welfare and Institutions Code (WIC) Section 316.2 to require the juvenile court to consider specified factors that the court deems appropriate when making inquiries of the father, including whether any man has declared paternity of the child by signing a voluntary declaration, among other factors.

Assembly Bill 2706 (Cunneen) Chapter 259, Statutes of 2000

- Amends WIC Section 18251 to change the definition of an eligible child for wraparound services.
- Amends WIC Section 18254 to clarify the basis for reimbursement rates for wraparound services.

Senate Bill 1352 (Alpert) Chapter 300, Statutes of 2000

- Amends WIC Section 18987.5 to extend the current Youth Pilot Program until July 1, 2004. The California Youth Pilot Program was a five-year program authorizing six counties (Alameda, Contra Costa, Fresno, Marin, Placer, and San Diego) to blend funds and implement new/innovative approaches to provide integrated, comprehensive services to high-risk children and their families, focusing on service outcomes.
- Amends WIC Code Sections 18987 to 18987.4 to specify conditions for the extended period and to clarify evaluation requirements.

Senate Bill 1368 (Brulte), Chapter 824, Statutes of 2000

- Adds Penal Code Section 271.5 to allow individuals to avoid criminal prosecution if they voluntarily surrender the physical custody of their newborn to designated persons.
- Adds Health and Safety Code Section 1255.7 requiring designated persons to take custody of minor children 72 hours or younger and provide the person surrendering the child with a medical questionnaire.
- Amends WIC Section 300, 309, 361.5 to address children in the category of surrendered newborn infants.
- Adds WIC Section 14005.24 to require the California Department of Social Services to issue an ACIN containing new reporting requirements and processes for determining eligibility for benefits for a child that has been surrendered voluntarily.
- Requires the California Department of Social Services to submit an annual report to the legislature regarding the effect of this legislation.

Senate Bill 1715 (Ortiz), Chapter 207, Statutes of 2000

- Extends the sunset provision in Penal Code Section 1347 regarding closed-circuit television interviews of children until January 1, 2003.
- Amends the operative date in Penal Code Section 1347 which was originally slated to take effect on January 1, 2001. The provision will instead take effect on January 1, 2003.

Senate Bill 1716 (Ortiz), Chapter 926, Statutes of 2000.

- Amends Family Code Section 1816 to require family court-connected and private custody evaluators to participate in continuing instruction in domestic violence and child abuse.
- Amends Family Code Section 3027 and renumbers it to 3027.1 to allow the family court to impose reasonable money sanctions against a person making an accusation of child abuse or neglect during a child custody proceeding that is later determined to be a false report.
- Adds new provisions to Family Code Section 3027 to allow the family court to take steps to protect the child's safety if allegations of sexual abuse are made, which may be a request to the local child welfare services agency for an investigation into the allegations.
- Amends Family Code Section 3110.5 to require the Judicial Council, before January 1, 2002, to develop a statewide rule of court establishing training requirements for all child custody evaluators.
- Adds Family Code Section 3118 to require that in any contested proceeding where the court has appointed a child custody evaluator and the court determines there are serious allegations of child sexual abuse, the allegations be investigated by an evaluator who would be required to consult with both child protective services and law enforcement.
- Amends WIC Section 827 to allow inspection of a case file by family court personnel assigned to family law cases.

Senate Bill 2160 (Shiff), Chapter 450, Statutes of 2000

- Amends WIC Section 317 to require the appointment of counsel for any child not already represented by counsel, unless the court finds that such an appointment would not benefit the child.
- Adds WIC Section 326.5 to require the Judicial Council to promulgate rules of court that establish caseload standards, training requirements, and guidelines for appointed counsel for children. The Judicial Council must adopt the rules of court no later than July 1, 2001.

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

Assembly Bill 686 (Aroner), Chapter 911, Statutes of 2000

- Amends WIC Code Sections 362 and 727 to authorize the court to direct the parents or guardians to ensure regular school attendance for dependents or wards of the juvenile court and to make reasonable efforts to obtain appropriate educational services necessary to meet the needs of the child.

- Amends WIC Section 366.3 to require the court, at the status review hearing, to consider the need for, and the progress in providing, the assistance and documentation as set forth in to Section 391 to a minor who is approaching the age of majority.
- Adds WIC Section 391 to require the county welfare department, at any hearing to terminate jurisdiction over a dependent child who has reached the age of majority to: 1) ensure that the child is present at the hearing, unless the child does not wish to appear or cannot be located, and 2) submit a report verifying that that it has provided the youth information about his or her family history and placement history, the whereabouts of any siblings under the jurisdiction of the juvenile court, directions on how to access the documents the youth is entitled to inspect and the date on which jurisdiction of the juvenile court would be terminated.
- Requires the Judicial Council to develop and implement standards and forms for the termination of jurisdiction over a child who has reached the age of 18.

Assembly Bill 1987 (Steinberg), Chapter 909, Statutes of 2000

- Amends various sections in WIC that pertain to juvenile court dependency hearings (358.1, 361.2, 362.1, 366, 366.1, 388) that:
 - Require the juvenile court to address whether a dependent child has other siblings and whether contact or visitation would be appropriate between the siblings.
 - Revise the definition of sibling to mean a child related to another person by blood, adoption, or affinity through a common legal or biological parent.
 - Provide for post-adoption sibling contact.
 - Allow any person, including a dependent child, to petition the court to assert a sibling relationship. The petition may include a request for visitation with the dependent child, placement with or near the dependent child, or any other request that may be shown to be in the best interest of the dependent child. The court may then determine whether such a change would be appropriate and in the best interests of the child.
- Amends WIC Section 16002 to provide that if a person wishes to assert a sibling relationship with a dependent child, he or she may file in the juvenile court having jurisdiction over the dependent child pursuant to subdivision (b) of Section 388.
- Adds WIC Section 16004 to require the Department, in consultation with the County Welfare Directors Association, the Judicial Council, organizations representing foster youth, and other similar, interested organizations, to make recommendations to increase available sibling placement resources to the Legislature by November 1, 2001. And, requires the Department, in consultation with the Chief Probation Officers and the County Welfare Directors Association, to develop recommendations regarding procedures for placing siblings together, when appropriate, and maintaining contact and sharing information between siblings who are placed separately in out-of-home care when one or more are dependents and one or more are wards of the juvenile court to the Legislature by November 1, 2001.

- Amends WIC Section 16501.1 to provide that if dependent siblings are not placed together, the case plan will include a process to ensure that the siblings are informed of significant life events that occur within their extended family unless the child objects to the sharing of information

Assembly Bill 2037 (Corbett), Chapter 799, Statutes of 2000

- Amends Section 16525.2 of the Welfare and Institutions Code to increase the age of eligibility for the options for recovery (OFR)-eligible child from 36 months to **60 months** if a county has been participating in the OFR program for a minimum of three years. The extension of services would be provided within the existing appropriation of their county's allocation. If a county has been participating in the OFR program for less than three years and wishes to extend services to an OFR-eligible child, funding, if available, may be procured pursuant to the California Children and Families Program.

Assembly Bill 2307 (Davis) Chapter 745, Statutes of 2000

- Amends Section 16000 of WIC regarding legislative intent to reaffirm statutory preference for foster care placement with a relative when a child is removed from the physical custody of his or her parent.
- Adds Section 16003 to 'WIC to require each community college district with a foster care education program to:
 - Make available orientation and training to relative caregivers in whose care the county has placed a foster child pursuant to Section 1529.2 of the Health and Safety Code.
 - Make every attempt to make the training and orientation programs for relative caregivers highly accessible in the communities in which they reside.
 - Develop appropriate program parameters in collaboration with the counties.
 - Specify the curriculum to be offered by the community college relative caregiver training programs.
- Requires counties, at the time of initial placement of a child with a relative caregiver, to inform the relative of the availability of training and orientation programs.
- Provides that counties should make every reasonable effort to forward the names and addresses of relative caregiver families who choose to receive the training and orientation information to the appropriate community colleges providing the training and orientation programs.

Assembly Bill 2453 (Runner), Chapter 67, Statutes of 2000

- Adds Section 49069.3 to the Education Code to allow foster family agencies with jurisdiction over currently enrolled or former pupils access to records of grades and transcripts, and any individualized education plans maintained by school districts or private schools of those pupils.

Assembly Bill 2876 (Aroner), Chapter 108, Statutes of 2000

- Amends WIC Code Section 11363 (c) to provide that an alternate kinship guardian or kinship coguardian can be appointed pursuant to WIC Section 366.3 and be eligible to receive a Kin-GAP payment on behalf of a KinGAP child.
- Amends WIC Section 11372 to exempt a Kin-Gap recipient from the following CalWORKs requirements: monthly reporting; deprivation of parental support or care or discontinuance of the case plan if the child's parent(s) moves into the home of the Kin-GAP caretaker relative; and participation in the Welfare-to-Work Program. This section also establishes that Kin-Gap children will no longer be eligible for immediate need payments, CalLearn benefits or services, Special Needs Payments, KSSP payments, or Child Care Services. Additionally, the quality control function in the KinGAP Program has been eliminated as well as the requirement that certain individuals be excluded from the Assistance Unit.
- Add WIC Section 11374 to establish that the county that had court-ordered jurisdiction over the child shall be the county with payment responsibility under the KinGAP program.
- Add Section 11375 to WIC to provide that children receiving Kin-GAP will be eligible to request and receive Independent Living Program (ILP) services when they turn 16 years of age. These children may also retain up to \$10,000 in accumulated ILP property as long as they earn it pursuant to an approved ILP plan.

Senate Bill 1452 (Wright), Chapter 520, Statutes of 2000

- Amends and adds to WIC Sections 5851 through 5880 to specify that under the Children's System of Care (CSOC), an eligible child also includes, within the defined program target population, those children that are referred by collaborating programs and that are within the definition of "seriously emotionally disturbed children".
- Requires that participating counties permit family members of a child receiving services to be involved in the county's program planning and design as well as the development of individual child treatment plans.
- Revises the program procedures under CSOC to implement instead a request for applications for funding process, to require the Department of Mental Health (DMH) to negotiate with counties to establish appropriate evaluation measures, and to require DMH to audit and monitor use of CSOC program funds.
- Requires additional criteria, such as protocol development and program performance outcome distribution, to be contained in the county proposal.
- Revises program performance goals.
- Requires counties serving children ages 15–21 to make specified services and service delivery structures available to those youth, or to develop a timeline for making those services available. Specifies that any requirements for interagency collaboration, agreements or protocols shall not diminish requirements for confidentiality of medical information or information maintained by a county agency or department.

Senate Bill 1611 (Bowen) Chapter 908, Statutes of 2000

- Amends WIC Section 229.5 to permit a local juvenile justice commission to inquire into the operation of a group home serving wards or dependent children of the juvenile court. Permits the commission to review a child's court or case records provided that it keeps confidential the names of minors named in those records. Permits the commission to review the group home's financial records.
- Amends Section 362 of WIC to permit the court to join in the juvenile court proceedings any private service provider that the court has determined has failed to meet a legal obligation to provide services to a child.
- Amends Section 827 of WIC to add juvenile justice commissions to the list of individuals and agencies that may inspect juvenile case files.

Senate Bill 1946 (McPherson), Chapter 866 Statutes of 2000

- Amends WIC Section 16605 to specify: that participating counties shall not become ineligible for Kinship Support Service Program (KSSP) grant funds due to a reduction in the percentage of relative care placements below the 40 percent requirement and that technical assistance to KSSP and sharing of information resources can be completed by the Edgewood Center for Children and Families in San Francisco or an appropriate agency or individual approved by the department in consultation with the Statewide Kinship Advisory Committee.

Senate Bill 2161 (Schiff), Chapter 421, Statutes of 2000

- Amends WIC Section 309 related to temporary placement of a child with a relative to include in its assessment the results of the criminal records check conducted through the California Law Enforcement Telecommunications System (CLETS). The results of the relative assessment shall be included in the social worker's report to the court.
- Amends WIC Section 361.4 to require and ensure that within five judicial days of a relative and any other person whose criminal history record was obtained using CLETS, a social worker will initiate a fingerprint clearance check. That the final placement decision shall be based only on the criminal history records obtained pursuant to the finger print check to assess the safety of the home.
- Adds WIC Section 16504.5 to provide that a child welfare agency may utilize CLETS to conduct an investigation of child abuse; to assess the appropriateness and safety of placing a child in the home of a relative; and to locate a parent or guardian of a child who is a subject of dependency court proceedings.
- Makes conforming changes to the Penal Code.

ADOPTIONS PROGRAM

Assembly Bill 2433 (R. Wright), Chapter 937, Statutes of 2000

- Amends Family Code Section 7662 to give standing to a prospective adoptive parent who has either physical or legal custody of the child to petition for termination of parental rights of an alleged father in an independent adoption.
- Amends Family Code Section 8801.3 to allow for parents to sign adoption placement agreements outside of the USA and have their signatures witnessed solely for purposes of identification by a notary or other person authorized to perform notarial acts in the state or country in which the birth parent is located.
- Amends Family Code Section 8802 to enlarge the list of relatives who may file an independent adoption petition to include adults related to the child or the child's half sibling by blood or affinity, including all relatives whose status is preceded by the words "step", "great," "great-great" or "grand".
- Amends Family Code Section 8814.5 to establish authority for reinstating the original consent when a birth parent revokes her or his consent but later decides to proceed with the adoption of the child.
- Amends Family Code Section 9102 to shorten the period during which an action may be commenced to vacate, set aside or nullify an adoption based on fraud from five years to three years from the date the adoption decree was issued by the court.

Assembly Bill 2921 (Committee On Human Services), Chapter 910, Statutes of 2000

- Amends Family Code Section 8703 to require that written notice be given to birth parents whose parental rights have been involuntarily terminated to inform them of an adopted person's rights upon attaining the age of 21 years to request identifying information about his or her birth parents. The purpose of this provision is to give birth parents the opportunity to indicate whether or not they want such information disclosed to the adopted person.
- Replaces all statutory references in the Family Code regarding Kinship Adoption Agreements with "Postadoption Contact Agreements", and authorizes the parties to any agency adoption proceeding to voluntarily enter into such agreements. These provisions are duplicative of statutes enacted by SB 2157, which was subsequently chaptered into law and supercedes this act.
- Amends WIC to comply with federal requirements of the Adoption and Safe Families Act.

Senate Bill 2157 (Schiff), Chapter 930, Statutes of 2000

- Amends Family Code Section 8714 to recast Kinship Adoption Agreements as "Postadoption Contact Agreements", which are allowed to be used in any agency adoption proceeding.

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- Amends WIC Section 358.1 to require, in juvenile court dependency proceedings, that the disposition hearing court report state whether the birth parent has been advised of the option of a postadoption contact agreement. In cases of adoption by non-relatives, agreed upon contact is limited to sharing information about the child unless the child had an existing relationship with the birth relative.

I hope these general summaries are of use to you. Please contact Wes Beers, Acting Chief of the Children Services Branch if you have questions regarding any specific new statute related to the Emergency Response Services and Family Maintenance Services components of Child Welfare Services at (916) 445-2777. Please contact Patricia Aguiar, Chief of the Foster Care Branch if you have any questions regarding any specific new statute related to Family Reunification Services and Permanency Planning Services components of Child Welfare Services and the Adoptions Program at (916) 324-9084.

Sincerely,

Original Signed by:

SYLVIA PIZZINI
Deputy Director
Children and Family Services Division