

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



March 24, 1992

ALL-COUNTY INFORMATION NOTICE NO. I-17-92

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

SUBJECT: 1991 CHAPTERED LEGISLATION RELATED TO THE ADOPTIONS
PROGRAM AND THE CHILD WELFARE SERVICES PROGRAM

This letter summarizes legislation chaptered during 1991 which affects the Adoptions Program and the Child Welfare Services Program (CWS). Unless otherwise noted, the bills listed were effective on January 1, 1992.

These summaries are for general informational purposes only. Additional All-County Letters (ACLs) or All-County Information Notices (ACINs) have been or will be issued for some of the bills to provide more detailed descriptions of specific programmatic issues and necessary implementation activities. For ease of identification, bills have been listed under the specific program which they impact.

ADOPTIONS PROGRAM

AB 1202 (Woodruff), Chapter 697, Statutes of 1991

This act makes clean-up and technical, nonsubstantive changes to revamped adoption statutes recently enacted by AB 3532 (Chapter 1363, Statutes of 1990). It also restores inadvertently deleted previous statutory provisions authorizing taking of consent to adoption in court in specified circumstances in Independent Adoption.

This legislation was enacted as an urgency measure effective October 9, 1991 and does not require new Departmental regulations.

AB 1896 (Frizzelle), Chapter 135, Statutes of 1991

Effective January 1, 1992, this legislation amends Civil Code Section 229.50 to allow the Department or a licensed adoption agency to arrange for contact between an adult adoptee and his or her birth parent(s) when the adoptee and the birth parent have each independently signed a consent to such contact. The consent of the adopting parents to such contact, required by previous law, will no longer be required.

The State Department of Social Services (SDSS) is developing a form for this consent and will revise regulations (22 CCR 35049[a][4]) to reflect this change in law.

SB 700 (Royce), Chapter 987, Statutes of 1991

This act extends statutory authorization for the \$400 reimbursement ceiling for the Nonrecurring Adoption Expense Reimbursement Program to January 1, 1994. In addition, this legislation clarifies that the Program is available to single adoptive parents of special needs children.

This legislation does not require new Departmental regulations.

SB 735 (Hill and Bergeson), Chapter 372, Statutes of 1991

This urgency legislation, effective September 9, 1991, amended Civil Code Section 232 to state clearly that the fact that a parent has placed a child for adoption does not prevent the court from finding that the parent intended to abandon the child. This bill was a response to recent court decisions that had raised doubts as to whether a birth parent who placed a child for adoption and made no further attempt at contact could be found to have abandoned the child. This bill also required the SDSS to revise the Health Facility Minor Release Report (AD 22).

This legislation does not require new Departmental regulations.

CHILD WELFARE SERVICES PROGRAM

ACR 38 (Filante), Resolution Chapter 89, Statutes of 1991

This resolution directs the Assembly Office of Research to conduct a comprehensive study of the problems of children of incarcerated parents, including Department of Youth Authority

wards whose parents are state prison inmates, and to report its findings and conclusions to the Legislature no later than July 1, 1992.

This resolution does not require new Departmental regulations.

ARJ 12 (Bronzan), Resolution Chapter 76, Statutes of 1991

This resolution requests the President and Congress to review and update provisions of the federal Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272) and to support provisions that 1) strengthen the ability of states to operate family preservation programs, 2) encourage the development of family preservation programs, 3) provide for 90% federal financial participation under Title IV-E for data processing systems and 4) provide respite care for foster parents.

This resolution does not require new Departmental regulations.

AB 60 (Friedman), Chapter 780, Statutes of 1991

This legislation requires the SDSS to contract with the University of California or the California State University system to develop a statewide protocol for telephone screening of emergency response referrals. The protocol is then to be incorporated into the child welfare training program.

This is an urgency measure with an effective date of October 10, 1991. MPP Division 30 regulations will be updated to reflect these law changes.

AB 390 (Speier), Chapter 429, Statutes of 1991

This legislation adds Section 14132.36 to the Welfare and Institutions Code (WIC) and would, to the extent that federal financial participation becomes available, add residential care for alcohol and drug exposed pregnant women and postpartum women to the schedule of Medi-Cal benefits. The Department of Alcohol and Drug Programs has responsibility for establishing the residential care programs. This is an urgency measure with an effective date of September 19, 1991.

This legislation does not directly impact CWS, but it is included here as it may be of interest.

AB 546 (Bronzan), Chapter 868, Statutes of 1991

This legislation adds mental health and substance abuse treatment to the services allowed for Family Preservation purposes. It also allows the families of wards of the court adjudicated under WIC Sections 601 and 602 and seriously emotionally disturbed children to receive services.

This act also increases the maximum percentage of the State share of Aid to Families with Dependent Children - Foster Care (AFDC-FC) funds that can be advanced by the State from 10% to 25%. When permitted under federal rules, counties are also authorized to receive in advance up to 25% of the federal AFDC-FC share. This is an urgency measure with an effective date of October 14, 1991.

ACL 92-13, dated January 30, 1992, invites counties to submit a plan if they wish to participate in the Family Preservation program.

AB 760 (Bates), Chapter 1137, Statutes of 1991

This legislation is a clean-up of AB 2268 (Chapter 1437, Statutes of 1989) which allowed foster homes to accept for placement children with special health care needs. The definitions of "child with special health care needs" and "specialized foster care home" in WIC Section 17710 are amended. Small family homes are allowed to exceed the current capacity limitation of two.

In addition, this legislation allows developmentally disabled children with special health care needs who are receiving services from a regional center to be placed in specialized foster care homes. WIC Section 17731, which requires counties to submit plans for placement of these children is amended and it is clarified that regional centers are not required to submit plans.

MPP Division 30 regulations will be updated.

AB 948 (Bronzan), Chapter 91, Statutes of 1991

This legislation changes State/county payment ratios for a number of programs. It establishes the State share of CWS program costs at 70% of the nonfederal expenditures or the amount appropriated by the Legislature, whichever is less. It also requires the SDSS to complete an annual report to the Legislature on welfare and probation supervised foster care caseloads.

This legislation also amended provisions of the Family Preservation Act. References to pilot projects were removed from WIC 16500.5. Amended WIC Section 16500.55 now allows any county, subject to State approval, to participate. The act also expands from six to 24 the number of additional counties which may be added to the program each year. This is an urgency measure effective June 30, 1991.

This legislation does not require new Departmental regulations.

This summary only addresses those sections of the act which directly impact the CWS program; it does not discuss sharing ratio changes to other programs or other provisions.

AB 1133 (O'Connell), Chapter 132, Statutes of 1991

This legislation amends the Child Abuse Reporting Law. The definition of "child care custodian" in Penal Code Sections 11165.7 and 11166.5 is amended to include an administrator or employee of a public or private youth center, youth recreation program, or youth organization, an administrator or employee of a public or private organization whose duties require direct control and supervision of children, a parole officer, and an employee of a school district police or security department. The act also encourages volunteers to attend child abuse reporting training.

This legislation does not require new Departmental regulations.

AB 1524 (Cannella), Chapter 943, Statutes of 1991

This child support legislation strengthens confidentiality laws concerning support enforcement awards. Anyone who willfully, knowingly and intentionally violates the provisions will be subject to a misdemeanor conviction. CWS workers, who are required to conduct a diligent search for parents, will continue to have access to information.

There will be no changes to MPP Division 30 regulations.

This summary only addresses those sections of the act which impact the CWS program. It does not discuss other provisions of AB 2184 which require the SDSS and the Department of Education to establish a system for documenting child care usage by AFDC recipients for the purpose of maximizing federal financial participation in the cost of providing these child care services.

AB 2232 (Areias) Chapter 1102, Statutes of 1991

This legislation amends the Child Abuse and Neglect Reporting Act by adding Section 11165.14 to the Penal Code. It requires child protective agencies to investigate child abuse complaints filed by a parent or guardian of a pupil against a school employee or other person that commits an act of child abuse at a schoolsite. The child protective agency must transmit reports of substantiated abuse to the school governing board.

The Department of Education is required to adopt and disseminate guidelines for filing child abuse complaints by parents and guardians in their primary language.

This legislation does not require new Departmental regulations. An ACIN will be prepared to clarify CWS responsibilities.

SCR 26 (Killea), Resolution Chapter 70, Statutes of 1991

This resolution recognizes the promise of New Beginnings, a strategy for integrated services for children and families involving the City of San Diego, County of San Diego, San Diego City Schools, San Diego Community College District, and the San Diego Housing Commission, as a model for a comprehensive system of services for children and families.

It also resolves that the Legislature take an active leadership role in establishing solutions to promote and maintain the health and well-being of families and children and in reducing barriers to needed programs.

This Resolution does not require new Departmental regulations.

SB 90 (Royce), Chapter 1200, Statutes of 1991

This legislation adds Section 1525.25(b) to the Health and Safety Code (HSC) which requires the county, when notified that a licensed foster family home is forfeiting its license to become a Certified Family Home, to evaluate the needs of any child still placed in the home and determine whether the child needs the level of care to be provided by the home when it is certified. Any child not requiring that level of care must be moved to a home that provides the appropriate level of care.

This is an emergency measure with an effective date of October 14, 1991. MPP Division 30 regulations will be revised to reflect this law change.

SB 324 (Lockyer), Chapter 500, Statutes of 1991

This legislation extends the court-appointed special advocates program (CASA) to January 1, 1994.

This act does not directly impact child welfare services, but is included here as it may be of interest. This summary does not address child support provisions of the act which require the court to consider the needs and incomes of parents to ensure access to legal representation in child support cases.

Changes to MPP Division 30 regulations are not required.

SB 362 (Boatwright), Chapter 268, Statutes of 1991

This legislation amends HSC Section 462 which requires the county health officer, upon notification by the coroner of any case in which sudden infant death syndrome (SIDS) is the provisional cause of death, to contact the infant's guardians and explain the nature and causes of SIDS. This Section is amended to require the local health officer to immediately contact the person who had custody and control of the infant, including foster parents, to provide information, support, referral and follow-up services relating to SIDS. If the infant was in child care, the child care provider must also be contacted.

This legislation does not require new Departmental regulations.

SB 475 (Presley), Chapter 820, Statutes of 1991

This legislation allows the juvenile court to convene representatives of the county welfare department and law enforcement agencies to develop and enter into protocols to ensure that incarcerated parents can attend court proceedings affecting their child. It also makes technical changes regarding the participation of incarcerated women in community treatment programs.

The act also deleted the requirement for the provision of reasonable services to a parent as a precondition for development of a permanent plan. It also provides that parental rights may not be terminated if it is found at each and every hearing that reasonable efforts were not made.

This legislation does not require new Departmental regulations.

SB 704 (Royce), Chapter 980, Statutes of 1991

This legislation adds Section 340.5 to the WIC. It allows the juvenile court, with good cause and after an ex parte hearing, to issue an order restraining the parents of a dependent child from threatening the social worker or any member of the social worker's family with physical harm. Violation of the order is punishable as contempt.

This legislation does not require new Departmental regulations.

SB 786 (Presley), Chapter 994, Statutes of 1991

This legislation expands provisions of the Interagency Children's Services Act; it specifies, at a minimum, what the waiver requests must contain. It also allows counties to enter into contracts with the State to reallocate existing resources to facilitate integrated case management and coordination.

This legislation does not require new Departmental regulations.

SB 787 (Presley), Chapter 1112, Statutes of 1991

This legislation adds Section 1521.5 to the HSC to require an in-home interview to be conducted prior to issuing a foster family home license. The placing agency is required to conduct the interview if the Community Care Licensing Division of the State Department of Social Services (SDSS) licenses foster family homes in the county.

WIC Section 16507.7 requires parenting courses provided to clients as part of Family Maintenance or Family Reunification efforts to meet specified standards. MPP Division 30 regulations will be updated to reflect this change.

SB 905 (Killea), Chapter 948, Statutes of 1991

This legislation amends Penal Code Section 1347 to authorize the use of one-way (rather than two-way) closed-circuit television to obtain the testimony of a minor ten years of age or younger. It applies to offenses alleged to have been committed on or after January 1, 1992.

This legislation does not require new Departmental regulations.

SB 1125 (Presley), Chapter 1203, Statutes of 1991

This legislation amends statutes governing CWS to eliminate program designations and focus on a continuum of services guided by a written case plan. It establishes the case plan as the "guiding principle" in the provision of CWS, changes the required timeframe within which the case plan must be developed, and requires that the case plan be part of the court report or an addendum and be considered by the court at the initial and each subsequent review hearing. It expands the range of services which can be provided without prior approval, extends timeframes for respite care and expands respite care to include in-home care.

The act also provides for an additional six-month extension of family reunification services under certain circumstances. It requires the SDSS to amend its Title IV-E plan and obtain federal financial participation for voluntary placements.

MPP Division 30 regulations will be updated to reflect these law changes.

LOCAL COORDINATION OF SERVICES TO CHILDREN AND THEIR FAMILIES

Three bills chaptered during 1991 reflect the Legislature's interest in and intent to increase local coordination of services to children and their families. As the intent is to coordinate with existing children's services councils established under the Interagency Children's Services Act (SB 997, Chapter 1303, Statutes of 1989), the acts are summarized below for your information.

AB 2141 (Speier), Chapter 1187, Statutes of 1991

This legislation requires counties to establish a local child care and development planning council and prepare a county-wide, community-based child care plan. If a county already has a child care or children's services council, for example, a council established pursuant to SB 997 (Chapter 1303, Statutes of 1989), it may designate that council as the child care and development council. If the county does not merge the two councils, consultation and coordination between the two are required.

Other provisions of this act require the Governor to appoint an advisory committee to assist the Department of Education in developing a State plan for child development programs and drafting prescribed guidelines for local child care and development councils.

This legislation does not require new Departmental regulations.

AB 2184 (Brown), Chapter 1205, Statutes of 1991

This legislation states the intent of the Legislature to encourage local communities to provide an integrated system of services to children and their families who need extra assistance to succeed in school and become productive citizens. Section 18986.40 is added to the WIC to define integrated "children's services programs" and "children's multidisciplinary services team"; it also contains a method for counties to integrate two or more children's services and share information between team members.

This act provides a simplified alternative to SB 997 (Chapter 1303, Statutes of 1989) which allows county Boards of Supervisors to establish an interagency children's services coordinating council. SB 997 also requires that an annual plan be submitted to the Board of Supervisors and permits requests for waivers of specified state regulations which hinder the coordination of children's services.

This legislation does not require new Departmental regulations.

SB 620 (Presley), Chapter 759, Statutes of 1991

This legislation establishes the Healthy Start Support Services for Children Act and related council. The Superintendent of Public Instruction is required to award grants to local educational agencies or consortia for planning and operating programs that provide support services to eligible pupils and their families at or adjacent to the school site. If the local educational agency or consortia is located within a county that has established a children's services council pursuant to SB 997, that council must first approve any grant submitted. The act allows the educational agency or consortia to request SB 997 waivers if approved by the SB 997 council.

This legislation does not require new Departmental regulations.

Copies of the above-described chaptered bills may be obtained from the California Legislative Bill Room, State Capitol Building, Room B-32, Sacramento, California 95814.

If you have any questions regarding adoptions-related legislation, please contact Ms. Sandy Richmond, Adoptions Policy Bureau, at (916) 324-6960. If you have questions regarding bills impacting child welfare services, please contact your Child Welfare Services Operations consultant at (916) 657-2189. If you have questions regarding the Family Preservation program, please contact Larry Grandstaff, Office of Child Abuse Prevention, at (916) 657-2089.

Sincerely,



LOREN D. SUTER
Deputy Director
Adult and Family Services

cc: County Welfare Directors Association