



## 2016 Legislation that affects CASA Practice

*Below is a write-up of 24 new laws and how they affect your work as CASA staff and volunteers. Please let me know if you have any questions or suggestions.*

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*\*Codes sections refer to the Welfare and institutions Code, unless otherwise noted.*

### **Foster Youth Rights**

*Foster youth rights workgroup*: CDSS will convene a working group regarding the rights of all dependents in foster care with the goal of educating youth, foster care providers, and others. [AB 1067](#)

*Ensuring youth know their rights*: The law has long required social workers and probation officers to inform foster youth of their rights at least once every six months. Now, they also have to inform the care provider and the child's family team of the foster youth's rights as well. Also, social workers and probation officers must provide this rights-related information in an age-appropriate manner, and provide a written copy of the rights to the child at each placement change as well as during every sixth regularly scheduled placement contact. [AB 1067](#)

### **Child Welfare Services**

*Additional grounds for bypassing a parent for services*: The law now allows the court to deny provision of reunification services (i.e. bypass) to a parent or legal guardian who (without coercion) knowingly participated in, or permitted, the sexual exploitation of the child. [AB 1702](#)

*Child welfare department access to sealed delinquency records*: Even where the juvenile delinquency record of a youth has been sealed, it may now be accessed by the county child welfare agency for the sole purpose of "determining an appropriate placement or service that has been ordered for the minor or nonminor dependent by the court." Also, the new law states that "the information may be shared with the court but shall in all other respects remain confidential and shall not be disseminated to any other person or agency," however, it remains to be seen how the government will be able to give information to the court without sharing it with other parties (including the youth's attorney) of the dependency action. [AB 1945](#)

*Requirement of "often" and annual "announced" inspections of resource family homes*: Regarding continuum of care reform, the law will require "announced" inspections during the annual update to ensure compliance with law and regulations, and requires, "Inspecting resource family homes as often as necessary to ensure the quality of care provided." [AB 1997](#)

## ***Out-of-County Placements***

***Notice and opportunity for a minor to object to out-of-county placements:*** Now, in addition to notifying the parent or guardian, the social worker must provide the child's attorney, and any child 10 years or older, with at least 14 days' written notice of the intent to place the minor out-of-county, thus giving them an opportunity to object to the placement. [AB 1688](#)

***Out-of-county "mental health carve out" solutions:*** Often, when a child is placed out-of-county, the provision and payment for mental health service becomes a problem. Now, the law requires the Department of Health Care Services to issue policy guidance – by July 1, 2017 – that establishes the conditions for, and exceptions to, the presumptive transfer of responsibility for providing or arranging for mental health services to a foster child from the county of original jurisdiction to the county in which the foster child resides. Also, this policy guidance must ensure that the presumptive transfer does not disrupt the continuity of care. [AB 1299](#)

## ***Education***

***Suicide prevention at schools:*** Each school board that serves youth in grades 7 through 12 must adopt a policy on pupil suicide prevention that includes procedures relating to the prevention, intervention, and "postvention" of suicide. This policy must address the needs of high-risk groups, including youth in foster care and LGBTQ youth. [AB 2246](#)

## ***Higher Education***

***Priority enrollment:*** New law expands priority enrollment for foster youth or former foster youth at Cal State schools or community colleges, to those age 25 or under, who had dependency established on or after the youth's 16th birthday. (Previously, priority enrollment was for those who had emancipated, and were 24 or under.) Also, the Legislature made this priority enrollment permanent. [SB 906](#)

***Chafee grants now limited to certain schools:*** Starting with the 2017–18 academic year, new Chafee grants are only to be awarded when the student attends a qualifying institution that is eligible to receive Cal Grants (or if the institution is out-of-state that satisfies a specified provision of the Cal Grant Program enabling act.) Because Cal Grants are available only to schools who meet certain graduation and loan repayment requirements, this law is trying to steer youth away from institutions that are likely to add debt with little to show for the effort, such as certain for-profit vocational schools. [AB 2506](#)

## ***Identity Theft***

***Credit report freeze:*** Now, the law requires a consumer credit reporting agency to, upon request, place a security freeze on the credit report of a youth under age 16 years old who is in a "foster care setting." The social worker or probation officer (but not a foster parent) may act as the child's representative or this purpose. [AB 1580](#)

## ***Decriminalization***

*Fare evasion decriminalized for minors*: Minors who commit fare evasion on public transportation can no longer be charged with an infraction or misdemeanor. However they can still be assessed administrative penalties, including fines. [SB 882](#)

*Decriminalization of sexually exploited minors*: Now, when a person under 18 years of age, is alleged to have engaged in acts related to selling sex, they cannot be charged criminally. Instead the minor can be found to be a dependent child pursuant to section 300, and maybe taken into custody if, “minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety.” [SB 1322](#)

## ***Permanency***

*Court must find due diligence in looking for and notifying relatives*: The law now requires the court to find that the social worker has exercised due diligence in identifying, locating, and notifying the child's relatives (both maternal and paternal) whenever a child is removed from a parent or guardian's custody. When making its determination, the court can consider whether the social worker reviewed the case file, interview the child, used internet search tools, etc. [SB 1336](#)

*Encouraging sibling contact after termination of parental rights*: As long as it is not contrary to the safety and well-being of the child, or that the child does not refuse, (and to the extent practicable), upon termination of parental rights, the county shall convene a meeting to discuss the possibility of executing a voluntary post adoption sibling contact agreement. Also, the child may petition the court for such a meeting. Additionally, at the first review hearing following the termination of parental rights, the court must inquire as to the status of the development of a voluntary post adoption sibling contact agreement. [SB 1060](#)

## ***Independent Living***

*Ensuring that emancipating youth have uninterrupted Medi-Cal*: Prior to terminating dependency, and in addition to the other items in section 391, the social worker must now provide written verification that the eligible nonminor is enrolled in Medi-Cal, and the Medi-Cal Benefits Identification Card. Also, the social workers report must verify that each eligible youth will have continued and uninterrupted enrollment in Medi-Cal. [AB 1849](#)

*Preference for state internships*: State agencies must now give preference to homeless youth and formerly incarcerated youth – in addition to foster youth – when hiring for internships and student assistant positions (up to 26 years of age). [AB 1840](#)

*Housing programs for homeless former foster youth*: For purposes of publicly funded housing for homeless youth, “homeless youth” now includes a youth who is 24 years or younger and, “is no longer eligible for foster care on the basis of age.” [SB 1442](#)

## ***Delinquency (and Status Offenders) – 601/602***

***Encouraging sibling contact for permanently planned wards (under 601 and 602):*** In 600 cases, at the annual permanency planning hearing, the court order placing the minor in a permanent placement shall include a specification of the nature and frequency of visiting arrangements with the youth's siblings as well; previously the order only needed to include parents and legal guardians. [SB 1060](#)

***Solitary confinement defined and limited:*** This bill defines and limits room confinement in juvenile detention facilities. For example, solitary confinement cannot exceed four hours, and cannot be used for the purposes of punishment, coercion, convenience, or retaliation by staff. [SB 1143](#)

***Cleaning one's record (if a victim of human trafficking):*** If a person was convicted or adjudicated a ward of the juvenile court because of a nonviolent offense, and can show that they were a victim of human trafficking at the time, they can now petition the court to vacate the conviction or adjudication, seal and destroy related records, and deny it ever happened. [SB 823](#)

***Public and private employers prohibited from seeking, using, or even asking about juvenile record:*** There is new law that prohibits both public and private employers from asking about information about any, "arrest, detention, processing, diversion, supervision, adjudication, or court disposition" that occurred while the person was under juvenile court jurisdiction. Also, it prohibits any employer from seeking, or using any of this information in the, "hiring, promotion, termination, or any apprenticeship training program or any other training program leading to employment." [AB 1843](#)

***Limits on probation officers ability to detain a 300 juvenile dependent:*** Now, a probation officer may not decide to detain a minor just because that minor is a dependent (or is under a petition to declare the minor a dependent). Nor can the decision to detain be based on a determination that continuance in the minor's current placement is contrary to the minor's welfare," or because of the, "the child welfare services department's inability to provide a placement for the minor." [AB 2813](#)

## ***CASA Specific***

***State DOJ background fee waived for CASA programs:*** Law now prohibits the Department of Justice from charging CASA programs a fee for state-level criminal offender record information – saving \$32 per volunteer and employee screened. [AB 2417](#)

***Caregiver access to contact information:*** Caregivers "should" have contact information, including the name, mailing address, telephone number, and FAX number of the child's social worker, the social worker's supervisor, the child's attorney, and the court-appointed special advocate. New law states the intention of the legislature for a caregiver to also have those individuals' email addresses. So, while not a legal mandate, the legislature would like caregivers to have access to email addresses, as well. [AB 2767](#)

## List of child welfare legislation enacted in 2016

\*Laws take effective January 1, 2017 unless noted as urgency legislation

Legend: AB = Assembly Bill / SB = Senate Bill / Shading = not discussed above

<b>Bill and Author</b>	<b>Topic</b>	<b>CASA Position</b>	<b>Status</b>
<a href="#">AB 224</a> - JONES-SAWYER	Pupils: educational liaison for foster children: notice of educational rights of foster children. Requires the State Department of Education, in consultation with the California Foster Youth Education Task Force, to develop a standardized notice of the educational rights of foster children, as specified, and to make the notice available to educational liaisons for foster children for dissemination by posting the notice on its Internet Web site.		Made Law (Chaptered)
<a href="#">AB 1838</a> - TING	<i>(Not Law – vetoed) Would have increased the infant supplement, and provided and infant supplement for dependent parents.</i>	Support	Vetoed
<a href="#">AB 1067</a> - GIPSON	Foster children: rights. Requires CDSS to convene a working group regarding the rights of all minors and nonminors in foster care with the goal of educate youth, foster care providers, and others. Also, “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 he or she has informed the child of, and has provided the child with a written copy of, his or her rights.”		Made Law (Chaptered)
<a href="#">AB 1299</a> - RIDLEY-THOMAS	Medi-Cal: specialty mental health services: foster children. The bill requires the Department of Health Care Services to issue policy guidance that establishes the conditions for, and exceptions to, the presumptive transfer of responsibility for providing or arranging for mental health services to a foster child from the county of original jurisdiction to the county in which the foster child resides. This policy guidance shall be made in consultation with other stakeholders, ne completed by July 1, 2017, and ensure that the presumptive transfer does not disrupt the continuity of care.	Support	Made Law (Chaptered)
<a href="#">AB 1580</a> - GATTO	Consumer credit reports: security freezes: protected consumer. This bill requires a consumer credit reporting agency to, upon request, place a security freeze on the credit report of a youth under age 16 years old who is in a “foster care setting.”		Made Law (Chaptered)

<a href="#">AB 1688</a> - RODRIGUEZ	Dependent children: out-of-county placement: notice. Requires that the social worker provide the child’s attorney and any child 10 years or older with at least 14 days’ notice of the intent to place the minor out-of-county, thus giving opportunity to object to the placement.		Made Law (Chaptered)
<a href="#">AB 1702</a> - M. STONE	Juveniles: dependent children: reunification services. This law allow the court to deny provision of reunification services (i.e. bypass) to a parent or legal guardian who (without coercion) knowingly participated in, or permitted, the sexual exploitation of the child.		Made Law (Chaptered)
<a href="#">AB 1840</a> - GIPSON	State agencies: interns and student assistants: hiring preference. State agencies must now give preference to homeless youth and formerly incarcerated youth – in addition to foster youth, when hiring for internships and student assistant positions (up to 26 years of age).		Made Law (Chaptered)
<a href="#">AB 1843</a> - M. STONE	Applicants for employment: criminal history. Prohibits both public and private employers from asking about information about any “arrest, detention, processing, diversion, supervision, adjudication, or court disposition” that occurred while the person was under juvenile court jurisdiction. Also, prohibits any employer from seeking, or using any of this information in the “hiring, promotion, termination, or any apprenticeship training program or any other training program leading to employment.”		Made Law (Chaptered)
<a href="#">AB 1849</a> - GIPSON	Foster youth: transition to independent living: health insurance coverage. Prior to terminating dependency, the social worker must now provide (in addition to the other items in section 391 of the Welfare and Institutions Code) written verification that the eligible nonminor is enrolled in Medical, and the Medi-Cal Benefits Identification Card. Also, the social workers report submitted must verify that each eligible youth will have continued and uninterrupted enrollment in Medi-Cal.	Support	Made Law (Chaptered)
<a href="#">AB 1879</a> - MCCARTY	<i>(Did not pass) Among other things, would have required family finding and engagement and other permanency services for youth for youth 16 or older who are not with a relative and placed in another planned permanent living arrangement.</i>	Support	Died
<a href="#">AB 1911</a> - EGGMAN	Dual status minors. Requires the Judicial Council to convene a committee comprised of child welfare and juvenile justice stakeholders, who by January 1, 2018, will develop and report to the Legislature recommendations to facilitate and enhance comprehensive data and outcome tracking for the state’s dual status youth. The bill would also require the State Department of Social Services, on or before January 1, 2019, to implement a function within the applicable case management system that will enable county child welfare agencies and county probation departments to identify youth described above who are within their counties, and to issue instructions to all counties on the manner in which to completely and consistently track the involvement of these youth in both the child welfare system and the juvenile justice system.		Made Law (Chaptered)

<p><a href="#">AB 1945</a> - M. STONE</p>	<p>Juveniles: sealing of records. Even if the juvenile delinquency record of a youth has been sealed, it may still be accessed by the county child welfare agency for the sole purpose of determining an appropriate placement or service that has been ordered for the minor or nonminor dependent by the court. The information may be shared with the court but shall in all other respects remain confidential and shall not be disseminated to any other person or agency.</p>		<p>Made Law (Chaptered)</p>
<p><a href="#">AB 1997</a> - M. STONE</p>	<p>Foster care. Continuum of Care Reform legislation-- directs licensing of foster family agency homes, and group homes. Allows CDSS, a county adoption agency, a licensed adoption agency, or foster family agency access to arrest or conviction records or reports from any law enforcement agency as necessary to the performance of its duties. Exempts agency adoptions programs and resource family approval programs from certain state contracting requirements. Requires private short-term residential therapeutic programs to be operated as nonprofit organizations. Defines "private alternative boarding school," and "private alternative outdoor program," type group homes; defines "children's crisis residential center." Also provides certain requirements for foster family agencies, including: giving FFAs licensed before January 1, 2017 until December 31, 2018 to obtain the required accreditation, giving FFAs licensed after January 1, 2017 twenty-four months from the date of licensure to obtain the required accreditation, and allowing for the revocation of the license if those deadlines are not met. The law also sets out definitions and processes of resource family approval, and requires "announced" inspections during the annual update to ensure compliance with law and regulation, and, "Inspecting resource family homes as often as necessary to ensure the quality of care provided." Also, sets civil fines for violations, including physical abuse (\$2500). Sets requirements for licensing and accreditation short-term residential therapeutic programs.</p>		<p>Made Law (Chaptered)</p>
<p><a href="#">AB 2015</a> - MCCARTY</p>	<p>Public social services: 2011 realignment report. CDSS annual report must also include, "reported expenditures for counties that are participating and making claims under the federal Title IV-E waiver, how those counties are maximizing the utilization of funds, and how close counties are to funding the optimum caseload ratios recommended by the evaluation conducted pursuant to Section 10609.5, also known as the California SB 2030 Study."</p>		<p>Made Law (Chaptered)</p>
<p><a href="#">AB 2246</a> - O'DONNELL</p>	<p>Pupil suicide prevention policies. Each school board that serves youth in grades seven through 12 must adopt a policy on pupil suicide prevention that includes procedures relating to suicide prevention, intervention, and "postvention." This policy must address the needs of high risk groups, including youth in foster care, and LGBTQ youth.</p>		<p>Made Law (Chaptered)</p>

<a href="#">AB 2306</a> - FRAZIER	Juvenile court school pupils. Youth who complete the statewide coursework requirements for graduation (per Section 51225.3) while attending a juvenile court school, are exempt from additional graduation requirements. Also, a transfer cannot be requested solely to qualify the pupil for this exemption.		Made Law (Chaptered)
<a href="#">AB 2417</a> - COOLEY	Child abuse reporting. This bill prohibits the Department of Justice from charging CASA programs a fee for state-level criminal offender record information.	Sponsor	Made Law (Chaptered)
<a href="#">AB 2506</a> - THURMOND	Student financial aid: Chafee grant awards. Starting with the 2017–18 academic year, new Chafee grants are only to be awarded when the student attends a qualifying institution that is eligible to receive Cal Grants, (or if the institution is out-of-state that satisfies a specified provision of the Cal Grant Program enabling act.)	Support	Made Law (Chaptered)
<a href="#">AB 2767</a> - LOPEZ	Caregivers “should” have contact information, including the name, mailing address, telephone number, and FAX number of the child’s social worker, the social worker’s supervisor, the child’s attorney, and the court-appointed special advocate. This law states the intention of the legislature to also have those individuals email address as well.		Made Law (Chaptered)
<a href="#">AB 2813</a> - BLOOM	Juvenile offenders: dual–status minors. Now, a probation officer may not decide to detain a minor just because that minor is a dependent (or who is under a petition to declare the minor a dependent). Nor can the decision to detain be based on a determination that continuance in the minor's current placement is contrary to the minor's welfare,” or “the child welfare services department's inability to provide a placement for the minor.”		Made Law (Chaptered)
<a href="#">SB 823</a> - BLOCK	Criminal procedure: human trafficking. Among other things, this bill establishes a process for a person who was adjudicated a ward of the juvenile court to request that the court revisit any nonviolent offense that was committed while he or she was a victim of human trafficking and request that the court vacate their adjudication and seal and destroy the records.		Made Law (Chaptered)
<a href="#">SB 882</a> - HERTZBERG	Crimes: public transportation: minors. Minors who commit fare evasion on public transportation can no longer be charged with an infraction or misdemeanor. However they can still be assessed administrative penalties including fines.		Made Law (Chaptered)
<a href="#">SB 906</a> - BEALL	Public postsecondary education: priority enrollment systems. The California State University in each community college is required to provide priority enrollment for foster youth or former foster youth, as defined. This bill defines those persons as those in California whose dependency was established or continued by a court after the youth’s 16th birthday and who is no older than 25 years of age at the commencement of the academic year.		Made Law (Chaptered)

<p><a href="#">SB 1068</a> - LEYVA</p>	<p>Homeless children and youths: local educational agency liaisons: training materials. Requires the State Department of Education to provide specified informational and training materials to local educational agency liaisons for homeless children and youths, including informational materials on the educational rights of homeless children and youths and the resources available to schools to assist homeless children and youths.</p>		<p>Made Law (Chaptered)</p>
<p><a href="#">SB 1060</a> - LENO</p>	<p>Postadoption contact: siblings of dependent children or wards. As long as it is not contrary to the safety and well-being of the child, or that the child does not refuse, (and to the extent practicable), upon termination of parental rights, the county shall convene a meeting to discuss the possibility of executing a voluntary post adoption sibling contact agreement. Also, the child may petition the court for such a meeting. Also, at the first review hearing following the termination of parental rights, the court must inquire as to the status of the development of a voluntary post adoption sibling contact agreement. Also, at any permanency planning hearing, the court order placing the minor in a permanent placement shall include a specification of the nature and frequency of visiting arrangements with the siblings as well (previously the order only needed to include parents and legal guardians).</p>	<p>Support</p>	<p>Made Law (Chaptered)</p>
<p><a href="#">SB 1143</a> - LENO</p>	<p>Juveniles: room confinement. This bill defines and limits room confinement in juvenile detention facilities. For example, solitary confinement cannot exceed four hours, and cannot be used for the purposes of punishment, coercion, convenience, or retaliation by staff.</p>		<p>Made Law (Chaptered)</p>
<p><a href="#">SB 1174</a> - MCGUIRE</p>	<p>Medi-Cal: children: prescribing patterns: psychotropic medications. Medical Board of California shall prioritize investigation and prosecution of doctors who show, "Repeated acts of clearly excessive prescribing, furnishing, or administering psychotropic medications to a minor without a good faith prior examination of the patient and medical reason therefor."</p>		<p>Made Law (Chaptered)</p>
<p><a href="#">SB 1178</a> - VIDAK</p>	<p>Superintendent of Public Instruction: child abuse and neglect: poster. Requires the superintendent of public instruction to create a poster that notifies children of the appropriate telephone number to call to report child abuse and neglect. Encourages, but does not require, school districts charter schools and private schools to post. (Urgency legislation, effective August 22, 2016)</p>		<p>Made Law (Chaptered)</p>
<p><a href="#">SB 1291</a> - BEALL</p>	<p>Medi-Cal: specialty mental health: minor and nonminor dependents. Requires the Department of Health Care Services to conduct an annual mental health plan review, by an external quality review organization (EQRO). Commencing July 1, 2018, the review shall include specific data for Medi-Cal eligible minor and nonminor dependents in foster care, including data on things like quality, access, and timeliness of mental health services.</p>	<p>Support</p>	<p>Made Law (Chaptered)</p>

<a href="#">SB 1322</a> - MITCHELL	Commercial sex acts: minors. Decriminalizes selling of sex by those under age 18, and instead allows them to be declared dependents of the juvenile court pursuant to section 300 of the Welfare and Institutions code. The child may be taken into temporary custody if the normal conditions are met, pursuant to section 305 of the Welfare and Institutions code.		Made Law (Chaptered)
<a href="#">SB 1336</a> - JACKSON	Dependent children: investigation: relatives. Requires the court to find that the social worker has exercised due diligence in identifying locating and notifying the child’s relatives (both maternal and paternal) whenever a child is removed from a parent or guardian’s custody.		Made Law (Chaptered)
<a href="#">SB 1442</a> - LIU	Discrimination: regulations and enforcement. For purposes of publicly funded housing for homeless youth, “homeless youth” includes a youth who is 24 years or younger and, “is no longer eligible for foster care on the basis of age.”		Made Law (Chaptered)
<a href="#">SB 1466</a> - MITCHELL	<i>(Not Law – vetoed) Would have required a trauma screening for every child eligible for Medi-Cal.</i>		Vetoed

End