



**California Child Welfare Legislation**  
Bills Affecting CASA Practice  
2015 Enacted Bills (most effective 1/1/2016)

March 31, 2016

Dear California CASA Network:

Last year, California CASA tracked many pieces of legislation that touched on CASA practice; several of those enacted are detailed here (along with a chart summarizing 23 of those I consider most important).

The California CASA Network and CalCASA worked together to support several bills, including a package of three that affect psychotropic medication administration. While these bills were whittled down throughout the legislative process, some headway was made. These new laws will provide greater scrutiny and oversight of the administration of psych meds to youth in group homes, pave the way for public health nurses to help with oversight, and enable greater communication among stakeholders.

Also, in a CASA-specific bill, AB 424, the statutes now reiterate the rule of court that allows judges to appoint CASA volunteers to youth in the 600 court. Further, this bill finally included CASA volunteers in a code section (Welf. & Inst. Code § 827) that allows automatic access to court records upon appointment; which was a long-standing oversight that often caused confusion.

For the second year in a row, the CASA Network gave support for increased funding to attorneys who are appointed in dependency court – this effort resulted in an \$11 million increase for appointed counsel! While this was only one-third of the requested amount, it is still a huge victory. This year, advocates will continue to press for increased funding to ensure access to quality, appointed legal representation.

Perhaps the most exciting policy shift to watch is Assembly Bill 403, which institutes Continuity of Care Reform. It seeks to improve training and financial support for caregivers, and drastically reduce use of group homes (now called Short Term Residential Treatment Centers). Let's see where this takes us!

There are many other exciting developments outlined in this update, so please take to time to review the bills below. As always, let me know if you have any questions or comments,

Sincerely,

Phil Ladew  
Associate and Legal Director  
California CASA Association

## ***Selected Legislation Affecting CASA Practice (2015 enacted, most effective 1/1/2016)***

### ***1. System Reform***

AB 403: Goes into effect Jan. 1, 2017. This bill is implementing ""Continuum of Care reform. Seeks to reduce the state's use of group homes, and even renames "group home" to be "Short Term Residential Treatment Center" or STRTC. Also requires FFAs to have national accreditation. Also, looks to begin the process of setting a different rate structure for foster care placements.

SB 794: Per this bill, Another Permanent Planned Living Arrangement (APPLA) is no longer a permanency option for a child under 16 years of age. Also, the social worker's report for those 16 and older must include a discussion of ongoing opportunities to engage in age or developmentally appropriate activities.

### ***2. CASA Specific***

AB 424: CASA specific bill. This bill codifies the rule of court that allows the court to appoint CASA volunteers to 600 wards and status offenders as well as 300 dependents – thus, this is not new to us, but helps to legitimize appointments in 600 cases. Also, makes each CASA volunteer court personnel for purposes of Welf. & Inst. code section 827. Thus, CASA volunteers now have access to the juvenile case file including all of the records maintained by the social services (or probation) department upon appointment. Any further order granting records access is for other records that might exist outside of the juvenile case file.

### ***3. Education***

AB 854: Expansion of Foster Youth Services (Now called Foster Youth Services Coordinating Program) at the county office of education to cover all youth in care, with a priority for youth in out-of-home placement. Also requires the local creation of an interagency Executive Advisory Council, aimed at developing a plan for identification and coordination of foster youth needs and services. (AB 854 was effective immediately).

SB 172: No more High School Exit Examination (CAHSEE). The High School Exit Exam is suspended until the 2017-18 school year. Also schools must give a diploma to anyone who meet all graduation requirements except for the Exit Exam – going back to the 2003-2004 school year.

### ***4. Parenting Youth***

SB 68: This bill allows the court to go to 24 months of reunification services for parents who are minors or nonminor dependents if they are making significant and consistent progress toward establishing a safe home for the child.

### ***5. Psychotropic Medication***

SB 238: California DSS shall develop a comprehensive psychotropic medication training and make it available to stakeholders, including CASAs. Also, the bill ensures that the youth, the caregiver, and CASA all have the opportunity to provide input on the psychotropic medications being prescribed. Also, requires the creation of a social services form to share information concerning the child, and share it with the court, youth's attorney, behavioral health, and the CASA. And requires the Judicial Council to issue conforming rules and forms ensuring the required oversight and monitoring of these medication.

SB 319: This bill provides a legal framework for using public health nurses in the monitoring and oversight of the psychotropic medication to foster children. For example, it gives foster care health nurses training regarding psychotropic medication and access to medical, dental, and mental health information of foster youth. Funding for increased public health nurse participation is likely to be addressed in 2016.

SB 484: This bill requires CDSS to compile and evaluate data related to the use of psychotropic medication in group homes. Requires California Department of Social Services (CDSS) to establish a way to identify group homes that have high levels of psychotropic medication utilization. Allows CDSS to have confidential discussions with former group home residents and doctors, and inspect group homes with high psychotropic medication utilization annually to determine if the group home should submit a plan to address identified risks; CDSS would then monitor implementation of that plan. Also, requires group homes to keep better records of psychotropic medication.

#### **6. LGBTQ Rights**

SB 731: This bill gives foster youth, including nonminor dependents, to be placed according to their gender identity, and requires the agency to place accordingly.

#### **7. Special Immigrant Juvenile Status**

AB 900: This bill allows a court to appoint a guardian for a person between age 18 and 21, with that youth's consent, to accommodate the process of, and make findings for, attaining special immigrant juvenile status.

#### **8. Independent Living / Successful Adulthood**

SB 794: This bill redefines reasonable and prudent parent standard to mean, "the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in age or developmentally appropriate extracurricular, enrichment, cultural, and social activities." Also, licensed community care facilities that provide care must designate at least one onsite staff member to apply the reasonable and prudent parent standard.

#### **9. Identity Theft**

SB 794: This bill requires that the credit history check occurs at the age of 14 instead of 16.

#### **10. Budget for Appointed Dependency Counsel**

The California budget included an \$11 million increase for court appointed dependency counsel (advocates asked for \$33 million). This year, there is a continued request for additional funding.

#### **11. CSEC (Commercial Sexual Exploitation of Children)**

SB 794: This bill requires that social workers and probation officers to identify, document and track victims and youth at risk of commercial sexual exploitation, and to expeditiously locate any child missing from foster care

## More Complete Chart of Selected California Child Welfare Legislation

Legend:

SB = Senate Bill

AB = Assembly Bill

Click on bill number to be taken to the text of the bill

This symbol:






means that California CASA Association sent a letter of support

**The following legislation was enacted in 2015 and all have become law. All bills were effective as of January 1, 2016, unless otherwise noted.**

Bill/Author	Topic	CalCASA Letter
<a href="#">AB 217</a> <a href="#">(Maienschein)</a>	<i>Juvenile law; hearings</i> Requires the court to inform the minor, if the minor is present at the hearing, of his or her right to address the court and participate in the hearing.	
<a href="#">AB 224</a> <a href="#">(Jones-Sawyer)</a>	<i>Pupils: educational liaison for foster children.</i> 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.	
<a href="#">AB 260</a> <a href="#">(Lopez)</a>	<i>Foster care: parenting youth.</i> When a dependent youth is a parent, and his or her child come before the dependency court, court must make a finding of material relevance before it can admit the dependent parent's case records into evidence. Also, the dependent parent's case records must be kept separate from his or her child's dependency records.	
<a href="#">AB 379</a> <a href="#">(Gordon)</a>	<i>Foster youth: complaint of noncompliance.</i> Allows for the filing of complaints concerning violations of foster youth educational rights against the school using the Uniform Complaint Procedure.	
<a href="#">AB 403</a> <a href="#">(Stone)</a>	<i>Foster care.</i> This bill goes into effect January 1, 2017, and seeks to implement Continuum of Care Reform efforts including: Creating a framework for increasing the number and quality of foster homes and relative homes; implementing a Resource Family Approval process that will replace the existing foster home licensing and relative home approval processes; revamping the existing group home structure, and replaces group homes with "short-term residential treatment center" or "STRTSC"; requiring Foster Family Agencies (FFAs) to have a national accreditation. The bill also requires California DSS to come up with a new rate structure for placements.	

<p><a href="#"><u>AB 424</u></a> <a href="#"><u>(Gaines)</u></a></p>	<p><i>Court appointed child advocates: wards.</i> Confirms the law stated in Rule of Court 5.655 that CASA volunteers can serve youth in delinquency court after adjudication and participate in 241.1 hearings. Also clarifies that duly appointed CASAs are considered court personnel concerning their access to juvenile records, and do not need a separate court order to inspect or make copies of them.</p>	
<p><a href="#"><u>AB 592</u></a> <a href="#"><u>(Stone)</u></a></p>	<p><i>Juveniles: court: records.</i> Allows the State Department of Social Services to provide a letter to former dependents or wards a letter proving that they were formerly a dependent or ward. Thus, making it easier to qualify for services for related benefits.</p>	
<p><a href="#"><u>AB 854</u></a> <a href="#"><u>(Weber)</u></a></p>	<p><i>Educational services: pupils in foster care.</i> Foster Youth Services (FYS) is now called Foster Youth Services Coordinating (FYSC) program. Expands the youth eligible for FYSC supports to include all youth involved in the juvenile court, (now including youth placed with relatives, living at home with a parent, nonminor dependents, and youth in juvenile detention), though priority service for FYSC services is to go to youth in out of home placements. When social workers are attempting to determine the appropriate educational placement of foster youth must consult with an educational rights holder, caregiver, social worker, teacher, counselor, CASA, other stakeholders, and the pupil, as appropriate. FYSC programs must establish a local interagency “Executive Advisory Council” that can include foster youth and stakeholders – including CASAs. FYS coordinator is responsible for developing a foster youth services coordination plan that will result in the provision of supports for all foster youth in the county. [Went into effect immediately as an urgency statute.]</p>	
<p><a href="#"><u>AB 879</u></a> <a href="#"><u>(Burke)</u></a></p>	<p><i>Juveniles: court proceedings: notice.</i> Notice to some dependency hearings can now be send via email, even to the child, when the jurisdiction allows it and the person consents in writing on <a href="#"><u>Judicial Council Form EFS-005</u></a>.</p>	
<p><a href="#"><u>AB 899</u></a> <a href="#"><u>(Levine)</u></a></p>	<p><i>Juveniles: confidentiality of records.</i> This bill clarifies legislative interpretation of existing law such that juvenile court records (including CASA reports) are confidential and should not be given to federal immigration officials without a court order pursuant to WIC 827.</p>	
<p><a href="#"><u>AB 900</u></a> <a href="#"><u>(Levine)</u></a></p>	<p><i>Juveniles: special immigrant juvenile status.</i> Bill allows a court to appoint a guardian for a person between age 18 and 21, with that youth’s consent, to accommodate the process of, and make findings for, attaining special immigrant juvenile status.</p>	

<p><a href="#"><u>AB 989</u></a> <a href="#"><u>(Cooper)</u></a></p>	<p><i>Juveniles: sealing of records.</i> Permits district attorney or probation department the limited ability to looking to sealed juvenile records for the purpose of determining eligibility for informal probation, eligibility for remedial programs, and to prove up IV-E compliance.</p>	
<p><a href="#"><u>AB 1166</u></a> <a href="#"><u>(Bloom)</u></a></p>	<p><i>Pupils in foster care: pupils who are homeless children or youth: school transfer: exemption from local graduation requirements.</i> This bill does many things to make it easier for foster youth to remain exempt from local high school graduation requirements.</p>	
<p><a href="#"><u>SB 68</u></a> <a href="#"><u>(Liu)</u></a></p>	<p><i>Minor parents: reunification services.</i> This bill allows the court to go to 24 months of reunification services for parents who are minors or nonminor dependents if they are making significant and consistent progress toward establishing a safe home for the child. Also requires the court to consider the special circumstances of a minor or nonminor dependent parent, including barriers to service and to maintaining contact with the child when making its decision.</p>	
<p><a href="#"><u>SB 172</u></a> <a href="#"><u>(Liu)</u></a></p>	<p><i>Pupil testing: high school exit examination: suspension</i> No more High School Exit Examination (CAHSEE). The High School Exit Exam is suspended until the 2017-18 school year. Also schools must give a diploma to anyone who meet all graduation requirements except for the Exit Exam – going back to the 2003-2004 school year. The Superintendent is not to convene an advisory council to decide what to do going forward.</p>	
<p><a href="#"><u>SB 176</u></a> <a href="#"><u>(Mitchell)</u></a></p>	<p><i>Examining children as witnesses.</i> In criminal court, a child who is merely a witness to a violent crime can now testify via closed-circuit television if appropriate.</p>	
<p><a href="#"><u>SB 238</u></a> <a href="#"><u>(Mitchell)</u></a></p>	<p><i>Foster care: psychotropic medication</i> California DSS shall develop a comprehensive psychotropic medication training and make it available to stakeholders, including CASAs. Also, the bill ensures that the youth, the caregiver, and CASA all have the opportunity to provide input on the psychotropic medications being prescribed. Also, requires the creation of a social services form to share information concerning the child, and share it with the court, youth’s attorney, behavioral health, and the CASA. And requires the Judicial Council to issue conforming rules and forms ensuring the required oversight and monitoring of these medication.</p>	
<p><a href="#"><u>SB 319</u></a> <a href="#"><u>(Beall)</u></a></p>	<p><i>Child welfare services: public health nursing</i> This bill provides a legal framework for using public health nurses in the monitoring and oversight of the psychotropic medication to foster children. For example, it gives foster care health nurses training regarding psychotropic medication and access to medical, dental, and mental health information of foster youth.</p>	

<p><a href="#">SB 478 (Huff)</a></p>	<p><i>Child Abuse and Neglect Reporting Act: mandated reporters: pilot program</i>          Authorizes development of a 5 year pilot program, for counties yet to be named, for online child abuse reporting.</p>	
<p><a href="#">SB 484 (Beall)</a></p>	<p><i>Group home oversight</i>          This bill requires CDSS to compile and evaluate data related to the use of psychotropic medication in group homes. Requires California Department of Social Services (CDSS) to establish a way to identify group homes that have high levels of psychotropic medication utilization. Allows CDSS to have confidential discussions with former group home residents and doctors, and inspect group homes with high psychotropic medication utilization annually to determine if the group home should submit a plan to address identified risks; CDSS would then monitor implementation of that plan. Also, requires group homes to keep better records of psychotropic medication.</p>	
<p><a href="#">SB 731 (Leno)</a></p>	<p><i>Foster children: housing: gender identity</i>          This bill gives foster youth, including nonminor dependents, to be placed according to their gender identity, and requires the agency to place accordingly.</p>	
<p><a href="#">SB 794 (Comm. on H.S.)</a></p>	<p><i>Child welfare services</i>          “This bill brings the state into compliance with the federal Preventing Sex Trafficking, and Strengthening Families Act (Public Law 113-183), as required to maintain federal child welfare funding,” namely, this bill:          “1) Redefines reasonable and prudent parent standard to mean the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encouraging emotional and developmental growth, that a caregiver shall use when determining whether to allow a child in foster care to participate in age- or developmentally-appropriate extracurricular, cultural, and social activities.          2) Requires licensed community care facilities that provide care and supervision to children to designate at least one onsite staff member to apply the reasonable and prudent parent standards, as specified, and requires training on the standard for foster parents, facility staff and resource families, as specified.          3) Defines "another planned permanent living arrangement" (APPLA) as 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 to determine that it is not in the best interest of the child or nonminor dependent to return home, be placed for adoption, be place for tribal customary adoption, or be placed with a fit and willing relative. Prohibits placement in a group home or in a short-term residential treatment facility as the identified permanent plan.          4) Eliminates APPLA as a permanency option for a dependent child younger than 16 years of age.          5) Requires permanency review hearing documents for children 16 years of age or older and in a planned permanent living arrangement to include:</p>	

	<p>a) A description of the intensive and ongoing efforts of the child welfare agency to return the child to the home of the parent, place the child for adoption, or establish a legal guardianship, as appropriate;</p> <p>b) Steps taken to ensure the child's care provider is following the reasonable and prudent parent standard; and to ascertain whether the child has regular, ongoing opportunities to engage in age or developmentally appropriate activities, as specified; and</p> <p>c) Any barriers to achieving the permanent plan and the efforts made by the child welfare agency to address those barriers.</p> <p>6) Expands the definition of sexual exploitation to include a person who sexually traffics a child or commercially sexually exploits a child, as specified, and requires a county probation department or child welfare agency to immediately, and within no more than 24 hours, report to the appropriate law enforcement authority upon receiving information that a child or youth who is receiving child welfare services:</p> <p>a) Is identified as the victim of commercial sexual exploitation, as defined, or</p> <p>b) Is known or suspected to be the victim of sexual exploitation is missing or has been abducted, so that the incident can be entered into FBI's National Crime Information Center database and reported to the National Center for Missing and Exploited Children.</p> <p>7) Requires California Department of Social Services (CDSS) to inquire about a dependent child's credit history at the age of 14 instead of 16 and for specified documentation to be included in a case plan of a youth 14 years of age or older.</p> <p>8) Permits a successor kinship guardian to be appointed by the juvenile court when death or incapacity of a child's or youth's kinship guardian has resulted in the termination of the kinship guardianship, as specified.</p> <p>9) Requires reinvestment of federal savings, as defined, be spent on services and supports to support and sustain positive permanent outcomes for children who otherwise might enter into foster care.</p> <p>10) Replaces the term "independent living" with "successful adulthood" in describing requirements related to a nonminor dependent's case plan.</p> <p>11) Requires county child welfare agencies and probation departments, to implement policies and procedures that require social workers and probation officers to do identify, document and track victims and individuals at risk of commercial sexual exploitation, as specified, as well as to expeditiously locate any child missing from foster care, as specified.</p> <p>12) Requires CDSS to ensure the Child Welfare Services/Case Management System is capable of collecting specific information about dependents or wards or to ensure compliance with federal reporting about commercial sexual exploitation, as defined.</p> <p>13) Makes a number of other conforming changes.”</p> <p>[from the <a href="#">Senate Analysis prepared by Mareva Brown 9/10/15</a>]</p>	
<p><b>Budget Item</b></p>	<p><i>Resolving the Caseload Crisis for Court Appointed Dependency Counsel</i>  The California budget included an \$11 million increase for court appointed dependency counsel.</p>	