

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



May 12, 2006

ALL COUNTY INFORMATION NOTICE NO: I-18-06

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

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: 2005 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 recently enacted legislation affecting child welfare services, adoption and foster care programs. The attached summaries are for general informational purposes only. The statutes listed in this document became effective January 1, 2006, unless the summary denotes otherwise. All County Letters or ACINs have been or will be issued for legislation that requires more detailed descriptions of specific programmatic issues and necessary implementation activities.

Please contact the Child Protection and Family Support Branch if you have any questions regarding any specific new statutes related to mandated reporters, emergency response services, family maintenance services and Office of Child Abuse Prevention programs at (916) 657-6600.

Please contact the Child and Youth Permanency Branch if you have any questions regarding any specific new statutes related to foster care, kinship care, family reunification services, permanency planning and independent living program services at (916) 651-7464.

Please contact the Children Services Operations and Evaluations Branch if you have any questions regarding any specific new statutes related to the operation and evaluation components of all child welfare services, out of state placements, and adoption services at (916) 651-8111.

Please contact the Foster Care Audits and Rate Branch if you have any questions regarding any new statute related to foster care rates, audits and program eligibility requirements at (916) 651-9152.

Sincerely,

MARY L. AULT
Deputy Director
Children and Family Services Division

c: CWDA

- AB 102 Chapter 55, Statutes of 2005: AUTHOR: Cohn
TITLE: Parole: High-Risk Sex Offenders
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Eliminates the repeal date of the provisions of existing law that requires the Department of Corrections to ensure that all parolees deemed to pose a high risk to the public of committing a violent sex crime are placed on an intensive and specialized parole supervision caseload.
- AB 114 Chapter 464, Statutes of 2005 AUTHOR: Cohn
TITLE: Child Abuse
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Provides that when a defendant is accused of child abuse in a criminal action, evidence of the defendant's prior acts of child abuse or domestic violence may be admitted to prove the defendant's conduct, subject to an evidentiary hearing. Provides exceptions.
- AB 118 Chapter 465, Statutes of 2005 AUTHOR: Cohn
TITLE: Protective Orders: Minor Children
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Requires that if a criminal protective order has been issued in a criminal matter, a child visitation order or a specified child custody and visitation order shall make reference to, and acknowledge the precedence of enforcement of, any appropriate criminal protective order. Requires the Judicial Council to modify criminal and civil court forms consistent with this provision.
- AB 299 Chapter 42, Statutes of 2005 AUTHOR: Maze
TITLE: Mandatory Reporting: Fax or Electronic
URGENCY CLAUSE: No
SPONSOR: Author
CDSS CONTACT: CPFS Branch
SUMMARY:
Allows mandated reporters to provide written follow-up of suspected child abuse or neglect by fax or electronic transmission. It also allows a law enforcement agency to make its initial cross-report to the county welfare department or district attorney's office by fax or electronic transmission. Allows for easier and timelier follow-up by the mandated reporter.

AB 363 Chapter 296, Statutes of 2005 AUTHOR: Chu
TITLE: Child and Family Service Review System
URGENCY CLAUSE: No
SPONSOR: County Welfare Director Association
CDSS CONTACT: CSOE Branch
SUMMARY:
Requires CDSS to consult with counties on a process for allocating funds, to the extent they are appropriated in the annual Budget Act, for purposes of improving child and family performance outcomes. Revises CDSS' duty to report regarding the department's progress relating to federal and state child and family service reviews. Requires CDSS to "provide information" to the designated legislative committees rather than the current requirement that CDSS annually "report" to the Legislature. Adds to the information required to be provided, to include findings and recommendations for child welfare system improvements identified in county self-assessments and county system improvement plans.

AB 519 Chapter 634, Statutes of 2005 AUTHOR: Leno
TITLE: Parental Rights: Reinstatement at Petition of Child
URGENCY CLAUSE: No
SPONSOR: Children's Law Center of Los Angeles and the Judicial Council of California
CDSS CONTACT: CYP Branch
SUMMARY:
Allows the child or the child's attorney (not the parent) to petition the juvenile court to reinstate parental rights if it has been three years or more from the date the parent's legal rights to the child were terminated. Children 12 years and older must consent.

AB 541 Chapter 302, Statutes of 2005 AUTHOR: Harman
TITLE: Guardians
URGENCY CLAUSE: No
SPONSOR: California Judge's Association
CDSS CONTACT: CYP Branch
SUMMARY:
Authorizes a court to require any person who is seeking custody of, or visitation with, a child who is the subject of a guardianship proceeding, to undergo drug testing pursuant to specified procedures in existing law. Also gives the court the discretion to require a non-related guardian who receives compensation as a private professional guardian to annually register with the clerk of the court and submit fingerprints for a criminal background check, pay an annual filing fee, and meet Judicial Council education and experience requirements.

- AB 760 Chapter 635, Statutes of 2005 AUTHOR: Nava
TITLE: Criminal Procedure
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Provides that when, during booking, an arrested person is determined to be a custodial parent of a minor child or children, the person would be entitled to make two telephone calls at no expense for the purpose of arranging for the care of the minor child or children.
- AB 776 Chapter 713, Statutes of 2005 AUTHOR: Chu
TITLE: Child Abuse Reporting
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Relates to the Child Abuse and Neglect Reporting Act (CANRA) that requires certain persons to report incidents of suspected child abuse to specified agencies by telephone and by written report. Permits the transmission of initial reports via fax or electronic means. If, after reasonable efforts, a mandated reporter is unable to submit a report by telephone, he or she shall immediately or as soon as practically possible, make an automated written report and be available for telephone follow-up. Provides for the creation of a one-time initial automated written report form by the Department of Justice (DOJ). Requires that the reason for submission of the report be captured by the Child Welfare Services/Case Management System (CWS/CMS). Implementation of this statute will be dependent on the proposed changes to CWS/CMS and will end three years after becoming operative or on January 1, 2009, whichever occurs first. At that time, CDSS will be required to report to the counties and the Legislature the data collected regarding the use of the one-time initial reporting form.
- AB 824 Chapter 636, Statutes of 2005 AUTHOR: Chu
TITLE: AFDC-FC: Benefits: Transitional Housing
URGENCY CLAUSE: No
SPONSOR: Children's Law Center of Los Angeles, Honoring Emancipated Youth and the Alameda Foster Youth Alliance
CDSS CONTACT: CYP Branch
SUMMARY:
Extends the eligibility for CDSS Transitional Housing Placement-Plus (THP-Plus) Program by raising the age limit from 21 to 24 years of age for any foster youth who has emancipated from a county that has elected to participate in the THP-Plus. Maintains the two-year time period in which this benefit may be available.

- AB 1188 Chapter 163, Statutes of 2005 AUTHOR: Wolk
TITLE: Abuse: Reporting
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Makes the impeding or inhibiting by a supervisor or administrator of all types of child, elder, or dependent adult abuse reports, punishable by either imprisonment in a county jail, fine, or both. Provides any mandated reporter, or any person who impedes or inhibits a report of abuse or neglect shall be punished by a specified term of imprisonment in a county jail, a fine, or both.
- AB 1261 Chapter 639, Statutes of 2005 AUTHOR: Leno
TITLE: Foster Children: Education
URGENCY CLAUSE: No
SPONSOR: Children's Law Center of Los Angeles
CDSS CONTACT: CYP Branch
SUMMARY :
At any hearing to terminate jurisdiction over a dependent child who has reached the age of majority (19 years of age), the county welfare department is required under existing law to verify to the court that specified documents have been provided to the child. Adds the child's health and education summary to that requirement. If the court makes educational decisions for the child, the court will issue orders to ensure that efforts are made to identify a responsible adult to make future educational decisions for the child. There are other provisions which affect the California Department of Education and the Judicial Council.
- AB 1412 Chapter 640, Statutes of 2005 AUTHOR: Leno
TITLE: Dependent Children: Out of Home Placements
URGENCY CLAUSE: No
SPONSOR: California Youth Connection
CDSS CONTACT: CYP Branch
SUMMARY:
Expands the group of juvenile court dependent children whose case plans and court reports must include identification of individuals who are important to them, to apply to all foster children who are age ten and older, and on whose behalf efforts must be made for those foster children to maintain contact with the identified individuals. It provides for a phased-in implementation by gradually expanding the current population of children (group home) to whom the provisions about maintaining contact with important individuals apply. Also requires that children in out-of-home care participate in the development of their case plan, as appropriate for the child's age and developmental level, and that children 12 years and older be given the opportunity to review, sign and receive a copy of their case plan.

- AB 1633 Chapter 641, Statutes of 2005 AUTHOR: Evans
TITLE: Foster Children: High School: Social Security Assistance
URGENCY CLAUSE: No
SPONSOR: National Center for Youth Law and the California Youth Connection
CDSS CONTACT: CYP Branch
SUMMARY:
Requires the CDSS to set up a workgroup with county representatives to develop best practice guidelines whereby counties will be required to screen foster children for disabilities and apply for Social Security (SS) benefits for those children where appropriate. Codifies existing policy to require the CDSS to allow children seeking a high school equivalency certificate to continue eligibility for (FC) benefits until their 19th birthday. Establishes the county as appointed payee on behalf of a foster child SS or Supplemental Security Income (SSI) beneficiary, in its custody and when no other representative is available. Establishes a no-cost interest bearing account for excess funds, to be used in a manner consistent with federal law and for specified purposes to benefit the child.
- AB 1662 Chapter 653, Statutes of 2005 AUTHOR: Lieber
TITLE: Special Education: Conformance to Federal Law
URGENCY CLAUSE: Yes-Effective upon signing
LOCATION:
SPONSOR: Superintendent of Public Education
CDSS CONTACT: CYP Branch
SUMMARY:
Relates to special education. Makes various revisions conforming state law to federal requirements relating to pupil identification, assessment, and eligibility, individualized education program development, including notice, representation, and hearing procedures and requirements, and pupil data confidentiality.
- AB 1743 Chapter 198, Statutes of 2005 AUTHOR: Assembly Judiciary Committee
TITLE: Child Support
URGENCY CLAUSE: No
SPONSOR: Committee on Judiciary (Jones, et al)
CDSS CONTACT: CYP Branch
SUMMARY:
Relates to existing law which requires the CDSS to adopt regulations by which the county child welfare department shall determine whether it is in the best interests of the child, and if it promotes reunification, to "compromise" the collection of child support debt for children in foster care. Expands this program to include cases involving CalWORKS payments to a caretaker relative, Kin-GAP payments, and other specified aid.

AJR 10 Chapter 68, Statutes of 2005 AUTHOR: Chu
TITLE: Foster Care Services: Funding
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Declares legislative support for the Title IV-E Waiver Demonstration Project Application. Memorializes Congress to enact laws and policies to allow for more flexible use of federal child welfare funding supporting the needs of children and families at risk, even if the child is not removed from the home or formally made part of the child welfare system.

SB 33 Chapter 477, Statutes of 2005 AUTHOR: Battin
TITLE: Child Sexual Abuse
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Provides that it is a felony for persons within specified degrees of consanguinity who are 14 years of age or older to commit fornication or adultery with one another. Deletes a provision allowing the sentence of a person convicted of committing a lewd or lascivious act upon a child to be suspended until the court obtains a specified report from a recognized treatment program. Specifies the conditions under which a person convicted of lewd and lascivious acts upon a child may be granted probation.

SB 35 Chapter 243, Statutes of 2005 AUTHOR: Florez
TITLE: California Children and Families Program
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Relates to the administration of First 5 California. Requires a county children and families commission to submit its audit and report to the First 5 California commission. Requires the report to be in a format prescribed by the state commission, if the commission approves that format prior to the fiscal year in which it is to be utilized. Requires the state commission to prepare a consolidated report of counties' specified information. Requires the Controller to issue guidelines for expanded annual audits of each commission.

- SB 116 Chapter 625, Statutes of 2005 AUTHOR: Dutton
TITLE: Child Abandonment: Newborns
URGENCY CLAUSE: No
SPONSOR: Los Angeles, San Bernardino, Santa Clara
Boards of Supervisors, Garden of Angels and
Project Cuddle
CDSS CONTACT: CPFS Branch
SUMMARY:
Repeals the sunset of the Safely Surrendered Baby law, set for January 1, 2006,
keeping the law in effect indefinitely.
- SB 138 Chapter 480, Statutes of 2005 AUTHOR: Maldonado
TITLE: Criminal Procedure: Closed-Circuit Testimony
URGENCY CLAUSE: No
CDSS CONTACT: CPFS Branch
SUMMARY:
Expands provisions which allow the closed-circuit testimony of a child 13 years of
age or younger to apply to cases involving specified child abuse and
endangerment charges. Permits a court, when a defendant has been charged with
a child abuse or sex offense specified in existing law, to order that the testimony of
a child victim 13 years of age or younger be taken by means of a closed-circuit
television as specified in this law, if the court makes certain determinations.
Amends persons that may be present.
- SB 218 Chapter 626, Statutes of 2005 AUTHOR: Scott
TITLE: Termination of Parental Rights: Adoptive
Parents
URGENCY CLAUSE: No
SPONSOR: Los Angeles Affiliate of the National Association
of Counsel for Children
CDSS CONTACT: CYP Branch
SUMMARY:
Existing law (Section 336.26 of the Welfare and Institutions Code) provides for the
public adoption agency to have exclusive care, custody, and control of a court
dependent child once parental rights are terminated. Creates an exception to that
provision by allowing the juvenile court to designate a current caretaker as a
prospective adoptive parent of a court dependent child under certain conditions.
Also requires the public adoption agency to notice a qualified caretaker or a
designated prospective adoptive parent, the child, the child's attorney and the
court, prior to the removal of the child from the caretaker. Allows the noticed
parties to file a petition objecting to the removal of the child and requires a hearing
to be held on the matter within a specified time frame upon such an objection.
Also requires the Judicial Council to prepare forms to facilitate the filing of petitions
under these provisions.

- SB 302 Chapter 627, Statutes of 2005 AUTHOR: Scott
TITLE: Adoption
URGENCY CLAUSE: No
SPONSOR: Academy of California Adoption Lawyers
CDSS CONTACT: CSOE Branch
SUMMARY:
Expedites the adoption process by increasing the circumstances in which an adoption may proceed without the consent of the presumed father. It adds adoption agencies and prospective adoptive parents to the list of parties that may ask the court to determine whether a legal relationship exists between a presumed father and child. It allows an action to determine paternity to be brought by a licensed California adoption agency in the county where the adoption agency maintains an office. Provides that a presumed father's consent to the adoption of his child is not required unless he "became" a presumed father before the mother's rights were relinquished or terminated. It permits the signing of the consent by either or both birth parents, in a stepparent adoption, to be acknowledged by a notary public and then requires the notary public to immediately file the consent with the court clerk where the adoption petition is filed. Changes the noticing requirements for unknown parents regarding adoption and termination of parental rights.
- SB 358 Chapter 628, Statutes of 2005 AUTHOR: Scott
TITLE: Child Care
URGENCY CLAUSE: No
SPONSOR: Legal Advocates for Permanent Parenting
CDSS CONTACT: CYP Branch
SUMMARY:
Allows foster parents to hire occasional, short-term babysitters to supervise their foster children. It expands the list of individuals exempt from fingerprint and background check requirements in Foster Family Homes, Certified Family Homes, and Small Family Homes to include occasional short-term babysitters. Exempts occasional short-term babysitters from the requirement to obtain a health screening and Cardiopulmonary Resuscitation certification and training. Defines the terms "caregiver," "short-term," and "reasonable and prudent parent standard" and allows caregivers to use this standard in selecting and arranging babysitters for their foster child. Requires that caregivers provide babysitters with medical, emergency, and other information.

SB 436 Chapter 629, Statutes of 2005 AUTHOR: Migden
TITLE: Foster Care: Transitional Housing
URGENCY CLAUSE: No
LOCATION:
SPONSOR: Children's Law Center of Los Angeles, Honoring
Emancipated Youth and Foster Youth Alliance
CDSS CONTACT: CYP Branch

SUMMARY:

Requires counties participating in the Transitional Housing Placement Program (THPP) or the Transitional Housing Placement-Plus (THP-Plus) Program to include a description of the currently available transitional housing resources in relation to the number of pregnant or parenting emancipating foster youth, and to propose a plan on how to meet any unmet transitional housing needs for this population in their Independent Living Program (ILP) annual report.

SB 500 Chapter 630, Statutes of 2005 AUTHOR: Kuehl
TITLE: AFDC-FC: Pregnant and Parenting Foster Youth
URGENCY CLAUSE: No
SPONSOR: Children's Law Center of Los Angeles and
County Welfare Directors Association of
California
CDSS CONTACT: CYP Branch

SUMMARY:

Makes two changes in the way foster care providers are paid for teen parents in placement with their child: 1) Allow for a separate full foster care payment to be paid for the care of a child living in the same foster care facility as that child's minor parent, provided federal financial participation is available and both the child and parent are dependents of the court and receiving reunification services; and 2) Creates a new placement option called "whole family foster home," in which care and supervision provided to dependent teen parents and their non-court dependent children, to ensure the teen parents develop skills necessary to provide a safe, stable, and permanent home for their children. Requires the development of a written "shared responsibility plan" to be created by the foster caregiver and the teen parent in a whole family foster home, and provides a \$200 monthly payment above the current infant supplement for the added care and supervision provided by the foster caregiver to the teen parent and child, pursuant to the shared responsibility plan.

- SB 570 Chapter 265, Statutes of 2005 AUTHOR: Migden
TITLE: Mentally Incompetent Minors
URGENCY CLAUSE: No
CDSS CONTACT: CYP Branch
SUMMARY:
Relates to mentally incompetent minors. Requires the Judicial Council to provide education on mental health and developmental disability issues affecting juveniles in delinquency proceedings to judicial officers and other public entities. Authorizes certain courts to order a minor who may be a ward of the juvenile court to be referred for evaluation regarding a serious mental disorder, serious emotionally disturbance or a developmental disability. Establishes dispositional procedures for the court.
- SB 679 Chapter 268, Statutes of 2005 AUTHOR: Simitian
TITLE: Aid to Families with Dependent Children-Foster Care
URGENCY CLAUSE: No
SPONSOR: San Mateo County
CDSS CONTACT: CYP Branch
SUMMARY:
Includes within the definition of a group home for purposes of the AFDC-FC program a non-detention, licensed residential home operated by the County of San Mateo, with a capacity of up to 25 beds that provides services in a group setting to children in need of care and supervision. Authorizes the establishment of a rate by CDSS for a foster family group home operated by the County of San Mateo.
- SB 726 Chapter 632, Statutes of 2005 AUTHOR: Florez
TITLE: Dependent Children
URGENCY CLAUSE: No
SPONSOR: Author
CDSS CONTACT: CYP Branch
SUMMARY:
Enacts Adam's Law. Authorizes a court to order that a social worker conduct a home visit within three months of placing a child with a non-custodial parent and to file a report with the court. Requires a social worker to provide a "caregiver information form" to a caregiver of a child of whom a non-custodial parent is seeking placement or custody of the child and to ensure that, if the foster parent completes the form, the form is returned to the court for review before placement.

SB 1107 Chapter 279, Statutes of 2005 AUTHOR: Senate Public Safety Committee
TITLE: Public Safety: Omnibus Bill
URGENCY CLAUSE: No
SPONSOR:
CDSS CONTACT: CPFS Branch
SUMMARY:
Makes various technical, non-substantive changes to provisions related to domestic violence, summary criminal history information, and child abuse reporting. Amends existing law that identifies certain persons as mandated reporters of child abuse and neglect, and requires their reports to law enforcement to contain specified information, including the name of the child victim, if known, and any additional information if known.