



2012 Legislative Highlights that Affect CASA Practice

Clicking on links will take you to the text of the bill.

CASA Volunteers for Nonminor Dependents

1. CASA volunteers may be appointed to nonminor dependents if and only if the nonminor dependent consents to the service. Also, limits the courts ability to grant CASA volunteer access of nonminor dependent's confidential records by requiring that the nonminor dependent give "explicit written and informed consent." [AB 1712](#)

Child Welfare / Family Reunification Services

2. Nonminor dependents may now receive Family Reunification services to reunify with a parent or legal guardian if all parties agree that it is in the best interests of the nonminor, and some other requirements are met. (Welf. & Inst. Code § 16507) [AB 1712](#)
3. When asking the court to order child welfare services for a parent or legal guardian who has been previously bypassed for services, the court must now find that ordering those services is "clearly and convincingly" in the best interests of the child. This raises the standard of proof, making it more difficult give to a parent services who did not previously receive them. [SB 1425](#)
4. Allows the court to bypass provision of family reunification services for a parent that is a registered sex offender under federal law. (Expanding Welf. & Inst. Code § 361.5) [SB 1521](#)
5. Agency must now provide reasonable efforts to help undocumented parents, who have been deported, contact local child welfare agencies and identify services that would satisfy the case plan requirements. Also, the social worker must accept reports from that country and document participation and progress. [SB 1521](#)
6. Juvenile dependency Court may order adult adoption for a nonminor dependent. [AB 1712](#)
7. Child welfare agencies will now have greater access to information to locate parents, namely information from out of state government sources. [AB 1751](#)
8. Juvenile court may bring into court (join) any service provider that is not meeting a legal obligation to the child, or nonminor dependent whether in a dependency or delinquency case. [SB 1048](#)

Mental Health Records

9. Limits ability of the therapist to release a child's mental health records based on a release signed by the parent, when the child has been removed from that parent's custody. [SB 1407](#)

Placement

10. A child may be placed with a relative regardless of the relative's immigration status. [SB 1064](#)
11. When a placement option is not in the United States, a child may only be placed with a non-parent if the court has made a finding by clear and convincing evidence that the placement is in the child's best interests (except if the placement is required by federal law or treaty). [AB 2209](#)
12. The court must consider the admissible and relevant evidence before issuing an order returning a minor to the physical custody of his or her parents in dependency or wardship proceedings. [AB 2292](#)

Education

13. Group Homes and other institutions MAY NOT require that the child have an IEP as a condition of admission to the placement. [SB 121](#)
14. Group Homes and other institutions MAY NOT refer or place a child in a nonpublic school unless that child's IEP requires it. [SB 121](#)
15. Educational Rights Holders who believe that a nonpublic school placement is in the best interest of the youth must provide a written statement to the school district saying so, unless there is an IEP requiring a nonpublic school. [SB 121](#)
16. Schools may not deny enrollment or reenrollment to youth who have been arrested, adjudicated as a delinquent, detained or on probation. [SB 1088](#)
17. Not just current foster youth, but also *former* foster youth may remain in the school of origin, and matriculate with their peers. [SB 1568](#)
18. Law now contains further clarification that foster youth who remain in the school of origin meet the residency requirement of the school district. [AB 1573](#)
19. School district (i.e. the foster youth liaison) must contact the social worker and youth's attorney if contemplating discretionary expulsion (or extension of suspension). [AB 1909](#)
20. Prior to appointing a stranger to hold education rights, the court must determine if there is someone the youth knows who will accept the appointment. [AB 2060](#)
21. Court-appointed educational rights holders and appointed educational surrogates meet with child, investigate child's educational needs, and provide recommendations to social worker, written recommendations to the court prior to each hearing or attend the hearing. [AB 2060](#)

Education Records

22. "Uninterrupted Scholars Act" amends FERPA to give child welfare agencies access to educational records, with limitations on how they share the information. Also, schools are not under any obligation to notify parents when the order for records access is issued in the context of a dependency proceeding. Federal Law [S. 3472](#)

Credit Checks and Assistance with Identity Theft

23. Once the youth turns 16 years old, and every year after in which he or she is under the court's jurisdiction, the social worker/probation officer must request (or for adults, assist in requesting) a credit disclosure from Equifax, Experian, and Trans Union credit reporting agencies. Then, the social worker/probation officer must ensure that the youth receives assistance with interpreting the credit report and resolving any inaccuracies. [SB 1521](#)

Foster Parent Caregiver Training

24. Caregivers, including relatives, nonrelated extended family members (NERFMs), foster parents, and group home administrators must now receive instruction on cultural competency and sensitivity related to best practices and adequate care to lesbian, gay, bisexual, and transgender foster youth. [AB 1856](#)

Mandated Reporters of Child Abuse

25. Mandated Reporters of child abuse now include 1) athletic coaches, athletic administrators and directors and any public or private K-12 school, 2) administrators and employees, including coaches and coaching staff at public and private postsecondary institutions, 3) commercial computer technicians, and 4) commercial film and photo print processors. [AB 1435](#), [SB 1264](#), [AB 1434](#), [AB 1817](#), [AB 1713](#)

Immigration / Undocumented Parents

26. The Juvenile Court may place a child outside of the United States; however, a child may only be placed with a non-parent who is not in the United if the court has made a finding by clear and convincing evidence that the placement is in the child's best interests (except if the placement is required by federal law or treaty). [AB 2209](#)
27. A child may be placed with a relative regardless of the relative's immigration status. [SB 1064](#)
28. Court may order, and if so, the Agency must provide reasonable efforts to help undocumented parents, who have been deported, contact local child welfare agencies and identify services that would substantially comply with the case plan. Also, the social worker must accept reports from that country and document participation in services and progress in the case plan. [SB 1521](#)