



California Child Welfare Legislation
Bills Affecting CASA Practice
2015 Enacted Bills (2013-2014 Session)

Dear California CASA Network:

Last year, California CASA tracked over 50 pieces of legislation that touched on CASA practice, 23 of them were enacted, and 17 are expanded upon here.

The California CASA Network and CalCASA worked together to support several bills, including SB 1023 which allows community colleges the opportunity to provide everyday supports to former foster youth attending their colleges. This was a difficult fight, but it passed, congratulations! Now, funding must be appropriated, so the fight continues.

The CASA Network also gave broad support for increasing funding to attorneys who represent youth in dependency court – but that fight was not won last year. As expected, increasing access to quality legal representation to children will take time.

There were other major policy victories, however. California CASA's efforts to fight identity theft paid off by working with Congressman Pete Stark's office some time ago, helping to enact the nation-wide requirement that social services agencies check for credit fraud, and then ensure that inaccuracies in credit reports are corrected. This year, California passed AB 1658 that enacts those provisions. Be sure to let your volunteers know so they can advocate!

Also, huge strides were made in keeping siblings connected. California Youth Connection and Senator Steinberg did a great job of empowering courts to have more information, but also order visitation for siblings – even in some instances where one of the siblings is not under the jurisdiction of the juvenile court.

Also, something to note, is that Senator Leno championed SB 1038, which provides for the automatic dismissal and sealing of juvenile delinquency records when a youth successfully completes probation; talk about a clean slate!

Please take to time to review the bills below, and let me know if you have any questions or comments,

Phil Ladew
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California CASA Association

Selected Legislation Affecting CASA Practice (2013-2014 Session)

1. Permanency and Family Connections

Temporary Detention with Relative or NREFM

Now, the court has more time to decide whether a child can be temporarily detained with a relative or NREFM. Previously, the decision was to be made by the detention hearing – now, it can be made at any time up to the disposition hearing. The goal, of course, is to try to increase the number of placements with relatives or NREFM and to do so as soon as possible. [AB 1761](#)

Increased Placements with Siblings

Semantics matter...before, the court would endeavor to place siblings together if it was “in the best interests” of each child. Now, the statutory language has flipped it so that the presumption is that siblings should be placed together, “unless it is contrary to the safety and wellbeing” of each child. [AB1761](#)

Sibling Connections

This bill is a big deal, and what siblings have been waiting for... [SB 1099](#) allows siblings to assert sibling relationships and request visitation with other siblings – even if one of the youth is not a dependent, but is in the custody of a common parent. This bill also requires dispositional reports (per 358.1) prepared by social workers and CASAs to include certain information about sibling visitation. So if a CASA is appointed prior to disposition – take a good look at those requirements!

This bill ([SB 1099](#)) includes the following provisions:

- Any person (including juvenile dependents) may petition the court to assert a sibling relationship and request visitation with a dependent sibling.
- Also, a dependent or ward of the court may petition the court to assert a sibling relationship and request visitation with a dependent sibling as long as the sibling is in the physical custody of a “common legal or biological parent.”
- The court may grant these requests for sibling visitation unless it determines that visitation would be contrary to the safety and wellbeing of any of the siblings.
- Requires that a request for sibling visitation shall be granted unless it is shown by clear and convincing evidence that sibling visitation is contrary to the safety and well-being of any of the siblings.
- Requires the court, when reviewing sibling visitation to not only consider the frequency and nature of the visits, but also the location and length of the visits, ways to have the visits be unsupervised, and plans to increase visitation.
- If sibling visitation has been suspended, this bill would require the court to review the reasons for any suspension of sibling visitation at 366 review hearings.
- The court must consider whether there are any siblings who are not dependents, but are in the custody of a parent who is subject to the court’s jurisdiction, and consider the appropriateness of maintaining those relationships.
- When siblings are not placed together, the court must consider, and the dispositional report prepared by the social worker or CASA must include, information about the frequency of the visits, any plan to increase visits, and whether the visits are supervised and what has to happen in order to have unsupervised visits. [SB 1099](#)

2. Education Stability and Success

School Credit for Youth in County or Nonpublic Schools

New law requires all public schools to accept full and partial course credit for work done at county, nonpublic, and nonsectarian schools. [AB 2276](#)

Immediate Enrollment for Youth Connected to the Juvenile Justice System

Now, if a youth has had contact with the juvenile justice system, public schools cannot slow their enrollment – schools must enroll pupils who have had contact with the justice system immediately. While implementation will still be a challenge, this section can be used to stop schools from delaying enrollment for delinquent youth who are returning to their public school setting. [AB 2276](#)

Supports for Former Foster Youth in Community College

This bill enables the Office of the Chancellor of the California Community Colleges to enter into agreements with up to 10 community college districts to provide additional funds for services in support of postsecondary education for foster youth. The bill would provide that these services include, when appropriate, but are not necessarily limited to, outreach and recruitment, service coordination, counseling, book and supply grants, tutoring, independent living and financial literacy skills support, frequent in-person contact, career guidance, transfer counseling, child care and transportation assistance, and referrals to health services, mental health services, housing assistance, and other related services. [SB 1023](#)

3. Services for Youth

Fighting Identity Theft

The law is now clear that once a youth in out of home placement turns 16, the social services agency has a duty to check to see if the youth has any credit history, and if they do, to get the credit reports. They must recheck every year (or help NMD check for themselves). Also, while the social worker doesn't have to do the work themselves, they have a duty to ensure that the youth receives assistance in interpreting the reports and clearing up any inaccuracies. [AB 1658](#)

4. Extension / Increase in Benefits

Extended Foster Care (AB 12) for Youth Ages 18-21 whose Adoption or LG Fails

This bill allows a youth whose case was dismissed because of a legal guardianship or adoption to petition the court to reenter foster care, if they are not yet 21 and their legal guardians or adoptive parents are no longer caring for (or able to care for) the youth. This is a great help to those youth whose adoption or legal guardianship falls apart before they turn 21. [AB 2454](#)

Parenting Support Plans for NMD parents in SILPs

Beginning July 1, 2015, NMD who are parents and living in SILPs can work with an identified responsible adult (for example, a CASA) to develop a "Parenting Support Plan." If the youth has one of these, then he or she can receive another \$200 a month. [AB 2668](#)

Placements with Parents in a Certified Substance Abuse Facility

If a parent is in a certified substance abuse facility, the social worker's report must include a factual discussion of whether the child can be returned to the parent and have them live in the facility together. Of course, the court must also consider an in-home placement in the facility. For practice purposes, it is unclear what would be considered a "certified" substance abuse facility. [SB 977](#)

Counties May Opt to Extend THP+

Counties now have an option of extending transitional housing (i.e. THP+) to former foster who are not more than 25 years of age, and for a total of 36 cumulative months, if the former foster youth is completing secondary education or is enrolled in an institution that provides postsecondary or vocational education. [SB 1252](#)

5. Juvenile Justice / Status Offenders and Delinquents

Clean Slate for Delinquents

This bill provides for the automatic dismissal and sealing of juvenile delinquency records when a youth successfully completes probation (except for offenses listed in 707(b). If law also states that the, "arrest will be deemed to have never occurred." Records will be kept for facilitating reentry into foster care to access Extended Foster Care (AB 12) benefits, and to facilitate cases pending deferred entry of judgement. [SB 1038](#)

CSEC Youth

If CASA volunteers have youth who have been convicted of solicitation or prostitution in adult court, now there is a law to help clear their records. If a youth can prove by clear and convincing evidence that he or she was a victim of human trafficking, then that youth can have their conviction nullified. While it remains to be seen, this may also be of use to youth who are not U.S. citizens, since the law allows the court to find that he or she was a victim of human trafficking. [AB 1585](#)

Increasing Fairness for those Accused of Truancy

Now, before a court can proceed against a youth for truancy, the court must be given evidence that the school has tried to address the truancy, and a record of those attempts. Also, this new law allows the court to take away a youth's driving privilege, fine them \$50, and commit them to community service for truancy. [AB 2195](#)

Fewer Delays in Complying with Disposition Orders in Delinquency

Now, the delinquency court must order the probation officer to assess the availability of suitable (and even non-secure) temporary placement alternatives when delays to placement are caused by administrative processes, difficulty in arranging meeting times, and the inability for probation to locate an appropriate placement. [AB 2607](#)

6. Systems Reform

Making it Easier for Social Workers to Blow the Whistle

Before January 2016, California DSS must establish a process of receiving confidential disclosures from social workers who believe to have encountered any policy, procedure, or practice that is contrary to law, public policy, or the health and safety of a child. [AB 1978](#)

Tribal Access to Records

You know how Section 827 lists those who can have access to the juvenile case file without a court order? Well, now, for those who fit within those certain enumerated categories for a federally recognized tribe, reservation, or tribal court can now have access to the state court file for an Indian child. [AB 1618](#)

(See chart below for more complete listing of bills)

More Complete Chart of Selected California Child Welfare Legislation

Legend:



This symbol:  means that the bill was supported by California CASA Association

SB = Senate Bill

AB = Assembly Bill

All bills effective as of January 1, 2015, unless otherwise noted.

Bill Number	Author/ CASA Support	What the bill does	Status
Budget		Increased funding for dependency attorney representation	Did not make it into the budget
AB 1585	Alejo	Human trafficking Allow someone who has been convicted of solicitation or prostitution, and has completed their term of probation, to have that conviction removed from their record if he or she can prove by clear and convincing evidence that he or she was a victim of human trafficking.	Chaptered
AB 1618	Chesbro (D)	Juveniles: case file inspection Juvenile case files may be inspected by certain listed individuals, and now, persons serving in a similar capacity for, or an authorized representative of, an Indian tribe, reservation, or tribal court when the case file involves an Indian child.	Chaptered
AB 1623	Atkins (D)	Family justice centers Authorizes any city, county, or community-based nonprofit organization to establish a multiagency, multidisciplinary family justice center to assist victims of domestic violence, sexual assault, elder or dependent adult abuse, and human trafficking.	Chaptered
AB 1658	Jones-Sawyer (D) 	Foster care: consumer credit reports When a youth in foster care reaches his or her 16 th birthday, and every year after the youth is under the court's jurisdiction, the county, or state shall inquire of the three credit bureaus if the youth has any credit history (or help a NMD get his or hers). If the youth does, then the Agency shall request a copy of the credit report. <i>(continued on next page)</i>	Chaptered

		The county social worker or county probation officer must ensure that the child or nonminor dependent receives assistance with interpreting the consumer credit report and resolving any inaccuracies.	
AB 1790	Dickinson 	<i>Foster children: mental health services</i> The State Department of Social Services shall convene a stakeholder group to identify barriers to the provision of mental health services by mental health professionals with specialized clinical training in adoption or permanency issues. The stakeholder group shall, on or before January 31, 2016, make specific recommendations for voluntary measures available to state and local government agencies and private entities.	Chaptered
AB 1761	Hall 	<i>Dependent children: placement</i> This bill aims to increase the possibility that, upon detention of a child, the child will be temporarily detained with a relative or nonextended related family member by extending the timing for deciding whether to temporarily place from the detention hearing to the disposition hearing. This bill aims to increase the possibility that siblings will be placed together by shifting the court’s analysis from placing together “if in the best interest” of each child to “unless it is contrary to the safety and wellbeing” of each child.	Chaptered
AB 1806	Bloom (D)	<i>Pupil services: homeless children or youth</i> Requires LEAs to provide notice to their own Homeless Liaison when considering expulsion and change of school placement. Also for special education students who are homeless, allows that Homeless Liaison to participate in the IEP team meeting that makes the manifestation determination. Also gives homeless youth similar rights that foster youth have regarding exemption from local high school graduation requirements.	Chaptered
AB 1978	Jones-Sawyer (D)	<i>Child welfare services</i> By 1/1/16 the department must establish a process of receiving confidential voluntary disclosures from social workers who have reasonable cause to believe that a policy, procedure, or practice, related to the provision of child welfare services by a county child welfare agency, endangers the health or well-being of a child, is contrary to existing statute or regulation, or is contrary to public policy.	Chaptered

AB 2141	Hall (D)	<p><i>Pupil attendance: truancy: referrals for prosecution</i> Requires the state or local authority conducting a truancy-related mediation or prosecution to inform the referring agency of the outcome; and provide the county office of education a report regarding the information they received.</p>	Chaptered
AB 2195	Achadjian (R)	<p><i>Juveniles: truancy</i> This bill prohibits the court from proceeding with a truancy case unless the court has been given evidence that the minor’s school has undertaken certain actions to address the minor’s truancy, and the record of previous attempts to address the minor’s truancy.</p> <p>Also, in truancy cases, the court may restrict the minor’s driving privilege, order the minor to pay a fine of not more than \$50, and order the minor to perform community service.</p> <p>Also, the bench officer may give the minor the opportunity to demonstrate improved attendance before imposing such penalties.</p>	Chaptered
AB 2276	Bocanegra (D)	<p><i>Pupils: transfers from juvenile court schools</i> Bill requires that public schools accept full and partial credits from work done at county, nonpublic, and nonsectarian schools. Also requires immediate enrollment in public school for youth who have had contact with the juvenile justice system.</p>	Chaptered
AB 2454	Quirk-Silva (D)	<p><i>Foster youth: nonminor dependents</i> Allows a youth whose case was dismissed because of a legal guardianship or adoption to petition the court to reenter foster care if, before they turn 21, their legal guardians or adoptive parents are no longer caring for (or able to care for) the youth.</p>	Chaptered
AB 2607	Skinner (D)	<p><i>Juveniles: detention</i> Sometimes, there are delays in probation’s complying with the court’s order of commitment or other disposition. When this happens, the detention of a delinquent youth pending that compliance must be reasonable.</p> <p>This bill states that delays that are caused by administrative processes, difficulty in arranging meeting times, and the inability for probation to locate an appropriate placement, are not reasonable.</p> <p><i>(continued on next page)</i></p>	Chaptered

		<p>This means that the court must order the probation officer to assess the availability of any suitable temporary placements or other alternatives to continued detention in a secure setting. After consultation, the court has an option of ordering that probation place the youth in a suitable and available temporary nonsecure placement or alternative.</p>	
AB 2632	Maienschein (R)	<p>Care facilities This bill prohibits DSS from issuing a criminal clearance for someone who has been arrested, though not convicted, for certain serious crime(s) unless DSS has done an investigation.</p>	Chaptered
AB 2668	Quirk-Silva (D) 	<p>Foster care: nonminor dependent parents **Effective July 1, 2015** Creates a process to develop a “parenting support plan” between a nonminor dependent parent who resides in a supervised independent living placement (SILP), an identified responsible adult who has agreed to act as a parenting mentor, and a representative of the county child welfare agency or probation department.</p> <p>If the youth has a parenting support plan, he or she is eligible to receive \$200 more a month.</p>	Chaptered
SB 910	Pavley (D)	<p>Domestic violence: restraining orders In the context of DV restraining orders, this bill expands the definition of domestic violence to include abuse perpetrated against a child of a party to the domestic violence proceedings or a child who is the subject of an action under the Uniform Parentage Act or against any other person related to the defendant by consanguinity or affinity within the 2nd degree.</p>	Chaptered
SB 977	Liu (D)	<p>Juveniles This bill would specify that the fact that a parent is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with his or her parent is not, for that reason alone, prima facie evidence of detriment or substantial danger.</p> <p>The social workers report must include a factual discussion of whether a child can be returned to a parent in a certified substance abuse treatment facility and additionally requires the court to consider whether the child can be returned to the custody of his or her parent who is enrolled in a certified substance abuse treatment facility.</p>	Chaptered

SB 1023	Liu (D) 	<p>Community colleges: foster youth</p> <p>Authorizes the Chancellor's Office of the California Community Colleges to enter into agreements with community college districts to provide additional funds for services in support of postsecondary education for foster youth. Includes child care and transportation allowances, books and supplies, counseling and mental health services, career counseling and housing assistance. Funding level to be set by legislature.</p>	Chaptered
SB 1038	Leno (D)	<p>Juveniles: dismissal of petition</p> <p>Provides for the automatic dismissal and sealing of juvenile delinquency records when a youth successfully completes probation (except for offenses listed in 707(b)). The arrest is deemed to have never occurred.</p> <p>Authorizes court to dismiss petition after the youth turns 21 years old.</p> <p>Records will be kept for facilitating reentry into foster care to access Extended Foster Care (AB 12) benefits, and to facilitate cases pending deferred entry of judgement.</p>	Chaptered
SB 1099	Steinberg (D) 	<p>Dependent children: wards of the juvenile court: sibling visitation</p> <p>Any person (including juvenile dependents) may petition the court to assert a sibling relationship and request visitation with a dependent sibling.</p> <p>Also, a dependent or ward of the court may petition the court to assert a sibling relationship and request visitation with a dependent sibling as long as the sibling is in the physical custody of a “common legal or biological parent.”</p> <p>The court may grant these requests for sibling visitation unless it determines that visitation would be contrary to the safety and wellbeing of any of the siblings.</p> <p>Requires that a request for sibling visitation shall be granted unless it is shown by clear and convincing evidence that sibling visitation is contrary to the safety and well-being of any of the siblings.</p> <p>Requires the court, when reviewing sibling visitation to not only consider the frequency and nature of the visits, but also the location and length of the visits, ways to have the visits be unsupervised, and plans to increase visitation.</p>	Chaptered

		<p>If sibling visitation has been suspended, this bill would requires the court to review the reasons for any suspension of sibling visitation at 366 review hearings.</p> <p>The court must consider whether there are any siblings who are not dependents, but are in the custody of a parent who is subject to the court’s jurisdiction, and consider the appropriateness of maintaining those relationships.</p> <p>When siblings are not placed together, the court must consider, and the dispositional report prepared by the social worker or CASA must include, information about the frequency of the visits, any plan to increase visits, and whether the visits are supervised and what has to happen in order to have unsupervised visits.</p>	
SB 1111	Lara (D)	<p><i>Pupils: involuntary transfer: county community schools</i> This bill does many things, related to limiting a school’s the transfer of a pupil to county community schools.</p> <p>Of note, this bill gives a pupil who has been involuntarily enrolled in a county community school the right to reenroll in his or her former school or another comprehensive school immediately after being readmitted from an expulsion order or court-ordered placement.</p>	Chaptered
SB 1136	Huff	<p><i>Foster care providers: criminal records</i> This bill requires DSS to provide county child welfare agencies, upon request, summary information used in making a previous determination to grant a criminal exemption to a licensed or certified foster home, so that the county may assess the appropriateness of placing a child.</p>	Chaptered
SB 1252	Torres (D) 	<p><i>Public social services: former foster youth: transitional housing</i> This bill allows counties the option of extending transitional housing (i.e. THP+) to former foster who are not more than 25 years of age, and for a total of 36 cumulative months, if the former foster youth is completing secondary education or is enrolled in an institution that provides postsecondary or vocational education.</p>	Chaptered