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**WELFARE AND INSTITUTIONS CODE - WIC**

**DIVISION 9. PUBLIC SOCIAL SERVICES [10000 - 18999.98]** ( *Division 9 added by Stats. 1965, Ch. 1784.* )

**PART 4. SERVICES FOR THE CARE OF CHILDREN [16000 - 16589]** ( *Heading of Part 4 amended by Stats. 1978, Ch. 429.* )

**CHAPTER 5. State Child Welfare Services [16500 - 16523.59]** ( *Heading of Chapter 5 amended by Stats. 1982, Ch. 978, Sec. 33.* )

**16500.** The state, through the department and county welfare departments, shall establish and support a public system of statewide child welfare services to be developed as rapidly as possible and to be available in each county of the state. All counties shall establish and maintain specialized organizational entities within the county welfare department which shall have sole responsibility for the operation of the child welfare services program.

The Legislature hereby declares its intent, in providing for this statewide system of child welfare services, that all children are entitled to be safe and free from abuse and neglect.

(*Amended by Stats. 1996, Ch. 1084, Sec. 10. Effective January 1, 1997.*)

**16500.1.** (a) It is the intent of the Legislature to use the strengths of families and communities to serve the needs of children who are alleged to be abused or neglected, as described in Section 300, to reduce the necessity for removing these children from their home, to encourage speedy reunification of families when it can be safely accomplished, to locate permanent homes and families for children who cannot return to their biological families, to reduce the number of placements experienced by these children, to ensure that children leaving the foster care system have support within their communities, to improve the quality and homelike nature of out-of-home care, and to foster the educational progress of children in out-of-home care.

(b) In order to achieve the goals specified in subdivision (a), the state shall encourage the development of approaches to child protection that do all of the following:

- (1) Allow children to remain in their own schools, in close proximity to their families.
- (2) Increase the number and quality of foster families available to serve these children.
- (3) Use a team approach to foster care that permits the biological and foster family and the child to be part of that team.
- (4) Use team decisionmaking in case planning.
- (5) Provide support to foster children and foster families.
- (6) Ensure that licensing requirements do not create barriers to recruitment of qualified, high-quality foster homes.
- (7) Provide training for foster parents and professional staff on working effectively with families and communities.
- (8) Encourage foster parents to serve as mentors and role models for biological parents.
- (9) Use community resources, including community-based agencies and volunteer organizations, to assist in developing placements for children and to provide support for children and their families.
- (10) Ensure an appropriate array of placement resources for children in need of out-of-home care.
- (11) Ensure that no child leaves foster care without a lifelong connection to a committed adult.

(12) Ensure that children are actively involved in the case plan and permanency planning process.

(c) (1) Each county shall provide the department with a disaster response plan describing how county programs assisted under Part B (commencing with Section 620) and Part E (commencing with Section 670) of Subchapter IV of Chapter 7 of Title 42 of the United States Code (Titles IV-B and IV-E of the Social Security Act) would respond to a disaster. The plan shall set forth procedures describing how each county will perform the following services:

(A) Identify, locate, and continue availability of services for children under state care or supervision who are displaced or adversely affected by a disaster.

(B) Respond, as appropriate, to new child welfare cases in areas adversely affected by a disaster, and provide services in those cases.

(C) Remain in communication with caseworkers and other essential child welfare personnel who are displaced because of a disaster.

(D) Preserve essential program records.

(E) Coordinate services and share information with other counties.

(2) The department shall review its disaster plan with respect to subparagraphs (A) to (E), inclusive, of paragraph (1), and shall revise the plan to clarify the role and responsibilities of the state in the event of a disaster.

(3) The department shall consult with counties to identify opportunities for collaboration between counties, and between the county and the state, in the event of a disaster.

(d) In carrying out the requirements of subdivisions (b) and (c), the department shall do all of the following:

(1) Consider the existing array of program models provided in statute and in practice, including, but not limited to, wraparound services, as defined in Section 18251, children's systems of care, as provided for in Section 5852, the Oregon Family Unity or Santa Clara County Family Conference models, which include family conferences at key points in the casework process, such as when out-of-home placement or return home is considered, and the Annie E. Casey Foundation Family to Family initiative, which uses team decisionmaking in case planning, community-based placement practices requiring that children be placed in foster care in the communities where they resided prior to placement, and involve foster families as team members in family reunification efforts.

(2) Ensure that emergency response services, family maintenance services, family reunification services, and permanent placement services are coordinated with the implementation of the models described in paragraph (1).

(3) Ensure consistency between child welfare services program regulations and the program models described in paragraph (1).

(e) The department, in conjunction with stakeholders, including, but not limited to, county child welfare services agencies, foster parent and group home associations, the California Youth Connection, and other child advocacy groups, shall review the existing child welfare services program regulations to ensure that these regulations are consistent with the legislative intent specified in subdivision (a). This review shall also determine how to incorporate the best practice guidelines for assessment of children and families receiving child welfare and foster care services, as required by Section 16501.2.

(f) The department shall report to the Legislature on the results of the actions taken under this section on or before January 1, 2002.

*(Amended by Stats. 2007, Ch. 583, Sec. 29. Effective January 1, 2008.)*

**16500.5.** (a) (1) The Legislature hereby declares its intent to encourage the continuity of the family unit by all of the following:

(A) Consistently providing family preservation services that have a track record of actually helping families.

(B) Ensuring that contracts for family preservation services establish minimum standards for tracking and reporting the outcomes of those services.

(C) Providing services that have their outcomes tracked and reported for those children within the meaning of Sections 360, 361, and 364 when they are returned to the family unit or when a minor will probably soon be within the jurisdiction of the juvenile court pursuant to Section 301.

(D) Providing counseling and family support services designed to eradicate the situation that necessitated intervention and that have a track record of actually helping families.

(2) The Legislature finds that maintaining abused and neglected children in foster care grows increasingly costly each year, and that adequate funding for family services that might enable these children to remain in their homes is not as readily available as funding for foster care placement.

(3) The Legislature further finds that other state bodies have addressed this problem through various systems of flexible reimbursement in child welfare programs that provide for more intensive and appropriate services to prevent foster care placement or significantly reduce the length of stay in foster care.

(b) It is the intent of the Legislature that family preservation and support services in California conform to the federal definitions contained in Section 431 of the Social Security Act. The Legislature finds and declares that California's existing family preservation programs meet the intent of the federal Promoting Safe and Stable Families program.

(c) (1) Services that may be provided under this program may include, but are not limited to, counseling, mental health treatment and substance abuse treatment services, including treatment at a residential substance abuse treatment facility that accepts families, parenting, respite, day treatment, transportation, homemaking, and family support services. Each county that chooses to provide mental health treatment and substance abuse treatment shall identify and develop these services in consultation with county mental health treatment and substance abuse treatment agencies. Additional services may include those enumerated in Sections 16506 and 16507. The services to be provided pursuant to this section may be determined by each participating county. Each county may contract with individuals and organizations for services to be provided pursuant to this section. Each county shall utilize available private nonprofit resources in the county prior to developing new county-operated resources when these private nonprofit resources are of at least equal quality and costs as county-operated resources and shall utilize available county resources of at least equal quality and cost prior to new private nonprofit resources.

(2) Participating counties authorized by this subdivision shall provide specific programs of direct services based on individual family needs as reflected in the service plans to families of the following:

(A) Children who are dependent children not taken from physical custody of their parents or guardians pursuant to Section 364.

(B) Children who are dependent children removed from the physical custody of their parents or guardian pursuant to Section 361.

(C) Children who it is determined will probably soon be within the jurisdiction of the juvenile court pursuant to Section 301.

(D) Upon approval of the department, children who have been adjudged wards of the court pursuant to Sections 601 and 602.

(E) Upon approval of the department, families of children subject to Sections 726 and 727.

(F) Upon approval of the department, children who are determined to require out-of-home placement.

(3) The services shall only be provided to families whose children will be placed in out-of-home care without the provision of services or to children who can be returned to their families with the provision of services.

(4) (A) (i) The services selected by a participating county shall be reasonable and meritorious and shall demonstrate cost-effectiveness and success at avoiding out-of-home placement, or reducing the length of stay in out-of-home placement. A county shall not expend more funds for services under this subdivision than that amount which would be expended for placement in out-of-home care.

(ii) This subparagraph shall become inoperative on January 1, 2026.

(B) (i) Each service provider, at the time the provider is selected by a participating county, shall provide services that are reasonable, meritorious, and that demonstrated cost-effectiveness and success at avoiding out-of-home placement, or reducing the length of stay in out-of-home placement. A county shall not expend more funds for services under this subdivision than that amount which would be expended for placement in out-of-home care. Service providers selected shall be reviewed for reasonableness, merit, and whether they demonstrated cost-effectiveness and success at avoiding out-of-home placement, or reducing the length of stay in out-of-home placement no less than every three years after selection.

(ii) This subparagraph shall become operative on January 1, 2026. Counties shall implement the requirements of this subparagraph in the next grant or selection cycle commencing on or after January 1, 2026.

(5) (A) The services provided pursuant to this section in each county shall be deemed successful if they meet the following standards:

(i) The services enable families to resolve their own problems, effectively utilize service systems, and advocate for their children in educational and social agencies.

(ii) The services enhance family functioning by building on family strengths.

(iii) At least 75 percent of the children receiving services remain in their own home for six months after termination of services.

(iv) During the first year after services are terminated, the following criteria are met:

(I) At least 60 percent of the children receiving services remain at home one year after services are terminated.

(II) The average length of stay in out-of-home care of children selected to receive services who have already been removed from their home and placed in out-of-home care is 50 percent less than the average length of stay in out-of-home care of children who do not receive program services.

(III) No more than 25 percent of children whose parents or guardian received services are children who meet any of the following circumstances, with that percentage limit separately applicable to each circumstance:

(ia) Are removed from the physical custody of their parents or guardian pursuant to Section 300 or subdivision (e) of Section 364.

(ib) Are removed from the physical custody of their parents or guardian pursuant to subdivisions (b) to (d), inclusive, of Section 361.

(ic) Are determined to probably soon be within the jurisdiction of the juvenile court pursuant to Section 301.

(id) Have been adjudged wards of the court pursuant to Section 601 or 602.

(ie) Are families of children subject to Sections 726 and 727.

(if) Are children who are determined to require out-of-home placement.

(v) Two years after the termination of family preservation services, the following criteria are met:

(I) The average length of out-of-home stay of children selected to receive services under this section who, at the time of selection, are in out-of-home care, is 50 percent less than the average length of stay in out-of-home care for children in out-of-home care who do not receive services pursuant to this section.

(II) At least 60 percent of the children who were returned home pursuant to this section remain at home.

(III) No more than 10 percent of children whose parents or guardian received services are children who meet any of the circumstances listed in subclause (III) of clause (iv) with that percentage limit separately applicable to each circumstance.

(IV) No children who were returned home died or nearly died due to abuse or neglect.

(B) The requirements in subclause (III) of clause (iv) of subparagraph (A), and subclauses (III) and (IV) of clause (v) of subparagraph (A) shall become operative on January 1, 2026.

(6) Funds used for services provided under this section shall supplement, not supplant, child welfare services funds available for services pursuant to Sections 16506 and 16507.

(7) Programs authorized after the original pilot projects shall submit data to the department upon the department's request.

(d) (1) A county welfare department social worker or probation officer may, pursuant to an appropriate court order, return a dependent minor or ward of the court removed from the home pursuant to Section 361 to the dependent minor's or ward's home, with appropriate interagency family preservation program services.

(2) The county probation department may, with the approval of the State Department of Social Services, through an interagency agreement with the county welfare department, refer cases to the county welfare department for the direct provision of services under this subdivision.

(e) Foster care funds shall remain within the administrative authority of the county welfare department and shall be used only for placement services or placement prevention services or county welfare department administrative cost related to the interagency family preservation program.

(f) To the extent permitted by federal law, any federal funds provided for services to families and children may be utilized for the purposes of this section.

(g) A county may establish family preservation programs that serve one or more geographic areas of the county, subject to the approval of the State Department of Social Services.

(1) All funds expended by a county for activities under this section shall be expended by the county in a manner that will maximize eligibility for federal financial participation.

(2) A county, subject to the approval of the State Department of Social Services, may claim federal financial participation, if allowable and available, as provided by the State Department of Social Services in the federal Promoting Safe and Stable Families program in accordance with the federal guidelines and regulations for that county's AFDCFC expenditures pursuant to subdivision (d) of Section 11450, for children subject to Sections 300, 301, 360, and 364, in advance, provided that the county conducts a program of family reunification and family maintenance services for families receiving these services pursuant to Sections 300, 301, 360, and 364, and as permitted by the department, children subject to Sections 601, 602, 726, and 727 of this code and Section 7572.5 of the Government Code.

(h) In order to maintain federal funding and meet federal requirements, the State Department of Social Services and the Office of Child Abuse Prevention shall provide administrative oversight, monitoring, and consultation to ensure both of the following:

(1) (A) Each county includes in its county plan information that details what services are to be funded under this section and who will be served, and how the services are coordinated with the array of services available in the county. In order to maintain federal funding to meet federal requirements, the State Department of Social Services shall review these plans and provide technical assistance as needed, as provided in Section 10601.2. In order to meet federal requirements, the Office of Child Abuse Prevention shall require counties to submit annual reports, as part of the current reporting process, on program services and children and families served. The annual reporting process shall be developed jointly by the department and county agencies for the purpose of meeting federal reporting requirements.

(B) Commencing January 1, 2026, the annual reports described in subparagraph (A) shall include the information and data described in paragraph (5) of subdivision (c), demonstrating whether the services meet the standards for being deemed successful, the name of each provider of services described in paragraph (5) of subdivision (c), and whether the provider's services were deemed successful pursuant to that paragraph. Within 30 business days of receipt of an annual report from a county, the department shall post the annual report to its internet website.

(2) In order to maximize federal financial participation for the federal Promoting Safe and Stable Families grant, funds expended from this program are in compliance with data reporting requirements in order to meet federal nonsupplantation requirements in accordance with Section 1357.32(f) of Title 45 of the Code of Federal Regulations, and the 25 percent state match requirement in accordance with Section 1357.32(d) of Title 45 of the Code of Federal Regulations.

(i) Beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be made with moneys allocated pursuant to Section 30025 of the Government Code.

*(Amended by Stats. 2024, Ch. 976, Sec. 2. (AB 3145) Effective January 1, 2025.)*

**16500.51.** (a) In addition to participation in the program provided for under Section 16500.5, Solano and Alameda Counties may, on a two-year project basis, and subject to the election of the board of supervisors of each county to participate, expand the program provided for in Section 16500.5 to also provide those family preservation services to:

(1) Children who have been adjudged wards of the court pursuant to Sections 601 and 602.

(2) Families of children subject to Section 726 and 727.

(b) Except as otherwise provided in this section, the expanded programs authorized under this section shall be subject to all of the provisions of Section 16500.5 and shall be administered in accordance with Section 16500.5.

(c) The county probation department, through an interagency agreement with the county welfare department, may refer cases to the county welfare department for the provision of services under this subdivision.

(d) The county shall ensure that the proportion of funds used for family preservation services for families and children needing these services pursuant to Sections 300, 330, 361, and 364 shall be no less than the proportion of those children in the county's foster care population.

(e) A dependent minor or ward of the court removed from the home pursuant to Section 726 may also be returned to his or her home with appropriate interagency family preservation services as provided in subdivision (c) of Section 16500.5.

(f) This participation is subject to the provisions of Section 16500.5.

*(Amended (as added by Stats. 1990, Ch. 1120, Sec. 4) by Stats. 2012, Ch. 35, Sec. 121. (SB 1013) Effective June 27, 2012.)*

**16500.55.** Any county that participates in the program pursuant to this section on or after the effective date of the act which amends this section in the 1991 calendar year shall provide services to children who have been adjudged wards of the court pursuant to Sections 601 and 602 only to the extent approved by the department.

**16500.65.** (a) In addition to the three programs authorized under Section 16500.5, Contra Costa County may implement a family preservation and reunification program. The program shall be administered in accordance with Section 16500.5, and shall be subject to all of the provisions of that section.

(b) The family preservation program authorized by this section may serve all of the following:

- (1) Families receiving those services pursuant to Sections 300, 330, 361, and 364.
- (2) Children who have been adjudged wards of the court pursuant to Sections 601 and 602.
- (3) Families of children subject to Sections 726 and 727.

(c) The county probation department may, through an interagency agreement with the county welfare department, refer cases to the county welfare department for the direct provision of services under this subdivision.

(d) The county shall ensure that the proportion of funds used for family preservation services for families and children needing those services pursuant to Sections 300, 330, 361, and 364 shall be no less than the proportion of those children in the county's foster care program.

(e) The project authorized by this subdivision shall be deemed successful if the following criteria have been met:

- (1) At least 75 percent of the children who are not placed in out-of-home care and who receive project services remain in their home for at least six months after the termination of family preservation services.
- (2) Two years after the termination of family preservation services, the average length of out-of-home stay of children selected to receive services under this section who, at the time of selection, are in out-of-home care, is 50 percent less than the average length of stay in out-of-home care for children in out-of-home care who do not receive demonstration project services pursuant to this section.
- (3) Two years after project services are terminated, at least 60 percent of the children who were returned home with project services remain at home.

(f) (1) The participating county shall submit, to the department and to the appropriate committees of the Legislature, a preliminary report upon the conclusion of the demonstration project, and a final report six months after the conclusion of the project.

(2) The participating county shall, in the reports required by paragraph (1), demonstrate the extent the project met the criteria for determining the success of the project specified in subdivision (e).

(g) A dependent minor or ward of the court removed from the home pursuant to Section 726 may also be returned to his or her home with appropriate interagency family preservation services as provided in subdivision (c) of Section 16500.5.

*(Amended by Stats. 2012, Ch. 35, Sec. 124. (SB 1013) Effective June 27, 2012.)*

**16500.8.** (a) The department shall, in consultation with counties, seek additional federal revenues to finance the family preservation activities described in Section 16500.7. Those revenue sources shall include, but need not be limited to, all of the following:

- (1) Title IV-A of the federal Social Security Act, contained in Part A (commencing with Section 601) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.
- (2) Title IV-E of the federal Social Security Act contained in Part E (commencing with Section 670) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.
- (3) Title IV-B of the federal Social Security Act contained in Part B (commencing with Section 620) of Subchapter 4 of Chapter 7 of Title 42 of the United States Code.
- (4) Title XIX of the federal Social Security Act, contained in Subchapter 19 (commencing with Section 1396) of Chapter 7 of Title 42 of the United States Code.

(b) It is the intent of the Legislature that any additional funds received pursuant to this section shall supplement, and not supplant, existing funding for family preservation services.

*(Amended by Stats. 2012, Ch. 35, Sec. 125. (SB 1013) Effective June 27, 2012.)*

**16500.9.** The department shall establish one full-time position, within the office of the director, to assist counties and the department in complying with the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.) and related state laws, regulations, rules of court, and state guidance. This assistance shall include, but not be limited to, all of the following:

- (a) Acting as a clearinghouse for up-to-date information regarding tribes within and outside of the state.
- (b) Providing information, technical assistance, and support regarding laws, regulations, rules of court, and state guidance applicable to Indian child custody proceedings and related matters.
- (c) In coordination with other divisions within the department, providing or coordinating training and technical assistance for counties regarding the requirements described in subdivision (b).

*(Amended by Stats. 2024, Ch. 656, Sec. 31. (AB 81) Effective September 27, 2024.)*

**16501.** (a) (1) As used in this chapter, "child welfare services" means public social services that are directed toward the accomplishment of any or all of the following purposes:

- (A) Protecting and promoting the welfare of all children, including disabled, homeless, dependent, or neglected children.
- (B) Preventing or remedying, or assisting in the solution of problems that may result in, the neglect, abuse, exploitation, or delinquency of children.
- (C) Preventing the unnecessary separation of children from their families by identifying family problems, assisting families in resolving their problems, and preventing breakup of the family where the prevention of child removal is desirable and possible.
- (D) Restoring to their families children who have been removed, by the provision of services to the child and the families.
- (E) Identifying children to be placed in suitable adoptive homes, in cases where restoration to the biological family is not possible or appropriate.
- (F) Ensuring adequate care of children away from their homes, in cases where the child cannot be returned home or cannot be placed for adoption.

(2) "Child welfare services" also means services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. The child welfare services provided on behalf of each child represent a continuum of services, including emergency response services, family preservation services, family maintenance services, family reunification services, and permanent placement services, including supportive transition services. The individual child's case plan is the guiding principle in the provision of these services. The case plan shall be developed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) if the child has not been removed from their home, or by the date of the dispositional hearing pursuant to Section 358, whichever comes first.

(3) "Child welfare services" are best provided in a framework that integrates service planning and delivery among multiple service systems, including the mental health system, using a team-based approach, such as a child and family team. A child and family team brings together individuals that engage with the child or youth and family in assessing, planning, and delivering services consistent with paragraph (1) of subdivision (d) of Section 16501.1. Use of a team approach increases efficiency, and thus reduces cost, by increasing coordination of formal services and integrating the natural and informal supports available to the child or youth and family.

(4) "Child and family team" means a group of individuals who are convened by the placing agency and who are engaged through a variety of team-based processes to identify the strengths and needs of the child or youth and their family, and to help achieve positive outcomes for safety, permanency, and well-being. The child and family team shall have the same meaning as the "family and permanency team," as described in Section 675a(c)(1)(B)(ii) of Title 42 of the United States Code.

(A) The activities of the team shall include, but not be limited to, all of the following:

- (i) Providing input into the development of a child and family plan that is strengths-based, needs-driven, and culturally relevant.
- (ii) Providing input into the placement decision made by the placing agency and the services to be provided in order to support the child or youth.
- (iii) On and after October 1, 2021, for a child placed into a short-term residential therapeutic program, providing input into all of the following:

(I) Required determinations by a qualified individual pursuant to subdivision (g) of Section 4096.

(II) Required components of the case plan, including those specified in subparagraph (C) of paragraph (2) of subdivision (d) of Section 16501.1.

(III) Development of the plan for family-based aftercare services described in Section 4096.6.

(iv) Providing input to the placing agency in developing the Immediate Needs Plan for using the Immediate Needs Funding for each child in the Immediate Needs Program established by Section 16562.

(v) Supporting the child and family, as desired by the child and family, by discussing options for goods, services, activities, and supports for the Strengths Building Spending Plan consistent with the Strengths Building Program as described in Section 16565.

(vi) Supporting the child and family with resolving disputes that may arise regarding the selection of goods, services, activities and supports for the Strengths Building Spending Plan under the Strengths Building Program established in Section 16565, as needed.

(B) (i) The child and family team process shall engage the child or youth, the child's family, and other people important to the family or to the child or youth in meeting the objectives set forth in subparagraph (A). The child and family team shall also include representatives who provide formal supports to the child or youth and family when appropriate, including, but not limited to, all of the following:

(I) The caregiver.

(II) The placing agency caseworker.

(III) A representative from a foster family agency or short-term residential therapeutic program with which a child or youth is placed.

(IV) A county mental health representative.

(V) A representative from the regional center if the child is eligible for regional center services.

(VI) The child or youth's Court-Appointed Special Advocate, if one has been appointed, unless the child or youth objects.

(VII) A representative of the child or youth's tribe or Indian custodian, as applicable.

(ii) As appropriate, the child and family team also may include other formal supports, such as substance use disorder treatment professionals and educational professionals, providing services to the child or youth and family. For purposes of this definition, the child and family team also may include extended family and informal support persons, such as friends, coaches, faith-based connections, and tribes as identified by the child or youth and family. If placement into a short-term residential therapeutic program or a foster family agency that provides treatment services has occurred or is being considered, the mental health representative is required to be a licensed mental health professional. Any party to the child's case who is represented by an attorney may consult with their attorney regarding this process. The child or youth and their family may request specific persons to be included on the child and family team. Nothing shall preclude another agency serving the child or youth from convening a team in collaboration with the placing agency.

(5) "Child and family team meeting" means a convening of all or some members of the child and family team. A child and family team meeting may be requested by any member of the child and family team.

(A) Upon the scheduling of a child and family team meeting, a notification shall be provided to the child or youth, their parent or guardian, and the caregiver.

(B) The placing agency shall document the occurrence and summary of the child and family team meeting on the child and family team action plan form developed by the department with any necessary redactions, a copy of which shall be attached to the court report that is prepared pursuant to Section 358.1, 366.1, or 706.5. The department shall issue written guidance identifying the necessary redactions.

(C) (i) The child's court-appointed educational rights holder, if someone other than the parent, guardian, or caregiver, shall be invited to the child and family team meeting if either of the following applies:

(I) The child and family team will develop and implement a placement preservation strategy pursuant to Section 16010.7.

(II) The child and family team will discuss a placement change.



(ii) The child and family team shall discuss if remaining in the school of origin is in the child's best interest.

(iii) Pursuant to, and in accordance with, Section 48853.5 of the Education Code, if the child's educational rights holder determines that remaining in, or returning to, the child's school of origin is in the child's best interest, the child and family team, in consultation with the foster care educational liaison, shall determine an appropriate transportation plan for the child to attend their school of origin and any available extracurricular activities.

(6) Child welfare services may include, but are not limited to, a range of service-funded activities, including case management, counseling, emergency shelter care, emergency in-home caretakers, temporary in-home caretakers, respite care, therapeutic day services, teaching and demonstrating homemakers, parenting training, substance abuse testing, transportation, and specialized permanency services. These service-funded activities shall be available to children and their families in all phases of the child welfare program in accordance with the child's case plan and departmental regulations. Funding for services is limited to the amount appropriated in the annual Budget Act and other available county funds.

(7) Service-funded activities to be provided may be determined by each county, based upon individual child and family needs as reflected in the service plan.

(8) As used in this chapter, "emergency shelter care" means emergency shelter provided to children who have been removed pursuant to Section 300 from their parent or parents or their guardian or guardians. The department may establish, by regulation, the time periods for which emergency shelter care shall be funded. For the purposes of this paragraph, "emergency shelter care" may include "transitional shelter care facilities" as defined in paragraph (11) of subdivision (a) of Section 1502 of the Health and Safety Code.

(9) As used in this chapter, "specialized permanency services" means services to assist a child or nonminor dependent whose case plan is for permanent placement or supportive transition to adulthood in achieving a permanent family through reunification, adoption, legal guardianship, or other lifelong connection to caring adults, including at least one adult who will provide a permanent, parent-like relationship for the child or nonminor dependent. Specialized permanency services are designed for and with the child to address the child's history of trauma, separation, and loss. "Specialized permanency services" may include all of the following:

(A) Medically necessary mental health services, if the medical necessity criteria for Medi-Cal specialty mental health services, as described in Section 1830.205 or 1830.210 of Title 9 of the California Code of Regulations, is met, as needed to ameliorate impairments in significant areas of life functioning that may reduce the likelihood of the child or nonminor dependent achieving a permanent family, and may include other services designed to address the child's or nonminor dependent's history of trauma, grief, loss, stigma, and rejection that reduce the likelihood of the child or nonminor dependent achieving a permanent family.

(B) Permanency support core services, as appropriate to achieve, stabilize, and sustain the child or nonminor dependent in a permanent family.

(C) Services designed to prepare the identified permanent family to meet the child's or nonminor dependent's needs, set appropriate expectations before and after permanency is achieved, and stabilize the placement.

(b) As used in this chapter, "respite care" means temporary care for periods not to exceed 72 hours, and, in order to preserve the placement, may be extended up to 14 days in any one month pending the development of policies and regulations in consultation with county placing agencies and stakeholders. This care may be provided to the child's parents or guardians. This care shall not be limited by regulation to care over 24 hours. These services shall not be provided for the purpose of routine, ongoing childcare.

(c) The county shall provide child welfare services as needed pursuant to an approved service plan and in accordance with regulations promulgated, in consultation with the counties, by the department. Counties may contract for service-funded activities, as defined in paragraph (1) of subdivision (a). Counties shall not contract for needs assessment, client eligibility determination, or any other activity as specified by regulations of the State Department of Social Services, except as specifically authorized in Section 16100.

(d) This chapter shall not be construed to affect duties that are delegated to probation officers pursuant to Sections 601 and 654.

(e) A county may utilize volunteer individuals to supplement professional child welfare services by providing ancillary support services in accordance with regulations adopted by the State Department of Social Services.

(f) As used in this chapter, emergency response services consist of a response system providing in-person response, 24 hours a day, seven days a week, to reports of abuse, neglect, or exploitation, as required by Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of investigation pursuant to Section 11166 of the Penal Code and to determine the necessity for providing initial intake services and crisis intervention to maintain the child safely in their own home or to protect the safety of the child. County welfare departments shall respond to any report of imminent danger to a child immediately and all other reports within 10 calendar days. An in-person response is not required when the county welfare department, based upon an

evaluation of risk, determines that an in-person response is not appropriate. This evaluation includes collateral contacts, a review of previous referrals, and other relevant information, as indicated.

(g) As used in this chapter, family maintenance services are activities designed to provide in-home protective services to prevent or remedy neglect, abuse, or exploitation, for the purposes of preventing separation of children from their families.

(h) As used in this chapter, family reunification services are activities designed to provide time-limited foster care services to prevent or remedy neglect, abuse, or exploitation, when the child cannot safely remain at home, and needs temporary foster care, while services are provided to reunite the family.

(i) (1) As used in this chapter, permanent placement services are activities designed to provide an alternate permanent family structure for children who, because of abuse, neglect, or exploitation, cannot safely remain at home and who are unlikely to ever return home. These services shall be provided on behalf of children for whom there has been a judicial determination of a permanent plan for adoption, legal guardianship, placement with a fit and willing relative, or continued foster care placement, and, as needed, shall include supportive transition services to nonminor dependents, as described in subdivision (v) of Section 11400.

(2) For purposes of this section, "another planned permanent living arrangement" means 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 or reasons to determine that it is not in the best interest of the child or nonminor dependent to return home, be placed for adoption, be placed for tribal customary adoption in the case of an Indian child, or be placed with a fit and willing relative. Placement in a group home, or, on and after January 1, 2017, a short-term residential therapeutic program, shall not be the identified permanent plan for any child or nonminor dependent.

(j) As used in this chapter, family preservation services include those services specified in Section 16500.5 to avoid or limit out-of-home placement of children, and may include those services specified in that section to place children in the least restrictive environment possible.

(k) (1) (A) In any county electing to implement this subdivision, all county welfare department employees who have frequent and routine contact with children shall, by February 1, 1997, and all welfare department employees who are expected to have frequent and routine contact with children and who are hired on or after January 1, 1996, and all such employees whose duties change after January 1, 1996, to include frequent and routine contact with children, shall, if the employees provide services to children who are alleged victims of abuse, neglect, or exploitation, sign a declaration under penalty of perjury regarding any prior criminal conviction, and shall provide a set of fingerprints to the county welfare director.

(B) The county welfare director shall secure from the Department of Justice a criminal record to determine whether the employee has ever been convicted of a crime other than a minor traffic violation. The Department of Justice shall deliver the criminal record to the county welfare director.

(C) If it is found that the employee has been convicted of a crime, other than a minor traffic violation, the county welfare director shall determine whether there is substantial and convincing evidence to support a reasonable belief that the employee is of good character so as to justify frequent and routine contact with children.

(D) An exemption shall not be granted pursuant to subparagraph (C) if the person has been convicted of a sex offense against a minor, or has been convicted of an offense specified in Section 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in paragraph (1) of Section 273a of, or subdivision (a) or (b) of Section 368 of, the Penal Code, or has been convicted of an offense specified in subdivision (c) of Section 667.5 of the Penal Code. The county welfare director shall suspend such a person from any duties involving frequent and routine contact with children.

(E) Notwithstanding subparagraph (D), the county welfare director may grant an exemption if the employee or prospective employee, who was convicted of a crime against an individual specified in paragraph (1) or (7) of subdivision (c) of Section 667.5 of the Penal Code, has been rehabilitated as provided in Section 4852.03 of the Penal Code and has maintained the conduct required in Section 4852.05 of the Penal Code for at least 10 years and has the recommendation of the district attorney representing the employee's or prospective employee's county of residence, or if the employee or prospective employee has received a certificate of rehabilitation pursuant to Chapter 3.5 (commencing with Section 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the county welfare director may give the employee or prospective employee an opportunity to explain the conviction and shall consider that explanation in the evaluation of the criminal conviction record.

(F) If criminal record information has not been recorded, the county welfare director shall cause a statement of that fact to be included in that person's personnel file.

(2) For purposes of this subdivision, a conviction means a plea or verdict of guilty or a conviction following a plea of nolo contendere. An action that the county welfare director is permitted to take following the establishment of a conviction may be taken when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, notwithstanding a subsequent order pursuant to Sections 1203.4 and 1203.4a of the Penal Code permitting the person to withdraw their plea of guilty and to enter a plea of not guilty, or setting aside

the verdict of guilty, or dismissing the accusation, information, or indictment. For purposes of this subdivision, the record of a conviction, or a copy thereof certified by the clerk of the court or by a judge of the court in which the conviction occurred, shall be conclusive evidence of the conviction.

(l) (1) Consistent with Section 675a(c)(1)(D) of Title 42 of the United States Code, "qualified individual" means a trained professional or licensed clinician responsible for conducting the determination described in subdivision (g) of Section 4096 and determining the most effective and appropriate placement for a child. In the case of an Indian child, as defined in Section 224.1, a person may be designated by the child's tribe as the qualified individual pursuant to this subdivision and as defined in subdivision (c) of Section 224.6. In the absence of that designation, the qualified individual shall have specialized knowledge of, training about, or experience with, tribes and the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(2) Except as provided in paragraph (3), the qualified individual shall not be an employee of the IV-E agency and shall not be connected to, or affiliated with, any placement setting in which the IV-E agency places children.

(3) (A) The department shall seek approval from the Secretary of the United States Department of Health and Human Services for authorization to permit employees of the IV-E agency or an individual connected to, or affiliated with, a placement setting to serve as the qualified individual who conducts the assessment described in subdivision (g) of Section 4096. A request for approval shall describe the process through which the department may certify that an employee of a Title IV-E agency, or individual connected to or affiliated with a placement setting, and designated as a qualified individual will maintain objectivity in conducting the assessment and determination of the most effective and appropriate placement for a child or nonminor dependent.

(B) Any process developed pursuant to subparagraph (A) shall be developed jointly with the State Department of Health Care Services and in consultation with the State Department of Developmental Services, the State Department of Education, county child welfare, probation, and behavioral health agencies, and other interested stakeholders.

(C) If approval is granted, the department and the State Department of Health Care services shall issue joint instructions to counties regarding the process for the department to approve a joint request and plan submitted to the department by a county placing agency and behavioral health plan to permit an individual who is an employee of a Title IV-E agency or connected to, or affiliated with, a IV-E placement setting to serve as a qualified individual.

(4) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this subdivision by means of all-county letters or similar instructions from the department until regulations are adopted. These all-county letters or similar written instructions shall have the same force and effect as regulations until the adoption of regulations.

*(Amended by Stats. 2025, Ch. 79, Sec. 26. (SB 119) Effective July 29, 2025.)*

**16501.01.** (a) A county may arrange for respite care for a child or nonminor dependent supervised by the county, which may be provided by any of the following:

(1) Prior to January 1, 2021, a licensed foster family home or certified family home.

(2) Prior to January 1, 2021, the approved home of a relative, as defined in Section 319, or nonrelative extended family member, as described in Section 362.7.

(3) An approved resource family, as defined in Section 16519.5 of this code and Section 1517 of the Health and Safety Code.

(4) At the option of a county, a respite care provider certified by the county pursuant to subdivision (b).

(b) A county electing to certify respite care providers shall do all of the following:

(1) Ensure an inspection of the home and grounds of the prospective respite care provider, consistent with standards developed under the resource family approval program, to determine that the home and grounds are free of conditions that may pose an undue risk to the health and safety of a child or nonminor dependent.

(2) Secure and evaluate the criminal record of the prospective respite care provider and all adults residing in the home pursuant to Section 1522 of the Health and Safety Code. The prospective respite care provider and all adults residing in the home shall obtain a criminal record clearance or exemption prior to certification. A nonminor dependent shall not be subject to criminal background clearances pursuant to Sections 1522 and 1522.1 of the Health and Safety Code for the purpose of certifying a prospective respite care provider.

(3) Check if the prospective respite care provider is listed in the Child Abuse Central Index and investigate any substantiated reports pursuant to Section 1522.1 of the Health and Safety Code.

(4) Determine whether the prospective respite care provider is willing and able to provide respite care to a child or nonminor dependent, taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications, abilities and limitations, and developmental level of, and court orders for, a child or nonminor dependent.

(5) Require the prospective respite care provider to complete the training specified in paragraph (13) of subdivision (g) of Section 16519.5.

(c) Notwithstanding the requirements of subdivision (b), when the need for respite care is unanticipated and the proposed respite care provider is a relative of the child, as defined in Section 319, or nonrelative extended family member, as defined in Section 362.7, and the proposed respite care provider has an established relationship with the child, nonminor dependent, or caregiver and it is in the best interest of the child or nonminor dependent, the county electing to certify respite care providers shall do all of the following:

(1) Cause a state-level criminal records check to be conducted by an appropriate government agency through the California Law Enforcement Telecommunications System pursuant to Section 16504.5 and assess the results consistent with Section 361.4.

(2) Check if the relative or nonrelative extended family member is listed in the Child Abuse Central Index and investigate any substantiated reports pursuant to Section 1522.1 of the Health and Safety Code.

(3) Determine whether the proposed respite care provider is willing and able to provide respite care to a child or nonminor dependent, taking into consideration the age, maturity, behavioral tendencies, mental and physical health, medications, abilities and limitations, and developmental level of, and court orders for, a child or nonminor dependent.

(4) Permit a proposed respite care provider who has not completed the required training to provide respite care to a child or nonminor dependent.

(d) Nothing in this section shall prohibit a county from requiring that a respite care provider meet additional standards in order to be certified as a respite care provider by the county.

(e) Unless otherwise prohibited by the child's social worker, probation officer, or court order, nothing in this section shall prohibit a resource family from arranging for a babysitter or alternative caregiver to provide, on an occasional basis, care and supervision to a child placed in the home.

(f) (1) A home certified as a respite care provider shall not be an eligible placement for a child who is the subject of a voluntary placement agreement, has been adjudged a dependent child of the juvenile court pursuant to Section 300, or as to whom a petition has been filed under Section 325.

(2) A home certified as a respite care provider shall not be eligible to receive AFDC-FC or Approved Relative Caregiver funding. Nothing in this paragraph shall prevent a county from using other available funds to support respite care services.

(g) Until regulations are adopted, the department may implement this section through the issuance of written directives that shall have the same force and effect as regulations. Any directive affecting Article 1 (commencing with Section 700) of Chapter 7 of Division 1 of Title 11 of the California Code of Regulations shall be approved by the Department of Justice. The directives shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

*(Amended by Stats. 2018, Ch. 935, Sec. 5. (SB 1083) Effective January 1, 2019.)*

**16501.02.** (a) For purposes of this section, the following definitions shall apply:

(1) "Alternative care" means care and supervision of more than 24 consecutive hours, but no more than 72 consecutive hours unless the foster child's social worker or probation officer provides prior approval.

(2) "Alternative caregiver" means a person who is at least 18 years of age and provides alternative care for a foster child in either his or her home or the home of the caregiver.

(3) "Caregiver" means any licensed or certified foster parent, approved relative caregiver, or approved nonrelative extended family member, or approved resource family.

(4) "Reasonable and prudent parent" or "reasonable and prudent parent standard" has the same meaning as set forth in subdivision (c) of Section 362.05.

(b) A caregiver may arrange for occasional alternative care of his or her foster child and allow an alternative caregiver to provide care and supervision to the foster child, unless prohibited by the foster child's social worker or probation officer or court order.

(c) A caregiver shall use a reasonable and prudent parent standard in determining and selecting an appropriate alternative caregiver.

(d) A caregiver shall endeavor to provide an alternative caregiver with all of the following information before leaving the foster child for purposes of alternative care:

(1) Information about the foster child's emotional, behavioral, medical, or physical conditions, if any, necessary to provide care for the foster child during the time the foster child is being supervised by the alternative caregiver.

(2) Any medication that should be administered to the foster child during the time the foster child is being supervised by the alternative caregiver.

(3) Emergency contact information that is valid during the time the foster child is being supervised by the alternative caregiver.

*(Added by Stats. 2018, Ch. 910, Sec. 43. (AB 1930) Effective January 1, 2019.)*

**16501.1.** (a) (1) The Legislature finds and declares that the foundation and central unifying tool in child welfare services is the case plan.

(2) The Legislature further finds and declares that a case plan ensures that the child receives protection and safe and proper care and case management, and that services are provided to the child and parents or other caretakers, as appropriate, in order to improve conditions in the parent's home, to facilitate the safe return of the child to a safe home or the permanent placement of the child, and to address the needs of the child while in foster care.

(3) The agency shall consider and document the recommendations of the child and family team, as defined in Section 16501, if any are available. The agency shall document the rationale for any inconsistencies between the case plan and the child and family team recommendations.

(b) (1) A case plan shall be based upon the principles of this section, the Integrated Practice-Child and Adolescent Needs and Strengths (IP-CANS) assessment, and the input from the child and family team.

(2) The case plan shall document that a preplacement assessment of the service needs of the child and family, and preplacement preventive services, have been provided, and that reasonable efforts to prevent out-of-home placement have been made. In the case of an Indian child, as defined in subdivision (b) of Section 224.1, the case plan shall also document that the county agency made active efforts, as described in subdivision (f) of Section 224.1, to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family. Preplacement services may include intensive mental health services in the home or a community setting and the reasonable efforts made to prevent out-of-home placement.

(3) In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns.

(4) Upon a determination pursuant to paragraph (1) of subdivision (e) of Section 361.5 that reasonable services will be offered to a parent who is incarcerated in a county jail or state prison, detained by the United States Department of Homeland Security, or deported to their country of origin, the case plan shall include information, to the extent possible, about a parent's incarceration in a county jail or the state prison, detention by the United States Department of Homeland Security, or deportation during the time that a minor child of that parent is involved in dependency care.

(5) Reasonable services shall be offered or provided to make it possible for a child to return to a safe home environment, unless, pursuant to subdivisions (b) and (e) of Section 361.5, the court determines that reunification services shall not be provided. In the case of an Indian child, as defined in subdivision (b) of Section 224.1, the agency shall make active efforts, as described in subdivision (f) of Section 224.1, to reunite an Indian child with their family.

(6) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) If out-of-home placement is used to attain case plan goals, the case plan shall consider the recommendations of the child and family team.

(d) (1) The case plan shall include a description of the type of home or institution in which the child is to be placed, and the reasons for that placement decision. The decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive family setting that promotes normal childhood experiences and the most appropriate setting that meets the child's individual needs and is available, in proximity to the parent's home, in proximity to the child's school, and consistent with the selection of the environment best suited to meet the child's special needs and best interests. The selection shall consider, in order of priority, placement with relatives, nonrelative extended family members, and tribal members; foster family homes, resource families, and approved or certified homes of foster family agencies; followed by intensive services for foster care homes; or multidimensional

treatment foster care homes or therapeutic foster care homes; group care placements in the order of short-term residential therapeutic programs, group homes, community treatment facilities, and out-of-state residential treatment pursuant to Part 5 (commencing with Section 7900) of Division 12 of the Family Code.

(2) If a short-term residential therapeutic program placement is selected for a child or nonminor dependent, the case plan shall indicate the needs, including the needs as identified by the qualified individual pursuant to subdivision (g) of Section 4096, of the child or nonminor dependent that necessitate this placement, the plan for transitioning the child or nonminor dependent to a less restrictive environment, and the projected timeline by which the child or nonminor dependent will be transitioned to a less restrictive environment, and the plan for aftercare services for at least six months postdischarge to a family-based setting, as required by Section 4096.6. The six months postdischarge requirement is inapplicable to the Medi-Cal component of the aftercare services, which shall be provided for the length of time the child needs specialty mental health services based on medical necessity criteria and other state and federal requirements. This section of the case plan shall be reviewed and updated at least semiannually.

(A) The case plan for placements in a group home, or commencing January 1, 2017, in a short-term residential therapeutic program, shall indicate that the county has taken into consideration Section 16010.8.

(B) (i) After January 1, 2017, a child and family team meeting as described in Section 16501 shall be convened by the county placing agency for the purpose of identifying the supports and services needed to achieve permanency and enable the child or youth to be placed in the least restrictive family setting that promotes normal childhood experiences.

(ii) Child and family teams shall be provided written or electronic information developed by the department describing services and activities, including specialized permanency services, shown to be effective in achieving and sustaining permanency for all children, youth, and nonminor dependents.

(C) On and after October 1, 2021, within 30 days of placement in a short-term residential therapeutic program, and, on and after July 1, 2022, within 30 days of placement in a community treatment facility, the case plan shall document all of the following:

(i) The reasonable and good faith effort by the social worker to identify and include all required individuals in the child and family team.

(ii) All contact information for members of the child and family team, as well as contact information for other relatives and nonrelative extended family members who are not part of the child and family team.

(iii) Evidence that meetings of the child and family team, including the meetings related to the determination required under Section 4096, are held at a time and place convenient for the family.

(iv) If reunification is the goal, evidence that the parent from whom the child was removed provided input on the members of the child and family team.

(v) Evidence that the determination required under subdivision (g) of Section 4096 was conducted in conjunction with the child and family team.

(vi) The placement preferences of the child or nonminor dependent and the child and family team relative to the determination and, if the placement preferences of the child or nonminor dependent or the child and family team are not the placement setting recommended by the qualified individual conducting the determination, the reasons why the preferences of the team or the child or nonminor dependent were not recommended.

(D) Following the court review pursuant to Section 361.22, the case plan shall document the court's approval or disapproval of the placement.

(E) When the child or nonminor dependent has been placed in a short-term residential therapeutic program or a community treatment facility, as applicable, for more than 12 consecutive months or 18 nonconsecutive months, or, in the case of a child who has not attained 13 years of age, for more than 6 consecutive or nonconsecutive months, the case plan shall include both of the following:

(i) Documentation of the information submitted to the court pursuant to subdivision (l) of Section 366.1, subdivision (k) of Section 366.3, or paragraph (4) of subdivision (b) of Section 366.31, as applicable.

(ii) Documentation that the deputy director or director of the county child welfare department has approved the continued placement of the child or nonminor dependent in the setting.

(F) On and after October 1, 2021, prior to discharge from a short-term residential therapeutic program, and, on and after July 1, 2022, prior to discharge from a community treatment facility, the case plan shall include both of the following:

(i) A description of the type of in-home or institution-based services to encourage the safety, stability, and appropriateness of the next placement, including the recommendations of the child and family team, if available.

(ii) A plan, developed in collaboration with the short-term residential therapeutic program or community treatment facility, as applicable, for the provision of discharge planning and family-based aftercare support pursuant to Section 4096.6.

(3) On or after January 1, 2012, for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is receiving AFDC-FC benefits and who is up to 21 years of age pursuant to Section 11403, in addition to the above requirements, the selection of the placement, including a supervised independent living placement, as described in subdivision (w) of Section 11400, shall also be based upon the developmental needs of young adults by providing opportunities to have incremental responsibilities that prepare a nonminor dependent to transition to successful adulthood. If admission to, or continuation in, a group home or short-term residential therapeutic program placement is being considered for a nonminor dependent, the group home or short-term residential therapeutic program placement approval decision shall include a youth-driven, team-based case planning process, as defined by the department, in consultation with stakeholders. The case plan shall consider the full range of placement options, and shall specify why admission to, or continuation in, a group home or short-term residential therapeutic program placement is the best alternative available at the time to meet the special needs or well-being of the nonminor dependent, and how the placement will contribute to the nonminor dependent's transition to successful adulthood. The case plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive family setting that promotes normal childhood experiences, including a target date for discharge from the group home or short-term residential therapeutic program placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home or short-term residential therapeutic program placement remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading to successful adulthood. The group home or short-term residential therapeutic program placement planning process shall begin as soon as it becomes clear to the county welfare department or probation office that a foster child in group home or short-term residential therapeutic program placement is likely to remain in group home or short-term residential therapeutic program placement on their 18th birthday, in order to expedite the transition to a less restrictive family setting that promotes normal childhood experiences, if the child becomes a nonminor dependent. The case planning process shall include informing the youth of all of the options, including, but not limited to, admission to or continuation in a group home or short-term residential therapeutic program placement.

(4) Consideration for continuation of existing group home placement for a nonminor dependent under 19 years of age may include the need to stay in the same placement in order to complete high school. After a nonminor dependent either completes high school or attains their 19th birthday, whichever is earlier, continuation in or admission to a group home placement is prohibited unless the nonminor dependent satisfies the conditions of paragraph (5) of subdivision (b) of Section 11403, and group home placement functions as a short-term transition to the appropriate system of care. Treatment services provided by the group home placement to the nonminor dependent to alleviate or ameliorate the medical condition, as described in paragraph (5) of subdivision (b) of Section 11403, shall not constitute the sole basis to disqualify a nonminor dependent from the group home placement.

(5) In addition to the requirements of paragraphs (1) to (4), inclusive, and taking into account other statutory considerations regarding placement, the selection of the most appropriate home that will meet the child's special needs and best interests shall also promote educational stability by taking into consideration proximity to the child's school of origin, and school attendance area, the number of school transfers the child has previously experienced, and the child's school matriculation schedule, in addition to other indicators of educational stability that the Legislature hereby encourages the State Department of Social Services and the State Department of Education to develop.

(e) A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response required under subdivision (f) of Section 16501 if the child has not been removed from their home, or by the date of the dispositional hearing pursuant to Section 358, whichever occurs first. The case plan shall be updated, as the service needs of the child and family dictate. At a minimum, the case plan shall be updated in conjunction with each status review hearing conducted pursuant to Sections 364, 366, 366.3, and 366.31, and the hearing conducted pursuant to Section 366.26, but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services.

(1) It is the intent of the Legislature that extending the maximum time available for preparing a written case plan from 30 to 60 days will afford caseworkers time to actively engage families, and to solicit and integrate into the case plan the input of the child and the child's family, as well as the input of relatives and other interested parties.

(2) The extension of the maximum time available for preparing a written case plan from 30 to 60 days shall be effective 90 days after the date that the department gives counties written notice that necessary changes have been made to the Child Welfare Services/Case Management System (CWS/CMS) to account for the 60-day timeframe for preparing a written case plan.

(f) The child welfare services case plan shall be comprehensive enough to meet the juvenile court dependency proceedings requirements pursuant to Article 6 (commencing with Section 300) of Chapter 2 of Part 1 of Division 2.

(g) The case plan shall be developed considering the recommendations of the child and family team, as follows:

(1) The case plan shall be based upon an assessment of the circumstances that required child welfare services intervention. The child shall be involved in developing the case plan as age and developmentally appropriate.

(2) The case plan shall identify specific goals and the appropriateness of the planned services in meeting those goals. In the case of an Indian child, as defined in subdivision (b) of Section 224.1, the child's tribe shall be included in the child and family team pursuant to subparagraph (B) of paragraph (4) of subdivision (a) of Section 16501 and shall be consulted in development of the case plan.

(3) The case plan shall identify the original allegations of abuse or neglect, as defined in Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the conditions cited as the basis for declaring the child a dependent of the court pursuant to Section 300, or all of these, and the other precipitating incidents that led to child welfare services intervention.

(4) The case plan shall include a description of the schedule of the placement agency contacts with the child and the family or other caretakers. The frequency of these contacts shall be in accordance with regulations adopted by the State Department of Social Services. If the child has been placed in foster care out of state, the county social worker or probation officer, or a social worker or probation officer on the staff of the agency in the state in which the child has been placed, shall visit the child in a foster family home or the home of a relative, consistent with federal law and in accordance with the department's approved state plan. If a child is placed in an out-of-state residential facility, as defined in paragraph (2) of subdivision (b) of Section 7910 of the Family Code, pursuant to Section 361.21 or 727.1, visits shall be conducted at least monthly, pursuant to Section 16516.5. 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 they have informed the child of, and have provided the child with a written copy of, the child's rights.

(5) (A) When out-of-home services are used, the frequency of contact between the natural parents or legal guardians and the child shall be specified in the case plan. The frequency of those contacts shall reflect overall case goals, and consider other principles outlined in this section.

(B) Information regarding any court-ordered visitation between the child and the natural parents or legal guardians, and the terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(6) When out-of-home placement is made, the case plan shall include provisions for the development and maintenance of sibling relationships as specified in subdivisions (b), (c), and (d) of Section 16002. If appropriate, when siblings who are dependents of the juvenile court are not placed together, the social worker for each child, if different, shall communicate with each of the other social workers and ensure that the child's siblings are informed of significant life events that occur within their extended family. Unless it has been determined that it is inappropriate in a particular case to keep siblings informed of significant life events that occur within the extended family, the social worker shall determine the appropriate means and setting for disclosure of this information to the child commensurate with the child's age and emotional well-being. These significant life events shall include, but shall not be limited to, the following:

(A) The death of an immediate relative.

(B) The birth of a sibling.

(C) Significant changes regarding a dependent child, unless the child objects to the sharing of the information with their siblings, including changes in placement, major medical or mental health diagnoses, treatments, or hospitalizations, arrests, and changes in the permanent plan.

(7) If out-of-home placement is made in a foster family home, resource family home, group home, or other childcare institution that is either a substantial distance from the home of the child's parent or out of state, the case plan shall specify the reasons why that placement is in the best interest of the child. When an out-of-state residential facility placement is recommended or made, the case plan shall, in addition, specify compliance with Section 16010.9 of this code and Section 7911.1 of the Family Code.

(8) A case plan shall ensure the educational stability of the child while in foster care and shall include both of the following:

(A) An assurance that the placement takes into account the appropriateness of the current educational setting and the proximity to the school in which the child is enrolled at the time of placement.



(B) An assurance that the placement agency has coordinated with the person holding the right to make educational decisions for the child and appropriate local educational agencies to ensure that the child remains in the school in which the child is enrolled at the time of placement or, if remaining in that school is not in the best interests of the child, assurances by the placement agency and the local educational agency to provide immediate and appropriate enrollment in a new school and to provide all of the child's educational records to the new school.

(9) (A) If out-of-home services are used, or if parental rights have been terminated and the case plan is placement for adoption, the case plan shall include a recommendation regarding the appropriateness of unsupervised visitation between the child and any of the child's siblings. This recommendation shall include a statement regarding the child's and the siblings' willingness to participate in unsupervised visitation. If the case plan includes a recommendation for unsupervised sibling visitation, the plan shall also note that information necessary to accomplish this visitation has been provided to the child or to the child's siblings.

(B) Information regarding the schedule and frequency of the visits between the child and siblings, as well as any court-ordered terms and conditions needed to facilitate the visits while protecting the safety of the child, shall be provided to the child's out-of-home caregiver as soon as possible after the court order is made.

(10) If out-of-home services are used and the goal is reunification, the case plan shall describe the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The plan shall also consider in-state and out-of-state placements, the importance of developing and maintaining sibling relationships pursuant to Section 16002, and the desire and willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

(11) If out-of-home services are used, the child has been in care for at least 12 months, and the goal is not adoptive placement, the case plan shall include documentation of the compelling reason or reasons why termination of parental rights is not in the child's best interest. A determination completed or updated within the past 12 months by the department when it is acting as an adoption agency or by a licensed adoption agency that it is unlikely that the child will be adopted, or that one of the conditions described in paragraph (1) of subdivision (c) of Section 366.26 applies, shall be deemed a compelling reason.

(12) (A) Parents and legal guardians shall have an opportunity to review the case plan, and to sign it whenever possible, and then shall receive a copy of the plan. In a voluntary service or placement agreement, the parents or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan. Commencing January 1, 2012, for nonminor dependents, as defined in subdivision (v) of Section 11400, who are receiving AFDC-FC or CalWORKs assistance and who are up to 21 years of age pursuant to Section 11403, the transitional independent living case plan, as set forth in subdivision (y) of Section 11400, shall be developed with, and signed by, the nonminor.

(B) Parents and legal guardians shall be advised that, pursuant to Section 1228.1 of the Evidence Code, neither their signature on the child welfare services case plan nor their acceptance of any services prescribed in the child welfare services case plan shall constitute an admission of guilt or be used as evidence against the parent or legal guardian in a court of law. However, they shall also be advised that the parent's or guardian's failure to cooperate, except for good cause, in the provision of services specified in the child welfare services case plan may be used in any hearing held pursuant to Section 366.21, 366.22, or 366.25 of this code as evidence.

(13) (A) A child shall be given a meaningful opportunity to participate in the development of the case plan and state their preference for foster care placement. A child who is 12 years of age or older and in a permanent placement shall also be given the opportunity to review the case plan, sign the case plan, and receive a copy of the case plan.

(B) For a child who receives a copy of the case plan pursuant to subparagraph (A) and who speaks a primary language other than English, the case plan shall be translated and provided to the child in their primary language.

(14) The case plan shall be included in the court report, and shall be considered by the court at the initial hearing and each review hearing. Modifications to the case plan made during the period between review hearings need not be approved by the court if the casework supervisor for that case determines that the modifications further the goals of the plan. If out-of-home services are used with the goal of family reunification, the case plan shall consider and describe the application of subdivision (b) of Section 11203.

(15) (A) If the case plan has as its goal for the child a permanent plan of adoption, legal guardianship, or another planned permanent living arrangement, it shall include a statement of the child's wishes regarding their permanent placement plan and an assessment of those stated wishes. The agency shall also include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, or a legal guardian, and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child-specific recruitment efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. Regardless of whether the child has been freed for adoption, documentation shall include a description of any barriers to achieving legal permanence and the steps the agency will take to

address those barriers. If a child has been in care for three years or more, the documentation shall include a description of the specialized permanency services used or, if specialized permanency services have not been used, a statement explaining why the agency chose not to provide these services. If the plan is for kinship guardianship, the case plan shall document how the child meets the kinship guardianship eligibility requirements.

(B) Specific elements of specialized permanency services may be included in the case plan as needed to meet the permanency needs of the individual child or nonminor dependent.

(C) When the child is 16 years of age or older and is in another planned permanent living arrangement, the case plan shall identify the intensive and ongoing efforts to return the child to the home of the parent, place the child for adoption, place the child for tribal customary adoption in the case of an Indian child, establish a legal guardianship, or place the child nonminor dependent with a fit and willing relative, as appropriate. Efforts shall include the use of technology, including social media, to find biological family members of the child.

(16) (A) (i) For a child who is 14 or 15 years of age, the case plan shall include a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood. The description may be included in the document described in subparagraph (A) of paragraph (18).

(ii) When appropriate, for a child who is 16 years of age or older and, commencing January 1, 2012, for a nonminor dependent, the case plan shall include the transitional independent living plan (TILP), a written description of the programs and services that will help the child, consistent with the child's best interests, to prepare for the transition from foster care to successful adulthood, and, in addition, whether the youth has an in-progress application pending for Title XVI Supplemental Security Income benefits or for special immigrant juvenile status or other applicable application for legal residency and an active dependency case is required for that application. For a child who speaks a primary language other than English, the TILP shall be translated into their primary language. When appropriate, for a nonminor dependent, the transitional independent living case plan, as described in subdivision (y) of Section 11400, shall include the TILP, a written description of the programs and services that will help the nonminor dependent, consistent with their best interests, to prepare for transition from foster care and assist the youth in meeting the eligibility criteria set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403. If applicable, the case plan shall describe the individualized supervision provided in the supervised independent living placement as defined in subdivision (w) of Section 11400. The case plan shall be developed with the child or nonminor dependent and individuals identified as important to the child or nonminor dependent, and shall include steps the agency is taking to ensure that the child or nonminor dependent achieves permanence, including maintaining or obtaining permanent connections to caring and committed adults.

(B) During the 90-day period prior to the participant attaining 18 years of age or older as the state may elect under Section 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec. 675(8)(B)(iii)), whether during that period foster care maintenance payments are being made on the child's behalf or the child is receiving benefits or services under Section 477 of the federal Social Security Act (42 U.S.C. Sec. 677), a caseworker or other appropriate agency staff or probation officer and other representatives of the participant, as appropriate, shall provide the youth or nonminor dependent with assistance and support in developing the written 90-day transition plan, that is personalized at the direction of the child, information as detailed as the participant elects that shall include, but not be limited to, options regarding housing, health insurance, education, local opportunities for mentors and continuing support services, and workforce supports and employment services, a power of attorney for health care, and information regarding the advance health care directive form. Information provided regarding health insurance options shall include verification that the eligible youth or nonminor dependent is enrolled in Medi-Cal and a description of the steps that have been or will be taken by the youth's social worker or probation officer to ensure that the eligible youth or nonminor dependent is transitioned into the Medi-Cal program for former foster youth upon case closure with no interruption in coverage and with no new application being required, as provided in Section 14005.28.

(C) For youth 14 years of age or older, the case plan shall include documentation that a consumer credit report was requested annually from each of the three major credit reporting agencies at no charge to the youth and that any results were provided to the youth. For nonminor dependents, the case plan shall include documentation that the county assisted the nonminor dependent in obtaining their reports. The case plan shall include documentation of barriers, if any, to obtaining the credit reports. If the consumer credit report reveals any accounts, the case plan shall detail how the county ensured the youth received assistance with interpreting the credit report and resolving any inaccuracies, including any referrals made for the assistance.

(17) For youth 14 years of age or older and nonminor dependents, the case plan shall be developed in consultation with the youth. At the youth's option, the consultation may include up to two members of the case planning team who are chosen by the youth and who are not foster parents of, or caseworkers for, the youth. The agency, at any time, may reject an individual selected by the youth to be a member of the case planning team if the agency has good cause to believe that the individual would not act in the youth's best interest. One individual selected by the youth to be a member of the case planning team may be designated to be the

youth's adviser and advocate with respect to the application of the reasonable and prudent parent standard to the youth, as necessary.

(18) For youth in foster care 14 years of age or older and nonminor dependents, the case plan shall include both of the following:

(A) A document that describes the youth's rights with respect to education, health, visitation, and court participation, the right to be annually provided with copies of their credit reports at no cost while in foster care pursuant to Section 10618.6, and the right to stay safe and avoid exploitation.

(B) A signed acknowledgment by the youth that they have been provided a copy of the document and that the rights described in the document have been explained to the youth in an age-appropriate manner.

(19) The case plan for a child or nonminor dependent who is, or who is at risk of becoming, the victim of commercial sexual exploitation, shall document the services provided to address that issue.

(20) For a youth in foster care 10 years of age or older who is in junior high, middle, or high school, or a nonminor dependent enrolled in high school, the case plan shall be reviewed annually, and updated as needed, to indicate that the case management worker has verified that the youth or nonminor dependent received comprehensive sexual health education that meets the requirements established in Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code, through the school system. The case plan shall document either of the following:

(A) For a youth in junior high or middle school, either that the youth has already received this instruction during junior high or middle school, or how the county will ensure that the youth receives the instruction at least once before completing junior high or middle school if the youth remains under the jurisdiction of the dependency court during this timeframe.

(B) For a youth or nonminor dependent in high school, either that the youth or nonminor dependent already received this instruction during high school, or how the county will ensure that the youth or nonminor dependent receives the instruction at least once before completing high school if the youth or nonminor dependent remains under the jurisdiction of the dependency court during this timeframe.

(21) (A) For a youth in foster care 10 years of age or older or a nonminor dependent, the case plan shall be updated annually to indicate that the case management worker has done all of the following:

(i) Informed the youth or nonminor dependent that they may access age-appropriate, medically accurate information about reproductive and sexual health care, including, but not limited to, unplanned pregnancy prevention, abstinence, use of birth control, abortion, and the prevention and treatment of sexually transmitted infections.

(ii) Informed the youth or nonminor dependent, in an age- and developmentally appropriate manner, of their right to consent to sexual and reproductive health care services and their confidentiality rights regarding those services.

(iii) Informed the youth or nonminor dependent how to access reproductive and sexual health care services and facilitated access to that care, including by assisting with any identified barriers to care, as needed.

(B) This paragraph shall not be construed to affect any applicable confidentiality law.

(22) For a child who is 16 years of age or older and for a nonminor dependent, the case plan shall identify the person or persons, who may include the child's high school counselor, Court-Appointed Special Advocate, guardian, or other adult, who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, unless the child or nonminor dependent states that they do not want to pursue postsecondary education, including career or technical education. If, at any point in the future, the child or nonminor dependent expresses that they wish to pursue postsecondary education, the case plan shall be updated to identify an adult individual responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid.

(23) On and after the date required by paragraph (9) of subdivision (h) of Section 11461, the case plan shall include all of the following:

(A) The child's or nonminor dependent's tier, as determined by the IP-CANS assessment for purposes of the Tiered Rate Structure pursuant to subdivision (h) of Section 11461.

(B) If applicable, the plan to meet the child or nonminor dependent's immediate needs, as defined in paragraph (2) of subdivision (c) of Section 16562, using funding made available for that purpose.

(C) The strengths building activities that the child or nonminor dependent is engaged in, or desires to be engaged in, as defined in Section 16565, for a child or nonminor dependent eligible for the Strengths Building Child and Family Determination Program established in Section 16565 and the spending plan report, as provided by the spending plan manager.

(h) If the court finds, after considering the case plan, that unsupervised sibling visitation is appropriate and has been consented to, the court shall order that the child or the child's siblings, the child's current caregiver, and the child's prospective adoptive parents, if applicable, be provided with information necessary to accomplish this visitation. This section does not require or prohibit the social worker's facilitation, transportation, or supervision of visits between the child and their siblings.

(i) The case plan documentation on sibling placements required under this section shall not require modification of existing case plan forms until the Child Welfare Services/Case Management System (CWS/CMS) is implemented on a statewide basis.

(j) When a child is 10 years of age or older and has been in out-of-home placement for six months or longer, the case plan shall include an identification of individuals, other than the child's siblings, who are important to the child and actions necessary to maintain the child's relationships with those individuals, provided that those relationships are in the best interest of the child. The social worker or probation officer shall ask every child who is 10 years of age or older and who has been in out-of-home placement for six months or longer to identify individuals other than the child's siblings who are important to the child, and may ask any other child to provide that information, or may seek that information from the child and family team, as appropriate. The social worker or probation officer shall make efforts to identify other individuals who are important to the child, consistent with the child's best interests.

(k) The child's caregiver shall be provided a copy of a plan outlining the child's needs and services. The nonminor dependent's caregiver shall be provided with a copy of the nonminor's TILP.

(l) Each county shall ensure that the total number of visits made by caseworkers on a monthly basis to children in foster care during a federal fiscal year is not less than 95 percent of the total number of those visits that would occur if each child were visited once every month while in care and that the majority of the visits occur in the residence of the child. The county child welfare and probation departments shall comply with data reporting requirements that the department deems necessary to comply with the federal Child and Family Services Improvement Act of 2006 (Public Law 109-288) and the federal Child and Family Services Improvement and Innovation Act (Public Law 112-34).

(m) The implementation and operation of the amendments to subdivision (i) enacted at the 2005–06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

*(Amended by Stats. 2024, Ch. 656, Sec. 32. (AB 81) Effective September 27, 2024.)*

**16501.15.** As used in subdivisions (b) and (c) of Section 16501.1, a home or setting that is "safe" means that the home or setting is free from abuse or neglect, as described in Section 11165.5 of the Penal Code.

*(Added by Stats. 2003, Ch. 847, Sec. 6. Effective January 1, 2004.)*

**16501.16.** In addition to the assurances required to be included in a case plan pursuant to paragraph (8) of subdivision (g) of Section 16501.1, a case plan shall include all of the following:

(a) (1) The health and education summary as required under Section 16010, including the name and contact information of the person or persons currently holding the right to make educational decisions for the child.

(2) In instances where it is determined that disclosure pursuant to paragraph (1) of the contact information of the person or persons currently holding the right to make educational decisions for the child poses a threat to the health and safety of that individual or those individuals, that contact information shall be redacted or withheld from the evaluation.

(b) The same factual discussion regarding educational decisions required in the study under subdivision (e) of Section 358.1.

(c) An assurance that the placement agency provided the health and education summary to the current caregiver, explained to the caregiver his or her rights and responsibilities under Sections 49069.3 and 56055 of the Education Code and Section 16010 of this code, and assisted any caregiver in obtaining the information needed for the health and education summary to comply with Section 16010.

*(Added by Stats. 2017, Ch. 829, Sec. 11. (SB 233) Effective January 1, 2018.)*

**16501.2.** (a) The Legislature finds and declares all of the following:

(1) Safety, stability, and the permanence of families in the child welfare system are of paramount importance.

(2) Ongoing assessments that build on the strength of the child and family unit, and that identify desired outcomes, are critical in the development of appropriate case plans for children.

(3) If it is necessary to place a child in out-of-home care, the use of a formal child and family assessment can enhance the appropriateness of placement and the identification and delivery of services necessary to meet the child's needs and strengths, consistent with case plan goals.

(b) On or before December 31, 1998, the department shall issue to all county placing agencies and the courts, current best practice guidelines for the assessment of a child and the child's family unit. The guidelines shall include recommended methods for gathering certain background information on the child and the child's family unit, identifying appropriate services for the case plan, and methods of monitoring and reassessing the case plan to best meet case plan goals. For children placed in group homes or foster family agencies, the guidelines shall include methods for identifying appropriate placement options, and monitoring the services provided by the group home or foster family agency to best address the strengths and needs of the child and the child's family unit.

(c) (1) The department shall conduct a pilot project to test the effectiveness of utilizing best practice standards for the assessment of children and families receiving child welfare and foster care services, for the purpose of identifying the strengths and needs of the family and the child, developing and monitoring appropriate case plans, and determining appropriate services.

(2) The pilot project shall meet all of the following conditions:

(A) On or before July 1, 1999, the department shall solicit participation in the pilot project by counties, and, to the extent possible, provide for broad geographical representation. On or before September 1, 1999, the department shall select pilot counties and begin operation of the pilot project.

(B) The pilot project shall use an assessment protocol or process developed by the department in collaboration with county agencies and other stakeholders.

(C) The pilot project shall be evaluated independently to judge the effectiveness of the assessment protocol or instrument, including whether the assessment provides adequate background data on the child and the child's family unit, improves achievement of case plan goals, is judged useful to the counties and service providers, and can be applied with ease.

(D) For children placed in group homes or foster family agencies, the assessment protocol or process developed pursuant to subparagraph (B) shall identify the strengths and needs of the child to be met by the placement program and methods for monitoring the delivery of services by the placement agencies.

(E) The assessment shall be sensitive to the ethnic and linguistic background of the children and families being assessed, and shall include, but not be limited to, the child's age, previous placement history, specific indicators, including living situation, social situation, medical situation, educational situation, vocational situation, emotional situation, behavioral situation, and legal, cultural, and religious history, and areas and activities of interest.

(d) In collaboration with county agencies and other stakeholders, and based on the results of the pilot project described in this section, the department shall develop a formal assessment process for children receiving foster care and child welfare services. On or before May 1, 2001, the department shall inform the Legislature on the status of the pilot project described in this section, and the proposed assessment protocol or process with recommendations for its implementation, including incorporation of the assessment process into the child welfare services case management system.

(e) Upon satisfactory completion of the pilot project described in this section, and development of a formal assessment instrument or process, the department, in collaboration with representatives of county placing agencies, training academies, and the California Social Work Education Center, shall integrate training and technical assistance on the family assessment guidelines into the curriculum of the regional training academies.

*(Added by Stats. 1998, Ch. 311, Sec. 68. Effective August 19, 1998.)*

**16501.25.** (a) For the purposes of this section, "teen parent" means a child who has been adjudged to be a dependent child or ward of the court on the grounds that he or she is a person described under Section 300 or 602, or a ward of a nonrelated legal guardian whose guardianship was established pursuant to Section 360 or 366.26, living in out-of-home placement in a whole family foster home, as defined in subdivision (u) of Section 11400, who is a parent. Commencing January 1, 2012, "teen parent" also means a nonminor dependent, as defined in subdivision (v) of Section 11400, who is living in a whole family foster home, as defined in subdivision (t) of Section 11400, and is eligible for AFDC-FC or Kin-GAP payments pursuant to Section 11403.

(b) (1) When the child of a teen parent is not subject to the jurisdiction of the dependency court but is in the full or partial physical custody of the teen parent, a written shared responsibility plan shall be developed. The plan shall be developed between the teen parent, caregiver, and a representative of the county child welfare agency or probation department, and in the case of a certified family home or resource family of a foster family agency, a representative of the agency providing direct and immediate supervision to the caregiver. Additional input may be provided by any individuals identified by the teen parent, the other parent of the child, if appropriate, and other extended family members. The plan shall be developed as soon as is practicably possible. However, if one or more of the above stakeholders are not available to participate in the creation of the plan within the first 30 days of the teen parent's placement, the teen parent and caregiver may enter into a plan for the purposes of fulfilling the requirements of subparagraph (A) of paragraph (3) of subdivision (d) of Section 11465, which may be modified at a later time when the other individuals become available.

(2) The plan shall be designed to preserve and strengthen the teen parent family unit, as described in Section 16002.5, to assist the teen parent in meeting the goals outlined in Section 16002.5, to facilitate a supportive home environment for the teen parent and the child, and to ultimately enable the teen parent to independently provide a safe, stable, and permanent home for the child. The plan shall in no way limit the teen parent's legal right to make decisions regarding the care, custody, and control of the child.

(3) The plan shall be written for the express purpose of aiding the teen parent and the caregiver to reach agreements aimed at reducing conflict and misunderstandings. The plan shall outline, with as much specificity as is practicable, the duties, rights, and responsibilities of both the teen parent and the caregiver with regard to the child, and identify supportive services to be offered to the teen parent by the caregiver or, in the case of a certified family home or resource family of a foster family agency, the agency providing direct and immediate supervision to the caregiver, or both. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the teen parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the teen parent's case plan. Areas to be addressed by the plan include, but are not limited to, all of the following:

(A) Feeding.

(B) Clothing.

(C) Hygiene.

(D) Purchase of necessary items, including, but not limited to, safety items, food, clothing, and developmentally appropriate toys and books. This includes both one-time purchases and items needed on an ongoing basis.

(E) Health care.

(F) Transportation to health care appointments, child care, and school, as appropriate.

(G) Provision of child care and babysitting.

(H) Discipline.

(I) Sleeping arrangements.

(J) Visits among the child, his or her noncustodial parent, and other appropriate family members, including the responsibilities of the teen parent, the caregiver, and the foster family agency, as appropriate, for facilitating the visitation. The shared responsibility plan shall not conflict with the teen parent's case plan and any visitation orders made by the court.

(c) Upon completion of the shared responsibility plan and any subsequent updates to the plan, a copy shall be provided to the teen parent and his or her attorney, the caregiver, the county child welfare agency or probation department, and, in the case of a certified family home or resource family of a foster family agency, the agency providing direct and immediate supervision to the caregiver.

(d) The shared responsibility plan requirements shall no longer apply when the two hundred-dollar (\$200) monthly payment is made under the Kin-GAP program pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 to a former whole family foster home pursuant to subdivision (a) of Section 11465.

*(Amended by Stats. 2017, Ch. 732, Sec. 99. (AB 404) Effective January 1, 2018.)*

**16501.26.** (a) For the purposes of this section, "nonminor dependent parent" means a nonminor dependent as described in subdivision (v) of Section 11400, residing in a supervised independent living placement as defined in subdivision (w) of Section 11400, who is a parent.

(b) When the child of a nonminor dependent parent is not subject to the jurisdiction of the dependency court, but is in the full or partial custody of the nonminor dependent, a written parenting support plan may be developed between the nonminor dependent parent and an identified responsible adult who has agreed to act as a parenting mentor to the nonminor dependent parent. The plan, if developed, shall be developed between the nonminor dependent parent, the identified responsible adult, and a representative of the county child welfare agency or probation department. Additional input may be provided by any individuals identified by the nonminor dependent parent, the other parent of the child, if appropriate, and other extended family members. The plan shall be developed as soon as is practicably possible. However, if one or more of the above stakeholders are not available to participate in the creation of the plan within the first 30 days of the nonminor dependent parent's request to enter into the plan, the nonminor dependent parent and the identified responsible adult may enter into a plan for the purposes of fulfilling the requirements of subparagraph (B) of paragraph (3) of subdivision (d) of Section 11465, which may be modified at a later time when the other individuals become available.

(1) The plan shall be designed to preserve and strengthen the nonminor dependent parent family unit, as described in Section 16002.5, to assist the nonminor dependent parent in meeting the goals outlined in Section 16002.5, to assist the nonminor dependent parent in maintaining a safe, stable, and permanent home for the child, and to support the nonminor dependent

parent's educational and employment goals. The plan shall in no way limit the nonminor dependent parent's legal right to make decisions regarding the care, custody, and control of the child.

(2) The plan shall be written for the express purpose of identifying additional support and assisting the nonminor dependent parent in providing the best care plan for his or her child. The plan shall outline, with as much specificity as is practicable, the ways in which the identified responsible adult will assist the nonminor dependent parent with regard to the child, and identify supportive services to be offered to the nonminor dependent parent by the identified responsible adult. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the nonminor dependent parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the nonminor dependent parent's transitional independent living case plan or any visitation orders made by the court. Areas to be addressed by the plan may include, but are not limited to, all of the following:

(A) Transportation to health care appointments, child care, and school, as appropriate.

(B) Providing child care and babysitting.

(c) Upon completion of the parenting support plan and any subsequent updates to the plan, a copy shall be provided to the nonminor dependent parent and his or her attorney, the identified responsible adult, and the county child welfare agency or probation department.

(d) This section shall become operative on July 1, 2015.

*(Added by Stats. 2014, Ch. 770, Sec. 3. (AB 2668) Effective January 1, 2015. Section operative July 1, 2015, by its own provisions.)*

**16501.27.** (a) For purposes of Section 16501.26, a person who wishes to become an identified responsible adult to a nonminor dependent parent shall comply with all of the following requirements:

(1) Meet the minimum criteria established pursuant to Section 16501.28.

(2) Be at least 21 years of age.

(3) Undergo a criminal records check in accordance with Section 1522 of the Health and Safety Code.

(4) Undergo a Child Abuse Central Index check pursuant to Section 11170 of the Penal Code.

(b) An identification card from a foreign consulate or foreign passport shall be considered a valid form of identification for purposes of conducting a criminal records check and fingerprint clearance check pursuant to subdivision (a).

(c) This section shall become operative on July 1, 2015.

*(Added by Stats. 2014, Ch. 770, Sec. 4. (AB 2668) Effective January 1, 2015. Section operative July 1, 2015, by its own provisions.)*

**16501.28.** Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department shall convene a working group no later than February 1, 2015, that includes representatives of the County Welfare Directors Association and child welfare advocates to develop an all-county letter that specifies the minimum criteria a person must meet in order to serve as an identified responsible adult to a nonminor dependent parent. The working group shall issue the letter to all counties by June 30, 2015.

*(Added by Stats. 2014, Ch. 770, Sec. 5. (AB 2668) Effective January 1, 2015.)*

**16501.3.** (a) The State Department of Social Services shall establish and maintain a program of public health nursing in the child welfare services program that meets the federal requirements for the provision of health care to minor and nonminor dependents in foster care consistent with Section 30026.5 of the Government Code. The purpose of the public health nursing program shall be to promote and enhance the physical, mental, dental, and developmental well-being of children in the child welfare system.

(b) Under this program, counties shall use the services of a foster care public health nurse. The foster care public health nurse shall work with the appropriate child welfare services workers to coordinate health care services and serve as a liaison with health care professionals and other providers of health-related services. This shall include coordination with county mental health plans and local health jurisdictions, as appropriate. In order to fulfill these duties, the foster care public health nurse shall have access to the child's medical, dental, and mental health care information, in a manner that is consistent with all relevant privacy requirements.

(c) The duties of a foster care public health nurse shall include, but need not be limited to, the following:

(1) Documenting that each child in foster care receives initial and followup health screenings that meet reasonable standards of medical practice.

(2) Collecting health information and other relevant data on each foster child as available, receiving all collected information to determine appropriate referral and services, and expediting referrals to providers in the community for early intervention services, specialty services, dental care, mental health services, and other health-related services necessary for the child.

(3) Participating in medical care planning and coordinating for the child. This may include, but is not limited to, assisting case workers in arranging for comprehensive health and mental health assessments, interpreting the results of health assessments or evaluations for the purpose of case planning and coordination, facilitating the acquisition of any necessary court authorizations for procedures or medications, monitoring and oversight of psychotropic medications, advocating for the health care needs of the child, and ensuring the creation of linkage among various providers of care.

(4) Providing followup contact to assess the child's progress in meeting treatment goals.

(5) At the request of and under the direction of a nonminor dependent, as described in subdivision (v) of Section 11400, assisting the nonminor dependent in accessing physical health and mental health care, coordinating the delivery of health and mental health care services, advocating for the health and mental health care that meets the needs of the nonminor dependent, assisting the nonminor dependent to make informed decisions about the nonminor dependent's health care by, at a minimum, providing educational materials, and assisting the nonminor dependent to assume responsibility for their ongoing physical and mental health care management.

(d) (1) The services provided by foster care public health nurses under this section shall be limited to those for which reimbursement may be claimed under Title XIX of the federal Social Security Act at an enhanced rate for services delivered by skilled professional medical personnel. Notwithstanding any other law, this section shall be implemented only if, and to the extent that, the State Department of Health Care Services determines that federal financial participation, as provided under Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.), is available.

(2) The department, the State Department of Health Care Services, counties, and cities, as applicable, shall maximize the use of federal funds in implementing this section, including using permissible state or local funds to match funds claimable under Title XIX of the federal Social Security Act (42 U.S.C. Sec. 1396 et seq.) for allowable expenditures made pursuant to this section.

(e) (1) The State Department of Health Care Services shall seek any necessary federal approvals for child welfare agencies to appropriately claim enhanced federal Title XIX funds for services provided pursuant to this section.

(2) Commencing in the fiscal year immediately following the fiscal year in which the necessary federal approval pursuant to paragraph (1) is secured, county child welfare agencies shall provide health care oversight and coordination services pursuant to this section, and may accomplish this through agreements with local public health agencies.

(f) The State Department of Health Care Services may, at its discretion, enter into contracts, or amend existing contracts, with a California county, city, or city and county to facilitate local administration of the program described in this section. Notwithstanding any other law, contracts entered into or amended pursuant to this subdivision are exempt from Chapter 6 (commencing with Section 14825) of Part 5.5 of Division 3 of Title 2 of the Government Code, Part 2 (commencing with Section 10100) of Division 2 of the Public Contract Code, and the State Administrative Manual, and are exempt from the review or approval of any division of the Department of General Services.

(g) (1) Notwithstanding Section 10101, prior to the 2011–12 fiscal year, there shall be no required county match of the nonfederal cost of this program.

(2) Commencing in the 2011–12 fiscal year, and each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

(h) A city that operates an independent health agency may elect to administer the program described in this section with the approval of the State Department of Health Care Services. In this instance, the powers granted a governing body of a county shall be vested in the governing body of the city.

(i) Public health nurses shall receive training developed pursuant to subdivision (d) of Section 16501.4.

*(Amended by Stats. 2022, Ch. 47, Sec. 143. (SB 184) Effective June 30, 2022.)*

**16501.35.** (a) County child welfare agencies and probation departments shall implement policies and procedures that require social workers and probation officers to do all of the following:

(1) Identify children receiving child welfare services, including dependents or wards in foster care, nonminor dependents, and youth receiving services pursuant to Section 677 of Title 42 of the United States Code, who are, or are at risk of becoming, victims of commercial sexual exploitation.

(2) Document individuals identified pursuant to paragraph (1) in the statewide child welfare information system and any other agency record as determined by the county.



(3) Determine appropriate services for the child or youth identified pursuant to paragraph (1).

(4) Receive relevant training in the identification, documentation, and determination of appropriate services for any child or youth identified in paragraph (1).

(b) County child welfare agencies and probation departments shall develop and implement specific protocols to expeditiously locate any child or nonminor dependent missing from foster care. At a minimum, these policies shall do all of the following:

(1) Describe the efforts used by county child welfare or probation staff to expeditiously locate any child or nonminor dependent missing from foster care, including, but not limited to, the timeframe for reporting missing youth, the individuals or entities entitled to notice that a youth is missing, any required initial and ongoing efforts to locate youth, and plans to return youth to placement.

(2) Require the social worker or probation officer to do all of the following:

(A) Determine the primary factors that contributed to the child or nonminor dependent running away or otherwise being absent from care.

(B) Respond to factors identified in subparagraph (A) in subsequent placements, to the extent possible.

(C) Determine the child's or nonminor dependent's experiences while absent from care.

(D) Determine whether the child or nonminor dependent is a possible victim of commercial sexual exploitation.

(E) Document the activities and information described in subparagraphs (A) to (D), inclusive, for federal reporting purposes, consistent with instructions from the department.

(F) Provide notice immediately, but in no case later than 24 hours from receipt of information that the child or nonminor dependent is missing from foster care, to all of the following parties:

(i) The child's or nonminor dependent's parents or Indian custodians, unless parental notification has been limited or terminated by the court.

(ii) The child's or nonminor dependent's legal guardians, unless guardian notification has been limited or terminated by the court.

(iii) The attorneys for the parents, legal guardians, or Indian custodians unless notification of the parents, guardians or Indian custodians has been limited or terminated by the court.

(iv) The child's or nonminor dependent's attorney appointed pursuant to subdivision (c) of Section 317, or Section 634.

(v) The child's or nonminor dependent's Court-Appointed Special Advocate, if one has been appointed.

(vi) The court of jurisdiction.

(vii) The child's or nonminor dependent's tribe or tribal representative, if the child or nonminor dependent is, or may be, an Indian child, as defined in Section 224.1.

(viii) Any known sibling of the child or nonminor dependent who is 10 years of age or older and adjudged to be a dependent child of the juvenile court, if such notice would not be contrary to the safety and well-being of that sibling. Notice to siblings shall be provided in a trauma-informed manner.

(ix) The local law enforcement agency, including, if applicable, any tribal law enforcement agency for the child's tribe in the case of an Indian child, as defined in Section 224.1.

(G) Notices issued pursuant to subparagraph (F) shall include contact information for an appropriate social worker or probation officer within the agency issuing the notice.

(c) (1) For purposes of this section, "missing from foster care" means when the whereabouts of a child subject to an order of foster care placement are unknown to the county child welfare agency or probation department, or when the county child welfare agency or probation department has located a child subject to an order of foster care placement in a location not approved by the court that may pose a risk to the child, taking into account the age, intelligence, mental functioning, and physical condition of the child.

(2) Paragraph (1) shall only apply to a nonminor dependent if, based on the totality of the circumstances, the county child welfare agency or probation department suspects that the nonminor dependent did not voluntarily leave foster care or is at risk of substantial harm.

(d) In consultation with stakeholders, including, but not limited to, the County Welfare Directors Association of California, the Chief Probation Officers of California, former foster youth, and child advocacy organizations, the department shall, no later than January 1, 2020, develop model policies, procedures, and protocols to assist the counties to comply with this section. In addition, the department shall consult with the State Department of Education, the State Department of Health Care Services, state and local law enforcement, and agencies with experience serving children and youth at risk of commercial sexual exploitation in the development of the model policies and procedures described in subdivision (a).

(e) Notwithstanding the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement this section through all-county letters or similar instructions until regulations are adopted.

*(Amended by Stats. 2024, Ch. 660, Sec. 3. (AB 2108) Effective January 1, 2025.)*

**16501.4.** In order to ensure the oversight of psychotropic medications that are prescribed for children pursuant to Section 369.5 or 739.5, all of the following shall occur:

(a) The State Department of Health Care Services shall provide to the State Department of Social Services, pursuant to a data sharing agreement meeting the requirements of applicable state and federal law and regulations, information for administration, oversight, and implementation of federal and state health and public social service programs for children in foster care. The departments shall also develop, in consultation with counties, a data sharing agreement in which county placing agencies may opt to participate, which shall enable the county to, at a minimum, receive data reports developed pursuant to this section.

(b) (1) In consultation with the State Department of Health Care Services, the County Welfare Directors Association of California, the County Behavioral Health Directors Association of California, the Chief Probation Officers of California, and stakeholders, the State Department of Social Services shall develop the content and format for monthly, county-specific reports that describe each child for whom one or more psychotropic medications have been paid for under Medi-Cal, including paid claims and managed care encounters. At a minimum, the report shall include the following information:

(A) Psychotropic medications that have been authorized for the child pursuant to Section 369.5 or 739.5.

(B) Pharmacy data, based on paid claims and managed care encounters, including the name of the psychotropic medication, quantity, and dose prescribed for the child.

(C) Other available data, including, but not limited to, information regarding psychosocial interventions and incidents of polypharmacy.

(2) The report shall include one or more indicators, developed in consultation with the stakeholders identified in paragraph (1), that note children for whom additional followup may be appropriate. The indicators may include, but need not be limited to, an indicator that identifies each child under five years of age for whom one or more psychotropic medications is prescribed and an indicator that identifies each child of any age for whom three or more psychotropic medications are prescribed.

(c) (1) The State Department of Social Services shall distribute to a county placing agency the monthly report for children under its jurisdiction, if the placing agency is a signatory to the data sharing agreement described in subdivision (a).

(2) A county placing agency shall use the form developed pursuant to paragraph (3) to share information pertaining to a child with the appropriate juvenile court, the child's attorney, the county department of behavioral health, and the court-appointed special advocate, if one has been appointed.

(A) In the case of the juvenile court, the information described in subdivision (a) shall be shared in conjunction with reports prepared for each regularly scheduled court hearing.

(B) In the case of the child's attorney, the county department of behavioral health, and court-appointed special advocate, the information described in subdivision (a) shall be shared initially for each child served by these individuals upon the authorization of psychotropic medication, and subsequently when that information changes.

(3) In consultation with the State Department of Health Care Services, the County Welfare Directors Association, the County Behavioral Health Directors Association of California, the Chief Probation Officers of California, and stakeholders, the State Department of Social Services shall develop a form to be utilized in sharing the information required by paragraph (2).

(d) In consultation with the State Department of Health Care Services, the Judicial Council, the County Welfare Directors Association of California, the County Behavioral Health Directors Association of California, the Chief Probation Officers of California, and stakeholders, the State Department of Social Services shall develop training that may be provided to county child welfare social workers, probation officers, courts hearing cases pursuant to Section 300, 601, or 602, children's attorneys, children's caregivers,

court-appointed special advocates, and other relevant staff who work with children under the jurisdiction of the juvenile court that addresses the authorization, uses, risks, benefits, assistance with self-administration, oversight, and monitoring of psychotropic medications, trauma, and substance use disorder and mental health treatments, including how to access those treatments.

*(Added by Stats. 2015, Ch. 534, Sec. 10. (SB 238) Effective January 1, 2016.)*

**16501.45.** (a) To ensure compliance with federal reporting requirements, including those of Public Law 113-183, the Preventing Sex Trafficking and Strengthening Families Act, the State Department of Social Services shall ensure that the statewide child welfare information system is capable of collecting all of the following information:

- (1) The number of dependent children or wards in foster care who were victims of commercial sexual exploitation before entering foster care.
- (2) The number of dependent children or wards in foster care who became victims of commercial sexual exploitation while in foster care.
- (3) The number of dependent children or wards in foster care who go missing, run away, or are otherwise absent from care and were commercially sexually exploited during the time away from placement.
- (4) The number of dependent children or wards in foster care who are at risk of becoming victims of commercial sexual exploitation.
- (5) For children in foster care placed in group homes or short-term residential treatment centers, the data identified in Section 679b(a)(7)(A) of Title 42 of the United States Code.
- (6) Data regarding children and nonminor dependents in foster care who are pregnant or parenting, as required by Section 679b(a)(7)(B) of Title 42 of the United States Code.

(b) County social workers and probation officers shall collect the data identified in subdivision (a) consistent with data entry instructions provided by the department.

(c) Upon the request of the department, a county child welfare agency, county probation department, or entity operating a program pursuant to an agreement with the department under Section 10553.1, shall provide additional information or data necessary for the department to comply with federal reporting requirements.

*(Amended by Stats. 2022, Ch. 50, Sec. 72. (SB 187) Effective June 30, 2022.)*

**16501.5.** (a) In order to protect children and effectively administer and evaluate California's Child Welfare Services and Foster Care programs, the department shall implement a single statewide Child Welfare Services Case Management System no later than July 1, 1993.

(b) It is the intent of the Legislature in developing and implementing a statewide Child Welfare Services Case Management System to minimize the administrative and systems barriers that inhibit the effective provision of services to children and families by applying current technology to the systems that support the provision and management of child welfare services. Therefore, it is the intent of the Legislature that the Child Welfare Services Case Management System achieve all of the following:

- (1) Provide child welfare services workers with immediate access to child and family specific information in order to make appropriate and expeditious case decisions.
- (2) Provide child welfare services workers with the case management information needed to effectively and efficiently manage their caseloads and take appropriate and timely case management actions.
- (3) Provide state and county child welfare services management with the information needed to monitor and evaluate the accomplishment of child welfare services tasks and goals.
- (4) Provide all child welfare services agencies with a common database and definition of information from which to evaluate the child welfare services programs in terms of the following:
  - (A) Effectiveness in meeting statutory and regulatory mandates, goals, and objectives of the programs.
  - (B) Effectiveness in meeting the needs of the families and children serviced by the program.
  - (C) Projecting and planning for the future needs of the families and children served by the program.

(5) Meeting federal statistical reporting requirements with a minimum of duplication of effort.

(6) Consolidate the collection and reporting of information for those programs that are closely related to child welfare services, including foster care and emergency assistance.

(7) Utilize the child welfare services functionality defined in current and planned automated systems as the foundation for the development of the technical requirements for the Child Welfare Services Case Management System.

(c) It is the intent of the Legislature that the Child Welfare Services Case Management System shall provide the required comprehensive and detailed individual county data needed by the department to implement and monitor the performance standards system.

(d) Counties shall fully utilize the functionality provided by the replacement statewide child welfare information system when it has been implemented statewide.

(e) (1) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement and administer this section through all-county letters or similar instructions, which shall have the same force and effect as regulations, until final regulations are adopted.

(2) To ensure transparent and consistent communication, the department shall include an update on the development of regulations in the legislative updates associated with the quarterly forums convened pursuant to Section 16501.9. By October 1, 2024, the department shall provide a formal update on the status of the development of regulations to the Legislature in accordance with Section 9795 of the Government Code.

(3) The department shall adopt final regulations no later than 24 months after the complete replacement for the statewide child welfare information system is implemented statewide.

*(Amended by Stats. 2022, Ch. 573, Sec. 23. (AB 207) Effective September 27, 2022.)*

**16501.6.** (a) It is the intent of the Legislature for the State Department of Social Services to enhance the statewide child welfare information system to include information concerning the level of care required, educational accomplishments, and health history of children placed in foster care. If appropriate, this enhancement could be made after the system is operational statewide as required in Section 16501.5.

(b) The department shall conduct a study to examine the most efficient methods of collecting and maintaining all of the following data for each child in foster care:

(1) The names and addresses of the child's health and educational providers.

(2) The child's grade level performance.

(3) The child's school record.

(4) Assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement.

(5) A record of the child's immunizations.

(6) The child's known medical problems.

(7) The child's medications.

(8) Any other relevant level of care, health, and education information concerning the child as determined appropriate by the department.

(c) In conducting its study, the department shall, as required, examine county health passport systems for possible replication on a statewide basis and consult with other state departments, county associations, and provider groups.

(d) By February 15, 1992, the department shall submit a report to the appropriate policy and fiscal committees of the Legislature on the results of its study. The department shall include the following in its report:

(1) Recommendations for coordinating data collection among local child health and disability prevention programs, other health care providers, county welfare departments, schools, and other agencies providing services for foster children.

(2) Recommendations for the interfacing with any alternative system recommended pursuant to paragraph (1) with the mental health assessment required by Section 5407, and with other requirements of law.

(e) The report required by subdivision (d) shall address the feasibility, timeframe, and estimated costs of doing either of the following:

- (1) Incorporating the data specified in subdivision (b) in the statewide child welfare information system.
- (2) Implementing an alternative system that is more appropriate for the collection and maintenance of the data specified in subdivision (b).

*(Amended by Stats. 2022, Ch. 50, Sec. 74. (SB 187) Effective June 30, 2022.)*

**16501.7.** (a) On or before December 1, 2005, the State Department of Social Services shall develop, and provide to the Chairperson of the Joint Legislative Budget Committee, a Child Welfare Services/Case Management System system performance commitments plan. The plan shall be developed in conjunction with the Office of Technology and Solutions Integration, the Office of Technology Services, and the County Welfare Directors Association.

(b) (1) The plan developed as required by subdivision (a) shall include, but not be limited to, performance standards for system availability, application transaction time, batch processing windows, data downloads, a process for the identification, tracking, and response of repair service requests, data backup and recovery, help desk responsiveness, and a process for security incidents.

(2) The plan may include print time.

(3) The plan shall describe all of the following:

(A) The mechanism for tracking system performance.

(B) Corrective action protocols.

(C) The steps that will be taken should performance fall below standards for a specified period of time.

(c) It is the intent of the Legislature that the plan developed pursuant to this section shall do all of the following:

(1) Appropriately assign responsibility for ensuring service levels to the entity accountable.

(2) Prioritize implementation of components of the plan.

(3) Address implementation feasibility of the plan's components, including any issues regarding plan implementation that need to be addressed.

*(Amended by Stats. 2023, Ch. 43, Sec. 72. (AB 120) Effective July 10, 2023.)*

**16501.8.** Social workers shall make reasonable efforts to collect and update necessary data regarding a child's incarcerated parent or parents.

The Legislature encourages the Department of Justice, the Department of Corrections and Rehabilitation, county welfare departments, and county sheriffs to develop protocols for facilitating the exchange of information regarding the location and sentencing of the incarcerated parent or parents of a minor child who is in dependency care.

Nothing in this section shall be interpreted to require the department to create a new field in the statewide database for incorporating the information specified in this section.

*(Amended by Stats. 2012, Ch. 35, Sec. 129. (SB 1013) Effective June 27, 2012.)*

**16501.9.** (a) (1) The Legislature hereby finds and declares the Child Welfare Services – California Automated Response and Engagement System (CWS-CARES), also known as the Child Welfare Services-New System (CWS-NS), is the most important system in the state for child welfare services staff to verify the safety and well-being of California's children. It is the intent of the Legislature that the system shall meet the following objectives, which are intended to align with, and not materially differ from, the scope approved in the most recent Special Project Report:

(A) Replace the state's Child Welfare Services/Case Management System (CWS/CMS) with a federally compliant Comprehensive Child Welfare Information System (CCWIS).

(B) Replace the counties' external child welfare services systems with functionalities that are within the project's approved scope, and streamline the design and configuration of county and state forms and reports during the development and implementation of each product milestone.

(C) Develop and implement application programming interfaces and other integrations within the approved project scope to exchange data critical for child welfare services between applicable federal, state, local, and other partners' information technology (IT) systems.

(D) Improve the accuracy, availability, completeness, and timeliness of all data, documentation, and information needed by child welfare services staff, while reducing duplicative or manual data entry to the extent possible.

(E) Facilitate better communication and collaboration between child welfare services staff and other critical partners such as community organizations, multidisciplinary teams, and service providers.

(F) Incorporate relevant end-user feedback into product design, development, and implementation, to the extent possible, without significant increases in the total CWS-CARES IT project cost, schedule, and scope.

(G) Transition county and tribal users from CWS/CMS to CWS-CARES through effective engagement activities and stakeholder communications that drive user adoption.

(H) Maximize system availability and performance through service level agreements to avoid potential disruptions to child welfare services program operations.

(I) Minimize any potential risks to children and their families associated with CWS-CARES IT project development and implementation, and CWS-CARES maintenance and operations thereafter.

(J) Limit any additional delays to CWS-CARES IT project design, development, and implementation that could lead to federal noncompliance penalties, the potential loss of federal funding, or both.

(2) The Legislature further finds and declares that the successful completion of the CWS-CARES IT project shall be defined as the implementation of a federally compliant CCWIS that meets the Legislature's objectives for the system, as established in paragraph (1). To the extent possible, project completion shall be accomplished within the baseline cost, schedule, and scope approved in the most recent Special Project Report. Any significant deviation from the project baseline in the most recent Special Project Report, excluding the refinement of product and project scope, may be considered as the basis for legislative action to achieve the objectives established in the most recent Special Project Report. Potential legislative action may include actions the Legislature may take to oversee or modify the project in order for it to be completed on time or within the existing budget without potential noncompliance with the CCWIS.

(b) (1) The Legislature further finds and declares that this project requires significant engagement with the end user throughout the life of the system, including the county human services agencies and child welfare services and probation staff.

(2) The State Department of Social Services and the Office of Technology and Solutions Integration (OTSI), in collaboration with the County Welfare Directors Association of California (CWDA), shall seek resources to enable the necessary level of engagement by the counties in the development and implementation of the CWS-CARES IT project and the maintenance and operations of CWS-CARES to prevent the disruption of services to at-risk families and children. This shall include, but not be limited to, timely and expeditious execution of contracts and contract amendments for participation in this effort, effective monitoring and evaluation of the CWS-CARES IT project, and implementation of any necessary mitigation strategies for risks and issues that arise in the development and implementation of the CWS-CARES IT project, or maintenance and operations of CWS-CARES thereafter.

(3) The department and OTSI shall provide a voting seat for a CWDA representative on all governance bodies of CWS-CARES, and shall support and provide necessary accommodation for the stationing of county representatives at the project site.

(c) (1) The Legislature further finds and declares that the CWS-CARES IT project requires ongoing oversight by the Legislature, the Department of Technology (CDT), and the Department of Finance (DOF). The Legislature intends that project oversight activities focus on the project making satisfactory progress towards its completion, including full achievement of the system objectives, as described in subdivision (a).

(2) The department and OTSI shall convene monthly meetings with the Legislative Analyst's Office (LAO), legislative staff, CDT, DOF, CWDA, and other relevant parties to review project status reports. All reports shall be provided at least three business days before the monthly meeting. Monthly meetings shall continue until the CDT approves the postimplementation evaluation report for the CWS-CARES IT project.

(3) The department and OTSI shall submit monthly project status reports to the Legislature and other relevant stakeholders, including CWDA, regarding efforts to develop and implement CWS-CARES. The reports shall include, but not be limited to, the following information:

(A) An update on progress made towards successful completion of the project, as described in subdivision (a), including the status of product milestone development and implementation. Updates on the status of product milestones shall include the project's progress on any data conversion, hardening, and testing that is associated with each milestone.

(B) The status of the project's incorporation of end-user feedback, to the extent possible within the baseline cost, schedule, and scope approved in the most recent Special Project Report, during product discovery, milestone testing, scenario testing, and validation sprints. For major product and project decisions, reports shall include relevant documentation, showing consideration of end-user feedback, decisions made by the project about incorporation of the feedback, and the project's justification for its decisions.

(C) An update on progress made towards user adoption of the system. Reports shall include relevant information about the status of current and upcoming end-user communications, stakeholder engagements, and training efforts.

(D) Any amendment to existing and any newly executed vendor contracts for the project, including the contract or amendment's purpose, total cost, and term.

(E) A current list of project issues and risks. Reports shall highlight any high-level issues or risks that may do one or more of the following:

(i) Jeopardize the project's successful completion.

(ii) Negatively impact county child welfare programs.

(iii) Result in a significant deviation from the baseline project cost, schedule, and scope in the most recent Special Project Report.

(F) Project performance related to scope, schedule, and budget, in accordance with the methodology developed with the independent advisor.

(4) (A) The department and OTSI, in coordination with the CDT and CWDA, shall schedule annual development progress demonstrations to provide an opportunity for the CWS-CARES IT project to demonstrate that they are making satisfactory progress towards project completion. Satisfactory progress shall include all of the following:

(i) The completion of planned product milestones, including all planned data conversion, hardening, and testing, without significant deviation from the baseline project cost, schedule, and scope in the most recent Special Project Report.

(ii) The incorporation of relevant end-user feedback into product design, development, and implementation, to the extent possible, without significant increases in the total CWS-CARES baseline project cost, schedule, and scope in the most recent Special Project Report.

(iii) Demonstrable progress made towards user adoption, consistent with the project's strategic plan for user engagement, communication, and adoption, including clearly defined processes that measure and report on stakeholder engagements with the project, including, for example, stakeholder impact assessments.

(B) All parties responsible for oversight of the project, including the LAO, shall be permitted to attend the demonstration.

(d) The existing CWS/CMS operations and functionality shall be maintained at a level that is at least commensurate with its December 2015 status and shall not be decommissioned prior to the full statewide implementation of the CWS-CARES in all counties. For purposes of this subdivision, "full statewide implementation" means after all existing CWS/CMS core system functionality has been replaced in CWS-CARES and has been implemented in all 58 counties for a minimum of six months with no significant defects outstanding.

*(Repealed and added by Stats. 2023, Ch. 43, Sec. 74. (AB 120) Effective July 10, 2023.)*

**16501.95.** (a) The State Department of Social Services shall determine which entities meet the definition of a "child welfare contributing agency," as defined in Section 1355.51 of Title 45 of the Code of Federal Regulations.

(b) The department shall develop and issue written directives for child welfare contributing agencies to submit data to the applicable statewide child welfare information system. These directives shall address all of the following:

(1) Identification of which entities meet the definition of a child welfare contributing agency, as defined in federal regulations.

(2) The data that a child welfare contributing agency shall provide.

(3) The method in which a child welfare contributing agency shall provide data, which shall include either of the following:

(A) Direct data entry into the statewide child welfare information system.

(B) A bidirectional data exchange between the information systems maintained by the child welfare contributing agency and the statewide child welfare information system.

(4) A timeline for providing the specified data in the required manner.

(c) In accordance with the written directives of the department, a child welfare contributing agency shall provide child welfare services data that is collected as a result of fulfilling their contracts or agreements with the department or a county child welfare department, to the statewide child welfare information system.

(d) Notwithstanding any other law, until regulations are adopted, the department may issue written directives by provider bulletins or all-county letters, as applicable. These written directives shall have the same force and effect as regulations. The written directives shall be exempt from the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code).

*(Amended by Stats. 2022, Ch. 50, Sec. 75. (SB 187) Effective June 30, 2022.)*

**16502.** The child welfare services authorized by this chapter shall be established in any county or combination of counties when a plan which includes financing of such services has been certified by the department. Such certified plan of child welfare services shall then be operated in accordance with standards and regulations established by the department, subject to all the provisions of this code relating to the supervision of public social services by the department.

*(Amended by Stats. 1982, Ch. 978, Sec. 40. Effective September 13, 1982.)*

**16502.5.** (a) Notwithstanding any other provision of law, a county board of supervisors may receive and review any records in the custody of the juvenile court or any other involved county agencies relating to a child who has died and who had previously come to the attention of, or was under the supervision of, the county child welfare agency.

(b) The board may only receive and review the information in closed session. A board of supervisors in a county with a foster care population of more than 10,000 may take formal action to permit individual board members' offices to receive and review the information for the purpose of determining which cases should be brought to the attention of the full board in closed session. The information or records obtained shall be maintained in a manner that ensures the maximum protection of privacy and confidentiality rights.

(c) The board or its members and staff may not disclose or release any information obtained pursuant to subdivision (a), unless otherwise permitted by state law, and shall be bound by all state and federal confidentiality laws.

*(Added by Stats. 2008, Ch. 255, Sec. 2. Effective January 1, 2009.)*

**16503.** (a) Subsequent to completion of the hearing conducted pursuant to Section 366.26, the agency responsible for placement and care of a minor, or, on or after January 1, 2012, a nonminor dependent, as defined in subdivision (v) of Section 11400, shall ensure that a child in foster care shall receive administrative reviews periodically but no less frequently than once every six months. The administrative review shall determine the appropriateness of the placement, the continuing appropriateness and extent of compliance with the permanent plan for the child, the extent of compliance with the case plan, and adequacy of services provided to the child.

(b) The term "administrative review" means a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review. On and after January 1, 2012, administrative reviews held for nonminor dependents shall be conducted pursuant to subdivision (b) of Section 295 and subdivision (m) of Section 366.3.

(c) The department shall develop and implement regulations establishing processes, procedures, and standards for the conduct of administrative reviews that conform to Section 675.6 of Title 42 of the United States Code.

(d) The requirements of this section shall not be interpreted as requiring duplicate concurrent court and administrative reviews.

*(Amended by Stats. 2010, Ch. 559, Sec. 64. (AB 12) Effective January 1, 2011.)*

**16503.5.** (a) A placing agency shall provide a caregiver placement agreement to the child's or nonminor dependent's caregiver at the time of the child's placement with that caregiver.

(b) (1) For purposes of this section, "caregiver placement agreement" means a written agreement between the placing agency and the child's or nonminor dependent's caregiver. The department shall approve the format and content of the placement agreement form to be used by a placing agency.

(2) For purposes of this section, "nonminor dependent" means an individual described in subdivision (v) of Section 11400.

(c) The agreement shall describe the terms and conditions of the placement and any agreements made by the placing agency and the child's or nonminor's caregiver.

(d) The agreement shall provide, at a minimum, the contact information for the placing agency's social worker and the worker's supervisor, including, but not limited to, telephone numbers, facsimile numbers, and identifying information about the child or



nonminor, including, but not limited to, the child's or nonminor's social security number, if available, the child's or nonminor's Medi-Cal number or group health plan number and information, if available, and the child's or nonminor's State Department of Social Services identification number.

(e) A county placing agency may modify the forms to meet local needs by adding to the form requirements for information, but may not delete the form's core elements as determined by the department.

*(Amended by Stats. 2012, Ch. 846, Sec. 55. (AB 1712) Effective January 1, 2013.)*

**16504.** (a) Any child reported to the county child welfare services department to be endangered by abuse, neglect, or exploitation shall be eligible for initial intake and evaluation of risk services. Each county child welfare services department shall maintain and operate a 24-hour response system. An immediate in-person response shall be made by a county child welfare services department social worker in emergency situations in accordance with regulations of the department. The person making any initial response to a request for child welfare services shall consider providing appropriate social services to maintain the child safely in their own home. However, an in-person response is not required when the county child welfare services department, based upon an evaluation of risk, determines that an in-person response is not appropriate. An evaluation of risk includes collateral contacts, a review of previous referrals, and other relevant information.

(b) A county child welfare services department social worker shall make an in-person response whenever a referral is received pursuant to Section 11254. Whenever a referral is received pursuant to Section 11254, the county child welfare services department social worker, within 20 calendar days from the receipt of the referral, shall determine whether the physical or emotional health or safety of the individual or child would be jeopardized if the individual and child lived in the same residence with the individual's own parent or legal guardian, or other adult relative.

(c) Notwithstanding Article 2.5 (commencing with Section 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, any nonminor dependent, as described in subdivision (v) of Section 11403, reported to the county welfare services department to be endangered by abuse, neglect, or exploitation by a licensed or approved caregiver while in a foster care placement shall be eligible for evaluation of risk services, to determine if the placement is safe and appropriate. The county child welfare services department shall cross-report the suspected abuse, neglect, or exploitation by the licensed or approved caregiver to the appropriate licensing or approval agency and, as appropriate, to law enforcement.

(d) Notwithstanding any other law, county child welfare services departments do not need to substantiate or have allegations of abuse, neglect, or exploitation in order to provide voluntary services and stabilization support.

*(Amended by Stats. 2025, Ch. 79, Sec. 27. (SB 119) Effective July 29, 2025.)*

**16504.5.** (a) (1) Notwithstanding any other law, pursuant to subdivision (b) of Section 11105 of the Penal Code, a child welfare agency may secure from an appropriate governmental criminal justice agency the state summary criminal history information, as defined in subdivision (a) of Section 11105 of the Penal Code, through the California Law Enforcement Telecommunications System for the following purposes:

(A) To conduct an investigation pursuant to Section 11166.3 of the Penal Code or an investigation involving a child in which the child is alleged to come within the jurisdiction of the juvenile court pursuant to Section 300.

(B) (i) To assess the appropriateness and safety of placing, pursuant to Section 309 or 361.45, a child who has been detained or is a dependent of the court in the home of a relative, as defined in Section 319, or a nonrelative extended family member, as defined in Section 362.7.

(ii) When a relative or nonrelative extended family member who has been assessed pursuant to clause (i) and approved as a caregiver moves to a different county and continued placement of the child with that person is intended, the move shall be considered an emergency situation for purposes of this subparagraph.

(C) To attempt to locate a parent or guardian pursuant to Section 311 of a child who is the subject of dependency court proceedings.

(D) To obtain information about the background of a nonminor who has petitioned to reenter foster care under subdivision (e) of Section 388, in order to assess the appropriateness and safety of placing the nonminor in a foster care or other placement setting with minor dependent children.

(2) Any time that a child welfare agency initiates a criminal background check through the California Law Enforcement Telecommunications System for the purpose described in subparagraph (B) of paragraph (1) and the child is placed with the relative or nonrelative extended family member, the agency shall ensure that a state-level fingerprint check is initiated pursuant to Section 16519.5 of this code and Section 8712 of the Family Code.

(b) Criminal justice personnel shall cooperate with requests for criminal history information authorized pursuant to this section and shall provide the information to the requesting entity in a timely manner.

(c) Any law enforcement officer or person authorized by this section to receive the information who obtains the information in the record and knowingly provides the information to a person not authorized by law to receive the information is guilty of a misdemeanor, as specified in Section 11142 of the Penal Code.

(d) Information obtained pursuant to this section shall not be used for any purposes other than those described in subdivision (a).

(e) This section shall not preclude a nonminor petitioning to reenter foster care or a relative or other person living in a relative's home from refuting any of the information obtained by law enforcement if the individual believes the state- or federal-level criminal records check revealed erroneous information.

(f) (1) A state or county welfare agency may submit to the Department of Justice fingerprint images and related information required by the Department of Justice of parents or legal guardians when determining their suitability for reunification with a dependent child subject to the jurisdiction of the juvenile court, for the purposes of obtaining information as to the existence and content of a record of state or federal convictions and state or federal arrests, as well as information as to the existence and content of a record of state or federal arrests for which the Department of Justice establishes that the person is free on bail or on his or her own recognizance pending trial or appeal. Of the information received by the Department of Justice pursuant to this subdivision, only the parent's or legal guardian's criminal history for the time period following the removal of the child from the parent or legal guardian shall be considered.

(2) A county welfare agency or county probation office may submit to the Department of Justice fingerprint images and related information required by the Department of Justice of nonminors petitioning to reenter foster care pursuant to Section 388, in order to assess the appropriateness and safety of placing the nonminor in a foster care or other placement setting with minor dependent children.

(3) When received, the Department of Justice shall forward to the Federal Bureau of Investigation requests for federal summary criminal history information received pursuant to this subdivision. The Department of Justice shall review the information returned from the Federal Bureau of Investigation and respond to the state or county welfare agency.

(4) The Department of Justice shall provide a response to the state or county welfare agency pursuant to subdivision (p) of Section 11105 of the Penal Code.

(5) The state or county welfare agency shall not request from the Department of Justice subsequent arrest notification service, as provided pursuant to Section 11105.2 of the Penal Code, for individuals described in this subdivision.

(6) The Department of Justice shall charge a fee sufficient to cover the costs of processing the request described in this subdivision.

(g) A fee, determined by the Federal Bureau of Investigation and collected by the Department of Justice, shall be charged for each federal-level criminal offender record information request submitted pursuant to this section and Section 361.4.

*(Amended by Stats. 2018, Ch. 910, Sec. 44. (AB 1930) Effective January 1, 2019.)*

**16504.6.** The State Department of Social Services shall evaluate a request from an Indian tribe to exempt a crime that is exemptible under Section 1522 of the Health and Safety Code, if needed, to allow placement into an Indian home that the tribe has designated for placement under Section 361.31 and the federal Indian Child Welfare Act (25 U.S.C. Sec. 1901 et seq.). However, the tribe may request that the county with jurisdiction over the child evaluate the exemption request. Once a tribe has elected to have the exemption request reviewed by either the State Department of Social Services or the county, the exemption decision may only be made by that entity. Nothing in this section limits the duty of a county social worker to evaluate the home for placement or to gather information needed to evaluate an exemption request.

*(Amended by Stats. 2024, Ch. 656, Sec. 33. (AB 81) Effective September 27, 2024.)*

**16504.7.** (a) Upon request by a county child welfare agency, the department shall provide a list identifying each person who has received a criminal records exemption pursuant to subdivision (g) of Section 1522 of the Health and Safety Code related to a licensed or certified foster home so that the county may assess the appropriateness of placing a child who has been detained or is a dependent of the court in the licensed or certified foster home with which the individual is associated.

(b) Except as otherwise limited by state or federal law, the department shall make available to the county child welfare agency, summary information used in making the determination to grant the exemption. The department shall consult with the Department of Justice, counties, and other interested stakeholders to ensure that information is shared expeditiously and in accordance with state and federal law.

(c) For purposes of this section, "summary information" means information pertaining to the specific crimes for which the exemption was requested and a summary of the evidence the department used in making its determination to grant the exemption. The

information shall be limited to one page for each crime exempted.

(d) In providing summary information pursuant to this section, the department shall not disclose the names of individuals who are not the subject of the exemption request. County child welfare agencies shall not disclose information related to the exemption beyond what is necessary, as determined by the department and in accordance with state and federal law, to assess the appropriateness of placing a child in a licensed or certified foster home.

(e) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department shall implement this section by means of an all-county letter issued on or before March 1, 2015. The all-county letter shall specify the process by which a county may request summary information, how the information will be issued by the department, and how the information may be used by a county.

*(Added by Stats. 2014, Ch. 222, Sec. 2. (SB 1136) Effective January 1, 2015.)*

**16506.** Family maintenance services shall be provided or arranged for by county welfare department staff in order to maintain the child in his or her own home. These services shall be limited to six months, and may be extended in periods of six-month increments if it can be shown that the objectives of the service plan can be achieved within the extended time periods, and provided within the county's allocation. Family maintenance services shall be available without regard to income and shall only be provided to any of the following:

(a) Families whose child or children have been adjudicated a dependent of the court under Section 300, and where the court has ordered the county welfare department to supervise while the child remains in the child's home.

(b) Families whose child is in potential danger of abuse, neglect, or exploitation, who are willing to accept services and participate in corrective efforts, and where it is safe for the child to remain in the child's home only with the provision of services.

(c) Families in which the child is in the care of a previously noncustodial parent, under the supervision of the juvenile court.

(d) Family maintenance services shall be provided to any individual and child who are referred pursuant to Section 11254 and who are not placed in foster care and who meet any of the criteria of subdivision (b) of Section 11254. The services shall be provided until the individual reaches 18 years of age.

*(Amended by Stats. 2004, Ch. 332, Sec. 5. Effective January 1, 2005.)*

**16506.5.** (a) Effective July 1, 2025, county child welfare agencies shall convene child and family team meetings, as defined in paragraph (5) of subdivision (a) of Section 16501, for children and youth receiving family maintenance services pursuant to Section 16506. Requirements for child and family teams, including, but not limited to, those described in Sections 832, 16501, and 16501.1, shall apply to child and family team meetings for children and youth receiving family maintenance services pursuant to Section 16506.

(b) Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department may implement, interpret, or make specific this section by means of all-county letters or similar instructions, which shall be exempt from submission to or review by the Office of Administrative Law and shall have the same force and effect of regulations, until regulations are adopted, not later than January 1, 2030.

*(Added by Stats. 2025, Ch. 7, Sec. 9. (AB 118) Effective June 27, 2025.)*

**16507.** (a) Family reunification services shall be provided or arranged for by county welfare department staff in order to reunite the child separated from his or her parent because of abuse, neglect, or exploitation. These services shall not exceed 12 months except as provided in subdivision (a) of Section 361.5 and subdivision (c) of Section 366.3. Family reunification services pursuant to Section 361.6 may be provided to nonminor dependents as described in subdivision (v) of Section 11400. Family reunification services shall be available without regard to income to families whose child has been adjudicated or is in the process of being adjudicated a dependent child of the court under the provisions of Section 300. Family reunification services shall include a plan for visitation of the child by his or her grandparents, where the visitation is in the best interests of the child and will serve to maintain and strengthen the family relationships of the child.

(b) Family reunification services shall only be provided when a child has been placed in out-of-home care, or is in the care of a previously noncustodial parent under the supervision of the juvenile court.

(c) When a minor has been placed in foster care with a nonparent, family reunification services may be provided to one or both parents.

(d) When a county child welfare services agency is providing one parent with reunification services and the other parent is serving a prison term for the conviction of child abuse, pursuant to Section 273a, 273ab, or 273d of the Penal Code, any sex offense specified as being perpetrated against a minor, or an act of domestic violence, the county child welfare services agency may request that the Board of Prison Terms, with respect to inmates sentenced pursuant to subdivision (b) of Section 1168 of the Penal Code, or the Department of Corrections, with respect to inmates sentenced pursuant to Section 1170 of the Penal Code, provide the agency,

during the time in which reunification services are being provided, with notification that the person is scheduled to be released on parole, or rereleased following a period of confinement pursuant to a parole revocation without a new commitment.

*(Amended by Stats. 2012, Ch. 846, Sec. 56. (AB 1712) Effective January 1, 2013.)*

**16507.2.** Prior to entering into a voluntary placement agreement with a parent or guardian, the social worker shall make every attempt to keep the family together by offering appropriate child welfare services except in the case of a voluntary placement pending relinquishment as provided for in subdivision (c) of Section 16507.4.

*(Added by Stats. 1982, Ch. 978, Sec. 53. Effective September 13, 1982.)*

**16507.3.** (a) Beginning on October 1, 1982, child welfare services for children placed voluntarily after January 1, 1982, shall be limited to a period not to exceed 180 days. Subject to the availability of federal funding, voluntary placement services for federally eligible children may be extended for an additional six months, for a total period not to exceed 12 months for either of the following:

(1) Families who have a custodial parent or guardian in residential substance abuse treatment who is demonstrating progress that indicates the problems warranting the initial placement are likely to be resolved within the extended time period.

(2) Families whose minor child is seriously emotionally disturbed, who requires placement in a residential treatment facility, who otherwise would be likely to be found to fit the description in subdivision (c) of Section 300, and who reasonably may be expected to be returned home within the extended time period.

(b) Whenever a seriously emotionally disturbed child as described in paragraph (2) of subdivision (a) is initially voluntarily placed, the initial placement shall be made pursuant to the approval of an interagency administrative review board as described in paragraph (4) of subdivision (a) of Section 16507.6.

(c) The extension of voluntary placement services for an additional six months shall be subject to the approval of an administrative review board pursuant to paragraphs (4) and (5) of subdivision (a) of Section 16507.6. The extension of voluntary placement services is contingent upon the receipt of federal funding. Any administrative and foster care costs that exceed the amount of federal reimbursement shall be paid solely with county funds.

(d) An otherwise eligible child placed voluntarily prior to January 1, 1982, may remain eligible for child welfare services without regard to the length of time in placement until April 1, 1984. Beginning on October 1, 1982, such a child shall receive administrative review pursuant to the requirements of Section 16503.

*(Amended by Stats. 2010, Ch. 559, Sec. 65. (AB 12) Effective January 1, 2011.)*

**16507.4.** (a) Notwithstanding any other provisions of this chapter, voluntary family reunification services shall be provided without fee to families who qualify, or would qualify if application had been made therefor, as recipients of public assistance under the Aid to Families with Dependent Children program as described in the State Plan in effect on July 1, 1996. If the family is not qualified for aid, voluntary family reunification services may be utilized, provided that the county seeks reimbursement from the parent or guardian on a statewide sliding scale according to income as determined by the State Department of Social Services and approved by the Department of Finance. The fee may be waived if the social worker determines that the payment of the fee may be a barrier to reunification. Section 17552 of the Family Code shall also apply.

(b) An out-of-home placement of a minor without adjudication by the juvenile court may occur only when all of the following conditions exist:

(1) There is a mutual decision between the child's parent, Indian custodian, or guardian and the county welfare department in accordance with regulations promulgated by the State Department of Social Services.

(2) There is a written agreement between the county welfare department and the parent or guardian specifying the terms of the voluntary placement. The State Department of Social Services shall develop a form for voluntary placement agreements that shall be used by all counties. The form shall indicate that foster care under the Aid to Families with Dependent Children program is available to those children.

(3) In the case of an Indian child, in accordance with Section 1913 of the federal Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.), the following criteria are met:

(A) The parent or Indian custodian's consent to the voluntary out-of-home placement is executed in writing at least 10 days after the child's birth and recorded before a judge.

(B) The judge certifies that the terms and consequences of the consent were fully explained in detail in English and were fully understood by the parent or that they were interpreted into a language that the parent understood.

(C) A parent of an Indian child may withdraw his or her consent to a voluntary foster care placement or voluntary termination of parental rights or relinquishment for any reason at any time and the child shall be returned to the parent.

(D) The placement complies with preferences set forth in Section 361.31.

(c) In the case of a voluntary placement pending relinquishment, a county welfare department shall have the option of delegating to a licensed private adoption agency the responsibility for placement by the county welfare department. If a delegation occurs, the voluntary placement agreement shall be signed by the county welfare department, the child's parent or guardian, and the licensed private adoption agency.

(d) The State Department of Social Services shall amend its plan pursuant to Part E (commencing with Section 670) of Subchapter IV of Chapter 7 of Title 42 of the United States Code in order to conform to mandates of Public Law 96-272 and Public Law 110-351 for federal financial participation in voluntary placements.

*(Amended by Stats. 2018, Ch. 833, Sec. 34. (AB 3176) Effective January 1, 2019.)*

**16507.5.** (a) (1) When a minor is separated, or is in the process of being separated, from the minor's family under the provisions of a voluntary placement agreement, the county welfare department or a licensed private or public adoption agency social worker shall make any and all reasonable and necessary provisions for the care, supervision, custody, conduct, maintenance, and support of the minor, including medical treatment.

(2) Responsibility for placement and care of the minor shall be with the social worker who may place the minor in any of the following:

(A) The home of a relative or the home of a nonrelative extended family member, as described in Section 362.7, that has been assessed pursuant to Section 361.4 or, in the case of an Indian child, an extended family member as described by paragraph (1) of subdivision (c) of Section 224.1.

(B) The home of a resource family, as defined in Section 16519.5.

(C) A suitable licensed community care facility.

(D) With a foster family agency to be placed in a suitable licensed home or other family home which has been certified by the agency as meeting licensing standards.

(E) In the case of an Indian child, a tribally approved home as described by subdivision (r) of Section 224.1 and Section 10553.12 or a home or facility in accordance with the placement preferences described in Section 361.31.

(b) The granting of a community care license or approval status does not entitle the caregiver to the placement of a specific child or children. Placement is based on the child's needs and best interests.

*(Amended by Stats. 2024, Ch. 656, Sec. 34. (AB 81) Effective September 27, 2024.)*

**16507.6.** If a minor has been voluntarily placed with the county welfare department subsequent to January 1, 1982, for out-of-home placement by his or her parents or guardians pursuant to this chapter and the minor has remained out of their physical custody for a consecutive period not to exceed 180 days or at least 90 days before the minor attains 18 years of age, the department shall do one of the following:

(a) Return the minor to the physical custody of his or her parents or guardians.

(b) Refer the minor to a licensed adoption agency for consideration of adoptive planning and receipt of a permanent relinquishment of care and custody rights from the parents pursuant to Section 8700 of the Family Code.

(c) Apply for a petition pursuant to Section 332 and file the petition with the juvenile court to have the minor declared a dependent child of the court under Section 300, in that return to the parental home would be contrary to the best interests of the child. The petition shall be filed, and the juvenile court shall issue a dispositional order in the case, if appropriate, prior to the minor attaining 18 years of age.

(d) Refer the minor placed pursuant to paragraph (2) of subdivision (a) of Section 16507.3 to an interagency administrative review board as may be required in federal regulations. One member of the board shall be a licensed mental health practitioner. The review board shall review the appropriateness and continued necessity of six additional months of voluntary placement, the extent of the compliance with the voluntary placement plan, and the adequacy of services to the family and child. If the minor cannot be returned home by the 12th month of voluntary placement services, the department shall proceed pursuant to subdivision (b) or (c).

(e) Refer the minor placed pursuant to paragraph (1) of subdivision (a) of Section 16507.3 to an administrative review board as may be required in federal regulations and as described in subdivision (b) of Section 16503. If the minor cannot be returned home by the

12th month of voluntary placement services, the department shall proceed as described in subdivision (b), (c), or (d).

*(Amended by Stats. 2013, Ch. 487, Sec. 10. (AB 787) Effective January 1, 2014.)*

**16507.7.** Each agency or entity, except for a community college, which offers a parenting course as part of a family maintenance or family reunification effort for a parent or parents of a child who has been adjudicated or is in the process of being adjudicated a dependent child of the court under Section 300, or whose family is participating in a voluntary family maintenance program, shall meet all of the requirements specified in this section. Effective July 1, 1992, organizations which receive state funding for the purpose of providing parenting courses shall meet those requirements as a condition of receiving state funding. The requirements are as follows:

(a) Each parenting course shall be no more than six months in duration, and shall meet for a specified number of hours determined by each program as sufficient for the program to meet all of the requirements listed in subdivision (b).

(b) The curriculum shall include all of the following components:

(1) Building self-esteem, including, but not limited to, parents' building a positive parental identity and building the self-esteem of their children.

(2) Handling stress and anger.

(3) The growth and development of children, including, but not limited to, safety, nutrition, and health.

(4) Developing and increasing communication skills in order that a parent may learn to listen to and speak with his or her child or children.

(5) Learning to use positive disciplinary mechanisms as alternatives to the physical punishment of a child, including, but not limited to, learning what constitutes abuse and neglect.

(6) Learning the boundaries of permissible sexual conduct by adults with regard to children.

(7) Respect for, and sensitivity to, cultural differences in child rearing practices in addressing all of the topics listed in paragraphs (1) to (6), inclusive.

(c) Each parenting course is encouraged to have a maximum parent to teacher ratio of 15 parents for each teacher.

(d) Each parenting course is encouraged to conduct an initial assessment and interview of each parent enrolled in the course.

(e) Each parenting course shall give a preliminary examination prior to the start of the parenting course and an examination at the conclusion of the parenting course to measure changes in parental attitudes.

(f) Each parenting course shall enter into a written agreement with each parent with respect to the responsibilities a parent must satisfy in order to pass the course.

(g) The staff of each parenting course shall have training in the following areas:

(1) The prevention of child abuse and neglect.

(2) Parenting techniques.

(h) Each parenting course shall provide all of the following information to the county welfare department of the county in which the course is taught, for clients referred through child welfare services programs:

(1) Level of participation by parents.

(2) Number of course hours completed.

(3) Topics covered during attendance in class by a parent and topics covered during a parent's absence from class.

(4) Assessment of a parent's gain in his or her knowledge about parenting as demonstrated by tests prior to and after the parenting course.

*(Added by Stats. 1991, Ch. 1112, Sec. 2.)*

**16508.** Permanent placement services shall be provided or arranged for by county welfare department staff for children who cannot safely live with their parents and are not likely to return to their own homes, and to nonminor dependents in planned permanent living



arrangements. Permanent placement services, including supportive transition services, shall be available without regard to income to the following children:

- (a) Children judged dependent under Section 300 where a review has determined that reunification, adoption, tribal customary adoption, or guardianship is inappropriate.
- (b) Recipients of public assistance under the nonfederally funded Aid to Families with Dependent Children Foster Care program who are wards of a legal guardian pursuant to Section 11405, where a review has determined that reunification or adoption is inappropriate.
- (c) On and after January 1, 2012, nonminor dependents, as defined in subdivision (v) of Section 11400, who are receiving AFDC-FC pursuant to Section 11403.
- (d) For purposes of this section, "supportive transition services" means permanent placement services provided to nonminor dependents as described in subdivision (v) of Section 11400.

*(Amended by Stats. 2012, Ch. 846, Sec. 57. (AB 1712) Effective January 1, 2013.)*

**16508.1.** (a) For every child who is in foster care, or who enters foster care, on or after January 1, 1999, and has been in foster care for 15 of the most recent 22 months, the social worker shall submit to the court a recommendation that the court set a hearing pursuant to Section 366.26 for the purpose of terminating parental rights. The social worker shall concurrently initiate and describe a plan to identify, recruit, process and approve a qualified family for adoption of the child.

(b) The social worker is not required to submit the recommendation as described in subdivision (a) if any of the following applies:

(1) The case plan for the child has documented a compelling reason or reasons why it is unlikely that the child will be adopted, as determined by the department when it is acting as an adoption agency or by the licensed adoption agency, and therefore termination of parental rights would not be in the best interest of the child or that one of the conditions set forth in paragraph (1) of subdivision (c) of Section 366.26 applies.

(2) A hearing under Section 366.26 is already set.

(3) The court has found at the previous hearing under Section 366.21 that there is a substantial probability that the child will be returned to the child's home within the extended period of time permitted.

(4) The court has found at the previous hearing under Section 366.21 that reasonable reunification services have not been offered or provided.

(5) The court has found at each and every hearing at which the court was required to consider reasonable efforts or services that reasonable efforts were not made or that reasonable services were not offered or provided.

(6) The incarceration or institutionalization of the parent or parents, or the court-ordered participation of the parent or parents in a residential substance abuse treatment program, constitutes a significant factor in the child's placement in foster care for a period of 15 of the most recent 22 months, and termination of parental rights is not in the child's best interests, considering factors such as the age of the child, the degree of parent and child bonding, the length of the sentence, and the nature of the treatment and the nature of the crime or illness.

(7) Tribal customary adoption is recommended.

(c) A recommendation to the court pursuant to subdivision (a) shall not be made if the social worker documents in the case record a compelling reason why a hearing pursuant to Section 366.26 is not in the best interest of the child, or that reasonable efforts to safely return the child home are continuing consistent with the time period provided for in paragraph (1) of subdivision (g) of Section 366.21.

(d) Beginning January 1, 1999, the county welfare department shall implement a procedure for reviewing the application of this section to the case plans of all children who have been in foster care for 15 out of the most recent 22 months. The review shall proceed within the following timeframes:

(1) By July 1, 1999, one-third of the children shall have been reviewed, giving priority to children who have been in foster care the greatest length of time.

(2) By January 1, 2000, at least two-thirds of the children shall have been reviewed.

(3) By July 1, 2000, all children shall have been reviewed.

(e) For purposes of this section, a child shall be considered to have entered foster care on the earlier of the date of the jurisdictional hearing held pursuant to Section 356 or the date that is 60 days after the date on which the child was initially removed from the home of his or her parent or guardian.

*(Amended (as amended by Stats. 2009, Ch. 287, Sec. 23) by Stats. 2012, Ch. 35, Sec. 132. (SB 1013) Effective June 27, 2012.)*

**16508.2.** It is the intent of the Legislature to establish additional alternatives to foster care placements. Therapeutic day services is an alternative which has been shown in other states to be effective in reunifying families, and in avoiding or shortening the time the children must stay in foster care, and in reunifying placed children with their families. It has also been found to be significantly less expensive than foster care.

*(Amended by Stats. 1990, Ch. 1139, Sec. 4. Effective September 21, 1990.)*

**16509.** Cultural and religious child-rearing practices and beliefs which differ from general community standards shall not in themselves create a need for child welfare services unless the practices present a specific danger to the physical or emotional safety of the child.

*(Added by renumbering Section 16508 by Stats. 1982, Ch. 978, Sec. 58. Effective September 13, 1982.)*

**16509.1.** No child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination by a duly accredited practitioner thereof shall, for that reason alone, be considered to have been neglected within the purview of this chapter.

*(Added by Stats. 1982, Ch. 978, Sec. 62. Effective September 13, 1982.)*

**16509.2.** The physical or mental incapacity, or both, in itself, of a parent or a child, shall not result in a presumption of need for child welfare services.

*(Added by Stats. 1982, Ch. 978, Sec. 63. Effective September 13, 1982.)*

**16511.** This chapter shall not be construed to give the department or county welfare departments any law enforcement powers.

Nothing in this chapter shall be construed in such a manner as to give the department any law enforcement powers, nor to change or interfere with the responsibility of law enforcement, probation officers and departments to take direct action on behalf of children as provided in Article 6 (commencing with Section 625) of Chapter 2 of Part 1 and Article 7 (commencing with Section 650) of Chapter 2 of Part 1 of Division 2. Nor shall this part in any way relieve persons administering and working in child welfare services programs from the obligation resting on all citizens to report crimes to duly authorized law enforcement agencies. Nothing herein shall be construed as changing in any way the responsibility of probation officers and departments for initiating juvenile court proceedings as set forth in Article 7 (commencing with Section 650) of Chapter 2 of Part 1 of Division 2, nor other duties and responsibilities assigned to them by law.

*(Added by renumbering Section 16506 by Stats. 1982, Ch. 978, Sec. 45. Effective September 13, 1982.)*

**16512.** (a) The department shall report every third year, commencing in 1989, to the Legislature on the operation and progress of the child welfare services program.

(b) The report shall include both of the following:

(1) The number of reported child abuse cases, on an aggregate basis and on a county-by-county basis, and by types of abuse.

(2) The disposition of cases reported, on an aggregate basis and on a county-by-county basis.

*(Amended by Stats. 1988, Ch. 722, Sec. 3.)*

**16513.** Anyone participating in good faith in the making of a report pursuant to this chapter shall have immunity from any liability, civil or criminal, that might otherwise be incurred or imposed. Any such participant shall have the same immunity with respect to participation in any judicial proceeding resulting from the report.

*(Amended (as renumbered by Stats. 1982, Ch. 978) by Stats. 2004, Ch. 842, Sec. 24. Effective January 1, 2005.)*

**16513.2.** Funding of this chapter is subject to the provisions of Part 1.5 (commencing with Section 10100).

*(Added by renumbering Section 16513 (as added by Stats. 1978, Ch. 1235) by Stats. 2015, Ch. 303, Sec. 630. (AB 731) Effective January 1, 2016.)*



**16513.5.** Any party to a dependency proceeding may bring a motion before the juvenile court to have a social worker removed from the case. The juvenile court judge in the dependency proceeding shall grant the motion if a preponderance of evidence shows that a conflict of interest has occurred that would interfere with the social worker's ability to objectively carry out his or her duties, which may include, but is not limited to, any of the following:

(a) The social worker has had sexual contact, as defined in Section 43.93 of the Civil Code, with any party to the dependency proceedings.

(b) The social worker has a relationship with an individual who is adopting or attempting to adopt a child who is the subject of the pending dependency proceeding, and the relationship is of such a nature that a conflict of interest or bias may exist on the part of the social worker which may compromise his or her objectivity.

(c) The social worker has been convicted of perjury with regard to the dependency proceeding before the court.

*(Added by Stats. 1994, Ch. 502, Sec. 1. Effective January 1, 1995.)*

**16514.** (a) A child or nonminor who has been voluntarily placed, adjudged a dependent child of the juvenile court pursuant to Section 300, or as to whom a petition has been filed under Section 325, may be housed in an emergency shelter or, pursuant to the procedures for placement set forth in this code, placed in a foster family home, a resource family home, or with a foster family agency for subsequent placement in a certified family home or with a resource family, with minors adjudged wards of the juvenile court pursuant to Section 601.

(b) A child who has been voluntarily placed, adjudged a dependent child of the juvenile court pursuant to Section 300, or adjudged a ward of the juvenile court pursuant to Section 601, shall not be housed in an emergency shelter with any minor adjudged a ward of the juvenile court pursuant to Section 602.

(c) (1) A child or nonminor who has been voluntarily placed, adjudged a dependent child of the juvenile court pursuant to Section 300, or as to whom a petition has been filed under Section 325, or a nonminor dependent, as described in subdivision (v) of Section 11400, shall not be placed or detained in a short-term residential therapeutic program, group home, licensed foster family home, resource family, or certified family home or resource family of a foster family agency, with any minor adjudged a ward of the juvenile court pursuant to Section 601 or 602, unless the social worker or probation officer with placement authority has determined that both of the following are true:

(A) The placement setting has a program that meets the specific needs of the child or nonminor dependent being placed or detained, or, in the case of placement when no program is required by law, the home meets the specific needs of the child or nonminor.

(B) There is a commonality of needs with the other children and nonminor dependents in the placement setting.

(2) Notwithstanding Section 206, a child who has been voluntarily placed, adjudged a dependent child of the juvenile court pursuant to Section 300, or as to whom a petition has been filed under Section 325, or a nonminor dependent, as described in subdivision (v) of Section 11400, may be placed with a child or nonminor who is a current dependent of the juvenile court and for whom a petition has been subsequently filed alleging he or she is a ward of the juvenile court pursuant to Section 601 or 602. That placement may be made only when the social worker or probation officer with placement authority has determined that both of the following are true:

(A) The placement setting meets the specific needs of the child or nonminor dependent being placed or detained.

(B) There is a commonality of needs with the other children and nonminor dependents in the placement setting.

(d) Nothing in this section shall transfer or eliminate the responsibility of the placing agency for the care, custody, or control of the child. Nothing in this section shall relieve a foster family agency of its responsibilities for or on behalf of a child placed with it.

(e) For purposes of this section, the placing of children or nonminor dependents by foster family agencies shall be referred to as "subsequent placement" to distinguish the activity from the placing by public agencies.

*(Amended by Stats. 2017, Ch. 732, Sec. 102. (AB 404) Effective January 1, 2018.)*

**16516.** (a) No social worker or probation officer acting as an officer of the court for purposes of this chapter shall, directly or indirectly, lobby for, act as a consultant to, enter into a business transaction with, acquire ownership of, or obtain a pecuniary interest in, any business, whether organized for profit or as a nonprofit entity, which has received any funds or income from court-ordered child welfare services.

(b) (1) Any public law enforcement agency or any private entity shall have standing to bring an action seeking a civil remedy pursuant to this section in any court of competent jurisdiction.

(2) Any person who violates this section shall be subject to any or all of the following remedies, as ordered by the court, in its discretion:

- (A) Restitution of funds received in violation of this section.
- (B) Statutory damages of not less than one thousand dollars (\$1,000), not to exceed treble the amount of the funds received in violation of this section.
- (C) Actual damages resulting from a violation of this section.
- (D) Termination of the grant or contract.
- (E) Reasonable attorney's fees.
- (F) Any other relief that the court deems proper.

(c) For purposes of this section, "court-ordered child welfare services" include those services ordered by the court pursuant to Sections 11450 and 16501 for a dependent or ward of the court.

*(Amended by Stats. 1994, Ch. 146, Sec. 231. Effective January 1, 1995.)*

**16516.5.** (a) Notwithstanding any other law or regulation, all foster children who are placed in group homes by county welfare departments or county probation departments shall be visited at least monthly by a county social worker or probation officer. Each monthly visit shall include a private discussion between the foster child and the county social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the group home staff. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the group home. If a foster child requests to have the private discussion outside the group home, that private discussion shall not replace the visit in the group home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the group home staff, except that the social worker or probation officer may disclose information under any of the following circumstances:

- (1) The social worker or probation officer believes that the foster child may be in danger of harming himself or herself, or others.
- (2) The social worker or probation officer believes that disclosure is necessary to meet the needs of the child.
- (3) The child consents to disclosure of the information.

(b) The location of monthly visits for each foster child who is placed in a group home by a county welfare department or a county probation department shall comply with federal requirements as described in Section 624(f)(2)(A) of Title 42 of the United States Code. No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

(d) (1) Prior to the 2011–12 fiscal year, notwithstanding Section 10101, the state shall pay 100 percent of the nonfederal costs associated with the monthly visitation requirement in subdivision (a) in excess of the minimum semiannual visits required under current regulations.

(2) Notwithstanding subdivision (b), beginning in the 2011–12 fiscal year, and for each fiscal year thereafter, funding and expenditures for programs and activities under this section shall be in accordance with the requirements provided in Sections 30025 and 30026.5 of the Government Code.

*(Amended by Stats. 2013, Ch. 492, Sec. 1. (SB 342) Effective January 1, 2014.)*

**16516.6.** (a) When a county social worker or probation officer makes a regular visit with a child in any licensed, certified, or approved foster home, the regular visit shall include a private discussion between the foster child and the social worker or probation officer. The private discussion shall not be held in the presence or immediate vicinity of the foster parent or caregiver. The social worker or probation officer shall advise the foster child that he or she has the right to request that the private discussion occur outside the foster home. If a foster child requests to have the private discussion outside the foster home, that private discussion shall not replace the visit in the foster home. However, the social worker or probation officer shall not be required to schedule an additional visit to accommodate the request. The contents of the private discussion shall not be disclosed to the foster parent or caregiver, except that the social worker or probation officer may disclose information under any of the following circumstances:

- (1) The social worker or probation officer believes that the foster child may be in danger of harming himself or herself, or others.

(2) The social worker or probation officer believes that disclosure is necessary to meet the needs of the child.

(3) The child consents to disclosure of the information.

(b) The location of monthly visits for each foster child who is placed in a licensed, certified, or approved foster home by a county welfare department or a county probation department shall comply with federal requirements as described in Section 624(f)(2)(A) of Title 42 of the United States Code. No more than two consecutive monthly visits may be held outside the residence of the foster child.

(c) If the visit does not occur in the place of residence, the social worker or probation officer shall document in the case file and in the court report the location of the visit and the reason for the visit occurring outside the place of residence.

*(Amended by Stats. 2013, Ch. 492, Sec. 2. (SB 342) Effective January 1, 2014.)*

**16517.** (a) (1) It is the intent of the Legislature to accomplish both of the following:

(A) To prevent the unnecessary separation of children from their families because of homelessness or the lack of shelter.

(B) To assist in the reunification of foster children and their families when housing remains a problem.

(2) Through the Section 8 housing certificate program created by Section 553 of the Cranston-Gonzalez National Affordable Housing Act (P.L. 101-625), housing assistance may be made available to families eligible for assistance under this program.

(b) (1) For the purposes of the Section 8 housing certificate program created by Section 553 of the Cranston-Gonzalez National Affordable Housing Act (P.L. 101-625), the county department of social services is designated "the public child welfare agency."

(2) If a county chooses to participate in the Section 8 housing certificate program, all of the following shall occur:

(A) The county department of social services shall make the determination, pursuant to Section 553 of the Cranston-Gonzalez National Affordable Housing Act (P.L. 101-625), that an eligible child is at imminent risk of placement in out-of-home care or that an eligible child in out-of-home care under its supervision may be returned to his or her family.

(B) The county department of social services shall certify an eligible family as one for which the lack of adequate housing is a primary factor in the imminent placement of the family's child or children in out-of-home care or in the delayed discharge of a child or children to the family from out-of-home care.

(C) The county department of social services shall transmit, in writing, its certification pursuant to subparagraph (B) to the local public housing agency responsible, pursuant to Section 34327.3 of the Health and Safety Code, for administering assistance under the Section 8 housing certificate program.

(c) As used in this section, "Section 8" means Section 8 of the United States Housing Act of 1937 (Sec. 1437 et seq., Title 42, U.S.C.).

(d) The State Department of Social Services may, upon the request of a local public entity, provide technical assistance for the purpose of developing applications and plans from the local public entity for federal funding under the Section 8 housing certificate program created by Section 553 of the Cranston-Gonzalez National Affordable Housing Act (P.L. 101-625).

(e) The State Department of Social Services is authorized to adopt emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code in order to implement the purposes of this section.

*(Added by Stats. 1992, Ch. 292, Sec. 3. Effective July 23, 1992.)*

**16517.5.** (a) A social worker or probation officer acting as an officer of the court shall not make an out-of-home placement of a dependent or ward of the court pursuant to this chapter with any of the following:

(1) A relative of the social worker or probation officer responsible for the placement of the child.

(2) The spouse of a relative described in paragraph (1).

(b) A social worker or probation officer acting as an officer of the court shall not receive compensation for the out-of-home placement of a dependent or ward of the court other than the compensation received as an employee of the county or the state.

*(Added by renumbering Section 16517 (as added by Stats. 1992, Ch. 497, Sec. 2) by Stats. 2015, Ch. 303, Sec. 631. (AB 731) Effective January 1, 2016.)*

**16518.** The State Department of Social Services, in consultation with county placement agencies, foster care providers, and other interested community parties, shall establish criteria to be used for conducting a comprehensive home study of a licensed or foster parent that evaluates the ability, readiness, and willingness of the licensed foster parent to meet the varying needs of children. The department shall consult with the Task Force on Accreditation of Services for Children established pursuant to Section 1565 of the Health and Safety Code, and shall, as appropriate, consider the accreditation standards that are included in the accreditation plan when developing the home study criteria. The home study criteria developed pursuant to this section shall become operative at such time as the regulations adopted pursuant to Section 1521.6 of the Health and Safety Code are filed with the Secretary of State.

*(Amended by Stats. 2022, Ch. 967, Sec. 3. (AB 2466) Effective January 1, 2023.)*

**16518.5.** When placing foster children, the placing agency shall not decline to place a child with a resource family because of a resource family parent's actual or perceived sexual orientation, gender identity, or gender expression.

*(Added by Stats. 2022, Ch. 967, Sec. 4. (AB 2466) Effective January 1, 2023.)*

**16519.** The Legislature finds and declares the following:

(a) Safety, permanency, and well-being are crucial for the more than 82,000 California children in foster care, and are paramount to achieving both federal and state child welfare system improvement goals. Foster children need safe homes with permanent connections to family or other caring adults. The current licensing and approval system, which screens families to care for foster children, fails to support these outcomes.

(b) Children in foster care live in a variety of out-of-home care settings: licensed foster family homes, approved relative and nonrelative extended family member homes, foster family agencies, and group homes. All of these placement types, considered facilities under current law, are required to meet the respective health and safety standards in order to be licensed or approved. This has produced administrative inefficiencies and confusion among stakeholders, and has contributed to difficulty in recruiting suitable foster family homes for children in out-of-home care. Increasing the number of available suitable homes will improve the likelihood that the best home will be initially identified to meet a child's particular needs.

(c) Child safety and well-being are not achieved solely by ensuring that the home the child is placed in is free from physical hazards and that adults living in the home do not have disqualifying criminal convictions or past reports of child abuse. Child safety and well-being are also dependent upon consideration of the resource family's psychosocial history that includes physical health, mental health, alcohol and substance abuse, family violence or abuse, and experience caring for children.

(d) Research shows that children in out-of-home care placed with relatives and nonrelative extended family members are more stable, more likely to be placed with siblings, and more likely to stay connected to their community and extended family. California statutory and regulatory provisions should maximize the likelihood that a child will initially be placed in the care of a safe relative or nonrelative extended family member who is willing to provide permanent care if reunification cannot be achieved.

(e) Families living in the same neighborhood as a family from which a child has been removed are often best suited to provide for the immediate placement needs of that child.

(f) Families who provide care to children in out-of-home placement are a valuable resource to the people of this state and to the children for whom they provide care.

*(Added by Stats. 2007, Ch. 464, Sec. 2. Effective January 1, 2008.)*