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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 2.3. Adoption of Alcohol- and Drug-Exposed and HIV Positive Children [16135 - 16135.30]** ( *Chapter 2.3 added by Stats. 1998, Ch. 1014, Sec. 2.* )

**16135.** The purpose of this chapter is to establish a program for special training and services to facilitate the adoption of children who are HIV positive, or born to a substance-abusing mother. This program shall be available to any county that elects to participate pursuant to procedures established by the department.

(*Amended (as added by Stats. 1998, Ch. 1014, Sec. 2) by Stats. 2012, Ch. 35, Sec. 116. (SB 1013) Effective June 27, 2012.*)

**16135.1.** (a) "Eligible child" means any child who meets the requirements of paragraph (1) or (2), and paragraph (3).

(1) Any child who has a condition or symptoms resulting from, or are suspected as resulting from, alcohol or substance abuse by the mother.

(2) Any child who is HIV positive.

(3) Any child who meets the requirements of either paragraph (1) or (2) and who meets all of the following requirements:

(A) The child is a dependent child of the court.

(B) The child has an adoption case plan and resides with a preadoptive or adoptive caregiver, or the plan is to transition and move the child to a preadoptive or adoptive caregiver.

(b) "TIES for Adoption" means Training, Intervention, Education, and Services for Adoption, a training project developed and implemented by the Adoptions Division of the Los Angeles County Department of Children's Services, the UCLA Center for Healthier Children, Families, and Communities, and the UCLA Psychology Department, a demonstration project funded by the Federal Adoption Opportunities Program from September 30, 1995, to December 31, 1997, inclusive.

(c) "HIV positive" means having a human immunodeficiency virus infection.

(d) "Specialized in-home health care" means, but is not limited to, those services identified by the child's primary physician as appropriately administered by a prospective adoptive parent who has been trained by mental health or health care professionals.

(*Added by Stats. 1998, Ch. 1014, Sec. 2. Effective January 1, 1999.*)

**16135.10.** (a) In order to promote successful adoptions of substance and alcohol exposed court dependent children, participating counties shall maintain a program of specialized training and supportive services to families adopting court dependent children who are either HIV positive or assessed as being prenatally exposed to alcohol or a controlled substance.

(b) The program shall include respite services. Notwithstanding any other provision of law, respite services shall be funded with a 30 percent nonfederal county share consistent with the normal sharing ratio for child welfare services. This county share may be provided with county general funds, in-kind contributions, or other funds. The source of the county share shall meet all applicable state and federal requirements and provide counties with maximum flexibility.

(c) Notwithstanding subdivision (b), beginning 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.

*(Amended (as added by Stats. 1998, Ch. 1014, Sec. 2) by Stats. 2012, Ch. 35, Sec. 117. (SB 1013) Effective June 27, 2012.)*

**16135.13.** (a) A participating county shall provide special training to recruited adoptive parents to care for eligible children. The training curriculum shall include, but is not limited to, all of the following:

- (1) Orientation.
- (2) Effect of alcohol and controlled substances on the fetus and children.
- (3) Normal and abnormal infant and early childhood development.
- (4) Special medical needs and disabilities.
- (5) Recovery from addiction to alcohol and controlled substances.
- (6) Self-care for the caregiver.
- (7) HIV/AIDS in children.
- (8) Issues in parenting and providing lifelong permanency and substance abuse prevention to, children with prenatal alcohol and other controlled substances exposure.
- (9) Issues specific to caring for a child who tests HIV positive.

(b) Participating counties may provide the same special training to relative caretakers in the process of adopting program-eligible children.

*(Added by Stats. 1998, Ch. 1014, Sec. 2. Effective January 1, 1999.)*

**16135.14.** (a) The county shall determine whether a child is eligible for services pursuant to this section.

(b) A participating county shall select a specialized prospective adoptive home for the child.

(c) If an eligible child's adoptive placement changes from one participating county to another participating county, the child shall remain eligible for services.

*(Added by Stats. 1998, Ch. 1014, Sec. 2. Effective January 1, 1999.)*

**16135.16.** The requirements of this section may be met by the implementation of the TIES for Adoption program as defined in Subdivision (b) of Section 16135.1.

*(Amended (as added by Stats. 1998, Ch. 1014, Sec. 2) by Stats. 2012, Ch. 35, Sec. 118. (SB 1013) Effective June 27, 2012.)*

**16135.17.** Participating counties shall prepare an adoption services case plan pursuant to regulations adopted by the department and arrange for nonmedical support services. Nonmedical support services shall include respite care for specially trained prospective adoptive parents, including relative caretakers, pursuant to regulations adopted by the department. Nonmedical support services may also include, but are not limited to, temperament and behavior management training, consultation regarding medical and psychological issues and services, and educational advocacy.

*(Added by Stats. 1998, Ch. 1014, Sec. 2. Effective January 1, 1999.)*

**16135.25.** The department shall do all of the following:

- (a) Develop necessary procedures and standardized programs for a specialized adoptive home training project.
- (b) Assist counties in coordinating sources of funding and services available to eligible children in order to maximize the social services provided to these children and avoid duplication of program funding.
- (c) Require that participating counties coordinate available services for this population and their adoptive families.
- (d) Provide to a requesting county information necessary to establish a program.

*(Added by Stats. 1998, Ch. 1014, Sec. 2. Effective January 1, 1999.)*

**16135.30.** (a) Notwithstanding any other provision of law, subdivisions (b) and (c) shall control the placement of a child pursuant to this chapter.

(b) A county may place children who are alcohol or controlled substance exposed or HIV positive in prospective adoptive homes pursuant to Chapter 3 (commencing with Section 1500) of Division 2 of the Health and Safety Code.

(c) If a county makes a placement pursuant to subdivision (b), a preadoptive parent trained by health care professionals may provide specialized in-home health care to that child who was placed in their home for the purpose of adoption.

*(Added by Stats. 1998, Ch. 1014, Sec. 2. Effective January 1, 1999.)*