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|------|------------------|----------------|--------------|-----------------|------------------|--------------|
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**AB-2929 Dependents: family finding.** (2023-2024)

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Date Published: 09/30/2024 09:00 PM

**Assembly Bill No. 2929**

**CHAPTER 845**

An act to amend Section 7950 of the Family Code, and to amend Sections 366 and 366.1 of the Welfare and Institutions Code, relating to foster care.

[ Approved by Governor September 28, 2024. Filed with Secretary of State September 28, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

AB 2929, Juan Carrillo. Dependents: family finding.

(1) Existing law provides that a child may be adjudged to be a dependent of the juvenile court because of abuse or neglect and generally provides for the placement of dependent children in various foster care placement settings. Existing law requires the court to review the status of every dependent child in foster care no less frequently than once every 6 months and requires the county social worker to file a supplemental report as part of that review.

This bill would additionally require the court, in conducting the periodic status review for a child or nonminor dependent who is not residing with their relatives, nonrelative extended family members, or in the case of an Indian child, their extended family members, or an Indian custodian, to determine whether the social worker has continued efforts, and in the case of an Indian child, the active efforts, to locate any relatives, extended family members, or nonrelative extended family members who could provide family support or possible placement of the child and the names of those relatives, extended family members, or nonrelative extended family members. The bill would also require the supplemental report for a child or nonminor dependent who does not reside with their relatives, nonrelative extended family members, or in the case of an Indian child, their extended family members, or an Indian custodian to additionally include the efforts, and in the case of an Indian child, the active efforts, and findings that the social worker has made to locate any relative, extended family members, or nonrelative extended family members who could provide family support or possible placement of the child or nonminor dependent and the name of those relatives, extended family members, or nonrelative extended family members. By imposing additional duties on county officials, the bill would impose a state-mandated local program.

(2) Existing law requires the court to place a foster child in the home of a relative, if possible, unless the placement would not be in the best interest of the child. Existing law requires the court to take into consideration other specified factors in making a determination of the placement of a foster child.

This bill would make a nonsubstantive change to correct an erroneous cross reference in that provision.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

**SECTION 1.** Section 7950 of the Family Code is amended to read:

**7950.** (a) With full consideration for the proximity of the natural parents to the placement so as to facilitate visitation and family reunification, when a placement in foster care is being made, the following considerations shall be used:

(1) Placement shall, if possible, be made in the home of a relative, unless the placement would not be in the best interest of the child. Diligent efforts shall be made by an agency or entity to which this subdivision applies, to locate an appropriate relative as defined in paragraph (2) of subdivision (h) of Section 319 of the Welfare and Institutions Code. At a permanency hearing in which the court terminates reunification services, or at a postpermanency hearing for a child not placed for adoption, the court shall find that the agency or entity to which this subdivision applies has made diligent efforts to locate an appropriate relative and that each relative whose name has been submitted to the agency or entity as a possible caretaker, either by the relative or by other persons, has been evaluated as an appropriate placement resource.

(2) An agency or entity that receives state assistance and is involved in foster care placements shall not do either of the following:

(A) Deny a person the opportunity to become a foster parent on the basis of the race, color, or national origin of the person or the child involved.

(B) Delay or deny the placement of a child into foster care on the basis of the race, color, or national origin of the foster parent or the child involved.

(b) Subdivision (a) does not affect the application of the Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).

(c) This section does not preclude a search for an appropriate relative being conducted simultaneously with a search for a foster family.

**SEC. 2.** Section 366 of the Welfare and Institutions Code is amended to read:

**366.** (a) (1) The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following:

(A) The continuing necessity for and appropriateness of the placement. If the child or nonminor dependent is placed in a short-term residential therapeutic program on or after October 1, 2021, or placed in a community treatment facility on or after July 1, 2022, the court shall consider the evidence and documentation submitted pursuant to subdivision (m) of Section 366.1 in making this determination.

(B) For a child or nonminor dependent who is not residing with their relatives, nonrelative extended family members, or in the case of an Indian child, their extended family members as defined in Section 224.1, or an Indian custodian, whether the social worker has continued efforts, and in the case of an Indian child, the active efforts, as defined by subdivision (f) of Section 224.1, to locate any relatives, extended family members, or nonrelative extended family members who could provide family support or possible placement of the child or nonminor dependent and the names of those relatives, extended family members, or nonrelative extended family members and the results of those efforts.

(C) The extent of the agency's compliance with the case plan in making reasonable efforts, or, in the case of a child 16 years of age or older with another planned permanent living arrangement, the ongoing and intensive efforts, to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests. Where it is known or there is reason to know that the child is an Indian child, as defined by Section 224.1, the court shall also determine whether the agency has made active efforts, as defined in Section 224.1 and as described in Section 361.7, to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family.

(D) Whether there should be any limitation on the right of the parent, guardian, or Indian custodian to make educational decisions or developmental services decisions for the child. That limitation shall be specifically addressed in the court order and shall not exceed those necessary to protect the child. Whenever the court specifically limits the right of the parent, guardian, or Indian custodian to make educational decisions or developmental services decisions for the child, the court

shall at the same time appoint a responsible adult to make educational decisions or developmental services decisions for the child pursuant to Section 361.

(E) (i) Whether the child has other siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(I) The nature of the relationship between the child and the child's siblings.

(II) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(III) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(IV) If the siblings are not placed together, all of the following:

(ia) The frequency and nature of the visits between the siblings.

(ib) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(ic) If there are visits between the siblings, a description of the location and length of the visits.

(id) Any plan to increase visitation between the siblings.

(V) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(VI) The continuing need to suspend sibling interaction, if applicable, pursuant to subdivision (c) of Section 16002.

(ii) The factors the court may consider in making a determination regarding the nature of the child's sibling relationships may include, but are not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with their sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(F) The extent of progress that has been made toward alleviating or mitigating the causes necessitating placement in foster care.

(G) (i) For a child who is 10 years of age or older, is in junior high, middle, or high school, and has been under the jurisdiction of the juvenile court for a year or longer, or a nonminor dependent, whether the social worker or probation officer has verified that the child or nonminor dependent has received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system or has ensured that the child will receive the instruction.

(ii) For a child or nonminor dependent described in clause (i), whether the social worker or probation officer has done all of the following:

(I) Informed the child 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 child or nonminor dependent, in an age and developmentally appropriate manner, of the child's right to consent to sexual and reproductive health services and the child's confidentiality rights regarding those services.

(III) Informed the child 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.

(iii) This subparagraph does not affect any applicable confidentiality law.

(iv) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(H) (i) For a child who is 16 years of age or older or for a nonminor dependent, whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(ii) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subparagraph.

(l) If the review hearing is the last review hearing to be held before the child attains 18 years of age, the court shall conduct the hearing pursuant to Section 366.31 or 366.32.

(2) The court shall project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption, tribal customary adoption in the case of an Indian child, legal guardianship, placed with a fit and willing relative, or in another planned permanent living arrangement.

(b) Subsequent to the hearing, periodic reviews of each child in foster care shall be conducted pursuant to the requirements of Sections 366.3 and 16503.

(c) If the child has been placed out of state, each review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and 16503 shall also address whether the out-of-state placement continues to be the most appropriate placement selection and in the best interests of the child.

(d) (1) A review described in subdivision (a) and any reviews conducted pursuant to Sections 366.3 and 16503 shall not result in a placement of a child outside the United States prior to a judicial finding that the placement is in the best interest of the child, except as required by federal law or treaty.

(2) The party or agency requesting placement of the child outside the United States shall carry the burden of proof and must show, by clear and convincing evidence, that a placement outside the United States is in the best interest of the child.

(3) In determining the best interest of the child, the court shall consider, but not be limited to, the following factors:

(A) Placement with a relative.

(B) Placement of siblings in the same home.

(C) Amount and nature of any contact between the child and the potential guardian or caretaker.

(D) Physical and medical needs of the dependent child.

(E) Psychological and emotional needs of the dependent child.

(F) Social, cultural, and educational needs of the dependent child.

(G) Specific desires of any dependent child who is 12 years of age or older.

(4) If the court finds that a placement outside the United States is, by clear and convincing evidence, in the best interest of the child, the court may issue an order authorizing the social worker or placing agency to make a placement outside the United States. A child subject to this subdivision shall not leave the United States prior to the issuance of the order described in this paragraph.

(5) For purposes of this subdivision, "outside the United States" shall not include the lands of any federally recognized American Indian tribe or Alaskan Natives.

(6) This section shall not apply to the placement of a dependent child with a parent.

(e) (1) On and after July 1, 2021, a child shall not be placed or remain in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, unless the placement is ordered or approved pursuant to Section 361.21.

(2) Notwithstanding any other law, on and after July 1, 2022, a child shall not be placed by a county child welfare agency in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, except for placements described in subdivision (h) of Section 7911.1 of the Family Code.

(3) Notwithstanding any other law, a child who is placed in an out-of-state residential facility by a county child welfare agency shall not remain in an out-of-state residential facility, as defined in subdivision (b) of Section 7910 of the Family Code, after January 1, 2023.

(f) The status review of every nonminor dependent, as defined in subdivision (v) of Section 11400, shall be conducted pursuant to the requirements of Sections 366.3, 366.31, or 366.32, and 16503 until dependency jurisdiction is terminated pursuant to Section 391.

**SEC. 3.** Section 366.1 of the Welfare and Institutions Code is amended to read:

**366.1.** Each supplemental report required to be filed pursuant to Section 366 shall include, but not be limited to, a factual discussion of each of the following subjects:

(a) Whether the county welfare department social worker has considered either of the following:

(1) Child protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of Division 9, as a possible solution to the problems at hand, and has offered those services to qualified parents, if appropriate under the circumstances.

(2) Whether the child can be returned to the custody of the child's parent who is enrolled in a certified substance abuse treatment facility that allows a dependent child to reside with the child's parent.

(b) What plan, if any, for the return and maintenance of the child in a safe home is recommended to the court by the county welfare department social worker.

(c) Whether the subject child appears to be a person who is eligible to be considered for further court action to free the child from parental custody and control.

(d) What actions, if any, have been taken by the parent to correct the problems that caused the child to be made a dependent child of the court.

(e) If the parent or guardian is unwilling or unable to participate in making an educational decision for their child, or if other circumstances exist that compromise the ability of the parent or guardian to make educational decisions for the child, the county welfare department or social worker shall consider whether the right of the parent or guardian to make educational decisions for the child should be limited. If the supplemental report makes that recommendation, the report shall identify whether there is a responsible adult available to make educational decisions for the child pursuant to Section 361.

(f) (1) The health and education of the minor, including a copy of the complete 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 in which 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 health and education summary within the supplemental report described in this section.

(g) For a child or nonminor dependent who does not reside with their relatives, nonrelative extended family members, or in the case of an Indian child, their extended family members as defined in Section 224.1, or an Indian custodian, the continued efforts, and in the case of an Indian child, the active efforts, as defined by subdivision (f) of Section 224.1, that the social worker has made to locate any relatives, extended family members, or nonrelative extended family members who could provide family support or possible placement of the child or nonminor dependent and the names of those relatives, extended family members, or nonrelative extended family members. The social worker shall document the efforts and the results of those efforts.

(h) (1) Whether the child has any siblings under the court's jurisdiction, and, if any siblings exist, all of the following:

(A) The nature of the relationship between the child and the child's siblings.

(B) The appropriateness of developing or maintaining the sibling relationships pursuant to Section 16002.

(C) If the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate.

(D) If the siblings are not placed together, all of the following:

(i) The frequency and nature of the visits between the siblings.

(ii) If there are visits between the siblings, whether the visits are supervised or unsupervised. If the visits are supervised, a discussion of the reasons why the visits are supervised, and what needs to be accomplished in order for the visits to be unsupervised.

(iii) If there are visits between the siblings, a description of the location and length of the visits.

(iv) Any plan to increase visitation between the siblings.

(E) The impact of the sibling relationships on the child's placement and planning for legal permanence.

(2) The factual discussion shall include a discussion of indicators of the nature of the child's sibling relationships, including, but not limited to, whether the siblings were raised together in the same home, whether the siblings have shared significant common experiences or have existing close and strong bonds, whether either sibling expresses a desire to visit or live with their sibling, as applicable, and whether ongoing contact is in the child's best emotional interests.

(i) (1) For a child who is 10 years of age or older and has been under the jurisdiction of the juvenile court for a year or longer, or a nonminor dependent, either of the following:

(A) For a child in junior high or middle school, either that the child has already received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system while in junior high or middle school or how the county will ensure that the child receives that instruction at least once before completing junior high or middle school if the child remains under the jurisdiction of the juvenile court during that timeframe.

(B) For a child in high school or a nonminor dependent, either that the child has received comprehensive sexual health education that meets the requirements of Chapter 5.6 (commencing with Section 51930) of Part 28 of Division 4 of Title 2 of the Education Code through the school system while in high school, or how the county will ensure that the child or nonminor dependent receives that instruction at least once before completing high school if the child remains under the jurisdiction of the juvenile court during that timeframe.

(2) For a child who is 10 years of age or older or a nonminor dependent, whether the social worker or probation officer has done all of the following:

(A) Informed the child 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.

(B) Informed the child or nonminor dependent, in an age and developmentally appropriate manner, of the child's right to consent to sexual and reproductive health services and the child's confidentiality rights regarding those services.

(C) Informed the child 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.

(3) This subdivision does not affect any applicable confidentiality law.

(4) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subdivision.

(j) (1) For a child who is 16 years of age or older or for a nonminor dependent, whether the social worker or probation officer has, pursuant to the requirements of paragraph (22) of subdivision (g) of Section 16501.1, identified the person or persons who shall be responsible for assisting the child or nonminor dependent with applications for postsecondary education and related financial aid, or that the child or nonminor dependent stated that they do not want to pursue postsecondary education, including career or technical education.

(2) On or before January 1, 2023, the Judicial Council shall amend and adopt rules of court and develop appropriate forms for the implementation of this subdivision.

(k) Whether a child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer has relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and actions taken to maintain those relationships. The social worker shall ask every child who is 10 years of age or older and who has been in an out-of-home placement for six months or longer to identify any individuals other than the child's siblings who are important to the child, consistent with the child's best interest. The social worker may ask any other child to provide that information, as appropriate.

(l) The implementation and operation of the amendments to subdivision (j) 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.

(m) On and after October 1, 2021, for a child whose placement in a short-term residential therapeutic program has been reviewed and approved, and, on and after July 1, 2022, for a child whose placement in a community treatment facility has been reviewed and approved, pursuant to Section 361.22, the supplemental report shall include evidence of all of the following:

(1) Ongoing assessment of the strengths and needs of the child that continues to support the determination that the needs of the child cannot be met by family members or in another family-based setting, placement in a short-term residential therapeutic program or community treatment facility, as applicable, continues to provide the most effective and appropriate care setting in

the least restrictive environment, and placement is consistent with the short- and long-term mental and behavioral health goals and permanency plan for the child.

(2) Documentation of the child's specific treatment or service needs that will be met in the placement and the length of time the child is expected to need the treatment or services. For a Medi-Cal beneficiary, the determination of services and expected length of time for those services funded by Medi-Cal shall be based upon medical necessity and on all other state and federal Medi-Cal requirements, and shall be reflected in the documentation.

(3) Documentation of the intensive and ongoing efforts made by the child welfare department, consistent with the child's permanency plan, to prepare the child to return home or to be placed with a fit and willing relative, a legal guardian, an adoptive parent, in a resource family home or tribally approved home, or in another appropriate family-based setting.

**SEC. 4.** To the extent that this act has an overall effect of increasing the costs already borne by a local agency for programs or levels of service mandated by the 2011 Realignment Legislation within the meaning of Section 36 of Article XIII of the California Constitution, it shall apply to local agencies only to the extent that the state provides annual funding for the cost increase. Any new program or higher level of service provided by a local agency pursuant to this act above the level for which funding has been provided shall not require a subvention of funds by the state or otherwise be subject to Section 6 of Article XIII B of the California Constitution.