

## Overview of Statutory Changes Enacted by AB 403 and SB 794<sup>1</sup>

<b>Code Section</b>	<b>Law Pre-AB 403 &amp; SB 794</b>	<b>Law Post-AB 403 &amp; SB 794</b>
Family Code 7950	Before child is placed in LTFC <sup>2</sup> court must find that the agency has made diligent efforts to locate an appropriate relative	Court must now find at the permanency hearing when services are terminated and every postpermanency hearing for a child not placed for adoption, that the agency made diligent efforts to locate an appropriate relative, and that each relative whose name was submitted as a possible caretaker has been evaluated.
WIC 362.04	Definitions statute related to care of foster children	States that the reasonable and prudent parent standard is defined in section 362.05.
WIC 362.05	Defines reasonable and prudent parent standard, as well as age appropriate	The “reasonable and prudent parent” standard is characterized by careful and sensible parental decisions that maintain the health, safety, and best interest of a child while at the same time encouraging the emotional and developmental growth of the child.
WIC 366	Mandates review hearings every six months and sets forth what must be considered during the hearings	Adds requirement that – for a child 16 or over with APPLA – the court must consider and determine the ongoing and intensive efforts to return the child or finalize permanent plan. 366(a)(2): adds tribal customary adoption and fit and willing relative to permanency options court must consider.

<sup>1</sup> [Assembly Bill 403](#) (Stone; Stats 2015, ch. 773); [Senate Bill 794](#) (Committee on Human Services; Stats 2015, ch. 425).

<sup>2</sup> A glossary of abbreviations can be found on page 9 of this document.

<p>WIC 366.21(f)(1)(D)</p> <p>WIC 366.21(g)(5)(A)</p>	<p>Discusses notice for status reviews, options available to court at status reviews (terminate services or not etc...)</p>	<p>Requires the court, at the permanency hearing, to determine whether services have been provided to youth 16 or older to help the youth transition from foster care to successful adulthood.</p> <p>Court must make factual findings identifying barriers to achieving the permanent plan. For children under 16 the court must order a permanent plan other than APPLA (can be with a fit and willing relative). For children 16 and older can order APPLA as described in WIC 16501.</p>
<p>WIC 366.22(a)(1) and subsection (b)</p> <p>366.22(a)(3)</p>	<p>Requires court to take into account barriers to completing reunification services faced by incarcerated or institutionalized parent</p>	<p>Adds minor parents and nonminor dependent parents – i.e. court must take into account barriers they face in completing services. Gets rid of “long term” before foster care and says court may order continued placement in FC. Further states that if child is not proper subject for adoption and no one to accept legal guardianship, the court can order foster care with a permanent plan of return home, adoption, TCA, legal guardianship, or placement with fit and willing relative. If child is 16 or older the court can order APPLA but must make factual findings identifying the barriers to achieving the permanent plan as of the hearing date.</p>
<p>WIC 366.25</p>	<p>Discusses permanency hearing that occurs if parent received 24 months of services, what needs to happen when a .26 hearing is ordered, and Kin-GAP eligibility</p>	<p>APPLA is only available for children 16 or older and court must identify any barriers to achieving the permanent plan. For children under 16 for whom a .26 is not appropriate, the court can order the child remain in foster care with a permanent plan of return home, adoption, TCA, legal guardianship or placement with a fit and willing relative.</p>
<p>WIC 366.26</p>		<p>Adds two plan options: ordering child placed with fit and willing relative; ordering child remain in foster care with an identified permanent plan and the court must make factual findings identifying barriers to achieving the permanent plan. This section (c)(4) specifies that guardianship is favored over foster care.</p> <p>(c)(4)(B)(i): if child is placed with a relative who doesn't want to become a guardian, the court must order permanent plan of placement with fit and willing relative.</p> <p>(c)(4)(B)(ii): if child is with nonrelative caregiver who is able to provide stable and</p>

		<p>permanent placement but doesn't want to become guardian, the court must order the child remain in foster care with an identified permanent plan. Court is not to remove if it would be seriously detrimental to the emotional well-being of the child b/c of ties to the caregiver.</p> <p>(c)(4)(B)(iii): if child is in group home on or after 1/1/17, court must order foster care with an identified permanent plan or, for children 16 or over, APPLA.</p>
WIC 366.3(e)	Discusses postpermanency hearings and findings that must be made based on the child's placement	<p>Lowers age at which court needs to inquire about provision of services for transition from foster care to successful adulthood from 16 to 14.</p> <p>Subsection (h): notes that APPLA is limited to children 16 or older and requires court to identify barriers to achieving the permanent plan for ALL children who remain in foster care. For children 16 or older in APPLA, the court must:</p> <ul style="list-style-type: none"> <li>- Ask the child about his desired permanency outcome;</li> <li>- Determine and explain why APPLA remains the best permanency plan.</li> </ul> <p>For children 16 or older, the social study must describe:</p> <ul style="list-style-type: none"> <li>- The intensive and ongoing efforts to return the child to the home, adopt, or establish guardianship;</li> <li>- Steps taken to make sure the caregiver is following the reasonable and prudent parent standard and whether the child has regular, ongoing opportunities to engage in appropriate activities, including consulting with the child.</li> </ul> <p>If the child is under 16 years of age, the report must identify the barriers to achieving the permanent plan and the agency's efforts to address them.</p>
WIC 366.31	Review hearings before child turns 18 and NMD review hearings	<p>(e)(10) States that an NMD can be placed in another planned permanent living arrangement and, if NMD is placed in one, requires the court to make the following findings: 1) the court must ask NMD about his or desired permanency outcome; 2) court must explain why APPLA is still the best permanency plan for the NMD; 3) state on the</p>

		<p>record the compelling reasons why other permanent plan options are not in best interest of NMD.</p> <p>(h)(1) Adds requirements for the social study if NMD is in another planned permanent living arrangement: 1) include description of intensive and ongoing efforts to return NMD to parent, place for adoption, or place with fit and willing relative; 2) include steps taken to ensure the NMD care provider is following the reasonable and prudent parent standard and has regular opportunities to engage in age/developmentally appropriate activities.</p>
WIC 706.5	Describes what must be included in the probation officer's social study	<p>If the child is 16 years or older and in APPLA, the social study must describe:</p> <ul style="list-style-type: none"> <li>-The ongoing and intensive efforts to return the child home, place him for adoption or establish guardianship</li> <li>-The steps taken to ensure that the child's care provider follows the reasonable and prudent parent standards and determine whether the child has regular opportunity to engage in age/developmentally appropriate activities.</li> </ul> <p>If the child is under 16 with a permanent plan of return home, adoption, guardianship, or placement with a fit and willing relative the social study must describe the barriers to achieving the permanent plan and the efforts made to address the barriers.</p>
WIC 706.6	Describes what must be included in the case plan that is attached to the social study each review hearing	<p>Introduces (and defines) the concept of the "child and family team." Requires probation to consider the recommendations of the child and family team (CaFT) and document the reasons for inconsistencies between the case plan and the CaFT recommendation.</p> <p>Case plan must also include:</p> <ul style="list-style-type: none"> <li>-documentation of preplacement assess of the child and his family's strengths and service needs showing that preventative services were provided and reasonable efforts were made to prevent out of home placement.</li> <li>-description of where the child is to be placed and the reasons for the placement decision, include the safety and appropriateness of the placement, and the recommendation of the CaFT.</li> </ul>

		<p>Includes “environment that promotes normal childhood experiences” in description of “appropriate placement.” Sets forth order of priority of placements:</p> <ul style="list-style-type: none"> <li>-Placement with relatives or NERFMs;</li> <li>-Foster family homes or resource family foster homes;</li> <li>-Treatment and intensive treatment certified homes or therapeutic foster care homes;</li> <li>-Group care placements in the following order: short-term residential treatment centers group homes, community treatment facilities, out of state residential treatment.</li> </ul> <p>If child is placed in community care facility licensed as short-term residential treatment center, the case plan must state that the placement is for short-term, specialized and intensive treatment for the child. It must also discuss why the placement is necessary, the duration of the treatment, and the plan to transition the child to a less restrictive environment and the timeline for that transition.</p> <p>The case plan submitted for the permanency hearing must include a recommended permanent plan. For children under 16 it must be return home, adoption, legal guardianship, or placement with a fit and willing relative. The case plan must also discuss barriers to achieving permanence and steps the agency will take to address those barriers. For children over 16 in APPLA, the case plan must discuss the intensive and ongoing efforts to return the child home, place him for adoption, finalize a guardianship, or place with a fit and willing relative. The efforts must include technology, like social media.</p> <p>Changes independent living to “successful adulthood.”</p>
WIC 727.2	Discusses status review hearings and the findings the court must make	<p>Prior to the first permanency planning hearing, the court must determine the ongoing and intensive efforts to return children 16 or older to the home or complete the steps necessary to finalize permanent placement of the child.</p> <p>Removes APPLA as an option for children under 16.</p>

		Changes independent living to successful adulthood.
WIC 727.3	Discusses permanency planning hearings	<p>(a)(5) Requires the court to make certain inquiries and findings for children 16 and older who are in APPLA: 1) the court must ask the child what his desired permanency outcome is; 2) the court must make a judicial determination explaining why APPLA is still the best permanent plan for the child; 3) the court must state the compelling reason why it is not in the best interest of the child to go home, be adopted, placed with a legal guardian, or placed with a fit and willing relative.</p> <p>(b)(5) Defines fit and willing relative as an approved relative who wants to provide a permanent and stable home but is not willing to become the legal guardian.</p> <p>(b)(6)(A) Revises planned permanent living arrangement such that APPLA is limited to youth 16 and older and only can be ordered when there is a compelling reason to find that it is not in the child's best interest to have a permanent plan.</p> <p>(b)(6)(B) Clarifies that for child under 16 where evidence shows that there is a compelling reason not to terminate parental rights, the court must order that the child remain in foster care with a permanent plan of return home, adoption, legal guardianship, or placement with a fit and willing relative. The court must make factual findings identifying barriers to achieving the permanent plan.</p>
WIC 10618.6	Requires credit checks for foster youth	The amendments lower the age for credit checks from 16 to 14.
WIC 11386	Describes when a child or youth under 19 is eligible for aid	Revises how aid works when a Kin-GAP guardianship ends. If a successor guardian is appointed, who is also a kinship guardian, due to death or incapacity of the kinship guardian and the kinship guardian is named in the kinship agreement or amendment to the agreement there does not need to be a new period of six months of placement with the successor guardian.

WIC 11400	Definitions statute	<p>Adds the following definitions to WIC:</p> <p>(ad) “Short term residential treatment center” means a nondetention, licensed community care facility, as defined in paragraph (18) of subdivision (a) of Section 1502 of the Health and Safety Code, that provides short term, specialized, and intensive treatment for the child or youth, when the child’s or youth’s case plan specifies the need for, nature of, and anticipated duration of this specialized treatment.</p> <p>(ae) “Resource family” means an approved caregiver, as defined in subdivision (c) of Section 16519.5.</p> <p>(af) “Core Services” mean services, made available to children, youth, and nonminor dependents either directly or secured through formal agreement with other agencies, which are trauma informed and culturally relevant as specified in Sections 11462 and 11463.</p>
WIC 16002	Emphasizes the importance of maintaining sibling relationships	Expands the definition of “sibling” from a “child” to a person related to the child in care.
WIC 16501	Definitions statute – defines child welfare services and terms related to provision of child welfare services	<p>Adds definition of “child and family team:” 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 his family, and to help achieve positive outcomes for safety, permanency, and well-being. The statute goes on to identify the activities of the child and family team.</p> <p>Revises respite care: temporary care not to exceed 72 hours but may be extended up to 14 days in one month.</p> <p>Adds definition of APPLA: 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 TCA, or be placed with a fit and willing relative. Placement in group home/STRTC must not be the permanent plan for any child or NMD.</p>

WIC 16501.1	Discusses the role of the case plan in child welfare	<p>(a)(1)(3) – agency to consider recommendations of child and family team and document rationale for inconsistencies between case plan and CaFT recs.</p> <p>(c) – if out of home placement is recommended, case plan must consider recs of CaFT.</p> <p>(d)(1) – recommended family setting must promote normal childhood experiences. Sets forth order of priority of placements.</p> <p>(d)(2) - If a short-term intensive treatment center placement is selected for a child, the case plan must state the needs of the child that necessitate the placement, the plan for transitioning the child to a less restrictive environment, and the projected timeline by which the child will be transitioned to a less restrictive environment.</p> <p>(B) – for children in group care, after 1/1/17 a CaFT meeting must be convened to identify the supports and services needed to achieve permanency and allow the child to be placed in the least restrictive family setting.</p> <p>(3) – successful adulthood and discusses steps to take to get NMDs out of STRTC after 1/1/17.</p> <p>(g) – case plan must be developed considering the recs of the CaFT.</p> <p>(g)(15)(A) – when the plan is adoption or guardianship the case plan shall describe any barriers to achieving legal permanence and the steps the agency will take to address those barriers.</p> <p>(g)(15)(B) – if child is 16 or older and plan is APPLA, the case plan must identify the intensive and ongoing efforts to return the child to the home of the parent, place for adoption, guardianship or with a fit and willing relative.</p> <p>(g)(16)(A) – for 14 or 15 year old the case plan will describe the programs and services</p>
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		<p>that will help the child prepare for the transition from foster care to successful adulthood.</p> <p>(g)(17) – for children 14 and older the case plan must be developed in consultation with the youth and the youth may request that two members of the case planning team be present and one of those people can be designated to advocate about application of the reasonable and prudent parent standard.</p> <p>(g)(18) – for youth 14 and older in placement and for NMDs the case plan must include: a description of the youth’s education, health, visitation, court participation, and credit reports rights; a signed acknowledgment that the child has received the aforementioned document.</p> <p>(f)(19) – the case plan for a child or NMD at risk of commercial sexual exploitation must document services provided to address that issue.</p>
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### Glossary of Abbreviations

- ❖ APPLA – another planned permanent living arrangement
- ❖ CaFT – child and family team
- ❖ FC – foster care
- ❖ LTFC – long term foster care
- ❖ NMD – nonminor dependent
- ❖ NREFM – non-related extended family member
- ❖ STRTC – short term residential treatment center
- ❖ TCA – tribal customary adoption