

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



January 9, 2007

ALL COUNTY INFORMATION NOTICE NO: I-90-06

TO: ALL COUNTY WELFARE DEPARTMENTS
ALL COUNTY PROBATION DEPARTMENTS
ALL COUNTY COUNSELS
ALL CDSS ADOPTION DISTRICT OFFICES
ALL PUBLIC AND PRIVATE ADOPTION AGENCIES

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation Change
 Court Order
 Clarification Requested by
One or More Counties
 Initiated by CDSS

SUBJECT: 2006 CHAPTERED LEGISLATION AFFECTING CHILD ABUSE REPORTING,
INDIAN CHILDREN, FOSTER YOUTH, FOSTER CAREGIVERS AND ADOPTIONS

The purpose of this All County Information Notice (ACIN) is to provide you with summaries of recently enacted legislation affecting child welfare services, adoption and foster care programs. The attached summaries are for general information purposes only. The statutes listed in this document become effective January 1, 2007, unless the summary denotes otherwise. All County Letters or ACIN's have been or will be issued for legislation that requires more detailed descriptions of specific programmatic issues and necessary implementation activities.

Please contact the Children Services Operations and Evaluation Branch if you have any questions regarding any specific new statutes related to the operation and evaluation components of all child welfare services, out of state placements, and adoption services at (916) 651-8111.

Please contact the Child Protection and Family Support Branch if you have any questions regarding any specific new statutes related to mandated reporters, emergency response services, family maintenance services and Office of Child Abuse Prevention programs at (916) 651-6600.

Please contact the Child and Youth Permanency Branch if you have any questions regarding any specific new statutes related to foster care, kinship care, family reunification services, permanency planning and independent living program services at (916) 651-7464.

Sincerely,

***Original document signed by
Mary L. Ault on 1/4/06***

MARY L. AULT
Deputy Director
Children and Family Services Division

Attachment

c: CWDA

CHILDREN'S SERVICES OPERATIONS AND EVALUATION BRANCH

AB 2488 **AUTHOR:** Leno (D)
 TITLE: Adoption
 DISPOSITION: Signed 09/22/2006 – Chapter 386
 SUMMARY:
 Authorizes the disclosure of the names and addresses of an adoptee and his or her full-sibling, half-sibling or step-sibling to one another, if certain requirements are met. Lowers the age of consent. Authorizes an adoptee or sibling, who is under age 18 to file a request with the consent of his or her adoptive parents or, if a sibling, with the consent of a parent or guardian, or the dependency court under specified circumstances. Authorizes an adoptee or sibling to petition for a confidential intermediary.

SB 1325 **AUTHOR:** Scott (D)
 TITLE: Adoption
 DISPOSITION: Signed 09/30/2006 – Chapter 806
 SUMMARY:
 Requires a person who causes conception through assisted reproduction to submit to the jurisdiction of the courts of this state. Permits a person who enters an assisted reproduction agreement to bring an action to establish a parent and child relationship. Permits the court to enter an order or judgment based on that action before the birth of the child and to consider a parent's criminal record prior to the felony conviction in making a finding that a parent is unfit to have future custody or control.

SB 1758 **AUTHOR:** Figueroa (D)
 TITLE: Adoption Facilitators
 DISPOSITION: Signed 09/29/2006 – Chapter 754
 SUMMARY:
 Relates to adoption facilitators. Relates to bonding for such businesses. Requires the establishment and adoption of the registration process for such facilitators and the bond, education and experience requirements, and background check fingerprint cards. Requires the Department of Social Services to post if such facilitators are registered on its Web site. Relates to advertising restrictions by facilitators. Provides civil remedies for certain actions.

CHILD PROTECTION AND FAMILY SUPPORT BRANCH

AB 525 **AUTHOR:** Chu (D)
 TITLE: Child Abuse Reporting
 DISPOSITION: Signed 09/29/2006 – Chapter 701
 SUMMARY:
 Conforms the procedures for authorized reporting of instances of child abuse or neglect involving emotional damage to certain existing procedures applicable to mandated child abuse reporting. Requires a representative of a child protective services agency to inform the individual who is the subject of a child abuse investigation when the report concerns child abuse or neglect involving serious emotional damage. Requires the agency to notify the mandated reporter of the outcome of the investigation.

- AB 1859 **AUTHOR:** Leslie (R)
 TITLE: Placer County Integrated Health Services Pilot Project
 DISPOSITION: Signed 09/14/2006 – Chapter 268
 SUMMARY:
 Extends by 5 years the dates upon which the provisions relating to the Placer County health and human services pilot project would become inoperative and would be repealed.
- AB 1907 **AUTHOR:** Lieu (D)
 TITLE: Office of Child Abuse Prevention
 DISPOSITION: Signed 07/21/2006 – Chapter 99
 SUMMARY:
 Revises the definition of multidisciplinary personnel. Includes marriage and family therapists under this definition as a team of three or more persons trained in the prevention, identification, and treatment of child abuse and neglect cases and who are qualified to provide a broad range of services related to child abuse.
- AB 1942 **AUTHOR:** Nava (D)
 TITLE: Arrests
 DISPOSITION: Signed 09/29/2006 – Chapter 729
 SUMMARY:
 Expresses the intent of the Legislature regarding the development of protocols by law enforcement and other entities, pertaining to arresting caretaker parents or guardians of minors, to ensure the safety and well-being of the minor. Requires the Commission on POST to develop guidelines and training for use by state and local law enforcement officers to address issues related to child safety when a caretaker parent or guardian is arrested. Encourages application for federal money for such training.
- SB 678 **AUTHOR:** Ducheny (D)
 TITLE: Indian Children
 URGENCY CLAUSE: **Yes**
 DISPOSITION: Signed 09/30/2006 – Chapter 838
 SUMMARY:
 Revises and expands provisions of state law to apply to certain children who do not come within the definition of an Indian Child under the Indian Child Welfare Act. Provides that a parent, Indian custodian or tribe may intervene in child custody proceedings. Provides that the bill would provide that consent to adoption or guardianship is invalid unless it meets specified standards. Requires a court to appoint legal counsel in guardianship proceedings when a parent or guardian lacks financial ability.
- SB 1668 **AUTHOR:** Bowen (D)
 TITLE: Child Death: Review Teams
 DISPOSITION: Signed 09/30/2006 – Chapter 813
 SUMMARY:
 Provides that interagency child death review team records that are exempt from disclosure to third parties remain exempt from disclosure when they are in the possession of a child death review team. Relates to review teams confidentiality provisions. Provides that no less than once each year, each child death review team shall make available to the public findings, conclusions and recommendations of the team, including aggregate statistical data on the incidences and causes of child death.

CHILD AND YOUTH PERMANENCY BRANCH

- AB 1774 **AUTHOR:** Assembly Human Services Committee
 TITLE: Child Welfare Services: Criminal Records Check
 URGENCY CLAUSE: **Yes**
 DISPOSITION: Signed 09/29/2006 – Chapter 726
 SUMMARY:
 Requires the Child Welfare Agency to ensure initiation of the fingerprint check only when the criminal background check is initiated for the purpose of assessing the appropriateness and safety of placing a child. Limits the initiation of the check to the state level. Further extends the time period to initiate fingerprint checks. Authorizes a state or county welfare agency to submit fingerprint images and related information in connection with determining the suitability for reunification purposes.
- AB 2195 **AUTHOR:** Bass (D)
 TITLE: Foster Caregivers: Placement Options
 DISPOSITION: Signed 09/22/2006 – Chapter 383
 SUMMARY:
 Establishes procedures for the assessment and approval of a relative's or nonrelative extended family member's home when the sudden unavailability of a foster caregiver requires a temporary change in placement on an emergency basis for a child who is under the jurisdiction of the juvenile court, including provision for making these placements eligible for payments under the AFDC-FC program.
- AB 2216 **AUTHOR:** Bass (D)
 TITLE: Child Welfare Leadership and Performance Act
 DISPOSITION: Signed 09/22/2006 – Chapter 384
 SUMMARY:
 Creates the Child Welfare Leadership and Performance Accountability Act of 2006. Establishes the Child Welfare Council as an advisory group responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems and to develop additional performance outcome indicators for the purpose of the Child Welfare and Family Services Review Program. States the intent to inspect other state child welfare and foster care.
- AB 2480 **AUTHOR:** Evans (D)
 TITLE: Dependent Children: Counsel
 DISPOSITION: Signed 09/22/2006 – Chapter 385
 SUMMARY:
 Requires the court of appeal, in any appellate proceeding in which the child is an appellant, to appoint separate counsel for the child and if the child is not an appellant, to appoint separate counsel for the child if the court determines that appointment of counsel or guardian ad litem would benefit the child. Requires the Judicial Council to report the statute of such representation and any recommendations regarding representation of dependent children in appellate proceedings. Provides for rebuttal.

AB 2985 **AUTHOR:** Maze (R)
 TITLE: Foster Youth: Identity Theft
 DISPOSITION: Signed 09/22/2006 – Chapter 387
 SUMMARY:
 Requires a county welfare department to request a consumer disclosure for youth in a foster care, when the youth reaches his or her 16th birthday, in order to ascertain whether the youth has been the victim of identity theft. Provides that, if the consumer disclosure reveals any negative items or evidence of identity theft, the department is to refer the youth to an approved organization that provides services to identity theft victims. Requires the department to maintain a list of approved organizations.

SB 1393 **AUTHOR:** Florez (D)
 TITLE: Intercountry Adoptions
 DISPOSITION: Signed 09/30/2006 – Chapter 809
 SUMMARY:
 Revises standards for a petition to readopt by a resident who adopts a child through an intercountry adoption finalized in a foreign country. Includes a home study report. Deletes certain readoption requirements. Provides that the petition may be granted if the adoption was finalized in accordance with the foreign country's laws and documents are filed with the petition, without requiring an adoption agency report. Requires reasons for the court denying a petition. Provides for alternative requirements.

SB 1667 **AUTHOR:** Kuehl (D)
 TITLE: Dependent Children
 DISPOSITION: Signed 09/22/2006 – Chapter 389
 ASSIGNMENT: Analysis
 SUMMARY:
 Authorizes a foster parent, Indian custodian, relative caregiver, community care facilitator, or foster family agency who is notified to attend all hearings and to submit any information he or she deems relevant to the court in writing. Requires a social worker to include with his or her summary or recommendations a copy of the Caregiver Information Form along with instructions on how to file the form with the court.