

RESOLUTION 16-12-2017

DIGEST

Juvenile Dependency: Periodic Report for Dependent Minor Parents

Amends Welfare and Institutions Code section 366.1 to require that supplemental court reports include services provided to dependent teen parents.

RESOLUTIONS COMMITTEE RECOMMENDATION

APPROVE IN PRINCIPLE

History:

No similar resolutions found.

Reasons:

This resolution amends Welfare and Institutions Code section 366.1 to require that supplemental court reports include services provided to dependent teen parents. This resolution should be approved in principle because it updates Welfare and Institutions Code section 366.1 to be consistent with Welfare and Institutions Code section 16002.5 et. seq., (the “Teen Parents in Foster Care Act”), which became effective July 1, 2015.

Social workers are already tasked with informing the court about pertinent details of children in foster care regarding the child’s health, development and well-being. Establishing reporting requirements for social workers noting reunification or other services needed by, or being provided for, a dependent teen parent and his or her child would fall in line with these existing requirements. In addition, this requirement would forward the legislative intent behind the Teen Parents in Foster Care Act to provide dependent teen parents access to services and support necessary for successfully parenting their children by informing the court of the existing needs of the dependent teen parent so that assistance can be provided.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Associations recommends that legislation be sponsored to amend Welfare and Institutions Code section 366.1 to read as follows:

- 1 § 366.1
- 2 Each supplemental report required to be filed pursuant to Section 366 shall include, but
- 3 not be limited to, a factual discussion of each of the following subjects:
- 4 a. Whether the county welfare department social worker has considered either of the
- 5 following:
- 6 A. Child protective services, as defined in Chapter 5 (commencing with Section 16500)
- 7 of Part 4 of Division 9, as a possible solution to the problems at hand, and has offered those
- 8 services to qualified parents, if appropriate under the circumstances.
- 9 B. Whether the child can be returned to the custody of his or her parent who is enrolled
- 10 in a certified substance abuse treatment facility that allows a dependent child to reside with his or
- 11 her parent.

- 12 a. What plan, if any, for the return and maintenance of the child in a safe home is
13 recommended to the court by the county welfare department social worker.
- 14 b. Whether the subject child appears to be a person who is eligible to be considered for
15 further court action to free the child from parental custody and control.
- 16 c. What actions, if any, have been taken by the parent to correct the problems that caused
17 the child to be made a dependent child of the court.
- 18 d. If the parent or guardian is unwilling or unable to participate in making an educational
19 decision for his or her child, or if other circumstances exist that compromise the ability of the
20 parent or guardian to make educational decisions for the child, the county welfare department or
21 social worker shall consider whether the right of the parent or guardian to make educational
22 decisions for the child should be limited. If the supplemental report makes that recommendation,
23 the report shall identify whether there is a responsible adult available to make educational
24 decisions for the child pursuant to Section 361.
- 25 e. 1. Whether the child has any siblings under the court's jurisdiction, and, if any siblings
26 exist, all of the following:
- 27 A. The nature of the relationship between the child and his or her siblings.
- 28 B. The appropriateness of developing or maintaining the sibling relationships pursuant to
29 Section 16002.
- 30 C. If the siblings are not placed together in the same home, why the siblings are not
31 placed together and what efforts are being made to place the siblings together, or why those
32 efforts are not appropriate.
- 33 D. If the siblings are not placed together, all of the following:
- 34 i. The frequency and nature of the visits between the siblings.
- 35 ii. If there are visits between the siblings, whether the visits are supervised or
36 unsupervised. If the visits are supervised, a discussion of the reasons why the visits are
37 supervised, and what needs to be accomplished in order for the visits to be unsupervised.
- 38 iii. If there are visits between the siblings, a description of the location and length of the
39 visits.
- 40 iv. Any plan to increase visitation between the siblings.
- 41 A. The impact of the sibling relationships on the child's placement and planning for legal
42 permanence.
- 43 2. The factual discussion shall include a discussion of indicators of the nature of the
44 child's sibling relationships, including, but not limited to, whether the siblings were raised
45 together in the same home, whether the siblings have shared significant common 40 experiences
46 or have existing close and strong bonds, whether either sibling expresses a desire to visit or live
47 with his or her sibling, as applicable, and whether ongoing contact is in the child's best emotional
48 interests.
- 49 a. Whether a child who is 10 years of age or older and who has been in an out-of home
50 placement for six months or longer has relationships with individuals other than the child's
51 siblings that are important to the child, consistent with the child's best interests, and actions taken
52 to maintain those relationships. The social worker shall ask every child who is 10 years of age or
53 older and who has been in an out-of-home placement for six months or longer to identify any
54 individuals other than the child's siblings who are important to the child, consistent with the
55 child's best interest. The social worker may ask any other child to provide that information, as
56 appropriate.

57 h. If the dependent child in foster care is a minor parent, as defined in subdivision (f) of
58 Section 16002.5, the supplemental report shall specifically set forth the age of the child and
59 describe the developmentally appropriate services that were provided to the minor parent to
60 support him or her in providing a safe home for the child, consistent with Section 16002.5.
61 Additionally, where the minor parent and child are separated, the report shall provide an update
62 and description of visitation and/or reunification efforts as appropriate.

63 i. The implementation and operation of the amendments to subdivision (g) enacted at the
64 2005-06 Regular Session shall be subject to appropriation through the budget process and by
65 phase, as provided in Section 366.35.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: Women Lawyers of Sacramento.

STATEMENT OF REASONS

The Problem: In 2004, the Legislature added section 16002.5 to the Welfare and Institutions Code, enacting the “Teen Parents in Foster Care Act,” (Senate Bill 1178, chapter 841). In Section 1 of the Act, the Legislature found and declared that “[t]een parents in foster care have less access to traditional support systems than are typically available to minor and first time parents. Additionally, expectations placed on dependent teen parents are frequently unrealistic and inconsistent with their age and developmental level. However, dependent minor parents, given opportunities, adequate resources, support, and guidance, are able to successfully parent their children.” (Chapter 841 of 2004, page 2.)

Under Welfare and Institutions Code section 366.1, social workers are already required to provide the court reports regarding certain services provided to and subjects concerning minor dependent teen parents. These reports, however, are not required to include any information regarding services intended to enhance a teen parent’s parenting skills or position a teen parent for reunification with his or her child, where reunification is in the best interests of the child. There is currently no effective way for parties to monitor and ensure that a teen parent is given adequate resources to successfully parent his or her child.

The Solution: On July 1, 2015, Welfare and Institutions Code section 16501.26 became effective, providing the mechanism to create parenting support plans for nonminor dependent parents not currently within the jurisdiction of the dependency court. The purpose of these plans is to “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.”

This resolution would require the minor dependent parent’s social worker to inform the court and all parties of the services that the social worker has provided to the minor dependent parent to allow for successful parenting, similar to the mechanism created in Welfare and Institutions

Code section 16501.26 for nonminor dependent parents, and consistent with Welfare and Institutions Code section 16002.5.

IMPACT STATEMENT

The resolution does not affect any other law, statute or rule other than those expressly identified.

CURRENT OR PRIOR RELATED LEGISLATION

AB-1147 Dependent children: status reports. (2011-2012).

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