



advokids

A resource for foster children and their advocates

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California Welfare And Institutions Code § 16010.

CALIFORNIA CODES

CALIFORNIA WELFARE AND INSTITUTIONS CODE

Division 9. PUBLIC SOCIAL SERVICES

Part 4. SERVICES FOR THE CARE OF CHILDREN

Chapter 1. FOSTER CARE PLACEMENT

As amended through 7/17/2007

§ 16010.

(a) When a child is placed in foster care, the case plan for each child recommended pursuant to Section 358.1 shall include a summary of the health and education information or records, including mental health information or records, of the child. The summary may be maintained in the form of a health and education passport, or a comparable format designed by the child protective agency. The health and education summary shall include, but not be limited to, the names and addresses of the child's health, dental, and education providers, the child's grade level performance, the child's school record, assurances that the child's placement in foster care takes into account proximity to the school in which the child is enrolled at the time of placement, a record of the child's immunizations and allergies, the child's known medical problems, the child's current medications, past health problems and hospitalizations, a record of the child's relevant mental health history, the child's known mental health condition and medications, and any other relevant mental health, dental, health, and education information concerning the child determined to be appropriate by the Director of Social Services. If any other provision of law imposes more stringent information requirements, then that section shall prevail.

(b) Additionally, any court report or assessment required pursuant to subdivision (g) of Section 361.5, Section 366.1, subdivision (d) of Section 366.21, or

subdivision (b) of Section 366.22 shall include a copy of the current health and education summary described in subdivision (a).

(c) As soon as possible, but not later than 30 days after initial placement of a child into foster care, the child protective agency shall provide the caretaker with the child's current health and education summary as described in subdivision (a). For each subsequent placement, the child protective agency shall provide the caretaker with a current summary as described in subdivision (a) within 48 hours of the placement.

(d) (1) Notwithstanding Section 827 or any other provision of law, the child protective agency may disclose any information described in this section to a prospective caretaker or caretakers prior to placement of a child if all of the following requirements are met:

(A) The child protective agency intends to place the child with the prospective caretaker or caretakers.

(B) The prospective caretaker or caretakers are willing to become the adoptive parent or parents of the child.

(C) The prospective caretaker or caretakers have an approved adoption assessment or home study, a foster family home license, certification by a licensed foster family agency, or approval pursuant to the requirements in Sections 361.3 and 361.4.

(2) In addition to the information required to be provided under this section, the child protective agency may disclose to the prospective caretaker specified in paragraph (1), placement history or underlying source documents that are provided to adoptive parents pursuant to subdivisions (a) and (b) of Section 8706 of the Family Code.

(e) The child's caretaker shall be responsible for obtaining and maintaining accurate and thorough information from physicians and educators for the child's summary as described in subdivision (a) during the time that the child is in the care of the caretaker. On each required visit, the child protective agency or its designee family foster agency shall inquire of the caretaker whether there is any new information that should be added to the child's summary as described in subdivision (a). The child protective agency shall update the summary with such information as appropriate, but not later than the next court date or within 48 hours of a change in placement. The child protective agency or its designee family foster agency shall take all necessary steps to assist the caretaker in obtaining relevant health and education information for the child's health and education summary as described in subdivision (a).

(f) At the initial hearing, the court shall direct each parent to provide to the child protective agency complete medical, dental, mental health, and educational information, and medical background, of the child and of the child's mother and

the child's biological father if known. The Judicial Council shall create a form for the purpose of obtaining health and education information from the child's parents or guardians at the initial hearing. The court shall determine at the hearing held pursuant to Section 358 whether the medical, dental, mental health, and educational information has been provided to the child protective agency.

History. Amended by [Stats 2001 ch 353 \(AB 538\), s 5](#), eff. 1/1/2002.

Previously Amended September 28, 1999 (Bill Number: SB 543) (Chapter 552).

California Welfare And Institutions Code § 16010.4.

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§ 16010.4.

The Legislature finds and declares all of the following:

(a) The State of California is guardian to more than 90,000 children in foster care, more than any other state in the nation. As of 2002, California has a disproportionately high number of children in foster care. While the state is home to 12 percent of the nation's population, it guards over 20 percent of the nation's children in its foster care system. Thirty-five percent of foster children live with relatives.

(b) Foster parents are one of the most important sources of information about the children in their care. Courts, lawyers, and social workers should have the benefit of caregivers' perceptions.

Both federal and state law recognize the importance of foster parents' participation in juvenile court proceedings. Federal law requires that foster parents and other caregivers receive expanded opportunities for notice, the right to participate in dependency court review and permanency hearings, and the right to communicate concerns to the courts. State law similarly provides that caregivers may submit their concerns to courts in writing.

(c) It is in the children's best interests that their caregivers are privy to important information about them. This information is necessary to obtain social and health services for children, enroll children in school and extracurricular activities, and update social workers and court personnel about important developments affecting foster children.

(d) Most school districts and extracurricular organizations require proof of age before enrolling a child in their programs.

Moreover, caregivers are required to obtain a medical appointment for their foster children within the first month of receiving the children into their homes. It would therefore be in both the children's and the caregivers' best interests to be provided with any available medical information, medications and instructions for use, and identifying information about the children upon receiving the children into their homes.

(e) Caregivers should have certain basic information in order to provide for the needs of children placed in their care, including all of the following:

(1) The name, mailing address, telephone number, and facsimile number of the child's social worker and the social worker's supervisor.

(2) The name, mailing address, telephone number, and facsimile number of the child's attorney and court-appointed special advocate (CASA), if any.

(3) The name, address, and department number of the juvenile court in which the child's juvenile court case is pending.

(4) The case number assigned to the child's juvenile court case.

(5) A copy of the child's birth certificate, passport, or other identifying documentation of age as may be required for enrollment in school and extracurricular activities.

(6) The child's State Department of Social Services identification number.

(7) The child's Medi-Cal identification number or group health insurance plan number.

(8) Medications or treatments in effect for the child at the time of placement, and instructions for their use.

(9) A plan outlining the child's needs and services, including information on family and sibling visitation.

(f) Caregivers should have knowledge of all of the following:

(1) Their right to receive notice of all review and permanency hearings concerning

the child during the placement.

(2) Their right to attend those hearings or submit information they deem relevant to the court in writing.

(3) The "Caregiver Information Form" (Judicial Council Form JV-290), which allows the caregiver to provide information directly to the court.

(4) Information about and referrals to any existing services, including transportation, translation, training, forms, and other available services.

(5) The caregiver's obligation to cooperate with any reunification, concurrent, or permanent planning for the child.

(6) Any known siblings or half-siblings of the child, whether the child has, expects, or desires to have contact or visitation with any or all siblings, and how and when caregivers facilitate the contact or visitation.

(g) Courts should know, at the earliest possible date, the interest of the caretaker in providing legal permanency for the child.

History. Added by [Stats 2003 ch 812 \(SB 591\)](#), [s 5](#), eff. 1/1/2004.

California Welfare And Institutions Code § 16010.5.

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As amended through 7/17/2007

§ 16010.5.

(a) When initially placing a child into foster care or kinship care, and within 48 hours of any subsequent placement of that child, the placing agency shall provide to the child's caretaker both of the following:

(1) Prescribed medications for the child that are in the possession of the placing agency, with instructions for the use of the medication.

(2) Information regarding any treatments that are known to the placing agency and that are in effect for the child at the time of the placement.

(b) As soon as possible after placing a child into foster care or kinship care, and no later than 30 days after placing the child, the placing agency shall provide to the child's caregiver any available documentation or proof of the child's age that may be required for enrollment in school or activities that require proof of age.

(c) Within 30 days of receiving a copy of a child's birth certificate or passport, a placing agency shall provide a copy of that document to the child's caregiver.

(d) Nothing shall preclude the placing agency from providing the name, mailing address, telephone number, and facsimile number of the child's attorney and the child's court-appointed special advocate, if any, to the child or the child's caregiver upon their request.

History. Added by [Stats 2003 ch 812 \(SB 591\)](#), [s 6](#), eff. 1/1/2004.