

## RESOLUTION 03-04-2010

### DIGEST

#### Juvenile Dependency: Periodic Report for Dependent Minor Parents

Amends Welfare and Institutions Code section 366.1 to include the reporting of services provided to dependent teen parents whose children are also dependents.

### RESOLUTIONS COMMITTEE RECOMMENDATION

#### APPROVE IN PRINCIPLE

#### History:

No similar resolutions found.

#### Reasons:

Amends Welfare and Institutions Code section 366.1 to include the reporting of services provided to dependent teen parents whose children are also dependents. This resolution should be approved in principle because it provides accountability for efforts made to assist dependent parents to reunify with their children.

Research conducted in California, New York, and in several midwestern states confirms that the phenomenon of teens parenting while in foster care is real, yet the mechanisms to account for the services provided to these parents are lacking. The Children's Law Center of Los Angeles reports the lack of continuity of services as a major challenge facing parenting teens in foster care. Research conducted by Wald and Martinez in 2003 found that many of the services provided fail to include mothers as full participants and beneficiaries in these programs. Further, many other services are designed for adults.

In 2004, the California Legislature enacted SB 1178, the Teen Parents in Foster Care Act. One goal of the law was to ensure that minor parents be given adequate resources, support, and guidance to be able to successfully parent their children.

Welfare and Institutions Code section 366.1 requires social workers to submit a report that provides the court with a factual discussion of child protective services provided to the family. This resolution would require that where the parent is a minor in foster care, the report shall additionally provide information on what age and developmental-appropriate services were provided to the teen parent to facilitate permanency for the child and/or reunification with the teen parent.

Where the teen is also a foster child, the focus is often placed on addressing the issues that brought the teen into the system. By requiring that the report include age and developmental-appropriate services provided to the teen as parent, this resolution furthers the goals of the Teen Parents in Foster Care Act.

## 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,  
3 but not be limited to, a factual discussion of each of the following subjects:  
4 (a) Whether the county welfare department social worker has considered child  
5 protective services, as defined in Chapter 5 (commencing with Section 16500) of Part 4 of  
6 Division 9, as a possible solution to the problems at hand, and has offered those services to  
7 qualified parents, if appropriate under the circumstances. If the qualified parent is a teen in  
8 foster care, the supplemental report shall specifically set forth the age and developmental-  
9 appropriate services that were provided to the teen parent in foster care to allow the parent  
10 to provide a permanent and safe home for the child or to facilitate reunification consistent  
11 with Welfare and Institutions Code Section 16002.5.  
12 (b) 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 (c) Whether the subject child appears to be a person who is eligible to be  
15 considered for further court action to free the child from parental custody and control.  
16 (d) What actions, if any, have been taken by the parent to correct the problems that  
17 caused the child to be made a dependent child of the court.  
18 (e) If the parent or guardian is unwilling or unable to participate in making an  
19 educational decision for his or her child, or if other circumstances exist that compromise  
20 the ability of the parent or guardian to make educational decisions for the child, the county  
21 welfare department or social worker shall consider whether the right of the parent or  
22 guardian to make educational decisions for the child should be limited. If the supplemental  
23 report makes that recommendation, the report shall identify whether there is a responsible  
24 adult available to make educational decisions for the child pursuant to Section 361.  
25 (f) (1) Whether the child has any siblings under the court's jurisdiction, and, if any  
26 siblings 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  
29 pursuant to Section 16002.  
30 (C) If the siblings are not placed together in the same home, why the siblings are  
31 not placed together and what efforts are being made to place the siblings together, or why  
32 those efforts are not appropriate.  
33 (D) If the siblings are not placed together, the frequency and nature of the visits  
34 between siblings.  
35 (E) The impact of the sibling relationships on the child's placement and planning  
36 for legal permanence.  
37 (2) The factual discussion shall include a discussion of indicators of the nature of  
38 the child's sibling relationships, including, but not limited to, whether the siblings were  
39 raised together in the same home, whether the siblings have shared significant common  
40 experiences or have existing close and strong bonds, whether either sibling expresses a

41 desire to visit or live with his or her sibling, as applicable, and whether ongoing contact is  
42 in the child's best emotional interests.

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

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

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

**PROPONENT:** Women Lawyers of Sacramento

**STATEMENT OF REASONS:**

Existing Law: 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 Senate Bill 1178 as enacted, the Legislature specifically found and declared that “Teen 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, for every child removed from their parent and in foster care, the court receives a report from the social worker, with the contents of the report required to be filed.

This Resolution: Would inform the court and all parties of the services that the social worker has provided to the teen parent to allow for successful parenting.

The Problem: The reality of teen parents in foster care is that they may fail to execute follow-through as to those services intended to position them for reunification and enhance their parenting skills. There is no effective way for all parties to monitor and ensure that the teen parent is given the adequate resources to successfully parent his or her child.

**IMPACT STATEMENT**

This resolution does not affect any other law, statute or rule.

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**RESPONSIBLE FLOOR DELEGATE:** Maria Sanders

**COUNTER ARGUMENTS**

**FAMILY LAW SECTION**

**RECOMMENDATION: APPROVE IN PRINCIPLE**

The Family Law Section Executive Committee (FLEXCOM) supports resolution 03-04-2010, 15-0-1. FLEXCOM agrees that this change may assist in monitoring and ensuring that the teen parent is given adequate resources to successfully parent his/her child.

**This position is only that of the Family Law Section of the State Bar of California. This position has not been adopted by either the State Bar Board of Governors or overall membership and is not to be construed as representing the position of the State Bar of California.**

**Membership in the Family Law Section is voluntary, and funding for section activities, including all legislative activities, is obtained entirely from voluntary services.**