



**Clean-Up Legislation to Ensure Accurate Court
Calendaring of Family Reunification Hearings**

(AB 706 – Human Services Committee)

Issue:

- By making technical language changes to Welfare and Institutions Code Section 361.5, Assembly Bill 706 seeks to proactively remedy any potential confusion that may arise as a result of AB 2341, effective January 1, 2009, with regard to when courts should schedule the six (WIC Section 366.21(e)) and twelve month (WIC Section 366.21(f)) family reunification review hearings within the dependency court system.

Existing Law:

- In 2008, AB 2341 (Maze) amended Welfare and Institutions Code Sections 361.5(a)(1) and 361.5(a)(2) to ensure that children and families in our dependency/child welfare system are afforded their full statutory right to receive reunification services as specified in California statute – namely, six months where the child is under three years of age, and twelve months where the child is over three years of age. This bill also amended Welfare and Institutions Code Sections 361.5 and 388 to create a vehicle for allowing early termination of reunification services when new evidence or a change of circumstances exists and reunification is no longer in the child's best interests in accordance with 361.5(b) and (e).
- This important legislation was introduced as a result of case law that had allowed for reunification services to be terminated *prior* to or in between the statutorily prescribed review hearings.
- In enacting this legislation, the California Legislature affirmed that unless there is new evidence or change of circumstances which would have resulted in a denial of reunification services at the time the initial disposition orders were entered, children and their parents should be able to rely on a valid court order, and should not find themselves in court 2 or 3 months into a 6 month review period to have their reunification services prematurely terminated.
- California has long recognized that when removal of a child from the custody of his or her parents is necessary to protect the child, preserving the family, strengthening family ties, and reunification of the child with the family whenever possible are the primary objectives of the Child Welfare System (See WIC Section 202).

This Bill:

- Assembly Bill 706 will ensure proper application of AB2341 by clarifying sections of the original bill which conflict with existing code sections. This bill will not change the intent or construction of timelines for reunification. Rather, it will merely eliminate confusion regarding when courts should schedule six and twelve month family reunification review hearings -- and precisely how to calculate the timelines for these review hearings -- within California's dependency court system.