

ASSEMBLY BILL

No. 1332

Introduced by Assembly Member Evans

February 23, 2007

An act to add Section 8811.55 to the Family Code, to amend Section 102635 of the Health and Safety Code, and to amend Section 16120 of, and to add Section 16120.05 to, the Welfare and Institutions Code, relating to adoption, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1332, as introduced, Evans. Adoption.

Existing law imposes requirements on prospective adoptive parents for adoptions through licensed adoption agencies, and for independent adoptions. These requirements include, for example, a criminal record check and a preplacement evaluation of the prospective adoptive parents.

This bill would require, in addition to any other evaluation requirements, that a home study be conducted of the prospective adoptive parents' home that meets the same requirements as a home study conducted in an agency adoption.

Existing law requires the establishment by the State Registrar of a new birth certificate upon receipt of a report of adoption for a child born in California, or a readoption order, as specified.

This bill would require the State Registrar to establish procedures for the issuance of an expedited amended birth certificate within 30 days following an adoption, and would authorize a fee to be charged for the issuance of that certificate.

Existing law provides for the Adoption Assistance Program, to be established and administered by the State Department of Social Services or the county, for the purpose of benefiting children residing in foster

homes by providing the stability and security of permanent homes. The program provides for the payment by the department and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs. Existing law requires a child to be 18 years of age or younger in order to be eligible for Adoption Assistance Program benefits, except as specified.

Under existing law, a child remains eligible for Adoption Assistance Program benefits if the child received those benefits with respect to a prior adoption and the child is again available for adoption because the prior adoption was dissolved and the parental rights of the adoptive parents were terminated, or because the child's adoptive parents died.

This bill also would extend payment of Adoption Assistance Program benefits to situations where the prior adoption is dissolved or the adoptive parent dies, and the child is not readopted, but is placed in an alternative placement, such as foster care or guardianship.

This bill would permit a child to be eligible for aid under the program after 18 years of age if the child is in a specified educational or training program or is pursuing a high school equivalency certificate, if the child is otherwise eligible for program benefits, continues to attend the educational or training program or pursue the high school equivalency certificate, and may reasonably be expected to complete the educational or training program or to receive a high school equivalency certificate, before his or her 19th birthday.

Because funds are continuously appropriated to counties for the support and care of children under the Adoption Assistance Program, by increasing payments under the program, the bill would make an appropriation. In addition, by increasing duties of counties with respect to eligibility determinations under the Adoption Assistance Program, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: $\frac{2}{3}$. Appropriation: yes. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 8811.55 is added to the Family Code, to
2 read:

3 8811.55. In addition to any other evaluation requirements, a
4 home study shall be conducted of the prospective adoptive parents'
5 home that meets the same requirements as a home study conducted
6 in an agency adoption.

7 SEC. 2. Section 102635 of the Health and Safety Code is
8 amended to read:

9 102635. (a) A new birth certificate shall be established by the
10 State Registrar upon receipt of either of the following:

11 ~~(a)~~

12 (1) A report of adoption from any court of record that has
13 jurisdiction of the child in this state, another state, the District of
14 Columbia, in any territory of the United States, or in any foreign
15 country, for any child born in California and whose certificate of
16 birth is on file in the office of the State Registrar.

17 ~~(b)~~

18 (2) A readoption order issued pursuant to Section 8919 of the
19 Family Code.

20 (b) *The State Registrar shall establish procedures for the*
21 *issuance of an expedited amended birth certificate within 30 days*
22 *following the adoption. A fee may be charged for the issuance of*
23 *the expedited birth certificate pursuant to this subdivision, which*
24 *shall not exceed the actual cost of providing the certificate on an*
25 *expedited basis.*

26 SEC. 3. Section 16120 of the Welfare and Institutions Code is
27 amended to read:

28 16120. A child shall be eligible for Adoption Assistance
29 Program benefits if all of the conditions specified in subdivisions
30 (a) ~~through~~ to (g), inclusive, are met or if the conditions specified
31 in subdivision (h) are met.

32 (a) The child has at least one of the following characteristics
33 that are barriers to his or her adoption:

34 (1) Adoptive placement without financial assistance is unlikely
35 because of membership in a sibling group that should remain intact
36 or by virtue of race, ethnicity, color, language, age of three years
37 or older, or parental background of a medical or behavioral nature

1 that can be determined to adversely affect the development of the
2 child.

3 (2) Adoptive placement without financial assistance is unlikely
4 because the child has a mental, physical, emotional, or medical
5 disability that has been certified by a licensed professional
6 competent to make an assessment and operating within the scope
7 of his or her profession. This paragraph shall also apply to children
8 with a developmental disability as defined in subdivision (a) of
9 Section 4512, including those determined to require out-of-home
10 nonmedical care as described in Section 11464.

11 (b) The need for adoption subsidy is evidenced by an
12 unsuccessful search for an adoptive home to take the child without
13 financial assistance, as documented in the case file of the
14 prospective adoptive child. The requirement for this search shall
15 be waived when it would be against the best interest of the child
16 because of the existence of significant emotional ties with
17 prospective adoptive parents while in the care of these persons as
18 a foster child.

19 (c) The child meets either of the following criteria:

20 (1) At the time a petition for an agency adoption, as defined in
21 Section 8506 of the Family Code, or an independent adoption, as
22 defined in Section 8524 of the Family Code, is filed, the child has
23 met the requirements to receive federal supplemental security
24 income benefits pursuant to Subchapter 16 (commencing with
25 Section 1381) of Chapter 7 of Title 42 of the United States Code,
26 as determined and documented by the federal Social Security
27 Administration.

28 (2) The child is the subject of an agency adoption as defined in
29 Section 8506 of the Family Code and was any of the following:

30 (A) Under the supervision of a county welfare department as
31 the subject of a legal guardianship or juvenile court dependency.

32 (B) Relinquished for adoption to a licensed California private
33 or public adoption agency, or the department, and would have
34 otherwise been at risk of dependency as certified by the responsible
35 public child welfare agency.

36 (C) Committed to the care of the department pursuant to Section
37 8805 or 8918 of the Family Code.

38 (d) The child is under 18 years of age, or under 21 years of age
39 and has a mental or physical handicap that warrants the
40 continuation of assistance.

1 (e) The adoptive family is responsible for the child pursuant to
2 the terms of an adoptive placement agreement or a final decree of
3 adoption and has signed an adoption assistance agreement.

4 (f) The adoptive family is legally responsible for the support of
5 the child and the child is receiving support from the adoptive
6 parent.

7 (g) The department or the county responsible for determining
8 the child's Adoption Assistance Program eligibility status and for
9 providing financial aid, and the prospective adoptive parent, prior
10 to or at the time the adoption decree is issued by the court, have
11 signed an adoption assistance agreement that stipulates the need
12 for, and the amount of, Adoption Assistance Program benefits.

13 (h) A child shall be eligible for Adoption Assistance Program
14 benefits if the child received Adoption Assistance Program benefits
15 with respect to a prior adoption and the child is again available for
16 adoption because the prior adoption was dissolved and the parental
17 rights of the adoptive parents were terminated or because the
18 child's adoptive parents died. *If a child is receiving Adoption*
19 *Assistance Program benefits and the adoption is dissolved or the*
20 *adoptive parents die, but the child is not readopted, the benefits*
21 *shall continue to be provided pursuant to this chapter to the child's*
22 *subsequent caregiver, such as a foster parent or legal guardian.*

23 SEC. 4. Section 16120.05 is added to the Welfare and
24 Institutions Code, to read:

25 16120.05. Notwithstanding subdivision (d) of Section 16120,
26 a child shall be eligible for aid under this chapter after 18 years of
27 age if the child is attending high school or the equivalent level of
28 vocational or technical training on a full-time basis, or who is in
29 the process of pursuing a high school equivalency certificate, prior
30 to his or her 18th birthday, so long as the child is otherwise eligible
31 for aid under this chapter, continues to attend high school or the
32 equivalent level of vocational or technical training on a full-time
33 basis, or continues to pursue a high school equivalency certificate,
34 and the child may reasonably be expected to complete the
35 educational or training program or to receive a high school
36 equivalency certificate, before his or her 19th birthday.

37 SEC. 5. If the Commission on State Mandates determines that
38 this act contains costs mandated by the state, reimbursement to
39 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

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