

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 921

Introduced by Assembly Member Jones

February 26, 2009

An act to ~~amend Section 241.1 of~~ *add Section 607.5* to the Welfare and Institutions Code, relating to children.

LEGISLATIVE COUNSEL'S DIGEST

AB 921, as amended, Jones. ~~Dual status children: access to services. Juvenile court jurisdiction: services and benefits.~~

~~Existing law provides that, whenever a minor appears to come within the description of both a dependent child and a ward of the juvenile court, the county probation department and the child welfare services department are required initially to determine which status will serve the best interests of the minor and the protection of society, pursuant to a jointly developed written protocol.~~

~~Existing law provides that a minor may be adjudged a dependent child or a ward of the juvenile court under specified circumstances. Existing law authorizes the court to place a minor who has been removed from the custody of his or her parent or guardian to be placed in foster care among other placements, as specified. Existing law provides for the termination of the juvenile court when the minor reaches a specified age.~~

~~This bill, in addition, would require the juvenile court, whenever it orders a hearing to terminate, on the basis of age, the jurisdiction of the court over a dependent child or ward who was in foster care, to order the social worker or probation department officer to make every effort to ensure that the child's access to foster care services and supports~~

~~is not relinquished~~ provide to the dependent child or ward a written notice stating that the person is a former foster child and is eligible for the services and benefits that are available to a former foster child through public and private programs, and to provide to the ward all necessary information regarding the availability of, and assistance to enable the ward to apply for and gain acceptance into, federal and state programs that provide independent living services and benefits to former foster children for which the person is or may be eligible.

By imposing additional duties upon ~~county officials~~ probation officers, this bill would create 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: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

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

1 SECTION 1. Section 607.5 is added to the Welfare and
2 Institutions Code, to read:

3 607.5. Notwithstanding any other provision of law, whenever
4 the juvenile court orders a hearing to terminate, on the basis of
5 age, the jurisdiction of the court, over a dependent child or a ward
6 who was in foster care at any time, the court shall order the social
7 worker or probation officer, as applicable, to provide to the
8 dependent child or ward both of the following:

9 (a) A written notice stating that the person is a former foster
10 child and is eligible for the services and benefits that are available
11 to a former foster child through public and private programs,
12 including, but not limited to, any independent living program for
13 former foster children.

14 (b) All necessary information regarding the availability of, and
15 assistance to enable the person to apply for and gain acceptance
16 into, federal and state programs that provide independent living
17 services and benefits to former foster children, including, but not

1 *limited to, financial assistance, housing, and educational resources,*
2 *for which he or she is or may be eligible.*

3 *SEC. 2. If the Commission on State Mandates determines that*
4 *this act contains costs mandated by the state, reimbursement to*
5 *local agencies and school districts for those costs shall be made*
6 *pursuant to Part 7 (commencing with Section 17500) of Division*
7 *4 of Title 2 of the Government Code.*

8 ~~SECTION 1. Section 241.1 of the Welfare and Institutions~~
9 ~~Code is amended to read:~~

10 ~~241.1. (a) Whenever a minor appears to come within the~~
11 ~~description of both Section 300 and Section 601 or 602, the county~~
12 ~~probation department and the child welfare services department~~
13 ~~shall, pursuant to a jointly developed written protocol described~~
14 ~~in subdivision (b), initially determine which status will serve the~~
15 ~~best interests of the minor and the protection of society. The~~
16 ~~recommendations of both departments shall be presented to the~~
17 ~~juvenile court with the petition that is filed on behalf of the minor,~~
18 ~~and the court shall determine which status is appropriate for the~~
19 ~~minor. Any other juvenile court having jurisdiction over the minor~~
20 ~~shall receive notice from the court, within five calendar days, of~~
21 ~~the presentation of the recommendations of the departments. The~~
22 ~~notice shall include the name of the judge to whom, or the~~
23 ~~courtroom to which, the recommendations were presented.~~

24 ~~(b) The probation department and the child welfare services~~
25 ~~department in each county shall jointly develop a written protocol~~
26 ~~to ensure appropriate local coordination in the assessment of a~~
27 ~~minor described in subdivision (a), and the development of~~
28 ~~recommendations by these departments for consideration by the~~
29 ~~juvenile court. These protocols shall require, which requirements~~
30 ~~shall not be limited to, consideration of the nature of the referral,~~
31 ~~the age of the minor, the prior record of the minor's parents for~~
32 ~~child abuse, the prior record of the minor for out-of-control or~~
33 ~~delinquent behavior, the parents' cooperation with the minor's~~
34 ~~school, the minor's functioning at school, the nature of the minor's~~
35 ~~home environment, and the records of other agencies that have~~
36 ~~been involved with the minor and his or her family. The protocols~~
37 ~~also shall contain provisions for resolution of disagreements~~
38 ~~between the probation and child welfare services departments~~
39 ~~regarding the need for dependency or ward status and provisions~~
40 ~~for determining the circumstances under which a new petition~~

1 should be filed to change the minor's status. The probation
2 department shall make every effort to ensure that access to foster
3 care services and support for a minor described in subdivision (a)
4 is not relinquished.

5 (e) Whenever a minor who is under the jurisdiction of the
6 juvenile court of a county pursuant to Section 300, 601, or 602 is
7 alleged to come within the description of Section 300, 601, or 602
8 by another county, the county probation department or child
9 welfare services department in the county that has jurisdiction
10 under Section 300, 601, or 602 and the county probation
11 department or child welfare services department of the county
12 alleging the minor to be within one of those sections shall initially
13 determine which status will best serve the best interests of the
14 minor and the protection of society. The recommendations of both
15 departments shall be presented to the juvenile court in which the
16 petition is filed on behalf of the minor, and the court shall
17 determine which status is appropriate for the minor. In making
18 their recommendation to the juvenile court, the departments shall
19 conduct an assessment consistent with the requirements of
20 subdivision (b). Any other juvenile court having jurisdiction over
21 the minor shall receive notice from the court in which the petition
22 is filed within five calendar days of the presentation of the
23 recommendations of the departments. The notice shall include the
24 name of the judge to whom, or the courtroom to which, the
25 recommendations were presented.

26 (d) Except as provided in subdivision (e), nothing in this section
27 shall be construed to authorize the filing of a petition or petitions,
28 or the entry of an order by the juvenile court, to make a minor
29 simultaneously both a dependent child and a ward of the court.

30 (e) Notwithstanding subdivision (d), the probation department
31 and the child welfare services department, in consultation with the
32 presiding judge of the juvenile court, in any county may create a
33 jointly written protocol to allow the county probation department
34 and the child welfare services department to jointly assess and
35 produce a recommendation that the child be designated as a dual
36 status child, allowing the child to be simultaneously a dependent
37 child and a ward of the court. This protocol shall be signed by the
38 chief probation officer, the director of the county social services
39 agency, and the presiding judge of the juvenile court prior to its
40 implementation. No juvenile court may order that a child is

1 simultaneously a dependent child and a ward of the court pursuant
2 to this subdivision unless and until the required protocol has been
3 created and entered into. This protocol shall include:

4 (1) A description of the process to be used to determine whether
5 the child is eligible to be designated as a dual status child.

6 (2) A description of the procedure by which the probation
7 department and the child welfare services department will assess
8 the necessity for dual status for specified children and the process
9 to make joint recommendations for the court's consideration prior
10 to making a determination under this section. These
11 recommendations shall ensure a seamless transition from wardship
12 to dependency jurisdiction, as appropriate, so that services to the
13 child are not disrupted upon termination of the wardship.

14 (3) A provision for ensuring communication between the judges
15 who hear petitions concerning children for whom dependency
16 jurisdiction has been suspended while they are within the
17 jurisdiction of the juvenile court pursuant to Section 601 or 602.
18 A judge may communicate by providing a copy of any reports
19 filed pursuant to Section 727.2 concerning a ward to a court that
20 has jurisdiction over dependency proceedings concerning the child.

21 (4) A plan to collect data in order to evaluate the protocol
22 pursuant to Section 241.2.

23 (5) Counties that exercise the option provided for in this
24 subdivision shall adopt either an "on-hold" system as described
25 in subparagraph (A) or a "lead court/lead agency" system as
26 described in subparagraph (B). In no case shall there be any
27 simultaneous or duplicative case management or services provided
28 by both the county probation department and the child welfare
29 services department. It is the intent of the Legislature that judges,
30 in cases in which more than one judge is involved, shall not issue
31 conflicting orders.

32 (A) In counties in which an on-hold system is adopted, the
33 dependency jurisdiction shall be suspended or put on hold while
34 the child is subject to jurisdiction as a ward of the court. When it
35 appears that termination of the court's jurisdiction, as established
36 pursuant to Section 601 or 602, is likely and that reunification of
37 the child with his or her parent or guardian would be detrimental
38 to the child, the county probation department and the child welfare
39 services department shall jointly assess and produce a

1 ~~recommendation for the court regarding whether the court's~~
2 ~~dependency jurisdiction shall be resumed.~~

3 ~~(B) In counties in which a lead court/lead agency system is~~
4 ~~adopted, the protocol shall include a method for identifying which~~
5 ~~court or agency will be the lead court/lead agency. That court or~~
6 ~~agency shall be responsible for case management, conducting~~
7 ~~statutorily mandated court hearings, and submitting court reports.~~

8 ~~SEC. 2. If the Commission on State Mandates determines that~~
9 ~~this act contains costs mandated by the state, reimbursement to~~
10 ~~local agencies and school districts for those costs shall be made~~
11 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~
12 ~~4 of Title 2 of the Government Code.~~