

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN SENATE JUNE 21, 2011

AMENDED IN ASSEMBLY MARCH 29, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 212

Introduced by Assembly Member Beall

January 31, 2011

An act to amend Section 17552 of the Family Code, to amend ~~Section 1536.1~~ Sections 1502, 1536.1, and 1559.110 of the Health and Safety Code, and to amend Sections 241.1, 300.3, 303, 366.31, 366.4, 388, 391, 727.2, 727.3, 727.31, 728, 781, 785, 826, 11363, ~~11386~~, 11364, 11386, 11387, 11400, 11401, 11401.1, 11402, 11403, 11403.2, 11405, 11466.21, 16120, 16501.1, 16504, 16504.5, ~~and 16522~~ 16522, 16600, 16602, and 16604.5 of, and to add Sections 450, 451, 452, 607.2, 607.3, and 11403.01 to, *to repeal Section 11365 of, and to repeal and add Sections 16601 and 16604 of,* the Welfare and Institutions Code, relating to public social services, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 212, as amended, Beall. California Fostering Connections to Success Act.

Existing law, the California Fostering Connections to Success Act, revises and expands the scope of various programs relating to the provision of cash assistance and other services to and for the benefit of certain foster and adopted children, and other children who have been placed in out-of-home care, including children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC), Adoption

Assistance Program, California Work Opportunity and Responsibility to Kids (CalWORKs), and Kinship Guardianship Assistance Payment (Kin-GAP) benefits. Among other provisions, the act extends specified foster care benefits to youth up to 19, 20, and 21 years of age, if specified conditions are met, commencing January 1, 2012.

Existing law, through the Kin-GAP program, which is a part of the CalWORKs program, provides aid on behalf of eligible children who are placed in the home of a relative caretaker. Existing law provides state-funded Kin-GAP assistance for youth not eligible under the federally funded program and requires the state to exercise its option under specified federal law to establish a kinship guardianship assistance payment program, as specified, for youth eligible for federal financial participation for Kin-GAP. *Existing law authorizes, under specified conditions, the Kin-GAP payment to be made directly to an eligible nonminor.*

Under existing law, CalWORKs benefits may not be granted to or on behalf of any child who has attained 18 years of age, unless the child is attending high school or the equivalent level of vocational or technical training on a full-time basis, and is expected to complete the educational or training program before his or her 19th birthday.

This bill would establish similar provisions authorizing certain Kin-GAP recipients to continue to receive Kin-GAP aid after 18 years of age, if they are attending high school or vocational or technical training, as specified. By increasing county responsibilities in administering the Kin-GAP program, this bill would impose a state-mandated local program. *The bill would also remove the authority for payment directly to a nonminor.* The bill would make related conforming changes.

This bill would, for guardianships established after January 1, 2012, require payment for certain reasonable and verified nonrecurring expenses associated with obtaining legal guardianship, not to exceed the amount specified in federal law.

This bill would recast and revise definitions applicable to the extension of AFDC-FC payments to nonminor dependents who are under the jurisdiction of the juvenile court, pursuant to a voluntary reentry agreement, and in accordance with a transitional independent living case plan.

Under existing law, AFDC-FC payments for children placed voluntarily on and after January 1, 1981, are limited to 180 days, and may be extended an additional 6 months, as specified.

This bill, on and after January 1, 2012, would limit AFDC-FC payments to 180 days to nonminor dependents who reentered foster care placement. The bill would impose a state-mandated local program by requiring county child welfare services departments to file a specified petition relating to the interests of the nonminor in reentry and remaining in foster care.

This bill also would impose a state-mandated local program by requiring county child welfare services departments to complete the voluntary reentry agreement with a nonminor, and to establish a new child-only foster care eligibility determination, in accordance with a specified provision of federal law, based on the nonminor's completion of that agreement.

Existing law imposes specified duties on the State Department of Social Services and local child support agencies regarding the collection and enforcement of child support in cases where a child has been removed from the parental home.

This bill would modify these provisions to incorporate nonminor dependents within the existing authority, including specifying that a nonminor dependent over 19 years of age is not a child for purposes of referral to the local child support agency.

Existing law requires a county welfare department to provide certain information, documents, and services to a court prior to a hearing to terminate dependency jurisdiction, as specified.

This bill would expand the documents required to be provided under the above circumstances, to include, among other things, an advance health care directive form. By increasing the duties of county welfare departments, the bill would impose a state-mandated local program.

Under existing law, when a minor who is a ward of the juvenile court is placed in out-of-home care and the court orders a hearing to consider permanently terminating parental rights to free the minor for adoption, the court is required to direct the agency supervising the minor and the licensed county adoption agency or the State Department of Social Services, as specified, to prepare an assessment that includes specified information.

This bill would revise the contents of the required assessment including requiring consideration of the effect of a relative caregiver's preference for legal guardianship over adoption, as specified. To the extent that this requirement would increase the duties of county adoption agencies, the bill would impose a state-mandated local program.

Existing law, on and after January 1, 2012, authorizes the juvenile court to assert dependency jurisdiction over a delinquent ward who had been previously removed from the custody of his or her parents and placed in foster care, as specified, and requires the county probation department and child welfare services department to develop a protocol for coordination of the assessment of these wards.

This bill would delete the provisions authorizing the juvenile court to assert dependency jurisdiction over these wards and would require the county probation and child welfare services departments to include additional processes in the assessment protocols. The bill would require the juvenile court to include specified terms in its order modifying jurisdiction over a dependent or ward who was removed from his or her parents or guardian and placed in foster care.

Existing law, on and after, January 1, 2012, allows a nonminor who left foster care at or after the age of majority to petition the court to have dependency or delinquency jurisdiction resumed, as provided.

This bill would establish transition jurisdiction for the juvenile court and would specify the criteria required to come within this jurisdiction. The bill would authorize a nonminor to petition the juvenile court to resume dependency jurisdiction or to assume or resume transition jurisdiction. The bill would require the court to hold a hearing before terminating transition jurisdiction over a nonminor dependent, as defined, and would require the agency responsible for supervising the nonminor dependent to complete certain duties in connection with this hearing. Because the bill would increase the duties of a county department, it would impose a state-mandated local program.

Existing law specifies the grounds for finding a person under 18 years of age to be a ward of the juvenile court.

This bill would, on and after January 1, 2012, require the court to hold a hearing before terminating its jurisdiction over a ward who meets specified criteria and would require the probation department to complete certain duties, including submitting a report to the court and other documents, when the transition hearing is for a *nonminor* ward ~~who is 18 years of age or older~~ and subject to a foster care placement order. Because the bill would thereby increase the duties of a county department, it would impose a state-mandated local program.

Existing law requires the juvenile court to review the status at least once every 6 months of every minor declared to be a ward and placed in foster care. Under existing law, on and after January 1, 2012, the juvenile court at the status review hearing held closest to the ward's

18th birthday, but no fewer than 60 days before that date, is required to consider modifying its jurisdiction to assume dependency jurisdiction over the ward.

This bill would change the required date for this status review hearing to no fewer than 90 days before the ward's 18th birthday and would require the court to consider modifying its jurisdiction to transition rather than dependency jurisdiction or, if the ward does not meet the criteria for transition jurisdiction, to order that a petition be filed to declare the ward a dependent.

Existing law authorizes the sealing of juvenile court records under specified procedures.

This bill would authorize the juvenile court to access sealed records to determine whether a nonminor petitioning to resume dependency or delinquency jurisdiction meets the required criteria for that petition.

Existing law requires the juvenile court to authorize a trial period of independence away from foster care when terminating its dependency jurisdiction over a nonminor dependent who has a permanent plan of long-term foster care and, on and after January 1, 2012, authorizes a nonminor in a period of trial independence to petition the court to resume dependency or delinquency jurisdiction.

This bill would delete the provisions requiring the court to authorize this trial period and would instead allow the nonminor or other designated entities to petition the court to resume the dependency jurisdiction or to assume or resume transition jurisdiction over a former delinquent ward.

Existing law, the California Community Care Facilities Act, generally regulates the licensure and operation of various community care facilities. The act requires a placement agency to notify the appropriate licensing agency of certain activities that would jeopardize the health or safety of a community care resident. Violation of the act is a misdemeanor.

This bill would include incidents of abuse, neglect, or exploitation of a nonminor dependent, as defined, by a licensed caregiver while the nonminor is in a foster care placement to the list of incidents that are reportable by a placement agency. By changing the definition of an existing crime, the bill would impose a state-mandated local program.

Existing law requires a child reported to the county child welfare services department to be eligible for initial intake and evaluation of risk services, and sets forth the duties of the county in this regard.

This bill would extend the above-described evaluation of risk services to nonminor dependents in foster care placement, and would require the county to cross-report the abuse, neglect, or exploitation of the nonminor dependent by his or her caregiver, thus imposing a state-mandated local program.

This bill also would make various technical, nonsubstantive, and conforming changes to the California Fostering Connections to Success Act and related provisions.

Existing law requires the department to administer the Family Preservation and Support Program, as specified in federal law.

This bill would, instead, require the department to administer the federal Promoting Safe and Stable Families funds, as specified.

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 with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. 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 17552 of the Family Code is amended
2 to read:
3 17552. (a) The State Department of Social Services, in
4 consultation with the Department of Child Support Services, shall
5 promulgate regulations by which the county child welfare
6 department, in any case of separation or desertion of a parent or
7 parents from a child that results in foster care assistance payments
8 under Section 11400 of, or CalWORKs payments to a caretaker
9 relative of a child who comes within the jurisdiction of the juvenile
10 court under Section 300, 601, or 602 of the Welfare and Institutions
11 Code, who has been removed from the parental home and placed
12 with the caretaker relative by court order, and who is under the

supervision of the county child welfare agency or probation department under Section 11250 of, or Kin-GAP payments under Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of, or aid under subdivision (c) of Section 10101 of, the Welfare and Institutions Code, shall determine whether it is in the best interests of the child or nonminor to have the case referred to the local child support agency for child support services. If reunification services are not offered or are terminated, the case may be referred to the local child support agency, unless the child's permanent plan is legal guardianship with a relative who is receiving Kin-GAP and the payment of support by the parent may compromise the stability of the current placement with the related guardian, or the permanent plan is transitional foster care for the nonminor under Section 11403 of the Welfare and Institutions Code. In making the determination, the department regulations shall provide the factors the county child welfare department shall consider, including:

(1) Whether the payment of support by the parent will pose a barrier to the proposed reunification, in that the payment of support will compromise the parent's ability to meet the requirements of the parent's reunification plan.

(2) Whether the payment of support by the parent will pose a barrier to the proposed reunification in that the payment of support will compromise the parent's current or future ability to meet the financial needs of the child.

(b) The department regulations shall provide that, where the county child welfare department determines that it is not in the best interests of the child to seek a support order against the parent, the county child welfare department shall refrain from referring the case to the local child support agency. The regulations shall define those circumstances in which it is not in the best interest of the child to refer the case to the local child support agency.

(c) The department regulations shall provide, where the county child welfare department determines that it is not in the child's best interest to have his or her case referred to the local child support agency, the county child welfare department shall review that determination periodically to coincide with the redetermination of AFDC-FC eligibility under Section 11401.5 of, or the CalWORKs eligibility under Section 11265 of, or Kin-GAP eligibility under Article 4.5 (commencing with Section 11360) or

Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, and shall refer the child's case to the local child support agency upon a determination that, due to a change in the child's circumstances, it is no longer contrary to the child's best interests to have his or her case referred to the local child support agency.

(d) The State Department of Social Services shall promulgate all necessary regulations pursuant to this section on or before October 1, 2002.

(e) Notwithstanding any other provision of law, a nonminor dependent, as described in subdivision (v) of Section 11400 of the Welfare and Institutions Code, who is over 19 years of age, is not a child for purposes of referral to the local child support agency for collection or enforcement of child support.

SEC. 2. Section 1502 of the Health and Safety Code is amended to read:

1502. As used in this chapter:

(a) "Community care facility" means any facility, place, or building that is maintained and operated to provide nonmedical residential care, day treatment, adult day care, or foster family agency services for children, adults, or children and adults, including, but not limited to, the physically handicapped, mentally impaired, incompetent persons, and abused or neglected children, and includes the following:

(1) "Residential facility" means any family home, group care facility, or similar facility determined by the director, for 24-hour nonmedical care of persons in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individual.

(2) "Adult day program" means any community-based facility or program that provides care to persons 18 years of age or older in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of these individuals on less than a 24-hour basis.

(3) "Therapeutic day services facility" means any facility that provides nonmedical care, counseling, educational or vocational support, or social rehabilitation services on less than a 24-hour basis to persons under 18 years of age who would otherwise be placed in foster care or who are returning to families from foster care. Program standards for these facilities shall be developed by

1 the department, pursuant to Section 1530, in consultation with
2 therapeutic day services and foster care providers.

3 (4) "Foster family agency" means any organization engaged in
4 the recruiting, certifying, and training of, and providing
5 professional support to, foster parents, or in finding homes or other
6 places for placement of children for temporary or permanent care
7 who require that level of care as an alternative to a group home.
8 Private foster family agencies shall be organized and operated on
9 a nonprofit basis.

10 (5) "Foster family home" means any residential facility
11 providing 24-hour care for six or fewer foster children that is
12 owned, leased, or rented and is the residence of the foster parent
13 or parents, including their family, in whose care the foster children
14 have been placed. The placement may be by a public or private
15 child placement agency or by a court order, or by voluntary
16 placement by a parent, parents, or guardian. It also means a foster
17 family home described in Section 1505.2.

18 (6) "Small family home" means any residential facility, in the
19 licensee's family residence, that provides 24-hour care for six or
20 fewer foster children who have mental disorders or developmental
21 or physical disabilities and who require special care and supervision
22 as a result of their disabilities. A small family home may accept
23 children with special health care needs, pursuant to subdivision
24 (a) of Section 17710 of the Welfare and Institutions Code. In
25 addition to placing children with special health care needs, the
26 department may approve placement of children without special
27 health care needs, up to the licensed capacity.

28 (7) "Social rehabilitation facility" means any residential facility
29 that provides social rehabilitation services for no longer than 18
30 months in a group setting to adults recovering from mental illness
31 who temporarily need assistance, guidance, or counseling. Program
32 components shall be subject to program standards pursuant to
33 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part
34 2 of Division 5 of the Welfare and Institutions Code.

35 (8) "Community treatment facility" means any residential
36 facility that provides mental health treatment services to children
37 in a group setting and that has the capacity to provide secure
38 containment. Program components shall be subject to program
39 standards developed and enforced by the State Department of

1 Mental Health pursuant to Section 4094 of the Welfare and
2 Institutions Code.

3 Nothing in this section shall be construed to prohibit or
4 discourage placement of persons who have mental or physical
5 disabilities into any category of community care facility that meets
6 the needs of the individual placed, if the placement is consistent
7 with the licensing regulations of the department.

8 (9) "Full-service adoption agency" means any licensed entity
9 engaged in the business of providing adoption services, that does
10 all of the following:

11 (A) Assumes care, custody, and control of a child through
12 relinquishment of the child to the agency or involuntary termination
13 of parental rights to the child.

14 (B) Assesses the birth parents, prospective adoptive parents, or
15 child.

16 (C) Places children for adoption.

17 (D) Supervises adoptive placements.

18 Private full-service adoption agencies shall be organized and
19 operated on a nonprofit basis. As a condition of licensure to provide
20 intercountry adoption services, a full-service adoption agency shall
21 be accredited and in good standing according to Part 96 of Title
22 22 of the Code of Federal Regulations, or supervised by an
23 accredited primary provider, or acting as an exempted provider,
24 in compliance with Subpart F (commencing with Section 96.29)
25 of Part 96 of Title 22 of the Code of Federal Regulations.

26 (10) "Noncustodial adoption agency" means any licensed entity
27 engaged in the business of providing adoption services, that does
28 all of the following:

29 (A) Assesses the prospective adoptive parents.

30 (B) Cooperatively matches children freed for adoption, who are
31 under the care, custody, and control of a licensed adoption agency,
32 for adoption, with assessed and approved adoptive applicants.

33 (C) Cooperatively supervises adoptive placements with a
34 full-service adoptive agency, but does not disrupt a placement or
35 remove a child from a placement.

36 Private noncustodial adoption agencies shall be organized and
37 operated on a nonprofit basis. As a condition of licensure to provide
38 intercountry adoption services, a noncustodial adoption agency
39 shall be accredited and in good standing according to Part 96 of
40 Title 22 of the Code of Federal Regulations, or supervised by an

1 accredited primary provider, or acting as an exempted provider,
2 in compliance with Subpart F (commencing with Section 96.29)
3 of Part 96 of Title 22 of the Code of Federal Regulations.

4 (11) "Transitional shelter care facility" means any group care
5 facility that provides for 24-hour nonmedical care of persons in
6 need of personal services, supervision, or assistance essential for
7 sustaining the activities of daily living or for the protection of the
8 individual. Program components shall be subject to program
9 standards developed by the State Department of Social Services
10 pursuant to Section 1502.3.

11 (12) "Transitional housing placement facility" means a
12 community care facility licensed by the department pursuant to
13 Section 1559.110 to provide transitional housing opportunities to
14 persons at least 16 years of age, and not more than 18 years of
15 age unless the requirements of Section 11403 and paragraph (1)
16 of subdivision (a) of Section 11403.2 of the Welfare and Institutions
17 Code are met, who are in out-of-home placement under the
18 supervision of the county department of social services or the
19 county probation department, and who are participating in an
20 independent living program.

21 (b) "Department" or "state department" means the State
22 Department of Social Services.

23 (c) "Director" means the Director of Social Services.

24 ~~SEC. 2.~~

25 *SEC. 3.* Section 1536.1 of the Health and Safety Code is
26 amended to read:

27 1536.1. (a) "Placement agency" means a county probation
28 department, county welfare department, county social service
29 department, county mental health department, county public
30 guardian, general acute care hospital discharge planner or
31 coordinator, conservator pursuant to Part 3 (commencing with
32 Section 1800) of Division 4 of the Probate Code, conservator
33 pursuant to Chapter 3 (commencing with Section 5350) of Part 1
34 of Division 5 of the Welfare and Institutions Code, and regional
35 center for persons with developmental disabilities, that is engaged
36 in finding homes or other places for placement of persons of any
37 age for temporary or permanent care.

38 (b) A placement agency shall place individuals only in licensed
39 community care facilities, facilities that are exempt from licensing
40 under Section 1505 or if the facility satisfies subdivision (c) of

1 Section 362 of the Welfare and Institutions Code, or with a foster
2 family agency.

3 (c) No employee of a placement agency shall place, refer, or
4 recommend placement of a person in a facility operating without
5 a license, unless the facility is exempt from licensing under Section
6 1505 or unless the facility satisfies subdivision (c) of Section 362
7 of the Welfare and Institutions Code. Violation of this subdivision
8 is a misdemeanor.

9 (d) Any employee of a placement agency who knows, or
10 reasonably suspects, that a facility that is not exempt from licensing
11 is operating without a license shall report the name and address of
12 the facility to the department. Failure to report as required by this
13 subdivision is a misdemeanor.

14 (e) The department shall investigate any report filed under
15 subdivision (d). If the department has probable cause to believe
16 that the facility that is the subject of the report is operating without
17 a license, the department shall investigate the facility within 10
18 days after receipt of the report.

19 (f) A placement agency shall notify the appropriate licensing
20 agency of known or suspected incidents that would jeopardize the
21 health or safety of residents in a community care facility.
22 Reportable incidents include, but are not limited to, all of the
23 following:

24 (1) Incidents of physical or sexual abuse.

25 (2) A violation of personal rights.

26 (3) A situation in which a facility is unclean, unsafe, unsanitary,
27 or in poor condition.

28 (4) A situation in which a facility has insufficient personnel or
29 incompetent personnel on duty.

30 (5) A situation in which residents experience mental or verbal
31 abuse.

32 (6) A situation in which residents are inadequately supervised.

33 (7) Incidents of abuse, neglect, or exploitation of a nonminor
34 dependent, as defined in subdivision (v) of Section 11400 of the
35 Welfare and Institutions Code, by a licensed caregiver while the
36 nonminor is in a foster care placement.

37 *SEC. 4. Section 1559.110 of the Health and Safety Code is*
38 *amended to read:*

39 1559.110. (a) Except as specified in subdivision (e), the State
40 Department of Social Services shall license community care

1 facilities participating in transitional housing placement programs,
2 as designated in Sections 11400 and 16522 of the Welfare and
3 Institutions Code.

4 (b) Transitional housing placement programs shall provide
5 supervised housing services to persons who are at least 16 years
6 of age and not more than 18 years of age, except as provided in
7 Section 11403 *and paragraph (1) of subdivision (a) of Section*
8 *11403.2* of the Welfare and Institutions Code, and who meet all
9 of the following conditions:

10 (1) Meet the requirements of Section 11401 of the Welfare and
11 Institutions Code.

12 (2) Are in out-of-home placement under the supervision of the
13 county department of social services or the county probation
14 department.

15 (3) Are participating in, or have successfully completed, an
16 independent living program.

17 (c) A transitional housing placement program may also serve
18 any person less than 21 years of age pursuant to paragraph (2) of
19 subdivision (a) of Section 11403.2 of the Welfare and Institutions
20 Code.

21 (d) Transitional housing placement program services shall
22 include any of the following:

23 (1) Programs in which one or more participants in the program
24 live in an apartment, single-family dwelling, or condominium with
25 an adult employee of the provider.

26 (2) Programs in which a participant lives independently in an
27 apartment, single-family dwelling, or condominium rented or
28 leased by the provider located in a building in which one or more
29 adult employees of the provider reside and provide supervision.

30 (3) Programs in which a participant lives independently in an
31 apartment, single-family dwelling, or condominium rented or
32 leased by a provider under the supervision of the provider if the
33 State Department of Social Services provides approval.

34 (e) A transitional housing placement facility that serves only
35 eligible youth over 18 years of age who have emancipated from
36 the foster care system shall not be subject to subdivision (a),
37 provided the facility has been certified to provide transitional
38 housing services by the appropriate county social services or
39 probation department, and has obtained a local fire clearance. No
40 later than June 30, 2002, the department shall establish certification

standards and procedures in consultation with the County Welfare Directors Association, the California Youth Connection, the county probation departments, and provider representatives. The certification standards shall include, but not be limited to, a criminal background check of transitional housing providers and staff.

(f) (1) The department shall adopt regulations to govern transitional housing placement facilities licensed pursuant to this section.

(2) The regulations shall be age-appropriate and recognize that youth who are about to emancipate from the foster care system should be subject to fewer restrictions than those who are younger. At a minimum, the regulations shall provide for both of the following:

(A) Require programs that serve youth who are both in and out of the foster care system to have separate rules and program design, as appropriate, for these two groups of youth.

(B) Allow youth who have emancipated from the foster care system to have the greatest amount of freedom possible in order to prepare them for self-sufficiency.

~~SEC. 3.~~

SEC. 5. Section 241.1 of the Welfare and Institutions Code is amended to read:

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

(b) (1) The probation department and the child welfare services department in each county shall jointly develop a written protocol to ensure appropriate local coordination in the assessment of a

1 minor described in subdivision (a), and the development of
2 recommendations by these departments for consideration by the
3 juvenile court.

4 (2) These protocols shall require, but not be limited to,
5 consideration of the nature of the referral, the age of the minor,
6 the prior record of the minor's parents for child abuse, the prior
7 record of the minor for out-of-control or delinquent behavior, the
8 parents' cooperation with the minor's school, the minor's
9 functioning at school, the nature of the minor's home environment,
10 and the records of other agencies that have been involved with the
11 minor and his or her family. The protocols also shall contain
12 provisions for resolution of disagreements between the probation
13 and child welfare services departments regarding the need for
14 dependency or ward status and provisions for determining the
15 circumstances under which filing a new petition is required to
16 change the minor's status.

17 (3) The protocols shall contain the following processes:

18 (A) A process for determining which agency and court shall
19 supervise a child whose jurisdiction is modified from delinquency
20 jurisdiction to dependency jurisdiction pursuant to paragraph (2)
21 of subdivision (b) of Section 607.2 or subdivision (i) of Section
22 727.2.

23 (B) A process for determining which agency and court shall
24 supervise a nonminor dependent under the transition jurisdiction
25 of the juvenile court.

26 (C) A process that specifically addresses the manner in which
27 supervision responsibility is determined when a nonminor
28 dependent becomes subject to adult probation supervision.

29 (c) Whenever a minor who is under the jurisdiction of the
30 juvenile court of a county pursuant to Section 300, 601, or 602 is
31 alleged to come within the description of Section 300, 601, or 602
32 by another county, the county probation department or child
33 welfare services department in the county that has jurisdiction
34 under Section 300, 601, or 602 and the county probation
35 department or child welfare services department of the county
36 alleging the minor to be within one of those sections shall initially
37 determine which status will best serve the best interests of the
38 minor and the protection of society. The recommendations of both
39 departments shall be presented to the juvenile court in which the
40 petition is filed on behalf of the minor, and the court shall

1 determine which status is appropriate for the minor. In making
2 their recommendation to the juvenile court, the departments shall
3 conduct an assessment consistent with the requirements of
4 subdivision (b). Any other juvenile court having jurisdiction over
5 the minor shall receive notice from the court in which the petition
6 is filed within five calendar days of the presentation of the
7 recommendations of the departments. The notice shall include the
8 name of the judge to whom, or the courtroom to which, the
9 recommendations were presented.

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

14 (e) Notwithstanding subdivision (d), the probation department
15 and the child welfare services department, in consultation with the
16 presiding judge of the juvenile court, in any county may create a
17 jointly written protocol to allow the county probation department
18 and the child welfare services department to jointly assess and
19 produce a recommendation that the child be designated as a dual
20 status child, allowing the child to be simultaneously a dependent
21 child and a ward of the court. This protocol shall be signed by the
22 chief probation officer, the director of the county social services
23 agency, and the presiding judge of the juvenile court prior to its
24 implementation. No juvenile court may order that a child is
25 simultaneously a dependent child and a ward of the court pursuant
26 to this subdivision unless and until the required protocol has been
27 created and entered into. This protocol shall include all of the
28 following:

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

31 (2) A description of the procedure by which the probation
32 department and the child welfare services department will assess
33 the necessity for dual status for specified children and the process
34 to make joint recommendations for the court's consideration prior
35 to making a determination under this section. These
36 recommendations shall ensure a seamless transition from wardship
37 to dependency jurisdiction, as appropriate, so that services to the
38 child are not disrupted upon termination of the wardship.

39 (3) A provision for ensuring communication between the judges
40 who hear petitions concerning children for whom dependency

1 jurisdiction has been suspended while they are within the
2 jurisdiction of the juvenile court pursuant to Section 601 or 602.
3 A judge may communicate by providing a copy of any reports
4 filed pursuant to Section 727.2 concerning a ward to a court that
5 has jurisdiction over dependency proceedings concerning the child.

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

8 (5) Counties that exercise the option provided for in this
9 subdivision shall adopt either an “on-hold” system as described
10 in subparagraph (A) or a “lead court/lead agency” system as
11 described in subparagraph (B). In no case shall there be any
12 simultaneous or duplicative case management or services provided
13 by both the county probation department and the child welfare
14 services department. It is the intent of the Legislature that judges,
15 in cases in which more than one judge is involved, shall not issue
16 conflicting orders.

17 (A) In counties in which an on-hold system is adopted, the
18 dependency jurisdiction shall be suspended or put on hold while
19 the child is subject to jurisdiction as a ward of the court. When it
20 appears that termination of the court’s jurisdiction, as established
21 pursuant to Section 601 or 602, is likely and that reunification of
22 the child with his or her parent or guardian would be detrimental
23 to the child, the county probation department and the child welfare
24 services department shall jointly assess and produce a
25 recommendation for the court regarding whether the court’s
26 dependency jurisdiction shall be resumed.

27 (B) In counties in which a lead court/lead agency system is
28 adopted, the protocol shall include a method for identifying which
29 court or agency will be the lead court/lead agency. That court or
30 agency shall be responsible for case management, conducting
31 statutorily mandated court hearings, and submitting court reports.

32 (f) Whenever the court determines pursuant to this section or
33 Section 607.2 or 727.2 that it is necessary to modify the court’s
34 jurisdiction over a dependent or ward who was removed from his
35 or her parent or guardian and placed in foster care, the court shall
36 ensure that all of the following conditions are met:

37 (1) The petition under which jurisdiction was taken at the time
38 the dependent or ward was originally removed is not dismissed
39 until the new petition has been sustained.

(2) The order modifying the court's jurisdiction contains all of the following provisions:

(A) Reference to the original removal findings and a statement that findings that continuation in the home is contrary to the child's welfare, and that reasonable efforts were made to prevent removal, remain in effect.

(B) A statement that the child continues to be removed from the parent or guardian from whom the child was removed under the original petition.

(C) Identification of the agency that is responsible for placement and care of the child based upon the modification of jurisdiction.

~~SEC. 4.~~

SEC. 6. Section 300.3 of the Welfare and Institutions Code is amended to read:

300.3. (a) Notwithstanding Section 215 or 272, or any other provision of law, a child or nonminor whose jurisdiction is modified pursuant to subdivision (b) of Section 607.2 or subdivision (i) of Section 727.2 and who is placed in foster care may be supervised by the probation department of the county in which the court with jurisdiction over the dependent is located, if the county protocol in that county requires it. In those counties, all case management, case plan review, and reporting functions as described in Sections 671 and 675 of Title 42 of the United States Code and contained in this article shall be performed by the probation officer for these dependents.

(b) This section shall become operative on January 1, 2012.

~~SEC. 5.~~

SEC. 7. Section 303 of the Welfare and Institutions Code is amended to read:

303. (a) The court may retain jurisdiction over any person who is found to be a ward or a dependent child of the juvenile court until the ward or dependent child attains the age of 21 years.

(b) On and after January 1, 2012, the court shall have within its jurisdiction any nonminor dependent, as defined in subdivision (v) of Section 11400. The court may terminate its dependency, delinquency, or transition jurisdiction over the nonminor dependent between the time the nonminor reaches the age of majority and 21 years of age. If the court terminates dependency, delinquency, or transition jurisdiction, the nonminor dependent shall remain under

1 the general jurisdiction of the court in order to allow for a petition
2 under subdivision (e) of Section 388.

3 (c) On and after January 1, 2012, a nonminor who has not yet
4 attained 21 years of age and who exited foster care at or after the
5 age of majority, may petition the court pursuant to subdivision (e)
6 of Section 388 to resume dependency jurisdiction over himself or
7 herself or to assume transition jurisdiction over himself or herself
8 pursuant to Section 450.

9 (d) Nothing in this code, including, but not limited to, Sections
10 340, 366.27, and 369.5, shall be construed to provide legal custody
11 of a person who has attained 18 years of age to the county welfare
12 or probation department or to otherwise abrogate any other rights
13 that a person who has attained 18 years of age may have as an
14 adult under California law. A nonminor dependent shall retain all
15 of his or her legal decisionmaking authority as an adult. ~~As a~~
16 ~~condition of the receipt of foster care benefits, the~~ *The* nonminor
17 shall enter into a mutual agreement for placement, as described in
18 subdivision (u) of Section 11400, or a voluntary reentry agreement,
19 as described in subdivision (z) of Section 11400, for placement
20 and care in which the nonminor consents to placement and care
21 in a setting supervised by, and under the responsibility of, the
22 county child welfare services department, the county probation
23 department, or Indian tribe that entered into an agreement pursuant
24 to Section 10553.1.

25 (e) Unless otherwise specified the rights of a dependent child
26 and the responsibilities of the county welfare or probation
27 department, or tribe, and other entities, toward the child and family,
28 shall also apply to nonminor dependents.

29 ~~SEC. 6.~~

30 *SEC. 8.* Section 366.31 of the Welfare and Institutions Code
31 is amended to read:

32 366.31. (a) On and after January 1, 2012, with respect to a
33 nonminor dependent, as defined in subdivision (v) of Section
34 11400, who has a permanent plan of long-term foster care that was
35 ordered pursuant to Section 366.21, 366.22, 366.25, or 366.26 the
36 court may continue jurisdiction of the nonminor as a dependent
37 of the juvenile court or may dismiss dependency jurisdiction
38 pursuant to Section 391.

39 (b) If the court continues dependency jurisdiction of the
40 nonminor as a dependent of the juvenile court, the court shall order

1 the development of a planned permanent living arrangement of a
2 placement under a mutual agreement, as described in subdivision
3 (u) of Section 11400, which may include continued placement
4 with the current caregiver or another licensed or approved caregiver
5 or in a supervised independent living setting, as defined in
6 subdivision (w) of Section 11400, consistent with the youth's
7 transitional independent living case plan.

8 (c) If the court terminates its dependency jurisdiction over a
9 nonminor dependent pursuant to subdivision (a), it shall retain
10 general jurisdiction over the youth pursuant to Section 303. If the
11 court has dismissed dependency jurisdiction pursuant to subdivision
12 (d) of Section 391, the nonminor, who has not attained 21 years
13 of age, may subsequently file a petition pursuant to subdivision
14 (e) of Section 388 to have dependency jurisdiction resumed and
15 the court may vacate its previous order dismissing dependency
16 jurisdiction over the nonminor dependent.

17 ~~SEC. 7.~~

18 *SEC. 9.* Section 366.4 of the Welfare and Institutions Code is
19 amended to read:

20 366.4. (a) Any minor for whom a guardianship has been
21 established resulting from the selection or implementation of a
22 permanency plan pursuant to Section 366.26, or for whom a related
23 guardianship has been established pursuant to Section 360, or, on
24 and after the date that the director executes a declaration pursuant
25 to Section 11217, a nonminor who is receiving Kin-GAP payments
26 pursuant to Section 11363 or 11386, or, on or after January 1,
27 2012, a nonminor former dependent child of the juvenile court
28 who is receiving AFDC-FC benefits pursuant to Section 11405,
29 is within the jurisdiction of the juvenile court. For those minors,
30 Part 2 (commencing with Section 1500) of Division 4 of the
31 Probate Code, relating to guardianship, shall not apply. If no
32 specific provision of this code or the California Rules of Court is
33 applicable, the provisions applicable to the administration of estates
34 under Part 4 (commencing with Section 2100) of Division 4 of the
35 Probate Code govern so far as they are applicable to like situations.

36 (b) Nonrelated legal guardians of the person of a guardianship
37 pursuant to Section 360 or 366.26 shall be exempt from the
38 provisions of Sections 2850 and 2851 of the Probate Code.

1 ~~SEC. 8.~~

2 *SEC. 10.* Section 388 of the Welfare and Institutions Code is
3 amended to read:

4 388. (a) Any parent or other person having an interest in a
5 child who is a dependent child of the juvenile court or the child
6 himself or herself through a properly appointed guardian may,
7 upon grounds of change of circumstance or new evidence, petition
8 the court in the same action in which the child was found to be a
9 dependent child of the juvenile court or in which a guardianship
10 was ordered pursuant to Section 360 for a hearing to change,
11 modify, or set aside any order of court previously made or to
12 terminate the jurisdiction of the court. The petition shall be verified
13 and, if made by a person other than the child, shall state the
14 petitioner's relationship to or interest in the child and shall set forth
15 in concise language any change of circumstance or new evidence
16 that is alleged to require the change of order or termination of
17 jurisdiction.

18 (b) Any person, including a child who is a dependent of the
19 juvenile court, may petition the court to assert a relationship as a
20 sibling related by blood, adoption, or affinity through a common
21 legal or biological parent to a child who is, or is the subject of a
22 petition for adjudication as, a dependent of the juvenile court, and
23 may request visitation with the dependent child, placement with
24 or near the dependent child, or consideration when determining
25 or implementing a case plan or permanent plan for the dependent
26 child or make any other request for an order which may be shown
27 to be in the best interest of the dependent child. The court may
28 appoint a guardian ad litem to file the petition for the dependent
29 child asserting the sibling relationship if the court determines that
30 the appointment is necessary for the best interests of the dependent
31 child. The petition shall be verified and shall set forth the
32 following:

33 (1) Through which parent he or she is related to the dependent
34 child.

35 (2) Whether he or she is related to the dependent child by blood,
36 adoption, or affinity.

37 (3) The request or order that the petitioner is seeking.

38 (4) Why that request or order is in the best interest of the
39 dependent child.

(c) (1) Any party, including a child who is a dependent of the juvenile court, may petition the court, prior to the hearing set pursuant to subdivision (f) of Section 366.21 for a child described by subparagraph (A) of paragraph (1) of subdivision (a) of Section 361.5, or prior to the hearing set pursuant to subdivision (e) of Section 366.21 for a child described by subparagraph (B) or (C) of paragraph (1) of subdivision (a) of Section 361.5, to terminate court-ordered reunification services provided under subdivision (a) of Section 361.5 only if one of the following conditions exists:

(A) It appears that a change of circumstance or new evidence exists that satisfies a condition set forth in subdivision (b) or (e) of Section 361.5 justifying termination of court-ordered reunification services.

(B) The action or inaction of the parent or guardian creates a substantial likelihood that reunification will not occur, including, but not limited to, the parent or guardian's failure to visit the child, or the failure of the parent or guardian to participate regularly and make substantive progress in a court-ordered treatment plan.

(2) In determining whether the parent or guardian has failed to visit the child or participate regularly or make progress in the treatment plan, the court shall consider factors including, but not limited to, the parent or guardian's incarceration, institutionalization, or participation in a court-ordered residential substance abuse treatment program.

(3) The court shall terminate reunification services during the above-described time periods only upon a finding by a preponderance of evidence that reasonable services have been offered or provided, and upon a finding of clear and convincing evidence that one of the conditions in subparagraph (A) or (B) of paragraph (1) exists.

(4) If the court terminates reunification services, it shall order that a hearing pursuant to Section 366.26 be held within 120 days.

(d) If it appears that the best interests of the child may be promoted by the proposed change of order, recognition of a sibling relationship, termination of jurisdiction, or clear and convincing evidence supports revocation or termination of court-ordered reunification services, the court shall order that a hearing be held and shall give prior notice, or cause prior notice to be given, to the persons and by the means prescribed by Section 386, and, in those

1 instances in which the means of giving notice is not prescribed by
2 those sections, then by means the court prescribes.

3 (e) (1) On and after January 1, 2012, a nonminor *who attained*
4 *18 years of age while subject to an order for foster care placement*
5 *and, commencing January 1, 2012*, who has not attained 19 years
6 of age, or, commencing January 1, 2013, 20 years of age, or,
7 commencing January 1, 2014, 21 years of age, for whom the court
8 has dismissed dependency jurisdiction pursuant to Section 391, or
9 delinquency jurisdiction pursuant to Section 607.2 or transition
10 jurisdiction pursuant to Section 452, but has retained general
11 jurisdiction under subdivision (b) of Section 303, or the county
12 child welfare services, probation *department*, or tribal placing
13 agency on behalf of the nonminor, may petition the court in the
14 same action in which the child was found to be a dependent or
15 delinquent child of the juvenile court, for a hearing to resume the
16 dependency jurisdiction over a former dependent or to assume or
17 resume transition jurisdiction over a former delinquent ward
18 pursuant to Section 450. The petition shall be filed within the
19 period that the nonminor is of the age described in this paragraph.
20 If the nonminor has completed the voluntary reentry agreement,
21 as described in subdivision (z) of Section 11400, with the placing
22 agency, the agency shall file the petition on behalf of the nonminor
23 within 15 judicial days of the date the agreement was signed *unless*
24 *the nonminor elects to file the petition at an earlier date.*

25 (2) (A) The petition to resume jurisdiction may be filed in the
26 juvenile court that retains general jurisdiction under subdivision
27 (b) of Section 303, or the petition may be submitted to the juvenile
28 court in the county where the youth resides and forwarded to the
29 juvenile court that retained general jurisdiction and filed with that
30 court. The juvenile court having general jurisdiction under Section
31 303 shall receive the petition from the court where the petition
32 was submitted within five court days of its submission, if the
33 petition is filed in the county of residence. The juvenile court that
34 retained general jurisdiction shall order that a hearing be held
35 within 15 judicial days of the date the petition was filed if there is
36 a prima facie showing that the nonminor satisfies the following
37 criteria:

38 (i) He or she was previously under juvenile court jurisdiction,
39 *subject to an order for foster care placement when he or she*

1 *attained 18 years of age*, and has not attained the age limits
2 described in paragraph (1).

3 (ii) He or she intends to satisfy at least one of the conditions set
4 forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
5 Section 11403.

6 (iii) He or she wants assistance either in maintaining or securing
7 appropriate supervised placement, or is in need of immediate
8 placement and agrees to supervised placement pursuant to the
9 voluntary reentry agreement as described in subdivision (z) of
10 Section 11400.

11 (B) Upon ordering a hearing, the court shall give prior notice,
12 or cause prior notice to be given, to the persons and by the means
13 prescribed by Section 386, except that notice to parents or former
14 guardians shall not be provided unless the nonminor requests, in
15 writing on the face of the petition, notice to the parents or former
16 guardians.

17 (3) The Judicial Council, by January 1, 2012, shall adopt rules
18 of court to allow for telephonic appearances by nonminor former
19 dependents or delinquents in these proceedings, and for telephonic
20 appearances by nonminor dependents in any proceeding in which
21 the nonminor dependent is a party, and he or she declines to appear
22 and elects a telephonic appearance.

23 (4) Prior to the hearing on a petition to resume dependency
24 jurisdiction or to assume or resume transition jurisdiction, the court
25 shall order the county child welfare or probation department or
26 Indian tribe that has entered into an agreement pursuant to Section
27 10553.1 to prepare a report for the court addressing whether the
28 nonminor intends to satisfy at least one of the criteria set forth in
29 subdivision (b) of Section 11403. When the recommendation is
30 for the nonminor dependent to be placed in a setting where minor
31 dependents also reside, the results of a background check of the
32 petitioning nonminor conducted pursuant to Section 16504.5, used
33 by the placing agency to determine appropriate placement options
34 for the nonminor. The existence of a criminal conviction is not a
35 bar to eligibility for reentry or resumption of dependency—~~or~~
36 *jurisdiction or the assumption or resumption of* transition
37 jurisdiction over a nonminor.

38 (5) (A) The court shall resume dependency jurisdiction over a
39 former dependent or assume or resume transition jurisdiction over
40 a former delinquent ward pursuant to Section 450, and order that

1 the nonminor's placement and care be under the responsibility of
2 the county child welfare services department, the probation
3 department, or tribe, if the court finds all of the following:

4 (i) *The nonminor was previously under juvenile court*
5 *jurisdiction subject to an order for foster care placement when he*
6 *or she attained 18 years of age.*

7 (ii) *The nonminor has not attained the age limits described in*
8 *paragraph (1).*

9 (i)

10 (iii) Reentry and remaining in foster care are in the nonminor's
11 best interests.

12 (ii)

13 (iv) The nonminor intends to satisfy, and agrees to satisfy, at
14 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
15 of subdivision (b) of Section 11403, or demonstrates his or her
16 agreement to satisfy the criteria by signing the voluntary reentry
17 agreement as described in subdivision (z) of Section 11400.

18 (B) The agency made responsible for the nonminor's placement
19 and care pursuant to subparagraph (A) shall prepare a new
20 transitional independent living case plan and submit it to the court
21 within 60 days of the resumption of dependency jurisdiction or
22 assumption or resumption of transition jurisdiction.

23 (C) In no event shall the court grant a continuance that would
24 cause the hearing to resume dependency jurisdiction or to assume
25 or resume transition jurisdiction to be completed more than 120
26 days after the date the petition was submitted.

27 ~~SEC. 9.~~

28 *SEC. 11.* Section 391 of the Welfare and Institutions Code, as
29 added by Section 28 of Chapter 559 of the Statutes of 2010, is
30 amended to read:

31 391. (a) *The dependency court shall not terminate jurisdiction*
32 *over a dependent youth who has reached 18 years of age nonminor*
33 *unless a hearing is conducted pursuant to this section.*

34 (b) *At any hearing for a dependent youth who has attained 18*
35 *years of age nonminor at which the court is considering termination*
36 *of the jurisdiction of the juvenile court and the accompanying*
37 *foster care services as described in Section 11403, the county*
38 *welfare department shall do all of the following:*

39 (1) Ensure that the dependent *nonminor* is present in court,
40 unless the ~~dependent~~ *nonminor* does not wish to appear in court,

1 and elects a telephonic appearance, or document ~~efforts~~ *reasonable*
2 *efforts made* by the county welfare department to locate the youth
3 ~~when the youth nonminor when the nonminor~~ is not available.

4 (2) Submit a report describing whether it is in the youth's
5 nonminor's best interests to remain under the court's dependency
6 jurisdiction, which includes a recommended transitional
7 independent living case plan ~~for any youth who is continuing~~
8 ~~dependency as a nonminor.~~ *for the nonminor when the report*
9 *describes continuing dependency jurisdiction as being in the*
10 *nonminor's best interest.*

11 (3) *If the county welfare department recommends termination*
12 *of the court's dependency jurisdiction, submit documentation of*
13 *the reasonable efforts made by the department to provide the*
14 *nonminor with the assistance needed to meet or maintain eligibility*
15 *as a nonminor dependent, as defined in paragraphs (1) to (5),*
16 *inclusive, of subdivision (b) of Section 11403.*

17 (3)

18 (4) If the ~~dependent~~ nonminor has indicated that he or she does
19 not want dependency jurisdiction to continue, the report shall
20 address the manner in which the ~~dependent~~ nonminor was advised
21 of his or her options, including the benefits of remaining in foster
22 care, and of his or her right to reenter foster care and to file a
23 petition pursuant to subdivision (e) of Section 388 to resume
24 dependency jurisdiction prior to attaining 21 years of age.

25 ~~(c) The court shall continue dependency jurisdiction for a~~
26 ~~nonminor dependent, as defined in subdivision (v) of Section~~
27 ~~11400, who is eligible pursuant to Section 11403 unless the court~~
28 ~~finds that after reasonable and documented efforts the nonminor~~
29 ~~cannot be located or does not wish to remain subject to dependency~~
30 ~~jurisdiction. In making this finding, the court shall ensure that the~~
31 ~~nonminor has been informed of his or her options including the~~
32 ~~right to file a petition pursuant to subdivision (e) of Section 388~~
33 ~~to resume dependency jurisdiction, and had an opportunity to~~
34 ~~confer with his or her counsel if counsel has been appointed~~
35 ~~pursuant to Section 317. The court shall terminate dependency~~
36 ~~jurisdiction for a nonminor dependent if it finds that the nonminor~~
37 ~~dependent is not eligible pursuant to subdivision (b) of Section~~
38 ~~11403.~~

39 (d) ~~If the court terminates dependency jurisdiction, the nonminor~~
40 ~~shall remain within the jurisdiction of the court until the nonminor~~

1 (c) (1) *The court shall continue dependency jurisdiction over a*
2 *nonminor who meets the definition of a nonminor dependent as*
3 *described in subdivision (v) of Section 11400 unless the court finds*
4 *either of the following:*

5 (A) *That the nonminor does not wish to remain subject to*
6 *dependency jurisdiction.*

7 (B) *That the nonminor is not participating in a reasonable and*
8 *appropriate transitional independent living case plan.*

9 (2) *In making the findings pursuant to paragraph (1), the court*
10 *must also find that the nonminor has been informed of his or her*
11 *options including the benefits of remaining in foster care and the*
12 *right to reenter foster care by filing a petition pursuant to*
13 *subdivision (e) of Section 388 to resume dependency jurisdiction*
14 *and by completing a voluntary reentry agreement pursuant to*
15 *subdivision (z) of Section 11400, and has had an opportunity to*
16 *confer with his or her counsel if counsel has been appointed*
17 *pursuant to Section 317.*

18 (d) (1) *The court may terminate its jurisdiction over a nonminor*
19 *if the court finds after reasonable and documented efforts the*
20 *nonminor cannot be located.*

21 (2) *When terminating dependency jurisdiction the court shall*
22 *maintain general jurisdiction over the nonminor to allow for the*
23 *filing of a petition to resume dependency jurisdiction under*
24 *subdivision (e) of Section 388 until the nonminor attains 21 years*
25 *of age, although no review proceedings shall be required. A*
26 *nonminor may petition the court pursuant to subdivision (e) of*
27 *Section 388 to resume dependency jurisdiction at any time before*
28 *attaining 21 years of age.*

29 (e) *The court shall not terminate dependency jurisdiction over*
30 *a nonminor dependent who has ~~reached~~ attained 18 years of age*
31 *until a hearing is conducted pursuant to this section and the*
32 *department has submitted a report verifying that the following*
33 *information, documents, and services have been provided to the*
34 *youth, or in the case of a youth nonminor, or in the case of a*
35 *nonminor who, after reasonable efforts by the county welfare*
36 *department, cannot be located, verifying the efforts made to make*
37 *the following available to the youth:*

38 (1) *Written information concerning the ~~youth's~~ nonminor's*
39 *dependency case, including any known information regarding the*
40 *youth's nonminor's Indian heritage or tribal connections, if*

1 applicable, his or her family history and placement history, any
2 photographs of the ~~child~~ *nonminor* or his or her family in the
3 possession of the county welfare department, other than forensic
4 photographs, the whereabouts of any siblings under the jurisdiction
5 of the juvenile court, unless the court determines that sibling
6 contact would jeopardize the safety or welfare of the sibling,
7 directions on how to access the documents the ~~child~~ *nonminor* is
8 entitled to inspect under Section 827, and the date on which the
9 jurisdiction of the juvenile court would be terminated.

10 (2) The following documents:

11 (A) Social security card.

12 (B) Certified copy of his or her birth certificate.

13 (C) Health and education summary, as described in subdivision
14 (a) of Section 16010.

15 (D) Driver's license, as described in Section 12500 of the
16 Vehicle Code, or identification card, as described in Section 13000
17 of the Vehicle Code.

18 (E) A letter prepared by the county welfare department that
19 includes the following information:

20 (i) The ~~child's~~ *nonminor's* name and date of birth.

21 (ii) The dates during which the ~~child~~ *nonminor* was within the
22 jurisdiction of the juvenile court.

23 (iii) A statement that the ~~child~~ *nonminor* was a foster youth in
24 compliance with state and federal financial aid documentation
25 requirements.

26 (F) If applicable, the death certificate of the parent or parents.

27 (G) If applicable, proof of the ~~child's~~ *nonminor's* citizenship
28 or legal residence.

29 (H) An advance health care directive form.

30 (I) The Judicial Council form that the nonminor would use to
31 file a petition pursuant to subdivision (e) of Section 388 to resume
32 dependency jurisdiction.

33 (J) The written 90-day transition plan prepared pursuant to
34 Section 16501.1.

35 (3) Assistance in completing an application for Medi-Cal or
36 assistance in obtaining other health insurance.

37 (4) Referrals to transitional housing, if available, or assistance
38 in securing other housing.

39 (5) Assistance in obtaining employment or other financial
40 support.

1 (6) Assistance in applying for admission to college or to a
2 vocational training program or other educational institution and
3 in obtaining financial aid, where appropriate.

4 (7) Assistance in maintaining relationships with individuals
5 who are important to a ~~child~~ *nonminor* who has been in
6 out-of-home placement for six months or longer from the date the
7 ~~child~~ *nonminor* entered foster care, based on the child's best
8 interests.

9 (8) For nonminors between 18 and 21 years of age, assistance
10 in accessing the Independent Living Aftercare Program in the
11 nonminor's county of residence, and, upon the nonminor's request,
12 assistance in completing a voluntary reentry agreement for care
13 and placement *pursuant to subdivision (z) of Section 11400* and
14 in filing a petition pursuant to subdivision (e) of Section 388 to
15 resume dependency jurisdiction.

16 (f) At the hearing closest to and before a dependent ~~child's~~
17 *minor's* 18th birthday and every review hearing thereafter *for*
18 *nonminors*, the department shall submit a report describing efforts
19 toward completing the items described in paragraph (2) of
20 subdivision (e).

21 (g) The Judicial Council shall develop and implement standards,
22 and develop and adopt appropriate forms necessary to implement
23 this provision.

24 (h) This section shall become operative on January 1, 2012.

25 ~~SEC. 10.~~

26 *SEC. 12.* Section 450 is added to the Welfare and Institutions
27 Code, to read:

28 450. (a) A ~~child~~ *minor* or nonminor who satisfies all of the
29 following criteria is within the transition jurisdiction of the juvenile
30 court:

31 (1) The ~~ward~~ *minor is a ward who* is older than 17 years and 5
32 months of age and younger than 18 years of age *and in foster care*
33 *placement, or the nonminor was is a ward in foster care placement*
34 *who was a ward* subject to an order for foster care placement on
35 the day he or she attained 18 years of age ~~and is currently 18, 19,~~
36 ~~or 20 years of age and in foster care placement. on and after~~
37 *January 1, 2012, has not attained 19 years of age, or, commencing*
38 *January 1, 2013, 20 years of age, or, commencing January 1,*
39 *2014, 21 years of age.*

40 (2) The ward meets either of the following conditions:

1 (A) The ward was removed from the physical custody of his or
2 her parents or legal guardian, adjudged to be a ward of the juvenile
3 court under Section 725, and ordered into foster care placement
4 as a ward.

5 (B) ~~He or she~~ *The ward* was removed from the custody of his
6 or her parents or legal guardian as a dependent of the court with
7 an order for foster care placement as a dependent in effect at the
8 time the court adjudged ~~the child~~ *him or her* to be a ward of the
9 juvenile court under Section 725.

10 (3) The rehabilitative goals of the ~~child~~ *minor* or nonminor, as
11 set forth in the case plan, have been met, and juvenile court
12 jurisdiction over the ~~child~~ *minor* or nonminor as a ward is no longer
13 required.

14 (4) (A) If the ward is a ~~child~~ *minor*, reunification services have
15 been terminated; the matter has not been set for a hearing for
16 termination of parental rights pursuant to Section 727.3 or for the
17 establishment of guardianship pursuant to Section 728; the return
18 of the child to the physical custody of the parents or legal guardian
19 would create a substantial risk of detriment to the child's safety,
20 protection, or physical or emotional well-being; and the ~~child~~ *minor*
21 has indicated an intent to sign a mutual agreement, *as described*
22 *in subdivision (u) of Section 11400*, with the responsible agency
23 for placement in a supervised setting as a *nonminor* dependent.

24 (B) If the ward is ~~18, 19, or 20 years of age~~ *nonminor*, he or she
25 has signed a mutual agreement, as described in subdivision (u) of
26 Section 11400, with the responsible agency for placement in a
27 supervised setting as a nonminor dependent or has signed a
28 voluntary reentry agreement, as described in subdivision (z) of
29 Section 11400 *for placement in a supervised setting as a nonminor*
30 *dependent*.

31 *(b) A minor who is subject to the court's transition jurisdiction*
32 *shall be referred to as a transition dependent.*

33 ~~(b)~~

34 *(c) A youth subject to the court's transition jurisdiction who is*
35 *18 years of age or older shall be referred to as a nonminor*
36 *dependent.*

37 ~~SEC. 11.~~

38 *SEC. 13.* Section 451 is added to the Welfare and Institutions
39 Code, to read:

451. (a) At a hearing during which termination of jurisdiction over a ward is considered, the court may, as an alternative to termination of jurisdiction, modify its order of jurisdiction and assume transition jurisdiction over the ward pursuant to Section 450.

(b) ~~A child under 18 years of age~~ *minor* or a nonminor who is subject to the court's transition jurisdiction shall not be subject to any terms or conditions of probation, and his or her case shall be managed as a dependent child of the court or as a nonminor dependent *of the court*.

(c) Each county shall modify its protocol for Section 241.1 to include a provision to determine whether the child welfare services department or the probation department shall supervise ~~youth persons~~ subject to the court's transition jurisdiction. For a ~~child under 18 years of age~~ *minor*, this supervision shall comply with the requirements and procedures set forth in this code for dependent children. For a nonminor, this supervision shall comply with the provisions set forth in this code that specifically apply to nonminor dependents.

(d) The court shall appoint counsel, pursuant to Section 317, for ~~children~~ *minors* and nonminors subject to the court's transition jurisdiction. The court shall, to the extent feasible given local court circumstances, provide for continuity of representation for the ~~child~~ *minor* or nonminor from delinquency jurisdiction to transition jurisdiction pursuant to Section 450 by the attorney appointed to represent the ~~child~~ *minor* or nonminor pursuant to Section 634.

~~SEC. 12.~~

SEC. 14. Section 452 is added to the Welfare and Institutions Code, to read:

452. (a) The court shall hold a hearing prior to terminating transition jurisdiction over a nonminor dependent.

(b) At a hearing during which termination of transition jurisdiction over a nonminor dependent is being considered, the court shall continue its jurisdiction to allow a nonminor dependent who is eligible for foster care placement pursuant to Section 11403 to remain in foster care, unless the court finds that after reasonable and documented efforts, the nonminor dependent cannot be located or does not wish to remain a nonminor dependent. In making this finding, the court shall ensure that the nonminor dependent has had an opportunity to confer with his or her counsel and has been

1 informed of his or her options, including the right to reenter foster
2 care placement by completing a voluntary reentry agreement, as
3 described in subdivision (z) of Section 11400, and the right to file
4 a petition pursuant to subdivision (e) of Section 388 to resume
5 transition jurisdiction pursuant to Section 450.

6 (c) The agency responsible under the county protocol for
7 supervising a nonminor dependent subject to the court's transition
8 jurisdiction shall complete all of the following actions for a hearing
9 during which termination of transition jurisdiction over a nonminor
10 dependent is being considered:

11 (1) Ensure that the nonminor dependent is present in court for
12 the hearing, unless the nonminor dependent has waived his or her
13 right to appear in court and elects to appear by telephone instead
14 or document the reasonable efforts it made to locate the nonminor
15 dependent when the nonminor dependent is not available to appear
16 at the hearing.

17 (2) Submit a report describing whether it is in the nonminor
18 dependent's best interests to remain under the court's jurisdiction.

19 (3) Submit the completed 90-day transition plan.

20 (4) The placing agency's report shall address the manner in
21 which the nonminor was informed of his or her right to reenter
22 foster care prior to attaining 21 years of age, if the nonminor
23 dependent has indicated that he or she does not want juvenile court
24 transition jurisdiction to continue.

25 (5) Submit written verification that the information, documents,
26 and services set forth in paragraphs 1 to 8, inclusive, of subdivision
27 (e) of Section 391 have been provided to the nonminor dependent.

28 (6) Certify that the requirements set forth in Section 607.5 have
29 been completed.

30 (d) *If the court terminates transition jurisdiction, the nonminor*
31 *shall remain within the general jurisdiction of the court until the*
32 *nonminor attains 21 years of age to allow for the filing of a petition*
33 *to resume juvenile court transition jurisdiction under subdivision*
34 *(e) of Section 388, although no review proceedings shall be*
35 *required.*

36 ~~SEC. 13.~~

37 SEC. 15. Section 607.2 is added to the Welfare and Institutions
38 Code, to read:

1 607.2. (a) On and after January 1, 2012, the court shall hold
2 a hearing prior to terminating jurisdiction over a ward who satisfies
3 any of the following criteria:

4 (1) Is a minor subject to an order for foster care placement
5 described in Section 11402 as a ward who has not previously been
6 subject to the jurisdiction of the court as a result of a petition filed
7 pursuant to Section 325.

8 (2) Is a nonminor who was subject to an order for foster care
9 placement described in Section 11402 as a ward on the day he or
10 she attained 18 years of age.

11 (3) Is a ward who was subject to an order for foster care
12 placement described in Section 11402 as a dependent of the court
13 at the time the court adjudged the child to be a ward of the court
14 under Section 725.

15 (b) At a hearing during which termination of jurisdiction over
16 a ward described in subdivision (a) is being considered, the court
17 shall take one of the following actions:

18 (1) Modify its jurisdiction from delinquency jurisdiction to
19 transition jurisdiction, if the court finds the ward is a person
20 described in Section 450.

21 (2) (A) For a ward who was not previously subject to the
22 jurisdiction of the court as a result of a petition filed pursuant to
23 Section 325, order the probation department or the ward's attorney
24 to submit an application to the child welfare services department
25 pursuant to Section 329 to declare the minor a dependent of the
26 court and modify the court's jurisdiction from delinquency
27 jurisdiction to dependency jurisdiction, if the court finds all of the
28 following:

29 (i) The ward is a minor.

30 (ii) The ward does not come within the description in Section
31 450, but jurisdiction as a ward may no longer be required.

32 (iii) The ward appears to come within the description of Section
33 300 and cannot be returned home safely.

34 (B) The court shall set a hearing within 20 judicial days of the
35 date of the order described in subparagraph (A) to review the child
36 welfare services department's decision and may either affirm its
37 decision not to file a petition pursuant to Section 300 or order the
38 child welfare services department to file a petition pursuant to
39 Section 300.

(3) Vacate the order terminating jurisdiction over the minor as a dependent of the court, resume jurisdiction pursuant to Section 300 based on the prior petition filed pursuant to Section 325, and terminate the court's jurisdiction over the minor as a ward, if the minor was subject to an order for foster care placement described in Section 11402 as a dependent of the court at the time the court adjudged the minor to be a ward and assumed jurisdiction over the minor under Section 725.

(4) Continue its delinquency jurisdiction over a ward pursuant to Section 303 as a nonminor dependent, as defined in subdivision (v) of Section 11400, who is eligible to remain in foster care pursuant to Section 11403, if the ward is a nonminor and the court did not modify its jurisdiction as described in Section 450, unless the court finds that after reasonable and documented efforts, the ward cannot be located or does not wish to become a nonminor dependent. In making this finding and prior to entering an order terminating its delinquency jurisdiction, the court shall ensure that the ward has had an opportunity to confer with his or her counsel and has been informed of his or her options, including the right to reenter foster care placement by completing a voluntary reentry agreement as described in subdivision (z) of Section 11400 and to file a petition pursuant to subdivision (e) of Section 388 for the court to assume or resume transition jurisdiction over him or her pursuant to Section 450. The fact that a ward declines to be a nonminor dependent does not restrict the authority of the court to maintain delinquency jurisdiction pursuant to Section 607.

(5) Continue its delinquency jurisdiction.

(6) Terminate its delinquency jurisdiction if the ward does not come within the provisions of paragraphs (1) to (4), inclusive.

(c) If the court modifies jurisdiction, its order shall comply with the requirements of subdivision (f) of Section 241.1.

(d) This section shall not be construed as changing the requirements of Section 727.2 or 727.3 with respect to reunification of minors with their families or the establishment of an alternative permanent plan for minors for whom reunification is not pursued.

~~SEC. 14.~~

SEC. 16. Section 607.3 is added to the Welfare and Institutions Code, to read:

607.3. On and after January 1, 2012, at the hearing required under Section 607.2 for a ward who is 18 years of age or older and

1 subject to an order for foster care placement as described in Section
2 11402, the probation department shall complete all of the following
3 actions:

4 (a) Ensure that the nonminor has been informed of his or her
5 options, including the right to reenter foster care placement by
6 completing a voluntary reentry agreement as described in
7 subdivision (z) of Section 11400 and the right to file a petition
8 pursuant to subdivision (e) of Section 388 for the court to resume
9 transition jurisdiction pursuant to Section 450.

10 (b) Ensure that the ward has had an opportunity to confer with
11 his or her counsel.

12 (c) Ensure that the ward is present in court for the hearing, unless
13 the ward has waived his or her right to appear in court and elects
14 to appear by a telephone instead, or document the efforts it made
15 to locate the ward when the ward is not available to appear at the
16 hearing.

17 (d) Submit a report to the court describing all of the following:

18 (1) Whether it is in the ward's best interest ~~to remain under the~~
19 ~~court's transition jurisdiction~~ *for a court to assume or continue*
20 *transition jurisdiction over the ward* as a nonminor dependent
21 pursuant to Section 450.

22 (2) Whether the ward has indicated that he or she does not want
23 juvenile court jurisdiction to continue.

24 (3) Whether the ward has been informed of his or her right to
25 reenter foster care by completing the voluntary reentry agreement
26 as described in subdivision (z) of Section 11400.

27 (e) Submit to the court the completed 90-day transition plan.

28 (f) Submit to the court written verification that the information,
29 documents, and services set forth in paragraphs (1) to (8), inclusive,
30 of subdivision (e) of Section 391 have been provided to the ward.

31 (g) Submit to the court written verification that the requirements
32 set forth in Section 607.5 have been completed.

33 ~~SEC. 15.~~

34 *SEC. 17.* Section 727.2 of the Welfare and Institutions Code
35 is amended to read:

36 727.2. The purpose of this section is to provide a means to
37 monitor the safety and well-being of every minor in foster care
38 who has been declared a ward of the juvenile court pursuant to
39 Section 601 or 602 and to ensure that everything reasonably
40 possible is done to facilitate the safe and early return of the minor

1 to his or her home or to establish an alternative permanent plan
2 for the minor.

3 (a) If the court orders the care, custody, and control of the minor
4 to be under the supervision of the probation officer for placement
5 pursuant to subdivision (a) of Section 727, the juvenile court shall
6 order the probation department to ensure the provision of
7 reunification services to facilitate the safe return of the minor to
8 his or her home or the permanent placement of the minor, and to
9 address the needs of the minor while in foster care, except as
10 provided in subdivision (b).

11 (b) Reunification services need not be provided to a parent or
12 legal guardian if the court finds by clear and convincing evidence
13 that one or more of the following is true:

14 (1) Reunification services were previously terminated for that
15 parent or guardian, pursuant to Section 366.21, 366.22, or 366.25,
16 or not offered, pursuant to subdivision (b) of Section 361.5, in
17 reference to the same minor.

18 (2) The parent has been convicted of any of the following:

19 (A) Murder of another child of the parent.

20 (B) Voluntary manslaughter of another child of the parent.

21 (C) Aiding or abetting, attempting, conspiring, or soliciting to
22 commit that murder or manslaughter described in subparagraph
23 (A) or (B).

24 (D) A felony assault that results in serious bodily injury to the
25 minor or another child of the parent.

26 (3) The parental rights of the parent with respect to a sibling
27 have been terminated involuntarily, and it is not in the best interest
28 of the minor to reunify with his or her parent or legal guardian.

29 If no reunification services are offered to the parent or guardian,
30 the permanency planning hearing, as described in Section 727.3,
31 shall occur within 30 days of the date of the hearing at which the
32 decision is made not to offer services.

33 (c) The status of every minor declared a ward and ordered to
34 be placed in foster care shall be reviewed by the court no less
35 frequently than once every six months. The six-month time periods
36 shall be calculated from the date the minor entered foster care, as
37 defined in paragraph (4) of subdivision (d) of Section 727.4. If the
38 court so elects, the court may declare the hearing at which the court
39 orders the care, custody, and control of the minor to be under the
40 supervision of the probation officer for foster care placement

pursuant to subdivision (a) of Section 727 at the first status review hearing. It shall be the duty of the probation officer to prepare a written social study report including an updated case plan, pursuant to subdivision (b) of Section 706.5, and submit the report to the court prior to each status review hearing, pursuant to subdivision (b) of Section 727.4. The social study report shall include all reports the probation officer relied upon in making his or her recommendations.

(d) Prior to any status review hearing involving a minor in the physical custody of a community care facility or foster family agency, the facility or agency may provide the probation officer with a report containing its recommendations. Prior to any status review hearing involving the physical custody of a foster parent, relative caregiver, preadoptive parent, or legal guardian, that person may present to the court a report containing his or her recommendations. The court shall consider all reports and recommendations filed pursuant to subdivision (c) and pursuant to this subdivision.

(e) At any status review hearing prior to the first permanency planning hearing, the court shall consider the safety of the minor and make findings and orders which determine the following:

(1) The continuing necessity for and appropriateness of the placement.

(2) The extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor.

(3) Whether there should be any limitation on the right of the parent or guardian to make educational decisions for the minor. That limitation shall be specifically addressed in the court order and may not exceed what is necessary to protect the minor. If the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the minor pursuant to Section 726.

(4) The extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care.

(5) The likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed

1 a legal guardian, permanently placed with a fit and willing relative
2 or referred to another planned permanent living arrangement.

3 (6) In the case of a minor who has reached 16 years of age, the
4 court shall, in addition, determine the services needed to assist the
5 minor to make the transition from foster care to independent living.

6 The court shall make these determinations on a case-by-case
7 basis and reference in its written findings the probation officer's
8 report and any other evidence relied upon in reaching its decision.

9 (f) At any status review hearing prior to the first permanency
10 hearing, the court shall order return of the minor to the physical
11 custody of his or her parent or legal guardian unless the court finds,
12 by a preponderance of evidence, that the return of the minor to his
13 or her parent or legal guardian would create a substantial risk of
14 detriment to the safety, protection, or physical or emotional
15 well-being of the minor. The probation department shall have the
16 burden of establishing that detriment. In making its determination,
17 the court shall review and consider the social study report,
18 recommendations, and the case plan pursuant to subdivision (b)
19 of Section 706.5, the report and recommendations of any child
20 advocate appointed for the minor in the case, and any other reports
21 submitted to the court pursuant to subdivision (d), and shall
22 consider the efforts or progress, or both, demonstrated by the minor
23 and family and the extent to which the minor availed himself or
24 herself of the services provided.

25 (g) At all status review hearings subsequent to the first
26 permanency planning hearing, the court shall consider the safety
27 of the minor and make the findings and orders as described in
28 paragraphs (1) to (4), inclusive, and (6) of subdivision (e). The
29 court shall either make a finding that the previously ordered
30 permanent plan continues to be appropriate or shall order that a
31 new permanent plan be adopted pursuant to subdivision (b) of
32 Section 727.3. However, the court shall not order a permanent plan
33 of "return to the physical custody of the parent or legal guardian
34 after further reunification services are offered," as described in
35 paragraph (2) of subdivision (b) of Section 727.3.

36 (h) The status review hearings required by subdivision (c) may
37 be heard by an administrative review panel, provided that the
38 administrative panel meets all of the requirements listed in
39 subparagraph (B) of paragraph (7) of subdivision (d) of Section
40 727.4.

(i) (1) On and after January 1, 2012, at any status review hearing at which a recommendation to terminate delinquency jurisdiction is being considered, or at the status review hearing held closest to the ward attaining 18 years of age, but no fewer than 90 days before the ward's 18th birthday, the court shall consider whether to modify its jurisdiction pursuant to Section 601 or 602 and assume transition jurisdiction over the ~~child~~ *minor* pursuant to Section 450. The probation department shall address this issue in its report to the court and make a recommendation as to whether transition jurisdiction is appropriate for the ~~child~~ *minor*.

(2) The court shall order the probation department or the minor's attorney to submit an application to the child welfare services department pursuant to Section 329 to declare the minor a dependent of the court and modify its jurisdiction from delinquency to dependency jurisdiction if it finds *both of* the following:

(A) The ward does not come within the description set forth in Section 450, but jurisdiction as a ward may no longer be required.

(B) The ward appears to come within the description of Section 300 and cannot be returned home safely.

(3) The court shall set a hearing within 20 judicial days of the date of its order issued pursuant to paragraph (2) to review the decision of the child welfare services department and may either affirm the decision not to file a petition pursuant to Section 300 or order the child welfare services department to file a petition pursuant to Section 300.

(j) On and after January 1, 2012, if a review hearing pursuant to this section is the last review hearing to be held before the minor attains 18 years of age, the court shall ensure that the minor's transitional independent living case plan includes a plan for the minor to meet one or more of the criteria in *paragraphs (1) to (5), inclusive, of subdivision (b) of* Section 11403, so that the minor can become a nonminor dependent, and that the minor has been informed of his or her right to decline to become a nonminor dependent and to seek termination of the court's jurisdiction pursuant to Section ~~785~~ 607.2.

~~SEC. 16.~~

SEC. 18. Section 727.3 of the Welfare and Institutions Code is amended to read:

727.3. The purpose of this section is to provide a means to monitor the safety and well-being of every minor in foster care

1 who has been declared a ward of the juvenile court pursuant to
2 Section 601 or 602 and to ensure that everything reasonably
3 possible is done to facilitate the safe and early return of the minor
4 to his or her own home or to establish an alternative permanent
5 plan for the minor.

6 (a) (1) For every minor declared a ward and ordered to be
7 placed in foster care, a permanency planning hearing shall be
8 conducted within 12 months of the date the minor entered foster
9 care, as defined in paragraph (4) of subdivision (d) of Section
10 727.4. Subsequent permanency planning hearings shall be
11 conducted periodically, but no less frequently than once every 12
12 months thereafter during the period of placement. It shall be the
13 duty of the probation officer to prepare a written social study report
14 including an updated case plan and a recommendation for a
15 permanent plan, pursuant to subdivision (c) of Section 706.5, and
16 submit the report to the court prior to each permanency planning
17 hearing, pursuant to subdivision (b) of Section 727.4.

18 (2) Prior to any permanency planning hearing involving a minor
19 in the physical custody of a community care facility or foster family
20 agency, the facility or agency may file with the court a report
21 containing its recommendations, in addition to the probation
22 officer's social study. Prior to any permanency planning hearing
23 involving the physical custody of a foster parent, relative caregiver,
24 preadoptive parent, or legal guardian, that person may present to
25 the court a report containing his or her recommendations. The
26 court shall consider all reports and recommendations filed pursuant
27 to this subdivision.

28 (3) If the minor has a continuing involvement with his or her
29 parents or legal guardians, the parents or legal guardians shall be
30 involved in the planning for a permanent placement. The court
31 order placing the minor in a permanent placement shall include a
32 specification of the nature and frequency of visiting arrangements
33 with the parents or legal guardians.

34 (4) At each permanency planning hearing, the court shall order
35 a permanent plan for the minor, as described in subdivision (b).
36 The court shall also make findings, as described in subdivision (e)
37 of Section 727.2. In the case of a minor who has reached 16 years
38 of age or older, the court shall, in addition, determine the services
39 needed to assist the minor to make the transition from foster care
40 to independent living. The court shall make all of these

1 determinations on a case-by-case basis and make reference to the
2 probation officer's report, the case plan, or other evidence relied
3 upon in making its decisions.

4 (b) At all permanency planning hearings, the court shall
5 determine the permanent plan for the minor. The court shall order
6 one of the following permanent plans, which are, in order of
7 priority:

8 (1) Return of the minor to physical custody of the parent or legal
9 guardian. The court shall order the return of the minor to the
10 physical custody of his or her parent or legal guardian unless:

11 (A) Reunification services were not offered, pursuant to
12 subdivision (b) of Section 727.2.

13 (B) The court finds, by a preponderance of the evidence, that
14 the return of the minor to his or her parent or legal guardian would
15 create a substantial risk of detriment to the safety, protection, or
16 physical or emotional well-being of the minor. The probation
17 department shall have the burden of establishing that detriment.
18 In making its determination, the court shall review and consider
19 the social study report and recommendations pursuant to Section
20 706.5, the report and recommendations of any child advocate
21 appointed for the minor in the case, and any other reports submitted
22 pursuant to paragraph (2) of subdivision (a), and shall consider
23 the efforts or progress, or both, demonstrated by the minor and
24 family and the extent to which the minor availed himself or herself
25 of the services provided.

26 (2) Order that the permanent plan for the minor will be to return
27 the minor to the physical custody of the parent or legal guardian,
28 order further reunification services to be provided to the minor
29 and his or her parent or legal guardian for a period not to exceed
30 six months and continue the case for up to six months for a
31 subsequent permanency planning hearing, provided that the
32 subsequent hearing shall occur within 18 months of the date the
33 minor was originally taken from physical custody of his or her
34 parent or legal guardian. The court shall continue the case only if
35 it finds that there is a substantial probability that the minor will be
36 returned to the physical custody of his or her parent or legal
37 guardian and safely maintained in the home within the extended
38 period of time or that reasonable services have not been provided
39 to the parent or guardian. For purposes of this section, in order to
40 find that there is a substantial probability that the minor will be

1 returned to the physical custody of his or her parent or legal
2 guardian, the court shall be required to find that the minor and his
3 or her parent or legal guardian have demonstrated the capacity and
4 ability to complete the objectives of the case plan.

5 The court shall inform the parent or legal guardian that if the
6 minor cannot be returned home by the next permanency planning
7 hearing, a proceeding pursuant to Section 727.31 may be initiated.

8 The court shall not continue the case for further reunification
9 services if it has been 18 months or more since the date the minor
10 was originally taken from the physical custody of his or her parent
11 or legal guardian.

12 (3) Identify adoption as the permanent plan and order that a
13 hearing be held within 120 days, pursuant to the procedures
14 described in Section 727.31. The court shall only set a hearing
15 pursuant to Section 727.31 if there is clear and convincing evidence
16 that reasonable services have been provided or offered to the
17 parents. When the court sets a hearing pursuant to Section 727.31,
18 it shall order that an adoption assessment report be prepared,
19 pursuant to subdivision (b) of Section 727.31.

20 (4) Order a legal guardianship, pursuant to procedures described
21 in subdivisions (c) to (f), inclusive, of Section 728.

22 (5) Place the minor with a fit and willing relative. “Placement
23 with a fit and willing relative” means placing the minor with an
24 appropriate relative on a permanent basis. When a minor is placed
25 with a fit and willing relative, the court may authorize the relative
26 to provide the same legal consent for the minor’s medical, surgical,
27 and dental care, and education as the custodial parent of the minor.

28 (6) Place the minor in a planned permanent living arrangement.
29 A “planned permanent living arrangement” means any permanent
30 living arrangement described in Section 11402 and not listed in
31 paragraphs (1) to (5), inclusive, such as placement in a specific,
32 identified foster family home, program, or facility on a permanent
33 basis, or placement in a transitional housing placement facility.
34 When the court places a minor in a planned permanent living
35 arrangement, the court shall specify the goal of the placement,
36 which may include, but shall not be limited to, return home,
37 emancipation, guardianship, or permanent placement with a
38 relative.

39 The court shall only order that the minor remain in a planned
40 permanent living arrangement if the court finds by clear and

1 convincing evidence, based upon the evidence already presented
2 to it that there is a compelling reason, as defined in subdivision
3 (c), for determining that a plan of termination of parental rights
4 and adoption is not in the best interest of the minor.

5 (c) A compelling reason for determining that a plan of
6 termination of parental rights and adoption is not in the best interest
7 of the minor is any of the following:

8 (1) Documentation by the probation department that adoption
9 is not in the best interest of the minor and is not an appropriate
10 permanency goal. That documentation may include, but is not
11 limited to, documentation that:

12 (A) The minor is 12 years of age or older and objects to
13 termination of parental rights.

14 (B) The minor is 17 years of age or older and specifically
15 requests that transition to independent living with the identification
16 of a caring adult to serve as a lifelong connection be established
17 as his or her permanent plan. On and after January 1, 2012, this
18 includes a minor who requests that his or her transitional
19 independent living case plan include modification of his or her
20 jurisdiction to that of dependency jurisdiction pursuant to
21 subdivision (b) of Section 607.2 or subdivision (i) of Section 727.2,
22 or to that of transition jurisdiction pursuant to Section 450, in order
23 to be eligible as a nonminor dependent for the extended benefits
24 pursuant to Section 11403.

25 (C) The parent or guardian and the minor have a significant
26 bond, but the parent or guardian is unable to care for the minor
27 because of an emotional or physical disability, and the minor's
28 caregiver has committed to raising the minor to the age of majority
29 and facilitating visitation with the disabled parent or guardian.

30 (D) The minor agrees to continued placement in a residential
31 treatment facility that provides services specifically designed to
32 address the minor's treatment needs, and the minor's needs could
33 not be served by a less restrictive placement.

34 The probation department's recommendation that adoption is
35 not in the best interest of the minor shall be based on the present
36 family circumstances of the minor and shall not preclude a different
37 recommendation at a later date if the minor's family circumstances
38 change.

39 (2) Documentation by the probation department that no grounds
40 exist to file for termination of parental rights.

1 (3) Documentation by the probation department that the minor
2 is an unaccompanied refugee minor, or there are international legal
3 obligations or foreign policy reasons that would preclude
4 terminating parental rights.

5 (4) A finding by the court that the probation department was
6 required to make reasonable efforts to reunify the minor with the
7 family pursuant to subdivision (a) of Section 727.2, and did not
8 make those efforts.

9 (5) Documentation by the probation department that the minor
10 is living with a relative who is unable or unwilling to adopt the
11 minor because of exceptional circumstances that do not include
12 an unwillingness to accept legal or financial responsibility for the
13 minor, but who is willing and capable of providing the minor with
14 a stable and permanent home environment, and the removal of the
15 minor from the physical custody of his or her relative would be
16 detrimental to the minor's emotional well-being.

17 (d) Nothing in this section shall be construed to limit the ability
18 of a parent to voluntarily relinquish his or her child to the State
19 Department of Social Services when it is acting as an adoption
20 agency in counties that are not served by a county adoption agency
21 or to a licensed county adoption agency at any time while the minor
22 is a ward of the juvenile court if the department or agency is willing
23 to accept the relinquishment.

24 (e) Any change in the permanent plan of a minor placed with a
25 fit and willing relative or in a planned permanent living
26 arrangement shall be made only by order of the court pursuant to
27 a Section 778 petition or at a regularly scheduled and noticed status
28 review hearing or permanency planning hearing. Any change in
29 the permanent plan of a minor placed in a guardianship shall be
30 made only by order of the court pursuant to a motion filed in
31 accordance with Section 728.

32 ~~SEC. 17.~~

33 *SEC. 19.* Section 727.31 of the Welfare and Institutions Code
34 is amended to read:

35 727.31. (a) This section applies to all minors placed in
36 out-of-home care pursuant to Section 727.2 or 727.3 and for whom
37 the juvenile court orders a hearing to consider permanently
38 terminating parental rights to free the minor for adoption.

1 Except for subdivision (j) of Section 366.26, the procedures for
2 permanently terminating parental rights for minors described by
3 this section shall proceed exclusively pursuant to Section 366.26.

4 At the beginning of any proceeding pursuant to this section, if
5 the minor is not being represented by previously retained or
6 appointed counsel, the court shall appoint counsel to represent the
7 minor, and the minor shall be present in court unless the minor or
8 the minor's counsel so requests and the court so orders. If a parent
9 appears without counsel and is unable to afford counsel, the court
10 shall appoint counsel for the parent, unless this representation is
11 knowingly and intelligently waived. The same counsel shall not
12 be appointed to represent both the minor and the parent. Private
13 counsel appointed under this section shall receive a reasonable
14 sum for compensation and expenses as specified in subdivision
15 (f) of paragraph (3) of Section 366.26.

16 (b) Whenever the court orders that a hearing pursuant to this
17 section shall be held, it shall direct the agency supervising the
18 minor and the licensed county adoption agency, or the State
19 Department of Social Services when it is acting as an adoption
20 agency in counties that are not served by a county adoption agency,
21 to prepare an assessment that shall include all of the following:

22 (1) Current search efforts for an absent parent or parents.

23 (2) A review of the amount and nature of any contact between
24 the minor and his or her parents and other members of his or her
25 extended family since the time of placement. Although the
26 extended family of each minor shall be reviewed on a case-by-case
27 basis, "extended family" for the purpose of the paragraph shall
28 include, but not be limited to, the minor's siblings, grandparents,
29 aunts, and uncles.

30 (3) An evaluation of the minor's medical, developmental,
31 scholastic, mental, and emotional status.

32 (4) A preliminary assessment of the eligibility and commitment
33 of any identified prospective adoptive parent or guardian,
34 particularly the caretaker, to include a social history, including
35 screening for criminal records and prior referrals for child abuse
36 or neglect, the capability to meet the minor's needs, and the
37 understanding of the legal and financial rights and responsibilities
38 of adoption and guardianship. If a proposed guardian is a relative
39 of the minor, the assessment shall also consider, but need not be

1 limited to, all of the factors specified in subdivision (a) of Section
2 361.3 and Section 361.4.

3 (5) The relationship of the minor to any identified prospective
4 adoptive parent or guardian, the duration and character of the
5 relationship, the degree of attachment of the child to the prospective
6 relative guardian or adoptive parent, the relative's or adoptive
7 parent's strong commitment to caring permanently for the child,
8 the motivation for seeking adoption or guardianship, a statement
9 from the minor concerning placement and the adoption or
10 guardianship, and whether the minor, if over 12 years of age, has
11 been consulted about the proposed relative guardianship
12 arrangements, unless the minor's age or physical, emotional, or
13 other condition precludes his or her meaningful response, and if
14 so, a description of the condition.

15 (6) An analysis of the likelihood that the minor will be adopted
16 if parental rights are terminated.

17 (c) A relative caregiver's preference for legal guardianship over
18 adoption, if it is due to circumstances that do not include an
19 unwillingness to accept legal or financial responsibility for the
20 child, shall not constitute the sole basis for recommending removal
21 of the child from the relative caregiver for purposes of adoptive
22 placement. A relative caregiver shall be given information
23 regarding the permanency options of guardianship and adoption,
24 including the long-term benefits and consequences of each option,
25 prior to establishing legal guardianship or pursuing adoption.

26 (d) If at any hearing held pursuant to Section 366.26, a legal
27 guardianship is established for the minor with an approved relative
28 caregiver and juvenile court dependency is subsequently dismissed,
29 the minor shall be eligible for aid under the Kin-GAP Program,
30 as provided for in Article 4.5 (commencing with Section 11360)
31 or Article 4.7 (commencing with Section 11385), as applicable,
32 of Chapter 2 of Part 3 of Division 9.

33 (e) For purposes of this section, "relative" means an adult who
34 is related to the child by blood, adoption, or affinity within the
35 fifth degree of kinship, including stepparents, stepsiblings, and all
36 relatives whose status is preceded by the words "great,"
37 "great-great," or "grand," or the spouse of any of those persons,
38 even if the marriage was terminated by death or dissolution.

39 (f) Whenever the court orders that a hearing pursuant to
40 procedures described in this section be held, it shall order that the

1 licensed county adoption agency, or the State Department of Social
2 Services when it is acting as an adoption agency in counties that
3 are not served by a county adoption agency, has exclusive
4 responsibility for determining the adoptive placement and making
5 all adoption-related decisions.

6 (g) If the court, by order of judgment declares the minor free
7 from the custody and control of both parents, or one parent if the
8 other does not have custody and control, the court shall at the same
9 time order the minor referred to the State Department of Social
10 Services when it is acting as an adoption agency in counties that
11 are not served by a county adoption agency or a licensed county
12 adoption agency for adoptive placement by the agency. The order
13 shall state that responsibility for custody of the minor shall be held
14 jointly by the probation department and the State Department of
15 Social Services when it is acting as an adoption agency in counties
16 that are not served by a county adoption agency or the licensed
17 county adoption agency. The order shall also state that the State
18 Department of Social Services when it is acting as an adoption
19 agency in counties that are not served by a county adoption agency
20 or the licensed county adoption agency has exclusive responsibility
21 for determining the adoptive placement and for making all
22 adoption-related decisions. However, no petition for adoption may
23 be granted until the appellate rights of the natural parents have
24 been exhausted.

25 (h) The notice procedures for terminating parental rights for
26 minors described by this section shall proceed exclusively pursuant
27 to Section 366.23.

28 ~~SEC. 18.~~

29 *SEC. 20.* Section 728 of the Welfare and Institutions Code is
30 amended to read:

31 728. (a) The juvenile court may terminate or modify a
32 guardianship of the person of a minor previously established under
33 the Probate Code, or appoint a coguardian or successor guardian
34 of the person of the minor, if the minor is the subject of a petition
35 filed under Section 300, 601, or 602. If the probation officer
36 supervising the minor provides information to the court regarding
37 the minor's present circumstances and makes a recommendation
38 to the court regarding a motion to terminate or modify a
39 guardianship established in any county under the Probate Code,
40 or to appoint a coguardian or successor guardian, of the person of

1 a minor who is before the juvenile court under a petition filed
2 under Section 300, 601, or 602, the court shall order the appropriate
3 county department, or the district attorney or county counsel, to
4 file the recommended motion. The motion may also be made by
5 the guardian or the minor's attorney. The hearing on the motion
6 may be held simultaneously with any regularly scheduled hearing
7 held in proceedings to declare the minor a dependent child or ward
8 of the court, or at any subsequent hearing concerning the dependent
9 child or ward. Notice requirements of Section 294 shall apply to
10 the proceedings in juvenile court under this subdivision.

11 (b) If the juvenile court decides to terminate or modify a
12 guardianship previously established under the Probate Code
13 pursuant to subdivision (a), the juvenile court shall provide notice
14 of that decision to the court in which the guardianship was
15 originally established. The clerk of the superior court, upon receipt
16 of the notice, shall file the notice with other documents and records
17 of the pending proceeding and send by first-class mail a copy of
18 the notice to all parties of record in the superior court.

19 (c) If, at any time during the period a minor under the age of 18
20 years is a ward of the juvenile court, the probation officer
21 supervising the minor recommends to the court that the court
22 establish a guardianship of the person of the minor and appoint a
23 specific adult to act as guardian, or on the motion of the minor's
24 attorney, or on the order of the court that a guardianship shall be
25 established as the minor's permanent plan pursuant to paragraph
26 (4) of subdivision (b) of Section 727.3, the court shall set a hearing
27 to consider the recommendation or motion and shall order the clerk
28 to notice the minor's parents and relatives as required in Section
29 294. If the motion is not made by the minor's attorney, the court
30 may appoint the district attorney or county counsel to prosecute
31 the action.

32 (d) The procedures for appointment of a guardian shall be
33 conducted exclusively pursuant to Section 366.26, except that
34 subdivision (j) of Section 366.26 shall not apply.

35 (e) Upon the appointment of a guardian pursuant to subdivision
36 (d), the court may continue wardship and conditions of probation,
37 or may terminate the wardship of the minor.

38 (f) Notwithstanding Section 1601 of the Probate Code, the
39 proceedings to modify or terminate a guardianship granted under

1 this section shall be held in the juvenile court unless the termination
2 is due to the emancipation or adoption of the minor.

3 (g) The Judicial Council shall develop rules of court and adopt
4 appropriate forms for the findings and orders under this section.

5 ~~SEC. 19.~~

6 *SEC. 21.* Section 781 of the Welfare and Institutions Code is
7 amended to read:

8 781. (a) In any case in which a petition has been filed with a
9 juvenile court to commence proceedings to adjudge a person a
10 ward of the court, in any case in which a person is cited to appear
11 before a probation officer or is taken before a probation officer
12 pursuant to Section 626, or in any case in which a minor is taken
13 before any officer of a law enforcement agency, the person or the
14 county probation officer may, five years or more after the
15 jurisdiction of the juvenile court has terminated as to the person,
16 or, in a case in which no petition is filed, five years or more after
17 the person was cited to appear before a probation officer or was
18 taken before a probation officer pursuant to Section 626 or was
19 taken before any officer of a law enforcement agency, or, in any
20 case, at any time after the person has reached the age of 18 years,
21 petition the court for sealing of the records, including records of
22 arrest, relating to the person's case, in the custody of the juvenile
23 court and probation officer and any other agencies, including law
24 enforcement agencies, and public officials as the petitioner alleges,
25 in his or her petition, to have custody of the records. The court
26 shall notify the district attorney of the county and the county
27 probation officer, if he or she is not the petitioner, and the district
28 attorney or probation officer or any of their deputies or any other
29 person having relevant evidence may testify at the hearing on the
30 petition. If, after hearing, the court finds that since the termination
31 of jurisdiction or action pursuant to Section 626, as the case may
32 be, he or she has not been convicted of a felony or of any
33 misdemeanor involving moral turpitude and that rehabilitation has
34 been attained to the satisfaction of the court, it shall order all
35 records, papers, and exhibits in the person's case in the custody
36 of the juvenile court sealed, including the juvenile court record,
37 minute book entries, and entries on dockets, and any other records
38 relating to the case in the custody of the other agencies and officials
39 as are named in the order. In any case in which a ward of the
40 juvenile court is subject to the registration requirements set forth

1 in Section 290 of the Penal Code, a court, in ordering the sealing
2 of the juvenile records of the person, also shall provide in the order
3 that the person is relieved from the registration requirement and
4 for the destruction of all registration information in the custody of
5 the Department of Justice and other agencies and officials.
6 Notwithstanding any other provision of law, the court shall not
7 order the person's records sealed in any case in which the person
8 has been found by the juvenile court to have committed an offense
9 listed in subdivision (b) of Section 707 when he or she had attained
10 14 years of age or older. Once the court has ordered the person's
11 records sealed, the proceedings in the case shall be deemed never
12 to have occurred, and the person may properly reply accordingly
13 to any inquiry about the events, the records of which are ordered
14 sealed. The court shall send a copy of the order to each agency
15 and official named therein, directing the agency to seal its records
16 and stating the date thereafter to destroy the sealed records. Each
17 such agency and official shall seal the records in its custody as
18 directed by the order, shall advise the court of its compliance, and
19 thereupon shall seal the copy of the court's order for sealing of
20 records that it, he, or she received. The person who is the subject
21 of records sealed pursuant to this section may petition the superior
22 court to permit inspection of the records by persons named in the
23 petition, and the superior court may so order. Otherwise, except
24 as provided in subdivisions (b) and (e), the records shall not be
25 open to inspection.

26 (b) In any action or proceeding based upon defamation, a court,
27 upon a showing of good cause, may order any records sealed under
28 this section to be opened and admitted into evidence. The records
29 shall be confidential and shall be available for inspection only by
30 the court, jury, parties, counsel for the parties, and any other person
31 who is authorized by the court to inspect them. Upon the judgment
32 in the action or proceeding becoming final, the court shall order
33 the records sealed.

34 (c) (1) Subdivision (a) does not apply to Department of Motor
35 Vehicle records of any convictions for offenses under the Vehicle
36 Code or any local ordinance relating to the operation, stopping
37 and standing, or parking of a vehicle where the record of any such
38 conviction would be a public record under Section 1808 of the
39 Vehicle Code. However, if a court orders a case record containing
40 any such conviction to be sealed under this section, and if the

1 Department of Motor Vehicles maintains a public record of such
2 a conviction, the court shall notify the Department of Motor
3 Vehicles of the sealing and the department shall advise the court
4 of its receipt of the notice.

5 Notwithstanding any other provision of law, subsequent to the
6 notification, the Department of Motor Vehicles shall allow access
7 to its record of convictions only to the subject of the record and
8 to insurers which have been granted requestor code numbers by
9 the department. Any insurer to which such a record of conviction
10 is disclosed, when such a conviction record has otherwise been
11 sealed under this section, shall be given notice of the sealing when
12 the record is disclosed to the insurer. The insurer may use the
13 information contained in the record for purposes of determining
14 eligibility for insurance and insurance rates for the subject of the
15 record, and the information shall not be used for any other purpose
16 nor shall it be disclosed by an insurer to any person or party not
17 having access to the record.

18 (2) This subdivision shall not be construed as preventing the
19 sealing of any record which is maintained by any agency or party
20 other than the Department of Motor Vehicles.

21 (3) This subdivision shall not be construed as affecting the
22 procedures or authority of the Department of Motor Vehicles for
23 purging department records.

24 (d) Unless for good cause the court determines that the juvenile
25 court record shall be retained, the court shall order the destruction
26 of a person's juvenile court records that are sealed pursuant to this
27 section as follows: five years after the record was ordered sealed,
28 if the person who is the subject of the record was alleged or
29 adjudged to be a person described by Section 601; or when the
30 person who is the subject of the record reaches the age of 38 if the
31 person was alleged or adjudged to be a person described by Section
32 602, except that if the subject of the record was found to be a
33 person described in Section 602 because of the commission of an
34 offense listed in subdivision (b), of Section 707, when he or she
35 was 14 years of age or older, the record shall not be destroyed.
36 Any other agency in possession of sealed records may destroy its
37 records five years after the record was ordered sealed.

38 (e) The court may access a file that has been sealed pursuant to
39 this section for the limited purpose of verifying the prior
40 jurisdictional status of a ward who is petitioning the court to resume

1 its jurisdiction pursuant to subdivision (e) of Section 388. This
2 access shall not be deemed an unsealing of the record and shall
3 not require notice to any other entity.

4 (f) This section shall not permit the sealing of a person's juvenile
5 court records for an offense where the person is convicted of that
6 offense in a criminal court pursuant to the provisions of Section
7 707.1. This subdivision is declaratory of existing law.

8 ~~SEC. 20.~~

9 *SEC. 22.* Section 785 of the Welfare and Institutions Code is
10 amended to read:

11 785. (a) Where a minor is a ward of the juvenile court, the
12 wardship did not result in the minor's commitment to the Youth
13 Authority, and the minor is found not to be a fit and proper subject
14 to be dealt with under the juvenile court law with respect to a
15 subsequent allegation of criminal conduct, any parent or other
16 person having an interest in the minor, or the minor, through a
17 properly appointed guardian, the prosecuting attorney, or probation
18 officer, may petition the court in the same action in which the
19 minor was found to be a ward of the juvenile court for a hearing
20 for an order to terminate or modify the jurisdiction of the juvenile
21 court. The court shall order that a hearing be held and shall give
22 prior notice, or cause prior notice to be given, to those persons and
23 by the means prescribed by Sections 776 and 779, or where the
24 means of giving notice is not prescribed by those sections, then
25 by such means as the court prescribes.

26 (b) The petition shall be verified and shall state why jurisdiction
27 should be terminated or modified in concise language.

28 (c) In determining whether or not the wardship shall terminate
29 or be modified, the court shall be guided by the policies set forth
30 in Section 202.

31 (d) In addition to its authority under this chapter, the Judicial
32 Council shall adopt rules providing criteria for the consideration
33 of the juvenile court in determining whether or not to terminate or
34 modify jurisdiction pursuant to this section.

35 ~~SEC. 21.~~

36 *SEC. 23.* Section 826 of the Welfare and Institutions Code is
37 amended to read:

38 826. (a) After five years from the date on which the jurisdiction
39 of the juvenile court over a minor is terminated, the probation

1 officer may destroy all records and papers in the proceedings
2 concerning the minor.

3 The juvenile court record, which includes all records and papers,
4 any minute book entries, dockets and judgment dockets, shall be
5 destroyed by order of the court as follows: when the person who
6 is the subject of the record reaches the age of 28 years, if the person
7 was alleged or adjudged to be a person described by Section 300,
8 when the person who is the subject of the record reaches the age
9 of 21 years, if the person was alleged or adjudged to be a person
10 described by Section 601, or when the person reaches the age of
11 38 years if the person was alleged or adjudged to be a person
12 described by Section 602, unless for good cause the court
13 determines that the juvenile record shall be retained, or unless the
14 juvenile court record is released to the person who is the subject
15 of the record pursuant to this section. However, a juvenile court
16 record which is not permitted to be sealed pursuant to subdivision
17 (f) of Section 781 shall not be destroyed pursuant to this section.

18 Any person who is the subject of a juvenile court record may by
19 written notice request the juvenile court to release the court record
20 to his or her custody. Wherever possible, the written notice shall
21 include the person's full name, the person's date of birth, and the
22 juvenile court case number. Any juvenile court receiving the
23 written notice shall release the court record to the person who is
24 the subject of the record five years after the jurisdiction of the
25 juvenile court over the person has terminated, if the person was
26 alleged or adjudged to be a person described by Section 300, or
27 when the person reaches the age of 21 years, if the person was
28 alleged or adjudged to be a person described by Section 601, unless
29 for good cause the court determines that the record shall be
30 retained. Exhibits shall be destroyed as provided under Section
31 1417 of the Penal Code. For the purpose of this section "destroy"
32 means destroy or dispose of for the purpose of destruction. The
33 proceedings in any case in which the juvenile court record is
34 destroyed or released to the person who is the subject of the record
35 pursuant to this section shall be deemed never to have occurred,
36 and the person may reply accordingly to any inquiry about the
37 events in the case.

38 (b) If an individual whose juvenile court record has been
39 destroyed or released under subdivision (a) discovers that any other
40 agency still retains a record, the individual may file a petition with

1 the court requesting that the records be destroyed. The petition
2 will include the name of the agency and the type of record to be
3 destroyed. The court shall order that such records also be destroyed
4 unless for good cause the court determines to the contrary. The
5 court shall send a copy of the order to each agency and each agency
6 shall destroy records in its custody as directed by the order, and
7 shall advise the court of its compliance. The court shall then destroy
8 the copy of the petition, the order, and the notice of compliance
9 from each agency. Thereafter, the proceedings in such case shall
10 be deemed never to have occurred.

11 (c) Juvenile court records in juvenile traffic matters, which
12 include all records and papers, any minute book entries, dockets
13 and judgment dockets, may be destroyed after five years from the
14 date on which the jurisdiction of the juvenile court over a minor
15 is terminated, or when the minor reaches the age of 21 years, if
16 the person was alleged or adjudged to be a person described by
17 Section 601. Prior to such destruction the original record may be
18 microfilmed or photocopied. Every such reproduction shall be
19 deemed and considered an original; and a transcript,
20 exemplification or certified copy of any such reproduction shall
21 be deemed and considered a transcript, exemplification or certified
22 copy, as the case may be, of the original.

23 ~~SEC. 22.~~

24 *SEC. 24.* Section 11363 of the Welfare and Institutions Code,
25 as added by Section 34 of Chapter 559 of the Statutes of 2010, is
26 amended to read:

27 11363. (a) Aid in the form of state-funded Kin-GAP shall be
28 provided under this article on behalf of any child under 18 years
29 of age and to any eligible youth under 19 years of age as provided
30 in Section 11403, who satisfies all of the following conditions:

31 (1) Has been adjudged a dependent child of the juvenile court
32 pursuant to Section 300, or, effective October 1, 2006, a ward of
33 the juvenile court pursuant to Section 601 or 602.

34 (2) Has been residing for at least six consecutive months in the
35 approved home of the prospective relative guardian while under
36 the jurisdiction of the juvenile court or a voluntary placement
37 agreement.

38 (3) Has had a kinship guardianship established pursuant to
39 Section 360 or 366.26.

1 (4) Has had his or her dependency jurisdiction terminated after
2 January 1, 2000, pursuant to Section 366.3, or his or her wardship
3 terminated pursuant to subdivision (e) of Section 728, concurrently
4 or subsequently to the establishment of the kinship guardianship.

5 (b) If the conditions specified in subdivision (a) are met and,
6 subsequent to the termination of dependency jurisdiction, any
7 parent or person having an interest files with the juvenile court a
8 petition pursuant to Section 388 to change, modify, or set aside an
9 order of the court, Kin-GAP payments shall continue unless and
10 until the juvenile court, after holding a hearing, orders the child
11 removed from the home of the guardian, terminates the
12 guardianship, or maintains dependency jurisdiction after the court
13 concludes the hearing on the petition filed under Section 388.

14 (c) A child or nonminor *former dependent or ward* shall be
15 eligible for Kin-GAP payments if he or she meets one of the
16 following age criteria:

17 (1) He or she is under 18 years of age.

18 (2) He or she is under 21 years of age and has a physical or
19 mental disability that warrants the continuation of assistance.

20 (3) Through December 31, 2011, he or she satisfies the
21 conditions of Section 11403, and on and after January 1, 2012, he
22 or she satisfies the conditions of Section 11403.01.

23 (4) He or she satisfies the conditions as described in subdivision
24 (d).

25 (d) Commencing January 1, 2012, state-funded Kin-GAP
26 payments shall continue for youths who have attained 18 years of
27 age and are under 19 years of age if they attained 16 years of age
28 before the Kin-GAP aid payments commenced. Effective January
29 1, 2013, Kin-GAP payments shall continue for youths who have
30 attained 18 years of age and who are under 20 years of age, if they
31 reached 16 years of age before the Kin-GAP negotiated payments
32 commenced. Effective January 1, 2014, Kin-GAP payments shall
33 continue for youths who have attained 18 years of age and are
34 under 21 years of age, if they reached 16 years of age before the
35 Kin-GAP negotiated payments commenced. To be eligible for
36 continued payments, the youth shall satisfy one or more of the
37 conditions specified in paragraphs (1) to (5), inclusive, of
38 subdivision (b) of Section 11403.

39 (e) Termination of the guardianship with a kinship guardian
40 shall terminate eligibility for Kin-GAP unless the conditions in

1 Section 11403 apply; provided, however, that if an alternate
2 guardian or coguardian is appointed pursuant to Section 366.3 who
3 is also a kinship guardian, the alternate or coguardian shall be
4 entitled to receive Kin-GAP on behalf of the child pursuant to this
5 article. A new period of six months of placement with the alternate
6 guardian or coguardian shall not be required if that alternate
7 guardian or coguardian has been assessed pursuant to Sections
8 361.3 and 361.4 and the court terminates dependency jurisdiction.

9 *SEC. 25. Section 11364 of the Welfare and Institutions Code,*
10 *as amended by Section 47 of Chapter 32 of the Statutes of 2011,*
11 *is amended to read:*

12 11364. (a) In order to receive payments under this article, the
13 county child welfare agency, probation department, or Indian tribe
14 that has entered into an agreement pursuant to Section 10553.1,
15 shall negotiate and enter into a written, binding, kinship
16 guardianship assistance agreement with the relative guardian of
17 an eligible child, and provide the relative guardian with a copy of
18 the agreement.

19 (b) The agreement shall specify, at a minimum, all of the
20 following:

21 (1) The amount of and manner in which the kinship guardianship
22 assistance payment will be provided under the agreement, and that
23 the amount is subject to any applicable increases pursuant to
24 cost-of-living adjustments established by statute, and the manner
25 in which the agreement may be adjusted periodically, but no less
26 frequently than every two years, in consultation with the relative
27 guardian, based on the circumstances of the relative guardian and
28 the needs of the child.

29 (2) Additional services and assistance for which the child and
30 relative guardian will be eligible under the agreement.

31 (3) A procedure by which the relative guardian may apply for
32 additional services, as needed, including the filing of a petition
33 under Section 388 to have dependency jurisdiction resumed
34 pursuant to subdivision (b) of Section 366.3.

35 (4) That the agreement shall remain in effect regardless of the
36 state of residency of the relative guardian.

37 (5) The responsibility of the relative guardian for reporting
38 changes in the needs of the child or the circumstances of the
39 relative guardian that affect payment.

(6) *For guardianships established on and after January 1, 2012, payment shall be made for reasonable and verified nonrecurring expenses associated with obtaining legal guardianship not to exceed the amount specified in federal law. Reimbursement shall not be made for costs otherwise reimbursed from other sources, including the foster care maintenance payment. The agreement shall indicate the maximum amount, the purpose of the expense, and the process for obtaining reimbursement of the nonrecurring expenses to be paid.*

(c) In accordance with the Kin-GAP agreement, the relative guardian shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the relative guardian, but that shall not exceed the foster care maintenance payment that would have been paid based on the age-related state-approved foster family home care rate and any applicable specialized care increment for a child placed in a licensed or approved family home pursuant to subdivisions (a) to (d), inclusive, of Section 11461. In addition, the rate paid for a child eligible for a Kin-GAP payment shall include an amount equal to the clothing allowance, as set forth in subdivision (f) of Section 11461, including any applicable rate adjustments. For a child eligible for a Kin-GAP payment who is a teen parent, the rate shall include the two hundred dollar (\$200) monthly payment made to the relative caregiver in a whole family foster home pursuant to paragraph (3) of subdivision (d) of Section 11465.

(d) Commencing on the effective date of the act that added this subdivision, and notwithstanding subdivision (c), in accordance with the Kin-GAP agreement, the relative guardian shall be paid an amount of aid based on the child's needs otherwise covered in AFDC-FC payments and the circumstances of the relative guardian, as follows:

(1) For cases in which the dependency has been dismissed pursuant to Section 366.3 or wardship has been terminated pursuant to subdivision (e) of Section 728, concurrently or subsequently to establishment of the guardianship, on or before June 30, 2011, or the date specified in a final order, for which the time to appeal has passed, issued by a court of competent jurisdiction in California State Foster Parent Association, et al. v. William Lightbourne, et al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier, the rate paid shall not exceed the basic foster care maintenance

1 payment rate structure in effect prior to the effective date specified
2 in the order described in this paragraph.

3 (2) For cases in which dependency has been dismissed pursuant
4 to Section 366.3 or wardship has been terminated pursuant to
5 subdivision (e) of Section 728, concurrently or subsequently to
6 establishment of the guardianship, on or after July 1, 2011, or the
7 date specified in the order described in paragraph (1) whichever
8 is earlier, the rate paid shall not exceed the basic foster care
9 maintenance payment rate as set forth in paragraph (1) of
10 subdivision (g) of Section 11461.

11 (3) Beginning with the 2011–12 fiscal year, the Kin-GAP benefit
12 payments rate structure shall be adjusted annually by the percentage
13 change in the California Necessities Index, as set forth in paragraph
14 (2) of subdivision (g) of Section 11461, without requiring a new
15 agreement.

16 (4) In addition to the rate paid for a child eligible for a Kin-GAP
17 payment, a specialized care increment, if applicable, as set forth
18 in subdivision (e) of Section 11461, also shall be paid.

19 (5) In addition to the rate paid for a child eligible for a Kin-GAP
20 payment, a clothing allowance, as set forth in subdivision (f) of
21 Section 11461, also shall be paid.

22 (6) For a child eligible for a Kin-GAP payment who is a teen
23 parent, the rate shall include the two hundred dollar (\$200) monthly
24 payment made to the relative caregiver in a whole family foster
25 home pursuant to paragraph (3) of subdivision (d) of Section
26 11465.

27 (e) The county child welfare agency, probation department, or
28 Indian tribe that entered into an agreement pursuant to Section
29 10553.1 shall provide the relative guardian with information, in
30 writing, on the availability of the Kin-GAP program with an
31 explanation of the difference between these benefits and Adoption
32 Assistance Program benefits and AFDC-FC benefits. The agency
33 shall also provide the relative guardian with information on the
34 availability of mental health services through the Medi-Cal program
35 or other programs.

36 (f) The county child welfare agency, probation department, or
37 Indian tribe, as appropriate, shall assess the needs of the child and
38 the circumstances of the related guardian and is responsible for
39 determining that the child meets the eligibility criteria for payment.

(g) Payments on behalf of a child who is a recipient of Kin-GAP benefits and who is also a consumer of regional center services shall be based on the rates established by the State Department of Social Services pursuant to Section 11464.

SEC. 26. Section 11365 of the Welfare and Institutions Code, as added by Section 34 of Chapter 559 of the Statutes of 2010, is repealed.

~~11365. State-funded Kin-GAP benefits shall be paid to the kinship guardian on a per child basis. If the conditions in Section 11403 apply, the payment in whole or in part may be paid to the eligible nonminor directly, as specified in subdivision (d) of Section 11403.~~

~~SEC. 23.~~

SEC. 27. Section 11386 of the Welfare and Institutions Code is amended to read:

11386. Aid shall be provided under this article on behalf of a child under 18 years of age, and to any eligible youth under 19 years of age, as provided in Section 11403, under all of the following conditions:

(a) The child satisfies both of the following requirements:

(1) He or she has been removed from his or her home pursuant to a voluntary placement agreement, or as a result of judicial determination, including being adjudged a dependent child of the court, pursuant to Section 300, or a ward of the court, pursuant to Section 601 or 602, to the effect that continuation in the home would be contrary to the welfare of the child.

(2) He or she has been eligible for federal foster care maintenance payments under Article 5 (commencing with Section 11400) while residing for at least six consecutive months in the approved home of the prospective relative guardian while under the jurisdiction of the juvenile court or a voluntary placement agreement.

(b) Being returned to the parental home or adopted are not appropriate permanency options for the child.

(c) The child demonstrates a strong attachment to the relative guardian, and the relative guardian has a strong commitment to caring permanently for the child and, with respect to the child who has attained 12 years of age, the child has been consulted regarding the kinship guardianship arrangement.

1 (d) The child has had a kinship guardianship established
2 pursuant to Section 360 or Section 366.26.

3 (e) The child has had his or her dependency jurisdiction
4 terminated pursuant to Section 366.3, or his or her wardship
5 terminated pursuant to subdivision (e) of Section 728, concurrently
6 or subsequently to the establishment of the kinship guardianship.

7 (f) If the conditions specified in subdivisions (a) through (e),
8 inclusive, are met and, subsequent to the termination of dependency
9 jurisdiction, any parent or person having an interest files with the
10 juvenile court a petition pursuant to Section 388 to change, modify,
11 or set aside an order of the court, Kin-GAP payments shall continue
12 unless and until the juvenile court orders the child removed from
13 the home of the guardian, terminates the guardianship, or maintains
14 dependency jurisdiction after the court concludes the hearing on
15 the petition filed under Section 388.

16 (g) A child or nonminor *former dependent or ward* shall be
17 eligible for Kin-GAP payments if he or she meets one of the
18 following age criteria:

19 (1) He or she is under 18 years of age.

20 (2) He or she is under 21 years of age and has a physical or
21 mental disability that warrants the continuation of assistance.

22 (3) Through December 31, 2011, he or she satisfies the
23 conditions of Section 11403, and on and after January 1, 2012, he
24 or she satisfies the conditions of Section 11403.01.

25 (4) He or she satisfies the conditions as described in subdivision
26 (h).

27 (h) Effective January 1, 2012, Kin-GAP payments shall continue
28 for youths who have attained 18 years of age and are under 19
29 years of age if they attained 16 years of age before the Kin-GAP
30 negotiated agreement payments commenced. Effective January 1,
31 2013, Kin-GAP payments shall continue for youths who have
32 attained 18 years of age and are under 20 years of age, if they
33 reached 16 years of age before the Kin-GAP negotiated payments
34 commenced. Effective January 1, 2014, Kin-GAP payments shall
35 continue for youths who have attained 18 years of age and are
36 under 21 years of age, if they reached 16 years of age before the
37 Kin-GAP negotiated payments commenced. To be eligible for
38 continued payments, the youth shall satisfy one or more of the
39 conditions specified in paragraphs (1) to (5), inclusive, of
40 subdivision (b) of Section 11403.

(i) Termination of the guardianship with a kinship guardian shall terminate eligibility for Kin-GAP, unless the conditions of Section 11403 apply, provided, however, that if an alternate guardian or coguardian is appointed pursuant to Section 366.3 who is also a kinship guardian, the alternate or coguardian shall be entitled to receive Kin-GAP on behalf of the child pursuant to this article. A new period of six months of placement with the alternate guardian or coguardian shall not be required if that alternate guardian or coguardian has been assessed pursuant to Section 361.3 and Section 361.4 and the court terminates dependency jurisdiction, subject to available federal funding.

SEC. 28. Section 11387 of the Welfare and Institutions Code is amended to read:

11387. (a) In order to receive federal financial participation for payments under this article, the county child welfare agency or probation department or Indian tribe that entered into an agreement pursuant to Section 10553.1 shall negotiate and enter into a written, binding, kinship guardianship assistance agreement with the relative guardian of an eligible child, and provide the relative guardian with a copy of the agreement.

(b) The agreement shall specify, at a minimum, all of the following:

(1) The amount of and manner in which the kinship guardianship assistance payment will be provided under the agreement, that the amount is subject to any applicable increases pursuant to cost-of-living adjustments established by statute and the manner in which the agreement may be adjusted periodically, but no less frequently than every two years, in consultation with the relative guardian, based on the circumstances of the relative guardian and the needs of the child.

(2) Additional services and assistance for which the child and relative guardian will be eligible under the agreement.

(3) A procedure by which the relative guardian may apply for additional services, as needed, including, but not limited to, the filing of a petition under Section 388 to have dependency jurisdiction resumed pursuant to subdivision (b) of Section 366.3.

(4) The agreement shall provide that it shall remain in effect regardless of the state of residency of the relative guardian.

1 (5) The responsibility of the relative guardian for reporting
2 changes in the needs of the child or the circumstances of the
3 relative guardian that affect payment.

4 (6) *For a guardianship established on and after January 1,*
5 *2012, payment shall be made for reasonable and verified*
6 *nonrecurring expenses associated with obtaining legal*
7 *guardianship not to exceed the amount specified in federal law.*
8 *Reimbursement shall not be made for costs otherwise reimbursed*
9 *from other sources, including the foster care maintenance payment.*
10 *The agreement shall indicate the maximum amount, the purpose*
11 *of the expense, and the process for obtaining reimbursement of*
12 *the nonrecurring expenses to be paid.*

13 (c) In accordance with the Kin-GAP agreement, the relative
14 guardian shall be paid an amount of aid based on the child's needs
15 otherwise covered in AFDC-FC payments and the circumstances
16 of the relative guardian but that shall not exceed the foster care
17 maintenance payment that would have been paid based on the
18 age-related state-approved foster family home care rate and any
19 applicable specialized care increment for a child placed in a
20 licensed or approved family home pursuant to subdivisions (a) to
21 (d), inclusive, of Section 11461. In addition, the rate paid for a
22 child eligible for a Kin-GAP payment shall include an amount
23 equal to the clothing allowance, as set forth in subdivision (f) of
24 Section 11461, including any applicable rate adjustments. For a
25 child eligible for a Kin-GAP payment who is a teen parent, the
26 rate shall include the two hundred dollar (\$200) monthly payment
27 made to the relative caregiver in a whole family foster home
28 pursuant to paragraph (3) of subdivision (d) of Section 11465.

29 (d) Commencing on the effective date of the act that added this
30 subdivision, and notwithstanding subdivision (c), in accordance
31 with the Kin-GAP agreement the relative guardian shall be paid
32 an amount of aid based on the child's needs otherwise covered in
33 AFDC-FC payments and the circumstances of the relative guardian,
34 as follows:

35 (1) For cases in which the dependency has been dismissed
36 pursuant to Section 366.3 or wardship has been terminated pursuant
37 to subdivision (e) of Section 728, concurrently or subsequently to
38 establishment of the guardianship, on or before June 30, 2011, or
39 the date specified in a final order, for which the time to appeal has
40 passed, issued by a court of competent jurisdiction in California

1 State Foster Parent Association et al. v. William Lightbourne, et
2 al. (U.S. Dist. Ct. No. C 07-05086 WHA), whichever is earlier,
3 the rate paid shall not exceed the basic foster care maintenance
4 payment rate structure in effect prior to the effective date specified
5 in the order described in this paragraph.

6 (2) For cases in which dependency has been dismissed pursuant
7 to Section 366.3 or wardship has been terminated pursuant to
8 subdivision (e) of Section 728, concurrently or subsequently to
9 establishment of the guardianship, on or after July 1, 2011, or the
10 date specified in the order described in paragraph (1), whichever
11 is earlier, the rate paid shall not exceed the basic foster care
12 maintenance payment rate as set forth in paragraph (1) of
13 subdivision (g) of Section 11461.

14 (3) Beginning with the 2011–12 fiscal year, the Kin-GAP benefit
15 payments rate structure shall be adjusted annually by the percentage
16 change in the California Necessities Index, as set forth in paragraph
17 (2) of subdivision (g) of Section 11461, without requiring a new
18 agreement.

19 (4) In addition to the rate paid for a child eligible for a Kin-GAP
20 payment, a specialized care increment, if applicable, as set forth
21 in subdivision (e) of Section 11461, shall be paid.

22 (5) In addition to the rate paid for a child eligible for a Kin-GAP
23 payment, a clothing allowance, as set forth in subdivision (f) of
24 Section 11461, shall be paid.

25 (6) For a child eligible for a Kin-GAP payment who is a teen
26 parent, the rate shall include the two hundred dollar (\$200) monthly
27 payment made to the relative caregiver in a whole family foster
28 home pursuant to paragraph (3) of subdivision (d) of Section
29 11465.

30 (e) The county child welfare agency or probation department
31 or Indian tribe that entered into an agreement pursuant to Section
32 10553.1 shall provide the relative guardian with information, in
33 writing, on the availability of the federal Kin-GAP program with
34 an explanation of the difference between these benefits and
35 Adoption Assistance Program benefits and AFDC-FC benefits.
36 The agency shall also provide the relative guardian with
37 information on the availability of mental health services through
38 the Medi-Cal program or other programs.

39 (f) The county child welfare agency, probation department, or
40 Indian tribe, as appropriate, shall assess the needs of the child and

1 the circumstances of the related guardian and is responsible for
2 determining that the child meets the eligibility criteria for payment.

3 (g) Payments on behalf of a child who is a recipient of Kin-GAP
4 benefits and who is also a consumer of regional center services
5 shall be based on the rates established by the State Department of
6 Social Services pursuant to Section 11464.

7 ~~SEC. 24.~~

8 SEC. 29. Section 11400 of the Welfare and Institutions Code
9 is amended to read:

10 11400. For the purposes of this article, the following definitions
11 shall apply:

12 (a) "Aid to Families with Dependent Children-Foster Care
13 (AFDC-FC)" means the aid provided on behalf of needy children
14 in foster care under the terms of this division.

15 (b) "Case plan" means a written document that, at a minimum,
16 specifies the type of home in which the child shall be placed, the
17 safety of that home, and the appropriateness of that home to meet
18 the child's needs. It shall also include the agency's plan for
19 ensuring that the child receive proper care and protection in a safe
20 environment, and shall set forth the appropriate services to be
21 provided to the child, the child's family, and the foster parents, in
22 order to meet the child's needs while in foster care, and to reunify
23 the child with the child's family. In addition, the plan shall specify
24 the services that will be provided or steps that will be taken to
25 facilitate an alternate permanent plan if reunification is not possible.

26 (c) "Certified family home" means a family residence certified
27 by a licensed foster family agency and issued a certificate of
28 approval by that agency as meeting licensing standards, and used
29 only by that foster family agency for placements.

30 (d) "Family home" means the family residency of a licensee in
31 which 24-hour care and supervision are provided for children.

32 (e) "Small family home" means any residential facility, in the
33 licensee's family residence, which provides 24-hour care for six
34 or fewer foster children who have mental disorders or
35 developmental or physical disabilities and who require special care
36 and supervision as a result of their disabilities.

37 (f) "Foster care" means the 24-hour out-of-home care provided
38 to children whose own families are unable or unwilling to care for
39 them, and who are in need of temporary or long-term substitute
40 parenting.

1 (g) “Foster family agency” means any individual or organization
2 engaged in the recruiting, certifying, and training of, and providing
3 professional support to, foster parents, or in finding homes or other
4 places for placement of children for temporary or permanent care
5 who require that level of care as an alternative to a group home.
6 Private foster family agencies shall be organized and operated on
7 a nonprofit basis.

8 (h) “Group home” means a nondetention privately operated
9 residential home, organized and operated on a nonprofit basis only,
10 of any capacity, or a nondetention licensed residential care home
11 operated by the County of San Mateo with a capacity of up to 25
12 beds, that provides services in a group setting to children in need
13 of care and supervision, as required by paragraph (1) of subdivision
14 (a) of Section 1502 of the Health and Safety Code.

15 (i) “Periodic review” means review of a child’s status by the
16 juvenile court or by an administrative review panel, that shall
17 include a consideration of the safety of the child, a determination
18 of the continuing need for placement in foster care, evaluation of
19 the goals for the placement and the progress toward meeting these
20 goals, and development of a target date for the child’s return home
21 or establishment of alternative permanent placement.

22 (j) “Permanency planning hearing” means a hearing conducted
23 by the juvenile court in which the child’s future status, including
24 whether the child shall be returned home or another permanent
25 plan shall be developed, is determined.

26 (k) “Placement and care” refers to the responsibility for the
27 welfare of a child vested in an agency or organization by virtue of
28 the agency or organization having (1) been delegated care, custody,
29 and control of a child by the juvenile court, (2) taken responsibility,
30 pursuant to a relinquishment or termination of parental rights on
31 a child, (3) taken the responsibility of supervising a child detained
32 by the juvenile court pursuant to Section 319 or 636, or (4) signed
33 a voluntary placement agreement for the child’s placement; or to
34 the responsibility designated to an individual by virtue of his or
35 her being appointed the child’s legal guardian.

36 (l) “Preplacement preventive services” means services that are
37 designed to help children remain with their families by preventing
38 or eliminating the need for removal.

39 (m) “Relative” means an adult who is related to the child by
40 blood, adoption, or affinity within the fifth degree of kinship,

1 including stepparents, stepsiblings, and all relatives whose status
2 is preceded by the words “great,” “great-great,” or “grand” or the
3 spouse of any of these persons even if the marriage was terminated
4 by death or dissolution.

5 (n) “Nonrelative extended family member” means an adult
6 caregiver who has an established familial or mentoring relationship
7 with the child, as described in Section 362.7.

8 (o) “Voluntary placement” means an out-of-home placement
9 of a child by (1) the county welfare department, probation
10 department, or Indian tribe that has entered into an agreement
11 pursuant to Section 10553.1, after the parents or guardians have
12 requested the assistance of the county welfare department and have
13 signed a voluntary placement agreement; or (2) the county welfare
14 department licensed public or private adoption agency, or the
15 department acting as an adoption agency, after the parents have
16 requested the assistance of either the county welfare department,
17 the licensed public or private adoption agency, or the department
18 acting as an adoption agency for the purpose of adoption planning,
19 and have signed a voluntary placement agreement.

20 (p) “Voluntary placement agreement” means a written agreement
21 between either the county welfare department, probation
22 department, or Indian tribe that has entered into an agreement
23 pursuant to Section 10553.1, licensed public or private adoption
24 agency, or the department acting as an adoption agency, and the
25 parents or guardians of a child that specifies, at a minimum, the
26 following:

27 (1) The legal status of the child.

28 (2) The rights and obligations of the parents or guardians, the
29 child, and the agency in which the child is placed.

30 (q) “Original placement date” means the most recent date on
31 which the court detained a child and ordered an agency to be
32 responsible for supervising the child or the date on which an agency
33 assumed responsibility for a child due to termination of parental
34 rights, relinquishment, or voluntary placement.

35 (r) “Transitional housing placement facility” means either of
36 the following:

37 (1) A community care facility licensed by the State Department
38 of Social Services pursuant to Section 1559.110 of the Health and
39 Safety Code to provide transitional housing opportunities to persons
40 at least 16 years of age, and not more than 18 years of age ~~unless~~

1 *and, on or after January 1, 2012, any nonminor dependent who*
 2 *has not attained 19 years of age, as described in paragraph (1) of*
 3 *subdivision (a) of Section 11403.2, may remain in the facility if it*
 4 *is in their best interests as nonminor dependents to remain in the*
 5 *facility in order to complete high school or its equivalent, or to*
 6 *finish the high school year prior to their 19th birthday, birthday.*
 7 *These provisions shall apply to those who are in out-of-home*
 8 *placement under the supervision of the county department of social*
 9 *services or the county probation department, and who are*
 10 *participating in an independent living program.*

11 (2) A facility certified to provide transitional housing services
 12 pursuant to subdivision (e) of Section 1559.110 of the Health and
 13 Safety Code.

14 (s) “Transitional housing placement program” means a program
 15 that provides supervised housing opportunities to eligible youth
 16 *and nonminor dependents* pursuant to Article 4 (commencing with
 17 Section 16522) of Chapter 5 of Part 4.

18 (t) “Whole family foster home” means a new or existing family
 19 home, approved relative caregiver or nonrelative extended family
 20 member’s home, the home of a nonrelated legal guardian whose
 21 guardianship was established pursuant to Section 366.26 or 360,
 22 certified family home that provides foster care for a minor or
 23 nonminor dependent parent and his or her child, and is specifically
 24 recruited and trained to assist the minor or nonminor dependent
 25 parent in developing the skills necessary to provide a safe, stable,
 26 and permanent home for his or her child. The child of the minor
 27 or nonminor dependent parent need not be the subject of a petition
 28 filed pursuant to Section 300 to qualify for placement in a whole
 29 family foster home.

30 (u) “Mutual agreement” means a written voluntary agreement
 31 of consent for continued placement and care in a supervised setting
 32 between a minor or, on and after January 1, 2012, a nonminor
 33 dependent, and the county welfare services or probation department
 34 or tribal agency responsible for the foster care placement, that
 35 documents the nonminor’s continued willingness to remain in
 36 supervised out-of-home placement under the placement and care
 37 of the responsible county or tribal agency, remain under the
 38 jurisdiction of the juvenile court as a nonminor dependent, and
 39 report any change of circumstances relevant to continued eligibility
 40 for foster care payments, and that documents the nonminor’s and

1 social worker's or probation officer's agreement to work together
2 to facilitate implementation of the mutually developed supervised
3 placement agreement and transitional independent living case plan.

4 (v) "Nonminor dependent" means, on and after January 1, 2012,
5 a foster child, as described in Section 675(8)(B) of Title 42 of the
6 United States Code under the federal Social Security Act who is
7 a current dependent child or ward of the juvenile court, or a
8 nonminor under the transition jurisdiction of the juvenile court, as
9 described in Section 450, who satisfies all of the following criteria:

10 (1) He or she has attained 18 years of age while under an order
11 of foster care placement by the juvenile court, and is ~~less than 21~~
12 ~~years of age.~~ *younger than 19 years of age as of January 1, 2012,*
13 *younger than 20 years of age as of January 1, 2013, or younger*
14 *than 21 years of age as of January 1, 2014.*

15 (2) He or she is in foster care under the placement and care
16 responsibility of the county welfare department, county probation
17 department, or Indian tribe that entered into an agreement pursuant
18 to Section 10553.1.

19 (3) He or she is participating in a transitional independent living
20 case plan pursuant to Section 475(8) of the federal Social Security
21 Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering
22 Connections to Success and Increasing Adoptions Act of 2008
23 (Public Law 110-351), as described in Section 11403.

24 (w) "Supervised independent living setting" means, on and after
25 January 1, 2012, a supervised setting, as specified in a nonminor
26 dependent's transitional independent living case plan, in which
27 the youth is living independently, pursuant to Section 472(c)(2)
28 of the Social Security Act (42 U.S.C. Sec. 672(c)(2)).

29 (x) "THP-Plus Foster Care" means, on and after January 1,
30 2012, a placement that offers supervised housing opportunities
31 and supportive services to eligible nonminor dependents at least
32 18 years of age, on and after January 1, 2013, 19 years of age, and
33 on and after January 1, 2014, 20 years of age, and not more than
34 21 years of age, who are in out-of-home placement under the
35 placement and care responsibility of the county welfare department
36 or the county probation department or Indian tribe that entered
37 into an agreement pursuant to Section 10553.1, and who are
38 described in paragraphs (3) and (4) of subdivision (a) of Section
39 11403.2.

(y) “Transitional independent living case plan” means, on or after January 1, 2012, the nonminor dependent’s case plan, updated every six months, that describes the goals and objectives of how the nonminor will make progress in the transition to living independently and assume incremental responsibility for adult decisionmaking, the collaborative efforts between the nonminor and the social worker, probation officer, or Indian tribe and the supportive services as described in the transitional independent living plan (TILP) to ensure active and meaningful participation in one or more of the eligibility criteria described in subdivision (b) of Section 11403, the nonminor’s appropriate supervised placement setting, and the nonminor’s permanent plan for transition to living independently, which includes maintaining or obtaining permanent connections to caring and committed adults, as set forth in paragraph (16) of subdivision (f) of Section 16501.1.

(z) “Voluntary reentry agreement” means a written voluntary agreement between a former dependent child or ward or a former nonminor dependent, who has had juvenile court jurisdiction terminated pursuant to Section 391, 452 or 607.2, and the county welfare or probation department or tribal placing agency that documents the nonminor’s desire and willingness to reenter foster care, to be placed in a supervised setting under the placement and care responsibility of the placing agency, the nonminor’s desire, willingness, and ability to immediately participate in one or more of the conditions of paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403, the nonminor’s agreement to work collaboratively with the placing agency to develop his or her transitional independent living case plan within 60 days of reentry, the nonminor’s agreement to report any changes of circumstances relevant to continued eligibility for foster care payments, and the nonminor’s agreement to participate in the filing of a petition for juvenile court jurisdiction as a nonminor dependent pursuant to subdivision (e) of Section 388 within 15 judicial days of the signing of the agreement and the placing agency’s efforts and supportive services to assist the nonminor in the reentry process.

~~SEC. 25.~~

SEC. 30. Section 11401 of the Welfare and Institutions Code is amended to read:

11401. Aid in the form of AFDC-FC shall be provided under this chapter on behalf of any child under 18 years of age, and, on

1 and after January 1, 2012, to any nonminor dependent who meets
2 the conditions of any of the following subdivisions:

3 (a) The child has been relinquished, for purposes of adoption,
4 to a licensed adoption agency, or the department, or the parental
5 rights of either or both of his or her parents have been terminated
6 after an action under the Family Code has been brought by a
7 licensed adoption agency or the department, provided that the
8 licensed adoption agency or the department, if responsible for
9 placement and care, provides to those children all services as
10 required by the department to children in foster care.

11 (b) The child has been removed from the physical custody of
12 his or her parent, relative, or guardian as a result of a voluntary
13 placement agreement or a judicial determination that continuance
14 in the home would be contrary to the child's welfare and that, if
15 the child was placed in foster care, reasonable efforts were made,
16 consistent with Chapter 5 (commencing with Section 16500) of
17 Part 4, to prevent or eliminate the need for removal of the child
18 from his or her home and to make it possible for the child to return
19 to his or her home, and any of the following applies:

20 (1) The child has been adjudged a dependent child of the court
21 on the grounds that he or she is a person described by Section 300.

22 (2) The child has been adjudged a ward of the court on the
23 grounds that he or she is a person described by Sections 601 and
24 602, or, on or after January 1, 2012, the nonminor is under the
25 transition jurisdiction of the juvenile court pursuant to Section
26 450.

27 (3) The child has been detained under a court order, pursuant
28 to Section 319 or 636, that remains in effect.

29 (4) The child's or nonminor's dependency jurisdiction, or
30 transition jurisdiction pursuant to Section 450, has resumed
31 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

32 (c) The child has been voluntarily placed by his or her parent
33 or guardian pursuant to Section 11401.1.

34 (d) The child is living in the home of a nonrelated legal guardian.

35 (e) On and after January 1, 2012, the child is a nonminor
36 dependent who is placed pursuant to a mutual agreement as set
37 forth in subdivision (u) of Section 11400, under the placement and
38 care responsibility of the county child welfare services department,
39 an Indian tribe that entered into an agreement pursuant to Section
40 10553.1, or the county probation department, or the child is a

1 nonminor dependent reentering foster care placement pursuant to
2 a voluntary agreement, as set forth in subdivision (z) of Section
3 11400.

4 (f) The child has been placed in foster care under the federal
5 Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall
6 not be construed as limiting payments to Indian children, as defined
7 in the federal Indian Child Welfare Act, placed in accordance with
8 that act.

9 (g) To be eligible for federal financial participation, the
10 conditions described in paragraph (1), (2), (3), or (4) shall be
11 satisfied:

12 (1) (A) The child meets the conditions of subdivision (b).

13 (B) The child has been deprived of parental support or care for
14 any of the reasons set forth in Section 11250.

15 (C) The child has been removed from the home of a relative as
16 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
17 Regulations, as amended.

18 (D) The requirements of Sections 671 and 672 of Title 42 of
19 the United States Code, as amended, have been met.

20 (2) (A) The child meets the requirements of subdivision (h).

21 (B) The requirements of Sections 671 and 672 of Title 42 of
22 the United States Code, as amended, have been met.

23 (C) This paragraph shall be implemented only if federal financial
24 participation is available for the children described in this
25 paragraph.

26 (3) (A) The child has been removed from the custody of his or
27 her parent, relative, or guardian as a result of a voluntary placement
28 agreement or a judicial determination that continuance in the home
29 would be contrary to the child's welfare and that, if the child was
30 placed in foster care, reasonable efforts were made, consistent with
31 Chapter 5 (commencing with Section 16500) of Part 4, to prevent
32 or eliminate the need for removal of the child from his or her home
33 and to make it possible for the child to return to his or her home,
34 or the child is a nonminor dependent who satisfies the removal
35 criteria in Section 472(a)(2)(A)(i) of the federal Social Security
36 Act (42 U.S.C. Sec. 672 (a)(2)(A)(i)) and agrees to the placement
37 and care responsibility of the placing agency by signing the
38 voluntary reentry agreement, as set forth in subdivision (z) of
39 Section 11400, and any of the following applies:

1 (i) The child has been adjudged a dependent child of the court
2 on the grounds that he or she is a person described by Section 300.

3 (ii) The child has been adjudged a ward of the court on the
4 grounds that he or she is a person described by Sections 601 and
5 602 or, on or after January 1, 2012, the nonminor is under the
6 transition jurisdiction of the juvenile court, pursuant to Section
7 450.

8 (iii) The child has been detained under a court order, pursuant
9 to Section 319 or 636, that remains in effect.

10 (iv) The child's or nonminor's dependency jurisdiction, or
11 transition jurisdiction pursuant to Section 450, has resumed
12 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

13 (B) The child has been placed in an eligible foster care
14 placement, as set forth in Section 11402.

15 (C) The requirements of Sections 671 and 672 of Title 42 of
16 the United States Code have been satisfied.

17 (D) This paragraph shall be implemented only if federal financial
18 participation is available for the children described in this
19 paragraph.

20 (4) With respect to a nonminor dependent, in addition to meeting
21 the conditions specified in paragraph (1), the requirements of
22 Section 675(8)(B) of Title 42 of the United States Code have been
23 satisfied. With respect to a former nonminor dependent who
24 reenters foster care placement by signing the voluntary reentry
25 agreement, as set forth in subdivision (z) of Section 11400, the
26 requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of
27 Title 42 of the United States Code are satisfied based on the
28 nonminor's status as a child-only case, without regard to the
29 parents, legal guardians, or others in the assistance unit in the home
30 from which the nonminor was originally removed.

31 (h) The child meets all of the following conditions:

32 (1) The child has been adjudged to be a dependent child or ward
33 of the court on the grounds that he or she is a person described in
34 Section 300, 601, or 602.

35 (2) The child's parent also has been adjudged to be a dependent
36 child or nonminor dependent of the court on the grounds that he
37 or she is a person described by Section 300, 450, 601, or 602 and
38 is receiving benefits under this chapter.

1 (3) The child is placed in the same licensed or approved foster
2 care facility in which his or her parent is placed and the child's
3 parent is receiving reunification services with respect to that child.

4 ~~SEC. 26.~~

5 *SEC. 31.* Section 11401.1 of the Welfare and Institutions Code
6 is amended to read:

7 11401.1. (a) Otherwise eligible children placed voluntarily
8 prior to January 1, 1981, may remain eligible for AFDC-FC
9 payments.

10 (b) Beginning on January 1, 1982, AFDC-FC payments for
11 children placed voluntarily on or after January 1, 1981, shall be
12 limited to a period of up to 180 days under conditions specified
13 by departmental regulations, and may be extended an additional
14 six months pursuant to Section 16507.3 and departmental
15 regulations.

16 (c) On and after January 1, 2012, AFDC-FC payments for
17 nonminor dependents, who reentered foster care placement by
18 signing a voluntary reentry agreement pursuant to subdivision (z)
19 of Section 11400, shall be limited to a period not to exceed 180
20 days. The county child welfare services department or probation
21 department shall file a petition pursuant to subdivision (e) of
22 Section 388 within 15 judicial days of the signing of the agreement
23 to have the nonminor declared a nonminor dependent of the
24 juvenile court in that reentry and remaining in foster care is in the
25 best interests of the nonminor.

26 ~~SEC. 27.~~

27 *SEC. 32.* Section 11402 of the Welfare and Institutions Code,
28 as amended by Section 44.1 of Chapter 559 of the Statutes of 2010,
29 is amended to read:

30 11402. In order to be eligible for AFDC-FC, a child or
31 nonminor dependent shall be placed in one of the following:

32 (a) The approved home of a relative, provided the child is
33 otherwise eligible for federal financial participation in the
34 AFDC-FC payment.

35 (b) (1) The licensed family home of a nonrelative.

36 (2) The approved home of a nonrelative extended family
37 member as described in Section 362.7.

38 (c) A licensed group home, as defined in subdivision (h) of
39 Section 11400, provided that the placement worker has documented

1 that the placement is necessary to meet the treatment needs of the
2 child and that the facility offers those treatment services.

3 (d) The home of a nonrelated legal guardian or the home of a
4 former nonrelated legal guardian when the guardianship of a child
5 who is otherwise eligible for AFDC-FC has been dismissed due
6 to the child's attaining 18 years of age.

7 (e) An exclusive-use home.

8 (f) A licensed transitional housing placement facility, as
9 described in Section 1559.110 of the Health and Safety Code, and
10 as defined in subdivision (r) of Section 11400, or a transitional
11 housing placement program, as defined in subdivision (s) of Section
12 11400.

13 (g) An out-of-state group home, provided that the placement
14 worker, in addition to complying with all other statutory
15 requirements for placing a minor in an out-of-state group home,
16 documents that the requirements of Section 7911.1 of the Family
17 Code have been met.

18 (h) A licensed crisis nursery, as described in Section 1516 of
19 the Health and Safety Code, and as defined in subdivision (a) of
20 Section 11400.1.

21 (i) A supervised independent living setting for nonminor
22 dependents, as defined in Section 11400.

23 (j) An approved THP-Plus Foster Care placement for nonminor
24 dependents, as defined in subdivision (x) of Section 11400.

25 (k) This section shall remain in effect only until July 1, 2012,
26 and as of that date is repealed, unless a later enacted statute, that
27 is enacted before July 1, 2012, deletes or extends that date.

28 ~~SEC. 28.~~

29 *SEC. 33.* Section 11402 of the Welfare and Institutions Code,
30 as amended by Section 45.1 of Chapter 559 of the Statutes of 2010,
31 is amended to read:

32 11402. In order to be eligible for AFDC-FC, a child or
33 nonminor dependent shall be placed in one of the following:

34 (a) The approved home of a relative, provided the child is
35 otherwise eligible for federal financial participation in the
36 AFDC-FC payment.

37 (b) (1) The licensed family home of a nonrelative.

38 (2) The approved home of a nonrelative extended family
39 member as described in Section 362.7.

(c) A licensed group home, as defined in subdivision (h) of Section 11400, provided that the placement worker has documented that the placement is necessary to meet the treatment needs of the child and that the facility offers those treatment services.

(d) The home of a nonrelated legal guardian or the home of a former nonrelated legal guardian when the guardianship of a child who is otherwise eligible for AFDC-FC has been dismissed due to the child's attaining 18 years of age.

(e) An exclusive-use home.

(f) A licensed transitional housing placement facility as described in Section 1559.110 of the Health and Safety Code and as defined in subdivision (r) of Section 11400, or a transitional housing placement program, as defined in subdivision (s) of Section 11400.

(g) An out-of-state group home, provided that the placement worker, in addition to complying with all other statutory requirements for placing a minor in an out-of-state group home, documents that the requirements of Section 7911.1 of the Family Code have been met.

(h) A supervised independent living setting for nonminor dependents, as defined in Section 11400.

(i) An approved THP-Plus Foster Care placement for nonminor dependents, as defined in subdivision (x) of Section 11400.

(j) This section shall become operative on July 1, 2012.

~~SEC. 29.~~

SEC. 34. Section 11403 of the Welfare and Institutions Code, as added by Section 47 of Chapter 559 of the Statutes of 2010, is amended to read:

11403. (a) It is the intent of the Legislature to exercise the option afforded states under Section 475(8) (42 U.S.C. Sec. 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the federal Social Security Act, as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351), to receive federal financial participation for nonminor dependents of the juvenile court who satisfy the conditions of subdivision (b), consistent with their transitional independent living case plan. Effective January 1, 2012, these nonminor dependents shall be eligible to receive support up to 19 years of age, effective January 1, 2013, up to 20 years of age, and effective January 1, 2014, up to 21 years of age, consistent with

1 their transitional independent living case plan. It is the intent of
2 the Legislature both at the time of initial determination of the
3 nonminor dependent's eligibility and throughout the time the
4 nonminor dependent is eligible for aid pursuant to this section,
5 that the social worker or probation officer or Indian tribe and the
6 nonminor dependent shall work together to ensure the nonminor
7 dependent's ongoing eligibility. All case planning shall be a
8 collaborative effort between the nonminor dependent and the social
9 worker, probation officer, or Indian tribe, with the nonminor
10 dependent assuming increasing levels of responsibility and
11 independence.

12 (b) A nonminor dependent receiving aid pursuant to this chapter,
13 who satisfies the age criteria set forth in subdivision (a), shall
14 ~~continue to receive aid so long as the nonminor has signed a mutual~~
15 ~~agreement as set forth in subdivision (u) of, or the voluntary reentry~~
16 ~~meet the legal authority for placement and care by being under a~~
17 ~~foster care placement order by the juvenile court, or the voluntary~~
18 ~~reentry agreement as set forth in subdivision (z) of, Section 11400,~~
19 and is otherwise eligible for AFDC-FC payments pursuant to
20 Section 11401. A nonminor who satisfies the age criteria set forth
21 in subdivision (a), and who is otherwise eligible, shall continue to
22 receive CalWORKs payments pursuant to Section 11253 or, as a
23 nonminor former dependent or ward, aid pursuant to Kin-GAP
24 under Article 4.5 (commencing with Section 11360) or Article 4.7
25 (commencing with Section 11385) or adoption assistance payments
26 as specified in Chapter 2.1 (commencing with Section 16115) of
27 Part 4. Effective January 1, 2012, a nonminor former dependent
28 child or ward of the juvenile court who is receiving AFDC-FC
29 benefits pursuant to Section 11405 shall be eligible to continue to
30 receive aid up to 19 years of age, effective January 1, 2013, up to
31 20 years of age, and effective January 1, 2014, up to 21 years of
32 age, as long as the nonminor is otherwise eligible for AFDC-FC
33 benefits under this subdivision. This subdivision shall apply when
34 one or more of the following conditions exist:

35 (1) The nonminor is completing secondary education or a
36 program leading to an equivalent credential.

37 (2) The nonminor is enrolled in an institution which provides
38 postsecondary or vocational education.

39 (3) The nonminor is participating in a program or activity
40 designed to promote, or remove barriers to employment.

1 (4) The nonminor is employed for at least 80 hours per month.

2 (5) The nonminor is incapable of doing any of the activities
3 described in subparagraphs (1) to (4), inclusive, due to a medical
4 condition, and that incapability is supported by regularly updated
5 information in the case plan of the nonminor. The requirement to
6 update the case plan under this paragraph shall not apply to
7 nonminor former dependents or wards in receipt of Kin-GAP
8 program or Adoption Assistance Program payments.

9 (c) The county child welfare or probation department or Indian
10 tribe that has entered into an agreement pursuant to Section
11 10553.1, shall work together with a nonminor dependent who is
12 in foster care on his or her 18th birthday and thereafter or a
13 nonminor former dependent receiving aid pursuant to Section
14 11405, to satisfy one or more of the conditions described in
15 paragraphs (1) to (5), inclusive, of subdivision (b) and shall certify
16 the nonminor's applicable condition or conditions in the
17 nonminor's six-month transitional independent living case plan
18 update, and provide the certification to the eligibility worker and
19 to the court at each six-month case plan review hearing for the
20 nonminor dependent. Relative guardians who receive Kin-GAP
21 payments and adoptive parents who receive adoption assistance
22 payments shall be responsible for reporting to the county welfare
23 agency that the nonminor does not satisfy at least one of the
24 conditions described in subdivision (b). The social worker,
25 probation officer, or tribe shall verify and obtain assurances that
26 the nonminor dependent continues to satisfy at least one of the
27 conditions in paragraphs (1) to (5), inclusive, of subdivision (b)
28 at each six-month transitional independent living case plan update.
29 The six-month case plan update shall certify the nonminor's
30 eligibility pursuant to subdivision (b) for the next six-month period.
31 During the six-month certification period, the payee and nonminor
32 shall report any change in placement or other relevant changes in
33 circumstances that may affect payment. The nonminor dependent
34 or nonminor former dependent receiving aid pursuant to Section
35 11405 shall be informed of all due process requirements, in
36 accordance with state and federal law, prior to an involuntary
37 termination of aid, and shall simultaneously be provided with a
38 written explanation of how to exercise his or her due process rights
39 and obtain referrals to legal assistance. Any notices of action
40 regarding eligibility shall be sent to the nonminor dependent or

1 former dependent, his or her counsel, and the placing worker, in
2 addition to any other payee.

3 (d) A nonminor dependent may receive all of the payment
4 directly provided that the nonminor is living independently in a
5 supervised setting, and that both the youth and the agency
6 responsible for the foster care placement have signed a mutual
7 agreement, as defined in subdivision (u) of Section 11400, if the
8 youth is capable of making an informed agreement, that documents
9 the continued need for supervised out-of-home placement, and the
10 nonminor's and social worker's or probation officer's agreement
11 to work together to facilitate implementation of the mutually
12 developed supervised placement agreement and transitional
13 independent living case plan.

14 (e) Eligibility for aid under this section shall not terminate until
15 the nonminor attains ~~21 years of age~~ *the age criteria, as set forth*
16 *in subdivision (a)*, but aid may be suspended *when the nonminor*
17 *no longer resides in an eligible facility, as described in Section*
18 *11402, or terminated* at the request of the nonminor or after a court
19 terminates dependency jurisdiction pursuant to Section 391,
20 delinquency jurisdiction pursuant to Section 607.2, or transition
21 jurisdiction pursuant to Section 452. Aid may be resumed at request
22 of the nonminor by completing a voluntary reentry agreement
23 pursuant to subdivision (z) of Section 11400, followed by, or
24 concurrently with, a petition filed pursuant to subdivision (e) of
25 Section 388 or after a court terminates dependency jurisdiction
26 pursuant to Section 391, or delinquency jurisdiction pursuant to
27 Section 607.2. The county welfare or probation department or
28 Indian tribe that has entered into an agreement pursuant to Section
29 10553.1 shall complete the voluntary reentry agreement with the
30 nonminor who agrees to satisfy the criteria of the agreement, as
31 described in subdivision (z) of Section 11400. The county welfare
32 department shall establish a new child-only Title IV-E eligibility
33 determination based on the nonminor's completion of the voluntary
34 reentry agreement pursuant to Section 11401. The beginning date
35 of aid *for either federal or state AFDC-FC* for a reentering
36 nonminor who is placed in foster care is the date the voluntary
37 reentry agreement is signed. The county welfare department, tribe,
38 or county probation department shall provide a nonminor dependent
39 who wishes to continue receiving aid with the assistance necessary
40 to meet and maintain eligibility.

1 (f) (1) The county having jurisdiction of the nonminor
2 dependent shall remain the county of payment under this section
3 regardless of the youth's physical residence. Nonminor dependents
4 receiving aid pursuant to Section 11405 shall be paid by their
5 county of residence. Counties may develop courtesy supervision
6 agreements to provide case management and independent living
7 services by the county of residence pursuant to the youth's
8 transitional independent living case plan. Placements made out of
9 state are subject to the requirements of the Interstate Compact on
10 Placement of Children, pursuant to Part 5 (commencing with
11 Section 7900) of Division 12 of the Family Code.

12 (2) The county welfare department, tribe, or county probation
13 department shall notify all foster youth who attain 16 years of age
14 and are under the jurisdiction of that county or tribe, including
15 those receiving Kin-GAP, and AAP, of the existence of the aid
16 prescribed by this section.

17 ~~(3) Aid under this section shall be paid on the first of the month~~
18 ~~for that month. Notwithstanding any other provision of law, when~~
19 ~~a child attains 18 years of age those payments shall continue to~~
20 ~~the end of that calendar month and the AFDC-FC, Kin-GAP, or~~
21 ~~AAP payments under this section shall begin the first day of the~~
22 ~~following month.~~

23 (4)

24 (3) The department shall seek any waiver to amend its Title
25 IV-E State Plan with the Secretary of the United States Department
26 of Health and Human Services necessary to implement this section.

27 (g) (1) Subject to paragraph (3), a county shall contribute to
28 the cost of extending aid pursuant to this section to eligible
29 nonminor dependents who have reached 18 years of age and who
30 are under the jurisdiction of the county, including AFDC-FC
31 payments pursuant to Section 11401, CalWORKs payments
32 pursuant to Section 11253, aid pursuant to Kin-GAP under Article
33 4.5 (commencing with Section 11360) or Article 4.7 (commencing
34 with Section 11385), adoption assistance payments as specified
35 in Chapter 2.1 (commencing with Section 16115) of Part 4, and
36 aid pursuant to Section 11405 for nonminor dependents who are
37 residing in the county as provided in paragraph (1) of subdivision
38 (f), at the statutory sharing ratios for each of these programs in
39 effect on January 1, 2012.

1 (2) Subject to paragraph (3), a county shall contribute to the
2 cost of providing permanent placement services pursuant to
3 subdivision (c) of Section 16508 and administering the Aid to
4 Families with Dependent Children Foster Care program pursuant
5 to Section 15204.9 at the statutory sharing ratio for these services
6 in effect on January 1, 2012. For purposes of budgeting, the
7 department shall use a standard for the permanent placement
8 services that is equal to the midpoint between the budgeting
9 standards for family maintenance services and family reunification
10 services.

11 (3) Notwithstanding any other provision of law, a county's total
12 contribution pursuant to paragraphs (1) and (2) shall not exceed
13 the savings in Kin-GAP assistance grant expenditures realized by
14 the county from the receipt of federal funds due to the
15 implementation of Article 4.7 (commencing with Section 11385).
16 The department shall work with the County Welfare Directors
17 Association to determine a methodology for calculating each
18 county's costs and savings pursuant to this section.

19 (h) It is the intent of the Legislature that no county currently
20 participating in the Child Welfare Demonstration Capped
21 Allocation Project be adversely impacted by the department's
22 exercise of its option to extend foster care benefits pursuant to
23 Section 673(a)(4) and Section 675(8) of Title 42 of the United
24 States Code in the federal Social Security Act, as contained in the
25 Fostering Connections to Success and Increasing Adoptions Act
26 of 2008 (Public Law 110-351). Therefore, the department shall
27 negotiate with the United States Department of Health and Human
28 Services on behalf of those counties that are currently participating
29 in the demonstration project to ensure that those counties receive
30 reimbursement for these new programs outside of the provisions
31 of those counties' waiver under Subtitle IV-E (commencing with
32 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
33 670 et seq.).

34 (i) The department, on or before July 1, 2012, shall develop
35 regulations to implement this section in consultation with
36 concerned stakeholders, including, but not limited to,
37 representatives of the Legislature, the County Welfare Directors
38 Association, the Chief Probation Officers of California, the Judicial
39 Council, representatives of Indian tribes, the California Youth
40 Connection, former foster youth, child advocacy organizations,

1 labor organizations, juvenile justice advocacy organizations, foster
2 caregiver organizations, and researchers. In the development of
3 these regulations, the department shall consider its Manual of
4 Policy and Procedures, Division 30, Chapter 30-912, 913, 916,
5 and 917, as guidelines for developing regulations that are
6 appropriate for young adults who can exercise incremental
7 responsibility concurrently with their growth and development.
8 The department, in its consultation with stakeholders, shall take
9 into consideration the impact to the Automated Child Welfare
10 Services Case Management Services (CWS-CMS) and required
11 modifications needed to accommodate eligibility determination
12 under this section, benefit issuance, case management across
13 counties, and recognition of the legal status of nonminor
14 dependents as adults, as well as changes to data tracking and
15 reporting requirements as required by the Child Welfare System
16 Improvement and Accountability Act as specified in Section
17 10601.2, and federal outcome measures as required by the John
18 H. Chafee Foster Care Independence Program (42 U.S.C. Sec.
19 677(f)). In addition, the department, in its consultation with
20 stakeholders, shall define the supervised independent living setting
21 which shall include, but not be limited to, apartment living, room
22 and board arrangements, college or university dormitories, and
23 shared roommate settings, and define how those settings meet
24 health and safety standards suitable for nonminors. The department,
25 in its consultation with stakeholders, shall define the six-month
26 certification of the conditions of eligibility pursuant to subdivision
27 (b) to be consistent with the flexibility provided by federal policy
28 guidance, to ensure that there are ample supports for a nonminor
29 to achieve the goals of his or her transition independent living case
30 plan. The department, in its consultation with stakeholders, shall
31 ensure that notices of action and other forms created to inform the
32 nonminor of due process rights and how to access them shall be
33 developed, using language consistent with the special needs of the
34 nonminor dependent population.

35 (j) Notwithstanding the Administrative Procedure Act, Chapter
36 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
37 Title 2 of the Government Code, the department shall prepare for
38 implementation of the applicable provisions of this section by
39 publishing, after consultation with the stakeholders listed in
40 subdivision (i), all-county letters or similar instructions from the

1 director by October 1, 2011, to be effective January 1, 2012.
2 Emergency regulations to implement the applicable provisions of
3 this act may be adopted by the director in accordance with the
4 Administrative Procedure Act. The initial adoption of the
5 emergency regulations and one readoption of the emergency
6 regulations shall be deemed to be an emergency and necessary for
7 the immediate preservation of the public peace, health, safety, or
8 general welfare. Initial emergency regulations and the first
9 readoption of those emergency regulations shall be exempt from
10 review by the Office of Administrative Law. The emergency
11 regulations authorized by this section shall be submitted to the
12 Office of Administrative Law for filing with the Secretary of State
13 and shall remain in effect for no more than 180 days.

14 (k) Notwithstanding any other provision of law, the extension
15 of benefits to nonminor dependents between 20 and 21 years of
16 age, as provided for in this section, shall be contingent upon an
17 appropriation by the Legislature.

18 (l) This section shall become operative on January 1, 2012.

19 ~~SEC. 30.~~

20 SEC. 35. Section 11403.01 is added to the Welfare and
21 Institutions Code, to read:

22 11403.01. On and after January 1, 2012, a nonminor who is
23 receiving Kin-GAP benefits under Article 4.5 (commencing with
24 Section 11360) or Article 4.7 (commencing with Section 11385)
25 and whose Kin-GAP payments began prior to the child's 16th
26 birthday and who is receiving aid pursuant to those articles, and
27 who is attending high school or the equivalent level of vocational
28 or technical training on a full-time basis, or is in the process of
29 pursuing a high school equivalency certificate, prior to his or her
30 18th birthday, may continue to receive aid under those articles
31 following his or her 18th birthday so long as the child continues
32 to reside in the relative's home, remains otherwise eligible for
33 Kin-GAP payments, and continues to attend high school or the
34 equivalent level of vocational or technical training on a full-time
35 basis, or continues to pursue a high school equivalency certificate,
36 and the child may reasonably be expected to complete the
37 educational or training program or to receive a high school
38 equivalency certificate, before his or her 19th birthday. Aid shall
39 be provided to an individual pursuant to this section provided that
40 both the individual and the agency responsible for the related

guardianship placement have signed a mutual agreement, if the individual is capable of making an informed agreement, documenting the continued need for out-of-home placement.

~~SEC. 34.~~

SEC. 36. Section 11403.2 of the Welfare and Institutions Code is amended to read:

11403.2. (a) The following persons shall be eligible for transitional housing placement program services provided pursuant to Article 4 (commencing with Section 16522) of Chapter 5 of Part 4:

(1) Any minor at least 16 years of age and not more than 18 years of age, and, on or after January 1, 2012, any nonminor dependent who is less than 19 years of age, who is eligible for AFDC-FC benefits and whose best interests are met by remaining in the program as a nonminor dependent, in order to complete high school or its equivalent, or to finish the high school year prior to his or her 19th birthday, and who also meets the requirements in Section 16522.2.

(2) Any person less than 24 years of age who has emancipated from a county that has elected to participate in a transitional housing placement program for youths who are at least 18 years of age and under 24 years of age, as described in subdivision (r) of Section 11400, provided he or she has not received services under this paragraph for more than a total of 24 months, whether or not consecutive. If the person participating in a transitional housing placement program is not receiving aid under Section 11403.1, he or she, as a condition of participation, shall enter into, and execute the provisions of, a transitional independent living plan that shall be mutually agreed upon, and annually reviewed, by the emancipated foster youth and the county welfare or probation department or independent living program coordinator. The youth participating under this paragraph shall inform the county of any changes to conditions specified in the agreed-upon plan that affect eligibility, including changes in address, living circumstances, and the educational or training program.

(3) It is the intent of the Legislature to create a new placement option, known as THP-Plus-Foster Care. On and after January 1, 2012, THP-Plus-Foster Care, as described in subdivision (x) of Section 11400, is an eligible facility for purposes of AFDC-FC payments for placement of nonminor dependents, and shall offer

1 the same housing models and supportive services as are available
2 through the standard THP-Plus program available to emancipated
3 foster youths pursuant to paragraph (2). In creating the new
4 THP-Plus-Foster Care placement option, it is the intent of the
5 Legislature to preserve the THP-Plus program, as it is described
6 in subdivision (e) of Section 1559.110 of the Health and Safety
7 Code, for former emancipated foster youth who have attained 21
8 years of age, but are under 24 years of age, and for former
9 emancipated foster youth who have attained 18 years of age but
10 are under 21 years of age, whose dependency or delinquency
11 jurisdiction has been terminated by the court, and for whom reentry
12 into foster care under subdivision (e) of Section 388 is not an
13 appropriate or viable option.

14 (4) On and after January 1, 2012, any nonminor dependent at
15 least 18 years of age, and on January 1, 2013, 19 years of age, and
16 on January 1, 2014, 20 years of age, and not more than 21 years
17 of age, as described in subdivision (v) of Section 11400, pursuant
18 to subdivision (x) of Section 11400, and who is eligible pursuant
19 to subdivision (b) of Section 11403.

20 (b) Payment on behalf of an eligible person receiving transitional
21 housing services pursuant to paragraph (1) of subdivision (a) shall
22 be made to the transitional housing placement program pursuant
23 to the conditions and limitations set forth in Section 11403.3.
24 Notwithstanding Section 11403.3, the department, in consultation
25 with concerned stakeholders, including, but not limited to,
26 representatives of the Legislature, the County Welfare Directors
27 Association, the Chief Probation Officers of California, the Judicial
28 Council, representatives of Indian tribes, the California Youth
29 Connection, former foster youth, child advocacy organizations,
30 labor organizations, juvenile justice advocacy organizations, foster
31 caregiver organizations, researchers, and transitional housing
32 program providers, shall convene a workgroup to establish a new
33 rate structure for the Title IV-E funded THP-Plus-Foster Care
34 placement option for nonminor dependents. The workgroup shall
35 also consider application of this new rate structure to the
36 transitional housing placement program, as described in paragraph
37 (2) of subdivision (a) of Section 11403.3. In developing the new
38 rate structure pursuant to this subdivision, the department shall
39 consider the average rates in effect and being paid by counties to
40 current transitional housing placement programs.

(c) On and after January 1, 2012, with respect to nonminor dependents under 21 years of age, the approval standards for these legal adults placed in the THP-Plus-Foster Care shall be developed in accordance with Section 1502.7 of the Health and Safety Code. When developing regulations for the THP-Plus programs, the department shall consider the development of an application fee process for the programs, similar to the fee schedule as described in Section 1523.1 of the Health and Safety Code. An approved THP-Plus program shall certify facilities or sites to provide transitional housing services to nonminor dependents pursuant to subdivision (e) of Section 1559.110 of the Health and Safety Code.

(d) (1) For budgeting purposes, and to achieve the intent of the Legislature as described in paragraph (3) of subdivision (a), the department, in consultation with stakeholders and pursuant to subdivision (c) of Section 11403.3, shall ~~allocate~~ *direct counties that opt to participate in the THP-Plus in addition to the THP-Plus Foster Care to establish a goal of allocating 70 percent of the amount payable to placements of nonminor dependents under the THP-Plus-Foster Care program. The remaining 30 percent of the amount payable shall be available for THP-Plus placement for both those former emancipated foster youth who have attained 21 years of age, but are under 24 years of age, and for former emancipated foster youth who have attained 18 years of age but who are under 21 years of age, whose dependency or delinquency jurisdiction has been terminated by the court, and for whom reentry into foster care under subdivision (e) of Section 388 is not an appropriate or viable option. If a county can demonstrate that there is insufficient demand in either the THP-Plus or THP-Plus Foster Care program for the county to achieve the goal of allocating 70 percent of the combined allocation to THP-Plus Foster Care participants and 30 percent to THP-Plus participants for those counties who opt to participate in THP-Plus, the county may reallocate funds between THP-Plus and THP-Plus Foster Care in order to meet the existing demand within the county.*

(2) Each county shall submit to the department a plan that sets forth how the county will provide for the THP-Plus-Foster Care population, ~~as well as assurances that up to and, if opting for the THP-Plus, assurances that 30 percent of the placements will be set aside for the THP-Plus population. The county plan for each county that opts to participate in both THP-Plus and THP-Plus~~

1 *Foster Care* shall also include a contingency for how ~~THP-Plus~~
2 *both THP-Plus and THP-Plus Foster Care* placements will be
3 reallocated in the event that there is not sufficient demand in either
4 the THP-Plus-Foster Care Program or the THP-Plus programs to
5 fill the beds allocated for these populations.

6 *(3) It is the intent of the Legislature that counties opting out of*
7 *the THP-Plus program are to receive funding based on their*
8 *operation of THP-Plus Foster Care only. The department shall*
9 *develop a mechanism to implement this provision.*

10 *(4) Counties shall be allowed a reasonable period of time to*
11 *achieve the goal described in paragraph (1). Counties shall not*
12 *be required to suspend new admissions of eligible participants*
13 *into the THP-Plus program for any period of time in order to reach*
14 *the goal described in paragraph (1).*

15 ~~SEC. 32.~~

16 *SEC. 37.* Section 11405 of the Welfare and Institutions Code
17 is amended to read:

18 11405. (a) AFDC-FC benefits shall be paid to an otherwise
19 eligible child living with a nonrelated legal guardian, provided
20 that the legal guardian cooperates with the county welfare
21 department in all of the following:

22 (1) Developing a written assessment of the child's needs.

23 (2) Updating the assessment no less frequently than once every
24 six months.

25 (3) Carrying out the case plan developed by the county.

26 (b) When AFDC-FC is applied for on behalf of a child living
27 with a nonrelated legal guardian the county welfare department
28 shall do all of the following:

29 (1) Develop a written assessment of the child's needs.

30 (2) Update those assessments no less frequently than once every
31 six months.

32 (3) Develop a case plan that specifies how the problems
33 identified in the assessment are to be addressed.

34 (4) Make visits to the child as often as appropriate, but in no
35 event less often than once every six months.

36 (c) Where the child is a parent and has a child living with him
37 or her in the same eligible facility, the assessment required by
38 paragraph (1) of subdivision (a) shall include the needs of his or
39 her child.

(d) Nonrelated legal guardians of eligible children who are in receipt of AFDC-FC payments described in this section shall be exempt from the requirement to register with the Statewide Registry of Private Professional Guardians pursuant to Sections 2850 and 2851 of the Probate Code.

(e) On and after January 1, 2012, a nonminor youth whose nonrelated guardianship was ordered in juvenile court pursuant to Section 360 or 366.26, and whose dependency was dismissed, shall remain eligible for AFDC-FC benefits until the youth attains 19 years of age, effective January 1, 2013, until the youth attains 20 years of age, and effective January 1, 2014, until the youth attains 21 years of age, provided that the youth enters into a mutual agreement with the agency responsible for his or her guardianship, and the youth is meeting the conditions of eligibility, as described in *paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403*.

(f) On or after January 1, 2012, a child whose nonrelated guardianship was ordered in probate court pursuant Article 2 (commencing with Section 1510) of Chapter 1 of Part 2 of Division 4 of the Probate Code, who is attending high school or the equivalent level of vocational or technical training on a full-time basis, or who is in the process of pursuing a high school equivalency certificate prior to his or her 18th birthday may continue to receive aid following his or her 18th birthday as long as the child continues to reside in the guardian's home, remains otherwise eligible for AFDC-FC benefits and continues to attend high school or the equivalent level of vocational or technical training on a full-time basis, or continues to pursue a high school equivalency certificate, and the child 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. Aid shall be provided to an individual pursuant to this section provided that both the individual and the agency responsible for the foster care placement have signed a mutual agreement, if the individual is capable of making an informed agreement, documenting the continued need for out-of-home placement.

SEC. 38. Section 11466.21 of the Welfare and Institutions Code is amended to read:

11466.21. (a) In accordance with subdivision (b), as a condition to receive an AFDC-FC rate for a group home program

1 or a foster family agency program that provides treatment services,
2 the following shall apply:

3 (1) Any provider who ~~receives~~ *expends* in combined federal
4 funds an amount at or above the federal funding threshold in
5 accordance with the federal Single Audit Act, as amended, and
6 Office of Management and Budget (OMB) Circular A-133, shall
7 arrange to have a financial audit conducted on an annual basis,
8 and shall submit the annual financial audit to the department in
9 accordance with regulations adopted by the department.

10 (2) Any provider who ~~receives~~ *expends* in combined federal
11 funds an amount below the federal funding threshold in accordance
12 with the federal Single Audit Act, as amended, and Office of
13 Management and Budget (OMB) Circular A-133, shall submit to
14 the department a financial audit on its most recent fiscal period at
15 least once every three years. The department shall provide timely
16 notice to the providers of the date that submission of the financial
17 audit is required. That date of submission of the financial audit
18 shall be established in accordance with regulations adopted by the
19 department.

20 (3) The scope of the financial audit shall include all of the
21 programs and activities operated by the provider and shall not be
22 limited to those funded in whole or in part by the AFDC-FC
23 program. The financial audits shall include, but not be limited to,
24 an evaluation of the accounting and control systems of the provider.

25 (4) The provider shall have its financial audit conducted by
26 certified public accountants or by state-licensed public accountants
27 who have no direct or indirect relationship with the functions or
28 activities being audited, or with the provider, its board of directors,
29 officers, or staff.

30 (5) The provider shall have its financial audits conducted in
31 accordance with Government Auditing Standards issued by the
32 Comptroller General of the United States and in compliance with
33 generally accepted accounting principles applicable to private
34 entities organized and operated on a nonprofit basis.

35 (6) (A) Each provider shall have the flexibility to define the
36 calendar months included in its fiscal year.

37 (B) A provider may change the definition of its fiscal year.
38 However, the financial audit conducted following the change shall
39 cover all of the months since the last audit, even though this may
40 cover a period that exceeds 12 months.

1 (b) (1) In accordance with subdivision (a), as a condition to
2 receive an AFDC-FC rate that becomes effective on or after July
3 1, 2000, a provider shall submit a copy of its most recent financial
4 audit report, except as provided in paragraph (3).

5 (2) The department shall terminate the rate of a provider who
6 fails to submit a copy of its most recent financial audit pursuant
7 to subdivision (a). A terminated rate shall only be reinstated upon
8 the provider's submission of an acceptable financial audit.

9 (3) Effective July 1, 2000, a new provider that has been
10 incorporated for fewer than 12 calendar months shall not be
11 required to submit a copy of a financial audit to receive an
12 AFDC-FC rate for a new program. The financial audit shall be
13 conducted on the provider's next full fiscal year of operation. The
14 provider shall submit the financial audit to the department in
15 accordance with subdivision (a).

16 (c) The department shall implement this section through the
17 adoption of emergency regulations.

18 ~~SEC. 33.~~

19 *SEC. 39.* Section 16120 of the Welfare and Institutions Code,
20 as amended by Section 58 of Chapter 559 of the Statutes of 2010,
21 is amended to read:

22 16120. A child shall be eligible for Adoption Assistance
23 Program benefits if all of the conditions specified in subdivisions
24 (a) to (l), inclusive, are met or if the conditions specified in
25 subdivision (m) are met.

26 (a) It has been determined that the child cannot or should not
27 be returned to the home of his or her parents as evidenced by a
28 petition for termination of parental rights, a court order terminating
29 parental rights, or a signed relinquishment, or, in the case of a
30 tribal customary adoption, if the court has given full faith and
31 credit to a tribal customary adoption order as provided for pursuant
32 to paragraph (2) of subdivision (e) of Section 366.26.

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

35 (1) Adoptive placement without financial assistance is unlikely
36 because of membership in a sibling group that should remain intact
37 or by virtue of race, ethnicity, color, language, three years of age
38 or older, or parental background of a medical or behavioral nature
39 that can be determined to adversely affect the development of the
40 child.

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

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

(d) The child satisfies any of the following criteria:

(1) He or she is under 18 years of age.

(2) He or she is under 21 years of age and has a mental or physical handicap that warrants the continuation of assistance.

(3) Effective January 1, 2012, he or she is under 19 years of age, effective January 1, 2013, he or she is under 20 years of age, and effective January 1, 2014, he or she is under 21 years of age and attained 16 years of age before the adoption assistance agreement became effective, and one or more of the conditions specified in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

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

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

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

1 (h) The prospective adoptive parent or any adult living in the
2 prospective adoptive home has completed the criminal background
3 check requirements pursuant to Section 671(a)(20)(A) and (C) of
4 Title 42 of the United States Code.

5 (i) To be eligible for state funding, the child is the subject of an
6 agency adoption, as defined in Section 8506 of the Family Code
7 and was any of the following:

8 (1) Under the supervision of a county welfare department as
9 the subject of a legal guardianship or juvenile court dependency.

10 (2) Relinquished for adoption to a licensed California private
11 or public adoption agency, or another public agency operating a
12 Title IV-E program on behalf of the state, and would have
13 otherwise been at risk of dependency as certified by the responsible
14 public child welfare agency.

15 (3) Committed to the care of the department pursuant to Section
16 8805 or 8918 of the Family Code.

17 (4) The child is an Indian child and the subject of an order of
18 adoption based on tribal customary adoption of an Indian child,
19 as described in Section 366.24. Notwithstanding Section 8600.5
20 of the Family Code, for purposes of this subdivision a tribal
21 customary adoption shall be considered an agency adoption.

22 (j) To be eligible for federal funding, in the case of a child who
23 is not an applicable child for the federal fiscal year as defined in
24 subdivision (n), the child satisfies any of the following criteria:

25 (1) Prior to the finalization of an agency adoption, as defined
26 in Section 8506 of the Family Code, or an independent adoption,
27 as defined in Section 8524 of the Family Code, is filed, the child
28 has met the requirements to receive federal supplemental security
29 income benefits pursuant to Subchapter 16 (commencing with
30 Section 1381) of Chapter 7 of Title 42 of the United States Code,
31 as determined and documented by the federal Social Security
32 Administration.

33 (2) The child was removed from the home of a specified relative
34 and the child would have been AFDC-eligible in the home of
35 removal according to Section 606(a) or 607 of Title 42 of the
36 United States Code, as those sections were in effect on July 16,
37 1996, in the month of the voluntary placement agreement or in the
38 month court proceedings are initiated to remove the child, resulting
39 in a judicial determination that continuation in the home would be
40 contrary to the child's welfare. The child must have been living

1 with the specified relative from whom he or she was removed
2 within six months of the month the voluntary placement agreement
3 was signed or the petition to remove was filed.

4 (3) The child was voluntarily relinquished to a licensed public
5 or private adoption agency, or another public agency operating a
6 Title IV-E program on behalf of the state, and there is a petition
7 to the court to remove the child from the home within six months
8 of the time the child lived with a specified relative and a subsequent
9 judicial determination that remaining in the home would be
10 contrary to the child's welfare.

11 (4) Title IV-E foster care maintenance was paid on behalf of
12 the child's minor parent and covered the cost of the minor parent's
13 child while the child was in the foster family home or child care
14 institution with the minor parent.

15 (5) The child is an Indian child and the subject of an order of
16 adoption based on tribal customary adoption of an Indian child,
17 as described in Section 366.24.

18 (k) To be eligible for federal funding, in the case of a child who
19 is an applicable child for the federal fiscal year, as defined in
20 subdivision (n), the child meets any of the following criteria:

21 (1) At the time of initiation of adoptive proceedings was in the
22 care of a public or licensed private child placement agency or
23 Indian tribal organization pursuant to either of the following:

24 (A) An involuntary removal of the child from the home in
25 accordance with a judicial determination to the effect that
26 continuation in the home would be contrary to the welfare of the
27 child.

28 (B) A voluntary placement agreement or a voluntary
29 relinquishment.

30 (2) He or she meets all medical or disability requirements of
31 Title XVI with respect to eligibility for supplemental security
32 income benefits.

33 (3) He or she was residing in a foster family home or a child
34 care institution with the child's minor parent, and the child's minor
35 parent was in the foster family home or child care institution
36 pursuant to either of the following:

37 (A) An involuntary removal of the child from the home in
38 accordance with a judicial determination to the effect that
39 continuation in the home would be contrary to the welfare of the
40 child.

1 (B) A voluntary placement agreement or voluntary
2 relinquishment.

3 (4) The child is an Indian child and the subject of an order of
4 adoption based on tribal customary adoption of an Indian child,
5 as described in Section 366.24.

6 (l) The child is a citizen of the United States or a qualified alien
7 as defined in Section 1641 of Title 8 of the United States Code. If
8 the child is a qualified alien who entered the United States on or
9 after August 22, 1996, and is placed with an unqualified alien, the
10 child must meet the five-year residency requirement pursuant to
11 Section 673(a)(2)(B) of Title 42 of the United States Code, unless
12 the child is a member of one of the excepted groups pursuant to
13 Section 1612(b) of Title 8 of the United States Code.

14 (m) A child shall be eligible for Adoption Assistance Program
15 benefits if the following conditions are met:

16 (1) The child received Adoption Assistance Program benefits
17 with respect to a prior adoption and the child is again available for
18 adoption because the prior adoption was dissolved and the parental
19 rights of the adoptive parents were terminated or because the
20 child's adoptive parents died and the child meets the special needs
21 criteria described in subdivisions (a) to (c), inclusive.

22 (2) To receive federal funding, the citizenship requirements in
23 subdivision (l).

24 (n) (1) Except as provided in this subdivision, "applicable child"
25 means a child for whom an adoption assistance agreement is
26 entered into under this section during any federal fiscal year
27 described in this subdivision if the child attained the applicable
28 age for that federal fiscal year before the end of that federal fiscal
29 year.

30 (A) For federal fiscal year 2010, the applicable age is 16 years.

31 (B) For federal fiscal year 2011, the applicable age is 14 years.

32 (C) For federal fiscal year 2012, the applicable age is 12 years.

33 (D) For federal fiscal year 2013, the applicable age is 10 years.

34 (E) For federal fiscal year 2014, the applicable age is eight years.

35 (F) For federal fiscal year 2015, the applicable age is six years.

36 (G) For federal fiscal year 2016, the applicable age is four years.

37 (H) For federal fiscal year 2017, the applicable age is two years.

38 (I) For federal fiscal year 2018 and thereafter, any age.

39 (2) Beginning with the 2010 federal fiscal year, the term
40 "applicable child" shall include a child of any age on the date on

1 which an adoption assistance agreement is entered into on behalf
2 of the child under this section if the child meets both of the
3 following criteria:

4 (A) He or she has been in foster care under the responsibility
5 of the state for at least 60 consecutive months.

6 (B) He or she meets the requirements of subdivision (k).

7 (3) Beginning with the 2010 federal fiscal year, an applicable
8 child shall include a child of any age on the date that an adoption
9 assistance agreement is entered into on behalf of the child under
10 this section, without regard to whether the child is described in
11 paragraph (2), if the child meets all of the following criteria:

12 (A) He or she is a sibling of a child who is an applicable child
13 for the federal fiscal year, under subdivision (n) or paragraph (2).

14 (B) He or she is to be placed in the same adoption placement
15 as an “applicable child” for the federal fiscal year who is their
16 sibling.

17 (C) He or she meets the requirements of subdivision (k).

18 (o) This section shall remain in effect only until January 1, 2014,
19 and as of that date is repealed, unless a later enacted statute, that
20 is enacted before January 1, 2014, deletes or extends that date.

21 ~~SEC. 34.~~

22 *SEC. 40.* Section 16120 of the Welfare and Institutions Code,
23 as amended by Section 59 of Chapter 559 of the Statutes of 2010,
24 is amended to read:

25 16120. A child shall be eligible for Adoption Assistance
26 Program benefits if all of the conditions specified in subdivisions
27 (a) to (l), inclusive, are met or if the conditions specified in
28 subdivision (m) are met.

29 (a) It has been determined that the child cannot or should not
30 be returned to the home of his or her parents as evidenced by a
31 petition for termination of parental rights, a court order terminating
32 parental rights, or a signed relinquishment.

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

35 (1) Adoptive placement without financial assistance is unlikely
36 because of membership in a sibling group that should remain intact
37 or by virtue of race, ethnicity, color, language, three years of age
38 or older, or parental background of a medical or behavioral nature
39 that can be determined to adversely affect the development of the
40 child.

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

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

17 (d) The child satisfies any of the following criteria:

18 (1) He or she is under 18 years of age.

19 (2) He or she is under 21 years of age and has a mental or
20 physical handicap that warrants the continuation of assistance.

21 (3) Effective January 1, 2012, he or she is under 19 years of
22 age, effective January 1, 2013, he or she is under 20 years of age,
23 and effective January 1, 2014, he or she is under 21 years of age
24 and attained 16 years of age before the adoption assistance
25 agreement became effective, and one or more of the conditions
26 specified in paragraphs (1) to (5), inclusive, of subdivision (b) of
27 Section 11403.

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

31 (f) The adoptive family is legally responsible for the support of
32 the child and the child is receiving support from the adoptive
33 parent.

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

1 (h) The prospective adoptive parent or any adult living in the
2 prospective adoptive home has completed the criminal background
3 check requirements pursuant to Section 671(a)(20)(A) and (C) of
4 Title 42 of the United States Code.

5 (i) To be eligible for state funding, the child is the subject of an
6 agency adoption, as defined in Section 8506 of the Family Code
7 and was any of the following:

8 (1) Under the supervision of a county welfare department as
9 the subject of a legal guardianship or juvenile court dependency.

10 (2) Relinquished for adoption to a licensed California private
11 or public adoption agency, or another public agency operating a
12 Title IV-E program on behalf of the state, and would have
13 otherwise been at risk of dependency as certified by the responsible
14 public child welfare agency.

15 (3) Committed to the care of the department pursuant to Section
16 8805 or 8918 of the Family Code.

17 (j) To be eligible for federal funding, in the case of a child who
18 is not an applicable child for the federal fiscal year as defined in
19 subdivision (n), the child satisfies any of the following criteria:

20 (1) Prior to the finalization of an agency adoption, as defined
21 in Section 8506 of the Family Code, or an independent adoption,
22 as defined in Section 8524 of the Family Code, is filed, the child
23 has 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 was removed from the home of a specified relative
29 and the child would have been AFDC-eligible in the home of
30 removal according to Section 606(a) or 607 of Title 42 of the
31 United States Code, as those sections were in effect on July 16,
32 1996, in the month of the voluntary placement agreement or in the
33 month court proceedings are initiated to remove the child, resulting
34 in a judicial determination that continuation in the home would be
35 contrary to the child's welfare. The child must have been living
36 with the specified relative from whom he or she was removed
37 within six months of the month the voluntary placement agreement
38 was signed or the petition to remove was filed.

39 (3) The child was voluntarily relinquished to a licensed public
40 or private adoption agency, or another public agency operating a

1 Title IV-E program on behalf of the state, and there is a petition
2 to the court to remove the child from the home within six months
3 of the time the child lived with a specified relative and a subsequent
4 judicial determination that remaining in the home would be
5 contrary to the child's welfare.

6 (4) Title IV-E foster care maintenance was paid on behalf of
7 the child's minor parent and covered the cost of the minor parent's
8 child while the child was in the foster family home or child care
9 institution with the minor parent.

10 (k) To be eligible for federal funding, in the case of a child who
11 is an applicable child for the federal fiscal year, as defined in
12 subdivision (n), the child meets any of the following criteria:

13 (1) At the time of initiation of adoptive proceedings was in the
14 care of a public or licensed private child placement agency or
15 Indian tribal organization pursuant to either of the following:

16 (A) An involuntary removal of the child from the home in
17 accordance with a judicial determination to the effect that
18 continuation in the home would be contrary to the welfare of the
19 child.

20 (B) A voluntary placement agreement or a voluntary
21 relinquishment.

22 (2) He or she meets all medical or disability requirements of
23 Title XVI with respect to eligibility for supplemental security
24 income benefits.

25 (3) He or she was residing in a foster family home or a child
26 care institution with the child's minor parent, and the child's minor
27 parent was in the foster family home or child care institution
28 pursuant to either of the following:

29 (A) An involuntary removal of the child from the home in
30 accordance with a judicial determination to the effect that
31 continuation in the home would be contrary to the welfare of the
32 child.

33 (B) A voluntary placement agreement or voluntary
34 relinquishment.

35 (l) The child is a citizen of the United States or a qualified alien
36 as defined in Section 1641 of Title 8 of the United States Code. If
37 the child is a qualified alien who entered the United States on or
38 after August 22, 1996, and is placed with an unqualified alien, the
39 child must meet the five-year residency requirement pursuant to
40 Section 673(a)(2)(B) of Title 42 of the United States Code, unless

1 the child is a member of one of the excepted groups pursuant to
2 Section 1612(b) of Title 8 of the United States Code.

3 (m) A child shall be eligible for Adoption Assistance Program
4 benefits if the following conditions are met:

5 (1) The child received Adoption Assistance Program benefits
6 with respect to a prior adoption and the child is again available for
7 adoption because the prior adoption was dissolved and the parental
8 rights of the adoptive parents were terminated or because the
9 child's adoptive parents died and the child meets the special needs
10 criteria described in subdivisions (a) to (c), inclusive.

11 (2) To receive federal funding, the citizenship requirements in
12 subdivision (l).

13 (n) (1) Except as provided in this subdivision, "applicable child"
14 means a child for whom an adoption assistance agreement is
15 entered into under this section during any federal fiscal year
16 described in this subdivision if the child attained the applicable
17 age for that federal fiscal year before the end of that federal fiscal
18 year.

19 (A) For federal fiscal year 2010, the applicable age is 16 years.

20 (B) For federal fiscal year 2011, the applicable age is 14 years.

21 (C) For federal fiscal year 2012, the applicable age is 12 years.

22 (D) For federal fiscal year 2013, the applicable age is 10 years.

23 (E) For federal fiscal year 2014, the applicable age is eight years.

24 (F) For federal fiscal year 2015, the applicable age is six years.

25 (G) For federal fiscal year 2016, the applicable age is four years.

26 (H) For federal fiscal year 2017, the applicable age is two years.

27 (I) For federal fiscal year 2018 and thereafter, any age.

28 (2) Beginning with the 2010 federal fiscal year, the term
29 "applicable child" shall include a child of any age on the date on
30 which an adoption assistance agreement is entered into on behalf
31 of the child under this section if the child meets both of the
32 following criteria:

33 (A) He or she has been in foster care under the responsibility
34 of the state for at least 60 consecutive months.

35 (B) He or she meets the requirements of subdivision (k).

36 (3) Beginning with the 2010 federal fiscal year, an applicable
37 child shall include a child of any age on the date that an adoption
38 assistance agreement is entered into on behalf of the child under
39 this section, without regard to whether the child is described in
40 paragraph (2), if the child meets all of the following criteria:

1 (A) He or she is a sibling of a child who is an applicable child
2 for the federal fiscal year, under subdivision (n) or paragraph (2).

3 (B) He or she is to be placed in the same adoption placement
4 as an applicable child for the federal fiscal year who is his or her
5 sibling.

6 (C) He or she meets the requirements of subdivision (k).

7 (o) This section shall become operative on January 1, 2014.

8 ~~SEC. 35.~~

9 *SEC. 41.* Section 16501.1 of the Welfare and Institutions Code
10 is amended to read:

11 16501.1. (a) (1) The Legislature finds and declares that the
12 foundation and central unifying tool in child welfare services is
13 the case plan.

14 (2) The Legislature further finds and declares that a case plan
15 ensures that the child receives protection and safe and proper care
16 and case management, and that services are provided to the child
17 and parents or other caretakers, as appropriate, in order to improve
18 conditions in the parent's home, to facilitate the safe return of the
19 child to a safe home or the permanent placement of the child, and
20 to address the needs of the child while in foster care.

21 (b) (1) A case plan shall be based upon the principles of this
22 section and shall document that a preplacement assessment of the
23 service needs of the child and family, and preplacement preventive
24 services, have been provided, and that reasonable efforts to prevent
25 out-of-home placement have been made.

26 (2) In determining the reasonable services to be offered or
27 provided, the child's health and safety shall be the paramount
28 concerns.

29 (3) Upon a determination pursuant to paragraph (1) of
30 subdivision (e) of Section 361.5 that reasonable services will be
31 offered to a parent who is incarcerated in a county jail or state
32 prison, the case plan shall include information, to the extent
33 possible, about a parent's incarceration in a county jail or the state
34 prison during the time that a minor child of that parent is involved
35 in dependency care.

36 (4) Reasonable services shall be offered or provided to make it
37 possible for a child to return to a safe home environment, unless,
38 pursuant to subdivisions (b) and (e) of Section 361.5, the court
39 determines that reunification services shall not be provided.

(5) If reasonable services are not ordered, or are terminated, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanent plan and to complete all steps necessary to finalize the permanent placement of the child.

(c) (1) If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most family like and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, and consistent with the selection of the environment best suited to meet the child's special needs and best interests. The selection shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code. On or after January 1, 2012, for a nonminor dependent, as defined in subdivision (v) of Section 11400, who is receiving AFDC-FC benefits up to 21 years of age pursuant to Section 11403, in addition to the above requirements, the selection of the placement, including a supervised independent living setting, as described in Section 11400, shall also be based upon the developmental needs of young adults by providing opportunities to have incremental responsibilities that prepare a nonminor dependent to transition to independent living. If admission to, or continuation in, a group home placement is being considered for a nonminor dependent, the group home placement approval decision shall include a youth-driven, team-based case planning process, as defined by the department, in consultation with stakeholders. The case plan shall consider the full range of placement options, and shall specify why admission to, or continuation in, a group home placement is the best alternative available at the time to meet the special needs or well-being of the nonminor dependent, and how the placement will contribute to the nonminor dependent's transition to independent living. The case plan shall specify the treatment strategies that will be used to prepare the nonminor dependent for discharge to a less restrictive and more family-like setting, including a target date for discharge from the group home placement. The placement shall be reviewed and updated on a regular, periodic basis to ensure that continuation in the group home remains in the best interests of the nonminor dependent and that progress is being made in achieving case plan goals leading

1 to independent living. The group home placement planning process
2 shall begin as soon as it becomes clear to the county welfare
3 department or probation office that a foster child in group home
4 placement is likely to remain in group home placement on his or
5 her 18th birthday, in order to expedite the transition to a less
6 restrictive and more family-like setting if he or she becomes a
7 nonminor dependent. The case planning process shall include
8 informing the youth of all of his or her options, including, but not
9 limited to, admission to or continuation in a group home placement.
10 Consideration for continuation of existing group home placement
11 for a nonminor dependent under 19 years of age may include the
12 need to stay in the same placement in order to complete high
13 school. After a nonminor dependent either completes high school
14 or attains his or her 19th birthday, whichever is earlier, continuation
15 in or admission to a group home is prohibited unless the nonminor
16 dependent satisfies the conditions of paragraph (5) of subdivision
17 (b) of Section 11403, and group home placement functions as a
18 short-term transition to the appropriate system of care. Treatment
19 services provided by the group home placement to the nonminor
20 dependent to alleviate or ameliorate the medical condition, as
21 described in paragraph (5) of subdivision (b) of Section 11403,
22 shall not constitute the sole basis to disqualify a nonminor
23 dependent from the group home placement.

24 (2) In addition to the requirements of paragraph (1), and taking
25 into account other statutory considerations regarding placement,
26 the selection of the most appropriate home that will meet the child's
27 special needs and best interests shall also promote educational
28 stability by taking into consideration proximity to the child's school
29 of origin, and school attendance area, the number of school
30 transfers the child has previously experienced, and the child's
31 school matriculation schedule, in addition to other indicators of
32 educational stability that the Legislature hereby encourages the
33 State Department of Social Services and the State Department of
34 Education to develop.

35 (d) A written case plan shall be completed within a maximum
36 of 60 days of the initial removal of the child or of the in-person
37 response required under subdivision (f) of Section 16501 if the
38 child has not been removed from his or her home, or by the date
39 of the dispositional hearing pursuant to Section 358, whichever
40 occurs first. The case plan shall be updated, as the service needs

1 of the child and family dictate. At a minimum, the case plan shall
2 be updated in conjunction with each status review hearing
3 conducted pursuant to Section 366.21, and the hearing conducted
4 pursuant to Section 366.26, but no less frequently than once every
5 six months. Each updated case plan shall include a description of
6 the services that have been provided to the child under the plan
7 and an evaluation of the appropriateness and effectiveness of those
8 services.

9 (1) It is the intent of the Legislature that extending the maximum
10 time available for preparing a written case plan from 30 to 60 days
11 will afford caseworkers time to actively engage families, and to
12 solicit and integrate into the case plan the input of the child and
13 the child's family, as well as the input of relatives and other
14 interested parties.

15 (2) The extension of the maximum time available for preparing
16 a written case plan from the 30 to 60 days shall be effective 90
17 days after the date that the department gives counties written notice
18 that necessary changes have been made to the Child Welfare
19 Services Case Management System to account for the 60-day
20 timeframe for preparing a written case plan.

21 (e) The child welfare services case plan shall be comprehensive
22 enough to meet the juvenile court dependency proceedings
23 requirements pursuant to Article 6 (commencing with Section 300)
24 of Chapter 2 of Part 1 of Division 2.

25 (f) The case plan shall be developed as follows:

26 (1) The case plan shall be based upon an assessment of the
27 circumstances that required child welfare services intervention.
28 The child shall be involved in developing the case plan as age and
29 developmentally appropriate.

30 (2) The case plan shall identify specific goals and the
31 appropriateness of the planned services in meeting those goals.

32 (3) The case plan shall identify the original allegations of abuse
33 or neglect, as defined in Article 2.5 (commencing with Section
34 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
35 conditions cited as the basis for declaring the child a dependent of
36 the court pursuant to Section 300, or all of these, and the other
37 precipitating incidents that led to child welfare services
38 intervention.

39 (4) The case plan shall include a description of the schedule of
40 the social worker contacts with the child and the family or other

1 caretakers. The frequency of these contacts shall be in accordance
2 with regulations adopted by the State Department of Social
3 Services. If the child has been placed in foster care out of state,
4 the county social worker or a social worker on the staff of the
5 social services agency in the state in which the child has been
6 placed shall visit the child in a foster family home or the home of
7 a relative, consistent with federal law and in accordance with the
8 department's approved state plan. For children in out-of-state group
9 home facilities, visits shall be conducted at least monthly, pursuant
10 to Section 16516.5. At least once every six months, at the time of
11 a regularly scheduled social worker contact with the foster child,
12 the child's social worker shall inform the child of his or her rights
13 as a foster child, as specified in Section 16001.9. The social worker
14 shall provide the information to the child in a manner appropriate
15 to the age or developmental level of the child.

16 (5) (A) When out-of-home services are used, the frequency of
17 contact between the natural parents or legal guardians and the child
18 shall be specified in the case plan. The frequency of those contacts
19 shall reflect overall case goals, and consider other principles
20 outlined in this section.

21 (B) Information regarding any court-ordered visitation between
22 the child and the natural parents or legal guardians, and the terms
23 and conditions needed to facilitate the visits while protecting the
24 safety of the child, shall be provided to the child's out-of-home
25 caregiver as soon as possible after the court order is made.

26 (6) When out-of-home placement is made, the case plan shall
27 include provisions for the development and maintenance of sibling
28 relationships as specified in subdivisions (b), (c), and (d) of Section
29 16002. If appropriate, when siblings who are dependents of the
30 juvenile court are not placed together, the social worker for each
31 child, if different, shall communicate with each of the other social
32 workers and ensure that the child's siblings are informed of
33 significant life events that occur within their extended family.
34 Unless it has been determined that it is inappropriate in a particular
35 case to keep siblings informed of significant life events that occur
36 within the extended family, the social worker shall determine the
37 appropriate means and setting for disclosure of this information
38 to the child commensurate with the child's age and emotional
39 well-being. These significant life events shall include, but shall
40 not be limited to, the following:

1 (A) The death of an immediate relative.

2 (B) The birth of a sibling.

3 (C) Significant changes regarding a dependent child, unless the
4 child objects to the sharing of the information with his or her
5 siblings, including changes in placement, major medical or mental
6 health diagnoses, treatments, or hospitalizations, arrests, and
7 changes in the permanent plan.

8 (7) If out-of-home placement is made in a foster family home,
9 group home, or other child care institution that is either a
10 substantial distance from the home of the child's parent or out of
11 state, the case plan shall specify the reasons why that placement
12 is in the best interest of the child. When an out-of-state group home
13 placement is recommended or made, the case plan shall, in
14 addition, specify compliance with Section 7911.1 of the Family
15 Code.

16 (8) Effective January 1, 2010, a case plan shall ensure the
17 educational stability of the child while in foster care and shall
18 include both of the following:

19 (A) An assurance that the placement takes into account the
20 appropriateness of the current educational setting and the proximity
21 to the school in which the child is enrolled at the time of placement.

22 (B) An assurance that the placement agency has coordinated
23 with the person holding the right to make educational decisions
24 for the child and appropriate local educational agencies to ensure
25 that the child remains in the school in which the child is enrolled
26 at the time of placement or, if remaining in that school is not in
27 the best interests of the child, assurances by the placement agency
28 and the local educational agency to provide immediate and
29 appropriate enrollment in a new school and to provide all of the
30 child's educational records to the new school.

31 (9) (A) If out-of-home services are used, or if parental rights
32 have been terminated and the case plan is placement for adoption,
33 the case plan shall include a recommendation regarding the
34 appropriateness of unsupervised visitation between the child and
35 any of the child's siblings. This recommendation shall include a
36 statement regarding the child's and the siblings' willingness to
37 participate in unsupervised visitation. If the case plan includes a
38 recommendation for unsupervised sibling visitation, the plan shall
39 also note that information necessary to accomplish this visitation
40 has been provided to the child or to the child's siblings.

1 (B) Information regarding the schedule and frequency of the
2 visits between the child and siblings, as well as any court-ordered
3 terms and conditions needed to facilitate the visits while protecting
4 the safety of the child, shall be provided to the child's out-of-home
5 caregiver as soon as possible after the court order is made.

6 (10) If out-of-home services are used and the goal is
7 reunification, the case plan shall describe the services to be
8 provided to assist in reunification and the services to be provided
9 concurrently to achieve legal permanency if efforts to reunify fail.
10 The plan shall also consider in-state and out-of-state placements,
11 the importance of developing and maintaining sibling relationships
12 pursuant to Section 16002, and the desire and willingness of the
13 caregiver to provide legal permanency for the child if reunification
14 is unsuccessful.

15 (11) If out-of-home services are used, the child has been in care
16 for at least 12 months, and the goal is not adoptive placement, the
17 case plan shall include documentation of the compelling reason
18 or reasons why termination of parental rights is not in the child's
19 best interest. A determination completed or updated within the
20 past 12 months by the department when it is acting as an adoption
21 agency or by a licensed adoption agency that it is unlikely that the
22 child will be adopted, or that one of the conditions described in
23 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
24 be deemed a compelling reason.

25 (12) (A) Parents and legal guardians shall have an opportunity
26 to review the case plan, and to sign it whenever possible, and then
27 shall receive a copy of the plan. In a voluntary service or placement
28 agreement, the parents or legal guardians shall be required to
29 review and sign the case plan. Whenever possible, parents and
30 legal guardians shall participate in the development of the case
31 plan. Commencing January 1, 2012, for nonminor dependents, as
32 defined in subdivision (v) of Section 11400, who are receiving
33 AFDC-FC up to 21 years of age pursuant to Section 11403, the
34 transitional independent living case plan, as set forth in subdivision
35 (y) of Section 11400, shall be developed with, and signed by, the
36 nonminor.

37 (B) Parents and legal guardians shall be advised that, pursuant
38 to Section 1228.1 of the Evidence Code, neither their signature on
39 the child welfare services case plan nor their acceptance of any
40 services prescribed in the child welfare services case plan shall

1 constitute an admission of guilt or be used as evidence against the
2 parent or legal guardian in a court of law. However, they shall also
3 be advised that the parent's or guardian's failure to cooperate,
4 except for good cause, in the provision of services specified in the
5 child welfare services case plan may be used in any hearing held
6 pursuant to Section 366.21 or 366.22 as evidence.

7 (13) A child shall be given a meaningful opportunity to
8 participate in the development of the case plan and state his or her
9 preference for foster care placement. A child who is 12 years of
10 age or older and in a permanent placement shall also be given the
11 opportunity to review the case plan, sign the case plan, and receive
12 a copy of the case plan.

13 (14) The case plan shall be included in the court report and shall
14 be considered by the court at the initial hearing and each review
15 hearing. Modifications to the case plan made during the period
16 between review hearings need not be approved by the court if the
17 casework supervisor for that case determines that the modifications
18 further the goals of the plan. If out-of-home services are used with
19 the goal of family reunification, the case plan shall consider and
20 describe the application of subdivision (b) of Section 11203.

21 (15) If the case plan has as its goal for the child a permanent
22 plan of adoption or placement in another permanent home, it shall
23 include a statement of the child's wishes regarding their permanent
24 placement plan and an assessment of those stated wishes. The
25 agency shall also include documentation of the steps the agency
26 is taking to find an adoptive family or other permanent living
27 arrangements for the child; to place the child with an adoptive
28 family, an appropriate and willing relative, a legal guardian, or in
29 another planned permanent living arrangement; and to finalize the
30 adoption or legal guardianship. At a minimum, the documentation
31 shall include child-specific recruitment efforts, such as the use of
32 state, regional, and national adoption exchanges, including
33 electronic exchange systems, when the child has been freed for
34 adoption. If the plan is for kinship guardianship, the case plan shall
35 document how the child meets the kinship guardianship eligibility
36 requirements.

37 (16) (A) When appropriate, for a child who is 16 years of age
38 or older and, commencing January 1, 2012, for a nonminor
39 dependent, the case plan shall include a written description of the
40 programs and services that will help the child, consistent with the

1 child's best interests, prepare for the transition from foster care to
 2 independent living, and whether the youth has an in-progress
 3 application pending for Title XVI Supplemental Security Income
 4 benefits or for Special Juvenile Immigration Status or other
 5 applicable application for legal residency and an active dependency
 6 case is required for that application. When appropriate, for a
 7 nonminor dependent, the case plan shall include a written
 8 description of the program and services that will help the nonminor
 9 dependent, consistent with his or her best interests, to prepare for
 10 transition from foster care and assist the youth in meeting the
 11 eligibility criteria set forth in Section 11403. If applicable, the case
 12 plan shall describe the individualized supervision provided in the
 13 supervised independent living setting as defined, in subdivision
 14 (w) of Section 11400. The case plan shall be developed with the
 15 child or nonminor dependent and individuals identified as important
 16 to the child or nonminor dependent, and shall include steps the
 17 agency is taking to ensure that the child or nonminor dependent
 18 achieves permanence, including maintaining or obtaining
 19 permanent connections to caring and committed adults.

20 (B) During the 90-day period prior to the participant attaining
 21 18 years of age or older as the state may elect under Section
 22 475(8)(B)(iii) (42 U.S.C. Sec. 675(8)(B)(iii)) of the federal Social
 23 Security Act, whether during that period foster care maintenance
 24 payments are being made on the child's behalf or the child is
 25 receiving benefits or services under Section 477 (42 U.S.C. Sec.
 26 677) of the federal Social Security Act, a caseworker or other
 27 appropriate agency staff or probation officer and other
 28 representatives of the participant, as appropriate, shall provide the
 29 youth or nonminor with assistance and support in developing the
 30 written 90-day transition plan, that is personalized at the direction
 31 of the child, information as detailed as the participant elects that
 32 shall include, but not be limited to, options regarding housing,
 33 health insurance, education, local opportunities for mentors and
 34 continuing support services, and workforce supports and
 35 employment services, *a power of attorney for health care and*
 36 *information regarding the advance health care directive form.*

37 (g) If the court finds, after considering the case plan, that
 38 unsupervised sibling visitation is appropriate and has been
 39 consented to, the court shall order that the child or the child's
 40 siblings, the child's current caregiver, and the child's prospective

1 adoptive parents, if applicable, be provided with information
2 necessary to accomplish this visitation. This section does not
3 require or prohibit the social worker's facilitation, transportation,
4 or supervision of visits between the child and his or her siblings.

5 (h) The case plan documentation on sibling placements required
6 under this section shall not require modification of existing case
7 plan forms until the Child Welfare Services Case Management
8 System is implemented on a statewide basis.

9 (i) When a child who is 10 years of age or older and who has
10 been in out-of-home placement for six months or longer, the case
11 plan shall include an identification of individuals, other than the
12 child's siblings, who are important to the child and actions
13 necessary to maintain the child's relationship with those
14 individuals, provided that those relationships are in the best interest
15 of the child. The social worker shall ask every child who is 10
16 years of age or older and who has been in out-of-home placement
17 for six months or longer to identify individuals other than the
18 child's siblings who are important to the child, and may ask any
19 other child to provide that information, as appropriate. The social
20 worker shall make efforts to identify other individuals who are
21 important to the child, consistent with the child's best interests.

22 (j) The child's caregiver shall be provided a copy of a plan
23 outlining the child's needs and services.

24 (k) On or before June 30, 2008, the department, in consultation
25 with the County Welfare Directors Association and other
26 advocates, shall develop a comprehensive plan to ensure that 90
27 percent of foster children are visited by their caseworkers on a
28 monthly basis by October 1, 2011, and that the majority of the
29 visits occur in the residence of the child. The plan shall include
30 any data reporting requirements necessary to comply with the
31 provisions of the federal Child and Family Services Improvement
32 Act of 2006 (Public Law 109-288).

33 (l) The implementation and operation of the amendments to
34 subdivision (i) enacted at the 2005-06 Regular Session shall be
35 subject to appropriation through the budget process and by phase,
36 as provided in Section 366.35.

37 ~~SEC. 36.~~

38 *SEC. 42.* Section 16504 of the Welfare and Institutions Code
39 is amended to read:

1 16504. (a) Any child reported to the county child welfare
2 services department to be endangered by abuse, neglect, or
3 exploitation shall be eligible for initial intake and evaluation of
4 risk services. Each county child welfare services department shall
5 maintain and operate a 24-hour response system. An immediate
6 in-person response shall be made by a county child welfare services
7 department social worker in emergency situations in accordance
8 with regulations of the department. The person making any initial
9 response to a request for child welfare services shall consider
10 providing appropriate social services to maintain the child safely
11 in his or her own home. However, an in-person response is not
12 required when the county child welfare services department, based
13 upon an evaluation of risk, determines that an in-person response
14 is not appropriate. An evaluation of risk includes collateral
15 contacts, a review of previous referrals, and other relevant
16 information.

17 (b) A county child welfare services department social worker
18 shall make an in-person response whenever a referral is received
19 pursuant to Section 11254. Whenever a referral is received pursuant
20 to Section 11254, the county child welfare services department
21 social worker, within 20 calendar days from the receipt of the
22 referral, shall determine whether the physical or emotional health
23 or safety of the individual or child would be jeopardized if the
24 individual and child lived in the same residence with the
25 individual's own parent or legal guardian, or other adult relative.

26 (c) Notwithstanding Article 2.5 (commencing with Section
27 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, any
28 nonminor dependent, as described in subdivision (v) of Section
29 11403, reported to the county welfare services department to be
30 endangered by abuse, neglect, or exploitation by a licensed or
31 approved caregiver while in a foster care placement shall be eligible
32 for evaluation of risk services, to determine if the placement is
33 safe and appropriate. The county child welfare services department
34 shall cross-report the suspected abuse, neglect, or exploitation by
35 the licensed or approved caregiver to the appropriate licensing or
36 approval agency and, as appropriate, to law enforcement.

37 ~~SEC. 37.~~

38 *SEC. 43.* Section 16504.5 of the Welfare and Institutions Code
39 is amended to read:

1 16504.5. (a) (1) Notwithstanding any other provision of law,
2 pursuant to subdivision (b) of Section 11105 of the Penal Code, a
3 child welfare agency may secure from an appropriate governmental
4 criminal justice agency the state summary criminal history
5 information, as defined in subdivision (a) of Section 11105 of the
6 Penal Code, through the California Law Enforcement
7 Telecommunications System pursuant to subdivision (d) of Section
8 309, and subdivision (a) of Section 1522 of the Health and Safety
9 Code for the following purposes:

10 (A) To conduct an investigation pursuant to Section 11166.3 of
11 the Penal Code or an investigation involving a child in which the
12 child is alleged to come within the jurisdiction of the juvenile court
13 under Section 300.

14 (B) (i) To assess the appropriateness and safety of placing a
15 child who has been detained or is a dependent of the court, in the
16 home of a relative assessed pursuant to Section 309 or 361.4, or
17 in the home of a nonrelative extended family member assessed as
18 described in Section 362.7 during an emergency situation.

19 (ii) When a relative or nonrelative family member who has been
20 assessed pursuant to clause (i) and approved as a caregiver moves
21 to a different county and continued placement of the child with
22 that person is intended, the move shall be considered an emergency
23 situation for purposes of this subparagraph.

24 (C) To attempt to locate a parent or guardian pursuant to Section
25 311 of a child who is the subject of dependency court proceedings.

26 (D) To obtain information about the background of a nonminor
27 who has petitioned to reenter foster care under subdivision (e) of
28 Section 388, in order to assess the appropriateness and safety of
29 placing the nonminor in a foster care or other placement setting
30 with minor dependent children.

31 (2) Any time that a child welfare agency initiates a criminal
32 background check through the California Law Enforcement
33 Telecommunications System for the purpose described in
34 subparagraph (B) of paragraph (1), the agency shall ensure that a
35 state-level fingerprint check is initiated within 10 calendar days
36 of the check, unless the whereabouts of the subject of the check
37 are unknown or the subject of the check refuses to submit to the
38 fingerprint check. The Department of Justice shall provide the
39 requesting agency a copy of all criminal history information

1 regarding an individual that it maintains pursuant to subdivision
2 (b) of Section 11105 of the Penal Code.

3 (b) Criminal justice personnel shall cooperate with requests for
4 criminal history information authorized pursuant to this section
5 and shall provide the information to the requesting entity in a
6 timely manner.

7 (c) Any law enforcement officer or person authorized by this
8 section to receive the information who obtains the information in
9 the record and knowingly provides the information to a person not
10 authorized by law to receive the information is guilty of a
11 misdemeanor as specified in Section 11142 of the Penal Code.

12 (d) Information obtained pursuant to this section shall not be
13 used for any purposes other than those described in subdivision
14 (a).

15 (e) Nothing in this section shall preclude a nonminor petitioning
16 to reenter foster care or a relative or other person living in a
17 relative's home from refuting any of the information obtained by
18 law enforcement if the individual believes the state- or federal-level
19 criminal records check revealed erroneous information.

20 (f) (1) A state or county welfare agency may submit to the
21 Department of Justice fingerprint images and related information
22 required by the Department of Justice of parents or legal guardians
23 when determining their suitability for reunification with a
24 dependent child subject to the jurisdiction of the juvenile court,
25 for the purposes of obtaining information as to the existence and
26 content of a record of state or federal convictions and state or
27 federal arrests, as well as information as to the existence and
28 content of a record of state or federal arrests for which the
29 Department of Justice establishes that the person is free on bail or
30 on his or her own recognizance pending trial or appeal. Of the
31 information received by the Department of Justice pursuant to this
32 subdivision, only the parent's or legal guardian's criminal history
33 for the time period following the removal of the child from the
34 parent or legal guardian shall be considered.

35 (2) A county welfare agency or county probation office may
36 submit to the Department of Justice fingerprint images and related
37 information required by the Department of Justice of nonminors
38 petitioning to reenter foster care under Section 388, in order to
39 assess the appropriateness and safety of placing the nonminor in

1 a foster care or other placement setting with minor dependent
2 children.

3 (3) When received, the Department of Justice shall forward to
4 the Federal Bureau of Investigation requests for federal summary
5 criminal history information received pursuant to this subdivision.
6 The Department of Justice shall review the information returned
7 from the Federal Bureau of Investigation and respond to the state
8 or county welfare agency.

9 (4) The Department of Justice shall provide a response to the
10 state or county welfare agency pursuant to subdivision (p) of
11 Section 11105 of the Penal Code.

12 (5) The state or county welfare agency shall not request from
13 the Department of Justice subsequent arrest notification service,
14 as provided pursuant to Section 11105.2 of the Penal Code, for
15 individuals described in this subdivision.

16 (6) The Department of Justice shall charge a fee sufficient to
17 cover the costs of processing the request described in this
18 subdivision.

19 (7) This subdivision shall become operative on July 1, 2007.

20 (g) A fee, determined by the Federal Bureau of Investigation
21 and collected by the Department of Justice, shall be charged for
22 each federal-level criminal offender record information request
23 submitted pursuant to this section and Section 361.4.

24 ~~SEC. 38.~~

25 *SEC. 44.* Section 16522 of the Welfare and Institutions Code
26 is amended to read:

27 16522. (a) The State Department of Social Services shall adopt
28 regulations to govern county transitional housing placement
29 programs that provide supervised housing services to persons at
30 least 16 years of age and not more than 18 years of age, except
31 nonminor dependents, as described in subdivision (v) of Section
32 11400, when it is in their best interest to remain in the facility in
33 order to complete high school or its equivalent, or to finish the
34 high school year prior to their 19th birthday, *as provided for in*
35 *paragraph (1) of subdivision (a) of Section 11403.2*, and who meet
36 all of the following conditions:

37 (1) Meet the requirements of Section 11401.

38 (2) Are in out-of-home placement under the supervision of the
39 county child welfare services department or the county probation
40 department.

1 (3) Are participating in, or have successfully completed an
2 independent living program.

3 (b) A transitional housing program may also serve any person
4 under 21 years of age who is receiving aid under Section 11403.1.

5 (c) The department may structure statewide implementation of
6 transitional housing placement programs on a phased-in basis.

7 (d) Transitional housing placement program services shall
8 include any of the following:

9 (1) Programs in which one or more participants in the program
10 live in an apartment, single-family dwelling, or condominium with
11 an adult employee of the provider.

12 (2) Programs in which a participant lives independently in an
13 apartment, single-family dwelling, or condominium rented or
14 leased by the provider located in a building in which one or more
15 adult employees of the provider reside and provide supervision.

16 (3) Programs in which a participant lives independently in an
17 apartment, single-family dwelling, or condominium rented or
18 leased by a provider under the supervision of the provider if the
19 State Department of Social Services provides approval.

20 (e) The regulations shall be age-appropriate and recognize that
21 youth who are about to emancipate from the foster care system
22 should be subject to fewer restrictions than those who are younger.
23 At a minimum, the regulations shall provide for both of the
24 following:

25 (1) Require programs that serve youth who are both in and out
26 of the foster care system to have separate rules and program design,
27 as appropriate, for these two groups of youth.

28 (2) Allow youth who have emancipated from the foster care
29 system to have the greatest amount of freedom possible in order
30 to prepare them for self-sufficiency.

31 *SEC. 45. Section 16600 of the Welfare and Institutions Code*
32 *is amended to read:*

33 16600. (a) The department shall administer the ~~Family~~
34 ~~Preservation and Support Program~~ *federal Promoting Safe and*
35 *Stable Families funds*. ~~The program shall meet the requirements~~
36 ~~established in Sections 430 to 435, inclusive, of the federal Social~~
37 ~~Security Act (Subpart 2 (commencing with Section 629) of Part~~
38 ~~B of subchapter 4 of Chapter 7 of Title 42 of the United States~~
39 ~~Code). Program functions shall be performed by other agencies~~

1 as required by law, by delegation of the department, or by
2 cooperative agreements.

3 (b) Notwithstanding Section 10103, the department may retain
4 and not pass on to the counties up to ~~15~~ 10 percent of federal
5 Family Preservation and Support Program *Promoting Safe and*
6 *Stable Families* funds for the purposes of state administrative costs
7 incurred on or after October 1, ~~1993~~, 2007, including planning,
8 monitoring, evaluation, training and technical assistance, or *related*
9 projects of statewide significance. ~~Funds spent on projects of~~
10 ~~statewide significance shall be allocated in a way to ensure~~
11 ~~integration into the needs identified by the receiving counties. The~~
12 ~~department shall review and prioritize needs identified by counties~~
13 ~~in determining projects of statewide significance.~~

14 *SEC. 46. Section 16601 of the Welfare and Institutions Code*
15 *is repealed.*

16 16601. (a) Family support services shall include those services
17 that are primarily community-based preventive activities designed
18 to alleviate stress and to promote parental competency and behavior
19 that will increase the ability of families to successfully nurture
20 their children, to enable families to use other resources and
21 opportunities that are available in the community, to create
22 supportive networks that enhance childrearing abilities of parents,
23 and to help compensate for the increased social isolation and
24 vulnerability of families.

25 (b) Family support services include, but are not limited to, an
26 array of activities, such as home visitation, informal interactions
27 in drop-in centers, parent education, information and referral
28 service, family counseling services, respite care for parents and
29 other caregivers, early development screening of children to assess
30 the needs of these children and assistance in obtaining specific
31 services to meet their needs, mentoring, literacy services, and
32 health education for youth and parents.

33 *SEC. 47. Section 16601 is added to the Welfare and Institutions*
34 *Code, to read:*

35 16601. For purposes of this part, the following terms shall
36 have the following meaning:

37 (a) "Adoption promotion and support services," as defined by
38 Section 431 of the federal Social Security Act (42 U.S.C. Sec.
39 629a), means services and activities designed to encourage more
40 adoptions out of the foster care system, when adoptions promote

1 the best interests of children, including activities such as
2 preadoptive and postadoptive services and activities designed to
3 expedite the adoption process and support adoptive families.

4 (b) “Family preservative services,” as defined by Section 431
5 of the federal Social Security Act (42 U.S.C. Sec. 629a), means
6 services for children and families designed to help families,
7 including adoptive and extended families, at risk or in crisis,
8 including all of the following:

9 (1) Services programs designed to help children return to
10 families from which they have been removed, where safe and
11 appropriate, or be placed for adoption or with a legal guardian,
12 or, if adoption or legal guardianship is determined not to be safe
13 and appropriate for the child, in some other planned, permanent
14 living arrangement.

15 (2) Preplacement preventive services programs, including, but
16 not limited to, intensive family preservation programs designed
17 to help children at risk of foster care placement remain safely with
18 their families.

19 (3) Service programs designed to provide followup care to
20 families to whom a child has been returned after a foster care
21 placement.

22 (4) Respite care of children to provide temporary relief for
23 parents and other caregivers, including, but not limited to, foster
24 parents.

25 (5) Services designed to improve parenting skills by reinforcing
26 parents’ confidence in their strengths and helping them to identify
27 where improvement is needed and to obtain assistance in improving
28 those skills with respect to matters such as child development,
29 family budgeting, coping with stress, health, and nutrition.

30 (6) Infant safe haven programs that provide a way for a parent
31 to safely relinquish a newborn infant at a safe haven designated
32 pursuant to state law.

33 (c) “Family support services,” as defined by Section 431 of the
34 federal Social Security Act (42 U.S.C. Sec. 629a), means
35 community-based services to promote the safety and well-being
36 of children and families. This includes services designed to increase
37 the strength and stability of families, including adoptive, foster,
38 and extended families, to increase parents’ confidence and
39 competence in their parenting abilities, to afford children a safe,
40 stable, and supportive family environment, to strengthen parental

1 relationships and promote healthy marriages, and otherwise to
2 enhance child development.

3 (d) “Time-limited family reunification services,” as defined by
4 Section 431 of the federal Social Security Act (42 U.S.C. Sec.
5 629a), means the services and activities described in Section
6 629(a)(7) (B) of Title 42 of the United States Code that are
7 provided to a child that is removed from the child’s home and
8 placed in a foster family home or a child care institution and to
9 the parents or primary caregiver of the child, in order to facilitate
10 the reunification of the child safely and appropriately within a
11 timely fashion, but only during the 15-month period that begins
12 on the date that the child is considered to have entered foster care,
13 pursuant to Section 675(5)(F) of Title 42 of the United States Code.

14 SEC. 48. Section 16602 of the Welfare and Institutions Code
15 is amended to read:

16 16602. (a) Notwithstanding Section 16500, each county that
17 chooses to ~~participate in the Family Preservation and Support~~
18 ~~Program~~ utilize federal Promoting Safe and Stable Families funds
19 shall establish a local planning body and develop county plans as
20 required by the department. The board of supervisors shall oversee
21 the local planning process and approve each county plan before it
22 is transmitted to the department for approval.

23 (b) Notwithstanding Section 16500, the county welfare
24 department shall act as the county lead administrative agency to
25 carry out the day-to-day planning activities. The county welfare
26 department shall distribute and account for the program funds
27 allocated to the county.

28 SEC. 49. Section 16604 of the Welfare and Institutions Code
29 is repealed.

30 ~~16604. (a) Not less than 50 percent and not more than 75~~
31 ~~percent of the program funds spent on services each year by each~~
32 ~~county shall be spent on family support services.~~

33 ~~(b) Not less than 25 percent and not more than 50 percent of~~
34 ~~the program funds spent on services each year by each county shall~~
35 ~~be spent on family preservation services.~~

36 SEC. 50. Section 16604 is added to the Welfare and Institutions
37 Code, to read:

38 16604. (a) Except as provided in subdivision (b), counties
39 shall spend a minimum of 20 percent of its allocated funds in each
40 of the following categories, for a total of 80 percent:

1 (1) Family support services.

2 (2) Family preservation services.

3 (3) Time-limited reunification services.

4 (4) Adoption promotion and support services.

5 (b) A county may be authorized to spend less than 20 percent
6 of funds in one or more of the categories identified in subdivision
7 (a) for a limited time period, provided that the department
8 determines in writing that good cause exists for the county's
9 expenditures and determines the date by which the county shall
10 fully comply with subdivision (a). The department may disallow a
11 county's claims for costs under this section if the county's
12 expenditure of funds, as specified in subdivision (a), does not
13 conform to its approved county plan.

14 (c) Counties may expend the remaining 20 percent of funds not
15 expended pursuant to subdivision (a) and any funds identified in
16 subdivision (b), for any of the categories identified in subdivision
17 (a).

18 SEC. 51. Section 16604.5 of the Welfare and Institutions Code
19 is amended to read:

20 16604.5. When preparing their needs assessments and plans
21 to implement the federal Family Preservation and Support Act
22 (Sections 430 to 435, inclusive, of the Social Security Act (Subpart
23 2 (commencing with Section 629) of Part B of Subchapter 4 of
24 Chapter 7 of Title 42 of the United States Code), as contained in
25 the Omnibus Reconciliation Act of 1993 (Public Law 103-66)),
26 counties shall consider providing an in-home assessment of
27 substance-exposed infants after release from a hospital, as part of
28 the protocols of Section 123605 of the Health and Safety Code.
29 These assessments may be funded through the Family Preservation
30 and Support program using federal Promoting Safe and Stable
31 Families funding, to the extent they are identified in a county's
32 needs assessment and are part of a county's program plan, and
33 federal Family Preservation and Support Act Promoting Safe and
34 Stable Families funds are available for this purpose.

35 ~~SEC. 39.~~

36 SEC. 52. No reimbursement is required by this act pursuant to
37 Section 6 of Article XIII B of the California Constitution for certain
38 costs that may be incurred by a local agency or school district
39 because, in that regard, this act creates a new crime or infraction,
40 eliminates a crime or infraction, or changes the penalty for a crime

1 or infraction, within the meaning of Section 17556 of the
2 Government Code, or changes the definition of a crime within the
3 meaning of Section 6 of Article XIII B of the California
4 Constitution.

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

10 ~~SEC. 40.~~

11 *SEC. 53.* This act is an urgency statute necessary for the
12 immediate preservation of the public peace, health, or safety within
13 the meaning of Article IV of the Constitution and shall go into
14 immediate effect. The facts constituting the necessity are:

15 In order to ensure accurate and timely instructions, guidance,
16 rules, and regulations for child welfare agencies, probation
17 departments, and tribal governments, needed for the
18 implementation of provisions of Assembly Bill 12 (Chapter 559
19 of the Statutes of 2010) that become operative on or before January
20 1, 2012, it is necessary for this act to take effect immediately.