

AMENDED IN SENATE AUGUST 15, 2011

AMENDED IN SENATE JUNE 20, 2011

AMENDED IN ASSEMBLY APRIL 11, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 735

Introduced by Assembly Member Mitchell
(Coauthor: Senator Wolk)

February 17, 2011

An act to add Chapter 5 (commencing with Section 18220) to Part 1 of Division 5 of Title 2 of the Government Code, and to amend Section 391 of the Welfare and Institutions Code, relating to interns and student assistants.

LEGISLATIVE COUNSEL'S DIGEST

AB 735, as amended, Mitchell. Interns and student assistants: hiring preference.

Existing law authorizes various state agencies to employ such assistance as may be necessary for the proper discharge of their duties.

Existing law prohibits the juvenile court, in certain cases, from terminating jurisdiction over a dependent child until the county welfare department submits a report verifying that certain information has been provided to the minor, including his or her social security card and birth certificate.

This bill would require state agencies, when hiring for internships and student assistant positions, to give preference, as defined, to persons who are, or have ~~recently~~ been, dependent children in foster care. *The bill would require the preference to be granted to applicants up to 26 years of age.* The bill would also require the county welfare department

to provide dependent children with information notifying them that they may be eligible for this preference, as specified. By imposing this additional duty on county welfare departments, this bill would impose a state-mandated local program.

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

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

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

1 SECTION 1. Chapter 5 (commencing with Section 18220) is
2 added to Part 1 of Division 5 of Title 2 of the Government Code,
3 to read:

4

5 CHAPTER 5. INTERNS AND STUDENT ASSISTANTS

6

7 18220. (a) State agencies, when hiring for internships and
8 student assistant positions, shall give preference to qualified
9 applicants who are, or have ~~recently~~ been, dependent children in
10 foster care. *The preference shall be granted to applicants up to 26*
11 *years of age.*

12 (b) For the purpose of this section, “preference” means priority
13 over similarly qualified applicants for placement in the position.

14 SEC. 2. Section 391 of the Welfare and Institutions Code, as
15 added by Section 28 of Chapter 559 of the Statutes of 2010, is
16 amended to read:

17 391. (a) The court shall not terminate jurisdiction over a
18 dependent youth who has reached 18 years of age unless a hearing
19 is conducted pursuant to this section.

20 (b) At any hearing for a dependent youth who has attained 18
21 years of age at which the court is considering termination of the
22 jurisdiction of the juvenile court and the accompanying foster care
23 services as described in Section 11403, the county welfare
24 department shall do all of the following:

1 (1) Ensure that the dependent is present in court, unless the
2 dependent does not wish to appear in court, or document efforts
3 by the county welfare department to locate the child when the child
4 is not available.

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

9 (3) If the dependent has indicated that he or she does not want
10 dependency jurisdiction to continue, the report shall address the
11 advisability of a court-ordered trial discharge from foster care.

12 (c) The court shall continue dependency jurisdiction for a
13 nonminor dependent, as defined in subdivision (v) of Section
14 11400, who is eligible pursuant to Section 11403 unless the court
15 finds that after reasonable and documented efforts the nonminor
16 cannot be located or does not wish to remain subject to dependency
17 jurisdiction. In making this finding, the court shall ensure that the
18 nonminor has been informed of his or her options including the
19 right to file a petition pursuant to Section 388 to resume
20 dependency jurisdiction, and had an opportunity to confer with
21 his or her counsel if counsel has been appointed pursuant to Section
22 317. The court shall terminate dependency jurisdiction for a
23 nonminor dependent if it finds that the nonminor dependent is not
24 eligible pursuant to subdivision (b) of Section 11403.

25 (d) If the court terminates dependency jurisdiction, the nonminor
26 shall remain within the jurisdiction of the court until the nonminor
27 attains 21 years of age, although no review proceedings shall be
28 required. As authorized in paragraph (e) of Section 1356.21 of
29 Title 45 of the Code of Federal Regulations, the court shall
30 authorize a trial period of departure from foster care as defined in
31 subdivision (y) of Section 11400. In order to ensure eligibility for
32 federal financial participation, the court shall set the end date of
33 the trial period of departure from foster care to be the day prior to
34 the day the nonminor attains 21 years of age, unless to do so is not
35 in the nonminor's best interests. A nonminor may petition the court
36 pursuant to subdivision (e) of Section 388 to resume dependency
37 jurisdiction at any time before attaining 21 years of age.

38 (e) Unless the nonminor does not wish to remain under the
39 dependency or delinquency jurisdiction of the court, or, after
40 reasonable efforts by the county welfare department the nonminor

1 cannot be located, the court shall not terminate dependency or
2 delinquency jurisdiction over a nonminor dependent who has
3 reached 18 years of age until a hearing is conducted pursuant to
4 this section and the department has submitted a report verifying
5 that the following information, documents, and services have been
6 provided to the child:

7 (1) Written information concerning the child's dependency case,
8 including any known information regarding the child's Indian
9 heritage or tribal connections, if applicable, his or her family
10 history and placement history, any photographs of the child or his
11 or her family in the possession of the county welfare department,
12 other than forensic photographs, the whereabouts of any siblings
13 under the jurisdiction of the juvenile court, unless the court
14 determines that sibling contact would jeopardize the safety or
15 welfare of the sibling, directions on how to access the documents
16 the child is entitled to inspect under Section 827, and the date on
17 which the jurisdiction of the juvenile court would be terminated.

18 (2) The following documents:

19 (A) Social security card.

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

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

23 (D) Driver's license, as described in Section 12500 of the
24 Vehicle Code, or identification card, as described in Section 13000
25 of the Vehicle Code.

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

28 (i) The child's name and date of birth.

29 (ii) The dates during which the child was within the jurisdiction
30 of the juvenile court.

31 (iii) A statement that the child was a foster youth in compliance
32 with state and federal financial aid documentation requirements.

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

34 (G) If applicable, proof of the child's citizenship or legal
35 residence.

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

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

1 (5) Assistance in obtaining employment or other financial
2 support.

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

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

10 (8) For nonminors between 18 and 21 years of age, assistance
11 in accessing the Independent Living Aftercare Program in the
12 nonminor's county of residence.

13 (9) Written information notifying the child that current or former
14 dependent children who are or have ~~recently~~ been in foster care
15 are granted a preference for student assistant or internship positions
16 with state agencies pursuant to Section 18220 of the Government
17 Code. *The preference shall be granted to applicants up to 26 years*
18 *of age.*

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

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

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

27 SEC. 3. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.