

AMENDED IN SENATE AUGUST 25, 2011

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**

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**Introduced by Assembly Member Mitchell**  
(Coauthor: Senator Wolk)

February 17, 2011

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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 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.

*This bill would incorporate additional changes in Section 391 of the Welfare and Institutions Code made by AB 212, to become operative if AB 212 and this bill become effective on or before January 1, 2012, and this bill is enacted last.*

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 been, dependent children in foster  
10 care. The preference shall be granted to applicants up to 26 years  
11 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:

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

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

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

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

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

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

33 (d) If the court terminates dependency jurisdiction, the nonminor  
34 shall remain within the jurisdiction of the court until the nonminor  
35 attains 21 years of age, although no review proceedings shall be  
36 required. As authorized in paragraph (e) of Section 1356.21 of  
37 Title 45 of the Code of Federal Regulations, the court shall  
38 authorize a trial period of departure from foster care as defined in  
39 subdivision (y) of Section 11400. In order to ensure eligibility for  
40 federal financial participation, the court shall set the end date of

1 the trial period of departure from foster care to be the day prior to  
2 the day the nonminor attains 21 years of age, unless to do so is not  
3 in the nonminor's best interests. A nonminor may petition the court  
4 pursuant to subdivision (e) of Section 388 to resume dependency  
5 jurisdiction at any time before attaining 21 years of age.

6 (e) Unless the nonminor does not wish to remain under the  
7 dependency or delinquency jurisdiction of the court, or, after  
8 reasonable efforts by the county welfare department the nonminor  
9 cannot be located, the court shall not terminate dependency or  
10 delinquency jurisdiction over a nonminor dependent who has  
11 reached 18 years of age until a hearing is conducted pursuant to  
12 this section and the department has submitted a report verifying  
13 that the following information, documents, and services have been  
14 provided to the child:

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

26 (2) The following documents:

27 (A) Social security card.

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

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

31 (D) Driver's license, as described in Section 12500 of the  
32 Vehicle Code, or identification card, as described in Section 13000  
33 of the Vehicle Code.

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

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

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

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

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

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

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

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

8 (5) Assistance in obtaining employment or other financial  
9 support.

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

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

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

20 (9) Written information notifying the child that current or former  
21 dependent children who are or have been in foster care are granted  
22 a preference for student assistant or internship positions with state  
23 agencies pursuant to Section 18220 of the Government Code. The  
24 preference shall be granted to applicants up to 26 years of age.

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

29 (g) The Judicial Council shall develop and implement standards,  
30 and develop and adopt appropriate forms necessary to implement  
31 this provision.

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

33 *SEC. 2.5. Section 391 of the Welfare and Institutions Code, as*  
34 *added by Section 28 of Chapter 559 of the Statutes of 2010, is*  
35 *amended to read:*

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

39 (b) At any hearing for a ~~dependent youth who has attained 18~~  
40 ~~years of age~~ *nonminor* at which the court is considering termination

1 of the jurisdiction of the juvenile court, ~~and the accompanying~~  
2 ~~foster care services as described in Section 11403~~ the county  
3 welfare department shall do all of the following:

4 (1) Ensure that the dependent *nonminor* is present in court,  
5 unless the ~~dependent~~ *nonminor* does not wish to appear in court,  
6 *and elects a telephonic appearance*, or document *reasonable* efforts  
7 *made* by the county welfare department to locate the ~~child~~  
8 *nonminor* when the ~~child~~ *nonminor* is not available.

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

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

21 ~~(3)~~

22 (4) If the ~~dependent~~ *nonminor* has indicated that he or she does  
23 not want dependency jurisdiction to continue, the report shall  
24 address the ~~advisability of a court-ordered trial discharge from~~  
25 ~~foster care manner in which the nonminor was advised of his or~~  
26 *her options, including the benefits of remaining in foster care, and*  
27 *of his or her right to reenter foster care and to file a petition*  
28 *pursuant to subdivision (e) of Section 388 to resume dependency*  
29 *jurisdiction prior to attaining 21 years of age.*

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

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

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

38 (e) ~~The court shall continue dependency jurisdiction for a~~  
39 ~~nonminor dependent, as defined in subdivision (v) of Section~~  
40 ~~11400, who is eligible pursuant to Section 11403 unless the court~~

1 ~~finds that after reasonable and documented efforts the nonminor~~  
2 ~~cannot be located or does not wish to remain subject to dependency~~  
3 ~~jurisdiction. In~~

4 ~~(2) In making this finding the findings pursuant to paragraph~~  
5 ~~(1), the court shall ensure must also find that the nonminor has~~  
6 ~~been informed of his or her options including the benefits of~~  
7 ~~remaining in foster care and the right to file reenter foster care~~  
8 ~~by filing a petition pursuant to subdivision (e) of Section 388 to~~  
9 ~~resume dependency jurisdiction, and jurisdiction and by completing~~  
10 ~~a voluntary reentry agreement pursuant to subdivision (z) of~~  
11 ~~Section 11400, and has had an opportunity to confer with his or~~  
12 ~~her counsel if counsel has been appointed pursuant to Section 317.~~  
13 ~~The court shall terminate dependency jurisdiction for a nonminor~~  
14 ~~dependent if it finds that the nonminor dependent is not eligible~~  
15 ~~pursuant to subdivision (b) of Section 11403.~~

16 ~~(d) If the court terminates dependency jurisdiction, the nonminor~~  
17 ~~shall remain within the jurisdiction of the court~~

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. As~~  
26 ~~authorized in paragraph (e) of Section 1356.21 of Title 45 of the~~  
27 ~~Code of Federal Regulations, the court shall authorize a trial period~~  
28 ~~of departure from foster care as defined in subdivision (y) of~~  
29 ~~Section 11400. In order to ensure eligibility for federal financial~~  
30 ~~participation, the court shall set the end date of the trial period of~~  
31 ~~departure from foster care to be the day prior to the day the~~  
32 ~~nonminor attains 21 years of age, unless to do so is not in the~~  
33 ~~nonminor's best interests. A nonminor may petition the court~~  
34 ~~pursuant to subdivision (e) of Section 388 to resume dependency~~  
35 ~~jurisdiction at any time before attaining 21 years of age.~~

36 ~~(e) Unless the nonminor does not wish to remain under the~~  
37 ~~dependency or delinquency jurisdiction of the court, or, after~~  
38 ~~reasonable efforts by the county welfare department the nonminor~~  
39 ~~cannot be located, the~~  
40 ~~The court shall not terminate dependency or delinquency jurisdiction over a nonminor dependent who has~~

1 ~~reached~~ *attained* 18 years of age until a hearing is conducted  
2 pursuant to this section and the department has submitted a report  
3 verifying that the following information, documents, and services  
4 have been provided to the ~~child~~ *nonminor, or in the case of a*  
5 *nonminor who, after reasonable efforts by the county welfare*  
6 *department, cannot be located, verifying the efforts made to make*  
7 *the following available to the nonminor:*

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

20 (2) The following documents:

21 (A) Social security card.

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

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

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

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

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

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

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

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

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

39 (H) *An advanced health care directive form.*

1 (I) *The Judicial Council form that the nonminor would use to*  
2 *file a petition pursuant to subdivision (e) of Section 388 to resume*  
3 *dependency jurisdiction.*

4 (J) *The written 90-day transition plan prepared pursuant to*  
5 *Section 16501.1.*

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

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

10 (5) Assistance in obtaining employment or other financial  
11 support.

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

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

20 (8) For nonminors between 18 and 21 years of age, assistance  
21 in accessing the Independent Living Aftercare Program in the  
22 nonminor's county of residence, *and, upon the nonminor's request,*  
23 *assistance in completing a voluntary reentry agreement for care*  
24 *and placement pursuant to subdivision (z) of Section 11400 and*  
25 *in filing a petition pursuant to subdivision (e) of Section 388 to*  
26 *resume dependency jurisdiction.*

27 (9) *Written information notifying the child that current or former*  
28 *dependent children who are or have been in foster care are granted*  
29 *a preference for student assistant or internship positions with state*  
30 *agencies pursuant to Section 18220 of the Government Code. The*  
31 *preference shall be granted to applicants up to 26 years of age.*

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

37 (g) The Judicial Council shall develop and implement standards,  
38 and develop and adopt appropriate forms necessary to implement  
39 this provision.

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

1     *SEC. 3. Section 2.5 of this bill incorporates amendments to*  
2     *Section 391 of the Welfare and Institutions Code proposed by this*  
3     *bill and Assembly Bill 212. It shall only become operative if (1)*  
4     *both bills are enacted and become effective on or before January*  
5     *1, 2012, (2) each bill amends Section 391 of the Welfare and*  
6     *Institutions Code, and (3) this bill is enacted after Assembly Bill*  
7     *212, in which case Section 391 of the Welfare and Institutions*  
8     *Code, as amended by Assembly Bill 212, shall remain operative*  
9     *only until the operative date of this bill, at which time Section 2.5*  
10    *of this bill shall become operative, and Section 2 of this bill shall*  
11    *not become operative.*

12    ~~SEC. 3.~~

13    *SEC. 4. If the Commission on State Mandates determines that*  
14    *this act contains costs mandated by the state, reimbursement to*  
15    *local agencies and school districts for those costs shall be made*  
16    *pursuant to Part 7 (commencing with Section 17500) of Division*  
17    *4 of Title 2 of the Government Code.*