

Assembly Bill No. 735

Passed the Assembly September 2, 2011

Chief Clerk of the Assembly

Passed the Senate August 30, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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, 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.

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

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

CHAPTER 5. INTERNS AND STUDENT ASSISTANTS

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

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

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

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

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

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

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

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

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

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

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

(1) Written information concerning the child's dependency case, including any known information regarding the child's Indian heritage or tribal connections, if applicable, his or her family history and placement history, any photographs of the child or his or her family in the possession of the county welfare department,

other than forensic photographs, the whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of the sibling, directions on how to access the documents the child is entitled to inspect under Section 827, and the date on which the jurisdiction of the juvenile court would be terminated.

(2) The following documents:

(A) Social security card.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

391. (a) The dependency court shall not terminate jurisdiction over a nonminor unless a hearing is conducted pursuant to this section.

(b) At any hearing for a nonminor at which the court is considering termination of the jurisdiction of the juvenile court, the county welfare department shall do all of the following:

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

(2) Submit a report describing whether it is in the nonminor's best interests to remain under the court's dependency jurisdiction, which includes a recommended transitional independent living case plan for the nonminor when the report describes continuing dependency jurisdiction as being in the minor's best interest.

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

(4) If the nonminor has indicated that he or she does not want dependency jurisdiction to continue, the report shall address the

manner in which the nonminor was advised of his or her options, including the benefits of remaining in foster care, and of his or her right to reenter foster care and to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction prior to attaining 21 years of age.

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

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

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

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

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

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

(e) The court shall not terminate dependency jurisdiction over a nonminor dependent who has attained 18 years of age until a hearing is conducted pursuant to this section and the department has submitted a report verifying that the following information, documents, and services have been provided to the nonminor, or in the case of a nonminor who, after reasonable efforts by the

county welfare department, cannot be located, verifying the efforts made to make the following available to the nonminor:

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

(2) The following documents:

(A) Social security card.

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

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

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

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

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

(ii) The dates during which the nonminor was within the jurisdiction of the juvenile court.

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

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

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

(H) An advanced health care directive form.

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

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

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

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

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

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

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

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

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

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

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

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

SEC. 3. Section 2.5 of this bill incorporates amendments to Section 391 of the Welfare and Institutions Code proposed by this bill and Assembly Bill 212. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2012, (2) each bill amends Section 391 of the Welfare and Institutions Code, and (3) this bill is enacted after Assembly Bill 212, in which case Section 391 of the Welfare and Institutions Code, as amended by Assembly Bill 212, shall remain operative

only until the operative date of this bill, at which time Section 2.5 of this bill shall become operative, and Section 2 of this bill shall not become operative.

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

Approved _____, 2011

Governor