

**ASSEMBLY BILL**

**No. 1712**

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**Introduced by Assembly Member Beall**

February 16, 2012

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An act to amend Sections 366.31 and 11400 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 1712, as introduced, Beall. Minors and nonminor dependents: out-of-home placement.

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 Program (Kin-GAP) benefits. Among other provisions, the act extends specified foster care benefits to youth up to 19, 20, and 21 years of age, described as nonminor dependents, if specified conditions are met, commencing January 1, 2012.

Existing law requires a court that continues dependency jurisdiction with respect to a nonminor dependent to order development of a planned permanent living arrangement, under a mutual agreement, as defined.

This bill would revise the definition of mutual agreement, by specifying the criteria of these agreements applicable to nonminor dependents who are in receipt of Kin-GAP and AFDC-FC payments,

respectively. The bill also would make conforming changes to related provisions and definitions.

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

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

1 SECTION 1. Section 366.31 of the Welfare and Institutions  
2 Code is amended to read:

3 366.31. (a) On and after January 1, 2012, with respect to a  
4 nonminor dependent, as defined in subdivision (v) of Section  
5 11400, who has a permanent plan of long-term foster care that was  
6 ordered pursuant to Section 366.21, 366.22, 366.25, or 366.26 the  
7 court may continue jurisdiction of the nonminor as a dependent  
8 of the juvenile court or may dismiss dependency jurisdiction  
9 pursuant to Section 391.

10 (b) If the court continues dependency jurisdiction of the  
11 nonminor as a dependent of the juvenile court, the court shall order  
12 the development of a planned permanent living arrangement of a  
13 placement *nonminor* under a mutual agreement, as described in  
14 subdivision (u) of Section 11400, which may include continued  
15 placement with the current caregiver or another licensed or  
16 approved caregiver or in a supervised independent living setting,  
17 as defined in subdivision (w) of Section 11400, consistent with  
18 the youth’s transitional independent living case plan.

19 (c) If the court terminates its dependency jurisdiction over a  
20 nonminor dependent pursuant to subdivision (a), it shall retain  
21 general jurisdiction over the youth pursuant to Section 303. If the  
22 court has dismissed dependency jurisdiction pursuant to subdivision  
23 (d) of Section 391, the nonminor, who has not attained 21 years  
24 of age, may subsequently file a petition pursuant to subdivision  
25 (e) of Section 388 to have dependency jurisdiction resumed and  
26 the court may vacate its previous order dismissing dependency  
27 jurisdiction over the nonminor dependent.

28 SEC. 2. Section 11400 of the Welfare and Institutions Code is  
29 amended to read:

30 11400. For the purposes of this article, the following definitions  
31 shall apply:

1 (a) “Aid to Families with Dependent Children-Foster Care  
2 (AFDC-FC)” means the aid provided on behalf of needy children  
3 in foster care under the terms of this division.

4 (b) “Case plan” means a written document that, at a minimum,  
5 specifies the type of home in which the child shall be placed, the  
6 safety of that home, and the appropriateness of that home to meet  
7 the child’s needs. It shall also include the agency’s plan for  
8 ensuring that the child receive proper care and protection in a safe  
9 environment, and shall set forth the appropriate services to be  
10 provided to the child, the child’s family, and the foster parents, in  
11 order to meet the child’s needs while in foster care, and to reunify  
12 the child with the child’s family. In addition, the plan shall specify  
13 the services that will be provided or steps that will be taken to  
14 facilitate an alternate permanent plan if reunification is not possible.

15 (c) “Certified family home” means a family residence certified  
16 by a licensed foster family agency and issued a certificate of  
17 approval by that agency as meeting licensing standards, and used  
18 only by that foster family agency for placements.

19 (d) “Family home” means the family residency of a licensee in  
20 which 24-hour care and supervision are provided for children.

21 (e) “Small family home” means any residential facility, in the  
22 licensee’s family residence, which provides 24-hour care for six  
23 or fewer foster children who have mental disorders or  
24 developmental or physical disabilities and who require special care  
25 and supervision as a result of their disabilities.

26 (f) “Foster care” means the 24-hour out-of-home care provided  
27 to children whose own families are unable or unwilling to care for  
28 them, and who are in need of temporary or long-term substitute  
29 parenting.

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

37 (h) “Group home” means a nondetention privately operated  
38 residential home, organized and operated on a nonprofit basis only,  
39 of any capacity, or a nondetention licensed residential care home  
40 operated by the County of San Mateo with a capacity of up to 25

1 beds, that provides services in a group setting to children in need  
2 of care and supervision, as required by paragraph (1) of subdivision  
3 (a) of Section 1502 of the Health and Safety Code.

4 (i) “Periodic review” means review of a child’s status by the  
5 juvenile court or by an administrative review panel, that shall  
6 include a consideration of the safety of the child, a determination  
7 of the continuing need for placement in foster care, evaluation of  
8 the goals for the placement and the progress toward meeting these  
9 goals, and development of a target date for the child’s return home  
10 or establishment of alternative permanent placement.

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

15 (k) “Placement and care” refers to the responsibility for the  
16 welfare of a child vested in an agency or organization by virtue of  
17 the agency or organization having (1) been delegated care, custody,  
18 and control of a child by the juvenile court, (2) taken responsibility,  
19 pursuant to a relinquishment or termination of parental rights on  
20 a child, (3) taken the responsibility of supervising a child detained  
21 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
22 a voluntary placement agreement for the child’s placement; or to  
23 the responsibility designated to an individual by virtue of his or  
24 her being appointed the child’s legal guardian.

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

28 (m) “Relative” means an adult who is related to the child by  
29 blood, adoption, or affinity within the fifth degree of kinship,  
30 including stepparents, stepsiblings, and all relatives whose status  
31 is preceded by the words “great,” “great-great,” or “grand” or the  
32 spouse of any of these persons even if the marriage was terminated  
33 by death or dissolution.

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

37 (o) “Voluntary placement” means an out-of-home placement  
38 of a child by (1) the county welfare department, probation  
39 department, or Indian tribe that has entered into an agreement  
40 pursuant to Section 10553.1, after the parents or guardians have

1 requested the assistance of the county welfare department and have  
2 signed a voluntary placement agreement; or (2) the county welfare  
3 department licensed public or private adoption agency, or the  
4 department acting as an adoption agency, after the parents have  
5 requested the assistance of either the county welfare department,  
6 the licensed public or private adoption agency, or the department  
7 acting as an adoption agency for the purpose of adoption planning,  
8 and have signed a voluntary placement agreement.

9 (p) “Voluntary placement agreement” means a written agreement  
10 between either the county welfare department, probation  
11 department, or Indian tribe that has entered into an agreement  
12 pursuant to Section 10553.1, licensed public or private adoption  
13 agency, or the department acting as an adoption agency, and the  
14 parents or guardians of a child that specifies, at a minimum, the  
15 following:

16 (1) The legal status of the child.

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

19 (q) “Original placement date” means the most recent date on  
20 which the court detained a child and ordered an agency to be  
21 responsible for supervising the child or the date on which an agency  
22 assumed responsibility for a child due to termination of parental  
23 rights, relinquishment, or voluntary placement.

24 (r) “Transitional housing placement facility” means either of  
25 the following:

26 (1) A community care facility licensed by the State Department  
27 of Social Services pursuant to Section 1559.110 of the Health and  
28 Safety Code to provide transitional housing opportunities to persons  
29 at least 16 years of age, and not more than 18 years of age and, on  
30 or after January 1, 2012, any nonminor dependent who has not  
31 attained 19 years of age, as described in paragraph (1) of  
32 subdivision (a) of Section 11403.2, may remain in the facility if  
33 it is in their best interests in order to complete high school or its  
34 equivalent, or to finish the high school year prior to their 19th  
35 birthday. These provisions shall apply to those who are in  
36 out-of-home placement under the supervision of the county  
37 department of social services or the county probation department,  
38 and who are participating in an independent living program.

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

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

8 (t) “Whole family foster home” means a new or existing family  
9 home, approved relative caregiver or nonrelative extended family  
10 member’s home, the home of a nonrelated legal guardian whose  
11 guardianship was established pursuant to Section 366.26 or 360,  
12 certified family home that provides foster care for a minor or  
13 nonminor dependent parent and his or her child, and is specifically  
14 recruited and trained to assist the minor or nonminor dependent  
15 parent in developing the skills necessary to provide a safe, stable,  
16 and permanent home for his or her child. The child of the minor  
17 or nonminor dependent parent need not be the subject of a petition  
18 filed pursuant to Section 300 to qualify for placement in a whole  
19 family foster home.

20 (u) “Mutual agreement” means ~~a~~, *on and after January 1, 2012,*  
21 *any of the following:*

22 (1) A written voluntary agreement of consent for continued  
23 placement and care in a supervised setting between a minor or, ~~on~~  
24 ~~and after January 1, 2012,~~ a nonminor dependent, and the county  
25 welfare services or probation department or tribal agency  
26 responsible for the foster care placement, that documents the  
27 nonminor’s continued willingness to remain in supervised  
28 out-of-home placement under the placement and care of the  
29 responsible county or tribal agency, remain under the jurisdiction  
30 of the juvenile court as a nonminor dependent, and report any  
31 change of circumstances relevant to continued eligibility for foster  
32 care payments, and that documents the nonminor’s and social  
33 worker’s or probation officer’s agreement to work together to  
34 facilitate implementation of the mutually developed supervised  
35 placement agreement and transitional independent living case plan.

36 (2) *An agreement, as described in paragraph (1), between a*  
37 *nonminor former dependent in receipt of Kin-GAP payments under*  
38 *Article 4.5 (commencing with Section 11360) or Article 4.7*  
39 *(commencing with Section 11385), and the agency responsible for*  
40 *the Kin-GAP benefits, provided that the nonminor former*

1 *dependent satisfies the conditions described in Section 11403.01,*  
2 *or one or more of the conditions described in paragraphs (1) to*  
3 *(5), inclusive, of subdivision (b) of Section 11403.*

4 (3) *An agreement, as described in paragraph (1), between a*  
5 *nonminor former dependent in receipt of AFDC-FC payments*  
6 *under subdivision (e) or (f) of Section 11405 and the agency*  
7 *responsible for the AFDC-FC benefits, provided that the nonminor*  
8 *former dependent described in subdivision (e) of Section 11405*  
9 *satisfies one or more of the conditions described in paragraphs*  
10 *(1) to (5), inclusive, of subdivision (b) of Section 11403, and the*  
11 *nonminor former dependent described in subdivision (f) of Section*  
12 *11405 satisfies the secondary school or equivalent training or*  
13 *certificate program conditions described in that subdivision.*

14 (v) “Nonminor dependent” means, on and after January 1, 2012,  
15 a foster child, as described in Section 675(8)(B) of Title 42 of the  
16 United States Code under the federal Social Security Act who is  
17 a current dependent child or ward of the juvenile court, or a  
18 nonminor under the transition jurisdiction of the juvenile court, as  
19 described in Section 450, who satisfies all of the following criteria:

20 (1) He or she has attained 18 years of age while under an order  
21 of foster care placement by the juvenile court, and is younger than  
22 19 years of age as of January 1, 2012, younger than 20 years of  
23 age as of January 1, 2013, or younger than 21 years of age as of  
24 January 1, 2014.

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

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

34 (w) “Supervised independent living setting” means, on and after  
35 January 1, 2012, a supervised setting, as specified in a nonminor  
36 dependent’s transitional independent living case plan, in which  
37 the youth is living independently, pursuant to Section 472(c)(2)  
38 of the Social Security Act (42 U.S.C. Sec. 672(c)(2)).

39 (x) “THP-Plus Foster Care” means, on and after January 1,  
40 2012, a placement that offers supervised housing opportunities

1 and supportive services to eligible nonminor dependents at least  
2 18 years of age, on and after January 1, 2013, 19 years of age, and  
3 on and after January 1, 2014, 20 years of age, and not more than  
4 21 years of age, who are in out-of-home placement under the  
5 placement and care responsibility of the county welfare department  
6 or the county probation department or Indian tribe that entered  
7 into an agreement pursuant to Section 10553.1, and who are  
8 described in paragraphs (3) and (4) of subdivision (a) of Section  
9 11403.2.

10 (y) “Transitional independent living case plan” means, on or  
11 after January 1, 2012, the nonminor dependent’s case plan, updated  
12 every six months, that describes the goals and objectives of how  
13 the nonminor will make progress in the transition to living  
14 independently and assume incremental responsibility for adult  
15 decisionmaking, the collaborative efforts between the nonminor  
16 and the social worker, probation officer, or Indian tribe *to plan for*  
17 *and engage in specific educational or employment activities, or*  
18 *both*, and ~~the~~ supportive services as described in the transitional  
19 independent living plan (TILP) to ensure active and meaningful  
20 participation in one or more of the ~~eligibility criteria conditions~~  
21 described in *paragraphs (1) to (5), inclusive, of* subdivision (b) of  
22 Section 11403, the nonminor’s appropriate supervised placement  
23 setting, and the nonminor’s permanent plan for transition to living  
24 independently, which includes maintaining or obtaining permanent  
25 connections to caring and committed adults, as set forth in  
26 paragraph (16) of subdivision (f) of Section 16501.1.

27 (z) “Voluntary reentry agreement” means a written voluntary  
28 agreement between a former dependent child or ward or a former  
29 nonminor dependent, who has had juvenile court jurisdiction  
30 terminated pursuant to Section 391, 452 or 607.2, and the county  
31 welfare or probation department or tribal placing agency that  
32 documents the nonminor’s desire and willingness to reenter foster  
33 care, to be placed in a supervised setting under the placement and  
34 care responsibility of the placing agency, the nonminor’s desire,  
35 willingness, and ability to immediately participate in one or more  
36 of the conditions of paragraphs (1) to (5), inclusive, of subdivision  
37 (b) of Section 11403, the nonminor’s agreement to work  
38 collaboratively with the placing agency to develop his or her  
39 transitional independent living case plan within 60 days of reentry,  
40 the nonminor’s agreement to report any changes of circumstances

1 relevant to continued eligibility for foster care payments, and the  
2 nonminor’s agreement to participate in the filing of a petition for  
3 juvenile court jurisdiction as a nonminor dependent pursuant to  
4 subdivision (e) of Section 388 within 15 judicial days of the signing  
5 of the agreement and the placing agency’s efforts and supportive  
6 services to assist the nonminor in the reentry process.

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