

AMENDED IN SENATE JUNE 14, 2013

AMENDED IN ASSEMBLY APRIL 1, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 346**

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**Introduced by Assembly Member Stone**

February 13, 2013

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An act to amend Section 1502 of, and to add Section 1502.35 to, the Health and Safety Code, *and to amend Sections 319, 361.2, 450, 727, 11400, and 11402 of the Welfare and Institutions Code*, relating to community care facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 346, as amended, Stone. ~~Emergency youth shelter facilities. Runaway and homeless youth shelters.~~

Existing law, the California Community Care Facilities Act, provides for the licensing and regulation of community care facilities, as defined, by the State Department of Social Services. A violation of the act is a misdemeanor.

This bill would include within the definition of a community care facility ~~an emergency youth shelter facility, a runaway and homeless youth shelter~~, as defined. The bill would require the department to license ~~emergency youth shelter facilities as a group home a runaway and homeless youth shelter that have met~~ *meets* specified requirements, including the requirement that ~~facility shelter~~ staff shall offer short-term, 24-hour nonmedical care and supervision and personal services to up to 25 youths who voluntarily enter the ~~facility shelter~~. *The bill would provide that a runaway and homeless youth shelter is not an eligible placement option under specified provisions.* The bill would require

the department to adopt regulations to implement these provisions and provide that, until those regulations become effective, the department may implement these provisions by publishing information releases or similar instructions from the director.

By expanding the definition of a community care facility, this bill would change the definition of an existing crime, thus creating a state-mandated local program.

*Existing law provides for the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. Existing law requires a child or nonminor dependent to be placed in a specified placement in order to be eligible for AFDC-FC. Under existing law, foster care providers licensed as group homes have rates established by classifying each group home program and applying a standardized schedule of rates.*

*This bill would exclude a runaway and homeless youth shelter as a group home in which a child or nonminor dependent may be placed for AFDC-FC eligibility purposes. The bill would also prohibit a runaway and homeless youth shelter program from being eligible for a rate pursuant to the above-mentioned provisions.*

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 no reimbursement is required by this act for a specified reason.

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. Section 1502 of the Health and Safety Code is
- 2 amended to read:
- 3 1502. As used in this chapter:
- 4 (a) "Community care facility" means any facility, place, or
- 5 building that is maintained and operated to provide nonmedical
- 6 residential care, day treatment, adult day care, or foster family
- 7 agency services for children, adults, or children and adults,
- 8 including, but not limited to, the physically handicapped, mentally
- 9 impaired, incompetent persons, and abused or neglected children,
- 10 and includes the following:

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

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

11 (3) “Therapeutic day services facility” means any facility that  
12 provides nonmedical care, counseling, educational or vocational  
13 support, or social rehabilitation services on less than a 24-hour  
14 basis to persons under 18 years of age who would otherwise be  
15 placed in foster care or who are returning to families from foster  
16 care. Program standards for these facilities shall be developed by  
17 the department, pursuant to Section 1530, in consultation with  
18 therapeutic day services and foster care providers.

19 (4) “Foster family agency” means any organization engaged in  
20 the recruiting, certifying, and training of, and providing  
21 professional support to, foster parents, or in finding homes or other  
22 places for placement of children for temporary or permanent care  
23 who require that level of care as an alternative to a group home.  
24 Private foster family agencies shall be organized and operated on  
25 a nonprofit basis.

26 (5) “Foster family home” means any residential facility  
27 providing 24-hour care for six or fewer foster children that is  
28 owned, leased, or rented and is the residence of the foster parent  
29 or parents, including their family, in whose care the foster children  
30 have been placed. The placement may be by a public or private  
31 child placement agency or by a court order, or by voluntary  
32 placement by a parent, parents, or guardian. It also means a foster  
33 family home described in Section 1505.2.

34 (6) “Small family home” means any residential facility, in the  
35 licensee’s family residence, that provides 24-hour care for six or  
36 fewer foster children who have mental disorders or developmental  
37 or physical disabilities and who require special care and supervision  
38 as a result of their disabilities. A small family home may accept  
39 children with special health care needs, pursuant to subdivision  
40 (a) of Section 17710 of the Welfare and Institutions Code. In

1 addition to placing children with special health care needs, the  
2 department may approve placement of children without special  
3 health care needs, up to the licensed capacity.

4 (7) "Social rehabilitation facility" means any residential facility  
5 that provides social rehabilitation services for no longer than 18  
6 months in a group setting to adults recovering from mental illness  
7 who temporarily need assistance, guidance, or counseling. Program  
8 components shall be subject to program standards pursuant to  
9 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
10 2 of Division 5 of the Welfare and Institutions Code.

11 (8) "Community treatment facility" means any residential  
12 facility that provides mental health treatment services to children  
13 in a group setting and that has the capacity to provide secure  
14 containment. Program components shall be subject to program  
15 standards developed and enforced by the State Department of  
16 Health Care Services pursuant to Section 4094 of the Welfare and  
17 Institutions Code.

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

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

26 (A) Assumes care, custody, and control of a child through  
27 relinquishment of the child to the agency or involuntary termination  
28 of parental rights to the child.

29 (B) Assesses the birth parents, prospective adoptive parents, or  
30 child.

31 (C) Places children for adoption.

32 (D) Supervises adoptive placements.

33 Private full-service adoption agencies shall be organized and  
34 operated on a nonprofit basis. As a condition of licensure to provide  
35 intercountry adoption services, a full-service adoption agency shall  
36 be accredited and in good standing according to Part 96 of Title  
37 22 of the Code of Federal Regulations, or supervised by an  
38 accredited primary provider, or acting as an exempted provider,  
39 in compliance with Subpart F (commencing with Section 96.29)  
40 of Part 96 of Title 22 of the Code of Federal Regulations.

1 (10) “Noncustodial adoption agency” means any licensed entity  
2 engaged in the business of providing adoption services, that does  
3 all of the following:

4 (A) Assesses the prospective adoptive parents.

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

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

11 Private noncustodial adoption agencies shall be organized and  
12 operated on a nonprofit basis. As a condition of licensure to provide  
13 intercountry adoption services, a noncustodial adoption agency  
14 shall be accredited and in good standing according to Part 96 of  
15 Title 22 of the Code of Federal Regulations, or supervised by an  
16 accredited primary provider, or acting as an exempted provider,  
17 in compliance with Subpart F (commencing with Section 96.29)  
18 of Part 96 of Title 22 of the Code of Federal Regulations.

19 (11) “Transitional shelter care facility” means any group care  
20 facility that provides for 24-hour nonmedical care of persons in  
21 need of personal services, supervision, or assistance essential for  
22 sustaining the activities of daily living or for the protection of the  
23 individual. Program components shall be subject to program  
24 standards developed by the State Department of Social Services  
25 pursuant to Section 1502.3.

26 (12) “Transitional housing placement provider” means an  
27 organization licensed by the department pursuant to Section  
28 1559.110 and Section 16522.1 of the Welfare and Institutions Code  
29 to provide transitional housing to foster children at least 16 years  
30 of age and not more than 18 years of age, and nonminor  
31 dependents, as defined in subdivision (v) of Section 11400 of the  
32 Welfare and Institutions Code, to promote their transition to  
33 adulthood. A transitional housing placement provider shall be  
34 privately operated and organized on a nonprofit basis.

35 (13) “Group home” means a residential facility that provides  
36 24-hour care and supervision to ~~children and maintains a structured~~  
37 ~~environment with services provided~~ *children, delivered* at least in  
38 part by staff employed by the ~~licensee~~. *licensee in a structured*  
39 *environment*. The care and supervision provided by a group home  
40 shall be nonmedical, except as otherwise permitted by law.

1 (14) ~~“Emergency youth shelter facility”~~ *“Runaway and homeless*  
 2 *youth shelter”* means a group home licensed by the department to  
 3 *operate a program* pursuant to Section 1502.35 to provide  
 4 voluntary, short-term, ~~emergency~~ shelter and personal services to  
 5 *runaway youth or homeless youth who are homeless or at risk of*  
 6 ~~homelessness~~, as ~~provided~~ *defined* in paragraph (2) of subdivision  
 7 (a) of Section 1502.35.

8 (b) “Department” or “state department” means the State  
 9 Department of Social Services.

10 (c) “Director” means the Director of Social Services.

11 SEC. 2. Section 1502.35 is added to the Health and Safety  
 12 Code, to read:

13 1502.35. (a) The department shall license ~~emergency a~~  
 14 *runaway and homeless youth shelter facilities* as a group homes  
 15 *home* pursuant to this chapter. ~~Emergency A runaway and homeless~~  
 16 *youth shelter facilities shelter* shall meet all of the following  
 17 requirements:

18 (1) ~~The facility shelter~~ shall offer short-term, 24-hour,  
 19 nonmedical care and supervision and personal services to youth  
 20 who voluntarily enter the ~~facility shelter~~. As used in this  
 21 paragraph, “short-term” means no more than 21 consecutive days  
 22 from the date of admission.

23 (2) ~~The facility shelter~~ shall serve ~~only youth who are both of~~  
 24 ~~the following: homeless youth and runaway youth.~~

25 (A) ~~Homeless or at risk of becoming homeless. As used in this~~  
 26 ~~paragraph, youth who are “homeless or at risk of becoming~~  
 27 ~~homeless” include youth who meet the definitions of “homeless~~  
 28 ~~children and youths” and “unaccompanied youth” contained in~~  
 29 ~~Section 725 of the McKinney-Vento Homeless Assistance Act (42~~  
 30 ~~U.S.C. Sec. 11434a(2) and (6)).~~

31 ~~(B) Twelve to 17 years of age, inclusive, including youth who~~  
 32 ~~have emancipated pursuant to Chapter 3 (commencing with Section~~  
 33 ~~7110) of Part 6 of Division 11 of the Family Code, or 18 years of~~  
 34 ~~age if the youth is completing high school or its equivalent.~~

35 (A) *“Homeless youth” means a youth 12 to 17 years of age,*  
 36 *inclusive, or 18 years of age if the youth is completing high school*  
 37 *or its equivalent, who is in need of services and without a place*  
 38 *of shelter.*

39 (B) *“Runaway youth” means a youth 12 to 17 years of age,*  
 40 *inclusive, or 18 years of age if the youth is completing high school*

1 *or its equivalent, who absents himself or herself from home or*  
2 *place of legal residence without the permission of his or her family,*  
3 *legal guardian, or foster parent.*

4 (3) ~~The facility shelter~~ shall have a maximum capacity of 25  
5 youths.

6 (4) ~~The facility shelter~~ shall have a ratio of one staff person to  
7 every eight youths. For purposes of this paragraph, a volunteer  
8 may be counted in the staff-to-youth ratio if the volunteer has  
9 satisfied the same training requirements as a paid ~~facility shelter~~  
10 staff member and other requirements set forth in regulations, and  
11 a paid ~~facility shelter~~ staff member is present during the time the  
12 volunteer is on duty.

13 (5) Bunk beds may be permitted in the ~~facility, shelter~~; but shall  
14 not consist of more than two tiers.

15 (6) ~~The facility shelter~~ shall be owned and operated on a  
16 nonprofit basis by a private nonprofit corporation, a nonprofit  
17 organization, or a public agency.

18 (b) ~~Facility Shelter~~ staff shall, prior to admission into the ~~facility,~~  
19 ~~shelter~~, determine if a youth poses a threat to himself or herself  
20 or others in the ~~facility, shelter~~. A youth may not be admitted into  
21 the ~~facility shelter~~ if it is determined that the youth poses such a  
22 threat.

23 (c) ~~Facility~~ *An assessment shall not be required for admission,*  
24 *but shelter* staff shall assess youth served within 72 hours of  
25 admission to the ~~facility, shelter~~.

26 (d) ~~Facility Shelter~~ staff shall assist youth served in obtaining  
27 emergency health-related services.

28 (e) *The shelter shall establish procedures to assist youth in*  
29 *securing long-term stability that includes all of the following:*

30 (1) *Reconnecting the youth with his or her family, legal*  
31 *guardian, or nonrelative extended family members when possible*  
32 *to do so.*

33 (2) *Coordinating with appropriate individuals, local government*  
34 *agencies, or organizations to help foster youth secure a suitable*  
35 *foster care placement.*

36 (e)

37 (f) Prior to employment or interaction with youth at ~~an~~  
38 ~~emergency youth shelter facility~~, *a runaway and homeless youth*  
39 *shelter*, all persons specified in subdivision (b) of Section 1522

1 shall complete a criminal record review pursuant to Section 1522  
 2 and a Child Abuse Central Index check pursuant to Section 1522.1.  
 3 ~~(f) An emergency youth shelter facility~~  
 4 (g) A runaway and homeless youth shelter shall collect and  
 5 maintain all of the following information in a monthly report, in  
 6 a format specified by the department, and make the report available  
 7 to the department upon request:  
 8 (1) Total number of youth served per month.  
 9 ~~(2) Name of each youth served.~~  
 10 ~~(3)~~  
 11 (2) Age of each youth served.  
 12 ~~(4)~~  
 13 (3) Length of stay of each youth served.  
 14 ~~(5)~~  
 15 (4) Number of times a youth accesses *the* shelter and services  
 16 at the ~~facility~~: *shelter*.  
 17 ~~(g)~~  
 18 (h) Notwithstanding Section 1522.43, the department shall not  
 19 require ~~an emergency youth shelter facility~~ a runaway and  
 20 homeless youth shelter to maintain a needs and services plan, as  
 21 defined in Section 84001 of Title 22 of the California Code of  
 22 Regulations, for a youth served. Nothing in this subdivision  
 23 precludes the department from requiring ~~an emergency youth~~  
 24 ~~shelter facility~~ a runaway and homeless youth shelter to maintain  
 25 an assessment, as defined by the department, for youths served.  
 26 ~~(h)~~  
 27 (i) The department may license a ~~facility~~ shelter pursuant to  
 28 this section if the ~~facility~~ shelter is operating in two physical  
 29 locations on or before January 1, 2013, with only one physical  
 30 location providing overnight residential care, and the ~~facility~~ shelter  
 31 meets the requirements of this section. If a ~~facility~~ shelter described  
 32 in this subdivision is licensed pursuant to this section, the  
 33 department shall permit the ~~facility~~ shelter to retain its two physical  
 34 locations and issue a license for each physical location.  
 35 ~~(i) An emergency youth shelter facility shall not be a~~  
 36 (j) A runaway and homeless youth shelter is not an eligible  
 37 placement option pursuant to Sections 319, 361.2, 450, and 727  
 38 of the Welfare and Institutions Code.  
 39 ~~(j) An emergency youth shelter facility~~

1 (k) A runaway and homeless youth shelter's program shall not  
2 be eligible for a rate pursuant to Section 11462 of the Welfare and  
3 Institutions Code. *This does not preclude a runaway and homeless*  
4 *youth shelter from receiving reimbursement for providing services*  
5 *to a foster youth as may be provided at the discretion of a county.*

6 ~~(k)~~

7 (l) On or before December 1, 2014, the department shall adopt  
8 regulations to implement this section, in consultation with  
9 interested parties, including representatives of provider  
10 organizations that serve homeless or runaway youth. The  
11 regulations developed pursuant to this subdivision shall be  
12 contained in the regulations for group homes found in Chapter 5  
13 (commencing with Section 84000) of Division 6 of Title 22 of the  
14 California Code of Regulations.

15 ~~(l)~~

16 (m) Notwithstanding the Administrative Procedure Act (Chapter  
17 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
18 Title 2 of the Government Code), the department may implement  
19 the applicable provisions of this section by publishing information  
20 releases or similar instructions from the director until the  
21 regulations adopted by the department pursuant to subdivision-~~(k)~~  
22 (l) become effective.

23 *SEC. 3. Section 319 of the Welfare and Institutions Code is*  
24 *amended to read:*

25 319. (a) At the initial petition hearing, the court shall examine  
26 the child's parents, guardians, or other persons having relevant  
27 knowledge and hear the relevant evidence as the child, the child's  
28 parents or guardians, the petitioner, or their counsel desires to  
29 present. The court may examine the child, as provided in Section  
30 350.

31 (b) The social worker shall report to the court on the reasons  
32 why the child has been removed from the parent's physical custody,  
33 the need, if any, for continued detention, the available services  
34 and the referral methods to those services that could facilitate the  
35 return of the child to the custody of the child's parents or guardians,  
36 and whether there are any relatives who are able and willing to  
37 take temporary physical custody of the child. The court shall order  
38 the release of the child from custody unless a prima facie showing  
39 has been made that the child comes within Section 300, the court  
40 finds that continuance in the parent's or guardian's home is

1 contrary to the child's welfare, and any of the following  
2 circumstances exist:

3 (1) There is a substantial danger to the physical health of the  
4 child or the child is suffering severe emotional damage, and there  
5 are no reasonable means by which the child's physical or emotional  
6 health may be protected without removing the child from the  
7 parent's or guardian's physical custody.

8 (2) There is substantial evidence that a parent, guardian, or  
9 custodian of the child is likely to flee the jurisdiction of the court.

10 (3) The child has left a placement in which he or she was placed  
11 by the juvenile court.

12 (4) The child indicates an unwillingness to return home, if the  
13 child has been physically or sexually abused by a person residing  
14 in the home.

15 (c) If the matter is continued pursuant to Section 322 or for any  
16 other reason, the court shall find that the continuance of the child  
17 in the parent's or guardian's home is contrary to the child's welfare  
18 at the initial petition hearing or order the release of the child from  
19 custody.

20 (d) (1) The court shall also make a determination on the record,  
21 referencing the social worker's report or other evidence relied  
22 upon, as to whether reasonable efforts were made to prevent or  
23 eliminate the need for removal of the child from his or her home,  
24 pursuant to subdivision (b) of Section 306, and whether there are  
25 available services that would prevent the need for further detention.  
26 Services to be considered for purposes of making this determination  
27 are case management, counseling, emergency shelter care,  
28 emergency in-home caretakers, out-of-home respite care, teaching  
29 and demonstrating homemakers, parenting training, transportation,  
30 and any other child welfare services authorized by the State  
31 Department of Social Services pursuant to Chapter 5 (commencing  
32 with Section 16500) of Part 4 of Division 9. The court shall also  
33 review whether the social worker has considered whether a referral  
34 to public assistance services pursuant to Chapter 2 (commencing  
35 with Section 11200) and Chapter 7 (commencing with Section  
36 14000) of Part 3, Chapter 1 (commencing with Section 17000) of  
37 Part 5, and Chapter 10 (commencing with Section 18900) of Part  
38 6 of Division 9 would have eliminated the need to take temporary  
39 custody of the child or would prevent the need for further detention.

1 (2) If the child can be returned to the custody of his or her parent  
2 or guardian through the provision of those services, the court shall  
3 place the child with his or her parent or guardian and order that  
4 the services shall be provided. If the child cannot be returned to  
5 the physical custody of his or her parent or guardian, the court  
6 shall determine if there is a relative who is able and willing to care  
7 for the child, and has been assessed pursuant to paragraph (1) of  
8 subdivision (d) of Section 309.

9 (e) If a court orders a child detained, the court shall state the  
10 facts on which the decision is based, specify why the initial removal  
11 was necessary, reference the social worker's report or other  
12 evidence relied upon to make its determination whether  
13 continuance in the home of the parent or legal guardian is contrary  
14 to the child's welfare, order temporary placement and care of the  
15 child to be vested with the county child welfare department pending  
16 the hearing held pursuant to Section 355 or further order of the  
17 court, and order services to be provided as soon as possible to  
18 reunify the child and his or her family if appropriate.

19 (f) (1) If the child is not released from custody, the court may  
20 order that the child shall be placed in the assessed home of a  
21 relative, in an emergency shelter or other suitable licensed place,  
22 in a place exempt from licensure designated by the juvenile court,  
23 or in the assessed home of a nonrelative extended family member  
24 as defined in Section 362.7 for a period not to exceed 15 judicial  
25 days. *A runaway and homeless youth shelter licensed by the State*  
26 *Department of Social Services pursuant to Section 1502.35 of the*  
27 *Health and Safety Code shall not be a placement option pursuant*  
28 *to this section.*

29 (2) As used in this section, "relative" means an adult who is  
30 related to the child by blood, adoption, or affinity within the fifth  
31 degree of kinship, including stepparents, stepsiblings, and all  
32 relatives whose status is preceded by the words "great,"  
33 "great-great," or "grand," or the spouse of any of these persons,  
34 even if the marriage was terminated by death or dissolution.  
35 However, only the following relatives shall be given preferential  
36 consideration for placement of the child: an adult who is a  
37 grandparent, aunt, uncle, or sibling of the child.

38 (3) The court shall consider the recommendations of the social  
39 worker based on the assessment pursuant to paragraph (1) of  
40 subdivision (d) of Section 309 of the relative's home, including

1 the results of a criminal records check and prior child abuse  
2 allegations, if any, prior to ordering that the child be placed with  
3 a relative. The court shall order the parent to disclose to the social  
4 worker the names, residences, and any known identifying  
5 information of any maternal or paternal relatives of the child. The  
6 social worker shall initiate the assessment pursuant to Section  
7 361.3 of any relative to be considered for continuing placement.

8 (g) (1) At the initial hearing upon the petition filed in  
9 accordance with subdivision (c) of Rule 5.520 of the California  
10 Rules of Court or anytime thereafter up until the time that the  
11 minor is adjudged a dependent child of the court or a finding is  
12 made dismissing the petition, the court may temporarily limit the  
13 right of the parent or guardian to make educational or  
14 developmental services decisions for the child and temporarily  
15 appoint a responsible adult to make educational or developmental  
16 services decisions for the child if all of the following conditions  
17 are found:

18 (A) The parent or guardian is unavailable, unable, or unwilling  
19 to exercise educational or developmental services rights for the  
20 child.

21 (B) The county placing agency has made diligent efforts to  
22 locate and secure the participation of the parent or guardian in  
23 educational or developmental services decisionmaking.

24 (C) The child's educational and developmental services needs  
25 cannot be met without the temporary appointment of a responsible  
26 adult.

27 (2) If the court limits the parent's educational rights under this  
28 subdivision, the court shall determine whether there is a responsible  
29 adult who is a relative, nonrelative extended family member, or  
30 other adult known to the child and who is available and willing to  
31 serve as the child's educational representative before appointing  
32 an educational representative or surrogate who is not known to the  
33 child.

34 (3) If the court cannot identify a responsible adult to make  
35 educational decisions for the child and the appointment of a  
36 surrogate parent, as defined in subdivision (a) of Section 56050  
37 of the Education Code, is not warranted, the court may, with the  
38 input of any interested person, make educational decisions for the  
39 child. If the child is receiving services from a regional center, the  
40 provision of any developmental services related to the court's

1 decision must be consistent with the child’s individual program  
2 plan and pursuant to the provisions of the Lanterman  
3 Developmental Disabilities Services Act (Division 4.5  
4 (commencing with Section 4500)). If the court cannot identify a  
5 responsible adult to make developmental services decisions for  
6 the child, the court may, with the input of any interested person,  
7 make developmental services decisions for the child. If the court  
8 makes educational or developmental services decisions for the  
9 child, the court shall also issue appropriate orders to ensure that  
10 every effort is made to identify a responsible adult to make future  
11 educational or developmental services decisions for the child.

12 (4) Any temporary appointment of a responsible adult and  
13 temporary limitation on the right of the parent or guardian to make  
14 educational or developmental services decisions for the child shall  
15 be specifically addressed in the court order. Any order made under  
16 this section shall expire at the conclusion of the hearing held  
17 pursuant to Section 361 or upon dismissal of the petition. Upon  
18 the entering of disposition orders, any additional needed limitation  
19 on the parent’s or guardian’s educational or developmental services  
20 rights shall be addressed pursuant to Section 361.

21 (5) Nothing in this section in any way removes the obligation  
22 to appoint surrogate parents for students with disabilities who are  
23 without parental representation in special education procedures as  
24 required by state and federal law, including Section 1415(b)(2) of  
25 Title 20 of the United States Code, Section 56050 of the Education  
26 Code, Section 7579.5 of the Government Code, and Rule 5.650  
27 of the California Rules of Court.

28 (6) If the court appoints a developmental services decisionmaker  
29 pursuant to this section, he or she shall have the authority to access  
30 the child’s information and records pursuant to subdivision (u) of  
31 Section 4514 and subdivision (y) of Section 5328, and to act on  
32 the child’s behalf for the purposes of the individual program plan  
33 process pursuant to Sections 4646, 4646.5, and 4648 and the fair  
34 hearing process pursuant to Chapter 7 (commencing with Section  
35 4700), and as set forth in the court order.

36 *SEC. 4. Section 361.2 of the Welfare and Institutions Code is*  
37 *amended to read:*

38 361.2. (a) When a court orders removal of a child pursuant to  
39 Section 361, the court shall first determine whether there is a parent  
40 of the child, with whom the child was not residing at the time that

1 the events or conditions arose that brought the child within the  
2 provisions of Section 300, who desires to assume custody of the  
3 child. If that parent requests custody, the court shall place the child  
4 with the parent unless it finds that placement with that parent would  
5 be detrimental to the safety, protection, or physical or emotional  
6 well-being of the child.

7 (b) If the court places the child with that parent it may do any  
8 of the following:

9 (1) Order that the parent become legal and physical custodian  
10 of the child. The court may also provide reasonable visitation by  
11 the noncustodial parent. The court shall then terminate its  
12 jurisdiction over the child. The custody order shall continue unless  
13 modified by a subsequent order of the superior court. The order  
14 of the juvenile court shall be filed in any domestic relation  
15 proceeding between the parents.

16 (2) Order that the parent assume custody subject to the  
17 jurisdiction of the juvenile court and require that a home visit be  
18 conducted within three months. In determining whether to take  
19 the action described in this paragraph, the court shall consider any  
20 concerns that have been raised by the child's current caregiver  
21 regarding the parent. After the social worker conducts the home  
22 visit and files his or her report with the court, the court may then  
23 take the action described in paragraph (1), (3), or this paragraph.  
24 However, nothing in this paragraph shall be interpreted to imply  
25 that the court is required to take the action described in this  
26 paragraph as a prerequisite to the court taking the action described  
27 in either paragraph (1) or paragraph (3).

28 (3) Order that the parent assume custody subject to the  
29 supervision of the juvenile court. In that case the court may order  
30 that reunification services be provided to the parent or guardian  
31 from whom the child is being removed, or the court may order that  
32 services be provided solely to the parent who is assuming physical  
33 custody in order to allow that parent to retain later custody without  
34 court supervision, or that services be provided to both parents, in  
35 which case the court shall determine, at review hearings held  
36 pursuant to Section 366, which parent, if either, shall have custody  
37 of the child.

38 (c) The court shall make a finding either in writing or on the  
39 record of the basis for its determination under subdivisions (a) and  
40 (b).

1 (d) Part 6 (commencing with Section 7950) of Division 12 of  
2 the Family Code shall apply to the placement of a child pursuant  
3 to paragraphs (1) and (2) of subdivision (e).

4 (e) When the court orders removal pursuant to Section 361, the  
5 court shall order the care, custody, control, and conduct of the  
6 child to be under the supervision of the social worker who may  
7 place the child in any of the following:

8 (1) The home of a noncustodial parent as described in  
9 subdivision (a), regardless of the parent's immigration status.

10 (2) The approved home of a relative, regardless of the relative's  
11 immigration status.

12 (3) The approved home of a nonrelative extended family  
13 member as defined in Section 362.7.

14 (4) A foster home in which the child has been placed before an  
15 interruption in foster care, if that placement is in the best interest  
16 of the child and space is available.

17 (5) A suitable licensed community care ~~facility~~. *facility, except*  
18 *a runaway and homeless youth shelter licensed by the State*  
19 *Department of Social Services pursuant to Section 1502.35 of the*  
20 *Health and Safety Code.*

21 (6) With a foster family agency to be placed in a suitable  
22 licensed foster family home or certified family home which has  
23 been certified by the agency as meeting licensing standards.

24 (7) A home or facility in accordance with the federal Indian  
25 Child Welfare Act (25 U.S.C. Sec. 1901 et seq.).

26 (8) A child under the age of six years may be placed in a  
27 community care facility licensed as a group home for children, or  
28 a temporary shelter care facility as defined in Section 1530.8 of  
29 the Health and Safety Code, only under any of the following  
30 circumstances:

31 (A) When a case plan indicates that placement is for purposes  
32 of providing specialized treatment to the child, the case plan  
33 specifies the need for, nature of, and anticipated duration of this  
34 treatment, and the facility meets the applicable regulations adopted  
35 under Section 1530.8 of the Health and Safety Code and standards  
36 developed pursuant to Section 11467.1. The specialized treatment  
37 period shall not exceed 120 days, unless additional time is needed  
38 pursuant to the case plan as documented by the caseworker and  
39 approved by the caseworker's supervisor.

1 (B) When a case plan indicates that placement is for purposes  
2 of providing family reunification services. In addition, the facility  
3 offers family reunification services that meet the needs of the  
4 individual child and his or her family, permits parents to have  
5 reasonable access to their children 24 hours a day, encourages  
6 extensive parental involvement in meeting the daily needs of their  
7 children, and employs staff trained to provide family reunification  
8 services. In addition, one of the following conditions exists:

9 (i) The child's parent is also a ward of the court and resides in  
10 the facility.

11 (ii) The child's parent is participating in a treatment program  
12 affiliated with the facility and the child's placement in the facility  
13 facilitates the coordination and provision of reunification services.

14 (iii) Placement in the facility is the only alternative that permits  
15 the parent to have daily 24-hour access to the child in accordance  
16 with the case plan, to participate fully in meeting all of the daily  
17 needs of the child, including feeding and personal hygiene, and to  
18 have access to necessary reunification services.

19 (9) Nothing in this subdivision shall be construed to allow a  
20 social worker to place any dependent child outside the United  
21 States, except as specified in subdivision (f).

22 (f) (1) A child under the supervision of a social worker pursuant  
23 to subdivision (e) shall not be placed outside the United States  
24 prior to a judicial finding that the placement is in the best interest  
25 of the child, except as required by federal law or treaty.

26 (2) The party or agency requesting placement of the child outside  
27 the United States shall carry the burden of proof and must show,  
28 by clear and convincing evidence, that placement outside the  
29 United States is in the best interest of the child.

30 (3) In determining the best interest of the child, the court shall  
31 consider, but not be limited to, the following factors:

32 (A) Placement with a relative.

33 (B) Placement of siblings in the same home.

34 (C) Amount and nature of any contact between the child and  
35 the potential guardian or caretaker.

36 (D) Physical and medical needs of the dependent child.

37 (E) Psychological and emotional needs of the dependent child.

38 (F) Social, cultural, and educational needs of the dependent  
39 child.

1 (G) Specific desires of any dependent child who is 12 years of  
2 age or older.

3 (4) If the court finds that a placement outside the United States  
4 is, by clear and convincing evidence, in the best interest of the  
5 child, the court may issue an order authorizing the social worker  
6 to make a placement outside the United States. A child subject to  
7 this subdivision shall not leave the United States prior to the  
8 issuance of the order described in this paragraph.

9 (5) For purposes of this subdivision, “outside the United States”  
10 shall not include the lands of any federally recognized American  
11 Indian tribe or Alaskan Natives.

12 (6) This subdivision shall not apply to the placement of a  
13 dependent child with a parent pursuant to subdivision (a).

14 (g) (1) If the child is taken from the physical custody of the  
15 child’s parent or guardian and unless the child is placed with  
16 relatives, the child shall be placed in foster care in the county of  
17 residence of the child’s parent or guardian in order to facilitate  
18 reunification of the family.

19 (2) In the event that there are no appropriate placements  
20 available in the parent’s or guardian’s county of residence, a  
21 placement may be made in an appropriate place in another county,  
22 preferably a county located adjacent to the parent’s or guardian’s  
23 community of residence.

24 (3) Nothing in this section shall be interpreted as requiring  
25 multiple disruptions of the child’s placement corresponding to  
26 frequent changes of residence by the parent or guardian. In  
27 determining whether the child should be moved, the social worker  
28 shall take into consideration the potential harmful effects of  
29 disrupting the placement of the child and the parent’s or guardian’s  
30 reason for the move.

31 (4) When it has been determined that it is necessary for a child  
32 to be placed in a county other than the child’s parent’s or guardian’s  
33 county of residence, the specific reason the out-of-county  
34 placement is necessary shall be documented in the child’s case  
35 plan. If the reason the out-of-county placement is necessary is the  
36 lack of resources in the sending county to meet the specific needs  
37 of the child, those specific resource needs shall be documented in  
38 the case plan.

39 (5) When it has been determined that a child is to be placed  
40 out-of-county either in a group home or with a foster family agency

1 for subsequent placement in a certified foster family home, and  
2 the sending county is to maintain responsibility for supervision  
3 and visitation of the child, the sending county shall develop a plan  
4 of supervision and visitation that specifies the supervision and  
5 visitation activities to be performed and specifies that the sending  
6 county is responsible for performing those activities. In addition  
7 to the plan of supervision and visitation, the sending county shall  
8 document information regarding any known or suspected dangerous  
9 behavior of the child that indicates the child may pose a safety  
10 concern in the receiving county. Upon implementation of the Child  
11 Welfare Services Case Management System, the plan of  
12 supervision and visitation, as well as information regarding any  
13 known or suspected dangerous behavior of the child, shall be made  
14 available to the receiving county upon placement of the child in  
15 the receiving county. If placement occurs on a weekend or holiday,  
16 the information shall be made available to the receiving county on  
17 or before the end of the next business day.

18 (6) When it has been determined that a child is to be placed  
19 out-of-county and the sending county plans that the receiving  
20 county shall be responsible for the supervision and visitation of  
21 the child, the sending county shall develop a formal agreement  
22 between the sending and receiving counties. The formal agreement  
23 shall specify the supervision and visitation to be provided the child,  
24 and shall specify that the receiving county is responsible for  
25 providing the supervision and visitation. The formal agreement  
26 shall be approved and signed by the sending and receiving counties  
27 prior to placement of the child in the receiving county. In addition,  
28 upon completion of the case plan, the sending county shall provide  
29 a copy of the completed case plan to the receiving county. The  
30 case plan shall include information regarding any known or  
31 suspected dangerous behavior of the child that indicates the child  
32 may pose a safety concern to the receiving county.

33 (h) Whenever the social worker must change the placement of  
34 the child and is unable to find a suitable placement within the  
35 county and must place the child outside the county, the placement  
36 shall not be made until he or she has served written notice on the  
37 parent or guardian at least 14 days prior to the placement, unless  
38 the child's health or well-being is endangered by delaying the  
39 action or would be endangered if prior notice were given. The  
40 notice shall state the reasons which require placement outside the

1 county. The parent or guardian may object to the placement not  
2 later than seven days after receipt of the notice and, upon objection,  
3 the court shall hold a hearing not later than five days after the  
4 objection and prior to the placement. The court shall order  
5 out-of-county placement if it finds that the child's particular needs  
6 require placement outside the county.

7 (i) Where the court has ordered removal of the child from the  
8 physical custody of his or her parents pursuant to Section 361, the  
9 court shall consider whether the family ties and best interest of the  
10 child will be served by granting visitation rights to the child's  
11 grandparents. The court shall clearly specify those rights to the  
12 social worker.

13 (j) Where the court has ordered removal of the child from the  
14 physical custody of his or her parents pursuant to Section 361, the  
15 court shall consider whether there are any siblings under the court's  
16 jurisdiction, the nature of the relationship between the child and  
17 his or her siblings, the appropriateness of developing or maintaining  
18 the sibling relationships pursuant to Section 16002, and the impact  
19 of the sibling relationships on the child's placement and planning  
20 for legal permanence.

21 (k) (1) When an agency has placed a child with a relative  
22 caregiver, a nonrelative extended family member, a licensed foster  
23 family home, or a group home, the agency shall ensure placement  
24 of the child in a home that, to the fullest extent possible, best meets  
25 the day-to-day needs of the child. A home that best meets the  
26 day-to-day needs of the child shall satisfy all of the following  
27 criteria:

28 (A) The child's caregiver is able to meet the day-to-day health,  
29 safety, and well-being needs of the child.

30 (B) The child's caregiver is permitted to maintain the least  
31 restrictive and most family-like environment that serves the  
32 day-to-day needs of the child.

33 (C) The child is permitted to engage in reasonable,  
34 age-appropriate day-to-day activities that promote the most  
35 family-like environment for the foster child.

36 (2) The foster child's caregiver shall use a reasonable and  
37 prudent parent standard, as defined in paragraph (2) of subdivision  
38 (a) of Section 362.04, to determine day-to-day activities that are  
39 age-appropriate to meet the needs of the child. Nothing in this  
40 section shall be construed to permit a child's caregiver to permit

1 the child to engage in day-to-day activities that carry an  
2 unreasonable risk of harm, or subject the child to abuse or neglect.

3 *SEC. 5. Section 450 of the Welfare and Institutions Code is*  
4 *amended to read:*

5 450. (a) A minor or nonminor who satisfies all of the following  
6 criteria is within the transition jurisdiction of the juvenile court:

7 (1) (A) The minor is a ward who is older than 17 years and 5  
8 months of age and younger than 18 years of age and in foster care  
9 placement, or the nonminor is a ward in foster care placement who  
10 was a ward subject to an order for foster care placement on the  
11 day he or she attained 18 years of age and on and after January 1,  
12 2012, has not attained 19 years of age, or, commencing January  
13 1, 2013, 20 years of age, or, commencing January 1, 2014, 21 years  
14 of age.

15 (B) Notwithstanding subparagraph (A), the nonminor is a ward  
16 who has been receiving aid pursuant to Article 5 (commencing  
17 with Section 11400) of Chapter 2 of Part 3 of Division 9 between  
18 January 1, 2012, and December 31, 2012, and attains 19 years of  
19 age prior to January 1, 2013, or who has been receiving that aid  
20 between January 1, 2013, and December 31, 2013, and attains 20  
21 years of age prior to January 1, 2014, and who may continue to  
22 receive aid under the applicable program, provided that the  
23 nonminor dependent continues to meet all other applicable  
24 eligibility requirements as specified in Section 11403.

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

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

30 (B) The ward was removed from the custody of his or her  
31 parents or legal guardian as a dependent of the court with an order  
32 for foster care placement as a dependent in effect at the time the  
33 court adjudged him or her to be a ward of the juvenile court under  
34 Section 725.

35 (3) The rehabilitative goals of the minor or nonminor, as set  
36 forth in the case plan, have been met, and juvenile court jurisdiction  
37 over the minor or nonminor as a ward is no longer required.

38 (4) (A) If the ward is a minor, reunification services have been  
39 terminated; the matter has not been set for a hearing for termination  
40 of parental rights pursuant to Section 727.3 or for the establishment

1 of guardianship pursuant to Section 728; the return of the child to  
2 the physical custody of the parents or legal guardian would create  
3 a substantial risk of detriment to the child's safety, protection, or  
4 physical or emotional well-being; and the minor has indicated an  
5 intent to sign a mutual agreement, as described in subdivision (u)  
6 of Section 11400, with the responsible agency for placement in a  
7 supervised setting as a nonminor dependent.

8 (B) If the ward is a nonminor, he or she has signed a mutual  
9 agreement, as described in subdivision (u) of Section 11400, with  
10 the responsible agency for placement in a supervised setting as a  
11 nonminor dependent or has signed a voluntary reentry agreement,  
12 as described in subdivision (z) of Section 11400 for placement in  
13 a supervised setting as a nonminor dependent. *A runaway and*  
14 *homeless youth shelter licensed by the State Department of Social*  
15 *Services pursuant to Section 1502.35 of the Health and Safety*  
16 *Code shall not be a placement option pursuant to this section.*

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

19 (c) A youth subject to the court's transition jurisdiction who is  
20 18 years of age or older shall be referred to as a nonminor  
21 dependent.

22 *SEC. 6. Section 727 of the Welfare and Institutions Code is*  
23 *amended to read:*

24 727. (a) (1) If a minor is adjudged a ward of the court on the  
25 ground that he or she is a person described by Section 601 or 602,  
26 the court may make any reasonable orders for the care, supervision,  
27 custody, conduct, maintenance, and support of the minor, including  
28 medical treatment, subject to further order of the court.

29 (2) In the discretion of the court, a ward may be ordered to be  
30 on probation without supervision of the probation officer. The  
31 court, in so ordering, may impose on the ward any and all  
32 reasonable conditions of behavior as may be appropriate under  
33 this disposition. A minor who has been adjudged a ward of the  
34 court on the basis of the commission of any of the offenses  
35 described in subdivision (b) or paragraph (2) of subdivision (d) of  
36 Section 707, Section 459 of the Penal Code, or subdivision (a) of  
37 Section 11350 of the Health and Safety Code, shall not be eligible  
38 for probation without supervision of the probation officer. A minor  
39 who has been adjudged a ward of the court on the basis of the  
40 commission of any offense involving the sale or possession for

1 sale of a controlled substance, except misdemeanor offenses  
2 involving marijuana, as specified in Chapter 2 (commencing with  
3 Section 11053) of Division 10 of the Health and Safety Code, or  
4 of an offense in violation of Section 32625 of the Penal Code, shall  
5 be eligible for probation without supervision of the probation  
6 officer only when the court determines that the interests of justice  
7 would best be served and states reasons on the record for that  
8 determination.

9 (3) In all other cases, the court shall order the care, custody, and  
10 control of the minor to be under the supervision of the probation  
11 officer who may place the minor in any of the following:

12 (A) The approved home of a relative or the approved home of  
13 a nonrelative, extended family member, as defined in Section  
14 362.7. If a decision has been made to place the minor in the home  
15 of a relative, the court may authorize the relative to give legal  
16 consent for the minor's medical, surgical, and dental care and  
17 education as if the relative caretaker were the custodial parent of  
18 the minor.

19 (B) A suitable licensed community care ~~facility~~ *facility, except*  
20 *a runaway and homeless youth shelter licensed by the State*  
21 *Department of Social Services pursuant to Section 1502.35 of the*  
22 *Health and Safety Code.*

23 (C) With a foster family agency to be placed in a suitable  
24 licensed foster family home or certified family home which has  
25 been certified by the agency as meeting licensing standards.

26 (D) (i) Every minor adjudged a ward of the juvenile court who  
27 is residing in a placement as defined in subparagraphs (A) to (C),  
28 inclusive, shall be entitled to participate in age-appropriate  
29 extracurricular, enrichment, and social activities. No state or local  
30 regulation or policy may prevent, or create barriers to, participation  
31 in those activities. Each state and local entity shall ensure that  
32 private agencies that provide foster care services to wards have  
33 policies consistent with this section and that those agencies promote  
34 and protect the ability of wards to participate in age-appropriate  
35 extracurricular, enrichment, and social activities. A group home  
36 administrator, a facility manager, or his or her responsible designee,  
37 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
38 Section 362.04, shall use a reasonable and prudent parent standard,  
39 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
40 in determining whether to give permission for a minor residing in

1 foster care to participate in extracurricular, enrichment, and social  
2 activities. A group home administrator, a facility manager, or his  
3 or her responsible designee, and a caregiver shall take reasonable  
4 steps to determine the appropriateness of the activity taking into  
5 consideration the minor's age, maturity, and developmental level.

6 (ii) A group home administrator or a facility manager, or his or  
7 her responsible designee, is encouraged to consult with social work  
8 or treatment staff members who are most familiar with the minor  
9 at the group home in applying and using the reasonable and prudent  
10 parent standard.

11 (b) (1) To facilitate coordination and cooperation among  
12 agencies, the court may, at any time after a petition has been filed,  
13 after giving notice and an opportunity to be heard, join in the  
14 juvenile court proceedings any agency that the court determines  
15 has failed to meet a legal obligation to provide services to a minor,  
16 for whom a petition has been filed under Section 601 or 602, to a  
17 nonminor, as described in Section 303, or to a nonminor dependent,  
18 as defined in subdivision (v) of Section 11400. In any proceeding  
19 in which an agency is joined, the court shall not impose duties  
20 upon the agency beyond those mandated by law. The purpose of  
21 joinder under this section is to ensure the delivery and coordination  
22 of legally mandated services to the minor. The joinder shall not  
23 be maintained for any other purpose. Nothing in this section shall  
24 prohibit agencies that have received notice of the hearing on joinder  
25 from meeting prior to the hearing to coordinate services.

26 (2) The court has no authority to order services unless it has  
27 been determined through the administrative process of an agency  
28 that has been joined as a party, that the minor, nonminor, or  
29 nonminor dependent is eligible for those services. With respect to  
30 mental health assessment, treatment, and case management services  
31 pursuant to Chapter 26.5 (commencing with Section 7570) of  
32 Division 7 of Title 1 of the Government Code, the court's  
33 determination shall be limited to whether the agency has complied  
34 with that chapter.

35 (3) For the purposes of this subdivision, "agency" means any  
36 governmental agency or any private service provider or individual  
37 that receives federal, state, or local governmental funding or  
38 reimbursement for providing services directly to a child, nonminor,  
39 or nonminor dependent.

1 (c) If a minor has been adjudged a ward of the court on the  
2 ground that he or she is a person described in Section 601 or 602,  
3 and the court finds that notice has been given in accordance with  
4 Section 661, and if the court orders that a parent or guardian shall  
5 retain custody of that minor either subject to or without the  
6 supervision of the probation officer, the parent or guardian may  
7 be required to participate with that minor in a counseling or  
8 education program including, but not limited to, parent education  
9 and parenting programs operated by community colleges, school  
10 districts, or other appropriate agencies designated by the court.

11 (d) The juvenile court may direct any reasonable orders to the  
12 parents and guardians of the minor who is the subject of any  
13 proceedings under this chapter as the court deems necessary and  
14 proper to carry out subdivisions (a), (b), and (c) including orders  
15 to appear before a county financial evaluation officer, to ensure  
16 the minor's regular school attendance, and to make reasonable  
17 efforts to obtain appropriate educational services necessary to meet  
18 the needs of the minor.

19 If counseling or other treatment services are ordered for the  
20 minor, the parent, guardian, or foster parent shall be ordered to  
21 participate in those services, unless participation by the parent,  
22 guardian, or foster parent is deemed by the court to be inappropriate  
23 or potentially detrimental to the minor.

24 *SEC. 7. Section 11400 of the Welfare and Institutions Code is*  
25 *amended to read:*

26 11400. For the purposes of this article, the following definitions  
27 shall apply:

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

31 (b) "Case plan" means a written document that, at a minimum,  
32 specifies the type of home in which the child shall be placed, the  
33 safety of that home, and the appropriateness of that home to meet  
34 the child's needs. It shall also include the agency's plan for  
35 ensuring that the child receive proper care and protection in a safe  
36 environment, and shall set forth the appropriate services to be  
37 provided to the child, the child's family, and the foster parents, in  
38 order to meet the child's needs while in foster care, and to reunify  
39 the child with the child's family. In addition, the plan shall specify

1 the services that will be provided or steps that will be taken to  
2 facilitate an alternate permanent plan if reunification is not possible.

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

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

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

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

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

25 (h) “Group home” means a nondetention privately operated  
26 residential home, organized and operated on a nonprofit basis only,  
27 of any capacity, or a nondetention licensed residential care home  
28 operated by the County of San Mateo with a capacity of up to 25  
29 beds, that ~~provides services in a group setting to~~ *accepts* children  
30 in need of care and supervision, ~~as required~~ *supervision in a group*  
31 *home, as defined by paragraph (1) (13) of subdivision (a) of Section*  
32 *1502 of the Health and Safety Code.*

33 (i) “Periodic review” means review of a child’s status by the  
34 juvenile court or by an administrative review panel, that shall  
35 include a consideration of the safety of the child, a determination  
36 of the continuing need for placement in foster care, evaluation of  
37 the goals for the placement and the progress toward meeting these  
38 goals, and development of a target date for the child’s return home  
39 or establishment of alternative permanent placement.

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

5 (k) “Placement and care” refers to the responsibility for the  
6 welfare of a child vested in an agency or organization by virtue of  
7 the agency or organization having (1) been delegated care, custody,  
8 and control of a child by the juvenile court, (2) taken responsibility,  
9 pursuant to a relinquishment or termination of parental rights on  
10 a child, (3) taken the responsibility of supervising a child detained  
11 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
12 a voluntary placement agreement for the child’s placement; or to  
13 the responsibility designated to an individual by virtue of his or  
14 her being appointed the child’s legal guardian.

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

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

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

27 (o) “Voluntary placement” means an out-of-home placement  
28 of a child by (1) the county welfare department, probation  
29 department, or Indian tribe that has entered into an agreement  
30 pursuant to Section 10553.1, after the parents or guardians have  
31 requested the assistance of the county welfare department and have  
32 signed a voluntary placement agreement; or (2) the county welfare  
33 department licensed public or private adoption agency, or the  
34 department acting as an adoption agency, after the parents have  
35 requested the assistance of either the county welfare department,  
36 the licensed public or private adoption agency, or the department  
37 acting as an adoption agency for the purpose of adoption planning,  
38 and have signed a voluntary placement agreement.

39 (p) “Voluntary placement agreement” means a written agreement  
40 between either the county welfare department, probation

1 department, or Indian tribe that has entered into an agreement  
2 pursuant to Section 10553.1, licensed public or private adoption  
3 agency, or the department acting as an adoption agency, and the  
4 parents or guardians of a child that specifies, at a minimum, the  
5 following:

6 (1) The legal status of the child.

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

9 (q) “Original placement date” means the most recent date on  
10 which the court detained a child and ordered an agency to be  
11 responsible for supervising the child or the date on which an agency  
12 assumed responsibility for a child due to termination of parental  
13 rights, relinquishment, or voluntary placement.

14 (r) (1) “Transitional housing placement provider” means an  
15 organization licensed by the State Department of Social Services  
16 pursuant to Section 1559.110 of the Health and Safety Code, to  
17 provide transitional housing to foster children at least 16 years of  
18 age and not more than 18 years of age, and nonminor dependents,  
19 as defined in subdivision (v). A transitional housing placement  
20 provider shall be privately operated and organized on a nonprofit  
21 basis.

22 (2) Prior to licensure, a provider shall obtain certification from  
23 the applicable county, in accordance with Section 16522.1.

24 (s) “Transitional Housing Program-Plus” means a provider  
25 certified by the applicable county, in accordance with subdivision  
26 (c) of Section 16522, to provide transitional housing services to  
27 former foster youth who have exited the foster care system on or  
28 after their 18th birthday.

29 (t) “Whole family foster home” means a new or existing family  
30 home, approved relative caregiver or nonrelative extended family  
31 member’s home, the home of a nonrelated legal guardian whose  
32 guardianship was established pursuant to Section 360 or 366.26,  
33 certified family home, or a host family home placement of a  
34 transitional housing placement provider, that provides foster care  
35 for a minor or nonminor dependent parent and his or her child,  
36 and is specifically recruited and trained to assist the minor or  
37 nonminor dependent parent in developing the skills necessary to  
38 provide a safe, stable, and permanent home for his or her child.  
39 The child of the minor or nonminor dependent parent need not be

1 the subject of a petition filed pursuant to Section 300 to qualify  
2 for placement in a whole family foster home.

3 (u) “Mutual agreement” means any of the following:

4 (1) A written voluntary agreement of consent for continued  
5 placement and care in a supervised setting between a minor or, on  
6 and after January 1, 2012, a nonminor dependent, and the county  
7 welfare services or probation department or tribal agency  
8 responsible for the foster care placement, that documents the  
9 nonminor’s continued willingness to remain in supervised  
10 out-of-home placement under the placement and care of the  
11 responsible county, tribe, consortium of tribes, or tribal  
12 organization that has entered into an agreement with the state  
13 pursuant to Section 10553.1, remain under the jurisdiction of the  
14 juvenile court as a nonminor dependent, and report any change of  
15 circumstances relevant to continued eligibility for foster care  
16 payments, and that documents the nonminor’s and social worker’s  
17 or probation officer’s agreement to work together to facilitate  
18 implementation of the mutually developed supervised placement  
19 agreement and transitional independent living case plan.

20 (2) An agreement, as described in paragraph (1), between a  
21 nonminor former dependent or ward in receipt of Kin-GAP  
22 payments under Article 4.5 (commencing with Section 11360) or  
23 Article 4.7 (commencing with Section 11385), and the agency  
24 responsible for the Kin-GAP benefits, provided that the nonminor  
25 former dependent or ward satisfies the conditions described in  
26 Section 11403.01, or one or more of the conditions described in  
27 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
28 11403. For purposes of this paragraph and paragraph (3),  
29 “nonminor former dependent or ward” has the same meaning as  
30 described in subdivision (aa).

31 (3) An agreement, as described in paragraph (1), between a  
32 nonminor former dependent or ward in receipt of AFDC-FC  
33 payments under subdivision (e) or (f) of Section 11405 and the  
34 agency responsible for the AFDC-FC benefits, provided that the  
35 nonminor former dependent or ward described in subdivision (e)  
36 of Section 11405 satisfies one or more of the conditions described  
37 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
38 11403, and the nonminor described in subdivision (f) of Section  
39 11405 satisfies the secondary school or equivalent training or  
40 certificate program conditions described in that subdivision.

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

7 (1) He or she has attained 18 years of age while under an order  
8 of foster care placement by the juvenile court, and is not more than  
9 19 years of age on or after January 1, 2012, not more than 20 years  
10 of age on or after January 1, 2013, or not more than 21 years of  
11 age on or after January 1, 2014, and as described in Section  
12 10103.5.

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

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

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

28 (x) “Supervised independent living setting,” pursuant to Section  
29 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
30 672(c)(2)), includes both a supervised independent living  
31 placement, as defined in subdivision (w), and a residential housing  
32 unit certified by the transitional housing placement provider  
33 operating a Transitional Housing Placement-Plus Foster Care  
34 program, as described in paragraph (2) of subdivision (a) of Section  
35 16522.1.

36 (y) “Transitional independent living case plan” means, on or  
37 after January 1, 2012, the nonminor dependent’s case plan, updated  
38 every six months, that describes the goals and objectives of how  
39 the nonminor will make progress in the transition to living  
40 independently and assume incremental responsibility for adult

1 decisionmaking, the collaborative efforts between the nonminor  
2 and the social worker, probation officer, or Indian tribal placing  
3 entity and the supportive services as described in the transitional  
4 independent living plan (TILP) to ensure active and meaningful  
5 participation in one or more of the eligibility criteria described in  
6 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
7 11403, the nonminor’s appropriate supervised placement setting,  
8 and the nonminor’s permanent plan for transition to living  
9 independently, which includes maintaining or obtaining permanent  
10 connections to caring and committed adults, as set forth in  
11 paragraph (16) of subdivision (f) of Section 16501.1.

12 (z) “Voluntary reentry agreement” means a written voluntary  
13 agreement between a former dependent child or ward or a former  
14 nonminor dependent, who has had juvenile court jurisdiction  
15 terminated pursuant to Section 391, 452 or 607.2, and the county  
16 welfare or probation department or tribal placing entity that  
17 documents the nonminor’s desire and willingness to reenter foster  
18 care, to be placed in a supervised setting under the placement and  
19 care responsibility of the placing agency, the nonminor’s desire,  
20 willingness, and ability to immediately participate in one or more  
21 of the conditions of paragraphs (1) to (5), inclusive, of subdivision  
22 (b) of Section 11403, the nonminor’s agreement to work  
23 collaboratively with the placing agency to develop his or her  
24 transitional independent living case plan within 60 days of reentry,  
25 the nonminor’s agreement to report any changes of circumstances  
26 relevant to continued eligibility for foster care payments, and (1)  
27 the nonminor’s agreement to participate in the filing of a petition  
28 for juvenile court jurisdiction as a nonminor dependent pursuant  
29 to subdivision (e) of Section 388 within 15 judicial days of the  
30 signing of the agreement and the placing agency’s efforts and  
31 supportive services to assist the nonminor in the reentry process,  
32 or (2) if the nonminor meets the definition of a nonminor former  
33 dependent or ward, as described in subdivision (aa), the nonminor’s  
34 agreement to return to the care and support of his or her former  
35 juvenile court-appointed guardian and meet the eligibility criteria  
36 for AFDC-FC pursuant to subdivision (e) of Section 11405.

37 (aa) “Nonminor former dependent or ward” means, on and after  
38 January 1, 2012, either of the following:

39 (1) A nonminor who reached 18 years of age while subject to  
40 an order for foster care placement, and for whom dependency,

1 delinquency, or transition jurisdiction has been terminated, and  
2 who is still under the general jurisdiction of the court.

3 (2) A nonminor who is over 18 years of age and, while a minor,  
4 was a dependent child or ward of the juvenile court when the  
5 guardianship was established pursuant to Section 360 or 366.26,  
6 or subdivision (d), of Section 728 and the juvenile court  
7 dependency or wardship was dismissed following the establishment  
8 of the guardianship.

9 (ab) “Runaway and homeless youth shelter” means a type of  
10 group home, as defined in paragraph (14) of subdivision (a) of  
11 Section 1502 of the Health and Safety Code, that is not an eligible  
12 placement option under Sections 319, 361.2, 450, and 727, and  
13 that is not eligible for AFDC-FC funding pursuant to subdivision  
14 (c) of Section 11402 or Section 11462.

15 SEC. 8. Section 11402 of the Welfare and Institutions Code is  
16 amended to read:

17 11402. In order to be eligible for AFDC-FC, a child or  
18 nonminor dependent shall be placed in one of the following:

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

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

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

25 (c) A licensed group home, as defined in subdivision (h) of  
26 Section 11400, *excluding a runaway and homeless youth shelter*  
27 *as defined in subdivision (ab) of Section 11400*, provided that the  
28 placement worker has documented that the placement is necessary  
29 to meet the treatment needs of the child and that the facility offers  
30 those treatment services.

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

35 (e) An exclusive-use home.

36 (f) A housing model certified by a licensed transitional housing  
37 placement provider as described in Section 1559.110 of the Health  
38 and Safety Code and as defined in subdivision (r) of Section 11400.

39 (g) An out-of-state group home, provided that the placement  
40 worker, in addition to complying with all other statutory

1 requirements for placing a minor in an out-of-state group home,  
2 documents that the requirements of Section 7911.1 of the Family  
3 Code have been met.

4 (h) An approved supervised independent living setting for  
5 nonminor dependents, as defined in subdivision (w) of Section  
6 11400.

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

8 ~~SEC. 3.~~

9 *SEC. 9.* No reimbursement is required by this act pursuant to  
10 Section 6 of Article XIII B of the California Constitution because  
11 the only costs that may be incurred by a local agency or school  
12 district will be incurred because this act creates a new crime or  
13 infraction, eliminates a crime or infraction, or changes the penalty  
14 for a crime or infraction, within the meaning of Section 17556 of  
15 the Government Code, or changes the definition of a crime within  
16 the meaning of Section 6 of Article XIII B of the California  
17 Constitution.