

AMENDED IN SENATE AUGUST 20, 2013

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. 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 a runaway and homeless youth shelter, as defined. The bill would require the department to license as a group home a runaway and homeless youth shelter that meets specified requirements, including the requirement that shelter staff shall offer short-term, 24-hour nonmedical care and supervision and personal services to up to 25 youths who voluntarily enter the 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.

*This bill would incorporate additional changes in Sections 727 and 11400 of the Welfare and Institutions Code proposed by AB 787, to become operative if AB 787 and this bill become effective on or before January 1, 2015, and this bill is enacted last.*

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

This bill would provide that 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,

1 including, but not limited to, the physically handicapped, mentally  
2 impaired, incompetent persons, and abused or neglected children,  
3 and includes the following:

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

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

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

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

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

37 (6) “Small family home” means any residential facility, in the  
38 licensee’s family residence, that provides 24-hour care for six or  
39 fewer foster children who have mental disorders or developmental  
40 or physical disabilities and who require special care and supervision

1 as a result of their disabilities. A small family home may accept  
2 children with special health care needs, pursuant to subdivision  
3 (a) of Section 17710 of the Welfare and Institutions Code. In  
4 addition to placing children with special health care needs, the  
5 department may approve placement of children without special  
6 health care needs, up to the licensed capacity.

7 (7) “Social rehabilitation facility” means any residential facility  
8 that provides social rehabilitation services for no longer than 18  
9 months in a group setting to adults recovering from mental illness  
10 who temporarily need assistance, guidance, or counseling. Program  
11 components shall be subject to program standards pursuant to  
12 Article 1 (commencing with Section 5670) of Chapter 2.5 of Part  
13 2 of Division 5 of the Welfare and Institutions Code.

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

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

26 (9) “Full-service adoption agency” means any licensed entity  
27 engaged in the business of providing adoption services, that does  
28 all of the following:

29 (A) Assumes care, custody, and control of a child through  
30 relinquishment of the child to the agency or involuntary termination  
31 of parental rights to the child.

32 (B) Assesses the birth parents, prospective adoptive parents, or  
33 child.

34 (C) Places children for adoption.

35 (D) Supervises adoptive placements.

36 Private full-service adoption agencies shall be organized and  
37 operated on a nonprofit basis. As a condition of licensure to provide  
38 intercountry adoption services, a full-service adoption agency shall  
39 be accredited and in good standing according to Part 96 of Title  
40 22 of the Code of Federal Regulations, or supervised by an

1 accredited primary provider, or acting as an exempted provider,  
2 in compliance with Subpart F (commencing with Section 96.29)  
3 of Part 96 of Title 22 of the Code of Federal Regulations.

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

7 (A) Assesses the prospective adoptive parents.

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

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

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

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

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

38 (13) “Group home” means a residential facility that provides  
39 24-hour care and supervision to children, delivered at least in part  
40 by staff employed by the licensee in a structured environment. The

1 care and supervision provided by a group home shall be  
2 nonmedical, except as otherwise permitted by law.

3 (14) “Runaway and homeless youth shelter” means a group  
4 home licensed by the department to operate a program pursuant  
5 to Section 1502.35 to provide voluntary, short-term, shelter and  
6 personal services to runaway youth or homeless youth, as defined  
7 in paragraph (2) of subdivision (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 a runaway and  
14 homeless youth shelter as a group home pursuant to this chapter.  
15 A runaway and homeless youth shelter ~~shelter~~ shall meet all of the  
16 following requirements:

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

21 (2) The shelter shall serve homeless youth and runaway youth.

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

26 (B) “Runaway youth” means a youth 12 to 17 years of age,  
27 inclusive, or 18 years of age if the youth is completing high school  
28 or its equivalent, who absents himself or herself from home or  
29 place of legal residence without the permission of his or her family,  
30 legal guardian, or foster parent.

31 (3) The shelter shall have a maximum capacity of 25 youths.

32 (4) The shelter shall have a ratio of one staff person to every  
33 eight youths. For purposes of this paragraph, a volunteer may be  
34 counted in the staff-to-youth ratio if the volunteer has satisfied the  
35 same training requirements as a paid shelter staff member and  
36 other requirements set forth in regulations, and a paid shelter staff  
37 member is present during the time the volunteer is on duty.

38 (5) Bunk beds may be permitted in the shelter, but shall not  
39 consist of more than two tiers.

1 (6) The shelter shall be owned and operated on a nonprofit basis  
2 by a private nonprofit corporation, a nonprofit organization, or a  
3 public agency.

4 (b) Shelter staff shall, prior to admission into the shelter,  
5 determine if a youth poses a threat to himself or herself or others  
6 in the shelter. A youth may not be admitted into the shelter if it is  
7 determined that the youth poses such a threat.

8 (c) An assessment shall not be required for admission, but shelter  
9 staff shall assess youth served within 72 hours of admission to the  
10 shelter.

11 (d) Shelter staff shall assist youth served in obtaining emergency  
12 health-related services.

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

15 (1) Reconnecting the youth with his or her family, legal  
16 guardian, or nonrelative extended family members when possible  
17 to do so.

18 (2) Coordinating with appropriate individuals, local government  
19 agencies, or organizations to help foster youth secure a suitable  
20 foster care placement.

21 *(f) The shelter shall ensure all homeless youth and runaway*  
22 *youth have fair and equal access to services, care, and treatment*  
23 *provided by the shelter, and are not subjected to discrimination*  
24 *or harassment on the basis of actual or perceived race, ethnic*  
25 *group identification, ancestry, national origin, color, religion, sex,*  
26 *sexual orientation, gender identity, mental or physical disability,*  
27 *or HIV status.*

28 ~~(f)~~

29 (g) Prior to employment or interaction with youth at a runaway  
30 and homeless youth shelter, all persons specified in subdivision  
31 (b) of Section 1522 shall complete a criminal record review  
32 pursuant to Section 1522 and a Child Abuse Central Index check  
33 pursuant to Section 1522.1.

34 ~~(g)~~

35 (h) A runaway and homeless youth shelter shall collect and  
36 maintain all of the following information in a monthly report, in  
37 a format specified by the department, and make the report available  
38 to the department upon request:

39 (1) Total number of youth served per month.

40 (2) Age of each youth served.

1 (3) Length of stay of each youth served.  
 2 (4) Number of times a youth accesses the shelter and services  
 3 at the shelter.

4 ~~(h)~~

5 (i) Notwithstanding Section 1522.43, the department shall not  
 6 require a runaway and homeless youth shelter to maintain a needs  
 7 and services plan, as defined in Section 84001 of Title 22 of the  
 8 California Code of Regulations, for a youth served. Nothing in  
 9 this subdivision precludes the department from requiring a runaway  
 10 and homeless youth shelter to maintain an assessment, as defined  
 11 by the department, for youths served.

12 ~~(i)~~

13 (j) The department may license a shelter pursuant to this section  
 14 if the shelter is operating in two physical locations on or before  
 15 January 1, 2013, with only one physical location providing  
 16 overnight residential care, and the shelter meets the requirements  
 17 of this section. If a shelter described in this subdivision is licensed  
 18 pursuant to this section, the department shall permit the shelter to  
 19 retain its two physical locations and issue a license for each  
 20 physical location.

21 ~~(j)~~

22 (k) A runaway and homeless youth shelter is not an eligible  
 23 placement option pursuant to Sections 319, 361.2, 450, and 727  
 24 of the Welfare and Institutions Code.

25 ~~(k)~~

26 (l) A runaway and homeless youth shelter’s program shall not  
 27 be eligible for a rate pursuant to Section 11462 of the Welfare and  
 28 Institutions Code. This does not preclude a runaway and homeless  
 29 youth shelter from receiving reimbursement for providing services  
 30 to a foster youth as may be provided at the discretion of a county.

31 ~~(l)~~

32 (m) On or before December 1, 2014, the department shall adopt  
 33 regulations to implement this section, in consultation with  
 34 interested parties, including representatives of provider  
 35 organizations that serve homeless or runaway youth. The  
 36 regulations developed pursuant to this subdivision shall be  
 37 contained in the regulations for group homes found in Chapter 5  
 38 (commencing with Section 84000) of Division 6 of Title 22 of the  
 39 California Code of Regulations.

40 ~~(m)~~

1 (n) Notwithstanding the Administrative Procedure Act (Chapter  
2 3.5 (commencing with Section 11340) of Part 1 of Division 3 of  
3 Title 2 of the Government Code), the department may implement  
4 the applicable provisions of this section by publishing information  
5 releases or similar instructions from the director until the  
6 regulations adopted by the department pursuant to subdivision (l)  
7 become effective.

8 SEC. 3. Section 319 of the Welfare and Institutions Code is  
9 amended to read:

10 319. (a) At the initial petition hearing, the court shall examine  
11 the child's parents, guardians, or other persons having relevant  
12 knowledge and hear the relevant evidence as the child, the child's  
13 parents or guardians, the petitioner, or their counsel desires to  
14 present. The court may examine the child, as provided in Section  
15 350.

16 (b) The social worker shall report to the court on the reasons  
17 why the child has been removed from the parent's physical custody,  
18 the need, if any, for continued detention, the available services  
19 and the referral methods to those services that could facilitate the  
20 return of the child to the custody of the child's parents or guardians,  
21 and whether there are any relatives who are able and willing to  
22 take temporary physical custody of the child. The court shall order  
23 the release of the child from custody unless a prima facie showing  
24 has been made that the child comes within Section 300, the court  
25 finds that continuance in the parent's or guardian's home is  
26 contrary to the child's welfare, and any of the following  
27 circumstances exist:

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

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

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

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

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

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

26 (2) If the child can be returned to the custody of his or her parent  
27 or guardian through the provision of those services, the court shall  
28 place the child with his or her parent or guardian and order that  
29 the services shall be provided. If the child cannot be returned to  
30 the physical custody of his or her parent or guardian, the court  
31 shall determine if there is a relative who is able and willing to care  
32 for the child, and has been assessed pursuant to paragraph (1) of  
33 subdivision (d) of Section 309.

34 (e) If a court orders a child detained, the court shall state the  
35 facts on which the decision is based, specify why the initial removal  
36 was necessary, reference the social worker's report or other  
37 evidence relied upon to make its determination whether  
38 continuance in the home of the parent or legal guardian is contrary  
39 to the child's welfare, order temporary placement and care of the  
40 child to be vested with the county child welfare department pending

1 the hearing held pursuant to Section 355 or further order of the  
2 court, and order services to be provided as soon as possible to  
3 reunify the child and his or her family if appropriate.

4 (f) (1) If the child is not released from custody, the court may  
5 order that the child shall be placed in the assessed home of a  
6 relative, in an emergency shelter or other suitable licensed place,  
7 in a place exempt from licensure designated by the juvenile court,  
8 or in the assessed home of a nonrelative extended family member  
9 as defined in Section 362.7 for a period not to exceed 15 judicial  
10 days. A runaway and homeless youth shelter licensed by the State  
11 Department of Social Services pursuant to Section 1502.35 of the  
12 Health and Safety Code shall not be a placement option pursuant  
13 to this section.

14 (2) As used in this section, “relative” means an adult who is  
15 related to the child by blood, adoption, or affinity within the fifth  
16 degree of kinship, including stepparents, stepsiblings, and all  
17 relatives whose status is preceded by the words “great,”  
18 “great-great,” or “grand,” or the spouse of any of these persons,  
19 even if the marriage was terminated by death or dissolution.  
20 However, only the following relatives shall be given preferential  
21 consideration for placement of the child: an adult who is a  
22 grandparent, aunt, uncle, or sibling of the child.

23 (3) The court shall consider the recommendations of the social  
24 worker based on the assessment pursuant to paragraph (1) of  
25 subdivision (d) of Section 309 of the relative’s home, including  
26 the results of a criminal records check and prior child abuse  
27 allegations, if any, prior to ordering that the child be placed with  
28 a relative. The court shall order the parent to disclose to the social  
29 worker the names, residences, and any known identifying  
30 information of any maternal or paternal relatives of the child. The  
31 social worker shall initiate the assessment pursuant to Section  
32 361.3 of any relative to be considered for continuing placement.

33 (g) (1) At the initial hearing upon the petition filed in  
34 accordance with subdivision (c) of Rule 5.520 of the California  
35 Rules of Court or anytime thereafter up until the time that the  
36 minor is adjudged a dependent child of the court or a finding is  
37 made dismissing the petition, the court may temporarily limit the  
38 right of the parent or guardian to make educational or  
39 developmental services decisions for the child and temporarily  
40 appoint a responsible adult to make educational or developmental

1 services decisions for the child if all of the following conditions  
2 are found:

3 (A) The parent or guardian is unavailable, unable, or unwilling  
4 to exercise educational or developmental services rights for the  
5 child.

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

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

12 (2) If the court limits the parent's educational rights under this  
13 subdivision, the court shall determine whether there is a responsible  
14 adult who is a relative, nonrelative extended family member, or  
15 other adult known to the child and who is available and willing to  
16 serve as the child's educational representative before appointing  
17 an educational representative or surrogate who is not known to the  
18 child.

19 (3) If the court cannot identify a responsible adult to make  
20 educational decisions for the child and the appointment of a  
21 surrogate parent, as defined in subdivision (a) of Section 56050  
22 of the Education Code, is not warranted, the court may, with the  
23 input of any interested person, make educational decisions for the  
24 child. If the child is receiving services from a regional center, the  
25 provision of any developmental services related to the court's  
26 decision must be consistent with the child's individual program  
27 plan and pursuant to the provisions of the Lanterman  
28 Developmental Disabilities Services Act (Division 4.5  
29 (commencing with Section 4500)). If the court cannot identify a  
30 responsible adult to make developmental services decisions for  
31 the child, the court may, with the input of any interested person,  
32 make developmental services decisions for the child. If the court  
33 makes educational or developmental services decisions for the  
34 child, the court shall also issue appropriate orders to ensure that  
35 every effort is made to identify a responsible adult to make future  
36 educational or developmental services decisions for the child.

37 (4) Any temporary appointment of a responsible adult and  
38 temporary limitation on the right of the parent or guardian to make  
39 educational or developmental services decisions for the child shall  
40 be specifically addressed in the court order. Any order made under

1 this section shall expire at the conclusion of the hearing held  
2 pursuant to Section 361 or upon dismissal of the petition. Upon  
3 the entering of disposition orders, any additional needed limitation  
4 on the parent’s or guardian’s educational or developmental services  
5 rights shall be addressed pursuant to Section 361.

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

13 (6) If the court appoints a developmental services decisionmaker  
14 pursuant to this section, he or she shall have the authority to access  
15 the child’s information and records pursuant to subdivision (u) of  
16 Section 4514 and subdivision (y) of Section 5328, and to act on  
17 the child’s behalf for the purposes of the individual program plan  
18 process pursuant to Sections 4646, 4646.5, and 4648 and the fair  
19 hearing process pursuant to Chapter 7 (commencing with Section  
20 4700), and as set forth in the court order.

21 ~~SEC. 4. Section 361.2 of the Welfare and Institutions Code is~~  
22 ~~amended to read:~~

23 ~~361.2. (a) When a court orders removal of a child pursuant to~~  
24 ~~Section 361, the court shall first determine whether there is a parent~~  
25 ~~of the child, with whom the child was not residing at the time that~~  
26 ~~the events or conditions arose that brought the child within the~~  
27 ~~provisions of Section 300, who desires to assume custody of the~~  
28 ~~child. If that parent requests custody, the court shall place the child~~  
29 ~~with the parent unless it finds that placement with that parent would~~  
30 ~~be detrimental to the safety, protection, or physical or emotional~~  
31 ~~well-being of the child.~~

32 ~~(b) If the court places the child with that parent it may do any~~  
33 ~~of the following:~~

34 ~~(1) Order that the parent become legal and physical custodian~~  
35 ~~of the child. The court may also provide reasonable visitation by~~  
36 ~~the noneustodial parent. The court shall then terminate its~~  
37 ~~jurisdiction over the child. The custody order shall continue unless~~  
38 ~~modified by a subsequent order of the superior court. The order~~  
39 ~~of the juvenile court shall be filed in any domestic relation~~  
40 ~~proceeding between the parents.~~

1     ~~(2) Order that the parent assume custody subject to the~~  
2 ~~jurisdiction of the juvenile court and require that a home visit be~~  
3 ~~conducted within three months. In determining whether to take~~  
4 ~~the action described in this paragraph, the court shall consider any~~  
5 ~~concerns that have been raised by the child's current caregiver~~  
6 ~~regarding the parent. After the social worker conducts the home~~  
7 ~~visit and files his or her report with the court, the court may then~~  
8 ~~take the action described in paragraph (1), (3), or this paragraph.~~  
9 ~~However, nothing in this paragraph shall be interpreted to imply~~  
10 ~~that the court is required to take the action described in this~~  
11 ~~paragraph as a prerequisite to the court taking the action described~~  
12 ~~in either paragraph (1) or paragraph (3).~~

13     ~~(3) Order that the parent assume custody subject to the~~  
14 ~~supervision of the juvenile court. In that case the court may order~~  
15 ~~that reunification services be provided to the parent or guardian~~  
16 ~~from whom the child is being removed, or the court may order that~~  
17 ~~services be provided solely to the parent who is assuming physical~~  
18 ~~custody in order to allow that parent to retain later custody without~~  
19 ~~court supervision, or that services be provided to both parents, in~~  
20 ~~which case the court shall determine, at review hearings held~~  
21 ~~pursuant to Section 366, which parent, if either, shall have custody~~  
22 ~~of the child.~~

23     ~~(e) The court shall make a finding either in writing or on the~~  
24 ~~record of the basis for its determination under subdivisions (a) and~~  
25 ~~(b).~~

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

29     ~~(e) When the court orders removal pursuant to Section 361, the~~  
30 ~~court shall order the care, custody, control, and conduct of the~~  
31 ~~child to be under the supervision of the social worker who may~~  
32 ~~place the child in any of the following:~~

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

35     ~~(2) The approved home of a relative, regardless of the relative's~~  
36 ~~immigration status.~~

37     ~~(3) The approved home of a nonrelative extended family~~  
38 ~~member as defined in Section 362.7.~~

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

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

8 ~~(6) With a foster family agency to be placed in a suitable~~  
9 ~~licensed foster family home or certified family home which has~~  
10 ~~been certified by the agency as meeting licensing standards.~~

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

13 ~~(8) A child under the age of six years may be placed in a~~  
14 ~~community care facility licensed as a group home for children, or~~  
15 ~~a temporary shelter care facility as defined in Section 1530.8 of~~  
16 ~~the Health and Safety Code, only under any of the following~~  
17 ~~circumstances:~~

18 ~~(A) When a case plan indicates that placement is for purposes~~  
19 ~~of providing specialized treatment to the child, the case plan~~  
20 ~~specifies the need for, nature of, and anticipated duration of this~~  
21 ~~treatment, and the facility meets the applicable regulations adopted~~  
22 ~~under Section 1530.8 of the Health and Safety Code and standards~~  
23 ~~developed pursuant to Section 11467.1. The specialized treatment~~  
24 ~~period shall not exceed 120 days, unless additional time is needed~~  
25 ~~pursuant to the case plan as documented by the caseworker and~~  
26 ~~approved by the caseworker's supervisor.~~

27 ~~(B) When a case plan indicates that placement is for purposes~~  
28 ~~of providing family reunification services. In addition, the facility~~  
29 ~~offers family reunification services that meet the needs of the~~  
30 ~~individual child and his or her family, permits parents to have~~  
31 ~~reasonable access to their children 24 hours a day, encourages~~  
32 ~~extensive parental involvement in meeting the daily needs of their~~  
33 ~~children, and employs staff trained to provide family reunification~~  
34 ~~services. In addition, one of the following conditions exists:~~

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

37 ~~(ii) The child's parent is participating in a treatment program~~  
38 ~~affiliated with the facility and the child's placement in the facility~~  
39 ~~facilitates the coordination and provision of reunification services.~~

- 1 (iii) Placement in the facility is the only alternative that permits  
2 the parent to have daily 24-hour access to the child in accordance  
3 with the case plan, to participate fully in meeting all of the daily  
4 needs of the child, including feeding and personal hygiene, and to  
5 have access to necessary reunification services.
- 6 ~~(9) Nothing in this subdivision shall be construed to allow a~~  
7 ~~social worker to place any dependent child outside the United~~  
8 ~~States, except as specified in subdivision (f):~~
- 9 (f) (1) ~~A child under the supervision of a social worker pursuant~~  
10 ~~to subdivision (e) shall not be placed outside the United States~~  
11 ~~prior to a judicial finding that the placement is in the best interest~~  
12 ~~of the child, except as required by federal law or treaty.~~
- 13 (2) ~~The party or agency requesting placement of the child outside~~  
14 ~~the United States shall carry the burden of proof and must show,~~  
15 ~~by clear and convincing evidence, that placement outside the~~  
16 ~~United States is in the best interest of the child.~~
- 17 (3) ~~In determining the best interest of the child, the court shall~~  
18 ~~consider, but not be limited to, the following factors:~~
- 19 (A) ~~Placement with a relative.~~
- 20 (B) ~~Placement of siblings in the same home.~~
- 21 (C) ~~Amount and nature of any contact between the child and~~  
22 ~~the potential guardian or caretaker.~~
- 23 (D) ~~Physical and medical needs of the dependent child.~~
- 24 (E) ~~Psychological and emotional needs of the dependent child.~~
- 25 (F) ~~Social, cultural, and educational needs of the dependent~~  
26 ~~child.~~
- 27 (G) ~~Specific desires of any dependent child who is 12 years of~~  
28 ~~age or older.~~
- 29 (4) ~~If the court finds that a placement outside the United States~~  
30 ~~is, by clear and convincing evidence, in the best interest of the~~  
31 ~~child, the court may issue an order authorizing the social worker~~  
32 ~~to make a placement outside the United States. A child subject to~~  
33 ~~this subdivision shall not leave the United States prior to the~~  
34 ~~issuance of the order described in this paragraph.~~
- 35 (5) ~~For purposes of this subdivision, “outside the United States”~~  
36 ~~shall not include the lands of any federally recognized American~~  
37 ~~Indian tribe or Alaskan Natives.~~
- 38 (6) ~~This subdivision shall not apply to the placement of a~~  
39 ~~dependent child with a parent pursuant to subdivision (a).~~

1 ~~(g) (1) If the child is taken from the physical custody of the~~  
2 ~~child's parent or guardian and unless the child is placed with~~  
3 ~~relatives, the child shall be placed in foster care in the county of~~  
4 ~~residence of the child's parent or guardian in order to facilitate~~  
5 ~~reunification of the family.~~

6 ~~(2) In the event that there are no appropriate placements~~  
7 ~~available in the parent's or guardian's county of residence, a~~  
8 ~~placement may be made in an appropriate place in another county,~~  
9 ~~preferably a county located adjacent to the parent's or guardian's~~  
10 ~~community of residence.~~

11 ~~(3) Nothing in this section shall be interpreted as requiring~~  
12 ~~multiple disruptions of the child's placement corresponding to~~  
13 ~~frequent changes of residence by the parent or guardian. In~~  
14 ~~determining whether the child should be moved, the social worker~~  
15 ~~shall take into consideration the potential harmful effects of~~  
16 ~~disrupting the placement of the child and the parent's or guardian's~~  
17 ~~reason for the move.~~

18 ~~(4) When it has been determined that it is necessary for a child~~  
19 ~~to be placed in a county other than the child's parent's or guardian's~~  
20 ~~county of residence, the specific reason the out-of-county~~  
21 ~~placement is necessary shall be documented in the child's case~~  
22 ~~plan. If the reason the out-of-county placement is necessary is the~~  
23 ~~lack of resources in the sending county to meet the specific needs~~  
24 ~~of the child, those specific resource needs shall be documented in~~  
25 ~~the case plan.~~

26 ~~(5) When it has been determined that a child is to be placed~~  
27 ~~out-of-county either in a group home or with a foster family agency~~  
28 ~~for subsequent placement in a certified foster family home, and~~  
29 ~~the sending county is to maintain responsibility for supervision~~  
30 ~~and visitation of the child, the sending county shall develop a plan~~  
31 ~~of supervision and visitation that specifies the supervision and~~  
32 ~~visitation activities to be performed and specifies that the sending~~  
33 ~~county is responsible for performing those activities. In addition~~  
34 ~~to the plan of supervision and visitation, the sending county shall~~  
35 ~~document information regarding any known or suspected dangerous~~  
36 ~~behavior of the child that indicates the child may pose a safety~~  
37 ~~concern in the receiving county. Upon implementation of the Child~~  
38 ~~Welfare Services Case Management System, the plan of~~  
39 ~~supervision and visitation, as well as information regarding any~~  
40 ~~known or suspected dangerous behavior of the child, shall be made~~

1 available to the receiving county upon placement of the child in  
2 the receiving county. If placement occurs on a weekend or holiday,  
3 the information shall be made available to the receiving county on  
4 or before the end of the next business day.

5 ~~(6) When it has been determined that a child is to be placed  
6 out-of-county and the sending county plans that the receiving  
7 county shall be responsible for the supervision and visitation of  
8 the child, the sending county shall develop a formal agreement  
9 between the sending and receiving counties. The formal agreement  
10 shall specify the supervision and visitation to be provided the child,  
11 and shall specify that the receiving county is responsible for  
12 providing the supervision and visitation. The formal agreement  
13 shall be approved and signed by the sending and receiving counties  
14 prior to placement of the child in the receiving county. In addition,  
15 upon completion of the case plan, the sending county shall provide  
16 a copy of the completed case plan to the receiving county. The  
17 case plan shall include information regarding any known or  
18 suspected dangerous behavior of the child that indicates the child  
19 may pose a safety concern to the receiving county.~~

20 ~~(h) Whenever the social worker must change the placement of  
21 the child and is unable to find a suitable placement within the  
22 county and must place the child outside the county, the placement  
23 shall not be made until he or she has served written notice on the  
24 parent or guardian at least 14 days prior to the placement, unless  
25 the child's health or well-being is endangered by delaying the  
26 action or would be endangered if prior notice were given. The  
27 notice shall state the reasons which require placement outside the  
28 county. The parent or guardian may object to the placement not  
29 later than seven days after receipt of the notice and, upon objection,  
30 the court shall hold a hearing not later than five days after the  
31 objection and prior to the placement. The court shall order  
32 out-of-county placement if it finds that the child's particular needs  
33 require placement outside the county.~~

34 ~~(i) Where the court has ordered removal of the child from the  
35 physical custody of his or her parents pursuant to Section 361, the  
36 court shall consider whether the family ties and best interest of the  
37 child will be served by granting visitation rights to the child's  
38 grandparents. The court shall clearly specify those rights to the  
39 social worker.~~

1 ~~(j) Where the court has ordered removal of the child from the~~  
2 ~~physical custody of his or her parents pursuant to Section 361, the~~  
3 ~~court shall consider whether there are any siblings under the court's~~  
4 ~~jurisdiction, the nature of the relationship between the child and~~  
5 ~~his or her siblings, the appropriateness of developing or maintaining~~  
6 ~~the sibling relationships pursuant to Section 16002, and the impact~~  
7 ~~of the sibling relationships on the child's placement and planning~~  
8 ~~for legal permanence.~~

9 ~~(k) (1) When an agency has placed a child with a relative~~  
10 ~~caregiver, a nonrelative extended family member, a licensed foster~~  
11 ~~family home, or a group home, the agency shall ensure placement~~  
12 ~~of the child in a home that, to the fullest extent possible, best meets~~  
13 ~~the day-to-day needs of the child. A home that best meets the~~  
14 ~~day-to-day needs of the child shall satisfy all of the following~~  
15 ~~criteria:~~

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

18 ~~(B) The child's caregiver is permitted to maintain the least~~  
19 ~~restrictive and most family-like environment that serves the~~  
20 ~~day-to-day needs of the child.~~

21 ~~(C) The child is permitted to engage in reasonable,~~  
22 ~~age-appropriate day-to-day activities that promote the most~~  
23 ~~family-like environment for the foster child.~~

24 ~~(2) The foster child's caregiver shall use a reasonable and~~  
25 ~~prudent parent standard, as defined in paragraph (2) of subdivision~~  
26 ~~(a) of Section 362.04, to determine day-to-day activities that are~~  
27 ~~age-appropriate to meet the needs of the child. Nothing in this~~  
28 ~~section shall be construed to permit a child's caregiver to permit~~  
29 ~~the child to engage in day-to-day activities that carry an~~  
30 ~~unreasonable risk of harm, or subject the child to abuse or neglect.~~

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

33 361.2. (a) When a court orders removal of a child pursuant to  
34 Section 361, the court shall first determine whether there is a parent  
35 of the child, with whom the child was not residing at the time that  
36 the events or conditions arose that brought the child within the  
37 provisions of Section 300, who desires to assume custody of the  
38 child. If that parent requests custody, the court shall place the child  
39 with the parent unless it finds that placement with that parent would

1 be detrimental to the safety, protection, or physical or emotional  
2 well-being of the child.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28 (A) (i) When a case plan indicates that placement is for purposes  
29 of providing short-term, specialized, and intensive treatment to  
30 the child, the case plan specifies the need for, nature of, and  
31 anticipated duration of this treatment, pursuant to paragraph (2)  
32 of subdivision (c) of Section 16501.1, the facility meets the  
33 applicable regulations adopted under Section 1530.8 of the Health  
34 and Safety Code and standards developed pursuant to Section  
35 11467.1, and the deputy director or director of the county child  
36 welfare department or an assistant chief probation officer or chief  
37 probation officer of the county probation department has approved  
38 the case plan.

39 (ii) The short term, specialized, and intensive treatment period  
40 shall not exceed 120 days, unless the county has made progress

1 toward or is actively working toward implementing the case plan  
2 that identifies the services or supports necessary to transition the  
3 child to a family setting, circumstances beyond the county's control  
4 have prevented the county from obtaining those services or  
5 supports within the timeline documented in the case plan, and the  
6 need for additional time pursuant to the case plan is documented  
7 by the caseworker and approved by a deputy director or director  
8 of the county child welfare department or an assistant chief  
9 probation officer or chief probation officer of the county probation  
10 department.

11 (iii) To the extent that placements pursuant to this paragraph  
12 are extended beyond an initial 120 days, the requirements of  
13 clauses (i) and (ii) shall apply to each extension. In addition, the  
14 deputy director or director of the county child welfare department  
15 or an assistant chief probation officer or chief probation officer of  
16 the county probation department shall approve the continued  
17 placement no less frequently than every 60 days.

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

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

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

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

36 (9) (A) A child who is 6 to 12 years of age, inclusive, may be  
37 placed in a community care facility licensed as a group home for  
38 children only when a case plan indicates that placement is for  
39 purposes of providing short-term, specialized, and intensive  
40 treatment for the child, the case plan specifies the need for, nature

1 of, and anticipated duration of this treatment, pursuant to paragraph  
2 (2) of subdivision (c) of Section 16501.1, and is approved by the  
3 deputy director or director of the county child welfare department  
4 or an assistant chief probation officer or chief probation officer of  
5 the county probation department.

6 (B) The short-term, specialized, and intensive treatment period  
7 shall not exceed six months, unless the county has made progress  
8 or is actively working toward implementing the case plan that  
9 identifies the services or supports necessary to transition the child  
10 to a family setting, circumstances beyond the county's control  
11 have prevented the county from obtaining those services or  
12 supports within the timeline documented in the case plan, and the  
13 need for additional time pursuant to the case plan is documented  
14 by the caseworker and approved by a deputy director or director  
15 of the county child welfare department or an assistant chief  
16 probation officer or chief probation officer of the county probation  
17 department.

18 (C) To the extent that placements pursuant to this paragraph are  
19 extended beyond an initial six months, the requirements of  
20 subparagraph (A) and (B) shall apply to each extension. In addition,  
21 the deputy director or director of the county child welfare  
22 department or an assistant chief probation officer or chief probation  
23 officer of the county probation department shall approve the  
24 continued placement no less frequently than every 60 days.

25 (10) Nothing in this subdivision shall be construed to allow a  
26 social worker to place any dependent child outside the United  
27 States, except as specified in subdivision (f).

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

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

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

38 (A) Placement with a relative.

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

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

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

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

5 (F) Social, cultural, and educational needs of the dependent  
6 child.

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

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

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

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

20 (g) (1) If the child is taken from the physical custody of the  
21 child’s parent or guardian and unless the child is placed with  
22 relatives, the child shall be placed in foster care in the county of  
23 residence of the child’s parent or guardian in order to facilitate  
24 reunification of the family.

25 (2) In the event that there are no appropriate placements  
26 available in the parent’s or guardian’s county of residence, a  
27 placement may be made in an appropriate place in another county,  
28 preferably a county located adjacent to the parent’s or guardian’s  
29 community of residence.

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

37 (4) When it has been determined that it is necessary for a child  
38 to be placed in a county other than the child’s parent’s or guardian’s  
39 county of residence, the specific reason the out-of-county  
40 placement is necessary shall be documented in the child’s case

1 plan. If the reason the out-of-county placement is necessary is the  
2 lack of resources in the sending county to meet the specific needs  
3 of the child, those specific resource needs shall be documented in  
4 the case plan.

5 (5) When it has been determined that a child is to be placed out  
6 of county either in a group home or with a foster family agency  
7 for subsequent placement in a certified foster family home, and  
8 the sending county is to maintain responsibility for supervision  
9 and visitation of the child, the sending county shall develop a plan  
10 of supervision and visitation that specifies the supervision and  
11 visitation activities to be performed and specifies that the sending  
12 county is responsible for performing those activities. In addition  
13 to the plan of supervision and visitation, the sending county shall  
14 document information regarding any known or suspected dangerous  
15 behavior of the child that indicates the child may pose a safety  
16 concern in the receiving county. Upon implementation of the Child  
17 Welfare Services Case Management System, the plan of  
18 supervision and visitation, as well as information regarding any  
19 known or suspected dangerous behavior of the child, shall be made  
20 available to the receiving county upon placement of the child in  
21 the receiving county. If placement occurs on a weekend or holiday,  
22 the information shall be made available to the receiving county on  
23 or before the end of the next business day.

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

39 (h) Whenever the social worker must change the placement of  
40 the child and is unable to find a suitable placement within the

1 county and must place the child outside the county, the placement  
2 shall not be made until he or she has served written notice on the  
3 parent or guardian at least 14 days prior to the placement, unless  
4 the child's health or well-being is endangered by delaying the  
5 action or would be endangered if prior notice were given. The  
6 notice shall state the reasons which require placement outside the  
7 county. The parent or guardian may object to the placement not  
8 later than seven days after receipt of the notice and, upon objection,  
9 the court shall hold a hearing not later than five days after the  
10 objection and prior to the placement. The court shall order  
11 out-of-county placement if it finds that the child's particular needs  
12 require placement outside the county.

13 (i) 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 the family ties and best interest of the  
16 child will be served by granting visitation rights to the child's  
17 grandparents. The court shall clearly specify those rights to the  
18 social worker.

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

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

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

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

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

4 (2) The foster child’s caregiver shall use a reasonable and  
5 prudent parent standard, as defined in paragraph (2) of subdivision  
6 (a) of Section 362.04, to determine day-to-day activities that are  
7 age-appropriate to meet the needs of the child. Nothing in this  
8 section shall be construed to permit a child’s caregiver to permit  
9 the child to engage in day-to-day activities that carry an  
10 unreasonable risk of harm, or subject the child to abuse or neglect.

11 SEC. 5. Section 450 of the Welfare and Institutions Code is  
12 amended to read:

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

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

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

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

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

38 (B) The ward was removed from the custody of his or her  
39 parents or legal guardian as a dependent of the court with an order  
40 for foster care placement as a dependent in effect at the time the

1 court adjudged him or her to be a ward of the juvenile court under  
2 Section 725.

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

6 (4) (A) If the ward is a minor, reunification services have been  
7 terminated; the matter has not been set for a hearing for termination  
8 of parental rights pursuant to Section 727.3 or for the establishment  
9 of guardianship pursuant to Section 728; the return of the child to  
10 the physical custody of the parents or legal guardian would create  
11 a substantial risk of detriment to the child’s safety, protection, or  
12 physical or emotional well-being; and the minor has indicated an  
13 intent to sign a mutual agreement, as described in subdivision (u)  
14 of Section 11400, with the responsible agency for placement in a  
15 supervised setting as a nonminor dependent.

16 (B) If the ward is a nonminor, he or she has signed a mutual  
17 agreement, as described in subdivision (u) of Section 11400, with  
18 the responsible agency for placement in a supervised setting as a  
19 nonminor dependent or has signed a voluntary reentry agreement,  
20 as described in subdivision (z) of Section 11400 for placement in  
21 a supervised setting as a nonminor dependent. A runaway and  
22 homeless youth shelter licensed by the State Department of Social  
23 Services pursuant to Section 1502.35 of the Health and Safety  
24 Code shall not be a placement option pursuant to this section.

25 (b) A minor who is subject to the court’s transition jurisdiction  
26 shall be referred to as a transition dependent.

27 (c) A youth subject to the court’s transition jurisdiction who is  
28 18 years of age or older shall be referred to as a nonminor  
29 dependent.

30 ~~SEC. 6. Section 727 of the Welfare and Institutions Code is~~  
31 ~~amended to read:~~

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

37 ~~(2) In the discretion of the court, a ward may be ordered to be~~  
38 ~~on probation without supervision of the probation officer. The~~  
39 ~~court, in so ordering, may impose on the ward any and all~~  
40 ~~reasonable conditions of behavior as may be appropriate under~~

1 this disposition. A minor who has been adjudged a ward of the  
2 court on the basis of the commission of any of the offenses  
3 described in subdivision (b) or paragraph (2) of subdivision (d) of  
4 Section 707, Section 459 of the Penal Code, or subdivision (a) of  
5 Section 11350 of the Health and Safety Code, shall not be eligible  
6 for probation without supervision of the probation officer. A minor  
7 who has been adjudged a ward of the court on the basis of the  
8 commission of any offense involving the sale or possession for  
9 sale of a controlled substance, except misdemeanor offenses  
10 involving marijuana, as specified in Chapter 2 (commencing with  
11 Section 11053) of Division 10 of the Health and Safety Code, or  
12 of an offense in violation of Section 32625 of the Penal Code, shall  
13 be eligible for probation without supervision of the probation  
14 officer only when the court determines that the interests of justice  
15 would best be served and states reasons on the record for that  
16 determination.

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

20 (A) The approved home of a relative or the approved home of  
21 a nonrelative, extended family member, as defined in Section  
22 362.7. If a decision has been made to place the minor in the home  
23 of a relative, the court may authorize the relative to give legal  
24 consent for the minor's medical, surgical, and dental care and  
25 education as if the relative caretaker were the custodial parent of  
26 the minor.

27 (B) A suitable licensed community care facility, except a  
28 runaway and homeless youth shelter licensed by the State  
29 Department of Social Services pursuant to Section 1502.35 of the  
30 Health and Safety Code.

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

34 (D) (i) Every minor adjudged a ward of the juvenile court who  
35 is residing in a placement as defined in subparagraphs (A) to (C),  
36 inclusive, shall be entitled to participate in age-appropriate  
37 extracurricular, enrichment, and social activities. No state or local  
38 regulation or policy may prevent, or create barriers to, participation  
39 in those activities. Each state and local entity shall ensure that  
40 private agencies that provide foster care services to wards have

1 policies consistent with this section and that those agencies promote  
2 and protect the ability of wards to participate in age-appropriate  
3 extracurricular, enrichment, and social activities. A group home  
4 administrator, a facility manager, or his or her responsible designee,  
5 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
6 Section 362.04, shall use a reasonable and prudent parent standard,  
7 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
8 in determining whether to give permission for a minor residing in  
9 foster care to participate in extracurricular, enrichment, and social  
10 activities. A group home administrator, a facility manager, or his  
11 or her responsible designee, and a caregiver shall take reasonable  
12 steps to determine the appropriateness of the activity taking into  
13 consideration the minor's age, maturity, and developmental level.

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

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

34 (2) The court has no authority to order services unless it has  
35 been determined through the administrative process of an agency  
36 that has been joined as a party, that the minor, nonminor, or  
37 nonminor dependent is eligible for those services. With respect to  
38 mental health assessment, treatment, and case management services  
39 pursuant to Chapter 26.5 (commencing with Section 7570) of  
40 Division 7 of Title 1 of the Government Code, the court's

1 determination shall be limited to whether the agency has complied  
2 with that chapter.

3 (3) ~~For the purposes of this subdivision, “agency” means any~~  
4 ~~governmental agency or any private service provider or individual~~  
5 ~~that receives federal, state, or local governmental funding or~~  
6 ~~reimbursement for providing services directly to a child, nonminor,~~  
7 ~~or nonminor dependent.~~

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

18 (d) ~~The juvenile court may direct any reasonable orders to the~~  
19 ~~parents and guardians of the minor who is the subject of any~~  
20 ~~proceedings under this chapter as the court deems necessary and~~  
21 ~~proper to carry out subdivisions (a), (b), and (c) including orders~~  
22 ~~to appear before a county financial evaluation officer, to ensure~~  
23 ~~the minor’s regular school attendance, and to make reasonable~~  
24 ~~efforts to obtain appropriate educational services necessary to meet~~  
25 ~~the needs of the minor.~~

26 ~~If counseling or other treatment services are ordered for the~~  
27 ~~minor, the parent, guardian, or foster parent shall be ordered to~~  
28 ~~participate in those services, unless participation by the parent,~~  
29 ~~guardian, or foster parent is deemed by the court to be inappropriate~~  
30 ~~or potentially detrimental to the minor.~~

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

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

38 (2) In the discretion of the court, a ward may be ordered to be  
39 on probation without supervision of the probation officer. The  
40 court, in so ordering, may impose on the ward any and all

1 reasonable conditions of behavior as may be appropriate under  
2 this disposition. A minor who has been adjudged a ward of the  
3 court on the basis of the commission of any of the offenses  
4 described in subdivision (b) or paragraph (2) of subdivision (d) of  
5 Section 707, Section 459 of the Penal Code, or subdivision (a) of  
6 Section 11350 of the Health and Safety Code, shall not be eligible  
7 for probation without supervision of the probation officer. A minor  
8 who has been adjudged a ward of the court on the basis of the  
9 commission of any offense involving the sale or possession for  
10 sale of a controlled substance, except misdemeanor offenses  
11 involving marijuana, as specified in Chapter 2 (commencing with  
12 Section 11053) of Division 10 of the Health and Safety Code, or  
13 of an offense in violation of Section 32625 of the Penal Code, shall  
14 be eligible for probation without supervision of the probation  
15 officer only when the court determines that the interests of justice  
16 would best be served and states reasons on the record for that  
17 determination.

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

21 (A) The approved home of a relative or the approved home of  
22 a nonrelative, extended family member, as defined in Section  
23 362.7. If a decision has been made to place the minor in the home  
24 of a relative, the court may authorize the relative to give legal  
25 consent for the minor's medical, surgical, and dental care and  
26 education as if the relative caretaker were the custodial parent of  
27 the minor.

28 (B) A suitable licensed community care ~~facility~~. *facility, except*  
29 *a runaway and homeless youth shelter licensed by the State*  
30 *Department of Social Services pursuant to Section 1502.35 of the*  
31 *Health and Safety Code. A placement of a child in a community*  
32 *care facility, as specified in Section 1530.8 of the Health and Safety*  
33 *Code, shall be made in accordance with Section 319.2 or 319.3,*  
34 *as applicable, and with paragraph (8) or (9) of subdivision (e) of*  
35 *Section 361.2, as applicable.*

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

39 (D) (i) Every minor adjudged a ward of the juvenile court who  
40 is residing in a placement as defined in subparagraphs (A) to (C),

1 inclusive, shall be entitled to participate in age-appropriate  
2 extracurricular, enrichment, and social activities. No state or local  
3 regulation or policy may prevent, or create barriers to, participation  
4 in those activities. Each state and local entity shall ensure that  
5 private agencies that provide foster care services to wards have  
6 policies consistent with this section and that those agencies promote  
7 and protect the ability of wards to participate in age-appropriate  
8 extracurricular, enrichment, and social activities. A group home  
9 administrator, a facility manager, or his or her responsible designee,  
10 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
11 Section 362.04, shall use a reasonable and prudent parent standard,  
12 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
13 in determining whether to give permission for a minor residing in  
14 foster care to participate in extracurricular, enrichment, and social  
15 activities. A group home administrator, a facility manager, or his  
16 or her responsible designee, and a caregiver shall take reasonable  
17 steps to determine the appropriateness of the activity taking into  
18 consideration the minor's age, maturity, and developmental level.

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

24 (b) (1) To facilitate coordination and cooperation among  
25 agencies, the court may, at any time after a petition has been filed,  
26 after giving notice and an opportunity to be heard, join in the  
27 juvenile court proceedings any agency that the court determines  
28 has failed to meet a legal obligation to provide services to a minor,  
29 for whom a petition has been filed under Section 601 or 602, to a  
30 nonminor, as described in Section 303, or to a nonminor dependent,  
31 as defined in subdivision (v) of Section 11400. In any proceeding  
32 in which an agency is joined, the court shall not impose duties  
33 upon the agency beyond those mandated by law. The purpose of  
34 joinder under this section is to ensure the delivery and coordination  
35 of legally mandated services to the minor. The joinder shall not  
36 be maintained for any other purpose. Nothing in this section shall  
37 prohibit agencies that have received notice of the hearing on joinder  
38 from meeting prior to the hearing to coordinate services.

39 (2) The court has no authority to order services unless it has  
40 been determined through the administrative process of an agency

1 that has been joined as a party, that the minor, nonminor, or  
2 nonminor dependent is eligible for those services. With respect to  
3 mental health assessment, treatment, and case management services  
4 pursuant to Chapter 26.5 (commencing with Section 7570) of  
5 Division 7 of Title 1 of the Government Code, the court's  
6 determination shall be limited to whether the agency has complied  
7 with that chapter.

8 (3) For the purposes of this subdivision, "agency" means any  
9 governmental agency or any private service provider or individual  
10 that receives federal, state, or local governmental funding or  
11 reimbursement for providing services directly to a child, nonminor,  
12 or nonminor dependent.

13 (c) If a minor has been adjudged a ward of the court on the  
14 ground that he or she is a person described in Section 601 or 602,  
15 and the court finds that notice has been given in accordance with  
16 Section 661, and if the court orders that a parent or guardian shall  
17 retain custody of that minor either subject to or without the  
18 supervision of the probation officer, the parent or guardian may  
19 be required to participate with that minor in a counseling or  
20 education program including, but not limited to, parent education  
21 and parenting programs operated by community colleges, school  
22 districts, or other appropriate agencies designated by the court.

23 (d) The juvenile court may direct any reasonable orders to the  
24 parents and guardians of the minor who is the subject of any  
25 proceedings under this chapter as the court deems necessary and  
26 proper to carry out subdivisions (a), (b), and (c) including orders  
27 to appear before a county financial evaluation officer, to ensure  
28 the minor's regular school attendance, and to make reasonable  
29 efforts to obtain appropriate educational services necessary to meet  
30 the needs of the minor.

31 If counseling or other treatment services are ordered for the  
32 minor, the parent, guardian, or foster parent shall be ordered to  
33 participate in those services, unless participation by the parent,  
34 guardian, or foster parent is deemed by the court to be inappropriate  
35 or potentially detrimental to the minor.

36 *SEC. 6.5. Section 727 of the Welfare and Institutions Code is*  
37 *amended to read:*

38 727. (a) (1) If a minor *or nonminor* is adjudged a ward of the  
39 court on the ground that he or she is a person described by Section  
40 601 or 602, the court may make any reasonable orders for the care,

1 supervision, custody, conduct, maintenance, and support of the  
2 ~~minor~~, *minor or nonminor*, including medical treatment, subject  
3 to further order of the court.

4 (2) In the discretion of the court, a ward may be ordered to be  
5 on probation without supervision of the probation officer. The  
6 court, in so ordering, may impose on the ward any and all  
7 reasonable conditions of behavior as may be appropriate under  
8 this disposition. A *minor or nonminor* who has been adjudged a  
9 ward of the court on the basis of the commission of any of the  
10 offenses described in subdivision (b) or paragraph (2) of  
11 subdivision (d) of Section 707, Section 459 of the Penal Code, or  
12 subdivision (a) of Section 11350 of the Health and Safety Code,  
13 shall not be eligible for probation without supervision of the  
14 probation officer. A *minor or nonminor* who has been adjudged a  
15 ward of the court on the basis of the commission of any offense  
16 involving the sale or possession for sale of a controlled substance,  
17 except misdemeanor offenses involving marijuana, as specified in  
18 Chapter 2 (commencing with Section 11053) of Division 10 of the  
19 Health and Safety Code, or of an offense in violation of Section  
20 32625 of the Penal Code, shall be eligible for probation without  
21 supervision of the probation officer only when the court determines  
22 that the interests of justice would best be served and states reasons  
23 on the record for that determination.

24 (3) In all other cases, the court shall order the care, custody, and  
25 control of the *minor or nonminor* to be under the supervision of  
26 the probation officer who may place the *minor or nonminor* in any  
27 of the following:

28 (A) The approved home of a relative or the approved home of  
29 a nonrelative, extended family member, as defined in Section  
30 362.7. If a decision has been made to place the minor in the home  
31 of a relative, the court may authorize the relative to give legal  
32 consent for the minor's medical, surgical, and dental care and  
33 education as if the relative caretaker were the custodial parent of  
34 the minor.

35 (B) A suitable licensed community care ~~facility~~. *facility, except*  
36 *a runaway and homeless youth shelter licensed by the State*  
37 *Department of Social Services pursuant to Section 1502.35 of the*  
38 *Health and Safety Code*. A placement of a child in a community  
39 care facility, as specified in Section 1530.8 of the Health and Safety  
40 Code, shall be made in accordance with Section 319.2 or 319.3,

1 as applicable, and with paragraph (8) or (9) of subdivision (e) of  
2 Section 361.2, as applicable.

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

6 (D) (i) Every minor adjudged a ward of the juvenile court who  
7 is residing in a placement as defined in subparagraphs (A) to (C),  
8 inclusive, shall be entitled to participate in age-appropriate  
9 extracurricular, enrichment, and social activities. No state or local  
10 regulation or policy may prevent, or create barriers to, participation  
11 in those activities. Each state and local entity shall ensure that  
12 private agencies that provide foster care services to wards have  
13 policies consistent with this section and that those agencies promote  
14 and protect the ability of wards to participate in age-appropriate  
15 extracurricular, enrichment, and social activities. A group home  
16 administrator, a facility manager, or his or her responsible designee,  
17 and a caregiver, as defined in paragraph (1) of subdivision (a) of  
18 Section 362.04, shall use a reasonable and prudent parent standard,  
19 as defined in paragraph (2) of subdivision (a) of Section 362.04,  
20 in determining whether to give permission for a minor residing in  
21 foster care to participate in extracurricular, enrichment, and social  
22 activities. A group home administrator, a facility manager, or his  
23 or her responsible designee, and a caregiver shall take reasonable  
24 steps to determine the appropriateness of the activity taking into  
25 consideration the minor's age, maturity, and developmental level.

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

31 (E) *For nonminors, an approved supervised independent living*  
32 *setting as defined in Section 11400, including a residential housing*  
33 *unit certified by a licensed transitional housing placement provider.*

34 (b) (1) To facilitate coordination and cooperation among  
35 agencies, the court may, at any time after a petition has been filed,  
36 after giving notice and an opportunity to be heard, join in the  
37 juvenile court proceedings any agency that the court determines  
38 has failed to meet a legal obligation to provide services to a minor,  
39 for whom a petition has been filed under Section 601 or 602, to a  
40 nonminor, as described in Section 303, or to a nonminor dependent,

1 as defined in subdivision (v) of Section 11400. In any proceeding  
2 in which an agency is joined, the court shall not impose duties  
3 upon the agency beyond those mandated by law. The purpose of  
4 joinder under this section is to ensure the delivery and coordination  
5 of legally mandated services to the minor. The joinder shall not  
6 be maintained for any other purpose. Nothing in this section shall  
7 prohibit agencies that have received notice of the hearing on joinder  
8 from meeting prior to the hearing to coordinate services.

9 (2) The court has no authority to order services unless it has  
10 been determined through the administrative process of an agency  
11 that has been joined as a party, that the minor, nonminor, or  
12 nonminor dependent is eligible for those services. With respect to  
13 mental health assessment, treatment, and case management services  
14 pursuant to Chapter 26.5 (commencing with Section 7570) of  
15 Division 7 of Title 1 of the Government Code, the court's  
16 determination shall be limited to whether the agency has complied  
17 with that chapter.

18 (3) For the purposes of this subdivision, "agency" means any  
19 governmental agency or any private service provider or individual  
20 that receives federal, state, or local governmental funding or  
21 reimbursement for providing services directly to a child, nonminor,  
22 or nonminor dependent.

23 (c) If a minor has been adjudged a ward of the court on the  
24 ground that he or she is a person described in Section 601 or 602,  
25 and the court finds that notice has been given in accordance with  
26 Section 661, and if the court orders that a parent or guardian shall  
27 retain custody of that minor either subject to or without the  
28 supervision of the probation officer, the parent or guardian may  
29 be required to participate with that minor in a counseling or  
30 education ~~program~~ *program*, including, but not limited to, parent  
31 education and parenting programs operated by community colleges,  
32 school districts, or other appropriate agencies designated by the  
33 court.

34 (d) The juvenile court may direct any reasonable orders to the  
35 parents and guardians of the minor who is the subject of any  
36 proceedings under this chapter as the court deems necessary and  
37 proper to carry out subdivisions (a), (b), and (c) including orders  
38 to appear before a county financial evaluation officer, to ensure  
39 the minor's regular school attendance, and to make reasonable

1 efforts to obtain appropriate educational services necessary to meet  
2 the needs of the minor.

3 If counseling or other treatment services are ordered for the  
4 minor, the parent, guardian, or foster parent shall be ordered to  
5 participate in those services, unless participation by the parent,  
6 guardian, or foster parent is deemed by the court to be inappropriate  
7 or potentially detrimental to the minor.

8 SEC. 7. Section 11400 of the Welfare and Institutions Code is  
9 amended to read:

10 11400. For the purposes of this article, the following definitions  
11 shall apply:

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

15 (b) “Case plan” means a written document that, at a minimum,  
16 specifies the type of home in which the child shall be placed, the  
17 safety of that home, and the appropriateness of that home to meet  
18 the child’s needs. It shall also include the agency’s plan for  
19 ensuring that the child receive proper care and protection in a safe  
20 environment, and shall set forth the appropriate services to be  
21 provided to the child, the child’s family, and the foster parents, in  
22 order to meet the child’s needs while in foster care, and to reunify  
23 the child with the child’s family. In addition, the plan shall specify  
24 the services that will be provided or steps that will be taken to  
25 facilitate an alternate permanent plan if reunification is not possible.

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

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

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

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

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

8 (h) “Group home” means a nondetention privately operated  
9 residential home, organized and operated on a nonprofit basis only,  
10 of any capacity, or a nondetention licensed residential care home  
11 operated by the County of San Mateo with a capacity of up to 25  
12 beds, that accepts children in need of care and supervision in a  
13 group home, as defined by paragraph (13) of subdivision (a) of  
14 Section 1502 of the Health and Safety Code.

15 (i) “Periodic review” means review of a child’s status by the  
16 juvenile court or by an administrative review panel, that shall  
17 include a consideration of the safety of the child, a determination  
18 of the continuing need for placement in foster care, evaluation of  
19 the goals for the placement and the progress toward meeting these  
20 goals, and development of a target date for the child’s return home  
21 or establishment of alternative permanent placement.

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

26 (k) “Placement and care” refers to the responsibility for the  
27 welfare of a child vested in an agency or organization by virtue of  
28 the agency or organization having (1) been delegated care, custody,  
29 and control of a child by the juvenile court, (2) taken responsibility,  
30 pursuant to a relinquishment or termination of parental rights on  
31 a child, (3) taken the responsibility of supervising a child detained  
32 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
33 a voluntary placement agreement for the child’s placement; or to  
34 the responsibility designated to an individual by virtue of his or  
35 her being appointed the child’s legal guardian.

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

39 (m) “Relative” means an adult who is related to the child by  
40 blood, adoption, or affinity within the fifth degree of kinship,

1 including stepparents, stepsiblings, and all relatives whose status  
2 is preceded by the words “great,” “great-great,” or “grand” or the  
3 spouse of any of these persons even if the marriage was terminated  
4 by death or dissolution.

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

8 (o) “Voluntary placement” means an out-of-home placement  
9 of a child by (1) the county welfare department, probation  
10 department, or Indian tribe that has entered into an agreement  
11 pursuant to Section 10553.1, after the parents or guardians have  
12 requested the assistance of the county welfare department and have  
13 signed a voluntary placement agreement; or (2) the county welfare  
14 department licensed public or private adoption agency, or the  
15 department acting as an adoption agency, after the parents have  
16 requested the assistance of either the county welfare department,  
17 the licensed public or private adoption agency, or the department  
18 acting as an adoption agency for the purpose of adoption planning,  
19 and have signed a voluntary placement agreement.

20 (p) “Voluntary placement agreement” means a written agreement  
21 between either the county welfare department, probation  
22 department, or Indian tribe that has entered into an agreement  
23 pursuant to Section 10553.1, licensed public or private adoption  
24 agency, or the department acting as an adoption agency, and the  
25 parents or guardians of a child that specifies, at a minimum, the  
26 following:

27 (1) The legal status of the child.

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

30 (q) “Original placement date” means the most recent date on  
31 which the court detained a child and ordered an agency to be  
32 responsible for supervising the child or the date on which an agency  
33 assumed responsibility for a child due to termination of parental  
34 rights, relinquishment, or voluntary placement.

35 (r) (1) “Transitional housing placement provider” means an  
36 organization licensed by the State Department of Social Services  
37 pursuant to Section 1559.110 of the Health and Safety Code, to  
38 provide transitional housing to foster children at least 16 years of  
39 age and not more than 18 years of age, and nonminor dependents,  
40 as defined in subdivision (v). A transitional housing placement

1 provider shall be privately operated and organized on a nonprofit  
2 basis.

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

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

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

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

24 (1) A written voluntary agreement of consent for continued  
25 placement and care in a supervised setting between a minor or, on  
26 and after January 1, 2012, a nonminor dependent, and the county  
27 welfare services or probation department or tribal agency  
28 responsible for the foster care placement, that documents the  
29 nonminor’s continued willingness to remain in supervised  
30 out-of-home placement under the placement and care of the  
31 responsible county, tribe, consortium of tribes, or tribal  
32 organization that has entered into an agreement with the state  
33 pursuant to Section 10553.1, remain under the jurisdiction of the  
34 juvenile court as a nonminor dependent, and report any change of  
35 circumstances relevant to continued eligibility for foster care  
36 payments, and that documents the nonminor’s and social worker’s  
37 or probation officer’s agreement to work together to facilitate  
38 implementation of the mutually developed supervised placement  
39 agreement and transitional independent living case plan.

1 (2) An agreement, as described in paragraph (1), between a  
 2 nonminor former dependent or ward in receipt of Kin-GAP  
 3 payments under Article 4.5 (commencing with Section 11360) or  
 4 Article 4.7 (commencing with Section 11385), and the agency  
 5 responsible for the Kin-GAP benefits, provided that the nonminor  
 6 former dependent or ward satisfies the conditions described in  
 7 Section 11403.01, or one or more of the conditions described in  
 8 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
 9 11403. For purposes of this paragraph and paragraph (3),  
 10 “nonminor former dependent or ward” has the same meaning as  
 11 described in subdivision (aa).

12 (3) An agreement, as described in paragraph (1), between a  
 13 nonminor former dependent or ward in receipt of AFDC-FC  
 14 payments under subdivision (e) or (f) of Section 11405 and the  
 15 agency responsible for the AFDC-FC benefits, provided that the  
 16 nonminor former dependent or ward described in subdivision (e)  
 17 of Section 11405 satisfies one or more of the conditions described  
 18 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
 19 11403, and the nonminor described in subdivision (f) of Section  
 20 11405 satisfies the secondary school or equivalent training or  
 21 certificate program conditions described in that subdivision.

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

28 (1) He or she has attained 18 years of age while under an order  
 29 of foster care placement by the juvenile court, and is not more than  
 30 19 years of age on or after January 1, 2012, not more than 20 years  
 31 of age on or after January 1, 2013, or not more than 21 years of  
 32 age on or after January 1, 2014, and as described in Section  
 33 10103.5.

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

38 (3) He or she is participating in a transitional independent living  
 39 case plan pursuant to Section 475(8) of the federal Social Security  
 40 Act (42 U.S.C. Sec. 675(8)), as contained in the federal Fostering

1 Connections to Success and Increasing Adoptions Act of 2008  
2 (Public Law 110-351), as described in Section 11403.

3 (w) “Supervised independent living placement” means, on and  
4 after January 1, 2012, an independent supervised setting, as  
5 specified in a nonminor dependent’s transitional independent living  
6 case plan, in which the youth is living independently, pursuant to  
7 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.  
8 672(c)(2)).

9 (x) “Supervised independent living setting,” pursuant to Section  
10 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
11 672(c)(2)), includes both a supervised independent living  
12 placement, as defined in subdivision (w), and a residential housing  
13 unit certified by the transitional housing placement provider  
14 operating a Transitional Housing Placement-Plus Foster Care  
15 program, as described in paragraph (2) of subdivision (a) of Section  
16 16522.1.

17 (y) “Transitional independent living case plan” means, on or  
18 after January 1, 2012, the nonminor dependent’s case plan, updated  
19 every six months, that describes the goals and objectives of how  
20 the nonminor will make progress in the transition to living  
21 independently and assume incremental responsibility for adult  
22 decisionmaking, the collaborative efforts between the nonminor  
23 and the social worker, probation officer, or Indian tribal placing  
24 entity and the supportive services as described in the transitional  
25 independent living plan (TILP) to ensure active and meaningful  
26 participation in one or more of the eligibility criteria described in  
27 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
28 11403, the nonminor’s appropriate supervised placement setting,  
29 and the nonminor’s permanent plan for transition to living  
30 independently, which includes maintaining or obtaining permanent  
31 connections to caring and committed adults, as set forth in  
32 paragraph (16) of subdivision (f) of Section 16501.1.

33 (z) “Voluntary reentry agreement” means a written voluntary  
34 agreement between a former dependent child or ward or a former  
35 nonminor dependent, who has had juvenile court jurisdiction  
36 terminated pursuant to Section 391,~~452~~ 452, or 607.2, and the  
37 county welfare or probation department or tribal placing entity  
38 that documents the nonminor’s desire and willingness to reenter  
39 foster care, to be placed in a supervised setting under the placement  
40 and care responsibility of the placing agency, the nonminor’s

1 desire, willingness, and ability to immediately participate in one  
2 or more of the conditions of paragraphs (1) to (5), inclusive, of  
3 subdivision (b) of Section 11403, the nonminor's agreement to  
4 work collaboratively with the placing agency to develop his or her  
5 transitional independent living case plan within 60 days of reentry,  
6 the nonminor's agreement to report any changes of circumstances  
7 relevant to continued eligibility for foster care payments, and (1)  
8 the nonminor's agreement to participate in the filing of a petition  
9 for juvenile court jurisdiction as a nonminor dependent pursuant  
10 to subdivision (e) of Section 388 within 15 judicial days of the  
11 signing of the agreement and the placing agency's efforts and  
12 supportive services to assist the nonminor in the reentry process,  
13 or (2) if the nonminor meets the definition of a nonminor former  
14 dependent or ward, as described in subdivision (aa), the nonminor's  
15 agreement to return to the care and support of his or her former  
16 juvenile court-appointed guardian and meet the eligibility criteria  
17 for AFDC-FC pursuant to subdivision (e) of Section 11405.

18 (aa) "Nonminor former dependent or ward" means, on and after  
19 January 1, 2012, either of the following:

20 (1) A nonminor who reached 18 years of age while subject to  
21 an order for foster care placement, and for whom dependency,  
22 delinquency, or transition jurisdiction has been terminated, and  
23 who is still under the general jurisdiction of the court.

24 (2) A nonminor who is over 18 years of age and, while a minor,  
25 was a dependent child or ward of the juvenile court when the  
26 guardianship was established pursuant to Section 360 or 366.26,  
27 or subdivision (d), of Section 728 and the juvenile court  
28 dependency or wardship was dismissed following the establishment  
29 of the guardianship.

30 (ab) "Runaway and homeless youth shelter" means a type of  
31 group home, as defined in paragraph (14) of subdivision (a) of  
32 Section 1502 of the Health and Safety Code, that is not an eligible  
33 placement option under Sections 319, 361.2, 450, and 727, and  
34 that is not eligible for AFDC-FC funding pursuant to subdivision  
35 (c) of Section 11402 or Section 11462.

36 *SEC. 7.5. Section 11400 of the Welfare and Institutions Code*  
37 *is amended to read:*

38 11400. For the purposes of this article, the following definitions  
39 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~~ *residence* of a  
20 licensee in which 24-hour care and supervision are provided for  
21 children.

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

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

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

38 (h) “Group home” means a nondetention privately operated  
39 residential home, organized and operated on a nonprofit basis only,  
40 of any capacity, or a nondetention licensed residential care home

1 operated by the County of San Mateo with a capacity of up to 25  
2 beds, that ~~provides services in a group setting to~~ *accepts* children  
3 in need of care and ~~supervision, as required by paragraph (1)~~  
4 *supervision in a group home, as defined by paragraph (13)* of  
5 subdivision (a) of Section 1502 of the Health and Safety Code.

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

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

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

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

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

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

39 (o) “Voluntary placement” means an out-of-home placement  
40 of a child by (1) the county welfare department, probation

1 department, or Indian tribe that has entered into an agreement  
2 pursuant to Section 10553.1, after the parents or guardians have  
3 requested the assistance of the county welfare department and have  
4 signed a voluntary placement agreement; or (2) the county welfare  
5 department licensed public or private adoption agency, or the  
6 department acting as an adoption agency, after the parents have  
7 requested the assistance of either the county welfare department,  
8 the licensed public or private adoption agency, or the department  
9 acting as an adoption agency for the purpose of adoption planning,  
10 and have signed a voluntary placement agreement.

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

18 (1) The legal status of the child.

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

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

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

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

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

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

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

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

31 (2) An agreement, as described in paragraph (1), between a  
32 nonminor former dependent or ward in receipt of Kin-GAP  
33 payments under Article 4.5 (commencing with Section 11360) or  
34 Article 4.7 (commencing with Section 11385), and the agency  
35 responsible for the Kin-GAP benefits, provided that the nonminor  
36 former dependent or ward satisfies the conditions described in  
37 Section 11403.01, or one or more of the conditions described in  
38 paragraphs (1) to (5), inclusive, of subdivision (b) of Section  
39 11403. For purposes of this paragraph and paragraph (3),

1 “nonminor former dependent or ward” has the same meaning as  
2 described in subdivision (aa).

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

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

19 (1) He or she has attained 18 years of age while under an order  
20 of foster care placement by the juvenile court, and is not more than  
21 19 years of age on or after January 1, 2012, not more than 20 years  
22 of age on or after January 1, 2013, or not more than 21 years of  
23 age on or after January 1, 2014, and as described in Section  
24 10103.5.

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, Indian tribe, consortium of tribes, or tribal organization  
28 that entered into an agreement pursuant to Section 10553.1.

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

34 (w) “Supervised independent living placement” means, on and  
35 after January 1, 2012, an independent supervised setting, as  
36 specified in a nonminor dependent’s transitional independent living  
37 case plan, in which the youth is living independently, pursuant to  
38 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.  
39 672(c)(2)).

1 (x) “Supervised independent living setting,” pursuant to Section  
2 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.  
3 672(c)(2)), includes both a supervised independent living  
4 placement, as defined in subdivision (w), and a residential housing  
5 unit certified by the transitional housing placement provider  
6 operating a Transitional Housing Placement-Plus Foster Care  
7 program, as described in paragraph (2) of subdivision (a) of Section  
8 16522.1.

9 (y) “Transitional independent living case plan” means, on or  
10 after January 1, 2012, ~~the a child’s case plan submitted for the last~~  
11 *review hearing held before he or she reaches 18 years of age or*  
12 *the nonminor dependent’s case plan, updated every six months,*  
13 *that describes the goals and objectives of how the nonminor will*  
14 *make progress in the transition to living independently and assume*  
15 *incremental responsibility for adult decisionmaking, the*  
16 *collaborative efforts between the nonminor and the social worker,*  
17 *probation officer, or Indian tribal placing entity and the supportive*  
18 *services as described in the transitional independent living plan*  
19 *(TILP) to ensure active and meaningful participation in one or*  
20 *more of the eligibility criteria described in paragraphs (1) to (5),*  
21 *inclusive, of subdivision (b) of Section 11403, the nonminor’s*  
22 *appropriate supervised placement setting, and the nonminor’s*  
23 *permanent plan for transition to living independently, which*  
24 *includes maintaining or obtaining permanent connections to caring*  
25 *and committed adults, as set forth in paragraph (16) of subdivision*  
26 *(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~~ 452, or 607.2, and the  
31 county welfare or probation department or tribal placing entity  
32 that documents the nonminor’s desire and willingness to reenter  
33 foster care, to be placed in a supervised setting under the placement  
34 and care responsibility of the placing agency, the nonminor’s  
35 desire, willingness, and ability to immediately participate in one  
36 or more of the conditions of paragraphs (1) to (5), inclusive, of  
37 subdivision (b) of Section 11403, the nonminor’s agreement to  
38 work 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 (1)  
2 the nonminor’s agreement to participate in the filing of a petition  
3 for juvenile court jurisdiction as a nonminor dependent pursuant  
4 to subdivision (e) of Section 388 within 15 judicial days of the  
5 signing of the agreement and the placing agency’s efforts and  
6 supportive services to assist the nonminor in the reentry process,  
7 or (2) if the nonminor meets the definition of a nonminor former  
8 dependent or ward, as described in subdivision (aa), the nonminor’s  
9 agreement to return to the care and support of his or her former  
10 juvenile court-appointed guardian and meet the eligibility criteria  
11 for AFDC-FC pursuant to subdivision (e) of Section 11405.

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

14 (1) A nonminor who reached 18 years of age while subject to  
15 an order for foster care placement, and for whom dependency,  
16 delinquency, or transition jurisdiction has been terminated, and  
17 who is still under the general jurisdiction of the court.

18 (2) A nonminor who is over 18 years of age and, while a minor,  
19 was a dependent child or ward of the juvenile court when the  
20 guardianship was established pursuant to Section 360 or 366.26,  
21 or subdivision (d), of Section 728 and the juvenile court  
22 dependency or wardship was dismissed following the establishment  
23 of the guardianship.

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

30 (ac) “Transition dependent” is a minor between 17 years and  
31 five months and 18 years of age who is subject to the court’s  
32 transition jurisdiction under Section 450.

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

35 11402. In order to be eligible for AFDC-FC, a child or  
36 nonminor dependent shall be placed in one of the following:

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

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

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

3 (c) A licensed group home, as defined in subdivision (h) of  
4 Section 11400, excluding a runaway and homeless youth shelter  
5 as defined in subdivision (ab) of Section 11400, provided that the  
6 placement worker has documented that the placement is necessary  
7 to meet the treatment needs of the child and that the facility offers  
8 those treatment services.

9 (d) The home of a nonrelated legal guardian or the home of a  
10 former nonrelated legal guardian when the guardianship of a child  
11 who is otherwise eligible for AFDC-FC has been dismissed due  
12 to the child's attaining 18 years of age.

13 (e) An exclusive-use home.

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

17 (g) An out-of-state group home, provided that the placement  
18 worker, in addition to complying with all other statutory  
19 requirements for placing a minor in an out-of-state group home,  
20 documents that the requirements of Section 7911.1 of the Family  
21 Code have been met.

22 (h) An approved supervised independent living setting for  
23 nonminor dependents, as defined in subdivision (w) of Section  
24 11400.

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

26 *SEC. 9. (a) Section 6.5 of this bill incorporates amendments*  
27 *to Section 727 of the Welfare and Institutions Code proposed by*  
28 *both this bill and Assembly Bill 787. It shall only become operative*  
29 *if (1) both bills are enacted and become effective on or before*  
30 *January 1, 2014, (2) each bill amends Section 727 of the Welfare*  
31 *and Institutions Code, and (3) this bill is enacted after Assembly*  
32 *Bill 787, in which case Section 6 of this bill shall not become*  
33 *operative.*

34 *(b) Section 7.5 of this bill incorporates amendments to Section*  
35 *11400 of the Welfare and Institutions Code proposed by both this*  
36 *bill and Assembly Bill 787. It shall only become operative if (1)*  
37 *both bills are enacted and become effective on or before January*  
38 *1, 2014, (2) each bill amends Section 11400 of the Welfare and*  
39 *Institutions Code, and (3) this bill is enacted after Assembly Bill*  
40 *787, in which case Section 7 of this bill shall not become operative.*

1     ~~SEC. 9.~~

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

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