

AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 787

Introduced by Assembly Member Stone

February 21, 2013

An act to amend Sections 388, 727, 11363, 11400, 11403, 11405, and 16120 of the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 787, as amended, Stone. Foster care.

(1) Existing law provides that a minor who has been abused or neglected, or who has violated a law or ordinance, as specified, is within the jurisdiction of the juvenile court as a dependent child or a ward, respectively. Existing law also establishes the court's transition jurisdiction over certain minors and nonminors, as specified.

Existing law authorizes a court to resume transition court jurisdiction over a nonminor former dependent child of the juvenile court and to assume or resume dependency jurisdiction over a nonminor former ward of the juvenile court if the nonminor meets specified eligibility criteria and signs a mutual transition or voluntary reentry agreement, as described.

This bill would authorize, on and after January 1, 2014, a nonminor former dependent to petition the court for a hearing to determine whether to resume dependency jurisdiction over a former dependent, or to assume or resume transition jurisdiction over a former ward, as specified, if the nonminor was receiving specified forms of public assistance after 18 years of age and the nonminor's former guardian or adoptive parent dies after the nonminor has reached 18 years of age, but before the nonminor reaches 21 years of age.

(2) Existing law authorizes the court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor who is adjudged a ward of the court, as specified, and to order the care, custody, and control of the minor to be under the supervision of the probation officer.

This bill would make those provisions applicable to nonminors. By imposing additional duties on probation officers, the bill would impose a state-mandated local program.

(3) Existing law governs the Aid to Families with Dependent Children-Foster Care Program and provides that nonminor dependents who meet specified criteria are eligible for assistance. Existing law requires that a legal guardian cooperate with the county welfare department, as specified, if those benefits are paid to an otherwise eligible child living with a nonrelated legal guardian, and requires the department to perform specified duties, including developing a written assessment of the child's needs, when those benefits are applied for on behalf of a child living with a nonrelated legal guardian. These requirements do not apply to benefits paid to or on behalf of certain nonminor youth.

This bill would additionally provide that those requirements do not apply to benefits paid to or on behalf of nonminor youth whose nonrelated guardianship was ordered in probate court, as specified. The bill would also define a "transition dependent" for purposes of these provisions to mean a minor who is between 17 years and 5 months of age and 18 years of age who is subject to the court's transition jurisdiction.

(4) Existing law establishes the Adoption Assistance Program and specifies the eligibility criteria for benefits to children who received those benefits with respect to a prior adoption that has since been dissolved, as specified, or because the adoptive parents died and other specified criteria are met.

This bill would make those benefits available to nonminors.

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

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Existing law provides federal financial assistance through the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 to nonminor dependents of the juvenile court who satisfy specified criteria, such as enrollment in an institution that provides postsecondary or vocational education, or employment for at least 80 hours per month, consistent with their transitional independent living case plan.

This bill would express the intent of the Legislature to enact legislation that would enhance the delivery of services for nonminor dependent foster youth who are eligible to receive federal financial assistance through the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.

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

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

1 SECTION 1. Section 388 of the Welfare and Institutions Code
2 is amended to read:

3 388. (a) (1) Any parent or other person having an interest in
4 a child who is a dependent child of the juvenile court or a nonminor
5 dependent as defined in subdivision (v) of Section 11400, or the
6 child himself or herself or the nonminor dependent through a
7 properly appointed guardian may, upon grounds of change of
8 circumstance or new evidence, petition the court in the same action
9 in which the child was found to be a dependent child of the juvenile
10 court or in which a guardianship was ordered pursuant to Section
11 360 for a hearing to change, modify, or set aside any order of court
12 previously made or to terminate the jurisdiction of the court. The
13 petition shall be verified and, if made by a person other than the
14 child or the nonminor dependent shall state the petitioner's
15 relationship to or interest in the child or the nonminor dependent
16 and shall set forth in concise language any change of circumstance
17 or new evidence that is alleged to require the change of order or
18 termination of jurisdiction.

19 (2) When any party, including a child who is a dependent of the
20 juvenile court, petitions the court prior to an order terminating
21 parental rights, to modify the order that reunification services were
22 not needed pursuant to paragraphs (4), (5), and (6) of subdivision
23 (b) of Section 361.5, or to modify any orders related to custody or
24 visitation of the subject child, and the court orders a hearing

1 pursuant to subdivision (d), the court shall modify the order that
2 reunification services were not needed pursuant to paragraphs (4),
3 (5), and (6) of subdivision (b) of Section 361.5, or any orders
4 related to the custody or visitation of the child for whom
5 reunification services were not ordered pursuant to paragraphs (4),
6 (5), and (6) of subdivision (b) of Section 361.5, only if the court
7 finds by clear and convincing evidence that the proposed change
8 is in the best interests of the child.

9 (b) Any person, including a child or the nonminor dependent
10 who is a dependent of the juvenile court, may petition the court to
11 assert a relationship as a sibling related by blood, adoption, or
12 affinity through a common legal or biological parent to a child
13 who is, or is the subject of a petition for adjudication as, a
14 dependent of the juvenile court, and may request visitation with
15 the dependent child, placement with or near the dependent child,
16 or consideration when determining or implementing a case plan
17 or permanent plan for the dependent child or make any other
18 request for an order which may be shown to be in the best interest
19 of the dependent child. The court may appoint a guardian ad litem
20 to file the petition for the dependent child asserting the sibling
21 relationship if the court determines that the appointment is
22 necessary for the best interests of the dependent child. The petition
23 shall be verified and shall set forth the following:

24 (1) Through which parent he or she is related to the dependent
25 child.

26 (2) Whether he or she is related to the dependent child by blood,
27 adoption, or affinity.

28 (3) The request or order that the petitioner is seeking.

29 (4) Why that request or order is in the best interest of the
30 dependent child.

31 (c) (1) Any party, including a child who is a dependent of the
32 juvenile court, may petition the court, prior to the hearing set
33 pursuant to subdivision (f) of Section 366.21 for a child described
34 by subparagraph (A) of paragraph (1) of subdivision (a) of Section
35 361.5, or prior to the hearing set pursuant to subdivision (e) of
36 Section 366.21 for a child described by subparagraph (B) or (C)
37 of paragraph (1) of subdivision (a) of Section 361.5, to terminate
38 court-ordered reunification services provided under subdivision
39 (a) of Section 361.5 only if one of the following conditions exists:

1 (A) It appears that a change of circumstance or new evidence
2 exists that satisfies a condition set forth in subdivision (b) or (e)
3 of Section 361.5 justifying termination of court-ordered
4 reunification services.

5 (B) The action or inaction of the parent or guardian creates a
6 substantial likelihood that reunification will not occur, including,
7 but not limited to, the parent's or guardian's failure to visit the
8 child, or the failure of the parent or guardian to participate regularly
9 and make substantive progress in a court-ordered treatment plan.

10 (2) In determining whether the parent or guardian has failed to
11 visit the child or participate regularly or make progress in the
12 treatment plan, the court shall consider factors that include but are
13 not limited to, the parent's or guardian's incarceration,
14 institutionalization, detention by the United States Department of
15 Homeland Security, deportation, or participation in a court-ordered
16 residential substance abuse treatment program.

17 (3) The court shall terminate reunification services during the
18 above-described time periods only upon a finding by a
19 preponderance of evidence that reasonable services have been
20 offered or provided, and upon a finding of clear and convincing
21 evidence that one of the conditions in subparagraph (A) or (B) of
22 paragraph (1) exists.

23 (4) Any party, including a nonminor dependent, as defined in
24 subdivision (v) of Section 11400, may petition the court prior to
25 the review hearing set pursuant to subdivision (d) of Section 366.31
26 to terminate the continuation of court-ordered family reunification
27 services for a nonminor dependent who has attained 18 years of
28 age. The court shall terminate family reunification services to the
29 parent or guardian if the nonminor dependent or parent or guardian
30 are not in agreement that the continued provision of court-ordered
31 family reunification services is in the best interests of the nonminor
32 dependent.

33 (5) If the court terminates reunification services, it shall order
34 that a hearing pursuant to Section 366.26 be held within 120 days.
35 On and after January 1, 2012, a hearing pursuant to Section 366.26
36 shall not be ordered if the child is a nonminor dependent. The court
37 may order a nonminor dependent who is otherwise eligible to
38 AFDC-FC benefits pursuant to Section 11403 to remain in a
39 planned, permanent living arrangement.

1 (d) If it appears that the best interests of the child or the
2 nonminor dependent may be promoted by the proposed change of
3 order, modification of reunification services, custody, or visitation
4 orders concerning a child for whom reunification services were
5 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision
6 (b) of Section 361.5, recognition of a sibling relationship,
7 termination of jurisdiction, or clear and convincing evidence
8 supports revocation or termination of court-ordered reunification
9 services, the court shall order that a hearing be held and shall give
10 prior notice, or cause prior notice to be given, to the persons and
11 in the manner prescribed by Section 386, and, in those instances
12 in which the manner of giving notice is not prescribed by those
13 sections, then in the manner the court prescribes.

14 (e) (1) (A) On and after January 1, 2012, a nonminor who
15 attained 18 years of age while subject to an order for foster care
16 placement and, commencing January 1, 2012, who has not attained
17 19 years of age, or, commencing January 1, 2013, 20 years of age,
18 or, commencing January 1, 2014, 21 years of age, or as described
19 in Section 10103.5, for whom the court has dismissed dependency
20 jurisdiction pursuant to Section 391, or delinquency jurisdiction
21 pursuant to Section 607.2, or transition jurisdiction pursuant to
22 Section 452, but has retained general jurisdiction under subdivision
23 (b) of Section 303, or the county child welfare services, probation
24 department, or tribal placing agency on behalf of the nonminor,
25 may petition the court in the same action in which the child was
26 found to be a dependent or delinquent child of the juvenile court,
27 for a hearing to resume the dependency jurisdiction over a former
28 dependent or to assume or resume transition jurisdiction over a
29 former delinquent ward pursuant to Section 450. The petition shall
30 be filed within the period that the nonminor is of the age described
31 in this paragraph. If the nonminor has completed the voluntary
32 reentry agreement, as described in subdivision (z) of Section 11400,
33 with the placing agency, the agency shall file the petition on behalf
34 of the nonminor within 15 judicial days of the date the agreement
35 was signed unless the nonminor elects to file the petition at an
36 earlier date.

37 (B) *On and after January 1, 2014, a nonminor who has not*
38 *attained 21 years of age may petition the court in the same action*
39 *in which the nonminor was previously found to be a dependent or*
40 *delinquent child of the juvenile court, for a hearing to determine*

1 *whether to resume dependency jurisdiction over a former*
2 *dependent, or to assume or resume transition jurisdiction over a*
3 *former ward pursuant to Section 450, as applicable, if the*
4 *nonminor comes within the description set forth in one of the*
5 *following:*

6 (i) *He or she attained 18 years of age while subject to an order*
7 *for foster care placement.*

8 (ii) *He or she is a former dependent, as defined in subdivision*
9 *(aa) of Section 11400, who was receiving aid after 18 years of age*
10 *pursuant to Kin-GAP under Article 4.5 (commencing with Section*
11 *11360) or Article 4.7 (commencing with Section 11385) of Chapter*
12 *2 of Part 3 of Division 9 and the nonminor former dependent's*
13 *former guardian dies after the nonminor turns 18 years of age but*
14 *before the nonminor turns 21 years of age.*

15 (iii) *He or she is a nonminor former dependent who was*
16 *receiving aid after 18 years of age pursuant to subdivision (e) of*
17 *Section 11405 and the nonminor former dependent's former*
18 *guardian dies after the nonminor turns 18 years of age but before*
19 *the nonminor turns 21 years of age.*

20 (iv) *He or she is a nonminor who was receiving adoption*
21 *assistance payments after 18 years of age as specified in Chapter*
22 *2.1 (commencing with Section 16115) of Part 4 of Division 9 and*
23 *the nonminor's adoptive parent dies after the nonminor turns 18*
24 *years of age but before the nonminor turns 21 years of age.*

25 (2) (A) The petition to resume jurisdiction may be filed in the
26 juvenile court that retains general jurisdiction under subdivision
27 (b) of Section 303, or the petition may be submitted to the juvenile
28 court in the county where the youth resides and forwarded to the
29 juvenile court that retained general jurisdiction and filed with that
30 court. The juvenile court having general jurisdiction under Section
31 303 shall receive the petition from the court where the petition
32 was submitted within five court days of its submission, if the
33 petition is filed in the county of residence. The juvenile court that
34 retained general jurisdiction shall order that a hearing be held
35 within 15 judicial days of the date the petition was filed if there is
36 a prima facie showing that the nonminor satisfies the following
37 criteria:

38 (i) He or she was previously under juvenile court jurisdiction,
39 subject to an order for foster care placement when he or she

1 attained 18 years of age, and has not attained the age limits
2 described in paragraph (1).

3 (ii) He or she intends to satisfy at least one of the conditions set
4 forth in paragraphs (1) to (5), inclusive, of subdivision (b) of
5 Section 11403.

6 (iii) He or she wants assistance either in maintaining or securing
7 appropriate supervised placement, or is in need of immediate
8 placement and agrees to supervised placement pursuant to the
9 voluntary reentry agreement as described in subdivision (z) of
10 Section 11400.

11 (B) Upon ordering a hearing, the court shall give prior notice,
12 or cause prior notice to be given, to the persons and by the means
13 prescribed by Section 386, except that notice to parents or former
14 guardians shall not be provided unless the nonminor requests, in
15 writing on the face of the petition, notice to the parents or former
16 guardians.

17 (3) The Judicial Council, by January 1, 2012, shall adopt rules
18 of court to allow for telephonic appearances by nonminor former
19 dependents or delinquents in these proceedings, and for telephonic
20 appearances by nonminor dependents in any proceeding in which
21 the nonminor dependent is a party, and he or she declines to appear
22 and elects a telephonic appearance.

23 (4) Prior to the hearing on a petition to resume dependency
24 jurisdiction or to assume or resume transition jurisdiction, the court
25 shall order the county child welfare or probation department to
26 prepare a report for the court addressing whether the nonminor
27 intends to satisfy at least one of the criteria set forth in subdivision
28 (b) of Section 11403. When the recommendation is for the
29 nonminor dependent to be placed in a setting where minor
30 dependents also reside, the results of a background check of the
31 petitioning nonminor conducted pursuant to Section 16504.5, may
32 be used by the placing agency to determine appropriate placement
33 options for the nonminor. The existence of a criminal conviction
34 is not a bar to eligibility for reentry or resumption of dependency
35 jurisdiction or the assumption or resumption of transition
36 jurisdiction over a nonminor.

37 (5) (A) The court shall resume dependency jurisdiction over a
38 former dependent or assume or resume transition jurisdiction over
39 a former delinquent ward pursuant to Section 450, and order that
40 the nonminor's placement and care be under the responsibility of

1 the county child welfare services department, the probation
2 department, tribe, consortium of tribes, or tribal organization, if
3 the court finds all of the following:

4 (i) The nonminor was previously under juvenile court
5 jurisdiction subject to an order for foster care placement when he
6 or she attained 18 years of age.

7 (ii) The nonminor has not attained the age limits described in
8 paragraph (1).

9 (iii) Reentry and remaining in foster care are in the nonminor's
10 best interests.

11 (iv) The nonminor intends to satisfy, and agrees to satisfy, at
12 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
13 of subdivision (b) of Section 11403, and demonstrates his or her
14 agreement to placement in a supervised setting under the placement
15 and care responsibility of the placing agency and to satisfy the
16 criteria by signing the voluntary reentry agreement as described
17 in subdivision (z) of Section 11400.

18 (B) In no event shall the court grant a continuance that would
19 cause the hearing to resume dependency jurisdiction or to assume
20 or resume transition jurisdiction to be completed more than 120
21 days after the date the petition was filed.

22 (C) The agency made responsible for the nonminor's placement
23 and care pursuant to subparagraph (A) shall prepare a new
24 transitional independent living case plan within 60 calendar days
25 from the date the nonminor signed the voluntary reentry agreement
26 as described in subdivision (z) of Section 11400 and submit it to
27 the court for the review hearing under Section 366.31, to be held
28 within 70 days of the resumption of dependency jurisdiction or
29 assumption or resumption of transition jurisdiction. In no event
30 shall the review hearing under Section 366.3 be held more than
31 170 calendar days from the date the nonminor signed the voluntary
32 reentry agreement.

33 *SEC. 2. Section 727 of the Welfare and Institutions Code is*
34 *amended to read:*

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

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

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

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

32 (B) A suitable licensed community care facility.

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

36 (D) (i) Every minor adjudged a ward of the juvenile court who
37 is residing in a placement as defined in subparagraphs (A) to (C),
38 inclusive, shall be entitled to participate in age-appropriate
39 extracurricular, enrichment, and social activities. No state or local
40 regulation or policy may prevent, or create barriers to, participation

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

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

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

36 (2) The court has no authority to order services unless it has
37 been determined through the administrative process of an agency
38 that has been joined as a party, that the minor, nonminor, or
39 nonminor dependent is eligible for those services. With respect to
40 mental health assessment, treatment, and case management services

1 pursuant to Chapter 26.5 (commencing with Section 7570) of
2 Division 7 of Title 1 of the Government Code, the court's
3 determination shall be limited to whether the agency has complied
4 with that chapter.

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

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

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

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

33 *SEC. 3. Section 11363 of the Welfare and Institutions Code is*
34 *amended to read:*

35 11363. (a) Aid in the form of state-funded Kin-GAP shall be
36 provided under this article on behalf of any child under 18 years
37 of age and to any eligible youth under 19 years of age as provided
38 in Section 11403, who satisfies all of the following conditions:

1 (1) Has been adjudged a dependent child of the juvenile court
2 pursuant to Section 300, or, effective October 1, 2006, a ward of
3 the juvenile court pursuant to Section 601 or 602.

4 (2) Has been residing for at least six consecutive months in the
5 approved home of the prospective relative guardian while under
6 the jurisdiction of the juvenile court or a voluntary placement
7 agreement.

8 (3) Has had a kinship guardianship established pursuant to
9 Section 360 or 366.26.

10 (4) Has had his or her dependency jurisdiction terminated after
11 January 1, 2000, pursuant to Section 366.3, or his or her wardship
12 terminated pursuant to subdivision (d) of Section 728, concurrently
13 or subsequently to the establishment of the kinship guardianship.

14 (b) If the conditions specified in subdivision (a) are met and,
15 subsequent to the termination of dependency jurisdiction, any
16 parent or person having an interest files with the juvenile court a
17 petition pursuant to Section 388 to change, modify, or set aside an
18 order of the court, Kin-GAP payments shall continue unless and
19 until the juvenile court, after holding a hearing, orders the child
20 removed from the home of the guardian, terminates the
21 guardianship, or maintains dependency jurisdiction after the court
22 concludes the hearing on the petition filed under Section 388.

23 (c) A child or nonminor former dependent or ward shall be
24 eligible for Kin-GAP payments if he or she meets one of the
25 following age criteria:

26 (1) He or she is under 18 years of age.

27 (2) He or she is under 21 years of age and has a physical or
28 mental disability that warrants the continuation of assistance.

29 (3) Through December 31, 2011, he or she satisfies the
30 conditions of Section 11403, and on and after January 1, 2012, he
31 or she satisfies the conditions of Section 11403.01.

32 (4) He or she satisfies the conditions as described in subdivision
33 (d).

34 (d) Commencing January 1, 2012, state-funded Kin-GAP
35 payments shall continue for youths who have attained 18 years of
36 age and who are under 19 years of age, if they reached 16 years
37 of age before the Kin-GAP negotiated agreement payments
38 commenced, and as described in Section 10103.5. Effective January
39 1, 2013, Kin-GAP payments shall continue for youths who have
40 attained 18 years of age and are under 20 years of age, if they

1 reached 16 years of age before the Kin-GAP negotiated agreement
 2 payments commenced, and as described in Section 10103.5.
 3 Effective January 1, 2014, Kin-GAP payments shall continue for
 4 youths who have attained 18 years of age and are under 21 years
 5 of age, if they reached 16 years of age before the Kin-GAP
 6 negotiated agreement payments commenced. To be eligible for
 7 continued payments, the youth shall satisfy one or more of the
 8 conditions specified in paragraphs (1) to (5), inclusive, of
 9 subdivision (b) of Section 11403.

10 (e) Termination of the guardianship with a kinship guardian
 11 shall terminate eligibility for Kin-GAP unless the conditions in
 12 Section 11403 apply; provided, however, that if an alternate
 13 guardian or coguardian is appointed pursuant to Section 366.3 who
 14 is also a kinship guardian, the alternate or coguardian shall be
 15 entitled to receive Kin-GAP on behalf of the child pursuant to this
 16 article. A new period of six months of placement with the alternate
 17 guardian or coguardian shall not be required if that alternate
 18 guardian or coguardian has been assessed pursuant to Sections
 19 361.3 and 361.4 and the court terminates dependency jurisdiction.
 20 *When a nonminor former dependent is receiving Kin-GAP after*
 21 *18 years of age and the nonminor former dependent's former*
 22 *guardian dies, the nonminor former dependent may petition the*
 23 *court for a hearing pursuant to subdivision (e) of Section 388.*

24 *SEC. 4. Section 11400 of the Welfare and Institutions Code is*
 25 *amended to read:*

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

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

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

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

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

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

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

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

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

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

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

39 (j) “Permanency planning hearing” means a hearing conducted
40 by the juvenile court in which the child’s future status, including

1 whether the child shall be returned home or another permanent
2 plan shall be developed, is determined.

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

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

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

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

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

37 (p) “Voluntary placement agreement” means a written agreement
38 between either the county welfare department, probation
39 department, or Indian tribe that has entered into an agreement
40 pursuant to Section 10553.1, licensed public or private adoption

1 agency, or the department acting as an adoption agency, and the
2 parents or guardians of a child that specifies, at a minimum, the
3 following:

4 (1) The legal status of the child.

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

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

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

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

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

27 (t) “Whole family foster home” means a new or existing family
28 home, approved relative caregiver or nonrelative extended family
29 member’s home, the home of a nonrelated legal guardian whose
30 guardianship was established pursuant to Section 360 or 366.26,
31 certified family home, or a host family home placement of a
32 transitional housing placement provider, that provides foster care
33 for a minor or nonminor dependent parent and his or her child,
34 and is specifically recruited and trained to assist the minor or
35 nonminor dependent parent in developing the skills necessary to
36 provide a safe, stable, and permanent home for his or her child.
37 The child of the minor or nonminor dependent parent need not be
38 the subject of a petition filed pursuant to Section 300 to qualify
39 for placement in a whole family foster home.

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

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

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

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

38 (v) "Nonminor dependent" means, on and after January 1, 2012,
39 a foster child, as described in Section 675(8)(B) of Title 42 of the
40 United States Code under the federal Social Security Act who is

1 a current dependent child or ward of the juvenile court, or *is* a
2 nonminor under the transition jurisdiction of the juvenile court, as
3 described in Section 450, who satisfies all of the following criteria:

4 (1) He or she has attained 18 years of age while under an order
5 of foster care placement by the juvenile court, and is not more than
6 19 years of age on or after January 1, 2012, not more than 20 years
7 of age on or after January 1, 2013, or not more than 21 years of
8 age on or after January 1, 2014, and as described in Section
9 10103.5.

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

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

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

25 (x) “Supervised independent living setting,” pursuant to Section
26 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
27 672(c)(2)), includes both a supervised independent living
28 placement, as defined in subdivision (w), and a residential housing
29 unit certified by the transitional housing placement provider
30 operating a Transitional Housing Placement-Plus Foster Care
31 program, as described in paragraph (2) of subdivision (a) of Section
32 16522.1.

33 (y) “Transitional independent living case plan” means, on or
34 after January 1, 2012, the nonminor dependent’s case plan, updated
35 every six months, that describes the goals and objectives of how
36 the nonminor will make progress in the transition to living
37 independently and assume incremental responsibility for adult
38 decisionmaking, the collaborative efforts between the nonminor
39 and the social worker, probation officer, or Indian tribal placing
40 entity and the supportive services as described in the transitional

1 independent living plan (TILP) to ensure active and meaningful
2 participation in one or more of the eligibility criteria described in
3 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
4 11403, the nonminor's appropriate supervised placement setting,
5 and the nonminor's permanent plan for transition to living
6 independently, which includes maintaining or obtaining permanent
7 connections to caring and committed adults, as set forth in
8 paragraph (16) of subdivision (f) of Section 16501.1.

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

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

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

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

7 (ab) *“Transition dependent” is a minor between 17 years and*
8 *five months and 18 years of age who is subject to the court’s*
9 *transition jurisdiction under Section 450.*

10 SEC. 5. *Section 11403 of the Welfare and Institutions Code is*
11 *amended to read:*

12 11403. (a) It is the intent of the Legislature to exercise the
13 option afforded states under Section 475(8) (42 U.S.C. Sec.
14 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
15 federal Social Security Act, as contained in the federal Fostering
16 Connections to Success and Increasing Adoptions Act of 2008
17 (Public Law 110-351), to receive federal financial participation
18 for nonminor dependents of the juvenile court who satisfy the
19 conditions of subdivision (b), consistent with their transitional
20 independent living case plan. Effective January 1, 2012, these
21 nonminor dependents shall be eligible to receive support up to 19
22 years of age, effective January 1, 2013, up to 20 years of age, and
23 effective January 1, 2014, up to 21 years of age, consistent with
24 their transitional independent living case plan and as described in
25 Section 10103.5. It is the intent of the Legislature both at the time
26 of initial determination of the nonminor dependent’s eligibility
27 and throughout the time the nonminor dependent is eligible for aid
28 pursuant to this section, that the social worker or probation officer
29 or Indian tribal placing entity and the nonminor dependent shall
30 work together to ensure the nonminor dependent’s ongoing
31 eligibility. All case planning shall be a collaborative effort between
32 the nonminor dependent and the social worker, probation officer,
33 or Indian tribe, with the nonminor dependent assuming increasing
34 levels of responsibility and independence.

35 (b) A nonminor dependent receiving aid pursuant to this chapter,
36 who satisfies the age criteria set forth in subdivision (a), shall meet
37 the legal authority for placement and care by being under a foster
38 care placement order by the juvenile court, or the voluntary reentry
39 agreement as set forth in subdivision (z) of Section 11400, and is
40 otherwise eligible for AFDC-FC payments pursuant to Section

1 11401. A nonminor who satisfies the age criteria set forth in
2 subdivision (a), and who is otherwise eligible, shall continue to
3 receive CalWORKs payments pursuant to Section 11253 or, as a
4 nonminor former dependent or ward, aid pursuant to Kin-GAP
5 under Article 4.5 (commencing with Section 11360) or Article 4.7
6 (commencing with Section 11385) or adoption assistance payments
7 as specified in Chapter 2.1 (commencing with Section 16115) of
8 Part 4. Effective January 1, 2012, a nonminor former dependent
9 child or ward of the juvenile court who is receiving AFDC-FC
10 benefits pursuant to Section 11405 and who satisfies the criteria
11 set forth in subdivision (a) shall be eligible to continue to receive
12 aid as long as the nonminor is otherwise eligible for AFDC-FC
13 benefits under this subdivision. This subdivision shall apply when
14 one or more of the following conditions exist:

15 (1) The nonminor is completing secondary education or a
16 program leading to an equivalent credential.

17 (2) The nonminor is enrolled in an institution which provides
18 postsecondary or vocational education.

19 (3) The nonminor is participating in a program or activity
20 designed to promote, or remove barriers to employment.

21 (4) The nonminor is employed for at least 80 hours per month.

22 (5) The nonminor is incapable of doing any of the activities
23 described in subparagraphs (1) to (4), inclusive, due to a medical
24 condition, and that incapability is supported by regularly updated
25 information in the case plan of the nonminor. The requirement to
26 update the case plan under this section shall not apply to nonminor
27 former dependents or wards in receipt of Kin-GAP program or
28 Adoption Assistance Program payments.

29 (c) The county child welfare or probation department, Indian
30 tribe, consortium of tribes, or tribal organization that has entered
31 into an agreement pursuant to Section 10553.1, shall work together
32 with a nonminor dependent who is in foster care on his or her 18th
33 birthday and thereafter or a nonminor former dependent receiving
34 aid pursuant to Section 11405, to satisfy one or more of the
35 conditions described in paragraphs (1) to (5), inclusive, of
36 subdivision (b) and shall certify the nonminor's applicable
37 condition or conditions in the nonminor's six-month transitional
38 independent living case plan update, and provide the certification
39 to the eligibility worker and to the court at each six-month case
40 plan review hearing for the nonminor dependent. Relative

1 guardians who receive Kin-GAP payments and adoptive parents
2 who receive adoption assistance payments shall be responsible for
3 reporting to the county welfare agency that the nonminor does not
4 satisfy at least one of the conditions described in subdivision (b).
5 The social worker, probation officer, or tribal entity shall verify
6 and obtain assurances that the nonminor dependent continues to
7 satisfy at least one of the conditions in paragraphs (1) to (5),
8 inclusive, of subdivision (b) at each six-month transitional
9 independent living case plan update. The six-month case plan
10 update shall certify the nonminor's eligibility pursuant to
11 subdivision (b) for the next six-month period. During the six-month
12 certification period, the payee and nonminor shall report any
13 change in placement or other relevant changes in circumstances
14 that may affect payment. The nonminor dependent, or nonminor
15 former dependent receiving aid pursuant to subdivision (e) of
16 Section 11405, shall be informed of all due process requirements,
17 in accordance with state and federal law, prior to an involuntary
18 termination of aid, and shall simultaneously be provided with a
19 written explanation of how to exercise his or her due process rights
20 and obtain referrals to legal assistance. Any notices of action
21 regarding eligibility shall be sent to the nonminor dependent or
22 former dependent, his or her counsel, as applicable, and the placing
23 worker, in addition to any other payee. Payments of aid pursuant
24 to Kin-GAP under Article 4.5 (commencing with Section 11360)
25 or Article 4.7 (commencing with Section 11385), adoption
26 assistance payments as specified in Chapter 2.1 (commencing with
27 Section 16115) of Part 4, or aid pursuant to subdivision (e) of
28 Section 11405 that are made on behalf of a nonminor former
29 dependent shall terminate subject to the terms of the agreements.
30 Subject to federal approval of amendments to the state plan, aid
31 payments may be suspended and resumed based on changes of
32 circumstances that affect eligibility. Nonminor former dependents,
33 as identified in paragraph (2) of subdivision (aa) of Section 11400,
34 are not eligible for reentry under subdivision (e) of Section 388 as
35 nonminor dependents under the jurisdiction of the juvenile court,
36 *unless (1) the nonminor former dependent was receiving aid*
37 *pursuant to Kin-GAP under Article 4.5 (commencing with Section*
38 *11360) or Article 4.7 (commencing with Section 11385) or the*
39 *nonminor former dependent was receiving aid pursuant to*
40 *subdivision (e) of Section 11405 or the nonminor was receiving*

1 *adoption assistance payments as specified in Chapter 2.1*
2 *(commencing with Section 16115) of Part 3 and (2) the nonminor's*
3 *former guardian or adoptive parent dies after the nonminor turns*
4 *18 years of age but before the nonminor turns 21 years of age.*
5 Nonminor former dependents requesting the resumption of
6 AFDC-FC payments pursuant to subdivision (e) of Section 11405
7 shall complete the applicable portions of the voluntary reentry
8 agreement, as described in subdivision (z) of Section 11400.

9 (d) A nonminor dependent may receive all of the payment
10 directly provided that the nonminor is living independently in a
11 supervised placement, as described in subdivision (w) of Section
12 11400, and that both the youth and the agency responsible for the
13 foster care placement have signed a mutual agreement, as defined
14 in subdivision (u) of Section 11400, if the youth is capable of
15 making an informed agreement, that documents the continued need
16 for supervised out-of-home placement, and the nonminor's and
17 social worker's or probation officer's agreement to work together
18 to facilitate implementation of the mutually developed supervised
19 placement agreement and transitional independent living case plan.

20 (e) Eligibility for aid under this section shall not terminate until
21 the nonminor dependent attains the age criteria, as set forth in
22 subdivision (a), but aid may be suspended when the nonminor
23 dependent no longer resides in an eligible facility, as described in
24 Section 11402, or is otherwise not eligible for AFDC-FC benefits
25 under Section 11401, or terminated at the request of the nonminor,
26 or after a court terminates dependency jurisdiction pursuant to
27 Section 391, delinquency jurisdiction pursuant to Section 607.2,
28 or transition jurisdiction pursuant to Section 452. AFDC-FC
29 benefits to nonminor dependents, may be resumed at the request
30 of the nonminor by completing a voluntary reentry agreement
31 pursuant to subdivision (z) of Section 11400, before or after the
32 filing of a petition filed pursuant to subdivision (e) of Section 388
33 after a court terminates dependency or transitional jurisdiction
34 pursuant to Section 391, or delinquency jurisdiction pursuant to
35 Section 607.2. The county welfare or probation department or
36 Indian tribal entity that has entered into an agreement pursuant to
37 Section 10553.1 shall complete the voluntary reentry agreement
38 with the nonminor who agrees to satisfy the criteria of the
39 agreement, as described in subdivision (z) of Section 11400. The
40 county welfare department or tribal entity shall establish a new

1 child-only Title IV-E eligibility determination based on the
2 nonminor's completion of the voluntary reentry agreement pursuant
3 to Section 11401. The beginning date of aid for either federal or
4 state AFDC-FC for a reentering nonminor who is placed in foster
5 care is the date the voluntary reentry agreement is signed or the
6 nonminor is placed, whichever is later. The county welfare
7 department, county probation department, or tribal entity shall
8 provide a nonminor dependent who wishes to continue receiving
9 aid with the assistance necessary to meet and maintain eligibility.

10 (f) (1) The county having jurisdiction of the nonminor
11 dependent shall remain the county of payment under this section
12 regardless of the youth's physical residence. Nonminor former
13 dependents receiving aid pursuant to subdivision (e) of Section
14 11405 shall be paid by their county of residence. Counties may
15 develop courtesy supervision agreements to provide case
16 management and independent living services by the county of
17 residence pursuant to the nonminor dependent's transitional
18 independent living case plan. Placements made out of state are
19 subject to the applicable requirements of the Interstate Compact
20 on Placement of Children, pursuant to Part 5 (commencing with
21 Section 7900) of Division 12 of the Family Code.

22 (2) The county welfare department, county probation
23 department, or tribal entity shall notify all foster youth who attain
24 16 years of age and are under the jurisdiction of that county or
25 tribe, including those receiving Kin-GAP, and AAP, of the
26 existence of the aid prescribed by this section.

27 (3) The department shall seek any waiver to amend its Title
28 IV-E State Plan with the Secretary of the United States Department
29 of Health and Human Services necessary to implement this section.

30 (g) (1) Subject to paragraph (3), a county shall pay the
31 nonfederal share of the cost of extending aid pursuant to this
32 section to eligible nonminor dependents who have reached 18
33 years of age and who are under the jurisdiction of the county,
34 including AFDC-FC payments pursuant to Section 11401, aid
35 pursuant to Kin-GAP under Article 4.7 (commencing with Section
36 11385), adoption assistance payments as specified in Chapter 2.1
37 (commencing with Section 16115) of Part 4, and aid pursuant to
38 Section 11405 for nonminor dependents who are residing in the
39 county as provided in paragraph (1) of subdivision (f). A county
40 shall contribute to the CalWORKs payments pursuant to Section

1 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing
2 with Section 11360) at the statutory sharing ratios in effect on
3 January 1, 2012.

4 (2) Subject to paragraph (3), a county shall pay the nonfederal
5 share of the cost of providing permanent placement services
6 pursuant to subdivision (c) of Section 16508 and administering
7 the Aid to Families with Dependent Children Foster Care program
8 pursuant to Section 15204.9. For purposes of budgeting, the
9 department shall use a standard for the permanent placement
10 services that is equal to the midpoint between the budgeting
11 standards for family maintenance services and family reunification
12 services.

13 (3) (A) (i) Notwithstanding any other provision of law, a
14 county's required total contribution pursuant to paragraphs (1) and
15 (2), excluding costs incurred pursuant to Section 10103.5, shall
16 not exceed the amount of savings in Kin-GAP assistance grant
17 expenditures realized by the county from the receipt of federal
18 funds due to the implementation of Article 4.7 (commencing with
19 Section 11385), and the amount of funding specifically included
20 in the Protective Services Subaccount within the Support Services
21 Account within the Local Revenue Fund 2011, plus any associated
22 growth funding from the Support Services Growth Subaccount
23 within the Sales and Use Tax Growth Account to pay the costs of
24 extending aid pursuant to this section.

25 (ii) A county, at its own discretion, may expend additional funds
26 beyond the amounts identified in clause (i). These additional
27 amounts shall not be included in any cost and savings calculations
28 or comparisons performed pursuant to this section.

29 (B) Beginning in the 2011–12 fiscal year, and for each fiscal
30 year thereafter, funding and expenditures for programs and
31 activities under this section shall be in accordance with the
32 requirements provided in Sections 30025 and 30026.5 of the
33 Government Code. In addition, the following are available to the
34 counties for the purpose of funding costs pursuant to this section:

35 (i) The savings in Kin-GAP assistance grant expenditures
36 realized from the receipt of federal funds due to the implementation
37 of Article 4.7 (commencing with Section 11385).

38 (ii) The savings realized from the change in federal funding for
39 adoption assistance resulting from the enactment of Public Law
40 110-351 and consistent with subdivision (d) of Section 16118.

1 (4) (A) The limit on the county's total contribution pursuant to
2 paragraph (3) shall be assessed by the State Department of Social
3 Services, in conjunction with the California State Association of
4 Counties, in 2015–16, to determine if it shall be removed. The
5 assessment of the need for the limit shall be based on a
6 determination on a statewide basis of whether the actual county
7 costs of providing extended care pursuant to this section, excluding
8 costs incurred pursuant to Section 10103.5, are fully funded by
9 the amount of savings in Kin-GAP assistance grant expenditures
10 realized by the counties from the receipt of federal funds due to
11 the implementation of Article 4.7 (commencing with Section
12 11385) and the amount of funding specifically included in the
13 Protective Services Subaccount within the Support Services
14 Account within the Local Revenue Fund 2011 plus any associated
15 growth funding from the Support Services Growth Subaccount
16 within the Sales and Use Tax Growth Account to pay the costs of
17 extending aid pursuant to this section.

18 (B) If the assessment pursuant to subparagraph (A) shows that
19 the statewide total costs of extending aid pursuant to this section,
20 excluding costs incurred pursuant to Section 10103.5, are fully
21 funded by the amount of savings in Kin-GAP assistance grant
22 expenditures realized by the counties from the receipt of federal
23 funds due to the implementation of Article 4.7 (commencing with
24 Section 11385) and the amount of funding specifically included
25 in the Protective Services Subaccount within the Support Services
26 Account within the Local Revenue Fund 2011 plus any associated
27 growth funding from the Support Services Growth Subaccount
28 within the Sales and Use Tax Growth Account to pay the costs of
29 extending aid pursuant to this section, the Department of Finance
30 shall certify that fact, in writing, and shall post the certification on
31 its Internet Web site, at which time subparagraph (A) of paragraph
32 (3) shall no longer be implemented.

33 (h) It is the intent of the Legislature that no county currently
34 participating in the Child Welfare Demonstration Capped
35 Allocation Project be adversely impacted by the department's
36 exercise of its option to extend foster care benefits pursuant to
37 Section 673(a)(4) and Section 675(8) of Title 42 of the United
38 States Code in the federal Social Security Act, as contained in the
39 federal Fostering Connections to Success and Increasing Adoptions
40 Act of 2008 (Public Law 110-351). Therefore, the department shall

1 negotiate with the United States Department of Health and Human
2 Services on behalf of those counties that are currently participating
3 in the demonstration project to ensure that those counties receive
4 reimbursement for these new programs outside of the provisions
5 of those counties' waiver under Subtitle IV-E (commencing with
6 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
7 670 et seq.).

8 (i) The department, on or before July 1, 2013, shall develop
9 regulations to implement this section in consultation with
10 concerned stakeholders, including, but not limited to,
11 representatives of the Legislature, the County Welfare Directors
12 Association, the Chief Probation Officers of California, the Judicial
13 Council, representatives of Indian tribes, the California Youth
14 Connection, former foster youth, child advocacy organizations,
15 labor organizations, juvenile justice advocacy organizations, foster
16 caregiver organizations, and researchers. In the development of
17 these regulations, the department shall consider its Manual of
18 Policy and Procedures, Division 30, Chapter 30-912, 913, 916,
19 and 917, as guidelines for developing regulations that are
20 appropriate for young adults who can exercise incremental
21 responsibility concurrently with their growth and development.
22 The department, in its consultation with stakeholders, shall take
23 into consideration the impact to the Automated Child Welfare
24 Services Case Management Services (CWS-CMS) and required
25 modifications needed to accommodate eligibility determination
26 under this section, benefit issuance, case management across
27 counties, and recognition of the legal status of nonminor
28 dependents as adults, as well as changes to data tracking and
29 reporting requirements as required by the Child Welfare System
30 Improvement and Accountability Act as specified in Section
31 10601.2, and federal outcome measures as required by the federal
32 John H. Chafee Foster Care Independence Program (42 U.S.C.
33 Sec. 677(f)). In addition, the department, in its consultation with
34 stakeholders, shall define the supervised independent living setting
35 which shall include, but not be limited to, apartment living, room
36 and board arrangements, college or university dormitories, and
37 shared roommate settings, and define how those settings meet
38 health and safety standards suitable for nonminors. The department,
39 in its consultation with stakeholders, shall define the six-month
40 certification of the conditions of eligibility pursuant to subdivision

1 (b) to be consistent with the flexibility provided by federal policy
2 guidance, to ensure that there are ample supports for a nonminor
3 to achieve the goals of his or her transition independent living case
4 plan. The department, in its consultation with stakeholders, shall
5 ensure that notices of action and other forms created to inform the
6 nonminor of due process rights and how to access them shall be
7 developed, using language consistent with the special needs of the
8 nonminor dependent population.

9 (j) Notwithstanding the Administrative Procedure Act, Chapter
10 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
11 Title 2 of the Government Code, the department shall prepare for
12 implementation of the applicable provisions of this section by
13 publishing, after consultation with the stakeholders listed in
14 subdivision (i), all-county letters or similar instructions from the
15 director by October 1, 2011, to be effective January 1, 2012.
16 Emergency regulations to implement the applicable provisions of
17 this act may be adopted by the director in accordance with the
18 Administrative Procedure Act. The initial adoption of the
19 emergency regulations and one readoption of the emergency
20 regulations shall be deemed to be an emergency and necessary for
21 the immediate preservation of the public peace, health, safety, or
22 general welfare. Initial emergency regulations and the first
23 readoption of those emergency regulations shall be exempt from
24 review by the Office of Administrative Law. The emergency
25 regulations authorized by this section shall be submitted to the
26 Office of Administrative Law for filing with the Secretary of State
27 and shall remain in effect for no more than 180 days.

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

29 *SEC. 6. Section 11405 of the Welfare and Institutions Code is*
30 *amended to read:*

31 11405. (a) Except for nonminors described in paragraph (2)
32 of subdivision (e) *and in subdivision (f)*, AFDC-FC benefits shall
33 be paid to an otherwise eligible child living with a nonrelated legal
34 guardian, provided that the legal guardian cooperates with the
35 county welfare department in all of the following:

- 36 (1) Developing a written assessment of the child's needs.
- 37 (2) Updating the assessment no less frequently than once every
38 six months.
- 39 (3) Carrying out the case plan developed by the county.

1 (b) Except for nonminors described in paragraph (2) of
2 subdivision (e) *and in subdivision (f)*, when AFDC-FC is applied
3 for on behalf of a child living with a nonrelated legal guardian the
4 county welfare department shall do all of the following:

5 (1) Develop a written assessment of the child's needs.

6 (2) Update those assessments no less frequently than once every
7 six months.

8 (3) Develop a case plan that specifies how the problems
9 identified in the assessment are to be addressed.

10 (4) Make visits to the child as often as appropriate, but in no
11 event less often than once every six months.

12 (c) Where the child is a parent and has a child living with him
13 or her in the same eligible facility, the assessment required by
14 paragraph (1) of subdivision (a) shall include the needs of his or
15 her child.

16 (d) Nonrelated legal guardians of eligible children who are in
17 receipt of AFDC-FC payments described in this section shall be
18 exempt from the requirement to register with the Statewide
19 Registry of Private Professional Guardians pursuant to Sections
20 2850 and 2851 of the Probate Code.

21 (e) (1) On and after January 1, 2012, a nonminor youth whose
22 nonrelated guardianship was ordered in juvenile court pursuant to
23 Section 360 or 366.26, and whose dependency was dismissed,
24 shall remain eligible for AFDC-FC benefits until the youth attains
25 19 years of age, effective January 1, 2013, until the youth attains
26 20 years of age, and effective January 1, 2014, until the youth
27 attains 21 years of age, provided that the youth enters into a mutual
28 agreement with the agency responsible for his or her guardianship,
29 and the youth is meeting the conditions of eligibility, as described
30 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
31 11403.

32 (2) A nonminor former dependent or ward as defined in
33 paragraph (2) of subdivision (aa) of Section 11400 shall be eligible
34 for benefits under this section until the youth attains 21 years of
35 age if all of the following conditions are met:

36 (A) The nonminor former dependent or ward attained 18 years
37 of age while in receipt of Kin-GAP benefits pursuant to Article
38 4.7 (commencing with Section 11385).

1 (B) The nonminor's relationship to the kinship guardian is
2 defined in paragraph (2), (3), or (4) of subdivision (c) of Section
3 11391.

4 (C) The nonminor ~~who~~ was under 16 years of age at the time
5 the Kin-GAP negotiated agreement payments commenced.

6 (D) The guardian continues to be responsible for the support of
7 the nonminor.

8 (E) The nonminor otherwise is meeting the conditions of
9 eligibility, as described in paragraphs (1) to (5), inclusive, of
10 subdivision (b) of Section 11403.

11 (f) On or after January 1, 2012, a child whose nonrelated
12 guardianship was ordered in probate court pursuant Article 2
13 (commencing with Section 1510) of Chapter 1 of Part 2 of Division
14 4 of the Probate Code, who is attending high school or the
15 equivalent level of vocational or technical training on a full-time
16 basis, or who is in the process of pursuing a high school
17 equivalency certificate prior to his or her 18th birthday may
18 continue to receive aid following his or her 18th birthday as long
19 as the child continues to reside in the guardian's home, remains
20 otherwise eligible for AFDC-FC benefits and continues to attend
21 high school or the equivalent level of vocational or technical
22 training on a full-time basis, or continues to pursue a high school
23 equivalency certificate, and the child may reasonably be expected
24 to complete the educational or training program or to receive a
25 high school equivalency certificate, before his or her 19th birthday.
26 Aid shall be provided to an individual pursuant to this section
27 provided that both the individual and the agency responsible for
28 the foster care placement have signed a mutual agreement, if the
29 individual is capable of making an informed agreement,
30 documenting the continued need for out-of-home placement.

31 (g) (1) For cases in which a guardianship was established on
32 or before June 30, 2011, or the date specified in a final order, for
33 which the time for appeal has passed, issued by a court of
34 competent jurisdiction in California State Foster Parent
35 Association, et al. v. William Lightbourne, et al. (U.S. Dist. Ct.
36 No. C 07-05086 WHA), whichever is earlier, the AFDC-FC
37 payment described in this section shall be the foster family home
38 rate structure in effect prior to the effective date specified in the
39 order described in this paragraph.

1 (2) For cases in which guardianship has been established on or
2 after July 1, 2011, or the date specified in the order described in
3 paragraph (1), whichever is earlier, the AFDC-FC payments
4 described in this section shall be the basic foster family home rate
5 set forth in paragraph (1) of subdivision (g) of Section 11461.

6 (3) Beginning with the 2011–12 fiscal year, the AFDC-FC
7 payments identified in this subdivision shall be adjusted annually
8 by the percentage change in the California Necessities Index rate
9 as set forth in paragraph (2) of subdivision (g) of Section 11461.

10 (h) In addition to the AFDC-FC rate paid, all of the following
11 also shall be paid:

12 (1) A specialized care increment, if applicable, as set forth in
13 subdivision (e) of Section 11461.

14 (2) A clothing allowance, as set forth in subdivision (f) of
15 Section 11461.

16 (3) For a child eligible for an AFDC-FC payment who is a teen
17 parent, the rate shall include the two hundred dollar (\$200) monthly
18 payment made to the relative caregiver in a whole family foster
19 home pursuant to paragraph (3) of subdivision (d) of Section
20 11465.

21 *SEC. 7. Section 16120 of the Welfare and Institutions Code is*
22 *amended to read:*

23 16120. A child shall be eligible for Adoption Assistance
24 Program benefits if all of the conditions specified in subdivisions
25 (a) to (l), inclusive, are met or if the conditions specified in
26 subdivision (m) are met.

27 (a) It has been determined that the child cannot or should not
28 be returned to the home of his or her parents as evidenced by a
29 petition for termination of parental rights, a court order terminating
30 parental rights, or a signed relinquishment, or, in the case of a
31 tribal customary adoption, if the court has given full faith and
32 credit to a tribal customary adoption order as provided for pursuant
33 to paragraph (2) of subdivision (e) of Section 366.26, or, in the
34 case of a nonminor dependent the court has dismissed dependency
35 or transitional jurisdiction subsequent to the approval of the
36 nonminor dependent, adoption petition pursuant to subdivision (f)
37 of Section 366.31.

38 (b) The child has at least one of the following characteristics
39 that are barriers to his or her adoption:

1 (1) Adoptive placement without financial assistance is unlikely
2 because of membership in a sibling group that should remain intact
3 or by virtue of race, ethnicity, color, language, age of three years
4 or older, or parental background of a medical or behavioral nature
5 that can be determined to adversely affect the development of the
6 child.

7 (2) Adoptive placement without financial assistance is unlikely
8 because the child has a mental, physical, emotional, or medical
9 disability that has been certified by a licensed professional
10 competent to make an assessment and operating within the scope
11 of his or her profession. This paragraph shall also apply to children
12 with a developmental disability, as defined in subdivision (a) of
13 Section 4512, including those determined to require out-of-home
14 nonmedical care, as described in Section 11464.

15 (c) The need for an adoption subsidy is evidenced by an
16 unsuccessful search for an adoptive home to take the child without
17 financial assistance, as documented in the case file of the
18 prospective adoptive child. The requirement for this search shall
19 be waived when it would be against the best interest of the child
20 because of the existence of significant emotional ties with
21 prospective adoptive parents while in the care of these persons as
22 a foster child.

23 (d) The child satisfies any of the following criteria:

24 (1) He or she is under 18 years of age.

25 (2) He or she is under 21 years of age and has a mental or
26 physical handicap that warrants the continuation of assistance.

27 (3) Effective January 1, 2012, he or she is under 19 years of
28 age, effective January 1, 2013, he or she is under 20 years of age,
29 and effective January 1, 2014, he or she is under 21 years of age
30 and as described in Section 10103.5, and has attained 16 years of
31 age before the adoption assistance agreement became effective,
32 and one or more of the conditions specified in paragraphs (1) to
33 (5), inclusive, of subdivision (b) of Section 11403 applies.

34 (e) The adoptive family is responsible for the child pursuant to
35 the terms of an adoptive placement agreement or a final decree of
36 adoption and has signed an adoption assistance agreement.

37 (f) The adoptive family is legally responsible for the support of
38 the child and the child is receiving support from the adoptive
39 parent.

1 (g) The department or the county responsible for determining
2 the child's Adoption Assistance Program eligibility status and for
3 providing financial aid, and the prospective adoptive parent, prior
4 to or at the time the adoption decree is issued by the court, have
5 signed an adoption assistance agreement that stipulates the need
6 for, and the amount of, Adoption Assistance Program benefits.

7 (h) The prospective adoptive parent or any adult living in the
8 prospective adoptive home has completed the criminal background
9 check requirements pursuant to Section 671(a)(20)(A) and (C) of
10 Title 42 of the United States Code.

11 (i) To be eligible for state funding, the child is the subject of an
12 agency adoption, as defined in Section 8506 of the Family Code,
13 and was any of the following:

14 (1) Under the supervision of a county welfare department as
15 the subject of a legal guardianship or juvenile court dependency.

16 (2) Relinquished for adoption to a licensed California private
17 or public adoption agency, or another public agency operating a
18 Title IV-E program on behalf of the state, and would have
19 otherwise been at risk of dependency as certified by the responsible
20 public child welfare agency.

21 (3) Committed to the care of the department pursuant to Section
22 8805 or 8918 of the Family Code.

23 (4) The child is an Indian child and the subject of an order of
24 adoption based on tribal customary adoption of an Indian child,
25 as described in Section 366.24. Notwithstanding Section 8600.5
26 of the Family Code, for purposes of this subdivision a tribal
27 customary adoption shall be considered an agency adoption.

28 (j) To be eligible for federal funding, in the case of a child who
29 is not an applicable child for the federal fiscal year as defined in
30 subdivision (n), the child satisfies any of the following criteria:

31 (1) Prior to the finalization of an agency adoption, as defined
32 in Section 8506 of the Family Code, or an independent adoption,
33 as defined in Section 8524 of the Family Code, is filed, the child
34 has met the requirements to receive federal supplemental security
35 income benefits pursuant to Subchapter 16 (commencing with
36 Section 1381) of Chapter 7 of Title 42 of the United States Code,
37 as determined and documented by the federal Social Security
38 Administration.

39 (2) The child was removed from the home of a specified relative
40 and the child would have been AFDC eligible in the home of

1 removal according to Section 606(a) or 607 of Title 42 of the
2 United States Code, as those sections were in effect on July 16,
3 1996, in the month of the voluntary placement agreement or in the
4 month court proceedings are initiated to remove the child, resulting
5 in a judicial determination that continuation in the home would be
6 contrary to the child's welfare. The child must have been living
7 with the specified relative from whom he or she was removed
8 within six months of the month the voluntary placement agreement
9 was signed or the petition to remove was filed.

10 (3) The child was voluntarily relinquished to a licensed public
11 or private adoption agency, or another public agency operating a
12 Title IV-E program on behalf of the state, and there is a petition
13 to the court to remove the child from the home within six months
14 of the time the child lived with a specified relative and a subsequent
15 judicial determination that remaining in the home would be
16 contrary to the child's welfare.

17 (4) Title IV-E foster care maintenance was paid on behalf of
18 the child's minor parent and covered the cost of the minor parent's
19 child while the child was in the foster family home or child care
20 institution with the minor parent.

21 (5) The child is an Indian child and the subject of an order of
22 adoption based on tribal customary adoption of an Indian child,
23 as described in Section 366.24.

24 (k) To be eligible for federal funding, in the case of a child who
25 is an applicable child for the federal fiscal year, as defined in
26 subdivision (n), the child meets any of the following criteria:

27 (1) At the time of initiation of adoptive proceedings was in the
28 care of a public or licensed private child placement agency or
29 Indian tribal organization pursuant to either of the following:

30 (A) An involuntary removal of the child from the home in
31 accordance with a judicial determination to the effect that
32 continuation in the home would be contrary to the welfare of the
33 child.

34 (B) A voluntary placement agreement or a voluntary
35 relinquishment.

36 (2) He or she meets all medical or disability requirements of
37 Title XVI with respect to eligibility for supplemental security
38 income benefits.

39 (3) He or she was residing in a foster family home or a child
40 care institution with the child's minor parent, and the child's minor

1 parent was in the foster family home or child care institution
2 pursuant to either of the following:

3 (A) An involuntary removal of the child from the home in
4 accordance with a judicial determination to the effect that
5 continuation in the home would be contrary to the welfare of the
6 child.

7 (B) A voluntary placement agreement or voluntary
8 relinquishment.

9 (4) The child is an Indian child and the subject of an order of
10 adoption based on tribal customary adoption of an Indian child,
11 as described in Section 366.24.

12 (5) The nonminor dependent, as described in subdivision (v) of
13 Section 11400, is the subject of an adoption pursuant to subdivision
14 (f) of Section 366.31.

15 (l) The child is a citizen of the United States or a qualified alien
16 as defined in Section 1641 of Title 8 of the United States Code. If
17 the child is a qualified alien who entered the United States on or
18 after August 22, 1996, and is placed with an unqualified alien, the
19 child must meet the five-year residency requirement pursuant to
20 Section 673(a)(2)(B) of Title 42 of the United States Code, unless
21 the child is a member of one of the excepted groups pursuant to
22 Section 1612(b) of Title 8 of the United States Code.

23 (m) A child *or nonminor* shall be eligible for Adoption
24 Assistance Program benefits if the following conditions are met:

25 (1) The child *or nonminor* received Adoption Assistance
26 Program benefits with respect to a prior adoption and the child *or*
27 *nonminor* is again available for adoption because the prior adoption
28 was dissolved and the parental rights of the adoptive parents were
29 terminated or because the child's *or nonminor's* adoptive parents
30 died and the child *or nonminor* meets the special needs criteria
31 described in subdivisions (a) to (c), inclusive. *When a nonminor*
32 *is receiving Adoption Assistance Program benefits after 18 years*
33 *of age and the nonminor's adoptive parents die, the juvenile court*
34 *may resume dependency jurisdiction over the nonminor pursuant*
35 *to subdivision (e) of Section 388.*

36 (2) To receive federal funding, the citizenship requirements in
37 subdivision (l).

38 (n) (1) Except as provided in this subdivision, "applicable child"
39 means a child for whom an adoption assistance agreement is
40 entered into under this section during any federal fiscal year

1 described in this subdivision if the child attained the applicable
2 age for that federal fiscal year before the end of that federal fiscal
3 year.

4 (A) For federal fiscal year 2010, the applicable age is 16 years.

5 (B) For federal fiscal year 2011, the applicable age is 14 years.

6 (C) For federal fiscal year 2012, the applicable age is 12 years.

7 (D) For federal fiscal year 2013, the applicable age is 10 years.

8 (E) For federal fiscal year 2014, the applicable age is eight years.

9 (F) For federal fiscal year 2015, the applicable age is six years.

10 (G) For federal fiscal year 2016, the applicable age is four years.

11 (H) For federal fiscal year 2017, the applicable age is two years.

12 (I) For federal fiscal year 2018 and thereafter, any age.

13 (2) Beginning with the 2010 federal fiscal year, the term
14 “applicable child” shall include a child of any age on the date on
15 which an adoption assistance agreement is entered into on behalf
16 of the child under this section if the child meets both of the
17 following criteria:

18 (A) He or she has been in foster care under the responsibility
19 of the state for at least 60 consecutive months.

20 (B) He or she meets the requirements of subdivision (k).

21 (3) Beginning with the 2010 federal fiscal year, an applicable
22 child shall include a child of any age on the date that an adoption
23 assistance agreement is entered into on behalf of the child under
24 this section, without regard to whether the child is described in
25 paragraph (2), if the child meets all of the following criteria:

26 (A) He or she is a sibling of a child who is an applicable child
27 for the federal fiscal year, under subdivision (n) or paragraph (2).

28 (B) He or she is to be placed in the same adoption placement
29 as an “applicable child” for the federal fiscal year who is their
30 sibling.

31 (C) He or she meets the requirements of subdivision (k).

32 *SEC. 8. If the Commission on State Mandates determines that*
33 *this act contains costs mandated by the state, reimbursement to*
34 *local agencies and school districts for those costs shall be made*
35 *pursuant to Part 7 (commencing with Section 17500) of Division*
36 *4 of Title 2 of the Government Code.*

37 ~~SECTION 1. It is the intent of the Legislature to enact~~
38 ~~legislation that would enhance the delivery of services for~~
39 ~~nonminor dependent foster youth who are eligible to receive federal~~

- 1 ~~financial assistance through the federal Fostering Connections to~~
- 2 ~~Success and Increasing Adoptions Act of 2008.~~

O