

AMENDED IN SENATE JUNE 14, 2013

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 366.31, 388, 391, 727, 11363, 11400, 11403, 11405, ~~and~~ 16120, 16501.1, and 16507.6 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 requires the court to consider whether a nonminor dependent may safely reside in the home of the parent or guardian and, if the nonminor cannot reside safely in that home, or if it is not in the minor's best interest to reside in the home, to consider whether to continue or terminate reunification services for the parent or legal guardian.

This bill would require the court to allow a nonminor dependent to reside in the home of the parent or guardian if the court determines the nonminor dependent may safely reside in that home and to terminate or continue jurisdiction, as specified. The bill would require the court to hold periodic hearings for a nonminor dependent residing in that

home and would require the social worker or probation officer to file a report describing the services offered to the family and the progress made by the family, as specified. By imposing new duties on social workers and probation officers, the bill would impose a state-mandated local program.

Existing law authorizes a court to resume ~~transition court~~ dependency jurisdiction over a nonminor former dependent child of the juvenile court and to assume or resume ~~dependency~~ transition 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 *and would make other conforming and related changes*.

(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.

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 366.31 of the Welfare and Institutions
2 Code is amended to read:

3 366.31. (a) If a review hearing is the last review hearing to be
4 held before the minor attains 18 years of age, the court shall ensure
5 all of the following:

6 (1) The minor’s case plan includes a plan for the minor to satisfy
7 one or more of the participation conditions described in paragraphs
8 (1) to (5), inclusive, of subdivision (b) of Section 11403, so that
9 the minor is eligible to remain in foster care as a nonminor
10 dependent.

11 (2) The minor has been informed of his or her right to seek
12 termination of dependency jurisdiction pursuant to Section 391,
13 and understands the potential benefits of continued dependency.

14 (3) The minor is informed of his or her right to have dependency
15 reinstated pursuant to subdivision (e) of Section 388, and
16 understands the potential benefits of continued dependency.

1 (b) At the review hearing that occurs in the six-month period
2 prior to the minor's attaining 18 years of age, and at every
3 subsequent review hearing for the nonminor dependent, as
4 described in subdivision (v) of Section 11400, the report shall
5 describe all of the following:

6 (1) The minor's and nonminor's plans to remain in foster care
7 and plans to meet one or more of the participation conditions as
8 described in paragraphs (1) to (5), inclusive, of subdivision (b) of
9 Section 11403 to continue to receive AFDC-FC benefits as a
10 nonminor dependent.

11 (2) The efforts made and assistance provided to the minor and
12 nonminor by the social worker or the probation officer so that the
13 minor and nonminor will be able to meet the participation
14 conditions.

15 (3) Efforts toward completing the items described in paragraph
16 (2) of subdivision (e) of Section 391.

17 (c) The reviews conducted pursuant to this section for any
18 nonminor dependent shall be conducted in a manner that respects
19 the nonminor's status as a legal adult, focused on the goals and
20 services described in the youth's transitional independent living
21 case plan, as described in subdivision (y) of Section 11400,
22 including efforts made to maintain connections with caring and
23 permanently committed adults, and attended, as appropriate, by
24 additional participants invited by the nonminor dependent.

25 (d) For a nonminor dependent whose case plan is continued
26 court-ordered family reunification services pursuant to Section
27 361.6, the court shall consider whether the nonminor dependent
28 may safely reside in the home of the parent or guardian. If the
29 nonminor cannot reside safely in the home of the parent or
30 guardian, or, if it is not in the nonminor dependent's best interest
31 to reside in the home of the parent or guardian, the court must
32 consider whether to continue or terminate reunification services
33 for the parent or legal guardian.

34 (1) The review report shall include a discussion of all of the
35 following:

36 (A) Whether foster care placement continues to be necessary
37 and appropriate.

38 (B) The likely date by which the nonminor dependent may reside
39 safely in the home of the parent or guardian or will achieve
40 independence.

1 (C) Whether the parent or guardian and nonminor dependent
2 were actively involved in the development of the case plan.

3 (D) Whether the social worker or probation officer has provided
4 reasonable services designed to aid the parent or guardian to
5 overcome the problems that led to the initial removal of the
6 nonminor dependent.

7 (E) The extent of progress the parents or guardian have made
8 toward alleviating or mitigating the ~~eases~~ *causes* necessitating
9 placement in foster care.

10 (F) Whether the nonminor dependent and parent, parents, or
11 guardian are in agreement with the continuation of reunification
12 services.

13 (G) Whether continued reunification services are in the best
14 interest of the nonminor dependent.

15 (H) Whether there is a substantial probability that the nonminor
16 dependent will be able to safely reside in the home of the parent
17 or guardian by the next review hearing date.

18 (I) The efforts to maintain the nonminor's connections with
19 caring and permanently committed adults.

20 (J) The agency's compliance with the nonminor dependent's
21 Transitional Independent Living Case Plan, including efforts to
22 finalize the nonminor's permanent plan and prepare the nonminor
23 dependent for independence.

24 (K) The progress in providing the information and documents
25 to the nonminor dependent as described in Section 391.

26 (2) The court shall inquire about the progress being made to
27 provide a permanent home for the nonminor, shall consider the
28 safety of the nonminor dependent, and shall determine all of the
29 following:

30 (A) The continuing necessity for, and appropriateness of, the
31 placement.

32 (B) Whether the agency has made reasonable efforts to maintain
33 relationships between the nonminor dependent and individuals
34 who are important to the nonminor dependent.

35 (C) The extent of the agency's compliance with the case plan
36 in making reasonable efforts, or, in the case of an Indian child,
37 active efforts as described in Section 361.7, to create a safe home
38 of the parent or guardian for the nonminor to reside in or to
39 complete whatever steps are necessary to finalize the permanent
40 placement of the nonminor dependent.

1 (D) The extent of the agency's compliance with the nonminor
2 dependent's Transitional Independent Living Case Plan, including
3 efforts to finalize the youth's permanent plan and prepare the
4 nonminor dependent for independence.

5 (E) The adequacy of services provided to the parent or guardian
6 and to the nonminor dependent. The court shall consider the
7 progress in providing the information and documents to the
8 nonminor dependent as described in Section 391. The court shall
9 also consider the need for, and progress in providing, the assistance
10 and services described in Section 391.

11 (F) The extent of progress the parents or legal guardians have
12 made toward alleviating or mitigating the causes necessitating
13 placement in foster care.

14 (G) The likely date by which the nonminor dependent may
15 safely reside in the home of the parent or guardian or, if the court
16 is terminating reunification services, the likely date by which it is
17 anticipated the nonminor dependent will achieve independence,
18 or, for an Indian child, in consultation with the child's tribe, placed
19 for tribal customary adoption.

20 (H) Whether the agency has made reasonable efforts as required
21 in subparagraph (D) of paragraph (1) of subdivision (a) of Section
22 366 to establish or maintain the nonminor dependent's relationship
23 with his or her siblings who are under the juvenile court's
24 jurisdiction.

25 (I) The services needed to assist the nonminor dependent to
26 make the transition from foster care to independent living.

27 (J) Whether or not reasonable efforts to make and finalize a
28 permanent placement for the nonminor have been made.

29 *(3) If the court determines that a nonminor dependent may safely*
30 *reside in the home of the parent or guardian, the court shall allow*
31 *the nonminor dependent to return to the family home. After the*
32 *nonminor dependent returns to the family home, the court may*
33 *terminate jurisdiction and proceed pursuant to paragraph (2) of*
34 *subdivision (d) of, paragraphs (1), (6), (8), and (9) of subdivision*
35 *(e) of, subparagraphs (A) to (I), inclusive, of paragraph (2) of*
36 *subdivision (e) of, and subdivision (f) of, Section 391 or continue*
37 *jurisdiction as a nonminor under subdivision (a) of Section 303*
38 *and hold hearings as follows:*

39 (A) *At every hearing for a nonminor dependent residing in the*
40 *home of the parent or guardian, the court shall set a hearing within*

1 *six months of the previous hearing. The court shall advise the*
2 *parties of their right to be present. At least 10 calendar days prior*
3 *to the hearing, the social worker or probation officer shall file a*
4 *report with the court describing the services offered to the family*
5 *and the progress made by the family in eliminating the conditions*
6 *or factors requiring court supervision. The report shall address*
7 *all of the following:*

8 *(i) Whether the parent or guardian and the nonminor dependent*
9 *were actively involved in the development of the case plan.*

10 *(ii) Whether the social worker or probation officer has provided*
11 *reasonable services to eliminate the need for court supervision.*

12 *(iii) The progress of providing information and documents to*
13 *the nonminor dependent as described in Section 391.*

14 *(B) The court shall inquire about progress being made, shall*
15 *consider the safety of the nonminor dependent, and shall determine*
16 *all of the following:*

17 *(i) The continuing need for court supervision.*

18 *(ii) The extent of the agency's compliance with the case plan in*
19 *making reasonable efforts to maintain a safe family home for the*
20 *nonminor dependent.*

21 *(C) If the court finds that court supervision is no longer*
22 *necessary, the court shall set a hearing to terminate jurisdiction*
23 *and proceed pursuant to paragraph(2) of subdivision (d) of,*
24 *paragraphs (1), (6), (8), and (9) of subdivision (e) of,*
25 *subparagraphs (A) to (I), inclusive, of paragraph (2) of subdivision*
26 *(e) of, and subdivision (f) of, Section 391.*

27 *(e) For a nonminor dependent who is no longer receiving*
28 *court-ordered family reunification services and is in a permanent*
29 *plan of planned permanent living arrangement, at the review*
30 *hearing held every six months pursuant to subdivision (d) of*
31 *Section 366.3, the reviewing body shall inquire about the progress*
32 *being made to provide permanent connections with caring,*
33 *committed adults for the nonminor dependent, shall consider the*
34 *safety of the nonminor, shall consider the Transitional Independent*
35 *Living Case Plan, and shall determine all of the following:*

36 *(1) The continuing necessity for, and appropriateness of, the*
37 *placement.*

38 *(2) The continuing appropriateness and extent of compliance*
39 *with the permanent plan for the nonminor dependent, including*

1 efforts to identify and maintain relationships with individuals who
2 are important to the nonminor dependent.

3 (3) The extent of the agency's compliance with the nonminor
4 dependent's Transitional Independent Living Case Plan, including
5 whether or not reasonable efforts have been made to make and
6 finalize the youth's permanent plan and prepare the nonminor
7 dependent for independence.

8 (4) Whether a prospective adoptive parent has been identified
9 and assessed as appropriate for the nonminor dependent's adoption
10 under this section, whether the prospective adoptive parent has
11 been informed about the terms of the written negotiated adoption
12 assistance agreement pursuant to Section 16120, and whether
13 adoption should be ordered as the nonminor dependent's permanent
14 plan. If nonminor dependent adoption is ordered as the nonminor
15 dependent's permanent plan, a hearing pursuant to subdivision (f)
16 shall be held within 60 days. When the court orders a hearing
17 pursuant to subdivision (f), it shall direct the agency to prepare a
18 report that shall include the provisions of paragraph (5) of
19 subdivision (f).

20 (5) For the nonminor dependent who is an Indian child, whether,
21 in consultation with the nonminor's tribe, the nonminor should be
22 placed for tribal customary adoption.

23 (6) The adequacy of services provided to the nonminor
24 dependent. The court shall consider the progress in providing the
25 information and documents to the nonminor dependent as described
26 in Section 391. The court shall also consider the need for, and
27 progress in providing, the assistance and services described in
28 Section 391.

29 (7) The likely date by which it is anticipated the nonminor
30 dependent will achieve adoption or independence.

31 (8) Whether the agency has made reasonable efforts as required
32 in subparagraph (D) of paragraph (1) of subdivision (a) of Section
33 366 to establish or maintain the nonminor dependent's relationship
34 with his or her siblings who are under the juvenile court's
35 jurisdiction.

36 (9) The services needed to assist the nonminor dependent to
37 make the transition from foster care to independent living.

38 (f) (1) At a hearing to consider a permanent plan of adoption
39 for a nonminor dependent, the court shall read and consider the
40 report in paragraph (5) and receive other evidence that the parties

1 may present. A copy of the executed negotiated agreement shall
2 be attached to the report. If the court finds pursuant to this section
3 that nonminor dependent adoption is the appropriate permanent
4 plan, it shall make findings and orders to do the following:

5 (A) Approve the adoption agreement and declare the nonminor
6 dependent is the adopted child of the adoptive parent, and that the
7 nonminor dependent and adoptive parents agree to assume toward
8 each other the legal relationship of parents and child and to have
9 all of the rights and be subject to all of the duties and
10 responsibilities of that relationship.

11 (B) Declare that the birth parents of the nonminor dependent
12 are, from the time of the adoption, relieved of all parental duties
13 toward, and responsibility for, the adopted nonminor dependent
14 and have no rights over the adopted nonminor dependent.

15 (2) If the court finds that the nonminor dependent and the
16 prospective adoptive parent have mutually consented to the
17 adoption, the court may enter the adoption order after it determines
18 all of the following:

19 (A) Whether the notice was given as required by law.

20 (B) Whether the nonminor dependent and prospective adoptive
21 parent are present for the hearing.

22 (C) Whether the court has read and considered the assessment
23 prepared by the social worker or probation officer.

24 (D) Whether the court considered the wishes of the nonminor
25 dependent.

26 (E) If the nonminor dependent is eligible, the prospective
27 adoptive parent has signed the negotiated adoption assistance
28 agreement pursuant to subdivision (g) of Section 16120, and
29 whether a copy of the executed negotiated agreement is attached
30 to the report.

31 (F) Whether the adoption is in the best interest of the nonminor
32 dependent.

33 (3) If the court orders the establishment of the nonminor
34 dependent adoption, it shall dismiss dependency or transitional
35 jurisdiction.

36 (4) If the court does not order the establishment of the nonminor
37 dependent adoption, the nonminor dependent shall remain in a
38 planned permanent living arrangement subject to periodic review
39 of the juvenile court pursuant to this section.

1 (5) At least 10 calendar days before the hearing, the social
2 worker or probation officer shall file a report with the court and
3 provide a copy of the report to all parties. The report shall describe
4 the following:

5 (A) Whether or not the nonminor dependent has any
6 developmental disability and whether the proposed adoptive parent
7 is suitable to meet the needs of the nonminor dependent.

8 (B) The length and nature of the relationship between the
9 prospective adoptive parent and the nonminor dependent, including
10 whether the prospective adoptive parent has been determined to
11 have been established as the nonminor's permanent connection.

12 (C) Whether the nonminor dependent has been determined to
13 be eligible for the adoption assistance program, and if so, whether
14 the prospective adoptive parent has signed the negotiated adoption
15 assistance agreement pursuant to subdivision (g) of Section 16120.

16 (D) Whether a copy of the executed negotiated agreement is
17 attached to the report.

18 (E) Whether criminal background clearances were completed
19 for the prospective adoptive parent as required by Section
20 671(a)(2)(A) and (c) of Title 42 of the United States Code.

21 (F) Whether the prospective adoptive parent who is married and
22 not legally separated from that spouse has the consent of the
23 spouse, provided that the spouse is capable of giving that consent.

24 (G) Whether the adoption of the nonminor dependent is in the
25 best interests of the nonminor dependent and the prospective
26 adoptive parent.

27 (H) Whether the nonminor dependent and the prospective
28 adoptive parent have mutually consented to the adoption.

29 (6) The social worker or probation officer shall serve written
30 notice of the hearing in the manner and to the persons set forth in
31 Section 295, including the prospective adoptive parent or parents,
32 except that notice to the nonminor's birth parents is not required.

33 (7) Nothing in this section shall prevent a nonminor dependent
34 from filing an adoption petition pursuant to Section 9300 of the
35 Family Code.

36 (g) Each licensed foster family agency shall submit reports for
37 each nonminor dependent in its care to the court concerning the
38 continuing appropriateness and extent of compliance with the
39 nonminor dependent's permanent plan, the extent of compliance
40 with the Transitional Independent Living Case Plan, and the type

1 and adequacy of services provided to the nonminor dependent.
2 The report shall document that the nonminor has received all the
3 information and documentation described in paragraph (2) of
4 subdivision (e) of Section 391. If the court is considering
5 terminating dependency jurisdiction for a nonminor dependent it
6 shall first hold a hearing pursuant to Section 391.

7 **SECTION 1.**

8 *SEC. 2.* Section 388 of the Welfare and Institutions Code is
9 amended to read:

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

26 (2) When any party, including a child who is a dependent of the
27 juvenile court, petitions the court prior to an order terminating
28 parental rights, to modify the order that reunification services were
29 not needed pursuant to paragraphs (4), (5), and (6) of subdivision
30 (b) of Section 361.5, or to modify any orders related to custody or
31 visitation of the subject child, and the court orders a hearing
32 pursuant to subdivision (d), the court shall modify the order that
33 reunification services were not needed pursuant to paragraphs (4),
34 (5), and (6) of subdivision (b) of Section 361.5, or any orders
35 related to the custody or visitation of the child for whom
36 reunification services were not ordered pursuant to paragraphs (4),
37 (5), and (6) of subdivision (b) of Section 361.5, only if the court
38 finds by clear and convincing evidence that the proposed change
39 is in the best interests of the child.

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

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

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

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

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

23 (c) (1) Any party, including a child who is a dependent of the
24 juvenile court, may petition the court, prior to the hearing set
25 pursuant to subdivision (f) of Section 366.21 for a child described
26 by subparagraph (A) of paragraph (1) of subdivision (a) of Section
27 361.5, or prior to the hearing set pursuant to subdivision (e) of
28 Section 366.21 for a child described by subparagraph (B) or (C)
29 of paragraph (1) of subdivision (a) of Section 361.5, to terminate
30 court-ordered reunification services provided under subdivision
31 (a) of Section 361.5 only if one of the following conditions exists:

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

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

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

8 (3) The court shall terminate reunification services during the
9 above-described time periods only upon a finding by a
10 preponderance of evidence that reasonable services have been
11 offered or provided, and upon a finding of clear and convincing
12 evidence that one of the conditions in subparagraph (A) or (B) of
13 paragraph (1) exists.

14 (4) Any party, including a nonminor dependent, as defined in
15 subdivision (v) of Section 11400, may petition the court prior to
16 the review hearing set pursuant to subdivision (d) of Section 366.31
17 to terminate the continuation of court-ordered family reunification
18 services for a nonminor dependent who has attained 18 years of
19 age. The court shall terminate family reunification services to the
20 parent or guardian if the nonminor dependent or parent or guardian
21 are not in agreement that the continued provision of court-ordered
22 family reunification services is in the best interests of the nonminor
23 dependent.

24 (5) If the court terminates reunification services, it shall order
25 that a hearing pursuant to Section 366.26 be held within 120 days.
26 On and after January 1, 2012, a hearing pursuant to Section 366.26
27 shall not be ordered if the child is a nonminor dependent. The court
28 may order a nonminor dependent who is otherwise eligible to
29 AFDC-FC benefits pursuant to Section 11403 to remain in a
30 planned, permanent living arrangement.

31 (d) If it appears that the best interests of the child or the
32 nonminor dependent may be promoted by the proposed change of
33 order, modification of reunification services, custody, or visitation
34 orders concerning a child for whom reunification services were
35 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision
36 (b) of Section 361.5, recognition of a sibling relationship,
37 termination of jurisdiction, or clear and convincing evidence
38 supports revocation or termination of court-ordered reunification
39 services, the court shall order that a hearing be held and shall give
40 prior notice, or cause prior notice to be given, to the persons and

1 in the manner prescribed by Section 386, and, in those instances
2 in which the manner of giving notice is not prescribed by those
3 sections, then in the manner the court prescribes.

4 (e) (1) (A) On and after January 1, 2012, a nonminor who
5 attained 18 years of age while subject to an order for foster care
6 placement and, commencing January 1, 2012, who has not attained
7 19 years of age, or, commencing January 1, 2013, 20 years of age,
8 or, commencing January 1, 2014, 21 years of age, or as described
9 in Section 10103.5, for whom the court has dismissed dependency
10 jurisdiction pursuant to Section 391, or delinquency jurisdiction
11 pursuant to Section 607.2, or transition jurisdiction pursuant to
12 Section 452, but has retained general jurisdiction under subdivision
13 (b) of Section 303, or the county child welfare services, probation
14 department, or tribal placing agency on behalf of the nonminor,
15 may petition the court in the same action in which the child was
16 found to be a dependent or delinquent child of the juvenile court,
17 for a hearing to resume the dependency jurisdiction over a former
18 dependent or to assume or resume transition jurisdiction over a
19 former delinquent ward pursuant to Section 450. The petition shall
20 be filed within the period that the nonminor is of the age described
21 in this paragraph. If the nonminor has completed the voluntary
22 reentry agreement, as described in subdivision (z) of Section 11400,
23 with the placing agency, the agency shall file the petition on behalf
24 of the nonminor within 15 judicial days of the date the agreement
25 was signed unless the nonminor elects to file the petition at an
26 earlier date.

27 (B) On and after January 1, 2014, a nonminor who has not
28 attained 21 years of age may petition the court in the same action
29 in which the nonminor was previously found to be a dependent or
30 delinquent child of the juvenile court, for a hearing to determine
31 whether to resume dependency jurisdiction over a former
32 dependent, or to assume or resume transition jurisdiction over a
33 former ward pursuant to Section 450, as applicable, if the nonminor
34 comes within the description set forth in one of the following:

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

37 (ii) He or she is a former dependent, as defined in subdivision
38 (aa) of Section 11400, who was receiving aid after 18 years of age
39 pursuant to Kin-GAP under Article 4.5 (commencing with Section
40 11360) or Article 4.7 (commencing with Section 11385) of Chapter

1 2 of Part 3 of Division 9 and the nonminor former dependent's
2 former guardian dies after the nonminor turns 18 years of age but
3 before the nonminor turns 21 years of age.

4 (iii) He or she is a nonminor former dependent who was
5 receiving aid after 18 years of age pursuant to subdivision (e) of
6 Section 11405 and the nonminor former dependent's former
7 guardian dies after the nonminor turns 18 years of age but before
8 the nonminor turns 21 years of age.

9 (iv) He or she is a nonminor who was receiving adoption
10 assistance payments after 18 years of age as specified in Chapter
11 2.1 (commencing with Section 16115) of Part 4 of Division 9 and
12 the nonminor's adoptive parent dies after the nonminor turns 18
13 years of age but before the nonminor turns 21 years of age.

14 (2) (A) The petition to resume jurisdiction may be filed in the
15 juvenile court that retains general jurisdiction under subdivision
16 (b) of Section 303, or the petition may be submitted to the juvenile
17 court in the county where the youth resides and forwarded to the
18 juvenile court that retained general jurisdiction and filed with that
19 court. The juvenile court having general jurisdiction under Section
20 303 shall receive the petition from the court where the petition
21 was submitted within five court days of its submission, if the
22 petition is filed in the county of residence. The juvenile court that
23 retained general jurisdiction shall order that a hearing be held
24 within 15 judicial days of the date the petition was filed if there is
25 a prima facie showing that the nonminor satisfies the following
26 criteria:

27 (i) He or she was previously under juvenile court jurisdiction,
28 subject to an order for foster care placement when he or she
29 attained 18 years of age, and has not attained the age limits
30 described in paragraph (1).

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

34 (iii) He or she wants assistance either in maintaining or securing
35 appropriate supervised placement, or is in need of immediate
36 placement and agrees to supervised placement pursuant to the
37 voluntary reentry agreement as described in subdivision (z) of
38 Section 11400.

39 (B) Upon ordering a hearing, the court shall give prior notice,
40 or cause prior notice to be given, to the persons and by the means

1 prescribed by Section 386, except that notice to parents or former
2 guardians shall not be provided unless the nonminor requests, in
3 writing on the face of the petition, notice to the parents or former
4 guardians.

5 (3) The Judicial Council, by January 1, 2012, shall adopt rules
6 of court to allow for telephonic appearances by nonminor former
7 dependents or delinquents in these proceedings, and for telephonic
8 appearances by nonminor dependents in any proceeding in which
9 the nonminor dependent is a party, and he or she declines to appear
10 and elects a telephonic appearance.

11 (4) Prior to the hearing on a petition to resume dependency
12 jurisdiction or to assume or resume transition jurisdiction, the court
13 shall order the county child welfare or probation department to
14 prepare a report for the court addressing whether the nonminor
15 intends to satisfy at least one of the criteria set forth in subdivision
16 (b) of Section 11403. When the recommendation is for the
17 nonminor dependent to be placed in a setting where minor
18 dependents also reside, the results of a background check of the
19 petitioning nonminor conducted pursuant to Section 16504.5, may
20 be used by the placing agency to determine appropriate placement
21 options for the nonminor. The existence of a criminal conviction
22 is not a bar to eligibility for reentry or resumption of dependency
23 jurisdiction or the assumption or resumption of transition
24 jurisdiction over a nonminor.

25 (5) (A) The court shall resume dependency jurisdiction over a
26 former dependent or assume or resume transition jurisdiction over
27 a former delinquent ward pursuant to Section 450, and order that
28 the nonminor's placement and care be under the responsibility of
29 the county child welfare services department, the probation
30 department, tribe, consortium of tribes, or tribal organization, if
31 the court finds all of the following:

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

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

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

39 (iv) The nonminor intends to satisfy, and agrees to satisfy, at
40 least one of the criteria set forth in paragraphs (1) to (5), inclusive,

1 of subdivision (b) of Section 11403, and demonstrates his or her
2 agreement to placement in a supervised setting under the placement
3 and care responsibility of the placing agency and to satisfy the
4 criteria by signing the voluntary reentry agreement as described
5 in subdivision (z) of Section 11400.

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

10 (C) The agency made responsible for the nonminor's placement
11 and care pursuant to subparagraph (A) shall prepare a new
12 transitional independent living case plan within 60 calendar days
13 from the date the nonminor signed the voluntary reentry agreement
14 as described in subdivision (z) of Section 11400 and submit it to
15 the court for the review hearing under Section 366.31, to be held
16 within 70 days of the resumption of dependency jurisdiction or
17 assumption or resumption of transition jurisdiction. In no event
18 shall the review hearing under Section 366.3 be held more than
19 170 calendar days from the date the nonminor signed the voluntary
20 reentry agreement.

21 *SEC. 3. Section 391 of the Welfare and Institutions Code is*
22 *amended to read:*

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

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

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

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

39 (3) If the county welfare department recommends termination
40 of the court's dependency jurisdiction, submit documentation of

1 the reasonable efforts made by the department to provide the
2 nonminor with the assistance needed to meet or maintain eligibility
3 as a nonminor dependent, as defined in paragraphs (1) to (5),
4 inclusive, of subdivision (b) of Section 11403.

5 (4) If the nonminor has indicated that he or she does not want
6 dependency jurisdiction to continue, the report shall address the
7 manner in which the nonminor was advised of his or her options,
8 including the benefits of remaining in foster care, and of his or her
9 right to reenter foster care and to file a petition pursuant to
10 subdivision (e) of Section 388 to resume dependency jurisdiction
11 prior to attaining 21 years of age.

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

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

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

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

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

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

1 (e) The court shall not terminate dependency jurisdiction over
2 a nonminor ~~dependent~~ who has attained 18 years of age until a
3 hearing is conducted pursuant to this section and the department
4 has submitted a report verifying that the following information,
5 documents, and services have been provided to the nonminor, or
6 in the case of a nonminor who, after reasonable efforts by the
7 county welfare department, cannot be located, verifying the efforts
8 made to make the following available to the nonminor:

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

20 (2) The following documents:

21 (A) Social security card.

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

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

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

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

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

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

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

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

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

39 (H) An advance healthcare directive form.

- 1 (I) The Judicial Council form that the nonminor would use to
2 file a petition pursuant to subdivision (e) of Section 388 to resume
3 dependency jurisdiction.
- 4 (J) The written 90-day transition plan prepared pursuant to
5 Section 16501.1.
- 6 (3) Assistance in completing an application for Medi-Cal or
7 assistance in obtaining other health insurance.
- 8 (4) Referrals to transitional housing, if available, or assistance
9 in securing other housing.
- 10 (5) Assistance in obtaining employment or other financial
11 support.
- 12 (6) Assistance in applying for admission to college or to a
13 vocational training program or other educational institution and
14 in obtaining financial aid, where appropriate.
- 15 (7) Assistance in maintaining relationships with individuals
16 who are important to a nonminor who has been in out-of-home
17 placement for six months or longer from the date the nonminor
18 entered foster care, based on the nonminor's best interests.
- 19 (8) For nonminors between 18 and 21 years of age, assistance
20 in accessing the Independent Living Aftercare Program in the
21 nonminor's county of residence, and, upon the nonminor's request,
22 assistance in completing a voluntary reentry agreement for care
23 and placement pursuant to subdivision (z) of Section 11400 and
24 in filing a petition pursuant to subdivision (e) of Section 388 to
25 resume dependency jurisdiction.
- 26 (9) Written information notifying the child that current or former
27 dependent children who are or have been in foster care are granted
28 a preference for student assistant or internship positions with state
29 agencies pursuant to Section 18220 of the Government Code. The
30 preference shall be granted to applicants up to 26 years of age.
- 31 (f) At the hearing closest to and before a dependent minor's
32 18th birthday and every review hearing thereafter for nonminors,
33 the department shall submit a report describing efforts toward
34 completing the items described in paragraph (2) of subdivision
35 (e).
- 36 (g) The Judicial Council shall develop and implement standards,
37 and develop and adopt appropriate forms necessary to implement
38 this provision.
- 39 (h) This section shall become operative on January 1, 2012.

1 ~~SEC. 2.~~

2 *SEC. 4.* Section 727 of the Welfare and Institutions Code is
3 amended to read:

4 727. (a) (1) If a minor or nonminor is adjudged a ward of the
5 court on the ground that he or she is a person described by Section
6 601 or 602, the court may make any reasonable orders for the care,
7 supervision, custody, conduct, maintenance, and support of the
8 minor or nonminor, including medical treatment, subject to further
9 order of the court.

10 (2) In the discretion of the court, a ward may be ordered to be
11 on probation without supervision of the probation officer. The
12 court, in so ordering, may impose on the ward any and all
13 reasonable conditions of behavior as may be appropriate under
14 this disposition. A minor or nonminor who has been adjudged a
15 ward of the court on the basis of the commission of any of the
16 offenses described in subdivision (b) or paragraph (2) of
17 subdivision (d) of Section 707, Section 459 of the Penal Code, or
18 subdivision (a) of Section 11350 of the Health and Safety Code,
19 shall not be eligible for probation without supervision of the
20 probation officer. A minor or nonminor who has been adjudged a
21 ward of the court on the basis of the commission of any offense
22 involving the sale or possession for sale of a controlled substance,
23 except misdemeanor offenses involving marijuana, as specified in
24 Chapter 2 (commencing with Section 11053) of Division 10 of the
25 Health and Safety Code, or of an offense in violation of Section
26 32625 of the Penal Code, shall be eligible for probation without
27 supervision of the probation officer only when the court determines
28 that the interests of justice would best be served and states reasons
29 on the record for that determination.

30 (3) In all other cases, the court shall order the care, custody, and
31 control of the minor or nonminor to be under the supervision of
32 the probation officer who may place the minor or nonminor in any
33 of the following:

34 (A) The approved home of a relative or the approved home of
35 a nonrelative, extended family member, as defined in Section
36 362.7. If a decision has been made to place the minor in the home
37 of a relative, the court may authorize the relative to give legal
38 consent for the minor's medical, surgical, and dental care and
39 education as if the relative caretaker were the custodial parent of
40 the minor.

1 (B) A suitable licensed community care facility.

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

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

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

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

33 (b) (1) To facilitate coordination and cooperation among
34 agencies, the court may, at any time after a petition has been filed,
35 after giving notice and an opportunity to be heard, join in the
36 juvenile court proceedings any agency that the court determines
37 has failed to meet a legal obligation to provide services to a minor,
38 for whom a petition has been filed under Section 601 or 602, to a
39 nonminor, as described in Section 303, or to a nonminor dependent,
40 as defined in subdivision (v) of Section 11400. In any proceeding

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

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

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

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

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

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

6 ~~SEC. 3.~~

7 *SEC. 5.* Section 11363 of the Welfare and Institutions Code is
8 amended to read:

9 11363. (a) Aid in the form of state-funded Kin-GAP shall be
10 provided under this article on behalf of any child under 18 years
11 of age and to any eligible youth under 19 years of age as provided
12 in Section 11403, who satisfies all of the following conditions:

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

16 (2) Has been residing for at least six consecutive months in the
17 approved home of the prospective relative guardian while under
18 the jurisdiction of the juvenile court or a voluntary placement
19 agreement.

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

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

26 (b) If the conditions specified in subdivision (a) are met and,
27 subsequent to the termination of dependency jurisdiction, any
28 parent or person having an interest files with the juvenile court a
29 petition pursuant to Section 388 to change, modify, or set aside an
30 order of the court, Kin-GAP payments shall continue unless and
31 until the juvenile court, after holding a hearing, orders the child
32 removed from the home of the guardian, terminates the
33 guardianship, or maintains dependency jurisdiction after the court
34 concludes the hearing on the petition filed under Section 388.

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

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

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

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

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

6 (d) Commencing January 1, 2012, state-funded Kin-GAP
7 payments shall continue for youths who have attained 18 years of
8 age and who are under 19 years of age, if they reached 16 years
9 of age before the Kin-GAP negotiated agreement payments
10 commenced, and as described in Section 10103.5. Effective January
11 1, 2013, Kin-GAP payments shall continue for youths who have
12 attained 18 years of age and are under 20 years of age, if they
13 reached 16 years of age before the Kin-GAP negotiated agreement
14 payments commenced, and as described in Section 10103.5.
15 Effective January 1, 2014, Kin-GAP payments shall continue for
16 youths who have attained 18 years of age and are under 21 years
17 of age, if they reached 16 years of age before the Kin-GAP
18 negotiated agreement payments commenced. To be eligible for
19 continued payments, the youth shall satisfy one or more of the
20 conditions specified in paragraphs (1) to (5), inclusive, of
21 subdivision (b) of Section 11403.

22 (e) Termination of the guardianship with a kinship guardian
23 shall terminate eligibility for Kin-GAP unless the conditions in
24 Section 11403 apply; provided, however, that if an alternate
25 guardian or coguardian is appointed pursuant to Section 366.3 who
26 is also a kinship guardian, the alternate or coguardian shall be
27 entitled to receive Kin-GAP on behalf of the child pursuant to this
28 article. A new period of six months of placement with the alternate
29 guardian or coguardian shall not be required if that alternate
30 guardian or coguardian has been assessed pursuant to Sections
31 361.3 and 361.4 and the court terminates dependency jurisdiction.
32 When a nonminor former dependent is receiving Kin-GAP after
33 18 years of age and the nonminor former dependent's former
34 guardian dies, the nonminor former dependent may petition the
35 court for a hearing pursuant to subdivision (e) of Section 388.

36 ~~SEC. 4.~~

37 *SEC. 6.* Section 11400 of the Welfare and Institutions Code is
38 amended to read:

39 11400. For the purposes of this article, the following definitions
40 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 children in need
3 of care and supervision, as required by paragraph (1) of subdivision
4 (a) of Section 1502 of the Health and Safety Code.

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

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

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

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

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

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

38 (o) “Voluntary placement” means an out-of-home placement
39 of a child by (1) the county welfare department, probation
40 department, or Indian tribe that has entered into an agreement

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

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

17 (1) The legal status of the child.

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

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

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

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

35 (s) “Transitional Housing Program-Plus” means a provider
36 certified by the applicable county, in accordance with subdivision
37 (c) of Section 16522, to provide transitional housing services to
38 former foster youth who have exited the foster care system on or
39 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 is 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, *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, or 607.2, and the county
31 welfare or probation department or tribal placing entity that
32 documents the nonminor’s desire and willingness to reenter foster
33 care, to be placed in a supervised setting under the placement and
34 care responsibility of the placing agency, the nonminor’s desire,
35 willingness, and ability to immediately participate in one or more
36 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
37 (b) of Section 11403, the nonminor’s agreement to work
38 collaboratively with the placing agency to develop his or her
39 transitional independent living case plan within 60 days of reentry,
40 the nonminor’s agreement to report any changes of circumstances

1 relevant to continued eligibility for foster care payments, and (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) “Transition dependent” is a minor between 17 years and
25 five months and 18 years of age who is subject to the court’s
26 transition jurisdiction under Section 450.

27 ~~SEC. 5.~~

28 *SEC. 7.* Section 11403 of the Welfare and Institutions Code is
29 amended to read:

30 11403. (a) It is the intent of the Legislature to exercise the
31 option afforded states under Section 475(8) (42 U.S.C. Sec.
32 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
33 federal Social Security Act, as contained in the federal Fostering
34 Connections to Success and Increasing Adoptions Act of 2008
35 (Public Law 110-351), to receive federal financial participation
36 for nonminor dependents of the juvenile court who satisfy the
37 conditions of subdivision (b), consistent with their transitional
38 independent living case plan. Effective January 1, 2012, these
39 nonminor dependents shall be eligible to receive support up to 19
40 years of age, effective January 1, 2013, up to 20 years of age, and

1 effective January 1, 2014, up to 21 years of age, consistent with
2 their transitional independent living case plan and as described in
3 Section 10103.5. It is the intent of the Legislature both at the time
4 of initial determination of the nonminor dependent's eligibility
5 and throughout the time the nonminor dependent is eligible for aid
6 pursuant to this section, that the social worker or probation officer
7 or Indian tribal placing entity and the nonminor dependent shall
8 work together to ensure the nonminor dependent's ongoing
9 eligibility. All case planning shall be a collaborative effort between
10 the nonminor dependent and the social worker, probation officer,
11 or Indian tribe, with the nonminor dependent assuming increasing
12 levels of responsibility and independence.

13 (b) A nonminor dependent receiving aid pursuant to this chapter,
14 who satisfies the age criteria set forth in subdivision (a), shall meet
15 the legal authority for placement and care by being under a foster
16 care placement order by the juvenile court, or the voluntary reentry
17 agreement as set forth in subdivision (z) of Section 11400, and is
18 otherwise eligible for AFDC-FC payments pursuant to Section
19 11401. A nonminor who satisfies the age criteria set forth in
20 subdivision (a), and who is otherwise eligible, shall continue to
21 receive CalWORKs payments pursuant to Section 11253 or, as a
22 nonminor former dependent or ward, aid pursuant to Kin-GAP
23 under Article 4.5 (commencing with Section 11360) or Article 4.7
24 (commencing with Section 11385) or adoption assistance payments
25 as specified in Chapter 2.1 (commencing with Section 16115) of
26 Part 4. Effective January 1, 2012, a nonminor former dependent
27 child or ward of the juvenile court who is receiving AFDC-FC
28 benefits pursuant to Section 11405 and who satisfies the criteria
29 set forth in subdivision (a) shall be eligible to continue to receive
30 aid as long as the nonminor is otherwise eligible for AFDC-FC
31 benefits under this subdivision. This subdivision shall apply when
32 one or more of the following conditions exist:

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

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

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

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

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

8 (c) The county child welfare or probation department, Indian
9 tribe, consortium of tribes, or tribal organization that has entered
10 into an agreement pursuant to Section 10553.1, shall work together
11 with a nonminor dependent who is in foster care on his or her 18th
12 birthday and thereafter or a nonminor former dependent receiving
13 aid pursuant to Section 11405, to satisfy one or more of the
14 conditions described in paragraphs (1) to (5), inclusive, of
15 subdivision (b) and shall certify the nonminor's applicable
16 condition or conditions in the nonminor's six-month transitional
17 independent living case plan update, and provide the certification
18 to the eligibility worker and to the court at each six-month case
19 plan review hearing for the nonminor dependent. Relative
20 guardians who receive Kin-GAP payments and adoptive parents
21 who receive adoption assistance payments shall be responsible for
22 reporting to the county welfare agency that the nonminor does not
23 satisfy at least one of the conditions described in subdivision (b).
24 The social worker, probation officer, or tribal entity shall verify
25 and obtain assurances that the nonminor dependent continues to
26 satisfy at least one of the conditions in paragraphs (1) to (5),
27 inclusive, of subdivision (b) at each six-month transitional
28 independent living case plan update. The six-month case plan
29 update shall certify the nonminor's eligibility pursuant to
30 subdivision (b) for the next six-month period. During the six-month
31 certification period, the payee and nonminor shall report any
32 change in placement or other relevant changes in circumstances
33 that may affect payment. The nonminor dependent, or nonminor
34 former dependent receiving aid pursuant to subdivision (e) of
35 Section 11405, shall be informed of all due process requirements,
36 in accordance with state and federal law, prior to an involuntary
37 termination of aid, and shall simultaneously be provided with a
38 written explanation of how to exercise his or her due process rights
39 and obtain referrals to legal assistance. Any notices of action
40 regarding eligibility shall be sent to the nonminor dependent or

1 former dependent, his or her counsel, as applicable, and the placing
2 worker, in addition to any other payee. Payments of aid pursuant
3 to Kin-GAP under Article 4.5 (commencing with Section 11360)
4 or Article 4.7 (commencing with Section 11385), adoption
5 assistance payments as specified in Chapter 2.1 (commencing with
6 Section 16115) of Part 4, or aid pursuant to subdivision (e) of
7 Section 11405 that are made on behalf of a nonminor former
8 dependent shall terminate subject to the terms of the agreements.
9 Subject to federal approval of amendments to the state plan, aid
10 payments may be suspended and resumed based on changes of
11 circumstances that affect eligibility. Nonminor former dependents,
12 as identified in paragraph (2) of subdivision (aa) of Section 11400,
13 are not eligible for reentry under subdivision (e) of Section 388 as
14 nonminor dependents under the jurisdiction of the juvenile court,
15 unless (1) the nonminor former dependent was receiving aid
16 pursuant to Kin-GAP under Article 4.5 (commencing with Section
17 11360) or Article 4.7 (commencing with Section 11385) or the
18 nonminor former dependent was receiving aid pursuant to
19 subdivision (e) of Section 11405 or the nonminor was receiving
20 adoption assistance payments as specified in Chapter 2.1
21 (commencing with Section 16115) of Part 3 and (2) the nonminor's
22 former guardian or adoptive parent dies after the nonminor turns
23 18 years of age but before the nonminor turns 21 years of age.
24 Nonminor former dependents requesting the resumption of
25 AFDC-FC payments pursuant to subdivision (e) of Section 11405
26 shall complete the applicable portions of the voluntary reentry
27 agreement, as described in subdivision (z) of Section 11400.

28 (d) A nonminor dependent may receive all of the payment
29 directly provided that the nonminor is living independently in a
30 supervised placement, as described in subdivision (w) of Section
31 11400, and that both the youth and the agency responsible for the
32 foster care placement have signed a mutual agreement, as defined
33 in subdivision (u) of Section 11400, if the youth is capable of
34 making an informed agreement, that documents the continued need
35 for supervised out-of-home placement, and the nonminor's and
36 social worker's or probation officer's agreement to work together
37 to facilitate implementation of the mutually developed supervised
38 placement agreement and transitional independent living case plan.

39 (e) Eligibility for aid under this section shall not terminate until
40 the nonminor dependent attains the age criteria, as set forth in

1 subdivision (a), but aid may be suspended when the nonminor
2 dependent no longer resides in an eligible facility, as described in
3 Section 11402, or is otherwise not eligible for AFDC-FC benefits
4 under Section 11401, or terminated at the request of the nonminor,
5 or after a court terminates dependency jurisdiction pursuant to
6 Section 391, delinquency jurisdiction pursuant to Section 607.2,
7 or transition jurisdiction pursuant to Section 452. AFDC-FC
8 benefits to nonminor dependents, may be resumed at the request
9 of the nonminor by completing a voluntary reentry agreement
10 pursuant to subdivision (z) of Section 11400, before or after the
11 filing of a petition filed pursuant to subdivision (e) of Section 388
12 after a court terminates dependency or transitional jurisdiction
13 pursuant to Section 391, or delinquency jurisdiction pursuant to
14 Section 607.2. The county welfare or probation department or
15 Indian tribal entity that has entered into an agreement pursuant to
16 Section 10553.1 shall complete the voluntary reentry agreement
17 with the nonminor who agrees to satisfy the criteria of the
18 agreement, as described in subdivision (z) of Section 11400. The
19 county welfare department or tribal entity shall establish a new
20 child-only Title IV-E eligibility determination based on the
21 nonminor's completion of the voluntary reentry agreement pursuant
22 to Section 11401. The beginning date of aid for either federal or
23 state AFDC-FC for a reentering nonminor who is placed in foster
24 care is the date the voluntary reentry agreement is signed or the
25 nonminor is placed, whichever is later. The county welfare
26 department, county probation department, or tribal entity shall
27 provide a nonminor dependent who wishes to continue receiving
28 aid with the assistance necessary to meet and maintain eligibility.

29 (f) (1) The county having jurisdiction of the nonminor
30 dependent shall remain the county of payment under this section
31 regardless of the youth's physical residence. Nonminor former
32 dependents receiving aid pursuant to subdivision (e) of Section
33 11405 shall be paid by their county of residence. Counties may
34 develop courtesy supervision agreements to provide case
35 management and independent living services by the county of
36 residence pursuant to the nonminor dependent's transitional
37 independent living case plan. Placements made out of state are
38 subject to the applicable requirements of the Interstate Compact
39 on Placement of Children, pursuant to Part 5 (commencing with
40 Section 7900) of Division 12 of the Family Code.

1 (2) The county welfare department, county probation
2 department, or tribal entity shall notify all foster youth who attain
3 16 years of age and are under the jurisdiction of that county or
4 tribe, including those receiving Kin-GAP, and AAP, of the
5 existence of the aid prescribed by this section.

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

9 (g) (1) Subject to paragraph (3), a county shall pay the
10 nonfederal share of the cost of extending aid pursuant to this
11 section to eligible nonminor dependents who have reached 18
12 years of age and who are under the jurisdiction of the county,
13 including AFDC-FC payments pursuant to Section 11401, aid
14 pursuant to Kin-GAP under Article 4.7 (commencing with Section
15 11385), adoption assistance payments as specified in Chapter 2.1
16 (commencing with Section 16115) of Part 4, and aid pursuant to
17 Section 11405 for nonminor dependents who are residing in the
18 county as provided in paragraph (1) of subdivision (f). A county
19 shall contribute to the CalWORKs payments pursuant to Section
20 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing
21 with Section 11360) at the statutory sharing ratios in effect on
22 January 1, 2012.

23 (2) Subject to paragraph (3), a county shall pay the nonfederal
24 share of the cost of providing permanent placement services
25 pursuant to subdivision (c) of Section 16508 and administering
26 the Aid to Families with Dependent Children Foster Care program
27 pursuant to Section 15204.9. For purposes of budgeting, the
28 department shall use a standard for the permanent placement
29 services that is equal to the midpoint between the budgeting
30 standards for family maintenance services and family reunification
31 services.

32 (3) (A) (i) Notwithstanding any other provision of law, a
33 county's required total contribution pursuant to paragraphs (1) and
34 (2), excluding costs incurred pursuant to Section 10103.5, shall
35 not exceed the amount of savings in Kin-GAP assistance grant
36 expenditures realized by the county from the receipt of federal
37 funds due to the implementation of Article 4.7 (commencing with
38 Section 11385), and the amount of funding specifically included
39 in the Protective Services Subaccount within the Support Services
40 Account within the Local Revenue Fund 2011, plus any associated

1 growth funding from the Support Services Growth Subaccount
2 within the Sales and Use Tax Growth Account to pay the costs of
3 extending aid pursuant to this section.

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

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

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

17 (ii) The savings realized from the change in federal funding for
18 adoption assistance resulting from the enactment of Public Law
19 110-351 and consistent with subdivision (d) of Section 16118.

20 (4) (A) The limit on the county’s total contribution pursuant to
21 paragraph (3) shall be assessed by the State Department of Social
22 Services, in conjunction with the California State Association of
23 Counties, in 2015–16, to determine if it shall be removed. The
24 assessment of the need for the limit shall be based on a
25 determination on a statewide basis of whether the actual county
26 costs of providing extended care pursuant to this section, excluding
27 costs incurred pursuant to Section 10103.5, are fully funded by
28 the amount of savings in Kin-GAP assistance grant expenditures
29 realized by the counties from the receipt of federal funds due to
30 the implementation of Article 4.7 (commencing with Section
31 11385) and the amount of funding specifically included in the
32 Protective Services Subaccount within the Support Services
33 Account within the Local Revenue Fund 2011 plus any associated
34 growth funding from the Support Services Growth Subaccount
35 within the Sales and Use Tax Growth Account to pay the costs of
36 extending aid pursuant to this section.

37 (B) If the assessment pursuant to subparagraph (A) shows that
38 the statewide total costs of extending aid pursuant to this section,
39 excluding costs incurred pursuant to Section 10103.5, are fully
40 funded by the amount of savings in Kin-GAP assistance grant

1 expenditures realized by the counties from the receipt of federal
2 funds due to the implementation of Article 4.7 (commencing with
3 Section 11385) and the amount of funding specifically included
4 in the Protective Services Subaccount within the Support Services
5 Account within the Local Revenue Fund 2011 plus any associated
6 growth funding from the Support Services Growth Subaccount
7 within the Sales and Use Tax Growth Account to pay the costs of
8 extending aid pursuant to this section, the Department of Finance
9 shall certify that fact, in writing, and shall post the certification on
10 its Internet Web site, at which time subparagraph (A) of paragraph
11 (3) shall no longer be implemented.

12 (h) It is the intent of the Legislature that no county currently
13 participating in the Child Welfare Demonstration Capped
14 Allocation Project be adversely impacted by the department's
15 exercise of its option to extend foster care benefits pursuant to
16 Section 673(a)(4) and Section 675(8) of Title 42 of the United
17 States Code in the federal Social Security Act, as contained in the
18 federal Fostering Connections to Success and Increasing Adoptions
19 Act of 2008 (Public Law 110-351). Therefore, the department shall
20 negotiate with the United States Department of Health and Human
21 Services on behalf of those counties that are currently participating
22 in the demonstration project to ensure that those counties receive
23 reimbursement for these new programs outside of the provisions
24 of those counties' waiver under Subtitle IV-E (commencing with
25 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
26 670 et seq.).

27 (i) The department, on or before July 1, 2013, shall develop
28 regulations to implement this section in consultation with
29 concerned stakeholders, including, but not limited to,
30 representatives of the Legislature, the County Welfare Directors
31 Association, the Chief Probation Officers of California, the Judicial
32 Council, representatives of Indian tribes, the California Youth
33 Connection, former foster youth, child advocacy organizations,
34 labor organizations, juvenile justice advocacy organizations, foster
35 caregiver organizations, and researchers. In the development of
36 these regulations, the department shall consider its Manual of
37 Policy and Procedures, Division 30, Chapter 30-912, 913, 916,
38 and 917, as guidelines for developing regulations that are
39 appropriate for young adults who can exercise incremental
40 responsibility concurrently with their growth and development.

1 The department, in its consultation with stakeholders, shall take
2 into consideration the impact to the Automated Child Welfare
3 Services Case Management Services (CWS-CMS) and required
4 modifications needed to accommodate eligibility determination
5 under this section, benefit issuance, case management across
6 counties, and recognition of the legal status of nonminor
7 dependents as adults, as well as changes to data tracking and
8 reporting requirements as required by the Child Welfare System
9 Improvement and Accountability Act as specified in Section
10 10601.2, and federal outcome measures as required by the federal
11 John H. Chafee Foster Care Independence Program (42 U.S.C.
12 Sec. 677(f)). In addition, the department, in its consultation with
13 stakeholders, shall define the supervised independent living setting
14 which shall include, but not be limited to, apartment living, room
15 and board arrangements, college or university dormitories, and
16 shared roommate settings, and define how those settings meet
17 health and safety standards suitable for nonminors. The department,
18 in its consultation with stakeholders, shall define the six-month
19 certification of the conditions of eligibility pursuant to subdivision
20 (b) to be consistent with the flexibility provided by federal policy
21 guidance, to ensure that there are ample supports for a nonminor
22 to achieve the goals of his or her transition independent living case
23 plan. The department, in its consultation with stakeholders, shall
24 ensure that notices of action and other forms created to inform the
25 nonminor of due process rights and how to access them shall be
26 developed, using language consistent with the special needs of the
27 nonminor dependent population.

28 (j) Notwithstanding the Administrative Procedure Act, Chapter
29 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
30 Title 2 of the Government Code, the department shall prepare for
31 implementation of the applicable provisions of this section by
32 publishing, after consultation with the stakeholders listed in
33 subdivision (i), all-county letters or similar instructions from the
34 director by October 1, 2011, to be effective January 1, 2012.
35 Emergency regulations to implement the applicable provisions of
36 this act may be adopted by the director in accordance with the
37 Administrative Procedure Act. The initial adoption of the
38 emergency regulations and one readoption of the emergency
39 regulations shall be deemed to be an emergency and necessary for
40 the immediate preservation of the public peace, health, safety, or

1 general welfare. Initial emergency regulations and the first
2 readoption of those emergency regulations shall be exempt from
3 review by the Office of Administrative Law. The emergency
4 regulations authorized by this section shall be submitted to the
5 Office of Administrative Law for filing with the Secretary of State
6 and shall remain in effect for no more than 180 days.

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

8 ~~SEC. 6.~~

9 *SEC. 8.* Section 11405 of the Welfare and Institutions Code is
10 amended to read:

11 11405. (a) Except for nonminors described in paragraph (2)
12 of subdivision (e) and in subdivision (f), AFDC-FC benefits shall
13 be paid to an otherwise eligible child living with a nonrelated legal
14 guardian, provided that the legal guardian cooperates with the
15 county welfare department in all of the following:

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

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

- 24 (1) Develop a written assessment of the child's needs.
- 25 (2) Update those assessments no less frequently than once every
26 six months.
- 27 (3) Develop a case plan that specifies how the problems
28 identified in the assessment are to be addressed.

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

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

35 (d) Nonrelated legal guardians of eligible children who are in
36 receipt of AFDC-FC payments described in this section shall be
37 exempt from the requirement to register with the Statewide
38 Registry of Private Professional Guardians pursuant to Sections
39 2850 and 2851 of the Probate Code.

1 (e) (1) On and after January 1, 2012, a nonminor youth whose
2 nonrelated guardianship was ordered in juvenile court pursuant to
3 Section 360 or 366.26, and whose dependency was dismissed,
4 shall remain eligible for AFDC-FC benefits until the youth attains
5 19 years of age, effective January 1, 2013, until the youth attains
6 20 years of age, and effective January 1, 2014, until the youth
7 attains 21 years of age, provided that the youth enters into a mutual
8 agreement with the agency responsible for his or her guardianship,
9 and the youth is meeting the conditions of eligibility, as described
10 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
11 11403.

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

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

19 (B) The nonminor's relationship to the kinship guardian is
20 defined in paragraph (2), (3), or (4) of subdivision (c) of Section
21 11391.

22 (C) The nonminor was under 16 years of age at the time the
23 Kin-GAP negotiated agreement payments commenced.

24 (D) The guardian continues to be responsible for the support of
25 the nonminor.

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

29 (f) On or after January 1, 2012, a child whose nonrelated
30 guardianship was ordered in probate court pursuant to Article 2
31 (commencing with Section 1510) of Chapter 1 of Part 2 of Division
32 4 of the Probate Code, who is attending high school or the
33 equivalent level of vocational or technical training on a full-time
34 basis, or who is in the process of pursuing a high school
35 equivalency certificate prior to his or her 18th birthday may
36 continue to receive aid following his or her 18th birthday as long
37 as the child continues to reside in the guardian's home, remains
38 otherwise eligible for AFDC-FC benefits and continues to attend
39 high school or the equivalent level of vocational or technical
40 training on a full-time basis, or continues to pursue a high school

1 equivalency certificate, and the child may reasonably be expected
2 to complete the educational or training program or to receive a
3 high school equivalency certificate, before his or her 19th birthday.
4 Aid shall be provided to an individual pursuant to this section
5 provided that both the individual and the agency responsible for
6 the foster care placement have signed a mutual agreement, if the
7 individual is capable of making an informed agreement,
8 documenting the continued need for out-of-home placement.

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

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

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

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

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

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

33 (3) For a child eligible for an AFDC-FC payment who is a teen
34 parent, the rate shall include the two hundred dollar (\$200) monthly
35 payment made to the relative caregiver in a whole family foster
36 home pursuant to paragraph (3) of subdivision (d) of Section
37 11465.

38 ~~SEC. 7.~~

39 *SEC. 9.* Section 16120 of the Welfare and Institutions Code is
40 amended to read:

1 16120. A child shall be eligible for Adoption Assistance
2 Program benefits if all of the conditions specified in subdivisions
3 (a) to (l), inclusive, are met or if the conditions specified in
4 subdivision (m) are met.

5 (a) It has been determined that the child cannot or should not
6 be returned to the home of his or her parents as evidenced by a
7 petition for termination of parental rights, a court order terminating
8 parental rights, or a signed relinquishment, or, in the case of a
9 tribal customary adoption, if the court has given full faith and
10 credit to a tribal customary adoption order as provided for pursuant
11 to paragraph (2) of subdivision (e) of Section 366.26, or, in the
12 case of a nonminor dependent the court has dismissed dependency
13 or transitional jurisdiction subsequent to the approval of the
14 nonminor dependent, adoption petition pursuant to subdivision (f)
15 of Section 366.31.

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

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

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

32 (c) The need for an adoption subsidy is evidenced by an
33 unsuccessful search for an adoptive home to take the child without
34 financial assistance, as documented in the case file of the
35 prospective adoptive child. The requirement for this search shall
36 be waived when it would be against the best interest of the child
37 because of the existence of significant emotional ties with
38 prospective adoptive parents while in the care of these persons as
39 a foster child.

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

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

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

4 (3) Effective January 1, 2012, he or she is under 19 years of
5 age, effective January 1, 2013, he or she is under 20 years of age,
6 and effective January 1, 2014, he or she is under 21 years of age
7 and as described in Section 10103.5, and has attained 16 years of
8 age before the adoption assistance agreement became effective,
9 and one or more of the conditions specified in paragraphs (1) to
10 (5), inclusive, of subdivision (b) of Section 11403 applies.

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

14 (f) The adoptive family is legally responsible for the support of
15 the child and the child is receiving support from the adoptive
16 parent.

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

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

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

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

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

37 (3) Committed to the care of the department pursuant to Section
38 8805 or 8918 of the Family Code.

39 (4) The child is an Indian child and the subject of an order of
40 adoption based on tribal customary adoption of an Indian child,

1 as described in Section 366.24. Notwithstanding Section 8600.5
2 of the Family Code, for purposes of this subdivision a tribal
3 customary adoption shall be considered an agency adoption.

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

7 (1) Prior to the finalization of an agency adoption, as defined
8 in Section 8506 of the Family Code, or an independent adoption,
9 as defined in Section 8524 of the Family Code, is filed, the child
10 has met the requirements to receive federal supplemental security
11 income benefits pursuant to Subchapter 16 (commencing with
12 Section 1381) of Chapter 7 of Title 42 of the United States Code,
13 as determined and documented by the federal Social Security
14 Administration.

15 (2) The child was removed from the home of a specified relative
16 and the child would have been AFDC eligible in the home of
17 removal according to Section 606(a) or 607 of Title 42 of the
18 United States Code, as those sections were in effect on July 16,
19 1996, in the month of the voluntary placement agreement or in the
20 month court proceedings are initiated to remove the child, resulting
21 in a judicial determination that continuation in the home would be
22 contrary to the child's welfare. The child must have been living
23 with the specified relative from whom he or she was removed
24 within six months of the month the voluntary placement agreement
25 was signed or the petition to remove was filed.

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

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

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

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

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

7 (A) An involuntary removal of the child from the home in
8 accordance with a judicial determination to the effect that
9 continuation in the home would be contrary to the welfare of the
10 child.

11 (B) A voluntary placement agreement or a voluntary
12 relinquishment.

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

16 (3) He or she was residing in a foster family home or a child
17 care institution with the child's minor parent, and the child's minor
18 parent was in the foster family home or child care institution
19 pursuant to either of the following:

20 (A) An involuntary removal of the child from the home in
21 accordance with a judicial determination to the effect that
22 continuation in the home would be contrary to the welfare of the
23 child.

24 (B) A voluntary placement agreement or voluntary
25 relinquishment.

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

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

32 (l) The child is a citizen of the United States or a qualified alien
33 as defined in Section 1641 of Title 8 of the United States Code. If
34 the child is a qualified alien who entered the United States on or
35 after August 22, 1996, and is placed with an unqualified alien, the
36 child must meet the five-year residency requirement pursuant to
37 Section 673(a)(2)(B) of Title 42 of the United States Code, unless
38 the child is a member of one of the excepted groups pursuant to
39 Section 1612(b) of Title 8 of the United States Code.

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

3 (1) The child or nonminor received Adoption Assistance
4 Program benefits with respect to a prior adoption and the child or
5 nonminor is again available for adoption because the prior adoption
6 was dissolved and the parental rights of the adoptive parents were
7 terminated or because the child's or nonminor's adoptive parents
8 died and the child or nonminor meets the special needs criteria
9 described in subdivisions (a) to (c), inclusive. When a nonminor
10 is receiving Adoption Assistance Program benefits after 18 years
11 of age and the nonminor's adoptive parents die, the juvenile court
12 may resume dependency jurisdiction over the nonminor pursuant
13 to subdivision (e) of Section 388.

14 (2) To receive federal funding, the citizenship requirements in
15 subdivision (l).

16 (n) (1) Except as provided in this subdivision, "applicable child"
17 means a child for whom an adoption assistance agreement is
18 entered into under this section during any federal fiscal year
19 described in this subdivision if the child attained the applicable
20 age for that federal fiscal year before the end of that federal fiscal
21 year.

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

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

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

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

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

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

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

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

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

31 (2) Beginning with the 2010 federal fiscal year, the term
32 "applicable child" shall include a child of any age on the date on
33 which an adoption assistance agreement is entered into on behalf
34 of the child under this section if the child meets both of the
35 following criteria:

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

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

39 (3) Beginning with the 2010 federal fiscal year, an applicable
40 child shall include a child of any age on the date that an adoption

1 assistance agreement is entered into on behalf of the child under
2 this section, without regard to whether the child is described in
3 paragraph (2), if the child meets all of the following criteria:

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

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

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

10 *SEC. 10. Section 16501.1 of the Welfare and Institutions Code*
11 *is amended to read:*

12 16501.1. (a) (1) The Legislature finds and declares that the
13 foundation and central unifying tool in child welfare services is
14 the case plan.

15 (2) The Legislature further finds and declares that a case plan
16 ensures that the child receives protection and safe and proper care
17 and case management, and that services are provided to the child
18 and parents or other caretakers, as appropriate, in order to improve
19 conditions in the parent’s home, to facilitate the safe return of the
20 child to a safe home or the permanent placement of the child, and
21 to address the needs of the child while in foster care.

22 (b) (1) A case plan shall be based upon the principles of this
23 section and shall document that a preplacement assessment of the
24 service needs of the child and family, and preplacement preventive
25 services, have been provided, and that reasonable efforts to prevent
26 out-of-home placement have been made.

27 (2) In determining the reasonable services to be offered or
28 provided, the child’s health and safety shall be the paramount
29 concerns.

30 (3) Upon a determination pursuant to paragraph (1) of
31 subdivision (e) of Section 361.5 that reasonable services will be
32 offered to a parent who is incarcerated in a county jail or state
33 prison, detained by the United States Department of Homeland
34 Security, or deported to his or her country of origin, the case plan
35 shall include information, to the extent possible, about a parent’s
36 incarceration in a county jail or the state prison, detention by the
37 United States Department of Homeland Security, or deportation
38 during the time that a minor child of that parent is involved in
39 dependency care.

1 (4) Reasonable services shall be offered or provided to make it
2 possible for a child to return to a safe home environment, unless,
3 pursuant to subdivisions (b) and (e) of Section 361.5, the court
4 determines that reunification services shall not be provided.

5 (5) If reasonable services are not ordered, or are terminated,
6 reasonable efforts shall be made to place the child in a timely
7 manner in accordance with the permanent plan and to complete
8 all steps necessary to finalize the permanent placement of the child.

9 (c) (1) If out-of-home placement is used to attain case plan
10 goals, the case plan shall include a description of the type of home
11 or institution in which the child is to be placed, and the reasons
12 for that placement decision. The decision regarding choice of
13 placement shall be based upon selection of a safe setting that is
14 the least restrictive or most family like and the most appropriate
15 setting that is available and in close proximity to the parent's home,
16 proximity to the child's school, and consistent with the selection
17 of the environment best suited to meet the child's special needs
18 and best interests. The selection shall consider, in order of priority,
19 placement with relatives, nonrelated extended family members,
20 tribal members, and foster family homes, certified homes of foster
21 family agencies, intensive treatment or multidimensional treatment
22 foster care homes, group care placements, such as group homes
23 and community treatment facilities, and residential treatment
24 pursuant to Section 7950 of the Family Code.

25 (2) If a group care placement is selected for a child, the case
26 plan shall indicate the needs of the child that necessitate this
27 placement, the plan for transitioning the child to a less restrictive
28 environment, and the projected timeline by which the child will
29 be transitioned to a less restrictive environment. This section of
30 the case plan shall be reviewed and updated at least semiannually.

31 (3) On or after January 1, 2012, for a nonminor dependent, as
32 defined in subdivision (v) of Section 11400, who is receiving
33 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
34 in addition to the above requirements, the selection of the
35 placement, including a supervised independent living placement,
36 as described in subdivision (w) of Section 11400, shall also be
37 based upon the developmental needs of young adults by providing
38 opportunities to have incremental responsibilities that prepare a
39 nonminor dependent to transition to independent living. If
40 admission to, or continuation in, a group home placement is being

1 considered for a nonminor dependent, the group home placement
2 approval decision shall include a youth-driven, team-based case
3 planning process, as defined by the department, in consultation
4 with stakeholders. The case plan shall consider the full range of
5 placement options, and shall specify why admission to, or
6 continuation in, a group home placement is the best alternative
7 available at the time to meet the special needs or well-being of the
8 nonminor dependent, and how the placement will contribute to the
9 nonminor dependent's transition to independent living. The case
10 plan shall specify the treatment strategies that will be used to
11 prepare the nonminor dependent for discharge to a less restrictive
12 and more family-like setting, including a target date for discharge
13 from the group home placement. The placement shall be reviewed
14 and updated on a regular, periodic basis to ensure that continuation
15 in the group home remains in the best interests of the nonminor
16 dependent and that progress is being made in achieving case plan
17 goals leading to independent living. The group home placement
18 planning process shall begin as soon as it becomes clear to the
19 county welfare department or probation office that a foster child
20 in group home placement is likely to remain in group home
21 placement on his or her 18th birthday, in order to expedite the
22 transition to a less restrictive and more family-like setting if he or
23 she becomes a nonminor dependent. The case planning process
24 shall include informing the youth of all of his or her options,
25 including, but not limited to, admission to or continuation in a
26 group home placement. Consideration for continuation of existing
27 group home placement for a nonminor dependent under 19 years
28 of age may include the need to stay in the same placement in order
29 to complete high school. After a nonminor dependent either
30 completes high school or attains his or her 19th birthday, whichever
31 is earlier, continuation in or admission to a group home is
32 prohibited unless the nonminor dependent satisfies the conditions
33 of paragraph (5) of subdivision (b) of Section 11403, and group
34 home placement functions as a short-term transition to the
35 appropriate system of care. Treatment services provided by the
36 group home placement to the nonminor dependent to alleviate or
37 ameliorate the medical condition, as described in paragraph (5) of
38 subdivision (b) of Section 11403, shall not constitute the sole basis
39 to disqualify a nonminor dependent from the group home
40 placement.

1 (4) In addition to the requirements of paragraphs (1) to (3),
2 inclusive, and taking into account other statutory considerations
3 regarding placement, the selection of the most appropriate home
4 that will meet the child's special needs and best interests shall also
5 promote educational stability by taking into consideration
6 proximity to the child's school of origin, and school attendance
7 area, the number of school transfers the child has previously
8 experienced, and the child's school matriculation schedule, in
9 addition to other indicators of educational stability that the
10 Legislature hereby encourages the State Department of Social
11 Services and the State Department of Education to develop.

12 (d) A written case plan shall be completed within a maximum
13 of 60 days of the initial removal of the child or of the in-person
14 response required under subdivision (f) of Section 16501 if the
15 child has not been removed from his or her home, or by the date
16 of the dispositional hearing pursuant to Section 358, whichever
17 occurs first. The case plan shall be updated, as the service needs
18 of the child and family dictate. At a minimum, the case plan shall
19 be updated in conjunction with each status review hearing
20 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
21 the hearing conducted pursuant to Section 366.26, but no less
22 frequently than once every six months. Each updated case plan
23 shall include a description of the services that have been provided
24 to the child under the plan and an evaluation of the appropriateness
25 and effectiveness of those services.

26 (1) It is the intent of the Legislature that extending the maximum
27 time available for preparing a written case plan from 30 to 60 days
28 will afford caseworkers time to actively engage families, and to
29 solicit and integrate into the case plan the input of the child and
30 the child's family, as well as the input of relatives and other
31 interested parties.

32 (2) The extension of the maximum time available for preparing
33 a written case plan from the 30 to 60 days shall be effective 90
34 days after the date that the department gives counties written notice
35 that necessary changes have been made to the Child Welfare
36 Services Case Management System to account for the 60-day
37 timeframe for preparing a written case plan.

38 (e) The child welfare services case plan shall be comprehensive
39 enough to meet the juvenile court dependency proceedings

1 requirements pursuant to Article 6 (commencing with Section 300)
2 of Chapter 2 of Part 1 of Division 2.

3 (f) The case plan shall be developed as follows:

4 (1) The case plan shall be based upon an assessment of the
5 circumstances that required child welfare services intervention.
6 The child shall be involved in developing the case plan as age and
7 developmentally appropriate.

8 (2) The case plan shall identify specific goals and the
9 appropriateness of the planned services in meeting those goals.

10 (3) The case plan shall identify the original allegations of abuse
11 or neglect, as defined in Article 2.5 (commencing with Section
12 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
13 conditions cited as the basis for declaring the child a dependent of
14 the court pursuant to Section 300, or all of these, and the other
15 precipitating incidents that led to child welfare services
16 intervention.

17 (4) The case plan shall include a description of the schedule of
18 ~~the social worker~~ *placement agency* contacts with the child and
19 the family or other caretakers. The frequency of these contacts
20 shall be in accordance with regulations adopted by the State
21 Department of Social Services. If the child has been placed in
22 foster care out of state, the county social worker *or probation*
23 *officer*, or a social worker *or probation officer* on the staff of the
24 ~~social services~~ agency in the state in which the child has been
25 placed, shall visit the child in a foster family home or the home of
26 a relative, consistent with federal law and in accordance with the
27 department's approved state plan. For children in out-of-state group
28 home facilities, visits shall be conducted at least monthly, pursuant
29 to Section 16516.5. At least once every six months, at the time of
30 a regularly scheduled ~~social worker~~ *placement agency* contact with
31 the foster child, the child's social worker *or probation officer* shall
32 inform the child of his or her rights as a foster child, as specified
33 in Section 16001.9. The social worker *or probation officer* shall
34 provide the information to the child in a manner appropriate to the
35 age or developmental level of the child.

36 (5) (A) When out-of-home services are used, the frequency of
37 contact between the natural parents or legal guardians and the child
38 shall be specified in the case plan. The frequency of those contacts
39 shall reflect overall case goals, and consider other principles
40 outlined in this section.

1 (B) Information regarding any court-ordered visitation between
2 the child and the natural parents or legal guardians, and the terms
3 and conditions needed to facilitate the visits while protecting the
4 safety of the child, shall be provided to the child's out-of-home
5 caregiver as soon as possible after the court order is made.

6 (6) When out-of-home placement is made, the case plan shall
7 include provisions for the development and maintenance of sibling
8 relationships as specified in subdivisions (b), (c), and (d) of Section
9 16002. If appropriate, when siblings who are dependents of the
10 juvenile court are not placed together, the social worker for each
11 child, if different, shall communicate with each of the other social
12 workers and ensure that the child's siblings are informed of
13 significant life events that occur within their extended family.
14 Unless it has been determined that it is inappropriate in a particular
15 case to keep siblings informed of significant life events that occur
16 within the extended family, the social worker shall determine the
17 appropriate means and setting for disclosure of this information
18 to the child commensurate with the child's age and emotional
19 well-being. These significant life events shall include, but shall
20 not be limited to, the following:

21 (A) The death of an immediate relative.

22 (B) The birth of a sibling.

23 (C) Significant changes regarding a dependent child, unless the
24 child objects to the sharing of the information with his or her
25 siblings, including changes in placement, major medical or mental
26 health diagnoses, treatments, or hospitalizations, arrests, and
27 changes in the permanent plan.

28 (7) If out-of-home placement is made in a foster family home,
29 group home, or other child care institution that is either a
30 substantial distance from the home of the child's parent or out of
31 state, the case plan shall specify the reasons why that placement
32 is in the best interest of the child. When an out-of-state group home
33 placement is recommended or made, the case plan shall, in
34 addition, specify compliance with Section 7911.1 of the Family
35 Code.

36 (8) Effective January 1, 2010, a case plan shall ensure the
37 educational stability of the child while in foster care and shall
38 include both of the following:

1 (A) An assurance that the placement takes into account the
2 appropriateness of the current educational setting and the proximity
3 to the school in which the child is enrolled at the time of placement.

4 (B) An assurance that the placement agency has coordinated
5 with the person holding the right to make educational decisions
6 for the child and appropriate local educational agencies to ensure
7 that the child remains in the school in which the child is enrolled
8 at the time of placement or, if remaining in that school is not in
9 the best interests of the child, assurances by the placement agency
10 and the local educational agency to provide immediate and
11 appropriate enrollment in a new school and to provide all of the
12 child's educational records to the new school.

13 (9) (A) If out-of-home services are used, or if parental rights
14 have been terminated and the case plan is placement for adoption,
15 the case plan shall include a recommendation regarding the
16 appropriateness of unsupervised visitation between the child and
17 any of the child's siblings. This recommendation shall include a
18 statement regarding the child's and the siblings' willingness to
19 participate in unsupervised visitation. If the case plan includes a
20 recommendation for unsupervised sibling visitation, the plan shall
21 also note that information necessary to accomplish this visitation
22 has been provided to the child or to the child's siblings.

23 (B) Information regarding the schedule and frequency of the
24 visits between the child and siblings, as well as any court-ordered
25 terms and conditions needed to facilitate the visits while protecting
26 the safety of the child, shall be provided to the child's out-of-home
27 caregiver as soon as possible after the court order is made.

28 (10) If out-of-home services are used and the goal is
29 reunification, the case plan shall describe the services to be
30 provided to assist in reunification and the services to be provided
31 concurrently to achieve legal permanency if efforts to reunify fail.
32 The plan shall also consider in-state and out-of-state placements,
33 the importance of developing and maintaining sibling relationships
34 pursuant to Section 16002, and the desire and willingness of the
35 caregiver to provide legal permanency for the child if reunification
36 is unsuccessful.

37 (11) If out-of-home services are used, the child has been in care
38 for at least 12 months, and the goal is not adoptive placement, the
39 case plan shall include documentation of the compelling reason
40 or reasons why termination of parental rights is not in the child's

1 best interest. A determination completed or updated within the
2 past 12 months by the department when it is acting as an adoption
3 agency or by a licensed adoption agency that it is unlikely that the
4 child will be adopted, or that one of the conditions described in
5 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
6 be deemed a compelling reason.

7 (12) (A) Parents and legal guardians shall have an opportunity
8 to review the case plan, and to sign it whenever possible, and then
9 shall receive a copy of the plan. In a voluntary service or placement
10 agreement, the parents or legal guardians shall be required to
11 review and sign the case plan. Whenever possible, parents and
12 legal guardians shall participate in the development of the case
13 plan. Commencing January 1, 2012, for nonminor dependents, as
14 defined in subdivision (v) of Section 11400, who are receiving
15 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
16 to Section 11403, the transitional independent living case plan, as
17 set forth in subdivision (y) of Section 11400, shall be developed
18 with, and signed by, the nonminor.

19 (B) Parents and legal guardians shall be advised that, pursuant
20 to Section 1228.1 of the Evidence Code, neither their signature on
21 the child welfare services case plan nor their acceptance of any
22 services prescribed in the child welfare services case plan shall
23 constitute an admission of guilt or be used as evidence against the
24 parent or legal guardian in a court of law. However, they shall also
25 be advised that the parent's or guardian's failure to cooperate,
26 except for good cause, in the provision of services specified in the
27 child welfare services case plan may be used in any hearing held
28 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

29 (13) A child shall be given a meaningful opportunity to
30 participate in the development of the case plan and state his or her
31 preference for foster care placement. A child who is 12 years of
32 age or older and in a permanent placement shall also be given the
33 opportunity to review the case plan, sign the case plan, and receive
34 a copy of the case plan.

35 (14) The case plan shall be included in the court report and shall
36 be considered by the court at the initial hearing and each review
37 hearing. Modifications to the case plan made during the period
38 between review hearings need not be approved by the court if the
39 casework supervisor for that case determines that the modifications
40 further the goals of the plan. If out-of-home services are used with

1 the goal of family reunification, the case plan shall consider and
2 describe the application of subdivision (b) of Section 11203.

3 (15) If the case plan has as its goal for the child a permanent
4 plan of adoption or placement in another permanent home, it shall
5 include a statement of the child's wishes regarding their permanent
6 placement plan and an assessment of those stated wishes. The
7 agency shall also include documentation of the steps the agency
8 is taking to find an adoptive family or other permanent living
9 arrangements for the child; to place the child with an adoptive
10 family, an appropriate and willing relative, a legal guardian, or in
11 another planned permanent living arrangement; and to finalize the
12 adoption or legal guardianship. At a minimum, the documentation
13 shall include child-specific recruitment efforts, such as the use of
14 state, regional, and national adoption exchanges, including
15 electronic exchange systems, when the child has been freed for
16 adoption. If the plan is for kinship guardianship, the case plan shall
17 document how the child meets the kinship guardianship eligibility
18 requirements.

19 (16) (A) When appropriate, for a child who is 16 years of age
20 or older and, commencing January 1, 2012, for a nonminor
21 dependent, the case plan shall include the transitional independent
22 living plan (TILP) a written description of the programs and
23 services that will help the child, consistent with the child's best
24 interests, prepare for the transition from foster care to independent
25 living, and, in addition, whether the youth has an in-progress
26 application pending for Title XVI Supplemental Security Income
27 benefits or for Special Immigrant Juvenile Status or other
28 applicable application for legal residency and an active dependency
29 case is required for that application. When appropriate, for a
30 nonminor dependent, the transitional independent living case plan,
31 as described in subdivision (v) of Section 11400, shall include the
32 TILP, a written description of the programs and services that will
33 help the nonminor dependent, consistent with his or her best
34 interests, to prepare for transition from foster care and assist the
35 youth in meeting the eligibility criteria set forth in paragraphs (1)
36 to (5), inclusive, of subdivision (b) Section 11403. If applicable,
37 the case plan shall describe the individualized supervision provided
38 in the supervised independent living placement as defined in
39 subdivision (w) of Section 11400. The case plan shall be developed
40 with the child or nonminor dependent and individuals identified

1 as important to the child or nonminor dependent, and shall include
2 steps the agency is taking to ensure that the child or nonminor
3 dependent achieves permanence, including maintaining or
4 obtaining permanent connections to caring and committed adults.

5 (B) During the 90-day period prior to the participant attaining
6 18 years of age or older as the state may elect under Section
7 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
8 675(8)(B)(iii)), whether during that period foster care maintenance
9 payments are being made on the child's behalf or the child is
10 receiving benefits or services under Section 477 of the federal
11 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
12 appropriate agency staff or probation officer and other
13 representatives of the participant, as appropriate, shall provide the
14 youth or nonminor with assistance and support in developing the
15 written 90-day transition plan, that is personalized at the direction
16 of the child, information as detailed as the participant elects that
17 shall include, but not be limited to, options regarding housing,
18 health insurance, education, local opportunities for mentors and
19 continuing support services, and workforce supports and
20 employment services, a power of attorney for health care and
21 information regarding the advance health care directive form.

22 (C) For youth 16 years of age or older, the case plan shall
23 include documentation that a consumer credit report was requested
24 annually from each of the three major credit reporting agencies at
25 no charge to the youth and that any results were provided to the
26 youth. For nonminor dependents, the case plan shall include
27 documentation that the county assisted the nonminor dependent
28 in obtaining his or her reports. The case plan shall include
29 documentation of barriers, if any, to obtaining the credit reports.
30 If the consumer credit report reveals any accounts, the case plan
31 shall detail how the county ensured the youth received assistance
32 with interpreting the credit report and resolving any inaccuracies,
33 including any referrals made for the assistance.

34 (g) If the court finds, after considering the case plan, that
35 unsupervised sibling visitation is appropriate and has been
36 consented to, the court shall order that the child or the child's
37 siblings, the child's current caregiver, and the child's prospective
38 adoptive parents, if applicable, be provided with information
39 necessary to accomplish this visitation. This section does not

1 require or prohibit the social worker’s facilitation, transportation,
2 or supervision of visits between the child and his or her siblings.

3 (h) The case plan documentation on sibling placements required
4 under this section shall not require modification of existing case
5 plan forms until the Child Welfare Services Case Management
6 System is implemented on a statewide basis.

7 (i) When a child ~~who~~ is 10 years of age or older and ~~who~~ has
8 been in out-of-home placement for six months or longer, the case
9 plan shall include an identification of individuals, other than the
10 child’s siblings, who are important to the child and actions
11 necessary to maintain the child’s relationship with those
12 individuals, provided that those relationships are in the best interest
13 of the child. The social worker *or probation officer* shall ask every
14 child who is 10 years of age or older and who has been in
15 out-of-home placement for six months or longer to identify
16 individuals other than the child’s siblings who are important to the
17 child, and may ask any other child to provide that information, as
18 appropriate. The social worker *or probation officer* shall make
19 efforts to identify other individuals who are important to the child,
20 consistent with the child’s best interests.

21 (j) The child’s caregiver shall be provided a copy of a plan
22 outlining the child’s needs and services. The nonminor dependent’s
23 caregiver shall be provided with a copy of the nonminor’s TILP.

24 (k) On or before June 30, 2008, the department, in consultation
25 with the County Welfare Directors Association of California and
26 other advocates, shall develop a comprehensive plan to ensure that
27 90 percent of foster children are visited by their caseworkers on a
28 monthly basis by October 1, 2011, and that the majority of the
29 visits occur in the residence of the child. The plan shall include
30 any data reporting requirements necessary to comply with the
31 provisions of the federal Child and Family Services Improvement
32 Act of 2006 (Public Law 109-288).

33 (l) The implementation and operation of the amendments to
34 subdivision (i) enacted at the 2005–06 Regular Session shall be
35 subject to appropriation through the budget process and by phase,
36 as provided in Section 366.35.

37 *SEC. 11. Section 16507.6 of the Welfare and Institutions Code*
38 *is amended to read:*

39 16507.6. If a minor has been voluntarily placed with the county
40 welfare department subsequent to January 1, 1982, for out-of-home

1 placement by his or her parents or guardians pursuant to this
 2 chapter and the minor has remained out of their physical custody
 3 for a consecutive period not to exceed 180 days *or at least 90 days*
 4 *before the minor attains 18 years of age*, the department shall do
 5 one of the following:

6 (a) Return the minor to the physical custody of his or her parents
 7 or guardians.

8 (b) Refer the minor to a licensed adoption agency for
 9 consideration of adoptive planning and receipt of a permanent
 10 relinquishment of care and custody rights from the parents pursuant
 11 to Section 8700 of the Family Code.

12 (c) Apply for a petition pursuant to Section 332 and file the
 13 petition with the juvenile court to have the minor declared a
 14 dependent child of the court under Section 300, in that return to
 15 the parental home would be contrary to the best interests of the
 16 child. *The petition shall be filed, and the juvenile court shall issue*
 17 *a dispositional order in the case, if appropriate, prior to the minor*
 18 *attaining 18 years of age.*

19 (d) Refer the minor placed pursuant to paragraph (2) of
 20 subdivision (a) of Section 16507.3 to an interagency administrative
 21 review board as may be required in federal regulations. One
 22 member of the board shall be a licensed mental health practitioner.
 23 The review board shall review the appropriateness and continued
 24 necessity of six additional months of voluntary placement, the
 25 extent of the compliance with the voluntary placement plan, and
 26 the adequacy of services to the family and child. If the minor
 27 cannot be returned home by the 12th month of voluntary placement
 28 services, the department shall proceed pursuant to subdivision (b)
 29 or (c).

30 (e) Refer the minor placed pursuant to paragraph (1) of
 31 subdivision (a) of Section 16507.3 to an administrative review
 32 board as may be required in federal regulations and as described
 33 in subdivision (b) of Section 16503. If the minor cannot be returned
 34 home by the 12th month of voluntary placement services, the
 35 department shall proceed as described in paragraph subdivisions
 36 (b), (c), or (d).

37 ~~SEC. 8.~~

38 *SEC. 12.* If the Commission on State Mandates determines that
 39 this act contains costs mandated by the state, reimbursement to
 40 local agencies and school districts for those costs shall be made

- 1 pursuant to Part 7 (commencing with Section 17500) of Division
- 2 4 of Title 2 of the Government Code.

O