

AMENDED IN SENATE JULY 1, 2014  
AMENDED IN SENATE JUNE 15, 2014  
AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2454**

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**Introduced by Assembly Member Quirk-Silva**

February 21, 2014

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An act to amend Sections 388.1 and 11403 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2454, as amended, Quirk-Silva. Foster youth: nonminor dependents.

Existing law provides aid and services to children placed in out-of-home care through various public assistance programs, including Aid to Families with Dependent Children-Foster Care (AFDC-FC), Kinship Guardianship Assistance Payment Program (Kin-GAP), and the Adoption Assistance Program. Existing law provides that a minor who has been abused or neglected, or who has violated a law or ordinance, as specified, is within the jurisdiction of the juvenile court as a dependent child or a ward, respectively. Existing law also establishes the court's transition jurisdiction over certain minors and nonminors, as specified.

Existing law authorizes a nonminor who has not attained 21 years of age to petition the juvenile court for a hearing to determine whether to assume dependency jurisdiction over the nonminor if he or she received public assistance after attaining 18 years of age, as specified, and the nonminor's former guardian or guardians or adoptive parent or parents

died after he or she attained 18 years of age, but before he or she attains 21 years of age. Prior to the hearing, existing law requires the court to order the county child welfare or probation department to prepare a report for the court that addresses the nonminor’s educational or vocational plans, as specified, and recommendations for his or her placement. Existing law requires the placement and care of a former dependent or ward to be under the responsibility of specified local agencies, including either the county welfare services department or probation department, and requires the agency made responsible for the nonminor’s placement and care to prepare a new transitional independent living case plan, as specified.

This bill would additionally authorize a nonminor who has not attained 21 years of age to petition the court, as described above, if the nonminor received public assistance after attaining 18 years of age, as specified, and his or her former guardian or guardians or adoptive parent or parents no longer provide ongoing support to, and no longer receive payment on behalf of, the nonminor, and the court determines that it is in the nonminor’s best interest for the court to assume dependency jurisdiction. By expanding the number of persons who are eligible to petition the juvenile court to assume dependency jurisdiction, the bill would increase the duties of social workers and probation officers, thereby creating a state-mandated local program.

This bill would make *technical and* conforming changes to a related provision.

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 388.1 of the Welfare and Institutions
- 2 Code is amended to read:
- 3 388.1. (a) On and after January 1, 2014, a nonminor who has
- 4 not attained 21 years of age may petition the court in which he or

1 she was previously found to be a dependent or delinquent child of  
2 the juvenile court for a hearing to determine whether to assume  
3 dependency jurisdiction over the nonminor, if he or she meets any  
4 of the following descriptions:

5 (1) He or she is a nonminor former dependent, as defined in  
6 subdivision (aa) of Section 11400, who received aid after attaining  
7 18 years of age under Kin-GAP pursuant to Article 4.5  
8 (commencing with Section 11360) or Article 4.7 (commencing  
9 with Section 11385) of Chapter 2 of Part 3 of Division 9, or  
10 pursuant to subdivision (e) of Section 11405, and whose former  
11 guardian or guardians died after the nonminor attained 18 years  
12 of age, but before he or she attains 21 years of age.

13 (2) He or she is a nonminor former dependent, as defined in  
14 subdivision (aa) of Section 11400, who received aid after attaining  
15 18 years of age under Kin-GAP pursuant to Article 4.5  
16 (commencing with Section 11360) or Article 4.7 (commencing  
17 with Section 11385) of Chapter 2 of Part 3 of Division 9, or  
18 pursuant to subdivision (e) of Section 11405, and whose former  
19 guardian or guardians no longer provide ongoing support to, and  
20 no longer receive aid on behalf of, the nonminor after the nonminor  
21 attained 18 years of age, but before he or she attains 21 years of  
22 age.

23 (3) He or she is a nonminor who received adoption assistance  
24 payments after attaining 18 years of age pursuant to Chapter 2.1  
25 (commencing with Section 16115) of Part 4 of Division 9 and his  
26 or her adoptive parent or parents died after the nonminor attained  
27 18 years of age, but before he or she attains 21 years of age.

28 (4) He or she is a nonminor who received adoption assistance  
29 payments after attaining 18 years of age pursuant to Chapter 2.1  
30 (commencing with Section 16115) of Part 4 of Division 9 and his  
31 or her adoptive parent or parents no longer provide ongoing support  
32 to, and no longer receive benefits on behalf of, the nonminor after  
33 the nonminor attained 18 years of age, but before he or she attains  
34 21 years of age.

35 (b) (1) The petition to assume jurisdiction may be filed in either  
36 of the following:

37 (A) The juvenile court that established the guardianship pursuant  
38 to Section 360, Section 366.26, or subdivision (d) of Section 728.

39 (B) The juvenile court that had jurisdiction over the minor or  
40 nonminor dependent when his or her adoption was finalized.

1 (2) A nonminor described in subdivision (a) may submit a  
2 petition to assume dependency jurisdiction to the juvenile court  
3 in the county where he or she resides. A petition submitted pursuant  
4 to this paragraph shall, within five days of submission, be  
5 forwarded to the court that had jurisdiction over the child at the  
6 time of the guardianship or adoption. The clerk of the court that  
7 had jurisdiction over the child at the time of the guardianship or  
8 adoption shall file the petition within one judicial day of receipt.

9 (c) (1) The juvenile court in which the petition was filed shall  
10 order a hearing to be held within 15 judicial days of the date the  
11 petition was filed if there is a prima facie showing that the  
12 nonminor satisfies all of the following criteria:

13 (A) He or she was a minor under juvenile court jurisdiction at  
14 the time of the establishment of a guardianship pursuant to Section  
15 360, Section 366.26, or subdivision (d) of Section 728, or he or  
16 she was a minor or nonminor dependent when his or her adoption  
17 was finalized.

18 (B) (i) His or her guardian or guardians, or adoptive parent or  
19 parents, as applicable, died after the nonminor attained 18 years  
20 of age, but before he or she attained 21 years of age.

21 (ii) His or her guardian or guardians, or adoptive parent or  
22 parents, as applicable, no longer provide ongoing support to, and  
23 no longer receive payment on behalf of, the nonminor after the  
24 nonminor attained 18 years of age, but before he or she attained  
25 21 years of age, and it may be in the nonminor's best interest for  
26 the court to assume dependency jurisdiction.

27 (C) He or she intends to satisfy at least one of the conditions  
28 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of  
29 Section 11403.

30 (D) He or she is requesting assistance in maintaining or securing  
31 appropriate supervised placement, or needs immediate placement  
32 and agrees to supervised placement pursuant to the voluntary  
33 reentry agreement described in subdivision (z) of Section 11400.

34 (2) Upon ordering a hearing, the court shall give prior notice,  
35 or cause prior notice to be given, to the nonminor, the appropriate  
36 child welfare agency or probation department, and any other person  
37 requested by the nonminor in the petition.

38 (3) Pursuant to applicable rules of court, the juvenile court shall  
39 allow for telephonic appearances by the nonminor in these

1 proceedings and in any proceeding in which the nonminor  
2 dependent is a party.

3 (4) Prior to the hearing, the court shall order the county child  
4 welfare or probation department to prepare a report for the court  
5 that addresses both of the following:

6 (A) The nonminor's plans to satisfy at least one of the criteria  
7 set forth in paragraphs (1) to (5), inclusive, of subdivision (b) of  
8 Section 11403.

9 (B) The appropriate placement setting for the nonminor. When  
10 the recommendation is for the nonminor to be placed in a setting  
11 where minor dependents also reside, the results of a background  
12 check of the petitioning nonminor conducted pursuant to Section  
13 16504.5 may be used by the placing agency to determine  
14 appropriate placement options for him or her.

15 (5) The court shall assume dependency jurisdiction over a former  
16 dependent or ward, and order his or her placement and care be  
17 under the responsibility of the county child welfare services  
18 department, the probation department, tribe, consortium of tribes,  
19 or tribal organization, if the court finds all of the following:

20 (A) The nonminor was a minor under juvenile court jurisdiction  
21 at the time of the establishment of a guardianship pursuant to  
22 Section 360, Section 366.26, or subdivision (d) of Section 728, or  
23 he or she was a dependent at the time his or her adoption was  
24 finalized.

25 (B) The nonminor's guardian or guardians, or adoptive parent  
26 or parents, as applicable, have died, or no longer provide ongoing  
27 support to, and no longer receive payment on behalf of, the  
28 nonminor, and it is in the nonminor's best interests for the court  
29 to assume dependency jurisdiction.

30 (C) The nonminor has not attained 21 years of age.

31 (D) Reentry and remaining in foster care are in the nonminor's  
32 best interests.

33 (E) The nonminor intends to satisfy, and agrees to satisfy, at  
34 least one of the criteria set forth in paragraphs (1) to (5), inclusive,  
35 of subdivision (b) of Section 11403, and demonstrates his or her  
36 agreement to placement in a supervised setting under the placement  
37 and care responsibility of the placing agency by signing the  
38 voluntary reentry agreement described in subdivision (z) of Section  
39 11400.

1 (6) The existence of a criminal conviction is not a bar to  
2 eligibility for reentry to foster care or assumption of dependency  
3 jurisdiction over a nonminor.

4 (7) The court shall not grant a continuance that would cause the  
5 hearing to be completed more than 120 days after the date the  
6 petition is filed.

7 (d) The agency made responsible for the nonminor’s placement  
8 and care pursuant to paragraph (5) of subdivision (c) shall prepare  
9 a new transitional independent living case plan within 60 calendar  
10 days of the date the nonminor signs the voluntary reentry agreement  
11 and shall submit the plan to the court for the review hearing  
12 specified in Section 366.31, to be held within 70 days of the  
13 assumption of dependency jurisdiction. The review hearing under  
14 Section 366.31 shall not be held more than 170 calendar days from  
15 the date the nonminor signs the voluntary reentry agreement.

16 (e) (1) A nonminor described in subdivision (a) may enter into  
17 a voluntary reentry agreement as defined in subdivision (z) of  
18 Section 11400 in order to establish eligibility for foster care  
19 benefits under subdivision (e) of Section 11401 before or after  
20 filing a petition to assume dependency jurisdiction. If the nonminor  
21 enters into a voluntary reentry agreement prior to filing the petition,  
22 the nonminor is entitled to placement and supervision pending the  
23 court’s assumption of jurisdiction.

24 (2) If the nonminor completes a voluntary reentry agreement  
25 with a placing agency, the placing agency shall file the petition to  
26 assume dependency jurisdiction on behalf of the nonminor within  
27 15 judicial days of the date the agreement is signed, unless the  
28 nonminor elects to file the petition at an earlier date.

29 SEC. 2. Section 11403 of the Welfare and Institutions Code is  
30 amended to read:

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

1 years of age, effective January 1, 2013, up to 20 years of age, and  
2 effective January 1, 2014, up to 21 years of age, consistent with  
3 their transitional independent living case plan and as described in  
4 Section 10103.5. It is the intent of the Legislature both at the time  
5 of initial determination of the nonminor dependent's eligibility  
6 and throughout the time the nonminor dependent is eligible for aid  
7 pursuant to this section, that the social worker or probation officer  
8 or Indian tribal placing entity and the nonminor dependent shall  
9 work together to ensure the nonminor dependent's ongoing  
10 eligibility. All case planning shall be a collaborative effort between  
11 the nonminor dependent and the social worker, probation officer,  
12 or Indian tribe, with the nonminor dependent assuming increasing  
13 levels of responsibility and independence.

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

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

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

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

40 (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, or no longer provides  
23 ongoing support to, and no longer receives benefits on behalf of,  
24 the nonminor after the nonminor turns 18 years of age but before  
25 the nonminor turns 21 years of age. Nonminor former dependents  
26 requesting the resumption of AFDC-FC payments pursuant to  
27 subdivision (e) of Section 11405 shall complete the applicable  
28 portions of the voluntary reentry agreement, as described in  
29 subdivision (z) of Section 11400.

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

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

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

1 on Placement of Children, pursuant to Part 5 (commencing with  
2 Section 7900) of Division 12 of the Family Code.

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

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

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

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

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

1 Services Subaccount within the Support Services Account within  
2 the Local Revenue Fund 2011, plus any associated growth funding  
3 from the Support Services Growth Subaccount within the Sales  
4 and Use Tax Growth Account to pay the costs of extending aid  
5 pursuant to this section.

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

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

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

19 (ii) The savings realized from the change in federal funding for  
20 adoption assistance resulting from the enactment of Public Law  
21 110-351 and consistent with subdivision (d) of Section 16118.

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

39 (B) If the assessment pursuant to subparagraph (A) shows that  
40 the statewide total costs of extending aid pursuant to this section,

1 excluding costs incurred pursuant to Section 10103.5, are fully  
2 funded by the amount of savings in Kin-GAP assistance grant  
3 expenditures realized by the counties from the receipt of federal  
4 funds due to the implementation of Article 4.7 (commencing with  
5 Section 11385) and the amount of funding specifically included  
6 in the Protective Services Subaccount within the Support Services  
7 Account within the Local Revenue Fund 2011 plus any associated  
8 growth funding from the Support Services Growth Subaccount  
9 within the Sales and Use Tax Growth Account to pay the costs of  
10 extending aid pursuant to this section, the Department of Finance  
11 shall certify that fact, in writing, and shall post the certification on  
12 its Internet Web site, at which time subparagraph (A) of paragraph  
13 (3) shall no longer be implemented.

14 (h) It is the intent of the Legislature that no county currently  
15 participating in the Child Welfare Demonstration Capped  
16 Allocation Project be adversely impacted by the department's  
17 exercise of its option to extend foster care benefits pursuant to  
18 Section 673(a)(4) and Section 675(8) of Title 42 of the United  
19 States Code in the federal Social Security Act, as contained in the  
20 federal Fostering Connections to Success and Increasing Adoptions  
21 Act of 2008 (Public Law 110-351). Therefore, the department shall  
22 negotiate with the United States Department of Health and Human  
23 Services on behalf of those counties that are currently participating  
24 in the demonstration project to ensure that those counties receive  
25 reimbursement for these new programs outside of the provisions  
26 of those counties' waiver under Subtitle IV-E (commencing with  
27 Section 470) of the federal Social Security Act (42 U.S.C. Sec.  
28 670 et seq.).

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

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

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

1 regulations shall be deemed to be an emergency and necessary for  
2 the immediate preservation of the public peace, health, safety, or  
3 general welfare. Initial emergency regulations and the first  
4 readoption of those emergency regulations shall be exempt from  
5 review by the Office of Administrative Law. The emergency  
6 regulations authorized by this section shall be submitted to the  
7 Office of Administrative Law for filing with the Secretary of State  
8 and shall remain in effect for no more than 180 days.

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

10 SEC. 3. If the Commission on State Mandates determines that  
11 this act contains costs mandated by the state, reimbursement to  
12 local agencies and school districts for those costs shall be made  
13 pursuant to Part 7 (commencing with Section 17500) of Division  
14 4 of Title 2 of the Government Code.

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