

AMENDED IN SENATE APRIL 3, 2013

**SENATE BILL**

**No. 343**

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**Introduced by Senator Yee**

February 20, 2013

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An act to repeal and add Section 391 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

SB 343, as amended, Yee. Dependent children: documents.

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudge certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes. Existing law prohibits the court from terminating dependency jurisdiction over a nonminor who has reached 18 years of age until a hearing is conducted and the *county welfare* department has submitted a report verifying that specified information, documents, and services have been provided to the child.

This bill would revise and recast these provisions to, among other things, require the county welfare department to submit reports at the first regularly scheduled hearing after the child has attained 16 years of age and at the hearing immediately prior to the child attaining 18 years of age, verifying that ~~it~~ *the county* has provided certain of the above-described information, documents, and services to the child. By increasing the reporting duties of county welfare departments, this bill would impose a state-mandated local program.

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 391 of the Welfare and Institutions Code  
2 is repealed.

3 SEC. 2. Section 391 is added to the Welfare and Institutions  
4 Code, to read:

5 391. (a) At the first regularly scheduled court hearing after a  
6 dependent child has attained 16 years of age, the county welfare  
7 department shall submit a report verifying that the following  
8 information, documents, and services have been provided to the  
9 child:

10 (1) Social security card.

11 (2) Certified copy of the birth certificate.

12 (3) Driver's license, as described in Section 12500 of the Vehicle  
13 Code, or identification card, as described in Section 13000 of the  
14 Vehicle Code.

15 (4) Assistance in obtaining employment ~~or other financial~~  
16 ~~support~~, if applicable.

17 (5) Assistance in applying for, or preparing to apply for,  
18 admission to college or to a vocational training program or other  
19 educational institution and in obtaining financial aid, where  
20 applicable.

21 (6) Written information notifying the child that current or former  
22 dependent children who are or have been in foster care are granted  
23 a preference for student assistant or internship positions with state  
24 agencies pursuant to Section 18220 of the Government Code until  
25 he or she attains 26 years of age.

26 (b) At the hearing immediately prior to a dependent child  
27 attaining 18 years of age and at every review hearing thereafter,  
28 the county welfare department shall submit a report describing  
29 efforts toward providing the following information, documents,  
30 and services to the child:

- 1 (1) All of the documents, written information, and assistance  
2 set forth in subdivision (a).
- 3 (2) A letter prepared by the county welfare department that  
4 includes the following information:
- 5 (A) The nonminor's name and date of birth.
- 6 (B) The dates during which the nonminor was within the  
7 jurisdiction of the juvenile court.
- 8 (C) A statement that the nonminor was a foster youth in  
9 compliance with state and federal financial aid documentation  
10 requirements.
- 11 (D) If applicable, the death certificate of the parent or parents.
- 12 (E) If applicable, proof of the nonminor's citizenship or legal  
13 residence.
- 14 (F) An advance health care directive form.
- 15 (G) The Judicial Council form that the nonminor would use to  
16 file a petition pursuant to subdivision (e) of Section 388 to resume  
17 dependency jurisdiction.
- 18 (H) The written 90-day transition plan prepared pursuant to  
19 Section 16501.1.
- 20 (3) If applicable, referrals to transitional housing, if available,  
21 or assistance in securing other housing.
- 22 (4) Assistance in maintaining relationships with individuals  
23 who are important to a nonminor who has been in out-of-home  
24 placement for six months or longer from the date the nonminor  
25 entered foster care, based on the nonminor's best interests.
- 26 (5) *The whereabouts of any siblings under the jurisdiction of*  
27 *the juvenile court, unless the court determines that sibling contact*  
28 *would jeopardize the safety or welfare of either sibling.*
- 29 (c) The dependency court shall not terminate jurisdiction over  
30 a nonminor unless a hearing is conducted pursuant to this section.  
31 At any hearing at which the court is considering terminating  
32 jurisdiction over a nonminor, the county welfare department shall  
33 do all of the following:
- 34 (1) Ensure that the dependent nonminor is present in court,  
35 unless the nonminor does not wish to appear in court and elects a  
36 telephonic appearance, or document reasonable efforts made by  
37 the county welfare department to locate the nonminor when the  
38 nonminor is not available.
- 39 (2) Submit a report describing whether it is in the nonminor's  
40 best interests to remain under the court's dependency jurisdiction,

1 which includes a recommended transitional independent living  
2 case plan for the nonminor when the report describes continuing  
3 dependency jurisdiction as being in the nonminor's best interest.

4 (3) If the county welfare department recommends termination  
5 of the court's dependency jurisdiction, submit documentation of  
6 the reasonable efforts made by the department to provide the  
7 nonminor with the assistance needed to meet or maintain eligibility  
8 as a nonminor dependent, as defined in paragraphs (1) to (5),  
9 inclusive, of subdivision (b) of Section 11403.

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

17 (d) (1) The court shall continue dependency jurisdiction over a  
18 nonminor who meets the definition of a nonminor dependent as  
19 described in subdivision (v) of Section 11400 unless the court finds  
20 either of the following:

21 (A) That the nonminor does not wish to remain subject to  
22 dependency jurisdiction.

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

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

34 (e) The court may terminate its jurisdiction over a nonminor if  
35 the court finds after reasonable and documented efforts the  
36 nonminor cannot be located.

37 (f) When terminating dependency jurisdiction the court shall  
38 maintain general jurisdiction over the nonminor to allow for the  
39 filing of a petition to resume dependency jurisdiction under  
40 subdivision (e) of Section 388 until the nonminor attains 21 years

1 of age, although no review proceedings shall be required. A  
2 nonminor may petition the court pursuant to subdivision (e) of  
3 Section 388 to resume dependency jurisdiction at any time before  
4 attaining 21 years of age.

5 (g) The court shall not terminate dependency jurisdiction over  
6 a nonminor dependent who has attained 18 years of age until a  
7 hearing is conducted pursuant to this section. Jurisdiction shall not  
8 be terminated until the department has submitted a report verifying  
9 that the ~~following~~ information, documents, and services *required*  
10 *under subdivisions (a) and (b), as well as the following information,*  
11 *documents, and services,* have been provided to the nonminor, or  
12 in the case of a nonminor who, after reasonable efforts by the  
13 county welfare department, cannot be located, verifying the efforts  
14 made to make the following available to the nonminor:

15 (1) Assistance in accessing the Independent Living Aftercare  
16 Program in the nonminor's county of residence, and, upon the  
17 nonminor's request, assistance in completing a voluntary reentry  
18 agreement for care and placement pursuant to subdivision (z) of  
19 Section 11400 and in filing a petition pursuant to subdivision (e)  
20 of Section 388 to resume dependency jurisdiction.

21 (2) Written information concerning the nonminor's dependency  
22 case, including, but not limited to, all of the following:

23 (A) Any known information regarding the nonminor's Indian  
24 heritage or tribal connections.

25 (B) If applicable, his or her family history and placement history.

26 (C) Any photographs of the nonminor or his or her family in  
27 the possession of the county welfare department, other than forensic  
28 photographs.

29 ~~(D) The whereabouts of any siblings under the jurisdiction of~~  
30 ~~the juvenile court, unless the court determines that sibling contact~~  
31 ~~would jeopardize the safety or welfare of the sibling.~~

32 ~~(E)~~

33 (D) Directions on how to access the documents the nonminor  
34 is entitled to inspect under Section 827.

35 ~~(F)~~

36 (E) The date on which the jurisdiction of the juvenile court  
37 would be terminated.

38 (3) The health and education summary described in subdivision  
39 (a) of Section 16010.

- 1 (4) 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 (5) Assistance with the following:
- 5 (A) Completing an application for Medi-Cal or assistance in
- 6 obtaining other health insurance.
- 7 (B) Referrals to transitional housing, if available, or assistance
- 8 in securing other housing.
- 9 (C) *Obtaining employment or other financial support, if*
- 10 *applicable.*
- 11 SEC. 3. If the Commission on State Mandates determines that
- 12 this act contains costs mandated by the state, reimbursement to
- 13 local agencies and school districts for those costs shall be made
- 14 pursuant to Part 7 (commencing with Section 17500) of Division
- 15 4 of Title 2 of the Government Code.