

**Introduced by Senator Liu**

February 11, 2014

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

LEGISLATIVE COUNSEL'S DIGEST

SB 977, as introduced, Liu. Juveniles: dependency court.

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 until a hearing is conducted and requires the county welfare to ensure that the dependent nonminor is present in court, unless the nonminor does not wish to appear in court and elects a telephonic appearance, as specified.

This bill would make technical, nonsubstantive changes to these provisions.

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

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

- 1 SECTION 1. Section 391 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 391. (a) The dependency court shall not terminate jurisdiction
- 4 over a nonminor unless a hearing is conducted pursuant to this
- 5 section.

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

4 (1) Ensure that the dependent nonminor is present in court,  
5 unless the nonminor does not wish to appear in court, and elects  
6 a telephonic appearance, or document reasonable efforts made by  
7 the county welfare department to locate the nonminor when the  
8 nonminor is not available.

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

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

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

27 (c) (1) The court shall continue dependency jurisdiction over  
28 a nonminor who meets the definition of a nonminor dependent as  
29 described in subdivision (v) of Section 11400 unless the court finds  
30 either of the following:

31 (A) That the nonminor does not wish to remain subject to  
32 dependency jurisdiction.

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

35 (2) In making the findings pursuant to paragraph (1), the court  
36 ~~must~~ shall also find that the nonminor has been informed of his  
37 or her ~~options~~ options, including the benefits of remaining in foster  
38 care and the right to reenter foster care by filing a petition pursuant  
39 to subdivision (e) of Section 388 to resume dependency jurisdiction  
40 and by completing a voluntary reentry agreement pursuant to

1 subdivision (z) of Section 11400, and has had an opportunity to  
2 confer with his or her counsel if counsel has been appointed  
3 pursuant to Section 317.

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

7 (2) When terminating dependency jurisdiction the court shall  
8 maintain general jurisdiction over the nonminor to allow for the  
9 filing of a petition to resume dependency jurisdiction under  
10 subdivision (e) of Section 388 until the nonminor attains 21 years  
11 of age, although no review proceedings shall be required. A  
12 nonminor may petition the court pursuant to subdivision (e) of  
13 Section 388 to resume dependency jurisdiction at any time before  
14 attaining 21 years of age.

15 (e) The court shall not terminate dependency jurisdiction over  
16 a nonminor who has attained 18 years of age until a hearing is  
17 conducted pursuant to this section and the department has  
18 submitted a report verifying that the following information,  
19 documents, and services have been provided to the nonminor, or  
20 in the case of a nonminor who, after reasonable efforts by the  
21 county welfare department, cannot be located, verifying the efforts  
22 made to make the following available to the nonminor:

23 (1) Written information concerning the nonminor's case,  
24 including any known information regarding the nonminor's Indian  
25 heritage or tribal connections, if applicable, his or her family  
26 history and placement history, any photographs of the nonminor  
27 or his or her family in the possession of the county welfare  
28 department, other than forensic photographs, the whereabouts of  
29 any siblings under the jurisdiction of the juvenile court, unless the  
30 court determines that sibling contact would jeopardize the safety  
31 or welfare of the sibling, directions on how to access the documents  
32 the nonminor is entitled to inspect under Section 827, and the date  
33 on which the jurisdiction of the juvenile court would be terminated.

34 (2) The following documents:

35 (A) Social security card.

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

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

- 1 (D) Driver's license, as described in Section 12500 of the  
2 Vehicle Code, or identification card, as described in Section 13000  
3 of the Vehicle Code.
- 4 (E) A letter prepared by the county welfare department that  
5 includes the following information:
- 6 (i) The nonminor's name and date of birth.  
7 (ii) The dates during which the nonminor was within the  
8 jurisdiction of the juvenile court.  
9 (iii) A statement that the nonminor was a foster youth in  
10 compliance with state and federal financial aid documentation  
11 requirements.
- 12 (F) If applicable, the death certificate of the parent or parents.  
13 (G) If applicable, proof of the nonminor's citizenship or legal  
14 residence.
- 15 (H) An advance health care directive form.
- 16 (I) The Judicial Council form that the nonminor would use to  
17 file a petition pursuant to subdivision (e) of Section 388 to resume  
18 dependency jurisdiction.
- 19 (J) The written 90-day transition plan prepared pursuant to  
20 Section 16501.1.
- 21 (3) Assistance in completing an application for Medi-Cal or  
22 assistance in obtaining other health insurance.
- 23 (4) Referrals to transitional housing, if available, or assistance  
24 in securing other housing.
- 25 (5) Assistance in obtaining employment or other financial  
26 support.
- 27 (6) Assistance in applying for admission to college or to a  
28 vocational training program or other educational institution and  
29 in obtaining financial aid, where appropriate.
- 30 (7) Assistance in maintaining relationships with individuals  
31 who are important to a nonminor who has been in out-of-home  
32 placement for six months or longer from the date the nonminor  
33 entered foster care, based on the nonminor's best interests.
- 34 (8) For nonminors between 18 and 21 years of age, assistance  
35 in accessing the Independent Living Aftercare Program in the  
36 nonminor's county of residence, and, upon the nonminor's request,  
37 assistance in completing a voluntary reentry agreement for care  
38 and placement pursuant to subdivision (z) of Section 11400 and  
39 in filing a petition pursuant to subdivision (e) of Section 388 to  
40 resume dependency jurisdiction.

1 (9) Written information notifying the child that current or former  
2 dependent children who are or have been in foster care are granted  
3 a preference for student assistant or internship positions with state  
4 agencies pursuant to Section 18220 of the Government Code. The  
5 preference shall be granted to applicants up to 26 years of age.

6 (f) At the hearing closest to and before a dependent minor's  
7 18th birthday and every review hearing thereafter for nonminors,  
8 the department shall submit a report describing efforts toward  
9 completing the items described in paragraph (2) of subdivision

10 (e).

11 (g) The Judicial Council shall develop and implement standards,  
12 and develop and adopt appropriate forms necessary to implement  
13 this provision.

14 ~~(h) This section shall become operative on January 1, 2012.~~