

Senate Bill No. 996

Passed the Senate May 27, 2014

Secretary of the Senate

Passed the Assembly August 19, 2014

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

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

LEGISLATIVE COUNSEL'S DIGEST

SB 996, Evans. Juveniles: 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 review hearing after a dependent child has attained 16 years of age and at the last regularly scheduled review hearing before a minor attains 18 years of age, and at every regularly scheduled review hearing thereafter, verifying that 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.

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

SECTION 1. Section 391 of the Welfare and Institutions Code is repealed.

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

391. (a) (1) At the first regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 after a dependent child has attained 16 years of age, the county welfare department shall submit a report verifying that the following information, documents, and services have been provided to the child:

(A) Social security card, if provided to the child pursuant to paragraph (2).

(B) Copy of the birth certificate.

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

(D) Assistance in obtaining employment, if applicable.

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

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

(G) Written information notifying the child of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including, but not limited to, banking, credit card debt, student loan debt, credit scores, credit history, and personal savings.

(2) Except as required by subdivision (b), the child's social security card may only be provided temporarily to the dependent child for the following purposes:

(A) To enable the child to obtain employment.

(B) To apply for admission to an institution of postsecondary education or a vocational training program.

(C) To apply for financial aid.

(D) To apply for or access public benefits.

(E) As otherwise determined by the child's caseworker, including, but not limited to, in response to a request from the child.

(3) For purposes of this subdivision, a certified copy of the dependent child's birth certificate shall be provided upon request of the child.

(b) At the last regularly scheduled review hearing held pursuant to subdivision (d) of Section 366.3 before a dependent child attains 18 years of age, and at every regularly scheduled review hearing thereafter, the county welfare department shall submit a report describing efforts toward providing the following information, documents, and services to the minor or nonminor:

(1) Social security card.

(2) Certified copy of the birth certificate.

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

(4) Assistance in obtaining employment, if applicable.

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

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

(7) Written information notifying the child of any financial literacy programs or other available resources provided through the county or other community organizations to help the youth obtain financial literacy skills, including, but not limited to, banking, credit card debt, student loan debt, credit scores, credit history, and personal savings.

(8) A letter prepared by the county welfare department that includes the following information:

(A) The minor's or nonminor's name and date of birth.

(B) The dates during which the minor or nonminor was within the jurisdiction of the juvenile court.

(C) A statement that the minor or nonminor was a foster youth in compliance with state and federal financial aid documentation requirements.

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

(E) If applicable, proof of the minor's or nonminor's citizenship or legal residence.

(F) An advance health care directive form.

(G) The Judicial Council form that the minor or nonminor would use to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.

(9) If applicable, referrals to transitional housing, if available, or assistance in securing other housing.

(10) Assistance in maintaining relationships with individuals who are important to a nonminor who has been in out-of-home placement for six months or longer from the date the nonminor entered foster care, based on the nonminor's best interests.

(11) The whereabouts of any siblings under the jurisdiction of the juvenile court, unless the court determines that sibling contact would jeopardize the safety or welfare of either sibling.

(c) The dependency court shall not terminate jurisdiction over a nonminor unless a hearing is conducted pursuant to this section. At any hearing at which the court is considering terminating jurisdiction over a nonminor, the county welfare department shall do all of the following:

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

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

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

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

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

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

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

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

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

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

(g) The court shall not terminate dependency jurisdiction over a nonminor dependent who has attained 18 years of age until a hearing is conducted pursuant to this section. Jurisdiction shall not be terminated until the department has submitted a report verifying that the information, documents, and services required under

subdivisions (a) and (b), as well as the following information, documents, and services, have been provided to the nonminor, or in the case of a nonminor who, after reasonable efforts by the county welfare department, cannot be located, verifying the efforts made to make the following available to the nonminor:

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

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

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

(B) If applicable, the nonminor's family history and placement history.

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

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

(E) The written 90-day transition plan prepared pursuant to Section 16501.1.

(F) The date on which the jurisdiction of the juvenile court would be terminated.

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

(4) The Judicial Council form that the nonminor would use to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.

(5) Assistance with the following:

(A) Completing an application for Medi-Cal or assistance in obtaining other health insurance.

(B) Referrals to transitional housing, if available, or assistance in securing other housing.

(C) Obtaining employment or other financial support, if applicable.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to

local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2014

Governor