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SENATE BILL

No. 12

Introduced by Senator Beall

(Coauthors: Senators Block, Hertzberg, and Wieckowski)

(Coauthors: Assembly Members Chu, Gipson, Gordon, Maienschein,
Rodriguez, and Waldron)

December 1, 2014

An act to amend Sections 303, 388, 388.1, 450, 607.2, 11400, 11401, 11403, and 11405 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

SB 12, as amended, Beall. Foster youth.

Existing law, the California Fostering Connections to Success Act, revises and expands the scope of various programs relating to cash assistance and other services to and for the benefit of certain foster and adopted children, and other children who have been placed in out-of-home care, including children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC), Adoption Assistance Program, California Work Opportunity and Responsibility to Kids (CalWORKs), and Kinship Guardianship Assistance Payment (Kin-GAP) benefits. Among other provisions, the act extends specified

foster care benefits to youth up to 21 years of age, if specified conditions are met.

Existing law defines a nonminor dependent for these purposes as a foster child who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court pursuant to a voluntary reentry agreement, and in accordance with a transitional independent living case plan who has attained 18 years of age while under an order of foster care placement by the juvenile court and is not older than 21 years of age. Existing law defines a nonminor former dependent or ward as a person who meets these criteria who reached 18 years of age while subject to an order for foster care placement, for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.

This bill would revise the definition of a nonminor dependent and former nonminor dependent to ~~include a person who has not attained 21 years of age, if he or she was subject to an order for foster care placement at any time after reaching 14 years of age, was adjudged a ward of the court on the basis of criminal activity, and if the last custody order of the court did not order his or her return to the physical custody of his or her parent or legal guardian, and would also include a person who has not attained 21 years of age, if he or she was adjudged a ward of the court on the basis of criminal activity, was subject to an order for foster care placement at the time the petition to adjudge him or her a ward of the court was filed, and was *held* in secure confinement when he or she attained 18 years of age.~~ This bill would make conforming changes to allow a court to assume or resume dependency jurisdiction or transition jurisdiction over a nonminor who satisfies this criteria. Because the bill would expand the application of the above county administered programs, the 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 303 of the Welfare and Institutions Code
2 is amended to read:

3 303. (a) The court may retain jurisdiction over any person who
4 is found to be a ward or a dependent child of the juvenile court
5 until the ward or dependent child attains 21 years of age.

6 (b) The court shall have within its jurisdiction any nonminor
7 dependent, as defined in subdivision (v) of Section 11400. The
8 court may terminate its dependency, delinquency, or transition
9 jurisdiction over the nonminor dependent between the time the
10 nonminor reaches the age of majority and 21 years of age. If the
11 court terminates dependency, delinquency, or transition
12 jurisdiction, the nonminor dependent shall remain under the general
13 jurisdiction of the court in order to allow for a petition under
14 subdivision (e) of Section 388.

15 (c) A nonminor who has not yet attained 21 years of age and
16 who meets any of the following conditions may petition the court
17 pursuant to subdivision (e) of Section 388 to resume dependency
18 jurisdiction over himself or herself or to assume transition
19 jurisdiction over himself or herself pursuant to Section 450:

20 (1) He or she exited foster care at or after the age of majority.

21 ~~(2) He or she was subject to an order for foster care placement~~
22 ~~at any time after reaching 14 years of age, was adjudged a ward~~
23 ~~of the court pursuant to Section 725, and for whom the last custody~~
24 ~~order of the court did not order his or her return to the physical~~
25 ~~custody of his or her parent or legal guardian.~~

26 ~~(3)~~

27 (2) He or she was adjudged a ward of the court pursuant to
28 Section 725, was subject to an order for foster care placement at
29 the time the petition to adjudge him or her a ward of the court
30 pursuant to Section 725 was filed, and was held in secure
31 confinement when he or she attained 18 years of age.

32 (d) (1) Nothing in this code, including, but not limited to,
33 Sections 340, 366.27, and 369.5, shall be construed to provide
34 legal custody of a person who has attained 18 years of age to the
35 county welfare or probation department or to otherwise abrogate
36 any other rights that a person who has attained 18 years of age
37 may have as an adult under California law. A nonminor dependent
38 shall retain all of his or her legal decisionmaking authority as an

1 adult. The nonminor shall enter into a mutual agreement for
2 placement, as described in subdivision (u) of Section 11400, unless
3 the nonminor dependent is incapable of making an informed
4 agreement, or a voluntary reentry agreement, as described in
5 subdivision (z) of Section 11400, for placement and care in which
6 the nonminor consents to placement and care in a setting supervised
7 by, and under the responsibility of, the county child welfare
8 services department, the county probation department, or Indian
9 tribe, tribal organization, or consortium of tribes that entered into
10 an agreement pursuant to Section 10553.1.

11 (2) A nonminor dependent who remains under delinquency
12 jurisdiction in order to complete his or her rehabilitative goals and
13 is under a foster care placement order is not required to complete
14 the mutual agreement as described in subdivision (u) of Section
15 11400. His or her adult decisionmaking authority may be limited
16 by and subject to the care, supervision, custody, conduct, and
17 maintenance orders as described in Section 727.

18 (e) Unless otherwise specified, the rights of a dependent child
19 and the responsibilities of the county welfare or probation
20 department, or tribe, and other entities, toward the child and family,
21 shall also apply to nonminor dependents.

22 SEC. 2. Section 388 of the Welfare and Institutions Code is
23 amended to read:

24 388. (a) (1) Any parent or other person having an interest in
25 a child who is a dependent child of the juvenile court or a nonminor
26 dependent as defined in subdivision (v) of Section 11400, or the
27 child himself or herself or the nonminor dependent through a
28 properly appointed guardian may, upon grounds of change of
29 circumstance or new evidence, petition the court in the same action
30 in which the child was found to be a dependent child of the juvenile
31 court or in which a guardianship was ordered pursuant to Section
32 360 for a hearing to change, modify, or set aside any order of court
33 previously made or to terminate the jurisdiction of the court. The
34 petition shall be verified and, if made by a person other than the
35 child or the nonminor dependent shall state the petitioner's
36 relationship to or interest in the child or the nonminor dependent
37 and shall set forth in concise language any change of circumstance
38 or new evidence that is alleged to require the change of order or
39 termination of jurisdiction.

1 (2) When any party, including a child who is a dependent of the
2 juvenile court, petitions the court prior to an order terminating
3 parental rights, to modify the order that reunification services were
4 not needed pursuant to paragraphs (4), (5), and (6) of subdivision
5 (b) of Section 361.5, or to modify any orders related to custody or
6 visitation of the subject child, and the court orders a hearing
7 pursuant to subdivision (d), the court shall modify the order that
8 reunification services were not needed pursuant to paragraphs (4),
9 (5), and (6) of subdivision (b) of Section 361.5, or any orders
10 related to the custody or visitation of the child for whom
11 reunification services were not ordered pursuant to paragraphs (4),
12 (5), and (6) of subdivision (b) of Section 361.5, only if the court
13 finds by clear and convincing evidence that the proposed change
14 is in the best interests of the child.

15 (b) (1) Any person, including a child or a nonminor dependent
16 who is a dependent of the juvenile court, may petition the court to
17 assert a relationship as a sibling related by blood, adoption, or
18 affinity through a common legal or biological parent to a child
19 who is, or is the subject of a petition for adjudication as, a
20 dependent of the juvenile court, and may request visitation with
21 the dependent child, placement with or near the dependent child,
22 or consideration when determining or implementing a case plan
23 or permanent plan for the dependent child or make any other
24 request for an order which may be shown to be in the best interest
25 of the dependent child.

26 (2) A child or nonminor dependent who is a dependent of the
27 juvenile court may petition the court to assert a relationship as a
28 sibling related by blood, adoption, or affinity through a common
29 legal or biological parent to a child who is in the physical custody
30 of a common legal or biological parent, and may request visitation
31 with the nondependent sibling in parental custody.

32 (3) Pursuant to subdivision (b) of Section 16002, a request for
33 sibling visitation may be granted unless it is determined by the
34 court that sibling visitation is contrary to the safety and well-being
35 of any of the siblings.

36 (4) The court may appoint a guardian ad litem to file the petition
37 for a dependent child asserting a sibling relationship pursuant to
38 this subdivision if the court determines that the appointment is
39 necessary for the best interests of the dependent child. The petition
40 shall be verified and shall set forth the following:

- 1 (A) Through which parent he or she is related to the sibling.
- 2 (B) Whether he or she is related to the sibling by blood,
- 3 adoption, or affinity.
- 4 (C) The request or order that the petitioner is seeking.
- 5 (D) Why that request or order is in the best interest of the
- 6 dependent child.
- 7 (c) (1) Any party, including a child who is a dependent of the
- 8 juvenile court, may petition the court, prior to the hearing set
- 9 pursuant to subdivision (f) of Section 366.21 for a child described
- 10 by subparagraph (A) of paragraph (1) of subdivision (a) of Section
- 11 361.5, or prior to the hearing set pursuant to subdivision (e) of
- 12 Section 366.21 for a child described by subparagraph (B) or (C)
- 13 of paragraph (1) of subdivision (a) of Section 361.5, to terminate
- 14 court-ordered reunification services provided under subdivision
- 15 (a) of Section 361.5 only if one of the following conditions exists:
- 16 (A) It appears that a change of circumstance or new evidence
- 17 exists that satisfies a condition set forth in subdivision (b) or (e)
- 18 of Section 361.5 justifying termination of court-ordered
- 19 reunification services.
- 20 (B) The action or inaction of the parent or guardian creates a
- 21 substantial likelihood that reunification will not occur, including,
- 22 but not limited to, the parent's or guardian's failure to visit the
- 23 child, or the failure of the parent or guardian to participate regularly
- 24 and make substantive progress in a court-ordered treatment plan.
- 25 (2) In determining whether the parent or guardian has failed to
- 26 visit the child or participate regularly or make progress in the
- 27 treatment plan, the court shall consider factors that include but are
- 28 not limited to, the parent's or guardian's incarceration,
- 29 institutionalization, detention by the United States Department of
- 30 Homeland Security, deportation, or participation in a court-ordered
- 31 residential substance abuse treatment program.
- 32 (3) The court shall terminate reunification services during the
- 33 above-described time periods only upon a finding by a
- 34 preponderance of evidence that reasonable services have been
- 35 offered or provided, and upon a finding of clear and convincing
- 36 evidence that one of the conditions in subparagraph (A) or (B) of
- 37 paragraph (1) exists.
- 38 (4) Any party, including a nonminor dependent, as defined in
- 39 subdivision (v) of Section 11400, may petition the court prior to
- 40 the review hearing set pursuant to subdivision (d) of Section 366.31

1 to terminate the continuation of court-ordered family reunification
2 services for a nonminor dependent who has attained 18 years of
3 age. The court shall terminate family reunification services to the
4 parent or guardian if the nonminor dependent or parent or guardian
5 are not in agreement that the continued provision of court-ordered
6 family reunification services is in the best interests of the nonminor
7 dependent.

8 (5) If the court terminates reunification services, it shall order
9 that a hearing pursuant to Section 366.26 be held within 120 days.
10 On and after January 1, 2012, a hearing pursuant to Section 366.26
11 shall not be ordered if the child is a nonminor dependent. The court
12 may order a nonminor dependent who is otherwise eligible to
13 AFDC-FC benefits pursuant to Section 11403 to remain in a
14 planned, permanent living arrangement.

15 (d) If it appears that the best interests of the child or the
16 nonminor dependent may be promoted by the proposed change of
17 order, modification of reunification services, custody, or visitation
18 orders concerning a child for whom reunification services were
19 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision
20 (b) of Section 361.5, recognition of a sibling relationship,
21 termination of jurisdiction, or clear and convincing evidence
22 supports revocation or termination of court-ordered reunification
23 services, the court shall order that a hearing be held and shall give
24 prior notice, or cause prior notice to be given, to the persons and
25 in the manner prescribed by Section 386, and, in those instances
26 in which the manner of giving notice is not prescribed by those
27 sections, then in the manner the court prescribes.

28 (e) (1) A nonminor who meets one of the criteria in
29 subparagraph (A) ~~to (C), inclusive,~~ or (B) or the county child
30 welfare services, probation department, or tribal placing agency
31 on behalf of the nonminor, may petition the court in the same
32 action in which the child was found to be a dependent or delinquent
33 child of the juvenile court, for a hearing to resume the dependency
34 jurisdiction over a former dependent or to assume or resume
35 transition jurisdiction over a former delinquent ward pursuant to
36 Section 450. The petition shall be filed within the period that the
37 nonminor is of the age described in this paragraph. If the nonminor
38 has completed the voluntary reentry agreement, as described in
39 subdivision (z) of Section 11400, with the placing agency, the
40 agency shall file the petition on behalf of the nonminor within 15

1 judicial days of the date the agreement was signed unless the
2 nonminor elects to file the petition at an earlier date. This
3 subdivision applies to a nonminor who meets any of the following
4 criteria:

5 (A) He or she attained 18 years of age while subject to an order
6 for foster care placement and who has not attained 21 years of age
7 for whom the court has dismissed dependency jurisdiction pursuant
8 to Section 391, or delinquency jurisdiction pursuant to Section
9 607.2, or transition jurisdiction pursuant to Section 452, but has
10 retained general jurisdiction under subdivision (b) of Section 303.

11 ~~(B) He or she has not attained 21 years of age, was subject to~~
12 ~~an order for foster care placement at any time after reaching 14~~
13 ~~years of age, was adjudged a ward of the court pursuant to Section~~
14 ~~725, and for whom the last custody order of the court did not order~~
15 ~~his or her return to the physical custody of his or her parent or~~
16 ~~legal guardian.~~

17 ~~(C)~~

18 (B) He or she has not attained 21 years of age, was adjudged a
19 ward of the court pursuant to Section 725, was subject to an order
20 for foster care placement at the time the petition to adjudge him
21 or her a ward of the court pursuant to Section 725 was filed, and
22 was held in secure confinement when he or she attained 18 years
23 of age.

24 (2) (A) The petition to resume jurisdiction may be filed in the
25 juvenile court that retains general jurisdiction under subdivision
26 (b) of Section 303, or the petition may be submitted to the juvenile
27 court in the county where the youth resides and forwarded to the
28 juvenile court that retained general jurisdiction and filed with that
29 court. The juvenile court having general jurisdiction under Section
30 303 shall receive the petition from the court where the petition
31 was submitted within five court days of its submission, if the
32 petition is filed in the county of residence. The juvenile court that
33 retained general jurisdiction shall order that a hearing be held
34 within 15 judicial days of the date the petition was filed if there is
35 a prima facie showing that the nonminor satisfies the following
36 criteria:

37 (i) He or she meets the criteria of either subparagraph ~~(A), (B),~~
38 ~~or (C)~~ (A) or (B) of paragraph (1).

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

4 (iii) He or she wants assistance either in maintaining or securing
5 appropriate supervised placement, or is in need of immediate
6 placement and agrees to supervised placement pursuant to the
7 voluntary reentry agreement as described in subdivision (z) of
8 Section 11400.

9 (B) Upon ordering a hearing, the court shall give prior notice,
10 or cause prior notice to be given, to the persons and by the means
11 prescribed by Section 386, except that notice to parents or former
12 guardians shall not be provided unless the nonminor requests, in
13 writing on the face of the petition, notice to the parents or former
14 guardians.

15 (3) The Judicial Council, by January 1, 2012, shall adopt rules
16 of court to allow for telephonic appearances by nonminor former
17 dependents or delinquents in these proceedings, and for telephonic
18 appearances by nonminor dependents in any proceeding in which
19 the nonminor dependent is a party, and he or she declines to appear
20 and elects a telephonic appearance.

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

35 (5) (A) The court shall resume dependency jurisdiction over a
36 former dependent or assume or resume transition jurisdiction over
37 a former delinquent ward pursuant to Section 450, and order that
38 the nonminor's placement and care be under the responsibility of
39 the county child welfare services department, the probation

1 department, tribe, consortium of tribes, or tribal organization, if
2 the court finds all of the following:

3 (i) The nonminor meets the criteria of either subparagraph ~~(A)~~;
4 ~~(B)~~, or ~~(C)~~ (A) or (B) of paragraph (1) of subdivision (e).

5 (ii) The nonminor has not attained the age limit described in
6 paragraph (1).

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

9 (iv) The nonminor intends to satisfy, and agrees to satisfy, at
10 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
11 of subdivision (b) of Section 11403, and demonstrates his or her
12 agreement to placement in a supervised setting under the placement
13 and care responsibility of the placing agency and to satisfy the
14 criteria by signing the voluntary reentry agreement as described
15 in subdivision (z) of Section 11400.

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

20 (C) The agency made responsible for the nonminor's placement
21 and care pursuant to subparagraph (A) shall prepare a new
22 transitional independent living case plan within 60 calendar days
23 from the date the nonminor signed the voluntary reentry agreement
24 as described in subdivision (z) of Section 11400 and submit it to
25 the court for the review hearing under Section 366.31, to be held
26 within 70 days of the resumption of dependency jurisdiction or
27 assumption or resumption of transition jurisdiction. In no event
28 shall the review hearing under Section 366.3 be held more than
29 170 calendar days from the date the nonminor signed the voluntary
30 reentry agreement.

31 SEC. 3. Section 388.1 of the Welfare and Institutions Code is
32 amended to read:

33 388.1. (a) On and after January 1, 2014, a nonminor who has
34 not attained 21 years of age may petition the court in which he or
35 she was previously found to be a dependent or delinquent child of
36 the juvenile court for a hearing to determine whether to assume
37 dependency jurisdiction over the nonminor, if he or she meets any
38 of the following descriptions:

39 (1) He or she is a nonminor former dependent, as defined in
40 subdivision (aa) of Section 11400, who received aid after attaining

1 18 years of age under Kin-GAP pursuant to Article 4.5
2 (commencing with Section 11360) or Article 4.7 (commencing
3 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
4 pursuant to subdivision (e) of Section 11405, and whose former
5 guardian or guardians died after the nonminor attained 18 years
6 of age, but before he or she attains 21 years of age.

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

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

22 (4) He or she is a nonminor who received adoption assistance
23 payments after attaining 18 years of age pursuant to Chapter 2.1
24 (commencing with Section 16115) of Part 4 of Division 9 and his
25 or her adoptive parent or parents no longer provide ongoing support
26 to, and no longer receive aid on behalf of, the nonminor after the
27 nonminor attained 18 years of age, but before he or she attains 21
28 years of age.

29 ~~(5) He or she has not attained 21 years of age, was subject to
30 an order for foster care placement at any time after reaching 14
31 years of age, was adjudged a ward of the court pursuant to Section
32 725, and for whom the last custody order of the court did not order
33 his or her return to the physical custody of his or her parent or
34 legal guardian.~~

35 ~~(6)~~

36 (5) He or she has not attained 21 years of age, was adjudged a
37 ward of the court pursuant to Section 725, was subject to an order
38 for foster care placement at the time the petition to adjudge him
39 or her a ward of the court pursuant to Section 725 was filed, and

1 was held in secure confinement when he or she attained 18 years
2 of age.

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

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

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

9 (2) A nonminor described in subdivision (a) may submit a
10 petition to assume dependency jurisdiction to the juvenile court
11 in the county where he or she resides. A petition submitted pursuant
12 to this paragraph shall, within five days of submission, be
13 forwarded to the court that had jurisdiction over the child at the
14 time of the guardianship or adoption. The clerk of the court that
15 had jurisdiction over the child at the time of the guardianship or
16 adoption shall file the petition within one judicial day of receipt.

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

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

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

29 (ii) His or her guardian or guardians, or adoptive parent or
30 parents, as applicable, no longer provide ongoing support to, and
31 no longer receive aid on behalf of, the nonminor after the nonminor
32 attained 18 years of age, but before he or she attained 21 years of
33 age, and it may be in the nonminor's best interest for the court to
34 assume dependency jurisdiction.

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

38 (D) He or she is requesting assistance in maintaining or securing
39 appropriate supervised placement, or needs immediate placement

1 and agrees to supervised placement pursuant to the voluntary
2 reentry agreement described in subdivision (z) of Section 11400.

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

7 (3) Pursuant to applicable rules of court, the juvenile court shall
8 allow for telephonic appearances by the nonminor in these
9 proceedings and in any proceeding in which the nonminor
10 dependent is a party.

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

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

17 (B) The appropriate placement setting for the nonminor. When
18 the recommendation is for the nonminor to be placed in a setting
19 where minor dependents also reside, the results of a background
20 check of the petitioning nonminor conducted pursuant to Section
21 16504.5 may be used by the placing agency to determine
22 appropriate placement options for him or her.

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

28 (A) The nonminor was a minor under juvenile court jurisdiction
29 at the time of the establishment of a guardianship pursuant to
30 Section 360, Section 366.26, or subdivision (d) of Section 728, or
31 he or she was a dependent at the time his or her adoption was
32 finalized.

33 (B) The nonminor's guardian or guardians, or adoptive parent
34 or parents, as applicable, have died, or no longer provide ongoing
35 support to, and no longer receive aid on behalf of, the nonminor,
36 and it is in the nonminor's best interests for the court to assume
37 dependency jurisdiction.

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

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

1 (E) The nonminor intends to satisfy, and agrees to satisfy, at
2 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
3 of subdivision (b) of Section 11403, and demonstrates his or her
4 agreement to placement in a supervised setting under the placement
5 and care responsibility of the placing agency by signing the
6 voluntary reentry agreement described in subdivision (z) of Section
7 11400.

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

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

14 (d) The agency made responsible for the nonminor's placement
15 and care pursuant to paragraph (5) of subdivision (c) shall prepare
16 a new transitional independent living case plan within 60 calendar
17 days of the date the nonminor signs the voluntary reentry agreement
18 and shall submit the plan to the court for the review hearing
19 specified in Section 366.31, to be held within 70 days of the
20 assumption of dependency jurisdiction. The review hearing under
21 Section 366.31 shall not be held more than 170 calendar days from
22 the date the nonminor signs the voluntary reentry agreement.

23 (e) (1) A nonminor described in subdivision (a) may enter into
24 a voluntary reentry agreement as defined in subdivision (z) of
25 Section 11400 in order to establish eligibility for foster care
26 benefits under subdivision (e) of Section 11401 before or after
27 filing a petition to assume dependency jurisdiction. If the nonminor
28 enters into a voluntary reentry agreement prior to filing the petition,
29 the nonminor is entitled to placement and supervision pending the
30 court's assumption of jurisdiction.

31 (2) If the nonminor completes a voluntary reentry agreement
32 with a placing agency, the placing agency shall file the petition to
33 assume dependency jurisdiction on behalf of the nonminor within
34 15 judicial days of the date the agreement is signed, unless the
35 nonminor elects to file the petition at an earlier date.

36 SEC. 4. Section 450 of the Welfare and Institutions Code is
37 amended to read:

38 450. (a) A minor or nonminor who satisfies all of the following
39 criteria is within the transition jurisdiction of the juvenile court:

1 (1) (A) The minor or nonminor meets one of the following
2 criteria:

3 (i) The minor is a ward who is older than 17 years and 5 months
4 of age and younger than 18 years of age and in foster care
5 placement.

6 (ii) The nonminor is a ward in foster care placement who was
7 a ward subject to an order for foster care placement at any time
8 after the youth attained 18 years of age and who has not attained
9 21 years of age.

10 ~~(iii) The nonminor was subject to an order for foster care
11 placement at any time after reaching 14 years of age, was adjudged
12 a ward of the court pursuant to Section 725, and for whom the last
13 custody order of the court did not order his or her return to the
14 physical custody of his or her parent or legal guardian.~~

15 ~~(iv)~~

16 ~~(iii)~~ The nonminor was adjudged a ward of the court pursuant
17 to Section 725, was subject to an order for foster care placement
18 at the time the petition to adjudge him or her a ward of the court
19 pursuant to Section 725 was filed, and was held in secure
20 confinement when he or she attained 18 years of age.

21 (B) Notwithstanding subparagraph (A), the nonminor is a ward
22 who has been receiving aid pursuant to Article 5 (commencing
23 with Section 11400) of Chapter 2 of Part 3 of Division 9 and who
24 may continue to receive aid under the applicable program, provided
25 that the nonminor dependent continues to meet all other applicable
26 eligibility requirements as specified in Section 11403.

27 (2) The ward meets either of the following conditions:

28 (A) The ward was removed from the physical custody of his or
29 her parents or legal guardian, adjudged to be a ward of the juvenile
30 court under Section 725, and ordered into foster care placement
31 as a ward.

32 (B) The ward was removed from the custody of his or her
33 parents or legal guardian as a dependent of the court with an order
34 for foster care placement as a dependent in effect at the time the
35 court adjudged him or her to be a ward of the juvenile court under
36 Section 725.

37 (3) The rehabilitative goals of the minor or nonminor, as set
38 forth in the case plan, have been met, and juvenile court jurisdiction
39 over the minor or nonminor as a ward is no longer required.

1 (4) (A) If the ward is a minor, reunification services have been
2 terminated; the matter has not been set for a hearing for termination
3 of parental rights pursuant to Section 727.3 or for the establishment
4 of guardianship pursuant to Section 728; the return of the child to
5 the physical custody of the parents or legal guardian would create
6 a substantial risk of detriment to the child's safety, protection, or
7 physical or emotional well-being; and the minor has indicated an
8 intent to sign a mutual agreement, as described in subdivision (u)
9 of Section 11400, with the responsible agency for placement in a
10 supervised setting as a nonminor dependent.

11 (B) If the ward is a nonminor, he or she has signed a mutual
12 agreement, as described in subdivision (u) of Section 11400, with
13 the responsible agency for placement in a supervised setting as a
14 nonminor dependent or has signed a voluntary reentry agreement,
15 as described in subdivision (z) of Section 11400 for placement in
16 a supervised setting as a nonminor dependent. A runaway and
17 homeless youth shelter licensed by the State Department of Social
18 Services pursuant to Section 1502.35 of the Health and Safety
19 Code shall not be a placement option pursuant to this section.

20 (b) A minor who is subject to the court's transition jurisdiction
21 shall be referred to as a transition dependent.

22 (c) A youth subject to the court's transition jurisdiction who is
23 18 years of age or older shall be referred to as a nonminor
24 dependent.

25 SEC. 5. Section 607.2 of the Welfare and Institutions Code is
26 amended to read:

27 607.2. (a) The court shall hold a hearing prior to terminating
28 jurisdiction over a ward who satisfies any of the following criteria:

29 (1) Is a minor subject to an order for foster care placement
30 described in Section 11402 as a ward who has not previously been
31 subject to the jurisdiction of the court as a result of a petition filed
32 pursuant to Section 325.

33 (2) Is a nonminor who attained 18 years of age while subject to
34 an order for foster care placement described in Section 11402 and
35 who has not attained 21 years of age.

36 ~~(3) Is a nonminor who was subject to an order for foster care~~
37 ~~placement at any time after reaching 14 years of age, was adjudged~~
38 ~~a ward of the court pursuant to Section 725, and for whom the last~~
39 ~~custody order of the court did not order his or her return to the~~
40 ~~physical custody of his or her parent or legal guardian.~~

1 ~~(4)~~

2 (3) Is a nonminor who was adjudged a ward of the court pursuant
3 to Section 725, was subject to an order for foster care placement
4 at the time the petition to adjudge him or her a ward of the court
5 pursuant to Section 725 was filed, and was held in secure
6 confinement when he or she attained 18 years of age.

7 ~~(5)~~

8 (4) Is a ward who was subject to an order for foster care
9 placement described in Section 11402 as a dependent of the court
10 at the time the court adjudged the child to be a ward of the court
11 under Section 725.

12 (b) At a hearing during which termination of jurisdiction over
13 a ward described in subdivision (a) is being considered, the court
14 shall take one of the following actions:

15 (1) Modify its jurisdiction from delinquency jurisdiction to
16 transition jurisdiction, if the court finds the ward is a person
17 described in Section 450.

18 (2) (A) For a ward who was not previously subject to the
19 jurisdiction of the court as a result of a petition filed pursuant to
20 Section 325, order the probation department or the ward's attorney
21 to submit an application to the child welfare services department
22 pursuant to Section 329 to declare the minor a dependent of the
23 court and modify the court's jurisdiction from delinquency
24 jurisdiction to dependency jurisdiction, if the court finds all of the
25 following:

26 (i) The ward is a minor.

27 (ii) The ward does not come within the description in Section
28 450, but jurisdiction as a ward may no longer be required.

29 (iii) The ward appears to come within the description of Section
30 300 and cannot be returned home safely.

31 (B) The court shall set a hearing within 20 judicial days of the
32 date of the order described in subparagraph (A) to review the child
33 welfare services department's decision and may either affirm its
34 decision not to file a petition pursuant to Section 300 or order the
35 child welfare services department to file a petition pursuant to
36 Section 300.

37 (3) Vacate the order terminating jurisdiction over the minor as
38 a dependent of the court, resume jurisdiction pursuant to Section
39 300 based on the prior petition filed pursuant to Section 325, and
40 terminate the court's jurisdiction over the minor as a ward, if the

1 minor was subject to an order for foster care placement described
2 in Section 11402 as a dependent of the court at the time the court
3 adjudged the minor to be a ward and assumed jurisdiction over
4 the minor under Section 725.

5 (4) Continue its delinquency jurisdiction over a ward pursuant
6 to Section 303 as a nonminor dependent, as defined in subdivision
7 (v) of Section 11400, who is eligible to remain in foster care
8 pursuant to Section 11403, if the ward is a nonminor and the court
9 did not modify its jurisdiction as described in Section 450, unless
10 the court finds that after reasonable and documented efforts, the
11 ward cannot be located or does not wish to become a nonminor
12 dependent. In making this finding and prior to entering an order
13 terminating its delinquency jurisdiction, the court shall ensure that
14 the ward has had an opportunity to confer with his or her counsel
15 and has been informed of his or her options, including the right to
16 reenter foster care placement by completing a voluntary reentry
17 agreement as described in subdivision (z) of Section 11400 and to
18 file a petition pursuant to subdivision (e) of Section 388 for the
19 court to assume or resume transition jurisdiction over him or her
20 pursuant to Section 450. The fact that a ward declines to be a
21 nonminor dependent does not restrict the authority of the court to
22 maintain delinquency jurisdiction pursuant to Section 607.

23 (5) Continue its delinquency jurisdiction.

24 (6) Terminate its delinquency jurisdiction if the ward does not
25 come within the provisions of paragraphs (1) to (4), inclusive.

26 (c) If the court modifies jurisdiction, its order shall comply with
27 the requirements of subdivision (f) of Section 241.1.

28 (d) This section does not change the requirements of Section
29 727.2 or 727.3 with respect to reunification of minors with their
30 families or the establishment of an alternative permanent plan for
31 minors for whom reunification is not pursued.

32 SEC. 6. Section 11400 of the Welfare and Institutions Code is
33 amended to read:

34 11400. For purposes of this article, the following definitions
35 shall apply:

36 (a) “Aid to Families with Dependent Children-Foster Care
37 (AFDC-FC)” means the aid provided on behalf of needy children
38 in foster care under the terms of this division.

39 (b) “Case plan” means a written document that, at a minimum,
40 specifies the type of home in which the child shall be placed, the

1 safety of that home, and the appropriateness of that home to meet
2 the child’s needs. It shall also include the agency’s plan for
3 ensuring that the child receive proper care and protection in a safe
4 environment, and shall set forth the appropriate services to be
5 provided to the child, the child’s family, and the foster parents, in
6 order to meet the child’s needs while in foster care, and to reunify
7 the child with the child’s family. In addition, the plan shall specify
8 the services that will be provided or steps that will be taken to
9 facilitate an alternate permanent plan if reunification is not possible.

10 (c) “Certified family home” means a family residence certified
11 by a licensed foster family agency and issued a certificate of
12 approval by that agency as meeting licensing standards, and used
13 only by that foster family agency for placements.

14 (d) “Family home” means the family residence of a licensee in
15 which 24-hour care and supervision are provided for children.

16 (e) “Small family home” means any residential facility, in the
17 licensee’s family residence, which provides 24-hour care for six
18 or fewer foster children who have mental disorders or
19 developmental or physical disabilities and who require special care
20 and supervision as a result of their disabilities.

21 (f) “Foster care” means the 24-hour out-of-home care provided
22 to children whose own families are unable or unwilling to care for
23 them, and who are in need of temporary or long-term substitute
24 parenting.

25 (g) “Foster family agency” means any individual or organization
26 engaged in the recruiting, certifying, and training of, and providing
27 professional support to, foster parents, or in finding homes or other
28 places for placement of children for temporary or permanent care
29 who require that level of care as an alternative to a group home.
30 Private foster family agencies shall be organized and operated on
31 a nonprofit basis.

32 (h) “Group home” means a nondetention privately operated
33 residential home, organized and operated on a nonprofit basis only,
34 of any capacity, or a nondetention licensed residential care home
35 operated by the County of San Mateo with a capacity of up to 25
36 beds, that accepts children in need of care and supervision in a
37 group home, as defined by paragraph (13) of subdivision (a) of
38 Section 1502 of the Health and Safety Code.

39 (i) “Periodic review” means review of a child’s status by the
40 juvenile court or by an administrative review panel, that shall

1 include a consideration of the safety of the child, a determination
2 of the continuing need for placement in foster care, evaluation of
3 the goals for the placement and the progress toward meeting these
4 goals, and development of a target date for the child's return home
5 or establishment of alternative permanent placement.

6 (j) "Permanency planning hearing" means a hearing conducted
7 by the juvenile court in which the child's future status, including
8 whether the child shall be returned home or another permanent
9 plan shall be developed, is determined.

10 (k) "Placement and care" refers to the responsibility for the
11 welfare of a child vested in an agency or organization by virtue of
12 the agency or organization having (1) been delegated care, custody,
13 and control of a child by the juvenile court, (2) taken responsibility,
14 pursuant to a relinquishment or termination of parental rights on
15 a child, (3) taken the responsibility of supervising a child detained
16 by the juvenile court pursuant to Section 319 or 636, or (4) signed
17 a voluntary placement agreement for the child's placement; or to
18 the responsibility designated to an individual by virtue of his or
19 her being appointed the child's legal guardian.

20 (l) "Preplacement preventive services" means services that are
21 designed to help children remain with their families by preventing
22 or eliminating the need for removal.

23 (m) "Relative" means an adult who is related to the child by
24 blood, adoption, or affinity within the fifth degree of kinship,
25 including stepparents, stepsiblings, and all relatives whose status
26 is preceded by the words "great," "great-great," or "grand" or the
27 spouse of any of these persons even if the marriage was terminated
28 by death or dissolution.

29 (n) "Nonrelative extended family member" means an adult
30 caregiver who has an established familial or mentoring relationship
31 with the child, as described in Section 362.7.

32 (o) "Voluntary placement" means an out-of-home placement
33 of a child by (1) the county welfare department, probation
34 department, or Indian tribe that has entered into an agreement
35 pursuant to Section 10553.1, after the parents or guardians have
36 requested the assistance of the county welfare department and have
37 signed a voluntary placement agreement; or (2) the county welfare
38 department licensed public or private adoption agency, or the
39 department acting as an adoption agency, after the parents have
40 requested the assistance of either the county welfare department,

1 the licensed public or private adoption agency, or the department
2 acting as an adoption agency for the purpose of adoption planning,
3 and have signed a voluntary placement agreement.

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

11 (1) The legal status of the child.
12 (2) The rights and obligations of the parents or guardians, the
13 child, and the agency in which the child is placed.

14 (q) “Original placement date” means the most recent date on
15 which the court detained a child and ordered an agency to be
16 responsible for supervising the child or the date on which an agency
17 assumed responsibility for a child due to termination of parental
18 rights, relinquishment, or voluntary placement.

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

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

29 (s) “Transitional Housing Program-Plus” means a provider
30 certified by the applicable county, in accordance with subdivision
31 (c) of Section 16522, to provide transitional housing services to
32 former foster youth who have exited the foster care system on or
33 after their 18th birthday.

34 (t) “Whole family foster home” means a new or existing family
35 home, approved relative caregiver or nonrelative extended family
36 member’s home, the home of a nonrelated legal guardian whose
37 guardianship was established pursuant to Section 360 or 366.26,
38 certified family home, or a host family home placement of a
39 transitional housing placement provider, that provides foster care
40 for a minor or nonminor dependent parent and his or her child,

1 and is specifically recruited and trained to assist the minor or
2 nonminor dependent parent in developing the skills necessary to
3 provide a safe, stable, and permanent home for his or her child.
4 The child of the minor or nonminor dependent parent need not be
5 the subject of a petition filed pursuant to Section 300 to qualify
6 for placement in a whole family foster home.

7 (u) “Mutual agreement” means any of the following:

8 (1) A written voluntary agreement of consent for continued
9 placement and care in a supervised setting between a minor or, on
10 and after January 1, 2012, a nonminor dependent, and the county
11 welfare services or probation department or tribal agency
12 responsible for the foster care placement, that documents the
13 nonminor’s continued willingness to remain in supervised
14 out-of-home placement under the placement and care of the
15 responsible county, tribe, consortium of tribes, or tribal
16 organization that has entered into an agreement with the state
17 pursuant to Section 10553.1, remain under the jurisdiction of the
18 juvenile court as a nonminor dependent, and report any change of
19 circumstances relevant to continued eligibility for foster care
20 payments, and that documents the nonminor’s and social worker’s
21 or probation officer’s agreement to work together to facilitate
22 implementation of the mutually developed supervised placement
23 agreement and transitional independent living case plan.

24 (2) An agreement, as described in paragraph (1), between a
25 nonminor former dependent or ward in receipt of Kin-GAP
26 payments under Article 4.5 (commencing with Section 11360) or
27 Article 4.7 (commencing with Section 11385), and the agency
28 responsible for the Kin-GAP benefits, provided that the nonminor
29 former dependent or ward satisfies the conditions described in
30 Section 11403.01, or one or more of the conditions described in
31 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
32 11403. For purposes of this paragraph and paragraph (3),
33 “nonminor former dependent or ward” has the same meaning as
34 described in subdivision (aa).

35 (3) An agreement, as described in paragraph (1), between a
36 nonminor former dependent or ward in receipt of AFDC-FC
37 payments under subdivision (e) or (f) of Section 11405 and the
38 agency responsible for the AFDC-FC benefits, provided that the
39 nonminor former dependent or ward described in subdivision (e)
40 of Section 11405 satisfies one or more of the conditions described

1 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
2 11403, and the nonminor described in subdivision (f) of Section
3 11405 satisfies the secondary school or equivalent training or
4 certificate program conditions described in that subdivision.

5 (v) “Nonminor dependent” means a foster child, as described
6 in Section 675(8)(B) of Title 42 of the United States Code under
7 the federal Social Security Act who is a current dependent child
8 or ward of the juvenile court, or who is a nonminor under the
9 transition jurisdiction of the juvenile court, as described in Section
10 450, and who satisfies all of the following criteria:

11 (1) He or she meets one of the following criteria:

12 (A) He or she attained 18 years of age while subject to an order
13 for foster care placement described in Section 11402 and has not
14 attained 21 years of age.

15 ~~(B) He or she has not attained 21 years of age, was subject to~~
16 ~~an order for foster care placement at any time after reaching 14~~
17 ~~years of age, was adjudged a ward of the court pursuant to Section~~
18 ~~725, and for whom the last custody order of the court did not order~~
19 ~~his or her return to the physical custody of his or her parent or~~
20 ~~legal guardian.~~

21 ~~(C)~~

22 (B) He or she has not attained 21 years of age, was adjudged a
23 ward of the court pursuant to Section 725, was subject to an order
24 for foster care placement at the time the petition to adjudge him
25 or her a ward of the court pursuant to Section 725 was filed, and
26 was held in secure confinement when he or she attained 18 years
27 of age.

28 (2) He or she is in foster care under the placement and care
29 responsibility of the county welfare department, county probation
30 department, Indian tribe, consortium of tribes, or tribal organization
31 that entered into an agreement pursuant to Section 10553.1.

32 (3) He or she has a transitional independent living case plan
33 pursuant to Section 475(8) of the federal Social Security Act (42
34 U.S.C. Sec. 675(8)), as contained in the federal Fostering
35 Connections to Success and Increasing Adoptions Act of 2008
36 (Public Law 110-351), as described in Section 11403.

37 (w) “Supervised independent living placement” means, on and
38 after January 1, 2012, an independent supervised setting, as
39 specified in a nonminor dependent’s transitional independent living
40 case plan, in which the youth is living independently, pursuant to

1 Section 472(c)(2) of the federal Social Security Act (42 U.S.C.
2 Sec. 672(c)(2)).

3 (x) “Supervised independent living setting,” pursuant to Section
4 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
5 672(c)(2)), includes both a supervised independent living
6 placement, as defined in subdivision (w), and a residential housing
7 unit certified by the transitional housing placement provider
8 operating a Transitional Housing Placement-Plus Foster Care
9 program, as described in paragraph (2) of subdivision (a) of Section
10 16522.1.

11 (y) “Transitional independent living case plan” means, on or
12 after January 1, 2012, a child’s case plan submitted for the last
13 review hearing held before he or she reaches 18 years of age or
14 the nonminor dependent’s case plan, updated every six months,
15 that describes the goals and objectives of how the nonminor will
16 make progress in the transition to living independently and assume
17 incremental responsibility for adult decisionmaking, the
18 collaborative efforts between the nonminor and the social worker,
19 probation officer, or Indian tribal placing entity and the supportive
20 services as described in the transitional independent living plan
21 (TILP) to ensure active and meaningful participation in one or
22 more of the eligibility criteria described in paragraphs (1) to (5),
23 inclusive, of subdivision (b) of Section 11403, the nonminor’s
24 appropriate supervised placement setting, and the nonminor’s
25 permanent plan for transition to living independently, which
26 includes maintaining or obtaining permanent connections to caring
27 and committed adults, as set forth in paragraph (16) of subdivision
28 (f) of Section 16501.1.

29 (z) “Voluntary reentry agreement” means a written voluntary
30 agreement between a former dependent child or ward or a former
31 nonminor dependent, who has had juvenile court jurisdiction
32 terminated pursuant to Section 391, 452, or 607.2, and the county
33 welfare or probation department or tribal placing entity that
34 documents the nonminor’s desire and willingness to reenter foster
35 care, to be placed in a supervised setting under the placement and
36 care responsibility of the placing agency, the nonminor’s desire,
37 willingness, and ability to immediately participate in one or more
38 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
39 (b) of Section 11403, the nonminor’s agreement to work
40 collaboratively with the placing agency to develop his or her

1 transitional independent living case plan within 60 days of reentry,
2 the nonminor’s agreement to report any changes of circumstances
3 relevant to continued eligibility for foster care payments, and (1)
4 the nonminor’s agreement to participate in the filing of a petition
5 for juvenile court jurisdiction as a nonminor dependent pursuant
6 to subdivision (e) of Section 388 within 15 judicial days of the
7 signing of the agreement and the placing agency’s efforts and
8 supportive services to assist the nonminor in the reentry process,
9 or (2) if the nonminor meets the definition of a nonminor former
10 dependent or ward, as described in subdivision (aa), the nonminor’s
11 agreement to return to the care and support of his or her former
12 juvenile court-appointed guardian and meet the eligibility criteria
13 for AFDC-FC pursuant to subdivision (e) of Section 11405.

14 (aa) “Nonminor former dependent or ward” means, on and after
15 January 1, 2012, any of the following:

16 (1) A nonminor who attained 18 years of age while subject to
17 an order for foster care placement described in Section 11402 who
18 has not attained 21 years of age, and for whom dependency,
19 delinquency, or transition jurisdiction has been terminated, and
20 who is still under the general jurisdiction of the court.

21 (2) A nonminor who is over 18 years of age and, while a minor,
22 was a dependent child or ward of the juvenile court when the
23 guardianship was established pursuant to Section 360 or 366.26,
24 or subdivision (d), of Section 728 and the juvenile court
25 dependency or wardship was dismissed following the establishment
26 of the guardianship.

27 ~~(3) A nonminor who was subject to an order for foster care~~
28 ~~placement at any time after reaching 14 years of age, was adjudged~~
29 ~~a ward of the court pursuant to Section 725, and for whom the last~~
30 ~~eustody order of the court did not order his or her return to the~~
31 ~~physical custody of his or her parent or legal guardian.~~

32 (4)

33 (3) A nonminor who was adjudged a ward of the court pursuant
34 to Section 725, was subject to an order for foster care placement
35 at the time that the petition to adjudge him or her a ward of the
36 court pursuant to Section 725 was filed, and was held in secure
37 confinement when he or she attained 18 years of age.

38 (ab) “Runaway and homeless youth shelter” means a type of
39 group home, as defined in paragraph (14) of subdivision (a) of
40 Section 1502 of the Health and Safety Code, that is not an eligible

1 placement option under Sections 319, 361.2, 450, and 727, and
2 that is not eligible for AFDC-FC funding pursuant to subdivision
3 (c) of Section 11402 or Section 11462.

4 (ac) “Transition dependent” is a minor between 17 years and 5
5 months and 18 years of age who is subject to the court’s transition
6 jurisdiction under Section 450.

7 SEC. 7. Section 11401 of the Welfare and Institutions Code is
8 amended to read:

9 11401. Aid in the form of AFDC-FC shall be provided under
10 this chapter on behalf of any child under 18 years of age and to
11 any nonminor dependent who meets the conditions of any of the
12 following subdivisions:

13 (a) The child has been relinquished, for purposes of adoption,
14 to a licensed adoption agency, or the department, or the parental
15 rights of either or both of his or her parents have been terminated
16 after an action under the Family Code has been brought by a
17 licensed adoption agency or the department, provided that the
18 licensed adoption agency or the department, if responsible for
19 placement and care, provides to those children all services as
20 required by the department to children in foster care.

21 (b) The child has been removed from the physical custody of
22 his or her parent, relative, or guardian as a result of a voluntary
23 placement agreement or a judicial determination that continuance
24 in the home would be contrary to the child’s welfare and that, if
25 the child was placed in foster care, reasonable efforts were made,
26 consistent with Chapter 5 (commencing with Section 16500) of
27 Part 4, to prevent or eliminate the need for removal of the child
28 from his or her home and to make it possible for the child to return
29 to his or her home, and any of the following applies:

30 (1) The child has been adjudged a dependent child of the court
31 on the grounds that he or she is a person described by Section 300.

32 (2) The child has been adjudged a ward of the court on the
33 grounds that he or she is a person described by Sections 601 and
34 602 or the nonminor is under the transition jurisdiction of the
35 juvenile court pursuant to Section 450.

36 (3) The child has been detained under a court order, pursuant
37 to Section 319 or 636, that remains in effect.

38 (4) The child’s or nonminor’s dependency jurisdiction, or
39 transition jurisdiction pursuant to Section 450, has resumed
40 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

- 1 (c) The child has been voluntarily placed by his or her parent
2 or guardian pursuant to Section 11401.1.
- 3 (d) The child is living in the home of a nonrelated legal guardian.
- 4 (e) The child is a nonminor dependent who is placed pursuant
5 to a mutual agreement as set forth in subdivision (u) of Section
6 11400, under the placement and care responsibility of the county
7 child welfare services department, an Indian tribe that entered into
8 an agreement pursuant to Section 10553.1, or the county probation
9 department, or the child is a nonminor dependent reentering foster
10 care placement pursuant to a voluntary agreement, as set forth in
11 subdivision (z) of Section 11400.
- 12 (f) The child has been placed in foster care under the federal
13 Indian Child Welfare Act of 1978 (25 U.S.C. Sec. 1901 et seq.).
14 Sections 11402, 11404, and 11405 shall not be construed as
15 limiting payments to Indian children, as defined in the federal
16 Indian Child Welfare Act, Act of 1978, placed in accordance with
17 that act.
- 18 (g) To be eligible for federal financial participation, the
19 conditions described in paragraph (1), (2), (3), or (4) shall be
20 satisfied:
- 21 (1) (A) The child meets the conditions of subdivision (b).
22 (B) The child has been deprived of parental support or care for
23 any of the reasons set forth in Section 11250.
24 (C) The child has been removed from the home of a relative as
25 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
26 Regulations, as amended.
- 27 (D) The requirements of Sections 671 and 672 of Title 42 of
28 the United States Code, as amended, have been met.
- 29 (2) (A) The child meets the requirements of subdivision (h).
30 (B) The requirements of Sections 671 and 672 of Title 42 of
31 the United States Code, as amended, have been met.
32 (C) This paragraph shall be implemented only if federal financial
33 participation is available for the children described in this
34 paragraph.
- 35 (3) (A) The child has been removed from the custody of his or
36 her parent, relative, or guardian as a result of a voluntary placement
37 agreement or a judicial determination that continuance in the home
38 would be contrary to the child's welfare and that, if the child was
39 placed in foster care, reasonable efforts were made, consistent with
40 Chapter 5 (commencing with Section 16500) of Part 4, to prevent

1 or eliminate the need for removal of the child from his or her home
2 and to make it possible for the child to return to his or her home,
3 or the child is a nonminor dependent who satisfies the removal
4 criteria in Section 472(a)(2)(A)(i) of the federal Social Security
5 Act (42 U.S.C. Sec. 672(a)(2)(A)(i)) and agrees to the placement
6 and care responsibility of the placing agency by signing the
7 voluntary reentry agreement, as set forth in subdivision (z) of
8 Section 11400, and any of the following applies:

9 (i) The child has been adjudged a dependent child of the court
10 on the grounds that he or she is a person described by Section 300.

11 (ii) The child has been adjudged a ward of the court on the
12 grounds that he or she is a person described by Sections 601 and
13 602 or the nonminor is under the transition jurisdiction of the
14 juvenile court, pursuant to Section 450.

15 (iii) The child has been detained under a court order, pursuant
16 to Section 319 or 636, that remains in effect.

17 (iv) The child's or nonminor's dependency jurisdiction, or
18 transition jurisdiction pursuant to Section 450, has resumed
19 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

20 (B) The child has been placed in an eligible foster care
21 placement, as set forth in Section 11402.

22 (C) The requirements of Sections 671 and 672 of Title 42 of
23 the United States Code have been satisfied.

24 (D) This paragraph shall be implemented only if federal financial
25 participation is available for the children described in this
26 paragraph.

27 (4) With respect to a nonminor dependent, in addition to meeting
28 the conditions specified in paragraph (1), the requirements of
29 Section 675(8)(B) of Title 42 of the United States Code have been
30 satisfied. With respect to a former nonminor dependent who
31 reenters foster care placement by signing the voluntary reentry
32 agreement, as set forth in subdivision (z) of Section 11400, the
33 requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of
34 Title 42 of the United States Code are satisfied based on the
35 nonminor's status as a child-only case, without regard to the
36 parents, legal guardians, or others in the assistance unit in the home
37 from which the nonminor was originally removed.

38 (h) The child meets all of the following conditions:

1 (1) The child has been adjudged to be a dependent child or ward
2 of the court on the grounds that he or she is a person described in
3 Section 300, 601, or 602.

4 (2) The child’s parent also has been adjudged to be a dependent
5 child or nonminor dependent of the court on the grounds that he
6 or she is a person described by Section 300, 450, 601, or 602 and
7 is receiving benefits under this chapter.

8 (3) The child is placed in the same licensed or approved foster
9 care facility in which his or her parent is placed and the child’s
10 parent is receiving reunification services with respect to that child.

11 SEC. 8. Section 11403 of the Welfare and Institutions Code is
12 amended to read:

13 11403. (a) It is the intent of the Legislature to exercise the
14 option afforded states under Section 475(8) (42 U.S.C. Sec.
15 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
16 federal Social Security Act, as contained in the federal Fostering
17 Connections to Success and Increasing Adoptions Act of 2008
18 (Public Law 110-351), to receive federal financial participation
19 for nonminor dependents of the juvenile court who satisfy the
20 conditions of subdivision (b), consistent with their transitional
21 independent living case plan. These nonminor dependents shall
22 be eligible to receive support up to 21 years of age, consistent with
23 their transitional independent living case plan. It is the intent of
24 the Legislature both at the time of initial determination of the
25 nonminor dependent’s eligibility and throughout the time the
26 nonminor dependent is eligible for aid pursuant to this section,
27 that the social worker or probation officer or Indian tribal placing
28 entity and the nonminor dependent shall work together to ensure
29 the nonminor dependent’s ongoing eligibility. All case planning
30 shall be a collaborative effort between the nonminor dependent
31 and the social worker, probation officer, or Indian tribe, with the
32 nonminor dependent assuming increasing levels of responsibility
33 and independence.

34 (b) A nonminor dependent receiving aid pursuant to this chapter,
35 who satisfies the age criteria set forth in subdivision (a), shall meet
36 the legal authority for placement and care by being under a foster
37 care placement order by the juvenile court, or the voluntary reentry
38 agreement as set forth in subdivision (z) of Section 11400, and is
39 otherwise eligible for AFDC-FC payments pursuant to Section
40 11401. A nonminor who satisfies the age criteria set forth in

1 subdivision (a), and who is otherwise eligible, shall continue to
2 receive CalWORKs payments pursuant to Section 11253 or, as a
3 nonminor former dependent or ward, aid pursuant to Kin-GAP
4 under Article 4.5 (commencing with Section 11360) or Article 4.7
5 (commencing with Section 11385) or adoption assistance payments
6 as specified in Chapter 2.1 (commencing with Section 16115) of
7 Part 4. Effective January 1, 2012, a nonminor former dependent
8 child or ward of the juvenile court who is receiving AFDC-FC
9 benefits pursuant to Section 11405 and who satisfies the criteria
10 set forth in subdivision (a) shall be eligible to continue to receive
11 aid as long as the nonminor is otherwise eligible for AFDC-FC
12 benefits under this subdivision. This subdivision shall apply when
13 one or more of the following conditions exist:

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

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

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

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

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

28 (c) The county child welfare or probation department, Indian
29 tribe, consortium of tribes, or tribal organization that has entered
30 into an agreement pursuant to Section 10553.1, shall work together
31 with a nonminor dependent who is in foster care on his or her 18th
32 birthday and thereafter or a nonminor former dependent receiving
33 aid pursuant to Section 11405, to satisfy one or more of the
34 conditions described in paragraphs (1) to (5), inclusive, of
35 subdivision (b) and shall certify the nonminor's applicable
36 condition or conditions in the nonminor's six-month transitional
37 independent living case plan update, and provide the certification
38 to the eligibility worker and to the court at each six-month case
39 plan review hearing for the nonminor dependent. Relative
40 guardians who receive Kin-GAP payments and adoptive parents

1 who receive adoption assistance payments shall be responsible for
2 reporting to the county welfare agency that the nonminor does not
3 satisfy at least one of the conditions described in subdivision (b).
4 The social worker, probation officer, or tribal entity shall verify
5 and obtain assurances that the nonminor dependent continues to
6 satisfy at least one of the conditions in paragraphs (1) to (5),
7 inclusive, of subdivision (b) at each six-month transitional
8 independent living case plan update. The six-month case plan
9 update shall certify the nonminor's eligibility pursuant to
10 subdivision (b) for the next six-month period. During the six-month
11 certification period, the payee and nonminor shall report any
12 change in placement or other relevant changes in circumstances
13 that may affect payment. The nonminor dependent, or nonminor
14 former dependent receiving aid pursuant to subdivision (e) of
15 Section 11405, shall be informed of all due process requirements,
16 in accordance with state and federal law, prior to an involuntary
17 termination of aid, and shall simultaneously be provided with a
18 written explanation of how to exercise his or her due process rights
19 and obtain referrals to legal assistance. Any notices of action
20 regarding eligibility shall be sent to the nonminor dependent or
21 former dependent, his or her counsel, as applicable, and the placing
22 worker, in addition to any other payee. Payments of aid pursuant
23 to Kin-GAP under Article 4.5 (commencing with Section 11360)
24 or Article 4.7 (commencing with Section 11385), adoption
25 assistance payments as specified in Chapter 2.1 (commencing with
26 Section 16115) of Part 4, or aid pursuant to subdivision (e) of
27 Section 11405 that are made on behalf of a nonminor former
28 dependent shall terminate subject to the terms of the agreements.
29 Subject to federal approval of amendments to the state plan, aid
30 payments may be suspended and resumed based on changes of
31 circumstances that affect eligibility. Nonminor former dependents,
32 as identified in paragraph (2) of subdivision (aa) of Section 11400,
33 are not eligible for reentry under subdivision (e) of Section 388 as
34 nonminor dependents under the jurisdiction of the juvenile court,
35 unless (1) the nonminor former dependent was receiving aid
36 pursuant to Kin-GAP under Article 4.5 (commencing with Section
37 11360) or Article 4.7 (commencing with Section 11385), or the
38 nonminor former dependent was receiving aid pursuant to
39 subdivision (e) of Section 11405, or the nonminor was receiving
40 adoption assistance payments as specified in Chapter 2.1

1 (commencing with Section 16115) of Part 3 and (2) the nonminor's
2 former guardian or adoptive parent dies, or no longer provides
3 ongoing support to, and no longer receive aid on behalf of, the
4 nonminor after the nonminor turns 18 years of age but before the
5 nonminor turns 21 years of age. Nonminor former dependents
6 requesting the resumption of AFDC-FC payments pursuant to
7 subdivision (e) of Section 11405 shall complete the applicable
8 portions of the voluntary reentry agreement, as described in
9 subdivision (z) of Section 11400.

10 (d) A nonminor dependent may receive all of the payment
11 directly provided that the nonminor is living independently in a
12 supervised placement, as described in subdivision (w) of Section
13 11400, and that both the youth and the agency responsible for the
14 foster care placement have signed a mutual agreement, as defined
15 in subdivision (u) of Section 11400, if the youth is capable of
16 making an informed agreement, that documents the continued need
17 for supervised out-of-home placement, and the nonminor's and
18 social worker's or probation officer's agreement to work together
19 to facilitate implementation of the mutually developed supervised
20 placement agreement and transitional independent living case plan.

21 (e) Eligibility for aid under this section shall not terminate until
22 the nonminor dependent attains the age criteria, as set forth in
23 subdivision (a), but aid may be suspended when the nonminor
24 dependent no longer resides in an eligible facility, as described in
25 Section 11402, or is otherwise not eligible for AFDC-FC benefits
26 under Section 11401, or terminated at the request of the nonminor,
27 or after a court terminates dependency jurisdiction pursuant to
28 Section 391, delinquency jurisdiction pursuant to Section 607.2,
29 or transition jurisdiction pursuant to Section 452. AFDC-FC
30 benefits to nonminor dependents, may be resumed at the request
31 of the nonminor by completing a voluntary reentry agreement
32 pursuant to subdivision (z) of Section 11400, before or after the
33 filing of a petition filed pursuant to subdivision (e) of Section 388
34 after a court terminates dependency or transitional jurisdiction
35 pursuant to Section 391, or delinquency jurisdiction pursuant to
36 Section 607.2. The county welfare or probation department or
37 Indian tribal entity that has entered into an agreement pursuant to
38 Section 10553.1 shall complete the voluntary reentry agreement
39 with the nonminor who agrees to satisfy the criteria of the
40 agreement, as described in subdivision (z) of Section 11400. The

1 county welfare department or tribal entity shall establish a new
2 child-only Title IV-E eligibility determination based on the
3 nonminor's completion of the voluntary reentry agreement pursuant
4 to Section 11401. The beginning date of aid for either federal or
5 state AFDC-FC for a reentering nonminor who is placed in foster
6 care is the date the voluntary reentry agreement is signed or the
7 nonminor is placed, whichever is later. The county welfare
8 department, county probation department, or tribal entity shall
9 provide a nonminor dependent who wishes to continue receiving
10 aid with the assistance necessary to meet and maintain eligibility.

11 (f) (1) The county having jurisdiction of the nonminor
12 dependent shall remain the county of payment under this section
13 regardless of the youth's physical residence. Nonminor former
14 dependents receiving aid pursuant to subdivision (e) of Section
15 11405 shall be paid by their county of residence. Counties may
16 develop courtesy supervision agreements to provide case
17 management and independent living services by the county of
18 residence pursuant to the nonminor dependent's transitional
19 independent living case plan. Placements made out of state are
20 subject to the applicable requirements of the Interstate Compact
21 on Placement of Children, pursuant to Part 5 (commencing with
22 Section 7900) of Division 12 of the Family Code.

23 (2) The county welfare department, county probation
24 department, or tribal entity shall notify all foster youth who attain
25 16 years of age and are under the jurisdiction of that county or
26 tribe, including those receiving Kin-GAP, and AAP, of the
27 existence of the aid prescribed by this section.

28 (3) The department shall seek any waiver to amend its Title
29 IV-E state plan with the Secretary of the United States Department
30 of Health and Human Services necessary to implement this section.

31 (g) (1) Subject to paragraph (3), a county shall pay the
32 nonfederal share of the cost of extending aid pursuant to this
33 section to eligible nonminor dependents who have reached 18
34 years of age and who are under the jurisdiction of the county,
35 including AFDC-FC payments pursuant to Section 11401, aid
36 pursuant to Kin-GAP under Article 4.7 (commencing with Section
37 11385), adoption assistance payments as specified in Chapter 2.1
38 (commencing with Section 16115) of Part 4, and aid pursuant to
39 Section 11405 for nonminor dependents who are residing in the
40 county as provided in paragraph (1) of subdivision (f). A county

1 shall contribute to the CalWORKs payments pursuant to Section
2 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing
3 with Section 11360) at the statutory sharing ratios in effect on
4 January 1, 2012.

5 (2) Subject to paragraph (3), a county shall pay the nonfederal
6 share of the cost of providing permanent placement services
7 pursuant to subdivision (c) of Section 16508 and administering
8 the Aid to Families with Dependent Children Foster Care program
9 pursuant to Section 15204.9. For purposes of budgeting, the
10 department shall use a standard for the permanent placement
11 services that is equal to the midpoint between the budgeting
12 standards for family maintenance services and family reunification
13 services.

14 (3) (A) (i) Notwithstanding any other law, a county's required
15 total contribution pursuant to paragraphs (1) and (2) shall not
16 exceed the amount of savings in Kin-GAP assistance grant
17 expenditures realized by the county from the receipt of federal
18 funds due to the implementation of Article 4.7 (commencing with
19 Section 11385), and the amount of funding specifically included
20 in the Protective Services Subaccount within the Support Services
21 Account within the Local Revenue Fund 2011, plus any associated
22 growth funding from the Support Services Growth Subaccount
23 within the Sales and Use Tax Growth Account to pay the costs of
24 extending aid pursuant to this section.

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

29 (B) Funding and expenditures for programs and activities under
30 this section shall be in accordance with the requirements provided
31 in Sections 30025 and 30026.5 of the Government Code. In
32 addition, the following are available to the counties for the purpose
33 of funding costs pursuant to this section:

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

37 (ii) The savings realized from the change in federal funding for
38 adoption assistance resulting from the enactment of the federal
39 Fostering-~~Connection~~ *Connections* to Success and Increasing

1 ~~Adoption~~ *Adoptions* Act of 2008 (Public Law 110-351) and
2 consistent with subdivision (d) of Section 16118.

3 (4) (A) The limit on the county’s total contribution pursuant to
4 paragraph (3) shall be assessed by the State Department of Social
5 Services, in conjunction with the California State Association of
6 Counties, in 2015–16, to determine if it shall be removed. The
7 assessment of the need for the limit shall be based on a
8 determination on a statewide basis of whether the actual county
9 costs of providing extended care pursuant to this section are fully
10 funded by the amount of savings in Kin-GAP assistance grant
11 expenditures realized by the counties from the receipt of federal
12 funds due to the implementation of Article 4.7 (commencing with
13 Section 11385) and the amount of funding specifically included
14 in the Protective Services Subaccount within the Support Services
15 Account within the Local Revenue Fund 2011 plus any associated
16 growth funding from the Support Services Growth Subaccount
17 within the Sales and Use Tax Growth Account to pay the costs of
18 extending aid pursuant to this section.

19 (B) If the assessment pursuant to subparagraph (A) shows that
20 the statewide total costs of extending aid pursuant to this section
21 are fully funded by the amount of savings in Kin-GAP assistance
22 grant expenditures realized by the counties from the receipt of
23 federal funds due to the implementation of Article 4.7
24 (commencing with Section 11385) and the amount of funding
25 specifically included in the Protective Services Subaccount within
26 the Support Services Account within the Local Revenue Fund
27 2011 plus any associated growth funding from the Support Services
28 Growth Subaccount within the Sales and Use Tax Growth Account
29 to pay the costs of extending aid pursuant to this section, the
30 Department of Finance shall certify that fact, in writing, and shall
31 post the certification on its Internet Web site, at which time
32 subparagraph (A) of paragraph (3) shall no longer be implemented.

33 (h) It is the intent of the Legislature that no county currently
34 participating in the Child Welfare Demonstration Capped
35 Allocation Project be adversely impacted by the department’s
36 exercise of its option to extend foster care benefits pursuant to
37 Section 673(a)(4) and Section 675(8) of Title 42 of the United
38 States Code in the federal Social Security Act, as contained in the
39 federal Fostering Connections to Success and Increasing Adoptions
40 Act of 2008 (Public Law 110-351). Therefore, the department shall

1 negotiate with the United States Department of Health and Human
2 Services on behalf of those counties that are currently participating
3 in the demonstration project to ensure that those counties receive
4 reimbursement for these new programs outside of the provisions
5 of those counties' waiver under Subtitle IV-E (commencing with
6 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
7 670 et seq.).

8 (i) The department, on or before July 1, 2013, shall develop
9 regulations to implement this section in consultation with
10 concerned stakeholders, including, but not limited to,
11 representatives of the Legislature, the County Welfare Directors
12 Association, the Chief Probation Officers of California, the Judicial
13 Council, representatives of Indian tribes, the California Youth
14 Connection, former foster youth, child advocacy organizations,
15 labor organizations, juvenile justice advocacy organizations, foster
16 caregiver organizations, and researchers. In the development of
17 these regulations, the department shall consider its Manual of
18 Policy and Procedures, Division 30, Chapters 30-912, 913, 916,
19 and 917, as guidelines for developing regulations that are
20 appropriate for young adults who can exercise incremental
21 responsibility concurrently with their growth and development.
22 The department, in its consultation with stakeholders, shall take
23 into consideration the impact to the automated Child Welfare
24 Services Case Management System (CWS/CMS) and required
25 modifications needed to accommodate eligibility determination
26 under this section, benefit issuance, case management across
27 counties, and recognition of the legal status of nonminor
28 dependents as adults, as well as changes to data tracking and
29 reporting requirements as required by the Child Welfare System
30 Improvement and Accountability Act as specified in Section
31 10601.2, and federal outcome measures as required by the federal
32 John H. Chafee Foster Care Independence Program (42 U.S.C.
33 Sec. 677(f)). In addition, the department, in its consultation with
34 stakeholders, shall define the supervised independent living setting
35 which shall include, but not be limited to, apartment living, room
36 and board arrangements, college or university dormitories, and
37 shared roommate settings, and define how those settings meet
38 health and safety standards suitable for nonminors. The department,
39 in its consultation with stakeholders, shall define the six-month
40 certification of the conditions of eligibility pursuant to subdivision

1 (b) to be consistent with the flexibility provided by federal policy
2 guidance, to ensure that there are ample supports for a nonminor
3 to achieve the goals of his or her transition independent living case
4 plan. The department, in its consultation with stakeholders, shall
5 ensure that notices of action and other forms created to inform the
6 nonminor of due process rights and how to access them shall be
7 developed, using language consistent with the special needs of the
8 nonminor dependent population.

9 (j) Notwithstanding the Administrative Procedure Act, Chapter
10 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
11 Title 2 of the Government Code, the department shall prepare for
12 implementation of the applicable provisions of this section by
13 publishing, after consultation with the stakeholders listed in
14 subdivision (i), all-county letters or similar instructions from the
15 director by October 1, 2011, to be effective January 1, 2012.
16 Emergency regulations to implement the applicable provisions of
17 this act may be adopted by the director in accordance with the
18 Administrative Procedure Act. The initial adoption of the
19 emergency regulations and one readoption of the emergency
20 regulations shall be deemed to be an emergency and necessary for
21 the immediate preservation of the public peace, health, safety, or
22 general welfare. Initial emergency regulations and the first
23 readoption of those emergency regulations shall be exempt from
24 review by the Office of Administrative Law. The emergency
25 regulations authorized by this section shall be submitted to the
26 Office of Administrative Law for filing with the Secretary of State
27 and shall remain in effect for no more than 180 days.

28 SEC. 9. Section 11405 of the Welfare and Institutions Code is
29 amended to read:

30 11405. (a) Except for nonminors described in paragraph (2)
31 of subdivision (e), AFDC-FC benefits shall be paid to an otherwise
32 eligible child living with a nonrelated legal guardian, provided
33 that the legal guardian cooperates with the county welfare
34 department in all of the following:

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

39 (b) Except for nonminors described in paragraph (2) of
40 subdivision (e), when AFDC-FC is applied for on behalf of a child

1 living with a nonrelated legal guardian the county welfare
2 department shall do all of the following:

3 (1) Develop a written assessment of the child's needs.

4 (2) Update those assessments no less frequently than once every
5 six months.

6 (3) Develop a case plan that specifies how the problems
7 identified in the assessment are to be addressed.

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

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

14 (d) Nonrelated legal guardians of eligible children who are in
15 receipt of AFDC-FC payments described in this section shall be
16 exempt from the requirement to register with the Statewide
17 Registry of Private Professional Guardians pursuant to Sections
18 2850 and 2851 of the Probate Code.

19 (e) (1) A nonminor youth whose nonrelated guardianship was
20 ordered in juvenile court pursuant to Section 360 or 366.26, and
21 whose dependency was dismissed, shall remain eligible for
22 AFDC-FC benefits until the youth attains 21 years of age, provided
23 that the youth enters into a mutual agreement with the agency
24 responsible for his or her guardianship, and the youth is meeting
25 the conditions of eligibility, as described in paragraphs (1) to (5),
26 inclusive, of subdivision (b) of Section 11403.

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

31 (A) The nonminor former dependent or ward attained 18 years
32 of age while in receipt of Kin-GAP benefits pursuant to Article
33 4.7 (commencing with Section 11385).

34 (B) The nonminor's relationship to the kinship guardian is
35 defined in paragraph (2), (3), or (4) of subdivision (c) of Section
36 11391.

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

39 (D) The guardian continues to be responsible for the support of
40 the nonminor.

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

4 (f) A child whose nonrelated guardianship was ordered in
5 probate court pursuant to Article 2 (commencing with Section
6 1510) of Chapter 1 of Part 2 of Division 4 of the Probate Code,
7 who is attending high school or the equivalent level of vocational
8 or technical training on a full-time basis, or who is in the process
9 of pursuing a high school equivalency certificate prior to his or
10 her 18th birthday may continue to receive aid following his or her
11 18th birthday as long as the child continues to reside in the
12 guardian's home, remains otherwise eligible for AFDC-FC benefits
13 and continues to attend high school or the equivalent level of
14 vocational or technical training on a full-time basis, or continues
15 to pursue a high school equivalency certificate, and the child may
16 reasonably be expected to complete the educational or training
17 program or to receive a high school equivalency certificate, before
18 his or her 19th birthday. Aid shall be provided to an individual
19 pursuant to this section provided that both the individual and the
20 agency responsible for the foster care placement have signed a
21 mutual agreement, if the individual is capable of making an
22 informed agreement, documenting the continued need for
23 out-of-home placement.

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

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

38 (3) The AFDC-FC payments identified in this subdivision shall
39 be adjusted annually by the percentage change in the California

1 Necessities Index rate as set forth in paragraph (2) of subdivision
2 (g) of Section 11461.

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

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

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

9 (3) For a child eligible for an AFDC-FC payment who is a teen
10 parent, the rate shall include the two hundred dollar (\$200) monthly
11 payment made to the relative caregiver in a whole family foster
12 home pursuant to paragraph (3) of subdivision (d) of Section
13 11465.

14 SEC. 10. If the Commission on State Mandates determines
15 that this act contains costs mandated by the state, reimbursement
16 to local agencies and school districts for those costs shall be made
17 pursuant to Part 7 (commencing with Section 17500) of Division
18 4 of Title 2 of the Government Code.

O