

ASSEMBLY BILL

No. 1127

Introduced by Assembly Member Friedman

February 23, 1995

An act to amend Sections 18937 and 18939 of, and to add Article 4.5 (commencing with Section 18980) to Chapter 5 of Part 2 of Division 5 of Title 2 of, the Government Code, and to amend Sections 16506, 16507.3, and 16507.6 of, and to add Section 16521.5 to, the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

AB 1127, as introduced, Friedman. Foster youth.

Existing civil service law requires that veterans' preference credits be allowed for any entrance examination held on an open basis.

This bill would require that preference credits for foster youth, as defined, also be allowed for any entrance examination held on an open basis.

The bill would also make related changes.

Existing law requires that counties provide, or arrange for the provision of, family maintenance services in order to maintain the child in his or her own home, for a period not to exceed 6 months.

This bill would impose a state-mandated local program by requiring counties to provide those family maintenance services for a period not to exceed 12 months.

The bill would make additional conforming changes.

Existing law imposes various obligations upon foster care providers.

This bill would require foster care providers of adolescents in long-term foster care to ensure that these children receive age-appropriate pregnancy prevention information.

The bill would also make foster care providers responsible for ensuring that these individuals receive referrals to family planning and counseling services when a foster child reaches the age of 18 or is emancipated, whichever occurs first.

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, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

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 18937 of the Government Code
 2 is amended to read:
 3 18937. The passing mark for an examination may be
 4 other than the true percentage or average published as
 5 a part of the announcement of the examination, if
 6 deemed by the board or a designated appointing power
 7 to be justified in order to provide an adequate eligible list
 8 or to adjust for the apparent difficulty of an examination.
 9 In establishing any eligible list or promotional list
 10 following an examination, the names of the persons who
 11 have attained the passing mark in ~~such~~ *the* examination
 12 shall be placed on the list in the order of final earned
 13 ratings, except as ~~such~~ *the* order may be modified by the
 14 application of veterans' *or foster youth* preferences.
 15 When the order of names has been determined after



1 applying the appropriate veterans' *or foster youth*
2 preference credits, the board may thereafter limit to suit
3 the needs of the service the number of names to be placed
4 on the employment list.

5 SEC. 2. Section 18939 of the Government Code is
6 amended to read:

7 18939. For classes of positions for which the board or
8 a designated appointing power finds it difficult to
9 maintain adequate eligible lists it may receive
10 applications, conduct examinations, and create eligible
11 lists continuously. The names of eligibles who took the
12 same or a comparable examination on different dates may
13 be ranked for purposes of certification in the order of final
14 earned ratings, except as ~~such~~*this* order may be modified
15 by the application of ~~veterans~~ *veterans' or foster youth*
16 preferences. Eligibility from a continuous examination
17 may be deemed to be established as of the date of
18 examination.

19 SEC. 3. Article 4.5 (commencing with Section 18980)
20 is added to Chapter 5 of Part 2 of Division 5 of Title 2 of
21 the Government Code, to read:

22
23 Article 4.5. Foster Youth Preference
24

25 18980. In all entrance examinations, a person who
26 meets the definition of "foster youth," and who becomes
27 eligible for certification from eligible lists by attaining the
28 passing mark established for the examination, shall be
29 allowed 10 additional credits.

30 18981. For purposes of this article, the following
31 definitions apply:

32 (a) "Foster youth" means a person between 18 and 28
33 years of age who received foster care prior to the age of
34 18.

35 (b) "Entrance examination" means any open
36 competitive examination other than one for a class having
37 a requirement of both college graduation and two or
38 more years of experience.

39 SEC. 4. Section 16506 of the Welfare and Institutions
40 Code is amended to read:

1 16506. Family maintenance services shall be provided
2 or arranged for by county welfare department staff in
3 order to maintain the child in his or her own home. These
4 services shall be limited to six 12 months, ~~and may be~~
5 ~~extended for one six-month period if it can be shown that~~
6 ~~the objectives of the service plan can be achieved within~~
7 ~~the extended time periods.~~ Family maintenance services
8 shall be available without regard to income and shall only
9 be provided to any of the following:

10 (a) Families whose child has been adjudicated a
11 dependent of the court under Section 300, and where the
12 court has ordered the county welfare department to
13 supervise while the child remains in the child's home.

14 (b) Families whose child is in potential danger of
15 abuse, neglect, or exploitation, who are willing to accept
16 services and participate in corrective efforts, and where
17 it is safe for the child to remain in the child's home only
18 with the provision of services.

19 (c) Families in which the child is in the care of a
20 previously noncustodial parent, under the supervision of
21 the juvenile court.

22 SEC. 5. Section 16507.3 of the Welfare and Institutions
23 Code is amended to read:

24 16507.3. (a) ~~Beginning on October 1, 1982, child~~
25 *Child* welfare services for children placed voluntarily
26 ~~after January 1, 1982,~~ shall be limited to a period not to
27 exceed six 12 months. ~~Subject to the availability of federal~~
28 ~~funding, voluntary placement services for federally~~
29 ~~eligible children may be extended for an additional six~~
30 ~~months, for a total period not to exceed 12 months for~~
31 ~~either of the following:~~

32 (1) ~~Families who have a custodial parent or guardian~~
33 ~~in residential substance abuse treatment who is~~
34 ~~demonstrating progress that indicates the problems~~
35 ~~warranting the initial placement are likely to be resolved~~
36 ~~within the extended time period.~~

37 (2) ~~Families whose minor child is seriously~~
38 ~~emotionally disturbed, who requires placement in a~~
39 ~~residential treatment facility, who otherwise would be~~
40 ~~likely to be found to fit the description in subdivision (e)~~



1 of Section 300, and who reasonably may be expected to be
2 returned home within the extended time period.

3 (b) (1) Whenever a seriously emotionally disturbed
4 child as described in paragraph (2) of subdivision (a) is
5 initially voluntarily placed, the initial placement shall be
6 made pursuant to the approval of an interagency
7 administrative review board as described in paragraph
8 (4) of subdivision (a) of Section 16507.6 *may be required*
9 *in federal regulations. One member of the board shall be*
10 *a licensed mental health practitioner. The review board*
11 *shall review the appropriateness and necessity of*
12 *voluntary placement, the extent of the compliance with*
13 *the voluntary placement plan, and the adequacy of*
14 *services to the family and child.*

15 (2) For purposes of this subdivision, 'seriously
16 emotionally disturbed child' means a minor child who is
17 seriously emotionally disturbed, who requires placement
18 in a residential treatment facility, who otherwise would
19 be likely to be found to fit the description in subdivision
20 (c) of Section 300, and who reasonably may be expected
21 to be returned home within the time period.

22 (c) The extension of voluntary placement services for
23 an additional six months shall be subject to the approval
24 of an administrative review board pursuant to paragraphs
25 (4) and (5) of subdivision (a) of Section 16507.6. The
26 extension of voluntary placement services is contingent
27 upon the receipt of federal funding. Any administrative
28 and foster care costs that exceed the amount of federal
29 reimbursement shall be paid solely with county funds.

30 (d) An otherwise eligible child placed voluntarily
31 prior to January 1, 1982, may remain eligible for child
32 welfare services without regard to the length of time in
33 placement until April 1, 1984. Beginning on October 1,
34 1982, such a child shall receive administrative review
35 pursuant to the requirements of Section 16503.

36 SEC. 6. Section 16507.6 of the Welfare and Institutions
37 Code is amended to read:

38 16507.6. (a) If a minor has been voluntarily placed
39 with the county welfare department subsequent to
40 January 1, 1982, for out-of-home placement by his or her



1 parents or guardians pursuant to this chapter and the
2 minor has remained out of their physical custody for ~~six~~
3 *12* consecutive months, the department shall do one of
4 the following:

5 (1) Return the minor to the physical custody of his or
6 her parents or guardians.

7 (2) Refer the minor to a licensed adoption agency for
8 consideration of adoptive planning and receipt of a
9 permanent relinquishment of care and custody rights
10 from the parents pursuant to Section 8700 of the Family
11 Code.

12 (3) Apply for a petition pursuant to Section 332 and file
13 the petition with the juvenile court to have the minor
14 declared a dependent child of the court under Section
15 300.

16 ~~(4) Refer the minor placed pursuant to paragraph (2)~~
17 ~~of subdivision (a) of Section 16507.3 to an interagency~~
18 ~~administrative review board as may be required in~~
19 ~~federal regulations. One member of the board shall be a~~
20 ~~licensed mental health practitioner. The review board~~
21 ~~shall review the appropriateness and continued necessity~~
22 ~~of six additional months of voluntary placement, the~~
23 ~~extent of the compliance with the voluntary placement~~
24 ~~plan, and the adequacy of services to the family and child.~~
25 ~~If the minor cannot be returned home by the 12th month~~
26 ~~of voluntary placement services, the department shall~~
27 ~~proceed pursuant to paragraph (2) or (3).~~

28 ~~(5) Refer the minor placed pursuant to paragraph (1)~~
29 ~~of subdivision (a) of Section 16507.3 to an administrative~~
30 ~~review board as may be required in federal regulations~~
31 ~~and as described in subdivision (b) of Section 16503.~~

32 *(b)* If the minor cannot be returned home by the 12th
33 month of voluntary placement services, the department
34 shall proceed as described in paragraph (1) or (2)
35 *subdivision (a)*.

36 ~~(b) For those children placed voluntarily prior to~~
37 ~~January 1, 1981, the six-month consecutive time period for~~
38 ~~provision of child welfare services shall commence~~
39 ~~October 1, 1982.~~



1 SEC. 7. Section 16521.5 is added to the Welfare and
2 Institutions Code, to read:

3 16521.5. (a) A foster care provider shall be
4 responsible for ensuring that adolescents who remain in
5 long-term foster care, as defined by the department,
6 receive age-appropriate pregnancy prevention
7 information.

8 (b) A foster care provider shall be responsible for
9 ensuring that a child is provided with appropriate
10 referrals to family planning and counseling services when
11 the child either reaches the age of 18 or is emancipated,
12 whichever occurs first.

13 SEC. 8. Notwithstanding Section 17610 of the
14 Government Code, if the Commission on State Mandates
15 determines that this act contains costs mandated by the
16 state, reimbursement to local agencies and school
17 districts for those costs shall be made pursuant to Part 7
18 (commencing with Section 17500) of Division 4 of Title
19 2 of the Government Code. If the statewide cost of the
20 claim for reimbursement does not exceed one million
21 dollars (\$1,000,000), reimbursement shall be made from
22 the State Mandates Claims Fund.

23 Notwithstanding Section 17580 of the Government
24 Code, unless otherwise specified, the provisions of this act
25 shall become operative on the same date that the act
26 takes effect pursuant to the California Constitution.

