

AMENDED IN ASSEMBLY APRIL 28, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 1110

Introduced by Assembly Member Lara

February 18, 2011

An act to amend Sections 366.1, 366.3, 391, and 13754 of the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL’S DIGEST

AB 1110, as amended, Lara. Dependent children of the juvenile court: county responsibilities: Supplemental Security Income Eligibility.

Existing law provides for the placement of certain children in foster care under the custody of the State Department of Social Services and county welfare departments. Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds, with moneys from the General Fund being continuously appropriated to pay for the state’s share of AFDC-FC costs.

Existing law, the federal Social Security Act, provides for benefits for eligible beneficiaries, including survivorship and disability benefits and Supplemental Security Income (SSI) benefits for, among others, blind and disabled children. The act authorizes a person or entity to be appointed as a representative payee for a beneficiary who cannot manage or direct the management of his or her money. Existing law also provides for the State Supplementary Program for the Aged, Blind and Disabled under which State Supplemental Payments (SSP) are made in supplementation of SSI benefits.

Existing law requires a county to apply to become a child's representative payee for purposes of these federal benefits during the time the child is placed in foster care, and also requires the county to provide information to the foster youth regarding certain federal requirements when a foster youth who is receiving SSI payments is approaching his or her 18th birthday. Existing law requires a county to screen each foster youth in foster care who is at least 16 years and 6 months of age and not older than 17 years and 6 months of age in order to determine whether the youth is eligible for federal SSI benefits, as specified.

Existing law establishes the jurisdiction of the juvenile court, which is permitted to adjudicate certain children to be dependents of the court under certain circumstances, and prescribes various hearings and other procedures for these purposes. Existing law requires a supplemental report, with specified contents, to be filed in connection with the periodic review of the status of every dependent child in foster care, as specified. Under existing law, the juvenile court, or an appropriate local agency, under certain circumstances, is required to review the status of a child or, on and after January 1, 2012, a nonminor dependent who is in a placement other than the home of a legal guardian ~~and, when~~ jurisdiction of the juvenile court has not been dismissed. Existing law requires the reviewing body to make specified determinations in connection with this review.

Existing law also prohibits the court from terminating dependency or delinquency jurisdiction over a nonminor dependent who has reached 18 years of age until a hearing is conducted and the department has submitted a report verifying that specified information, documents, and services have been provided to the child.

This bill would require a county to notify the child's counsel of its intent to apply to be appointed the child's representative payee, 30 days before making that application, ~~and to notify the counsel and the court within 30 days after the appointment is made by the federal Social Security Commission~~, as specified. This bill would revise the requirements applicable to the juvenile court reporting, review, and hearing as described above, to additionally require information to be provided regarding whether a child or nonminor dependent has been screened for eligibility for federal SSI benefits at the appropriate age, whether an application for SSI has been made on behalf of the individual, and the status of any pending SSI application, as specified.

By increasing county duties, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

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

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

1 SECTION 1. Section 366.1 of the Welfare and Institutions
2 Code is amended to read:
3 366.1. Each supplemental report required to be filed pursuant
4 to Section 366 shall include, but not be limited to, a factual
5 discussion of each of the following subjects:
6 (a) Whether the county welfare department social worker has
7 considered child protective services, as defined in Chapter 5
8 (commencing with Section 16500) of Part 4 of Division 9, as a
9 possible solution to the problems at hand, and has offered those
10 services to qualified parents, if appropriate under the circumstances.
11 (b) What plan, if any, for the return and maintenance of the
12 child in a safe home is recommended to the court by the county
13 welfare department social worker.
14 (c) Whether the subject child appears to be a person who is
15 eligible to be considered for further court action to free the child
16 from parental custody and control.
17 (d) What actions, if any, have been taken by the parent to correct
18 the problems that caused the child to be made a dependent child
19 of the court.
20 (e) If the parent or guardian is unwilling or unable to participate
21 in making an educational decision for his or her child, or if other
22 circumstances exist that compromise the ability of the parent or
23 guardian to make educational decisions for the child, the county
24 welfare department or social worker shall consider whether the
25 right of the parent or guardian to make educational decisions for
26 the child should be limited. If the supplemental report makes that

1 recommendation, the report shall identify whether there is a
2 responsible adult available to make educational decisions for the
3 child pursuant to Section 361.

4 (f) (1) Whether the child has any siblings under the court's
5 jurisdiction, and, if any siblings exist, all of the following:

6 (A) The nature of the relationship between the child and his or
7 her siblings.

8 (B) The appropriateness of developing or maintaining the sibling
9 relationships pursuant to Section 16002.

10 (C) If the siblings are not placed together in the same home,
11 why the siblings are not placed together and what efforts are being
12 made to place the siblings together, or why those efforts are not
13 appropriate.

14 (D) If the siblings are not placed together, the frequency and
15 nature of the visits between siblings.

16 (E) The impact of the sibling relationships on the child's
17 placement and planning for legal permanence.

18 (2) The factual discussion shall include a discussion of indicators
19 of the nature of the child's sibling relationships, including, but not
20 limited to, whether the siblings were raised together in the same
21 home, whether the siblings have shared significant common
22 experiences or have existing close and strong bonds, whether either
23 sibling expresses a desire to visit or live with his or her sibling, as
24 applicable, and whether ongoing contact is in the child's best
25 emotional interests.

26 (g) Whether a child who is 10 years of age or older and who
27 has been in an out-of-home placement for six months or longer
28 has relationships with individuals other than the child's siblings
29 that are important to the child, consistent with the child's best
30 interests, and actions taken to maintain those relationships. The
31 social worker shall ask every child who is 10 years of age or older
32 and who has been in an out-of-home placement for six months or
33 longer to identify any individuals other than the child's siblings
34 who are important to the child, consistent with the child's best
35 interest. The social worker may ask any other child to provide that
36 information, as appropriate.

37 (h) The implementation and operation of the amendments to
38 subdivision (g) enacted at the 2005–06 Regular Session shall be
39 subject to appropriation through the budget process and by phase,
40 as provided in Section 366.35.

1 (i) With respect to each supplemental report that is submitted
2 after the child turns 16 years and six months of age, all of the
3 following:

4 (1) Information regarding whether the child has been screened
5 for eligibility for federal Supplemental Security Income (SSI)
6 benefits, pursuant to paragraph (1) of subdivision (a) of Section
7 13757.

8 (2) Information regarding whether an application for federal
9 SSI benefits has been made on behalf of the child, pursuant to
10 paragraph (2) of subdivision (a) of Section 13757. *In the first*
11 *supplemental report indicating that an application for federal SSI*
12 *benefits has been made on behalf of a child, the supplemental*
13 *report shall also set forth who has been identified as the likely*
14 *representative payee if the application for federal SSI benefits is*
15 *granted.*

16 (3) Information regarding the status of any pending application
17 for federal SSI benefits, including information regarding
18 reconsideration and appeal.

19 (j) *Information regarding whether the county has applied to*
20 *become the child's representative payee for SSI benefits and*
21 *whether the county, or any other individual known to the county,*
22 *has been appointed by the federal Social Security Administration*
23 *to serve as representative payee for a child who is receiving SSI*
24 *benefits while in the county's custody.*

25 SEC. 2. Section 366.3 of the Welfare and Institutions Code,
26 as amended by Section 22 of Chapter 559 of the Statutes of 2010,
27 is amended to read:

28 366.3. (a) If a juvenile court orders a permanent plan of
29 adoption, tribal customary adoption, or legal guardianship pursuant
30 to Section 360 or 366.26, the court shall retain jurisdiction over
31 the child until the child is adopted or the legal guardianship is
32 established, except as provided for in Section 366.29 or, on and
33 after January 1, 2012, Section 366.31. The status of the child shall
34 be reviewed every six months to ensure that the adoption or legal
35 guardianship is completed as expeditiously as possible. When the
36 adoption of the child has been granted, or in the case of a tribal
37 customary adoption, when the tribal customary adoption order has
38 been afforded full faith and credit and the petition for adoption
39 has been granted, the court shall terminate its jurisdiction over the
40 child. Following establishment of a legal guardianship, the court

1 may continue jurisdiction over the child as a dependent child of
2 the juvenile court or may terminate its dependency jurisdiction
3 and retain jurisdiction over the child as a ward of the legal
4 guardianship, as authorized by Section 366.4. If, however, a relative
5 of the child is appointed the legal guardian of the child and the
6 child has been placed with the relative for at least six months, the
7 court shall, except if the relative guardian objects, or upon a finding
8 of exceptional circumstances, terminate its dependency jurisdiction
9 and retain jurisdiction over the child as a ward of the guardianship,
10 as authorized by Section 366.4. Following a termination of parental
11 rights, the parent or parents shall not be a party to, or receive notice
12 of, any subsequent proceedings regarding the child.

13 (b) If the court has dismissed dependency jurisdiction following
14 the establishment of a legal guardianship, or no dependency
15 jurisdiction attached because of the granting of a legal guardianship
16 pursuant to Section 360, and the legal guardianship is subsequently
17 revoked or otherwise terminated, the county department of social
18 services or welfare department shall notify the juvenile court of
19 this fact. The court may vacate its previous order dismissing
20 dependency jurisdiction over the child.

21 Notwithstanding Section 1601 of the Probate Code, the
22 proceedings to terminate a legal guardianship that has been granted
23 pursuant to Section 360 or 366.26 shall be held either in the
24 juvenile court that retains jurisdiction over the guardianship as
25 authorized by Section 366.4 or the juvenile court in the county
26 where the guardian and child currently reside, based on the best
27 interests of the child, unless the termination is due to the
28 emancipation or adoption of the child. The juvenile court having
29 jurisdiction over the guardianship shall receive notice from the
30 court in which the petition is filed within five calendar days of the
31 filing. Prior to the hearing on a petition to terminate legal
32 guardianship pursuant to this subdivision, the court shall order the
33 county department of social services or welfare department having
34 jurisdiction or jointly with the county department where the
35 guardian and child currently reside to prepare a report, for the
36 court's consideration, that shall include an evaluation of whether
37 the child could safely remain in, or be returned to, the legal
38 guardian's home, without terminating the legal guardianship, if
39 services were provided to the child or legal guardian. If applicable,
40 the report shall also identify recommended family maintenance or

1 reunification services to maintain the legal guardianship and set
2 forth a plan for providing those services. If the petition to terminate
3 legal guardianship is granted, either juvenile court may resume
4 dependency jurisdiction over the child, and may order the county
5 department of social services or welfare department to develop a
6 new permanent plan, which shall be presented to the court within
7 60 days of the termination. If no dependency jurisdiction has
8 attached, the social worker shall make any investigation he or she
9 deems necessary to determine whether the child may be within the
10 jurisdiction of the juvenile court, as provided in Section 328.

11 Unless the parental rights of the child's parent or parents have
12 been terminated, they shall be notified that the legal guardianship
13 has been revoked or terminated and shall be entitled to participate
14 in the new permanency planning hearing. The court shall try to
15 place the child in another permanent placement. At the hearing,
16 the parents may be considered as custodians but the child shall not
17 be returned to the parent or parents unless they prove, by a
18 preponderance of the evidence, that reunification is the best
19 alternative for the child. The court may, if it is in the best interests
20 of the child, order that reunification services again be provided to
21 the parent or parents.

22 (c) If, following the establishment of a legal guardianship, the
23 county welfare department becomes aware of changed
24 circumstances that indicate adoption or, for an Indian child, tribal
25 customary adoption, may be an appropriate plan for the child, the
26 department shall so notify the court. The court may vacate its
27 previous order dismissing dependency jurisdiction over the child
28 and order that a hearing be held pursuant to Section 366.26 to
29 determine whether adoption or continued legal guardianship is the
30 most appropriate plan for the child. The hearing shall be held no
31 later than 120 days from the date of the order. If the court orders
32 that a hearing shall be held pursuant to Section 366.26, the court
33 shall direct the agency supervising the child and the licensed county
34 adoption agency, or the State Department of Social Services if it
35 is acting as an adoption agency in counties that are not served by
36 a county adoption agency, to prepare an assessment under
37 subdivision (b) of Section 366.22.

38 (d) If the child or, on and after January 1, 2012, nonminor
39 dependent is in a placement other than the home of a legal guardian
40 and jurisdiction has not been dismissed, the status of the child shall

1 be reviewed at least every six months. The review of the status of
2 a child for whom the court has ordered parental rights terminated
3 and who has been ordered placed for adoption shall be conducted
4 by the court. The review of the status of a child or, on and after
5 January 1, 2012, nonminor dependent for whom the court has not
6 ordered parental rights terminated and who has not been ordered
7 placed for adoption may be conducted by the court or an
8 appropriate local agency. The court shall conduct the review under
9 the following circumstances:

10 (1) Upon the request of the child's parents or legal guardians.

11 (2) Upon the request of the child or, on and after January 1,
12 2012, nonminor dependent.

13 (3) It has been 12 months since a hearing held pursuant to
14 Section 366.26 or an order that the child remain in long-term foster
15 care pursuant to Section 366.21, 366.22, 366.25, 366.26, or
16 subdivision (h).

17 (4) It has been 12 months since a review was conducted by the
18 court.

19 The court shall determine whether or not reasonable efforts to
20 make and finalize a permanent placement for the child have been
21 made.

22 (e) Except as provided in subdivision (g), at the review held
23 every six months pursuant to subdivision (d), the reviewing body
24 shall inquire about the progress being made to provide a permanent
25 home for the child, shall consider the safety of the child, and shall
26 determine all of the following:

27 (1) The continuing necessity for, and appropriateness of, the
28 placement.

29 (2) Identification of individuals other than the child's siblings
30 who are important to a child who is 10 years of age or older and
31 has been in out-of-home placement for six months or longer, and
32 actions necessary to maintain the child's relationship with those
33 individuals, provided that those relationships are in the best interest
34 of the child. The social worker shall ask every child who is 10
35 years of age or older and who has been in out-of-home placement
36 for six months or longer to identify individuals other than the
37 child's siblings who are important to the child, and may ask any
38 other child to provide that information, as appropriate. The social
39 worker shall make efforts to identify other individuals who are
40 important to the child, consistent with the child's best interests.

1 (3) The continuing appropriateness and extent of compliance
2 with the permanent plan for the child, including efforts to maintain
3 relationships between a child who is 10 years of age or older and
4 who has been in out-of-home placement for six months or longer
5 and individuals who are important to the child and efforts to
6 identify a prospective adoptive parent or legal guardian, including,
7 but not limited to, child-specific recruitment efforts and listing on
8 an adoption exchange.

9 (4) The extent of the agency's compliance with the child welfare
10 services case plan in making reasonable efforts either to return the
11 child to the safe home of the parent or to complete whatever steps
12 are necessary to finalize the permanent placement of the child. If
13 the reviewing body determines that a second period of reunification
14 services is in the child's best interests, and that there is a significant
15 likelihood of the child's return to a safe home due to changed
16 circumstances of the parent, pursuant to subdivision (f), the specific
17 reunification services required to effect the child's return to a safe
18 home shall be described.

19 (5) Whether there should be any limitation on the right of the
20 parent or guardian to make educational decisions for the child.
21 That limitation shall be specifically addressed in the court order
22 and may not exceed what is necessary to protect the child. If the
23 court specifically limits the right of the parent or guardian to make
24 educational decisions for the child, the court shall at the same time
25 appoint a responsible adult to make educational decisions for the
26 child pursuant to Section 361.

27 (6) The adequacy of services provided to the child. The court
28 shall consider the progress in providing the information and
29 documents to the child, as described in Section 391. The court
30 shall also consider the need for, and progress in providing, the
31 assistance and services described in Section 391.

32 (7) The extent of progress the parents or legal guardians have
33 made toward alleviating or mitigating the causes necessitating
34 placement in foster care.

35 (8) The likely date by which the child may be returned to, and
36 safely maintained in, the home, placed for adoption, legal
37 guardianship, in another planned permanent living arrangement,
38 or, for an Indian child, in consultation with the child's tribe, placed
39 for tribal customary adoption.

1 (9) Whether the child has any siblings under the court's
2 jurisdiction, and, if any siblings exist, all of the following:

3 (A) The nature of the relationship between the child and his or
4 her siblings.

5 (B) The appropriateness of developing or maintaining the sibling
6 relationships pursuant to Section 16002.

7 (C) If the siblings are not placed together in the same home,
8 why the siblings are not placed together and what efforts are being
9 made to place the siblings together, or why those efforts are not
10 appropriate.

11 (D) If the siblings are not placed together, the frequency and
12 nature of the visits between siblings.

13 (E) The impact of the sibling relationships on the child's
14 placement and planning for legal permanence.

15 The factors the court may consider as indicators of the nature of
16 the child's sibling relationships include, but are not limited to,
17 whether the siblings were raised together in the same home,
18 whether the siblings have shared significant common experiences
19 or have existing close and strong bonds, whether either sibling
20 expresses a desire to visit or live with his or her sibling, as
21 applicable, and whether ongoing contact is in the child's best
22 emotional interests.

23 (10) For a child who is 16 years of age or older, and, effective
24 January 1, 2012, for a nonminor dependent, the services needed
25 to assist the child or nonminor dependent to make the transition
26 from foster care to independent living.

27 The reviewing body shall determine whether or not reasonable
28 efforts to make and finalize a permanent placement for the child
29 have been made.

30 Each licensed foster family agency shall submit reports for each
31 child in its care, custody, and control to the court concerning the
32 continuing appropriateness and extent of compliance with the
33 child's permanent plan, the extent of compliance with the case
34 plan, and the type and adequacy of services provided to the child.

35 (11) For a child who is 16 years and six months of age or older,
36 both of the following:

37 (A) That the youth has been screened for eligibility for federal
38 Supplemental Security Income (SSI) benefits, pursuant to
39 paragraph (1) of subdivision (a) of Section 13757. The court shall
40 make any appropriate orders in order to ensure that all youth

1 between 16 years and six months and 17 years of age are screened
2 for SSI.

3 (B) The efforts the child welfare agency has made to submit an
4 application and pursue eligibility for federal SSI benefits, including
5 *information about who has been designated as the likely*
6 *representative payee if and when the application for SSI benefits*
7 *is approved, and efforts to pursue reconsideration and appeals,*
8 when appropriate. The court shall make any appropriate order to
9 ensure that SSI applications are submitted, and when appropriate,
10 denials of eligibility are appealed.

11 (f) Unless their parental rights have been permanently
12 terminated, the parent or parents of the child are entitled to receive
13 notice of, and participate in, those hearings. It shall be presumed
14 that continued care is in the best interests of the child, unless the
15 parent or parents prove, by a preponderance of the evidence, that
16 further efforts at reunification are the best alternative for the child.
17 In those cases, the court may order that further reunification
18 services to return the child to a safe home environment be provided
19 to the parent or parents up to a period of six months, and family
20 maintenance services, as needed for an additional six months in
21 order to return the child to a safe home environment. On and after
22 January 1, 2012, this subdivision shall not apply to the parents of
23 a nonminor dependent.

24 (g) At the review conducted by the court and held at least every
25 six months, regarding a child for whom the court has ordered
26 parental rights terminated and who has been ordered placed for
27 adoption, or, for an Indian child for whom parental rights are not
28 being terminated and a tribal customary adoption is being
29 considered, the county welfare department shall prepare and present
30 to the court a report describing the following:

31 (1) The child's present placement.

32 (2) The child's current physical, mental, emotional, and
33 educational status.

34 (3) If the child has not been placed with a prospective adoptive
35 parent or guardian, identification of individuals, other than the
36 child's siblings, who are important to the child and actions
37 necessary to maintain the child's relationship with those
38 individuals, provided that those relationships are in the best interest
39 of the child. The agency shall ask every child who is 10 years of
40 age or older to identify any individuals who are important to him

1 or her, consistent with the child's best interest, and may ask any
2 child who is younger than 10 years of age to provide that
3 information as appropriate. The agency shall make efforts to
4 identify other individuals who are important to the child.

5 (4) Whether the child has been placed with a prospective
6 adoptive parent or parents.

7 (5) Whether an adoptive placement agreement has been signed
8 and filed.

9 (6) If the child has not been placed with a prospective adoptive
10 parent or parents, the efforts made to identify an appropriate
11 prospective adoptive parent or legal guardian, including, but not
12 limited to, child-specific recruitment efforts and listing on an
13 adoption exchange.

14 (7) Whether the final adoption order should include provisions
15 for postadoptive sibling contact pursuant to Section 366.29.

16 (8) The progress of the search for an adoptive placement if one
17 has not been identified.

18 (9) Any impediments to the adoption or the adoptive placement.

19 (10) The anticipated date by which the child will be adopted or
20 placed in an adoptive home.

21 (11) The anticipated date by which an adoptive placement
22 agreement will be signed.

23 (12) Recommendations for court orders that will assist in the
24 placement of the child for adoption or in the finalization of the
25 adoption.

26 The court shall determine whether or not reasonable efforts to
27 make and finalize a permanent placement for the child have been
28 made.

29 The court shall make appropriate orders to protect the stability
30 of the child and to facilitate and expedite the permanent placement
31 and adoption of the child.

32 (h) At the review held pursuant to subdivision (d) for a child in
33 long-term foster care, the court shall consider all permanency
34 planning options for the child including whether the child should
35 be returned to the home of the parent, placed for adoption, or, for
36 an Indian child, in consultation with the child's tribe, placed for
37 tribal customary adoption, or appointed a legal guardian, or, if
38 compelling reasons exist for finding that none of the foregoing
39 options are in the best interest of the child, whether the child should
40 be placed in another planned permanent living arrangement. The

1 court shall order that a hearing be held pursuant to Section 366.26,
2 unless it determines by clear and convincing evidence that there
3 is a compelling reason for determining that a hearing held pursuant
4 to Section 366.26 is not in the best interest of the child because
5 the child is being returned to the home of the parent, the child is
6 not a proper subject for adoption, or no one is willing to accept
7 legal guardianship. If the licensed county adoption agency, or the
8 department when it is acting as an adoption agency in counties
9 that are not served by a county adoption agency, has determined
10 it is unlikely that the child will be adopted or one of the conditions
11 described in paragraph (1) of subdivision (c) of Section 366.26
12 applies, that fact shall constitute a compelling reason for purposes
13 of this subdivision. Only upon that determination may the court
14 order that the child remain in long-term foster care, without holding
15 a hearing pursuant to Section 366.26. On and after January 1, 2012,
16 the nonminor dependent's legal status as an adult is in and of itself
17 a compelling reason not to hold a hearing pursuant to Section
18 366.26.

19 (i) If, as authorized by subdivision (h), the court orders a hearing
20 pursuant to Section 366.26, the court shall direct the agency
21 supervising the child and the licensed county adoption agency, or
22 the State Department of Social Services when it is acting as an
23 adoption agency in counties that are not served by a county
24 adoption agency, to prepare an assessment as provided for in
25 subdivision (i) of Section 366.21 or subdivision (b) of Section
26 366.22. A hearing held pursuant to Section 366.26 shall be held
27 no later than 120 days from the date of the 12-month review at
28 which it is ordered, and at that hearing the court shall determine
29 whether adoption, tribal customary adoption, legal guardianship,
30 or long-term foster care is the most appropriate plan for the child.
31 On and after January 1, 2012, a hearing pursuant to Section 366.26
32 shall not be ordered if the child is a nonminor dependent. The court
33 may order that a nonminor dependent who otherwise is eligible
34 pursuant to Section 11403 remain in a planned, permanent living
35 arrangement.

36 (j) The implementation and operation of the amendments to
37 subdivision (e) enacted at the 2005–06 Regular Session shall be
38 subject to appropriation through the budget process and by phase,
39 as provided in Section 366.35.

1 (k) The reviews conducted pursuant to subdivision (a) or (d)
2 may be conducted earlier than every six months if the court
3 determines that an earlier review is in the best interests of the child
4 or as court rules prescribe.

5 (l) On and after January 1, 2012, at the review hearing that
6 occurs in the six-month period prior to the minor's attaining 18
7 years of age, and at every subsequent review hearing for the
8 nonminor dependent, the report shall describe all of the following:

9 (1) The minor's or nonminor dependent's plans to remain in
10 foster care and plans to meet one or more of the criteria as
11 described in subdivision (b) of Section 11403 to continue to receive
12 AFDC-FC benefits.

13 (2) The efforts made and assistance provided to the minor or
14 nonminor dependent by the social worker or the probation officer
15 so that the minor or nonminor dependent will be able to meet the
16 criteria.

17 (3) Efforts toward completing the items described in paragraph
18 (2) of subdivision (e) of Section 391.

19 (m) On and after January 1, 2012, the reviews conducted
20 pursuant to subdivisions (e) and (h) for any nonminor dependent
21 shall be conducted in a manner that respects the nonminor's status
22 as a legal adult, be focused on the goals and services described in
23 the youth's transitional independent living case plan, including
24 efforts made to achieve permanence, including maintaining or
25 obtaining permanent connections with caring and committed adults,
26 and attended as appropriate by additional participants invited by
27 the nonminor dependent. The review shall include all the issues
28 in subdivision (e), except paragraph (5) of subdivision (e). The
29 county child welfare or probation department, or Indian tribe that
30 has entered into an agreement pursuant to Section 10553.1 shall
31 prepare and present to the reviewing body a report that addresses
32 the youth's progress in meeting the goals in the transitional
33 independent living case plan and propose modifications as
34 necessary to further those goals. The report shall document that
35 the nonminor has received all the information and documentation
36 described in paragraph (2) of subdivision (e) of Section 391. If the
37 court is considering terminating dependency jurisdiction for a
38 nonminor dependent it shall first hold a hearing pursuant to Section
39 391.

(n) On and after January 1, 2012, if a review hearing pursuant to this section is the last review hearing to be held before the child attains 18 years of age, the court shall ensure all of the following:

(1) That the child's transitional independent living case plan includes a plan for the child to satisfy one or more of the criteria set forth in subdivision (b) of Section 11403, so that the child is eligible to remain a nonminor dependent.

(2) That the child has been informed of his or her right to seek termination of dependency jurisdiction pursuant to Section 391, and understands the potential benefits of continued dependency.

(3) That the child is informed of his or her right to have dependency reinstated pursuant to subdivision (e) of Section 388, and understands the potential benefits of continued dependency.

(o) This section shall remain in effect only until January 1, 2014, and as of that date is repealed, unless a later enacted statute, that is enacted before January 1, 2014, deletes or extends that date.

SEC. 3. Section 366.3 of the Welfare and Institutions Code, as amended by Section 23 of Chapter 559 of the Statutes of 2010, is amended to read:

366.3. (a) If a juvenile court orders a permanent plan of adoption or legal guardianship pursuant to Section 360 or 366.26, the court shall retain jurisdiction over the child until the child is adopted or the legal guardianship is established, except as provided for in Section 366.29 or, on and after January 1, 2012, Section 366.31. The status of the child shall be reviewed every six months to ensure that the adoption or legal guardianship is completed as expeditiously as possible. When the adoption of the child has been granted, the court shall terminate its jurisdiction over the child. Following establishment of a legal guardianship, the court may continue jurisdiction over the child as a dependent child of the juvenile court or may terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the legal guardianship, as authorized by Section 366.4. If, however, a relative of the child is appointed the legal guardian of the child and the child has been placed with the relative for at least six months, the court shall, except if the relative guardian objects, or upon a finding of exceptional circumstances, terminate its dependency jurisdiction and retain jurisdiction over the child as a ward of the guardianship, as authorized by Section 366.4. Following a termination of parental

1 rights, the parent or parents shall not be a party to, or receive notice
2 of, any subsequent proceedings regarding the child.

3 (b) If the court has dismissed dependency jurisdiction following
4 the establishment of a legal guardianship, or no dependency
5 jurisdiction attached because of the granting of a legal guardianship
6 pursuant to Section 360, and the legal guardianship is subsequently
7 revoked or otherwise terminated, the county department of social
8 services or welfare department shall notify the juvenile court of
9 this fact. The court may vacate its previous order dismissing
10 dependency jurisdiction over the child.

11 Notwithstanding Section 1601 of the Probate Code, the
12 proceedings to terminate a legal guardianship that has been granted
13 pursuant to Section 360 or 366.26 shall be held either in the
14 juvenile court that retains jurisdiction over the guardianship as
15 authorized by Section 366.4 or the juvenile court in the county
16 where the guardian and child currently reside, based on the best
17 interests of the child, unless the termination is due to the
18 emancipation or adoption of the child. The juvenile court having
19 jurisdiction over the guardianship shall receive notice from the
20 court in which the petition is filed within five calendar days of the
21 filing. Prior to the hearing on a petition to terminate legal
22 guardianship pursuant to this subdivision, the court shall order the
23 county department of social services or welfare department having
24 jurisdiction or jointly with the county department where the
25 guardian and child currently reside to prepare a report, for the
26 court's consideration, that shall include an evaluation of whether
27 the child could safely remain in, or be returned to, the legal
28 guardian's home, without terminating the legal guardianship, if
29 services were provided to the child or legal guardian. If applicable,
30 the report shall also identify recommended family maintenance or
31 reunification services to maintain the legal guardianship and set
32 forth a plan for providing those services. If the petition to terminate
33 legal guardianship is granted, either juvenile court may resume
34 dependency jurisdiction over the child, and may order the county
35 department of social services or welfare department to develop a
36 new permanent plan, which shall be presented to the court within
37 60 days of the termination. If no dependency jurisdiction has
38 attached, the social worker shall make any investigation he or she
39 deems necessary to determine whether the child may be within the
40 jurisdiction of the juvenile court, as provided in Section 328.

Unless the parental rights of the child's parent or parents have been terminated, they shall be notified that the legal guardianship has been revoked or terminated and shall be entitled to participate in the new permanency planning hearing. The court shall try to place the child in another permanent placement. At the hearing, the parents may be considered as custodians but the child shall not be returned to the parent or parents unless they prove, by a preponderance of the evidence, that reunification is the best alternative for the child. The court may, if it is in the best interests of the child, order that reunification services again be provided to the parent or parents.

(c) If, following the establishment of a legal guardianship, the county welfare department becomes aware of changed circumstances that indicate adoption may be an appropriate plan for the child, the department shall so notify the court. The court may vacate its previous order dismissing dependency jurisdiction over the child and order that a hearing be held pursuant to Section 366.26 to determine whether adoption or continued legal guardianship is the most appropriate plan for the child. The hearing shall be held no later than 120 days from the date of the order. If the court orders that a hearing shall be held pursuant to Section 366.26, the court shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services if it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment under subdivision (b) of Section 366.22.

(d) If the child or, on and after January 1, 2012, nonminor dependent is in a placement other than the home of a legal guardian and jurisdiction has not been dismissed, the status of the child shall be reviewed at least every six months. The review of the status of a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption shall be conducted by the court. The review of the status of a child or, on and after January 1, 2012, nonminor dependent for whom the court has not ordered parental rights terminated and who has not been ordered placed for adoption may be conducted by the court or an appropriate local agency. The court shall conduct the review under the following circumstances:

- (1) Upon the request of the child's parents or legal guardians.

1 (2) Upon the request of the child or, on and after January 1,
2 2012, nonminor dependent.

3 (3) It has been 12 months since a hearing held pursuant to
4 Section 366.26 or an order that the child remain in long-term foster
5 care pursuant to Section 366.21, 366.22, 366.25, 366.26, or
6 subdivision (h).

7 (4) It has been 12 months since a review was conducted by the
8 court.

9 The court shall determine whether or not reasonable efforts to
10 make and finalize a permanent placement for the child have been
11 made.

12 (e) Except as provided in subdivision (g), at the review held
13 every six months pursuant to subdivision (d), the reviewing body
14 shall inquire about the progress being made to provide a permanent
15 home for the child, shall consider the safety of the child, and shall
16 determine all of the following:

17 (1) The continuing necessity for, and appropriateness of, the
18 placement.

19 (2) Identification of individuals other than the child's siblings
20 who are important to a child who is 10 years of age or older and
21 has been in out-of-home placement for six months or longer, and
22 actions necessary to maintain the child's relationship with those
23 individuals, provided that those relationships are in the best interest
24 of the child. The social worker shall ask every child who is 10
25 years of age or older and who has been in out-of-home placement
26 for six months or longer to identify individuals other than the
27 child's siblings who are important to the child, and may ask any
28 other child to provide that information, as appropriate. The social
29 worker shall make efforts to identify other individuals who are
30 important to the child, consistent with the child's best interests.

31 (3) The continuing appropriateness and extent of compliance
32 with the permanent plan for the child, including efforts to maintain
33 relationships between a child who is 10 years of age or older and
34 who has been in out-of-home placement for six months or longer
35 and individuals who are important to the child and efforts to
36 identify a prospective adoptive parent or legal guardian, including,
37 but not limited to, child-specific recruitment efforts and listing on
38 an adoption exchange.

39 (4) The extent of the agency's compliance with the child welfare
40 services case plan in making reasonable efforts either to return the

1 child to the safe home of the parent or to complete whatever steps
2 are necessary to finalize the permanent placement of the child. If
3 the reviewing body determines that a second period of reunification
4 services is in the child's best interests, and that there is a significant
5 likelihood of the child's return to a safe home due to changed
6 circumstances of the parent, pursuant to subdivision (f), the specific
7 reunification services required to effect the child's return to a safe
8 home shall be described.

9 (5) Whether there should be any limitation on the right of the
10 parent or guardian to make educational decisions for the child.
11 That limitation shall be specifically addressed in the court order
12 and may not exceed what is necessary to protect the child. If the
13 court specifically limits the right of the parent or guardian to make
14 educational decisions for the child, the court shall at the same time
15 appoint a responsible adult to make educational decisions for the
16 child pursuant to Section 361.

17 (6) The adequacy of services provided to the child. The court
18 shall consider the progress in providing the information and
19 documents to the child, as described in Section 391. The court
20 shall also consider the need for, and progress in providing, the
21 assistance and services described in Section 391.

22 (7) The extent of progress the parents or legal guardians have
23 made toward alleviating or mitigating the causes necessitating
24 placement in foster care.

25 (8) The likely date by which the child may be returned to, and
26 safely maintained in, the home, placed for adoption, legal
27 guardianship, or in another planned permanent living arrangement.

28 (9) Whether the child has any siblings under the court's
29 jurisdiction, and, if any siblings exist, all of the following:

30 (A) The nature of the relationship between the child and his or
31 her siblings.

32 (B) The appropriateness of developing or maintaining the sibling
33 relationships pursuant to Section 16002.

34 (C) If the siblings are not placed together in the same home,
35 why the siblings are not placed together and what efforts are being
36 made to place the siblings together, or why those efforts are not
37 appropriate.

38 (D) If the siblings are not placed together, the frequency and
39 nature of the visits between siblings.

1 (E) The impact of the sibling relationships on the child's
2 placement and planning for legal permanence.

3 The factors the court may consider as indicators of the nature of
4 the child's sibling relationships include, but are not limited to,
5 whether the siblings were raised together in the same home,
6 whether the siblings have shared significant common experiences
7 or have existing close and strong bonds, whether either sibling
8 expresses a desire to visit or live with his or her sibling, as
9 applicable, and whether ongoing contact is in the child's best
10 emotional interests.

11 (10) For a child who is 16 years of age or older, and, effective
12 January 1, 2012, for a nonminor dependent, the services needed
13 to assist the child or nonminor dependent to make the transition
14 from foster care to independent living.

15 The reviewing body shall determine whether or not reasonable
16 efforts to make and finalize a permanent placement for the child
17 have been made.

18 Each licensed foster family agency shall submit reports for each
19 child in its care, custody, and control to the court concerning the
20 continuing appropriateness and extent of compliance with the
21 child's permanent plan, the extent of compliance with the case
22 plan, and the type and adequacy of services provided to the child.

23 (11) For a child who is 16 years and six months of age or older,
24 both of the following:

25 (A) That the youth has been screened for eligibility for federal
26 Supplemental Security Income (SSI) benefits, pursuant to
27 paragraph (1) of subdivision (a) of Section 13757. The court shall
28 make any appropriate orders in order to ensure that all youth
29 between 16 years and six months and 17 years of age are screened
30 for SSI.

31 (B) The efforts the child welfare agency has made to submit an
32 application and pursue eligibility for federal SSI benefits, including
33 *information about who has been designated as the likely*
34 *representative payee if and when the application for SSI benefits*
35 *is approved, and efforts to pursue reconsideration and appeals,*
36 *when appropriate.* The court shall make any appropriate order to
37 ensure that SSI applications are submitted, and when appropriate,
38 denials of eligibility are appealed.

39 (f) Unless their parental rights have been permanently
40 terminated, the parent or parents of the child are entitled to receive

1 notice of, and participate in, those hearings. It shall be presumed
2 that continued care is in the best interests of the child, unless the
3 parent or parents prove, by a preponderance of the evidence, that
4 further efforts at reunification are the best alternative for the child.
5 In those cases, the court may order that further reunification
6 services to return the child to a safe home environment be provided
7 to the parent or parents up to a period of six months, and family
8 maintenance services, as needed for an additional six months in
9 order to return the child to a safe home environment.

10 (g) At the review conducted by the court and held at least every
11 six months, regarding a child for whom the court has ordered
12 parental rights terminated and who has been ordered placed for
13 adoption, the county welfare department shall prepare and present
14 to the court a report describing the following:

15 (1) The child's present placement.

16 (2) The child's current physical, mental, emotional, and
17 educational status.

18 (3) If the child has not been placed with a prospective adoptive
19 parent or guardian, identification of individuals, other than the
20 child's siblings, who are important to the child and actions
21 necessary to maintain the child's relationship with those
22 individuals, provided that those relationships are in the best interest
23 of the child. The agency shall ask every child who is 10 years of
24 age or older to identify any individuals who are important to him
25 or her, consistent with the child's best interest, and may ask any
26 child who is younger than 10 years of age to provide that
27 information as appropriate. The agency shall make efforts to
28 identify other individuals who are important to the child.

29 (4) Whether the child has been placed with a prospective
30 adoptive parent or parents.

31 (5) Whether an adoptive placement agreement has been signed
32 and filed.

33 (6) If the child has not been placed with a prospective adoptive
34 parent or parents, the efforts made to identify an appropriate
35 prospective adoptive parent or legal guardian, including, but not
36 limited to, child-specific recruitment efforts and listing on an
37 adoption exchange.

38 (7) Whether the final adoption order should include provisions
39 for postadoptive sibling contact pursuant to Section 366.29.

1 (8) The progress of the search for an adoptive placement if one
2 has not been identified.

3 (9) Any impediments to the adoption or the adoptive placement.

4 (10) The anticipated date by which the child will be adopted or
5 placed in an adoptive home.

6 (11) The anticipated date by which an adoptive placement
7 agreement will be signed.

8 (12) Recommendations for court orders that will assist in the
9 placement of the child for adoption or in the finalization of the
10 adoption.

11 The court shall determine whether or not reasonable efforts to
12 make and finalize a permanent placement for the child have been
13 made.

14 The court shall make appropriate orders to protect the stability
15 of the child and to facilitate and expedite the permanent placement
16 and adoption of the child.

17 (h) At the review held pursuant to subdivision (d) for a child in
18 long-term foster care, the court shall consider all permanency
19 planning options for the child including whether the child should
20 be returned to the home of the parent, placed for adoption, or
21 appointed a legal guardian, or, if compelling reasons exist for
22 finding that none of the foregoing options are in the best interest
23 of the child, whether the child should be placed in another planned
24 permanent living arrangement. The court shall order that a hearing
25 be held pursuant to Section 366.26, unless it determines by clear
26 and convincing evidence that there is a compelling reason for
27 determining that a hearing held pursuant to Section 366.26 is not
28 in the best interest of the child because the child is being returned
29 to the home of the parent, the child is not a proper subject for
30 adoption, or no one is willing to accept legal guardianship. If the
31 licensed county adoption agency, or the department when it is
32 acting as an adoption agency in counties that are not served by a
33 county adoption agency, has determined it is unlikely that the child
34 will be adopted or one of the conditions described in paragraph
35 (1) of subdivision (c) of Section 366.26 applies, that fact shall
36 constitute a compelling reason for purposes of this subdivision.
37 Only upon that determination may the court order that the child
38 remain in foster care, without holding a hearing pursuant to Section
39 366.26. On and after January 1, 2012, the nonminor dependent's

1 legal status as an adult is in and of itself a compelling reason not
2 to hold a hearing pursuant to Section 366.26.

3 (i) If, as authorized by subdivision (h), the court orders a hearing
4 pursuant to Section 366.26, the court shall direct the agency
5 supervising the child and the licensed county adoption agency, or
6 the State Department of Social Services when it is acting as an
7 adoption agency in counties that are not served by a county
8 adoption agency, to prepare an assessment as provided for in
9 subdivision (i) of Section 366.21 or subdivision (b) of Section
10 366.22. A hearing held pursuant to Section 366.26 shall be held
11 no later than 120 days from the date of the 12-month review at
12 which it is ordered, and at that hearing the court shall determine
13 whether adoption, legal guardianship, or long-term foster care is
14 the most appropriate plan for the child. On and after January 1,
15 2012, a hearing pursuant to Section 366.26 shall not be ordered if
16 the child is a nonminor dependent. The court may order that a
17 nonminor dependent who otherwise is eligible pursuant to Section
18 11403 remain in a planned, permanent living arrangement.

19 (j) The implementation and operation of the amendments to
20 subdivision (e) enacted at the 2005–06 Regular Session shall be
21 subject to appropriation through the budget process and by phase,
22 as provided in Section 366.35.

23 (k) The reviews conducted pursuant to subdivision (a) or (d)
24 may be conducted earlier than every six months if the court
25 determines that an earlier review is in the best interests of the child
26 or as court rules prescribe.

27 (l) On and after October 1, 2012, at the review hearing that
28 occurs in the six-month period prior to the minor's attaining 18
29 years of age, and at every subsequent review hearing, the report
30 shall describe all of the following:

31 (1) The minor's plans to remain in foster care and plans to meet
32 one or more of the criteria as described in subdivision (b) of Section
33 11403 to continue to receive AFDC-FC benefits.

34 (2) The efforts made and assistance provided to the minor by
35 the social worker or the probation officer so that the minor will be
36 able to meet the criteria.

37 (3) Efforts toward completing the items described in paragraph
38 (2) of subdivision (e) of Section 391.

39 (m) On and after January 1, 2012, the reviews conducted
40 pursuant to subdivisions (e) and (h) for any nonminor dependent

1 shall be conducted in a manner that respects the nonminor's status
2 as a legal adult, be focused on the goals and services described in
3 the youth's transitional independent living case plan, including
4 efforts made to maintain connections with caring and permanently
5 committed adults, and attended as appropriate by additional
6 participants invited by the nonminor dependent. The review shall
7 include all the issues in subdivision (e), except paragraph (5) of
8 subdivision (e). The county child welfare or probation department,
9 or Indian tribe that has entered into an agreement pursuant to
10 Section 10553.1 shall prepare and present to the reviewing body
11 a report that addresses the youth's progress in meeting the goals
12 in the transitional independent living case plan and propose
13 modifications as necessary to further those goals. The report shall
14 document that the nonminor has received all the information and
15 documentation described in paragraph (2) of subdivision (e) of
16 Section 391. If the court is considering terminating dependency
17 jurisdiction for a nonminor dependent it shall first hold a hearing
18 pursuant to Section 391.

19 (n) On and after January 1, 2012, if a review hearing pursuant
20 to this section is the last review hearing to be held before the child
21 attains 18 years of age, the court shall ensure all of the following:

22 (1) That the child's transitional independent living case plan
23 includes a plan for the child to satisfy one or more of the criteria
24 set forth in subdivision (b) of Section 11403, so that the child is
25 eligible to remain a nonminor dependent.

26 (2) That the child has been informed of his or her right to seek
27 termination of dependency jurisdiction pursuant to Section 391,
28 and understands the potential benefits of continued dependency.

29 (3) That the child is informed of his or her right to have
30 dependency reinstated pursuant to subdivision (e) of Section 388,
31 and understands the potential benefits of continued dependency.

32 (o) This section shall become operative on January 1, 2014.

33 SEC. 4. Section 391 of the Welfare and Institutions Code, as
34 added by Section 28 of Chapter 559 of the Statutes of 2010, is
35 amended to read:

36 391. (a) The court shall not terminate jurisdiction over a
37 dependent youth who has reached 18 years of age unless a hearing
38 is conducted pursuant to this section.

39 (b) At any hearing for a dependent youth who has attained 18
40 years of age at which the court is considering termination of the

1 jurisdiction of the juvenile court and the accompanying foster care
2 services as described in Section 11403, the county welfare
3 department shall do all of the following:

4 (1) Ensure that the dependent is present in court, unless the
5 dependent does not wish to appear in court, or document efforts
6 by the county welfare department to locate the child when the child
7 is not available.

8 (2) Submit a report describing whether it is in the youth's best
9 interests to remain under the court's dependency jurisdiction, which
10 includes a recommended transitional independent living case plan
11 for any youth who is continuing dependency as a nonminor.

12 (3) If the dependent has indicated that he or she does not want
13 dependency jurisdiction to continue, the report shall address the
14 advisability of a court-ordered trial discharge from foster care.

15 (c) The court shall continue dependency jurisdiction for a
16 nonminor dependent, as defined in subdivision (v) of Section
17 11400, who is eligible pursuant to Section 11403 unless the court
18 finds that after reasonable and documented efforts the nonminor
19 cannot be located or does not wish to remain subject to dependency
20 jurisdiction. In making this finding, the court shall ensure that the
21 nonminor has been informed of his or her options including the
22 right to file a petition pursuant to Section 388 to resume
23 dependency jurisdiction, and had an opportunity to confer with
24 his or her counsel if counsel has been appointed pursuant to Section
25 317. The court shall terminate dependency jurisdiction for a
26 nonminor dependent if it finds that the nonminor dependent is not
27 eligible pursuant to subdivision (b) of Section 11403.

28 (d) If the court terminates dependency jurisdiction, the nonminor
29 shall remain within the jurisdiction of the court until the nonminor
30 attains 21 years of age, although no review proceedings shall be
31 required. As authorized in paragraph (e) of Section 1356.21 of
32 Title 45 of the Code of Federal Regulations, the court shall
33 authorize a trial period of departure from foster care as defined in
34 subdivision (y) of Section 11400. In order to ensure eligibility for
35 federal financial participation, the court shall set the end date of
36 the trial period of departure from foster care to be the day prior to
37 the day the nonminor attains 21 years of age, unless to do so is not
38 in the nonminor's best interests. A nonminor may petition the court
39 pursuant to subdivision (e) of Section 388 to resume dependency
40 jurisdiction at any time before attaining 21 years of age.

(e) Unless the nonminor does not wish to remain under the dependency or delinquency jurisdiction of the court, or, after reasonable efforts by the county welfare department the nonminor cannot be located, the court shall not terminate dependency or delinquency jurisdiction over a nonminor dependent who has reached 18 years of age until a hearing is conducted pursuant to this section and the department has submitted a report verifying that the following information, documents, and services have been provided to the child:

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

(2) The following documents:

(A) Social security card.

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

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

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

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

(i) The child's name and date of birth.

(ii) The dates during which the child was within the jurisdiction of the juvenile court.

(iii) A statement that the child was a foster youth in compliance with state and federal financial aid documentation requirements.

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

(G) If applicable, proof of the child's citizenship or legal residence.

(3) Assistance in completing an application for Medi-Cal or assistance in obtaining other health insurance.

1 (4) Referrals to transitional housing, if available, or assistance
2 in securing other housing.

3 (5) Assistance in obtaining employment or other financial
4 support.

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

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

12 (8) For nonminors between 18 and 21 years of age, assistance
13 in accessing the Independent Living Aftercare Program in the
14 nonminor's county of residence.

15 (9) Both of the following:

16 (A) Verification that the youth was screened for potential
17 eligibility for the federal Supplemental Security Income (SSI)
18 program, pursuant to paragraph (2) of subdivision (a) of Section
19 13757.

20 (B) Written information regarding the status of the application
21 for federal SSI benefits, including *information about who has been*
22 *designated as the likely representative payee if and when the*
23 *application for SSI benefits is approved, and* information regarding
24 reconsideration and appeal, when appropriate, for any youth on
25 whose behalf an application for SSI benefits has been made.

26 (f) At the hearing closest to and before a dependent child's 18th
27 birthday and every review hearing thereafter, the department shall
28 submit a report describing efforts toward completing the items
29 described in paragraph (2) of subdivision (e).

30 (g) The Judicial Council shall develop and implement standards,
31 and develop and adopt appropriate forms necessary to implement
32 this provision.

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

34 SEC. 5. Section 13754 of the Welfare and Institutions Code is
35 amended to read:

36 13754. (a) It is the intent of the Legislature that nothing in this
37 section shall be interpreted to preclude a nonminor dependent from
38 accessing the same benefits, services, and supports, and exercise
39 the same choices available to all nonminor dependents. It is further
40 the intent of the Legislature that nonminor dependents who receive

1 federal Supplemental Security Income benefits can serve as their
2 own payee, if it is determined that the nonminor dependent satisfies
3 the criteria established by the Social Security Administration, and
4 should be assisted in receiving direct payment by the county child
5 welfare department. It is further the intent of the Legislature that
6 individuals who have had their eligibility for federal Supplemental
7 Security Income benefits established pursuant to Section 13757
8 be able to maintain that eligibility even when they remain in the
9 state's care as a nonminor dependent. In order to facilitate this, it
10 is the intent of the Legislature that the county child welfare agency
11 ensure that the youth receives an SSI payment during at least one
12 month of each 12-month period while the youth is a nonminor
13 dependent. It is further the intent of the Legislature that the county
14 child welfare agency may supplement the SSI payment that a youth
15 receives during this one-month period with state-only AFDC-FC
16 or state-only Kin-GAP benefits.

17 (b) (1) The county shall apply to be appointed representative
18 payee on behalf of a child beneficiary in its custody when no other
19 appropriate party is available to serve.

20 ~~(A) At least 30 days before making the application, the county~~
21 ~~shall provide written notice to the child's counsel of its intent to~~
22 ~~apply to be appointed as the child's representative payee.~~

23 ~~(B) Within 30 days after being appointed by the federal Social~~
24 ~~Security Administration to serve as representative payee for a child~~
25 ~~beneficiary in the county's custody, the county shall provide written~~
26 ~~notice of the appointment to the child's counsel and the court.~~

27 *If at the time a child is taken into custody pursuant to Section*
28 *309, the child is a current beneficiary of federal Supplemental*
29 *Security Income and the child's current representative payee is*
30 *not the parent or guardian alleged in the petition to have caused*
31 *the child to come within the jurisdiction of the juvenile court as*
32 *described in Section 300, the county shall provide written notice*
33 *to the child's counsel of its intent to file to be appointed as the*
34 *child's representative payee at least 30 days before making the*
35 *application.*

36 (2) When a child beneficiary reaches 18 years of age and elects
37 to remain in the custody of the county as a nonminor dependent,
38 the county shall provide information to the youth regarding the
39 process for becoming his or her own payee and shall assist the
40 youth in becoming his or her own payee pursuant to Section 13753,

1 unless becoming his or her own payee is contrary to the best
2 interests of the youth. In the event that a youth is unable to serve
3 as his or her payee after attaining 18 years of age, the county shall
4 assist the youth in finding and designating an appropriate
5 representative payee.

6 (c) In its capacity as representative payee, the county shall do
7 all of the following:

8 (1) Establish a no-cost, interest-bearing maintenance account
9 for each child in the department's custody for whom the department
10 serves as representative payee. Interest earned shall be credited to
11 the account. The county shall keep an itemized current account,
12 in the manner required by federal law, of all income and expense
13 items for each child's maintenance account.

14 (2) Establish procedures for disbursing money from the
15 accounts, including disbursing the net balance to the beneficiary
16 upon release from care. The county shall use social security and
17 SSI/SSP benefits only for the following purposes:

18 (A) For the use and benefit of the child.

19 (B) For purposes determined by the county to be in the child's
20 best interest.

21 (3) Establish and maintain a dedicated account in a financial
22 institution for past-due monthly benefits that exceed six times the
23 maximum monthly benefit payable, in accordance with federal
24 law. The representative payee may deposit into the account
25 established under this section any other funds representing past
26 due benefits to the eligible individual, provided that the amount
27 of the past due benefits is equal to or exceeds the maximum
28 monthly benefit payable. Funds from the dedicated account shall
29 not be used for basic maintenance costs. The use of funds from
30 the dedicated account must be for the benefit of the child and are
31 limited to expenditures for the following purposes:

32 (A) Medical treatment.

33 (B) Education or job skills training.

34 (C) Personal needs assistance.

35 (D) Special equipment.

36 (E) Housing modification.

37 (F) Therapy or rehabilitation.

38 (G) Other items or services, deemed appropriate by the Social
39 Security Administration.

1 SEC. 6. If the Commission on State Mandates determines that
2 this act contains costs mandated by the state, reimbursement to
3 local agencies and school districts for those costs shall be made
4 pursuant to Part 7 (commencing with Section 17500) of Division
5 4 of Title 2 of the Government Code.

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