

AMENDED IN ASSEMBLY MAY 12, 2011

AMENDED IN ASSEMBLY MAY 9, 2011

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 adjudge 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, 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, as specified. *The bill would authorize the child's attorney to request an accounting of how the child's benefits were expended during the year preceding that request.* 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

1 right of the parent or guardian to make educational decisions for
2 the child should be limited. If the supplemental report makes that
3 recommendation, the report shall identify whether there is a
4 responsible adult available to make educational decisions for the
5 child pursuant to Section 361.

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

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

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

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

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

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

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

28 (g) (1) Whether a child who is 10 years of age or older and who
29 has been in an out-of-home placement for six months or longer
30 has relationships with individuals other than the child's siblings
31 that are important to the child, consistent with the child's best
32 interests, and actions taken to maintain those relationships. The
33 social worker shall ask every child who is 10 years of age or older
34 and who has been in an out-of-home placement for six months or
35 longer to identify any individuals other than the child's siblings
36 who are important to the child, consistent with the child's best
37 interest. The social worker may ask any other child to provide that
38 information, as appropriate.

39 ~~(h)~~

(2) The implementation and operation of the amendments to ~~subdivision (g)~~ *paragraph (1)* enacted at the 2005–06 Regular Session shall be subject to appropriation through the budget process and by phase, as provided in Section 366.35.

(i)

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

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

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

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

(j)

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

SEC. 2. Section 366.3 of the Welfare and Institutions Code, as amended by Section 22 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, tribal customary 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

1 guardianship is completed as expeditiously as possible. When the
2 adoption of the child has been granted, or in the case of a tribal
3 customary adoption, when the tribal customary adoption order has
4 been afforded full faith and credit and the petition for adoption
5 has been granted, the court shall terminate its jurisdiction over the
6 child. Following establishment of a legal guardianship, the court
7 may continue jurisdiction over the child as a dependent child of
8 the juvenile court or may terminate its dependency jurisdiction
9 and retain jurisdiction over the child as a ward of the legal
10 guardianship, as authorized by Section 366.4. If, however, a relative
11 of the child is appointed the legal guardian of the child and the
12 child has been placed with the relative for at least six months, the
13 court shall, except if the relative guardian objects, or upon a finding
14 of exceptional circumstances, terminate its dependency jurisdiction
15 and retain jurisdiction over the child as a ward of the guardianship,
16 as authorized by Section 366.4. Following a termination of parental
17 rights, the parent or parents shall not be a party to, or receive notice
18 of, any subsequent proceedings regarding the child.

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

27 Notwithstanding Section 1601 of the Probate Code, the
28 proceedings to terminate a legal guardianship that has been granted
29 pursuant to Section 360 or 366.26 shall be held either in the
30 juvenile court that retains jurisdiction over the guardianship as
31 authorized by Section 366.4 or the juvenile court in the county
32 where the guardian and child currently reside, based on the best
33 interests of the child, unless the termination is due to the
34 emancipation or adoption of the child. The juvenile court having
35 jurisdiction over the guardianship shall receive notice from the
36 court in which the petition is filed within five calendar days of the
37 filing. Prior to the hearing on a petition to terminate legal
38 guardianship pursuant to this subdivision, the court shall order the
39 county department of social services or welfare department having
40 jurisdiction or jointly with the county department where the

1 guardian and child currently reside to prepare a report, for the
2 court's consideration, that shall include an evaluation of whether
3 the child could safely remain in, or be returned to, the legal
4 guardian's home, without terminating the legal guardianship, if
5 services were provided to the child or legal guardian. If applicable,
6 the report shall also identify recommended family maintenance or
7 reunification services to maintain the legal guardianship and set
8 forth a plan for providing those services. If the petition to terminate
9 legal guardianship is granted, either juvenile court may resume
10 dependency jurisdiction over the child, and may order the county
11 department of social services or welfare department to develop a
12 new permanent plan, which shall be presented to the court within
13 60 days of the termination. If no dependency jurisdiction has
14 attached, the social worker shall make any investigation he or she
15 deems necessary to determine whether the child may be within the
16 jurisdiction of the juvenile court, as provided in Section 328.

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

28 (c) If, following the establishment of a legal guardianship, the
29 county welfare department becomes aware of changed
30 circumstances that indicate adoption or, for an Indian child, tribal
31 customary adoption, may be an appropriate plan for the child, the
32 department shall so notify the court. The court may vacate its
33 previous order dismissing dependency jurisdiction over the child
34 and order that a hearing be held pursuant to Section 366.26 to
35 determine whether adoption or continued legal guardianship is the
36 most appropriate plan for the child. The hearing shall be held no
37 later than 120 days from the date of the order. If the court orders
38 that a hearing shall be held pursuant to Section 366.26, the court
39 shall direct the agency supervising the child and the licensed county
40 adoption agency, or the State Department of Social Services if it

1 is acting as an adoption agency in counties that are not served by
2 a county adoption agency, to prepare an assessment under
3 subdivision (b) of Section 366.22.

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

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

17 (2) Upon the request of the child or, on and after January 1,
18 2012, nonminor dependent.

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

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

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

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

33 (1) The continuing necessity for, and appropriateness of, the
34 placement.

35 (2) Identification of individuals other than the child's siblings
36 who are important to a child who is 10 years of age or older and
37 has been in out-of-home placement for six months or longer, and
38 actions necessary to maintain the child's relationship with those
39 individuals, provided that those relationships are in the best interest
40 of the child. The social worker shall ask every child who is 10

1 years of age or older and who has been in out-of-home placement
2 for six months or longer to identify individuals other than the
3 child's siblings who are important to the child, and may ask any
4 other child to provide that information, as appropriate. The social
5 worker shall make efforts to identify other individuals who are
6 important to the child, consistent with the child's best interests.

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

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

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

33 (6) The adequacy of services provided to the child. The court
34 shall consider the progress in providing the information and
35 documents to the child, as described in Section 391. The court
36 shall also consider the need for, and progress in providing, the
37 assistance and services described in Section 391.

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

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

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

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

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

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

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

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

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

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

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

35 Each licensed foster family agency shall submit reports for each
36 child in its care, custody, and control to the court concerning the
37 continuing appropriateness and extent of compliance with the
38 child's permanent plan, the extent of compliance with the case
39 plan, and the type and adequacy of services provided to the child.

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

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

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

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

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

37 (1) The child's present placement.

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

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

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

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

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

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

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

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

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

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

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

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

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

(h) At the review held pursuant to subdivision (d) for a child in long-term foster care, the court shall consider all permanency

1 planning options for the child including whether the child should
 2 be returned to the home of the parent, placed for adoption, or, for
 3 an Indian child, in consultation with the child's tribe, placed for
 4 tribal customary adoption, or appointed a legal guardian, or, if
 5 compelling reasons exist for finding that none of the foregoing
 6 options are in the best interest of the child, whether the child should
 7 be placed in another planned permanent living arrangement. The
 8 court shall order that a hearing be held pursuant to Section 366.26,
 9 unless it determines by clear and convincing evidence that there
 10 is a compelling reason for determining that a hearing held pursuant
 11 to Section 366.26 is not in the best interest of the child because
 12 the child is being returned to the home of the parent, the child is
 13 not a proper subject for adoption, or no one is willing to accept
 14 legal guardianship. If the licensed county adoption agency, or the
 15 department when it is acting as an adoption agency in counties
 16 that are not served by a county adoption agency, has determined
 17 it is unlikely that the child will be adopted or one of the conditions
 18 described in paragraph (1) of subdivision (c) of Section 366.26
 19 applies, that fact shall constitute a compelling reason for purposes
 20 of this subdivision. Only upon that determination may the court
 21 order that the child remain in long-term foster care, without holding
 22 a hearing pursuant to Section 366.26. On and after January 1, 2012,
 23 the nonminor dependent's legal status as an adult is in and of itself
 24 a compelling reason not to hold a hearing pursuant to Section
 25 366.26.

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

1 pursuant to Section 11403 remain in a planned, permanent living
2 arrangement.

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

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

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

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

19 (2) The efforts made and assistance provided to the minor or
20 nonminor dependent by the social worker or the probation officer
21 so that the minor or nonminor dependent will be able to meet the
22 criteria.

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

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

1 the nonminor has received all the information and documentation
2 described in paragraph (2) of subdivision (e) of Section 391. If the
3 court is considering terminating dependency jurisdiction for a
4 nonminor dependent it shall first hold a hearing pursuant to Section
5 391.

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

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

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

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

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

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

25 366.3. (a) If a juvenile court orders a permanent plan of
26 adoption or legal guardianship pursuant to Section 360 or 366.26,
27 the court shall retain jurisdiction over the child until the child is
28 adopted or the legal guardianship is established, except as provided
29 for in Section 366.29 or, on and after January 1, 2012, Section
30 366.31. The status of the child shall be reviewed every six months
31 to ensure that the adoption or legal guardianship is completed as
32 expeditiously as possible. When the adoption of the child has been
33 granted, the court shall terminate its jurisdiction over the child.
34 Following establishment of a legal guardianship, the court may
35 continue jurisdiction over the child as a dependent child of the
36 juvenile court or may terminate its dependency jurisdiction and
37 retain jurisdiction over the child as a ward of the legal guardianship,
38 as authorized by Section 366.4. If, however, a relative of the child
39 is appointed the legal guardian of the child and the child has been
40 placed with the relative for at least six months, the court shall,

1 except if the relative guardian objects, or upon a finding of
2 exceptional circumstances, terminate its dependency jurisdiction
3 and retain jurisdiction over the child as a ward of the guardianship,
4 as authorized by Section 366.4. Following a termination of parental
5 rights, the parent or parents shall not be a party to, or receive notice
6 of, any subsequent proceedings regarding the child.

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

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

1 60 days of the termination. If no dependency jurisdiction has
2 attached, the social worker shall make any investigation he or she
3 deems necessary to determine whether the child may be within the
4 jurisdiction of the juvenile court, as provided in Section 328.

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

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

31 (d) If the child or, on and after January 1, 2012, nonminor
32 dependent is in a placement other than the home of a legal guardian
33 and jurisdiction has not been dismissed, the status of the child shall
34 be reviewed at least every six months. The review of the status of
35 a child for whom the court has ordered parental rights terminated
36 and who has been ordered placed for adoption shall be conducted
37 by the court. The review of the status of a child or, on and after
38 January 1, 2012, nonminor dependent for whom the court has not
39 ordered parental rights terminated and who has not been ordered
40 placed for adoption may be conducted by the court or an

1 appropriate local agency. The court shall conduct the review under
2 the following circumstances:

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

4 (2) Upon the request of the child or, on and after January 1,
5 2012, nonminor dependent.

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

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

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

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

20 (1) The continuing necessity for, and appropriateness of, the
21 placement.

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

34 (3) The continuing appropriateness and extent of compliance
35 with the permanent plan for the child, including efforts to maintain
36 relationships between a child who is 10 years of age or older and
37 who has been in out-of-home placement for six months or longer
38 and individuals who are important to the child and efforts to
39 identify a prospective adoptive parent or legal guardian, including,

1 but not limited to, child-specific recruitment efforts and listing on
2 an adoption exchange.

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

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

21 (6) The adequacy of services provided to the child. The court
22 shall consider the progress in providing the information and
23 documents to the child, as described in Section 391. The court
24 shall also consider the need for, and progress in providing, the
25 assistance and services described in Section 391.

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

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

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

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

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

38 (C) If the siblings are not placed together in the same home,
39 why the siblings are not placed together and what efforts are being

1 made to place the siblings together, or why those efforts are not
2 appropriate.

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

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

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

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

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

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

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

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

35 (B) The efforts the child welfare agency has made to submit an
36 application and pursue eligibility for federal SSI benefits, including
37 information about who has been designated as the likely
38 representative payee if and when the application for SSI benefits
39 is approved, and efforts to pursue reconsideration and appeals,
40 when appropriate. The court shall make any appropriate order to

1 ensure that SSI applications are submitted, and when appropriate,
2 denials of eligibility are appealed.

3 (f) Unless their parental rights have been permanently
4 terminated, the parent or parents of the child are entitled to receive
5 notice of, and participate in, those hearings. It shall be presumed
6 that continued care is in the best interests of the child, unless the
7 parent or parents prove, by a preponderance of the evidence, that
8 further efforts at reunification are the best alternative for the child.
9 In those cases, the court may order that further reunification
10 services to return the child to a safe home environment be provided
11 to the parent or parents up to a period of six months, and family
12 maintenance services, as needed for an additional six months in
13 order to return the child to a safe home environment.

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

19 (1) The child's present placement.

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

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

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

35 (5) Whether an adoptive placement agreement has been signed
36 and filed.

37 (6) If the child has not been placed with a prospective adoptive
38 parent or parents, the efforts made to identify an appropriate
39 prospective adoptive parent or legal guardian, including, but not

1 limited to, child-specific recruitment efforts and listing on an
2 adoption exchange.

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

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

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

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

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

12 (12) Recommendations for court orders that will assist in the
13 placement of the child for adoption or in the finalization of the
14 adoption.

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

18 The court shall make appropriate orders to protect the stability
19 of the child and to facilitate and expedite the permanent placement
20 and adoption of the child.

21 (h) At the review held pursuant to subdivision (d) for a child in
22 long-term foster care, the court shall consider all permanency
23 planning options for the child including whether the child should
24 be returned to the home of the parent, placed for adoption, or
25 appointed a legal guardian, or, if compelling reasons exist for
26 finding that none of the foregoing options are in the best interest
27 of the child, whether the child should be placed in another planned
28 permanent living arrangement. The court shall order that a hearing
29 be held pursuant to Section 366.26, unless it determines by clear
30 and convincing evidence that there is a compelling reason for
31 determining that a hearing held pursuant to Section 366.26 is not
32 in the best interest of the child because the child is being returned
33 to the home of the parent, the child is not a proper subject for
34 adoption, or no one is willing to accept legal guardianship. If the
35 licensed county adoption agency, or the department when it is
36 acting as an adoption agency in counties that are not served by a
37 county adoption agency, has determined it is unlikely that the child
38 will be adopted or one of the conditions described in paragraph
39 (1) of subdivision (c) of Section 366.26 applies, that fact shall
40 constitute a compelling reason for purposes of this subdivision.

1 Only upon that determination may the court order that the child
2 remain in foster care, without holding a hearing pursuant to Section
3 366.26. On and after January 1, 2012, the nonminor dependent's
4 legal status as an adult is in and of itself a compelling reason not
5 to hold a hearing pursuant to Section 366.26.

6 (i) If, as authorized by subdivision (h), the court orders a hearing
7 pursuant to Section 366.26, the court shall direct the agency
8 supervising the child and the licensed county adoption agency, or
9 the State Department of Social Services when it is acting as an
10 adoption agency in counties that are not served by a county
11 adoption agency, to prepare an assessment as provided for in
12 subdivision (i) of Section 366.21 or subdivision (b) of Section
13 366.22. A hearing held pursuant to Section 366.26 shall be held
14 no later than 120 days from the date of the 12-month review at
15 which it is ordered, and at that hearing the court shall determine
16 whether adoption, legal guardianship, or long-term foster care is
17 the most appropriate plan for the child. On and after January 1,
18 2012, a hearing pursuant to Section 366.26 shall not be ordered if
19 the child is a nonminor dependent. The court may order that a
20 nonminor dependent who otherwise is eligible pursuant to Section
21 11403 remain in a planned, permanent living arrangement.

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

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

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

34 (1) The minor's plans to remain in foster care and plans to meet
35 one or more of the criteria as described in subdivision (b) of Section
36 11403 to continue to receive AFDC-FC benefits.

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

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

(m) On and after January 1, 2012, the reviews conducted pursuant to subdivisions (e) and (h) for any nonminor dependent shall be conducted in a manner that respects the nonminor's status as a legal adult, be focused on the goals and services described in the youth's transitional independent living case plan, including efforts made to maintain connections with caring and permanently committed adults, and attended as appropriate by additional participants invited by the nonminor dependent. The review shall include all the issues in subdivision (e), except paragraph (5) of subdivision (e). The county child welfare or probation department, or Indian tribe that has entered into an agreement pursuant to Section 10553.1 shall prepare and present to the reviewing body a report that addresses the youth's progress in meeting the goals in the transitional independent living case plan and propose modifications as necessary to further those goals. The report shall document that the nonminor has received all the information and documentation described in paragraph (2) of subdivision (e) of Section 391. If the court is considering terminating dependency jurisdiction for a nonminor dependent it shall first hold a hearing pursuant to Section 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 become operative on January 1, 2014.

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

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

4 (b) At any hearing for a dependent youth who has attained 18
5 years of age at which the court is considering termination of the
6 jurisdiction of the juvenile court and the accompanying foster care
7 services as described in Section 11403, the county welfare
8 department shall do all of the following:

9 (1) Ensure that the dependent is present in court, unless the
10 dependent does not wish to appear in court, or document efforts
11 by the county welfare department to locate the child when the child
12 is not available.

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

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

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

33 (d) If the court terminates dependency jurisdiction, the nonminor
34 shall remain within the jurisdiction of the court until the nonminor
35 attains 21 years of age, although no review proceedings shall be
36 required. As authorized in paragraph (e) of Section 1356.21 of
37 Title 45 of the Code of Federal Regulations, the court shall
38 authorize a trial period of departure from foster care as defined in
39 subdivision (y) of Section 11400. In order to ensure eligibility for
40 federal financial participation, the court shall set the end date of

1 the trial period of departure from foster care to be the day prior to
2 the day the nonminor attains 21 years of age, unless to do so is not
3 in the nonminor's best interests. A nonminor may petition the court
4 pursuant to subdivision (e) of Section 388 to resume dependency
5 jurisdiction at any time before attaining 21 years of age.

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

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

26 (2) The following documents:

27 (A) Social security card.

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

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

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

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

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

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

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

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

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

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

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

8 (5) Assistance in obtaining employment or other financial
9 support.

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

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

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

20 (9) Both of the following:

21 (A) Verification that the youth was screened for potential
22 eligibility for the federal Supplemental Security Income (SSI)
23 program, pursuant to paragraph (2) of subdivision (a) of Section
24 13757.

25 (B) Written information regarding the status of the application
26 for federal SSI benefits, including information about who has been
27 designated as the likely representative payee if and when the
28 application for SSI benefits is approved, and information regarding
29 reconsideration and appeal, when appropriate, for any youth on
30 whose behalf an application for SSI benefits has been made.

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

35 (g) The Judicial Council shall develop and implement standards,
36 and develop and adopt appropriate forms necessary to implement
37 this provision.

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

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

13754. (a) It is the intent of the Legislature that nothing in this section shall be interpreted to preclude a nonminor dependent from accessing the same benefits, services, and supports, and exercise the same choices available to all nonminor dependents. It is further the intent of the Legislature that nonminor dependents who receive federal Supplemental Security Income benefits can serve as their own payee, if it is determined that the nonminor dependent satisfies the criteria established by the Social Security Administration, and should be assisted in receiving direct payment by the county child welfare department. It is further the intent of the Legislature that individuals who have had their eligibility for federal Supplemental Security Income benefits established pursuant to Section 13757 be able to maintain that eligibility even when they remain in the state's care as a nonminor dependent. In order to facilitate this, it is the intent of the Legislature that the county child welfare agency ensure that the youth receives an SSI payment during at least one month of each 12-month period while the youth is a nonminor dependent. It is further the intent of the Legislature that the county child welfare agency may supplement the SSI payment that a youth receives during this one-month period with state-only AFDC-FC or state-only Kin-GAP benefits.

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

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

(2) When a child beneficiary reaches 18 years of age and elects to remain in the custody of the county as a nonminor dependent, the county shall provide information to the youth regarding the process for becoming his or her own payee and shall assist the youth in becoming his or her own payee pursuant to Section 13753, unless becoming his or her own payee is contrary to the best interests of the youth. In the event that a youth is unable to serve

1 as his or her payee after attaining 18 years of age, the county shall
2 assist the youth in finding and designating an appropriate
3 representative payee.

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

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

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

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

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

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

30 (A) Medical treatment.

31 (B) Education or job skills training.

32 (C) Personal needs assistance.

33 (D) Special equipment.

34 (E) Housing modification.

35 (F) Therapy or rehabilitation.

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

38 (d) *If the county is the child's representative payee, the*
39 *beneficiary's attorney may request an accounting of how the child's*
40 *social security benefits were expended during the year preceding*

1 *the request, and the county shall provide the accounting within 30*
2 *days of the request. The accounting may be provided in the same*
3 *manner that the county provides an accounting of the same*
4 *information to the federal Social Security Administration.*

5 SEC. 6. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.