

AMENDED IN SENATE MARCH 6, 2008

SENATE BILL

No. 1148

Introduced by Senator Cedillo

February 4, 2008

An act to amend Section ~~104150~~ of the Health and Safety Code, relating to ~~cancer~~ dependent children.

LEGISLATIVE COUNSEL'S DIGEST

SB 1148, as amended, Cedillo. ~~Cancer screening~~ *Dependent children: emancipation.*

Existing law sets forth the circumstances under which a minor may be adjudged a dependent child of the juvenile court, and establishes procedures to determine temporary placement of a dependent child. Existing law requires the county welfare department, at any hearing to terminate jurisdiction over a dependent child who has reached the age of majority, to, among other things, submit a report verifying that specified services have been provided to, and documents obtained concerning, the child, including assistance in completing an application for Medi-Cal benefits and in obtaining other health insurance, referral to transitional housing or assistance in securing other housing, and assistance in obtaining employment or other financial support.

This bill would, instead, require the report to specify that the department has provided assistance to the child in completing the Medi-Cal application and obtaining Medi-Cal benefits or other health insurance, and obtained verification that the child has transitional housing or other stable housing and employment or other financial support.

Existing law permits the court to retain jurisdiction if the department has not met these requirements and if terminating jurisdiction would be harmful to the best interests of the child.

This bill would, instead, require the court to retain jurisdiction if either the above requirements are not met or if the termination of jurisdiction would be harmful to the best interests of the child.

Because this bill would impose new duties on county welfare departments it 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.

~~Existing law creates the Breast and Cervical Cancer Early Detection Program to provide cancer detection services under a grant made to the State Department of Public Health by the federal Centers for Disease Control and Prevention.~~

~~This bill would make a technical, nonsubstantive changes.~~

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

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

- 1 SECTION 1. Section 391 of the Welfare and Institutions Code
- 2 is amended to read:
- 3 391. (a) At any hearing to terminate jurisdiction over a
- 4 dependent child who has reached the age of majority the county
- 5 welfare department shall do both of the following:
- 6 (a)
- 7 (1) Ensure that the child is present in court, unless the child
- 8 does not wish to appear in court, or document efforts by the county
- 9 welfare department to locate the child when the child is not
- 10 available.
- 11 (b)
- 12 (2) Submit a report verifying that the following information,
- 13 documents, and services have been provided to the child:
- 14 (1)

1 (A) Written information concerning the child’s dependency
2 case, including his or her family history and placement history,
3 the whereabouts of any siblings under the jurisdiction of the
4 juvenile court, unless the court determines that sibling contact
5 would jeopardize the safety or welfare of the sibling, directions
6 on how to access the documents the child is entitled to inspect
7 under Section 827, and the date on which the jurisdiction of the
8 juvenile court would be terminated.

9 ~~(2)~~

10 (B) The following documents, where applicable: social security
11 card, certified birth certificate, health and education summary as
12 described in subdivision (a) of Section 16010, identification card,
13 as described in Section 13000 of the Vehicle Code, death certificate
14 of parent or parents, and proof of citizenship or residence.

15 ~~(3)~~

16 (C) Assistance in completing an application for *and obtaining*
17 Medi-Cal or assistance in obtaining other health insurance; ~~referral~~
18 ~~to~~, *verification that the child has* transitional housing, if available,
19 ~~or assistance in securing other housing; and assistance in obtaining~~
20 *other stable housing, and verification of* employment or other
21 financial support.

22 ~~(4)~~

23 (D) Assistance in applying for admission to college or to a
24 vocational training program or other educational institution and
25 in obtaining financial aid, where appropriate.

26 ~~(5)~~

27 (E) Assistance in maintaining relationships with individuals
28 who are important to a child who has been in out-of-home
29 placement in a group home for six months or longer from the date
30 the child entered foster care, based on the child’s best interests.

31 ~~(e)~~

32 (b) The court ~~may~~ *shall* continue jurisdiction if it finds that the
33 county welfare department has not met the requirements of
34 *paragraph (2) of subdivision (b) and that (a) or* termination of
35 jurisdiction would be harmful to the best interests of the child. If
36 the court determines that continued jurisdiction is warranted
37 pursuant to this section, the continuation shall only be ordered for
38 that period of time necessary for the county welfare department
39 to meet the requirements of *paragraph (2) of subdivision (b) (a)*.
40 This section shall not be construed to limit the discretion of the

1 juvenile court to continue jurisdiction for other reasons. The court
2 may terminate jurisdiction if the county welfare department has
3 offered the required services, and the child either has refused the
4 services or, after reasonable efforts by the county welfare
5 department, cannot be located.

6 (d) The Judicial Council shall develop and implement standards,
7 and develop and adopt appropriate forms, necessary to implement
8 this section.

9 *SEC. 2. If the Commission on State Mandates determines that*
10 *this act contains costs mandated by the state, reimbursement to*
11 *local agencies and school districts for those costs shall be made*
12 *pursuant to Part 7 (commencing with Section 17500) of Division*
13 *4 of Title 2 of the Government Code.*

14 ~~SECTION 1. Section 104150 of the Health and Safety Code~~
15 ~~is amended to read:~~

16 ~~104150. (a) A provider or entity that participates in the grant~~
17 ~~made to the department by the federal Centers for Disease Control~~
18 ~~and Prevention breast and cervical cancer early detection program~~
19 ~~established under Title XV of the Public Health Service Act (42~~
20 ~~U.S.C. Sec. 300k et seq.) in accordance with requirements of~~
21 ~~Section 1504 of that act (42 U.S.C. Sec. 300n) may only render~~
22 ~~screening services under the grant to an individual if the provider~~
23 ~~or entity determines that the individual's family income does not~~
24 ~~exceed 200 percent of the federal poverty level.~~

25 ~~(b) The department shall provide for both breast cancer and~~
26 ~~cervical cancer screening services under the grant at the level of~~
27 ~~funding budgeted from state and other resources during the fiscal~~
28 ~~year in which the Legislature has appropriated funds to the~~
29 ~~department for this purpose. These screening services shall not be~~
30 ~~deemed to be an entitlement.~~

31 ~~(c) To implement the federal breast and cervical cancer early~~
32 ~~detection program specified in this section, the department may~~
33 ~~contract, to the extent permitted by Section 19130 of the~~
34 ~~Government Code, with public and private entities, or utilize~~
35 ~~existing health care service provider enrollment and payment~~
36 ~~mechanisms, including the Medi-Cal program's fiscal intermediary.~~
37 ~~However, the Medi-Cal program's fiscal intermediary shall only~~
38 ~~be utilized if services provided under the program are specifically~~
39 ~~identified and reimbursed in a manner that does not claim federal~~
40 ~~financial reimbursement. Any contracts with, and the utilization~~

1 of, the Medi-Cal program's fiscal intermediary shall not be subject
2 to Chapter 3 (commencing with Section 12100) of Part 2 of
3 Division 2 of the Public Contract Code. Contracts to implement
4 the federal breast and cervical cancer early detection program
5 entered into by the department with entities other than the Medi-Cal
6 program's fiscal intermediary shall not be subject to Part 2
7 (commencing with Section 10100) of Division 2 of the Public
8 Contract Code.

O