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AMENDED IN ASSEMBLY MARCH 19, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 787

Introduced by Assembly Member Stone
(Coauthor: Senator Beall)

February 21, 2013

An act to amend Sections 366.31, ~~388~~, 391, 727, 11363, 11400, 11403, ~~11405~~, 16120, 16501.1, and 16507.6 of, *and to add Section 388.1 to*, the Welfare and Institutions Code, relating to foster care.

LEGISLATIVE COUNSEL'S DIGEST

AB 787, as amended, Stone. Foster care.

(1) Existing law provides that a minor who has been abused or neglected, or who has violated a law or ordinance, as specified, is within the jurisdiction of the juvenile court as a dependent child or a ward, respectively. Existing law also establishes the court's transition jurisdiction over certain minors and nonminors, as specified.

Existing law requires the court to consider whether a nonminor dependent may safely reside in the home of the parent or guardian and, if the nonminor cannot reside safely in that home, or if it is not in the minor's best interest to reside in the home, to consider whether to continue or terminate reunification services for the parent or legal guardian.

This bill would ~~require~~ *authorize* the court to ~~allow~~ *order* a nonminor dependent to reside in the home of the parent or *former* guardian if the court determines the nonminor dependent may safely reside in that

home and to terminate or continue jurisdiction, as specified. The bill would require the court to hold periodic hearings for a nonminor dependent residing in that home and would require the social worker or probation officer to file a report describing the services offered to the family and the progress made by the family, as specified. By imposing new duties on social workers and probation officers, the bill would impose a state-mandated local program.

Existing law authorizes a court to resume dependency jurisdiction over a nonminor former dependent child of the juvenile court and to assume or resume transition jurisdiction over a nonminor former ward of the juvenile court if the nonminor meets specified eligibility criteria and signs a mutual transition or voluntary reentry agreement, as described.

~~This bill would authorize, on and after January 1, 2014, a nonminor former dependent to petition the court for a hearing to determine whether to resume dependency jurisdiction over a former dependent, or to assume or resume transition jurisdiction over a former ward, as specified, if the nonminor was receiving specified forms of public assistance after 18 years of age and the nonminor's former guardian or adoptive parent dies after the nonminor has reached 18 years of age, but before the nonminor reaches 21 years of age.~~

This bill would authorize, on and after January 1, 2014, a nonminor who has not attained 21 years of age to petition a specified court for a hearing to determine whether to assume dependency jurisdiction over him or her if he or she received public assistance after attaining 18 years of age, as specified, and the nonminor's former guardian or guardians or adoptive parent or parents died after he or she attained 18 years of age, but before he or she attains 21 years of age. The bill would require the juvenile court in which the petition was filed to order a hearing within 15 judicial days of filing if there is a prima facie showing that the nonminor meets certain eligibility criteria. The bill would require the court, prior to the hearing, to order the county child welfare or probation department to prepare a report that addresses the nonminor's educational or vocational plans, as specified, and recommendations for his or her placement. The bill would authorize the court to assume dependency jurisdiction over a former dependent or ward if, among other things, the nonminor intends and agrees to satisfy certain educational or vocational requirements and signs a voluntary reentry agreement. The bill would require the agency made responsible for the nonminor's placement and care to prepare a new

transitional independent living case plan for the nonminor within 60 calendar days of the date the nonminor signs the voluntary reentry agreement and to submit the plan to the court for review, as specified. By imposing new duties on social workers and probation officers, the bill would impose a state-mandated local program.

(2) Existing law authorizes the court to make any reasonable orders for the care, supervision, custody, conduct, maintenance, and support of a minor who is adjudged a ward of the court, as specified, and to order the care, custody, and control of the minor to be under the supervision of the probation officer.

This bill would make those provisions applicable to nonminors. By imposing additional duties on probation officers, the bill would impose a state-mandated local program.

(3) Existing law governs the Aid to Families with Dependent Children-Foster Care Program and provides that nonminor dependents who meet specified criteria are eligible for assistance. Existing law requires that a legal guardian cooperate with the county welfare department, as specified, if those benefits are paid to an otherwise eligible child living with a nonrelated legal guardian, and requires the department to perform specified duties, including developing a written assessment of the child's needs, when those benefits are applied for on behalf of a child living with a nonrelated legal guardian. These requirements do not apply to benefits paid to or on behalf of certain nonminor youth.

This bill would additionally provide that those requirements do not apply to benefits paid to or on behalf of nonminor youth whose nonrelated guardianship was ordered in probate court, as specified. The bill would also define a "transition dependent" for purposes of these provisions to mean a minor who is between 17 years and 5 months of age and 18 years of age who is subject to the court's transition jurisdiction and would make other conforming and related changes.

(4) Existing law establishes the Adoption Assistance Program and specifies the eligibility criteria for benefits to children who received those benefits with respect to a prior adoption that has since been dissolved, as specified, or because the adoptive parents died and other specified criteria are met.

This bill would make those benefits available to nonminors.

(5) This bill would incorporate additional changes in Sections 727 and 11400 of the Welfare and Institutions Code proposed by AB 346, to become operative only if AB 346 and this bill are both enacted and

become effective on or before January 1, 2014, and this bill is enacted last.

(5)

(6) 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 366.31 of the Welfare and Institutions
2 Code is amended to read:

3 366.31. (a) If a review hearing is the last review hearing to be
4 held before the minor attains 18 years of age, the court shall ensure
5 all of the following:

6 (1) The minor’s case plan includes a plan for the minor to satisfy
7 one or more of the participation conditions described in paragraphs
8 (1) to (5), inclusive, of subdivision (b) of Section 11403, so that
9 the minor is eligible to remain in foster care as a nonminor
10 dependent.

11 (2) The minor has been informed of his or her right to seek
12 termination of dependency jurisdiction pursuant to Section 391,
13 and understands the potential benefits of continued dependency.

14 (3) The minor is informed of his or her right to have dependency
15 reinstated pursuant to subdivision (e) of Section 388, and
16 understands the potential benefits of continued dependency.

17 (b) At the review hearing that occurs in the six-month period
18 prior to the minor’s attaining 18 years of age, and at every
19 subsequent review hearing for the nonminor dependent, as
20 described in subdivision (v) of Section 11400, the report shall
21 describe all of the following:

22 (1) The minor’s and nonminor’s plans to remain in foster care
23 and plans to meet one or more of the participation conditions as
24 described in paragraphs (1) to (5), inclusive, of subdivision (b) of

1 Section 11403 to continue to receive AFDC-FC benefits as a
2 nonminor dependent.

3 (2) The efforts made and assistance provided to the minor and
4 nonminor by the social worker or the probation officer so that the
5 minor and nonminor will be able to meet the participation
6 conditions.

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

9 (c) The reviews conducted pursuant to this section for any
10 nonminor dependent shall be conducted in a manner that respects
11 the nonminor's status as a legal adult, focused on the goals and
12 services described in the youth's transitional independent living
13 case plan, as described in subdivision (y) of Section 11400,
14 including efforts made to maintain connections with caring and
15 permanently committed adults, and attended, as appropriate, by
16 additional participants invited by the nonminor dependent.

17 (d) For a nonminor dependent whose case plan is continued
18 court-ordered family reunification services pursuant to Section
19 361.6, the court shall consider whether the nonminor dependent
20 may safely reside in the home of the parent or guardian. If the
21 nonminor cannot reside safely in the home of the parent or
22 guardian, or, if it is not in the nonminor dependent's best interest
23 to reside in the home of the parent or guardian, the court must
24 consider whether to continue or terminate reunification services
25 for the parent or legal guardian.

26 (1) The review report shall include a discussion of all of the
27 following:

28 (A) Whether foster care placement continues to be necessary
29 and appropriate.

30 (B) The likely date by which the nonminor dependent may reside
31 safely in the home of the parent or guardian or will achieve
32 independence.

33 (C) Whether the parent or guardian and nonminor dependent
34 were actively involved in the development of the case plan.

35 (D) Whether the social worker or probation officer has provided
36 reasonable services designed to aid the parent or guardian to
37 overcome the problems that led to the initial removal of the
38 nonminor dependent.

1 (E) The extent of progress the parents or guardian have made
2 toward alleviating or mitigating the causes necessitating placement
3 in foster care.

4 (F) Whether the nonminor dependent and parent, parents, or
5 guardian are in agreement with the continuation of reunification
6 services.

7 (G) Whether continued reunification services are in the best
8 interest of the nonminor dependent.

9 (H) Whether there is a substantial probability that the nonminor
10 dependent will be able to safely reside in the home of the parent
11 or guardian by the next review hearing date.

12 (I) The efforts to maintain the nonminor's connections with
13 caring and permanently committed adults.

14 (J) The agency's compliance with the nonminor dependent's
15 ~~Transitional Independent Living Case Plan~~, *transitional*
16 *independent living case plan*, including efforts to finalize the
17 nonminor's permanent plan and prepare the nonminor dependent
18 for independence.

19 (K) The progress in providing the information and documents
20 to the nonminor dependent as described in Section 391.

21 (2) The court shall inquire about the progress being made to
22 provide a permanent home for the nonminor, shall consider the
23 safety of the nonminor dependent, and shall determine all of the
24 following:

25 (A) The continuing necessity for, and appropriateness of, the
26 placement.

27 (B) Whether the agency has made reasonable efforts to maintain
28 relationships between the nonminor dependent and individuals
29 who are important to the nonminor dependent.

30 (C) The extent of the agency's compliance with the case plan
31 in making reasonable efforts, or, in the case of an Indian child,
32 active efforts as described in Section 361.7, to create a safe home
33 of the parent or guardian for the nonminor to reside in or to
34 complete whatever steps are necessary to finalize the permanent
35 placement of the nonminor dependent.

36 (D) The extent of the agency's compliance with the nonminor
37 dependent's ~~Transitional Independent Living Case Plan~~,
38 *transitional independent living case plan*, including efforts to
39 finalize the youth's permanent plan and prepare the nonminor
40 dependent for independence.

1 (E) The adequacy of services provided to the parent or guardian
2 and to the nonminor dependent. The court shall consider the
3 progress in providing the information and documents to the
4 nonminor dependent as described in Section 391. The court shall
5 also consider the need for, and progress in providing, the assistance
6 and services described in Section 391.

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

10 (G) The likely date by which the nonminor dependent may
11 safely reside in the home of the parent or guardian or, if the court
12 is terminating reunification services, the likely date by which it is
13 anticipated the nonminor dependent will achieve independence,
14 or, for an Indian child, in consultation with the child's tribe, placed
15 for tribal customary adoption.

16 (H) Whether the agency has made reasonable efforts as required
17 in subparagraph (D) of paragraph (1) of subdivision (a) of Section
18 366 to establish or maintain the nonminor dependent's relationship
19 with his or her siblings who are under the juvenile court's
20 jurisdiction.

21 (I) The services needed to assist the nonminor dependent to
22 make the transition from foster care to independent living.

23 (J) Whether or not reasonable efforts to make and finalize a
24 permanent placement for the nonminor have been made.

25 (3) If the court determines that a nonminor dependent may safely
26 reside in the home of the parent or *former* guardian, the court shall
27 ~~allow~~ *may order* the nonminor dependent to return to the family
28 home. After the nonminor dependent returns to the family home,
29 the court may terminate jurisdiction and proceed ~~pursuant to~~
30 ~~paragraph (2) of subdivision (d) of, paragraphs (1), (6), (8), and~~
31 ~~(9) of subdivision (e) of, subparagraphs (A) to (I), inclusive, of~~
32 ~~paragraph (2) of subdivision (e) of, and subdivision (f) of, under~~
33 *applicable provisions of* Section 391 or continue jurisdiction as a
34 nonminor under subdivision (a) of Section 303 and hold hearings
35 as follows:

36 (A) At every hearing for a nonminor dependent residing in the
37 home of the parent or guardian, the court shall set a hearing within
38 six months of the previous hearing. The court shall advise the
39 parties of their right to be present. At least 10 calendar days prior
40 to the hearing, the social worker or probation officer shall file a

1 report with the court describing the services offered to the family
2 and the progress made by the family in eliminating the conditions
3 or factors requiring court supervision. The report shall address all
4 of the following:

5 (i) Whether the parent or guardian and the nonminor dependent
6 were actively involved in the development of the case plan.

7 (ii) Whether the social worker or probation officer has provided
8 reasonable services to eliminate the need for court supervision.

9 (iii) The progress of providing information and documents to
10 the nonminor dependent as described in Section 391.

11 (B) The court shall inquire about progress being made, shall
12 consider the safety of the nonminor dependent, and shall determine
13 all of the following:

14 (i) The continuing need for court supervision.

15 (ii) The extent of the agency's compliance with the case plan
16 in making reasonable efforts to maintain a safe family home for
17 the nonminor dependent.

18 (C) If the court finds that court supervision is no longer
19 necessary, the court shall ~~set a hearing to terminate jurisdiction~~
20 ~~and proceed pursuant to paragraph(2) of subdivision (d) of,~~
21 ~~paragraphs (1), (6), (8), and (9) of subdivision (e) of, subparagraphs~~
22 ~~(A) to (I), inclusive, of paragraph (2) of subdivision (e) of, and~~
23 ~~subdivision (f) of, terminate jurisdiction under applicable~~
24 *provisions of Section 391.*

25 (e) For a nonminor dependent who is no longer receiving
26 court-ordered family reunification services and is in a permanent
27 plan of planned permanent living arrangement, at the review
28 hearing held every six months pursuant to subdivision (d) of
29 Section 366.3, the reviewing body shall inquire about the progress
30 being made to provide permanent connections with caring,
31 committed adults for the nonminor dependent, shall consider the
32 safety of the nonminor, shall consider the Transitional Independent
33 Living Case Plan, and shall determine all of the following:

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

36 (2) The continuing appropriateness and extent of compliance
37 with the permanent plan for the nonminor dependent, including
38 efforts to identify and maintain relationships with individuals who
39 are important to the nonminor dependent.

1 (3) The extent of the agency’s compliance with the nonminor
2 dependent’s ~~Transitional Independent Living Case Plan,~~
3 *transitional independent living case plan*, including whether or
4 not reasonable efforts have been made to make and finalize the
5 youth’s permanent plan and prepare the nonminor dependent for
6 independence.

7 (4) Whether a prospective adoptive parent has been identified
8 and assessed as appropriate for the nonminor dependent’s adoption
9 under this section, whether the prospective adoptive parent has
10 been informed about the terms of the written negotiated adoption
11 assistance agreement pursuant to Section 16120, and whether
12 adoption should be ordered as the nonminor dependent’s permanent
13 plan. If nonminor dependent adoption is ordered as the nonminor
14 dependent’s permanent plan, a hearing pursuant to subdivision (f)
15 shall be held within 60 days. When the court orders a hearing
16 pursuant to subdivision (f), it shall direct the agency to prepare a
17 report that shall include the provisions of paragraph (5) of
18 subdivision (f).

19 (5) For the nonminor dependent who is an Indian child, whether,
20 in consultation with the nonminor’s tribe, the nonminor should be
21 placed for tribal customary adoption.

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

28 (7) The likely date by which it is anticipated the nonminor
29 dependent will achieve adoption or independence.

30 (8) Whether the agency has made reasonable efforts as required
31 in subparagraph (D) of paragraph (1) of subdivision (a) of Section
32 366 to establish or maintain the nonminor dependent’s relationship
33 with his or her siblings who are under the juvenile court’s
34 jurisdiction.

35 (9) The services needed to assist the nonminor dependent to
36 make the transition from foster care to independent living.

37 (f) (1) At a hearing to consider a permanent plan of adoption
38 for a nonminor dependent, the court shall read and consider the
39 report in paragraph (5) and receive other evidence that the parties
40 may present. A copy of the executed negotiated agreement shall

1 be attached to the report. If the court finds pursuant to this section
2 that nonminor dependent adoption is the appropriate permanent
3 plan, it shall make findings and orders to do the following:

4 (A) Approve the adoption agreement and declare the nonminor
5 dependent is the adopted child of the adoptive parent, and that the
6 nonminor dependent and adoptive parents agree to assume toward
7 each other the legal relationship of parents and child and to have
8 all of the rights and be subject to all of the duties and
9 responsibilities of that relationship.

10 (B) Declare that the birth parents of the nonminor dependent
11 are, from the time of the adoption, relieved of all parental duties
12 toward, and responsibility for, the adopted nonminor dependent
13 and have no rights over the adopted nonminor dependent.

14 (2) If the court finds that the nonminor dependent and the
15 prospective adoptive parent have mutually consented to the
16 adoption, the court may enter the adoption order after it determines
17 all of the following:

18 (A) Whether the notice was given as required by law.

19 (B) Whether the nonminor dependent and prospective adoptive
20 parent are present for the hearing.

21 (C) Whether the court has read and considered the assessment
22 prepared by the social worker or probation officer.

23 (D) Whether the court considered the wishes of the nonminor
24 dependent.

25 (E) If the nonminor dependent is eligible, the prospective
26 adoptive parent has signed the negotiated adoption assistance
27 agreement pursuant to subdivision (g) of Section 16120, and
28 whether a copy of the executed negotiated agreement is attached
29 to the report.

30 (F) Whether the adoption is in the best interest of the nonminor
31 dependent.

32 (3) If the court orders the establishment of the nonminor
33 dependent adoption, it shall dismiss dependency or transitional
34 jurisdiction.

35 (4) If the court does not order the establishment of the nonminor
36 dependent adoption, the nonminor dependent shall remain in a
37 planned permanent living arrangement subject to periodic review
38 of the juvenile court pursuant to this section.

39 (5) At least 10 calendar days before the hearing, the social
40 worker or probation officer shall file a report with the court and

1 provide a copy of the report to all parties. The report shall describe
2 the following:

3 (A) Whether or not the nonminor dependent has any
4 developmental disability and whether the proposed adoptive parent
5 is suitable to meet the needs of the nonminor dependent.

6 (B) The length and nature of the relationship between the
7 prospective adoptive parent and the nonminor dependent, including
8 whether the prospective adoptive parent has been determined to
9 have been established as the nonminor's permanent connection.

10 (C) Whether the nonminor dependent has been determined to
11 be eligible for the adoption assistance program, and if so, whether
12 the prospective adoptive parent has signed the negotiated adoption
13 assistance agreement pursuant to subdivision (g) of Section 16120.

14 (D) Whether a copy of the executed negotiated agreement is
15 attached to the report.

16 (E) Whether criminal background clearances were completed
17 for the prospective adoptive parent as required by Section
18 671(a)(2)(A) and (c) of Title 42 of the United States Code.

19 (F) Whether the prospective adoptive parent who is married and
20 not legally separated from that spouse has the consent of the
21 spouse, provided that the spouse is capable of giving that consent.

22 (G) Whether the adoption of the nonminor dependent is in the
23 best interests of the nonminor dependent and the prospective
24 adoptive parent.

25 (H) Whether the nonminor dependent and the prospective
26 adoptive parent have mutually consented to the adoption.

27 (6) The social worker or probation officer shall serve written
28 notice of the hearing in the manner and to the persons set forth in
29 Section 295, including the prospective adoptive parent or parents,
30 except that notice to the nonminor's birth parents is not required.

31 (7) Nothing in this section shall prevent a nonminor dependent
32 from filing an adoption petition pursuant to Section 9300 of the
33 Family Code.

34 (g) Each licensed foster family agency shall submit reports for
35 each nonminor dependent in its care to the court concerning the
36 continuing appropriateness and extent of compliance with the
37 nonminor dependent's permanent plan, the extent of compliance
38 with the ~~Transitional Independent Living Case Plan~~, *transitional*
39 *independent living case plan*, and the type and adequacy of services
40 provided to the nonminor dependent. The report shall document

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

6 ~~SEC. 2. Section 388 of the Welfare and Institutions Code is~~
7 ~~amended to read:~~

8 ~~388. (a) (1) Any parent or other person having an interest in~~
9 ~~a child who is a dependent child of the juvenile court or a nonminor~~
10 ~~dependent as defined in subdivision (v) of Section 11400, or the~~
11 ~~child himself or herself or the nonminor dependent through a~~
12 ~~properly appointed guardian may, upon grounds of change of~~
13 ~~circumstance or new evidence, petition the court in the same action~~
14 ~~in which the child was found to be a dependent child of the juvenile~~
15 ~~court or in which a guardianship was ordered pursuant to Section~~
16 ~~360 for a hearing to change, modify, or set aside any order of court~~
17 ~~previously made or to terminate the jurisdiction of the court. The~~
18 ~~petition shall be verified and, if made by a person other than the~~
19 ~~child or the nonminor dependent shall state the petitioner's~~
20 ~~relationship to or interest in the child or the nonminor dependent~~
21 ~~and shall set forth in concise language any change of circumstance~~
22 ~~or new evidence that is alleged to require the change of order or~~
23 ~~termination of jurisdiction.~~

24 ~~(2) When any party, including a child who is a dependent of the~~
25 ~~juvenile court, petitions the court prior to an order terminating~~
26 ~~parental rights, to modify the order that reunification services were~~
27 ~~not needed pursuant to paragraphs (4), (5), and (6) of subdivision~~
28 ~~(b) of Section 361.5, or to modify any orders related to custody or~~
29 ~~visitation of the subject child, and the court orders a hearing~~
30 ~~pursuant to subdivision (d), the court shall modify the order that~~
31 ~~reunification services were not needed pursuant to paragraphs (4),~~
32 ~~(5), and (6) of subdivision (b) of Section 361.5, or any orders~~
33 ~~related to the custody or visitation of the child for whom~~
34 ~~reunification services were not ordered pursuant to paragraphs (4),~~
35 ~~(5), and (6) of subdivision (b) of Section 361.5, only if the court~~
36 ~~finds by clear and convincing evidence that the proposed change~~
37 ~~is in the best interests of the child.~~

38 ~~(b) Any person, including a child or the nonminor dependent~~
39 ~~who is a dependent of the juvenile court, may petition the court to~~
40 ~~assert a relationship as a sibling related by blood, adoption, or~~

1 affinity through a common legal or biological parent to a child
2 who is, or is the subject of a petition for adjudication as, a
3 dependent of the juvenile court, and may request visitation with
4 the dependent child, placement with or near the dependent child,
5 or consideration when determining or implementing a case plan
6 or permanent plan for the dependent child or make any other
7 request for an order which may be shown to be in the best interest
8 of the dependent child. The court may appoint a guardian ad litem
9 to file the petition for the dependent child asserting the sibling
10 relationship if the court determines that the appointment is
11 necessary for the best interests of the dependent child. The petition
12 shall be verified and shall set forth the following:

13 (1) Through which parent he or she is related to the dependent
14 child.

15 (2) Whether he or she is related to the dependent child by blood,
16 adoption, or affinity.

17 (3) The request or order that the petitioner is seeking.

18 (4) Why that request or order is in the best interest of the
19 dependent child.

20 (e) (1) Any party, including a child who is a dependent of the
21 juvenile court, may petition the court, prior to the hearing set
22 pursuant to subdivision (f) of Section 366.21 for a child described
23 by subparagraph (A) of paragraph (1) of subdivision (a) of Section
24 361.5, or prior to the hearing set pursuant to subdivision (e) of
25 Section 366.21 for a child described by subparagraph (B) or (C)
26 of paragraph (1) of subdivision (a) of Section 361.5, to terminate
27 court-ordered reunification services provided under subdivision
28 (a) of Section 361.5 only if one of the following conditions exists:

29 (A) It appears that a change of circumstance or new evidence
30 exists that satisfies a condition set forth in subdivision (b) or (c)
31 of Section 361.5 justifying termination of court-ordered
32 reunification services.

33 (B) The action or inaction of the parent or guardian creates a
34 substantial likelihood that reunification will not occur, including,
35 but not limited to, the parent's or guardian's failure to visit the
36 child, or the failure of the parent or guardian to participate regularly
37 and make substantive progress in a court-ordered treatment plan.

38 (2) In determining whether the parent or guardian has failed to
39 visit the child or participate regularly or make progress in the
40 treatment plan, the court shall consider factors that include, but

1 are not limited to, the parent's or guardian's incarceration,
2 institutionalization, detention by the United States Department of
3 Homeland Security, deportation, or participation in a court-ordered
4 residential substance abuse treatment program.

5 (3) The court shall terminate reunification services during the
6 above-described time periods only upon a finding by a
7 preponderance of evidence that reasonable services have been
8 offered or provided, and upon a finding of clear and convincing
9 evidence that one of the conditions in subparagraph (A) or (B) of
10 paragraph (1) exists.

11 (4) Any party, including a nonminor dependent, as defined in
12 subdivision (v) of Section 11400, may petition the court prior to
13 the review hearing set pursuant to subdivision (d) of Section 366.31
14 to terminate the continuation of court-ordered family reunification
15 services for a nonminor dependent who has attained 18 years of
16 age. The court shall terminate family reunification services to the
17 parent or guardian if the nonminor dependent or parent or guardian
18 are not in agreement that the continued provision of court-ordered
19 family reunification services is in the best interests of the nonminor
20 dependent.

21 (5) If the court terminates reunification services, it shall order
22 that a hearing pursuant to Section 366.26 be held within 120 days.
23 On and after January 1, 2012, a hearing pursuant to Section 366.26
24 shall not be ordered if the child is a nonminor dependent. The court
25 may order a nonminor dependent who is otherwise eligible to
26 AFDC-FC benefits pursuant to Section 11403 to remain in a
27 planned, permanent living arrangement.

28 (d) If it appears that the best interests of the child or the
29 nonminor dependent may be promoted by the proposed change of
30 order, modification of reunification services, custody, or visitation
31 orders concerning a child for whom reunification services were
32 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision
33 (b) of Section 361.5, recognition of a sibling relationship,
34 termination of jurisdiction, or clear and convincing evidence
35 supports revocation or termination of court-ordered reunification
36 services, the court shall order that a hearing be held and shall give
37 prior notice, or cause prior notice to be given, to the persons and
38 in the manner prescribed by Section 386, and, in those instances
39 in which the manner of giving notice is not prescribed by those
40 sections, then in the manner the court prescribes.

1 ~~(e) (1) (A) On and after January 1, 2012, a nonminor who~~
2 ~~attained 18 years of age while subject to an order for foster care~~
3 ~~placement and, commencing January 1, 2012, who has not attained~~
4 ~~19 years of age, or, commencing January 1, 2013, 20 years of age,~~
5 ~~or, commencing January 1, 2014, 21 years of age, or as described~~
6 ~~in Section 10103.5, for whom the court has dismissed dependency~~
7 ~~jurisdiction pursuant to Section 391, or delinquency jurisdiction~~
8 ~~pursuant to Section 607.2, or transition jurisdiction pursuant to~~
9 ~~Section 452, but has retained general jurisdiction under subdivision~~
10 ~~(b) of Section 303, or the county child welfare services, probation~~
11 ~~department, or tribal placing agency on behalf of the nonminor,~~
12 ~~may petition the court in the same action in which the child was~~
13 ~~found to be a dependent or delinquent child of the juvenile court,~~
14 ~~for a hearing to resume the dependency jurisdiction over a former~~
15 ~~dependent or to assume or resume transition jurisdiction over a~~
16 ~~former delinquent ward pursuant to Section 450. The petition shall~~
17 ~~be filed within the period that the nonminor is of the age described~~
18 ~~in this paragraph. If the nonminor has completed the voluntary~~
19 ~~reentry agreement, as described in subdivision (z) of Section 11400,~~
20 ~~with the placing agency, the agency shall file the petition on behalf~~
21 ~~of the nonminor within 15 judicial days of the date the agreement~~
22 ~~was signed unless the nonminor elects to file the petition at an~~
23 ~~earlier date.~~

24 ~~(B) On and after January 1, 2014, a nonminor who has not~~
25 ~~attained 21 years of age may petition the court in the same action~~
26 ~~in which the nonminor was previously found to be a dependent or~~
27 ~~delinquent child of the juvenile court, for a hearing to determine~~
28 ~~whether to resume dependency jurisdiction over a former~~
29 ~~dependent, or to assume or resume transition jurisdiction over a~~
30 ~~former ward pursuant to Section 450, as applicable, if the nonminor~~
31 ~~comes within the description set forth in one of the following:~~

32 ~~(i) He or she attained 18 years of age while subject to an order~~
33 ~~for foster care placement.~~

34 ~~(ii) He or she is a former dependent, as defined in subdivision~~
35 ~~(aa) of Section 11400, who was receiving aid after 18 years of age~~
36 ~~pursuant to Kin-GAP under Article 4.5 (commencing with Section~~
37 ~~11360) or Article 4.7 (commencing with Section 11385) of Chapter~~
38 ~~2 of Part 3 of Division 9 and the nonminor former dependent's~~
39 ~~former guardian dies after the nonminor turns 18 years of age but~~
40 ~~before the nonminor turns 21 years of age.~~

1 (iii) He or she is a nonminor former dependent who was
2 receiving aid after 18 years of age pursuant to subdivision (e) of
3 Section 11405 and the nonminor former dependent's former
4 guardian dies after the nonminor turns 18 years of age but before
5 the nonminor turns 21 years of age.

6 (iv) He or she is a nonminor who was receiving adoption
7 assistance payments after 18 years of age as specified in Chapter
8 2.1 (commencing with Section 16115) of Part 4 of Division 9 and
9 the nonminor's adoptive parent dies after the nonminor turns 18
10 years of age but before the nonminor turns 21 years of age.

11 (2) (A) The petition to resume jurisdiction may be filed in the
12 juvenile court that retains general jurisdiction under subdivision
13 (b) of Section 303, or the petition may be submitted to the juvenile
14 court in the county where the youth resides and forwarded to the
15 juvenile court that retained general jurisdiction and filed with that
16 court. The juvenile court having general jurisdiction under Section
17 303 shall receive the petition from the court where the petition
18 was submitted within five court days of its submission, if the
19 petition is filed in the county of residence. The juvenile court that
20 retained general jurisdiction shall order that a hearing be held
21 within 15 judicial days of the date the petition was filed if there is
22 a prima facie showing that the nonminor satisfies the following
23 criteria:

24 (i) He or she was previously under juvenile court jurisdiction,
25 subject to an order for foster care placement when he or she
26 attained 18 years of age, and has not attained the age limits
27 described in paragraph (1).

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

31 (iii) He or she wants assistance either in maintaining or securing
32 appropriate supervised placement, or is in need of immediate
33 placement and agrees to supervised placement pursuant to the
34 voluntary reentry agreement as described in subdivision (z) of
35 Section 11400.

36 (B) Upon ordering a hearing, the court shall give prior notice,
37 or cause prior notice to be given, to the persons and by the means
38 prescribed by Section 386, except that notice to parents or former
39 guardians shall not be provided unless the nonminor requests, in

1 writing on the face of the petition, notice to the parents or former
2 guardians:

3 ~~(3) The Judicial Council, by January 1, 2012, shall adopt rules~~
4 ~~of court to allow for telephonic appearances by nonminor former~~
5 ~~dependents or delinquents in these proceedings, and for telephonic~~
6 ~~appearances by nonminor dependents in any proceeding in which~~
7 ~~the nonminor dependent is a party, and he or she declines to appear~~
8 ~~and elects a telephonic appearance.~~

9 ~~(4) Prior to the hearing on a petition to resume dependency~~
10 ~~jurisdiction or to assume or resume transition jurisdiction, the court~~
11 ~~shall order the county child welfare or probation department to~~
12 ~~prepare a report for the court addressing whether the nonminor~~
13 ~~intends to satisfy at least one of the criteria set forth in subdivision~~
14 ~~(b) of Section 11403. When the recommendation is for the~~
15 ~~nonminor dependent to be placed in a setting where minor~~
16 ~~dependents also reside, the results of a background check of the~~
17 ~~petitioning nonminor conducted pursuant to Section 16504.5, may~~
18 ~~be used by the placing agency to determine appropriate placement~~
19 ~~options for the nonminor. The existence of a criminal conviction~~
20 ~~is not a bar to eligibility for reentry or resumption of dependency~~
21 ~~jurisdiction or the assumption or resumption of transition~~
22 ~~jurisdiction over a nonminor.~~

23 ~~(5) (A) The court shall resume dependency jurisdiction over a~~
24 ~~former dependent or assume or resume transition jurisdiction over~~
25 ~~a former delinquent ward pursuant to Section 450, and order that~~
26 ~~the nonminor's placement and care be under the responsibility of~~
27 ~~the county child welfare services department, the probation~~
28 ~~department, tribe, consortium of tribes, or tribal organization, if~~
29 ~~the court finds all of the following:~~

30 ~~(i) The nonminor was previously under juvenile court~~
31 ~~jurisdiction subject to an order for foster care placement when he~~
32 ~~or she attained 18 years of age.~~

33 ~~(ii) The nonminor has not attained the age limits described in~~
34 ~~paragraph (1).~~

35 ~~(iii) Reentry and remaining in foster care are in the nonminor's~~
36 ~~best interests.~~

37 ~~(iv) The nonminor intends to satisfy, and agrees to satisfy, at~~
38 ~~least one of the criteria set forth in paragraphs (1) to (5), inclusive,~~
39 ~~of subdivision (b) of Section 11403, and demonstrates his or her~~
40 ~~agreement to placement in a supervised setting under the placement~~

1 and care responsibility of the placing agency and to satisfy the
2 criteria by signing the voluntary reentry agreement as described
3 in subdivision (z) of Section 11400.

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

8 (C) The agency made responsible for the nonminor's placement
9 and care pursuant to subparagraph (A) shall prepare a new
10 transitional independent living case plan within 60 calendar days
11 from the date the nonminor signed the voluntary reentry agreement
12 as described in subdivision (z) of Section 11400 and submit it to
13 the court for the review hearing under Section 366.31, to be held
14 within 70 days of the resumption of dependency jurisdiction or
15 assumption or resumption of transition jurisdiction. In no event
16 shall the review hearing under Section 366.3 be held more than
17 170 calendar days from the date the nonminor signed the voluntary
18 reentry agreement.

19 *SEC. 2. Section 388.1 is added to the Welfare and Institutions*
20 *Code, to read:*

21 *388.1. (a) On and after January 1, 2014, a nonminor who has*
22 *not attained 21 years of age may petition the court in which he or*
23 *she was previously found to be a dependent or delinquent child of*
24 *the juvenile court for a hearing to determine whether to assume*
25 *dependency jurisdiction over the nonminor, if he or she meets*
26 *either of the following descriptions:*

27 *(1) He or she is a nonminor former dependent, as defined in*
28 *subdivision (aa) of Section 11400, who received aid after attaining*
29 *18 years of age under Kin-GAP pursuant to Article 4.5*
30 *(commencing with Section 11360) or Article 4.7 (commencing with*
31 *Section 11385) of Chapter 2 of Part 3 of Division 9, or pursuant*
32 *to subdivision (e) of Section 11405, and whose former guardian*
33 *or guardians died after the nonminor attained 18 years of age, but*
34 *before he or she attains 21 years of age.*

35 *(2) He or she is a nonminor who received adoption assistance*
36 *payments after attaining 18 years of age pursuant to Chapter 2.1*
37 *(commencing with Section 16115) of Part 4 of Division 9 and his*
38 *or her adoptive parent or parents died after the nonminor attained*
39 *18 years of age, but before he or she attains 21 years of age.*

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

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

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

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

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

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

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

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

31 (D) He or she is requesting assistance in maintaining or
32 securing appropriate supervised placement, or needs immediate
33 placement and agrees to supervised placement pursuant to the
34 voluntary reentry agreement described in subdivision (z) of Section
35 11400.

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

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

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

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

11 (B) The appropriate placement setting for the nonminor. When
12 the recommendation is for the nonminor to be placed in a setting
13 where minor dependents also reside, the results of a background
14 check of the petitioning nonminor conducted pursuant to Section
15 16504.5 may be used by the placing agency to determine
16 appropriate placement options for him or her.

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

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

27 (B) The nonminor has not attained 21 years of age.

28 (C) Reentry and remaining in foster care are in the nonminor's
29 best interests.

30 (D) The nonminor intends to satisfy, and agrees to satisfy, at
31 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
32 of subdivision (b) of Section 11403, and demonstrates his or her
33 agreement to placement in a supervised setting under the placement
34 and care responsibility of the placing agency by signing the
35 voluntary reentry agreement described in subdivision (z) of Section
36 11400.

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

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

4 (d) *The agency made responsible for the nonminor's placement*
5 *and care pursuant to paragraph (5) of subdivision (c) shall prepare*
6 *a new transitional independent living case plan within 60 calendar*
7 *days of the date the nonminor signs the voluntary reentry*
8 *agreement and shall submit the plan to the court for the review*
9 *hearing specified in Section 366.31, to be held within 70 days of*
10 *the assumption of dependency jurisdiction. The review hearing*
11 *under Section 366.31 shall not be held more than 170 calendar*
12 *days from the date the nonminor signs the voluntary reentry*
13 *agreement.*

14 (e) (1) *A nonminor described in subdivision (a) may enter into*
15 *a voluntary reentry agreement as defined in subdivision (z) of*
16 *Section 11400 in order to establish eligibility for foster care*
17 *benefits under subdivision (e) of Section 11401 before or after*
18 *filing a petition to assume dependency jurisdiction. If the nonminor*
19 *enters into a voluntary reentry agreement prior to filing the*
20 *petition, the nonminor is entitled to placement and supervision*
21 *pending the court's assumption of jurisdiction.*

22 (2) *If the nonminor completes a voluntary reentry agreement*
23 *with a placing agency, the placing agency shall file the petition to*
24 *assume dependency jurisdiction on behalf of the nonminor within*
25 *15 judicial days of the date the agreement is signed, unless the*
26 *nonminor elects to file the petition at an earlier date.*

27 SEC. 3. Section 391 of the Welfare and Institutions Code is
28 amended to read:

29 391. (a) The dependency court shall not terminate jurisdiction
30 over a nonminor unless a hearing is conducted pursuant to this
31 section.

32 (b) At any hearing for a nonminor at which the court is
33 considering termination of the jurisdiction of the juvenile court,
34 the county welfare department shall do all of the following:

35 (1) Ensure that the dependent nonminor is present in court,
36 unless the nonminor does not wish to appear in court, and elects
37 a telephonic appearance, or document reasonable efforts made by
38 the county welfare department to locate the nonminor when the
39 nonminor is not available.

1 (2) Submit a report describing whether it is in the nonminor's
2 best interests to remain under the court's dependency jurisdiction,
3 which includes a recommended transitional independent living
4 case plan for the nonminor when the report describes continuing
5 dependency jurisdiction as being in the nonminor's best interest.

6 (3) If the county welfare department recommends termination
7 of the court's dependency jurisdiction, submit documentation of
8 the reasonable efforts made by the department to provide the
9 nonminor with the assistance needed to meet or maintain eligibility
10 as a nonminor dependent, as defined in paragraphs (1) to (5),
11 inclusive, of subdivision (b) of Section 11403.

12 (4) If the nonminor has indicated that he or she does not want
13 dependency jurisdiction to continue, the report shall address the
14 manner in which the nonminor was advised of his or her options,
15 including the benefits of remaining in foster care, and of his or her
16 right to reenter foster care and to file a petition pursuant to
17 subdivision (e) of Section 388 to resume dependency jurisdiction
18 prior to attaining 21 years of age.

19 (c) (1) The court shall continue dependency jurisdiction over
20 a nonminor who meets the definition of a nonminor dependent as
21 described in subdivision (v) of Section 11400 unless the court finds
22 either of the following:

23 (A) That the nonminor does not wish to remain subject to
24 dependency jurisdiction.

25 (B) That the nonminor is not participating in a reasonable and
26 appropriate transitional independent living case plan.

27 (2) In making the findings pursuant to paragraph (1), the court
28 must also find that the nonminor has been informed of his or her
29 options including the benefits of remaining in foster care and the
30 right to reenter foster care by filing a petition pursuant to
31 subdivision (e) of Section 388 to resume dependency jurisdiction
32 and by completing a voluntary reentry agreement pursuant to
33 subdivision (z) of Section 11400, and has had an opportunity to
34 confer with his or her counsel if counsel has been appointed
35 pursuant to Section 317.

36 (d) (1) The court may terminate its jurisdiction over a nonminor
37 if the court finds after reasonable and documented efforts the
38 nonminor cannot be located.

39 (2) When terminating dependency jurisdiction the court shall
40 maintain general jurisdiction over the nonminor to allow for the

1 filing of a petition to resume dependency jurisdiction under
2 subdivision (e) of Section 388 until the nonminor attains 21 years
3 of age, although no review proceedings shall be required. A
4 nonminor may petition the court pursuant to subdivision (e) of
5 Section 388 to resume dependency jurisdiction at any time before
6 attaining 21 years of age.

7 (e) The court shall not terminate dependency jurisdiction over
8 a nonminor who has attained 18 years of age until a hearing is
9 conducted pursuant to this section and the department has
10 submitted a report verifying that the following information,
11 documents, and services have been provided to the nonminor, or
12 in the case of a nonminor who, after reasonable efforts by the
13 county welfare department, cannot be located, verifying the efforts
14 made to make the following available to the nonminor:

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

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

- 1 (iii) A statement that the nonminor was a foster youth in
2 compliance with state and federal financial aid documentation
3 requirements.
- 4 (F) If applicable, the death certificate of the parent or parents.
- 5 (G) If applicable, proof of the nonminor's citizenship or legal
6 residence.
- 7 (H) An advance healthcare directive form.
- 8 (I) The Judicial Council form that the nonminor would use to
9 file a petition pursuant to subdivision (e) of Section 388 to resume
10 dependency jurisdiction.
- 11 (J) The written 90-day transition plan prepared pursuant to
12 Section 16501.1.
- 13 (3) Assistance in completing an application for Medi-Cal or
14 assistance in obtaining other health insurance.
- 15 (4) Referrals to transitional housing, if available, or assistance
16 in securing other housing.
- 17 (5) Assistance in obtaining employment or other financial
18 support.
- 19 (6) Assistance in applying for admission to college or to a
20 vocational training program or other educational institution and
21 in obtaining financial aid, where appropriate.
- 22 (7) Assistance in maintaining relationships with individuals
23 who are important to a nonminor who has been in out-of-home
24 placement for six months or longer from the date the nonminor
25 entered foster care, based on the nonminor's best interests.
- 26 (8) For nonminors between 18 and 21 years of age, assistance
27 in accessing the Independent Living Aftercare Program in the
28 nonminor's county of residence, and, upon the nonminor's request,
29 assistance in completing a voluntary reentry agreement for care
30 and placement pursuant to subdivision (z) of Section 11400 and
31 in filing a petition pursuant to subdivision (e) of Section 388 to
32 resume dependency jurisdiction.
- 33 (9) Written information notifying the child that current or former
34 dependent children who are or have been in foster care are granted
35 a preference for student assistant or internship positions with state
36 agencies pursuant to Section 18220 of the Government Code. The
37 preference shall be granted to applicants up to 26 years of age.
- 38 (f) At the hearing closest to and before a dependent minor's
39 18th birthday and every review hearing thereafter for nonminors,
40 the department shall submit a report describing efforts toward

1 completing the items described in paragraph (2) of subdivision
2 (e).

3 (g) The Judicial Council shall develop and implement standards,
4 and develop and adopt appropriate forms necessary to implement
5 this provision.

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

7 ~~SEC. 4. Section 727 of the Welfare and Institutions Code is~~
8 ~~amended to read:~~

9 ~~727. (a) (1) If a minor or nonminor is adjudged a ward of the~~
10 ~~court on the ground that he or she is a person described by Section~~
11 ~~601 or 602, the court may make any reasonable orders for the care,~~
12 ~~supervision, custody, conduct, maintenance, and support of the~~
13 ~~minor or nonminor, including medical treatment, subject to further~~
14 ~~order of the court.~~

15 ~~(2) In the discretion of the court, a ward may be ordered to be~~
16 ~~on probation without supervision of the probation officer. The~~
17 ~~court, in so ordering, may impose on the ward any and all~~
18 ~~reasonable conditions of behavior as may be appropriate under~~
19 ~~this disposition. A minor or nonminor who has been adjudged a~~
20 ~~ward of the court on the basis of the commission of any of the~~
21 ~~offenses described in subdivision (b) or paragraph (2) of~~
22 ~~subdivision (d) of Section 707, Section 459 of the Penal Code, or~~
23 ~~subdivision (a) of Section 11350 of the Health and Safety Code,~~
24 ~~shall not be eligible for probation without supervision of the~~
25 ~~probation officer. A minor or nonminor who has been adjudged a~~
26 ~~ward of the court on the basis of the commission of any offense~~
27 ~~involving the sale or possession for sale of a controlled substance,~~
28 ~~except misdemeanor offenses involving marijuana, as specified in~~
29 ~~Chapter 2 (commencing with Section 11053) of Division 10 of the~~
30 ~~Health and Safety Code, or of an offense in violation of Section~~
31 ~~32625 of the Penal Code, shall be eligible for probation without~~
32 ~~supervision of the probation officer only when the court determines~~
33 ~~that the interests of justice would best be served and states reasons~~
34 ~~on the record for that determination.~~

35 ~~(3) In all other cases, the court shall order the care, custody, and~~
36 ~~control of the minor or nonminor to be under the supervision of~~
37 ~~the probation officer who may place the minor or nonminor in any~~
38 ~~of the following:~~

39 ~~(A) The approved home of a relative or the approved home of~~
40 ~~a nonrelative, extended family member, as defined in Section~~

1 362.7. If a decision has been made to place the minor in the home
2 of a relative, the court may authorize the relative to give legal
3 consent for the minor’s medical, surgical, and dental care and
4 education as if the relative caretaker were the custodial parent of
5 the minor.

6 (B) A suitable licensed community care facility.

7 (C) With a foster family agency to be placed in a suitable
8 licensed foster family home or certified family home which has
9 been certified by the agency as meeting licensing standards.

10 (D) (i) Every minor adjudged a ward of the juvenile court who
11 is residing in a placement as defined in subparagraphs (A) to (C),
12 inclusive, shall be entitled to participate in age-appropriate
13 extracurricular, enrichment, and social activities. No state or local
14 regulation or policy may prevent, or create barriers to, participation
15 in those activities. Each state and local entity shall ensure that
16 private agencies that provide foster care services to wards have
17 policies consistent with this section and that those agencies promote
18 and protect the ability of wards to participate in age-appropriate
19 extracurricular, enrichment, and social activities. A group home
20 administrator, a facility manager, or his or her responsible designee,
21 and a caregiver, as defined in paragraph (1) of subdivision (a) of
22 Section 362.04, shall use a reasonable and prudent parent standard,
23 as defined in paragraph (2) of subdivision (a) of Section 362.04,
24 in determining whether to give permission for a minor residing in
25 foster care to participate in extracurricular, enrichment, and social
26 activities. A group home administrator, a facility manager, or his
27 or her responsible designee, and a caregiver shall take reasonable
28 steps to determine the appropriateness of the activity taking into
29 consideration the minor’s age, maturity, and developmental level.

30 (ii) A group home administrator or a facility manager, or his or
31 her responsible designee, is encouraged to consult with social work
32 or treatment staff members who are most familiar with the minor
33 at the group home in applying and using the reasonable and prudent
34 parent standard.

35 (E) For nonminors, an approved supervised independent living
36 setting as defined in Section 11400, including a residential housing
37 unit certified by a licensed transitional housing placement provider.

38 (b) (1) To facilitate coordination and cooperation among
39 agencies, the court may, at any time after a petition has been filed,
40 after giving notice and an opportunity to be heard, join in the

1 juvenile court proceedings any agency that the court determines
2 has failed to meet a legal obligation to provide services to a minor,
3 for whom a petition has been filed under Section 601 or 602, to a
4 nonminor, as described in Section 303, or to a nonminor dependent,
5 as defined in subdivision (v) of Section 11400. In any proceeding
6 in which an agency is joined, the court shall not impose duties
7 upon the agency beyond those mandated by law. The purpose of
8 joinder under this section is to ensure the delivery and coordination
9 of legally mandated services to the minor. The joinder shall not
10 be maintained for any other purpose. Nothing in this section shall
11 prohibit agencies that have received notice of the hearing on joinder
12 from meeting prior to the hearing to coordinate services.

13 (2) The court has no authority to order services unless it has
14 been determined through the administrative process of an agency
15 that has been joined as a party, that the minor, nonminor, or
16 nonminor dependent is eligible for those services. With respect to
17 mental health assessment, treatment, and case management services
18 pursuant to Chapter 26.5 (commencing with Section 7570) of
19 Division 7 of Title 1 of the Government Code, the court's
20 determination shall be limited to whether the agency has complied
21 with that chapter.

22 (3) For the purposes of this subdivision, "agency" means any
23 governmental agency or any private service provider or individual
24 that receives federal, state, or local governmental funding or
25 reimbursement for providing services directly to a child, nonminor,
26 or nonminor dependent.

27 (e) If a minor has been adjudged a ward of the court on the
28 ground that he or she is a person described in Section 601 or 602,
29 and the court finds that notice has been given in accordance with
30 Section 661, and if the court orders that a parent or guardian shall
31 retain custody of that minor either subject to or without the
32 supervision of the probation officer, the parent or guardian may
33 be required to participate with that minor in a counseling or
34 education program, including, but not limited to, parent education
35 and parenting programs operated by community colleges, school
36 districts, or other appropriate agencies designated by the court.

37 (d) The juvenile court may direct any reasonable orders to the
38 parents and guardians of the minor who is the subject of any
39 proceedings under this chapter as the court deems necessary and
40 proper to carry out subdivisions (a), (b), and (c) including orders

1 ~~to appear before a county financial evaluation officer, to ensure~~
2 ~~the minor's regular school attendance, and to make reasonable~~
3 ~~efforts to obtain appropriate educational services necessary to meet~~
4 ~~the needs of the minor.~~

5 ~~If counseling or other treatment services are ordered for the~~
6 ~~minor, the parent, guardian, or foster parent shall be ordered to~~
7 ~~participate in those services, unless participation by the parent,~~
8 ~~guardian, or foster parent is deemed by the court to be inappropriate~~
9 ~~or potentially detrimental to the minor.~~

10 *SEC. 4. Section 727 of the Welfare and Institutions Code is*
11 *amended to read:*

12 727. (a) (1) If a minor *or nonminor* is adjudged a ward of the
13 court on the ground that he or she is a person described by Section
14 601 or 602, the court may make any reasonable orders for the care,
15 supervision, custody, conduct, maintenance, and support of the
16 ~~minor~~, *minor or nonminor*, including medical treatment, subject
17 to further order of the court.

18 (2) In the discretion of the court, a ward may be ordered to be
19 on probation without supervision of the probation officer. The
20 court, in so ordering, may impose on the ward any and all
21 reasonable conditions of behavior as may be appropriate under
22 this disposition. A minor *or nonminor* who has been adjudged a
23 ward of the court on the basis of the commission of any of the
24 offenses described in subdivision (b) or paragraph (2) of
25 subdivision (d) of Section 707, Section 459 of the Penal Code, or
26 subdivision (a) of Section 11350 of the Health and Safety Code,
27 shall not be eligible for probation without supervision of the
28 probation officer. A minor *or nonminor* who has been adjudged a
29 ward of the court on the basis of the commission of any offense
30 involving the sale or possession for sale of a controlled substance,
31 except misdemeanor offenses involving marijuana, as specified in
32 Chapter 2 (commencing with Section 11053) of Division 10 of the
33 Health and Safety Code, or of an offense in violation of Section
34 32625 of the Penal Code, shall be eligible for probation without
35 supervision of the probation officer only when the court determines
36 that the interests of justice would best be served and states reasons
37 on the record for that determination.

38 (3) In all other cases, the court shall order the care, custody, and
39 control of the minor *or nonminor* to be under the supervision of

1 the probation officer who may place the minor *or nonminor* in any
2 of the following:

3 (A) The approved home of a relative or the approved home of
4 a nonrelative, extended family member, as defined in Section
5 362.7. If a decision has been made to place the minor in the home
6 of a relative, the court may authorize the relative to give legal
7 consent for the minor's medical, surgical, and dental care and
8 education as if the relative caretaker were the custodial parent of
9 the minor.

10 (B) A suitable licensed community care facility. ~~A placement
11 of a child in a community care facility, as specified in Section
12 1530.8 of the Health and Safety Code, shall be made in accordance
13 with Section 319.2 or 319.3, as applicable, and with paragraph (8)
14 or (9) of subdivision (c) of Section 361.2, as applicable.~~

15 (C) With a foster family agency to be placed in a suitable
16 licensed foster family home or certified family home which has
17 been certified by the agency as meeting licensing standards.

18 (D) (i) Every minor adjudged a ward of the juvenile court who
19 is residing in a placement as defined in subparagraphs (A) to (C),
20 inclusive, shall be entitled to participate in age-appropriate
21 extracurricular, enrichment, and social activities. No state or local
22 regulation or policy may prevent, or create barriers to, participation
23 in those activities. Each state and local entity shall ensure that
24 private agencies that provide foster care services to wards have
25 policies consistent with this section and that those agencies promote
26 and protect the ability of wards to participate in age-appropriate
27 extracurricular, enrichment, and social activities. A group home
28 administrator, a facility manager, or his or her responsible designee,
29 and a caregiver, as defined in paragraph (1) of subdivision (a) of
30 Section 362.04, shall use a reasonable and prudent parent standard,
31 as defined in paragraph (2) of subdivision (a) of Section 362.04,
32 in determining whether to give permission for a minor residing in
33 foster care to participate in extracurricular, enrichment, and social
34 activities. A group home administrator, a facility manager, or his
35 or her responsible designee, and a caregiver shall take reasonable
36 steps to determine the appropriateness of the activity taking into
37 consideration the minor's age, maturity, and developmental level.

38 (ii) A group home administrator or a facility manager, or his or
39 her responsible designee, is encouraged to consult with social work
40 or treatment staff members who are most familiar with the minor

1 at the group home in applying and using the reasonable and prudent
2 parent standard.

3 *(E) For nonminors, an approved supervised independent living*
4 *setting as defined in Section 11400, including a residential housing*
5 *unit certified by a licensed transitional housing placement provider.*

6 (b) (1) To facilitate coordination and cooperation among
7 agencies, the court may, at any time after a petition has been filed,
8 after giving notice and an opportunity to be heard, join in the
9 juvenile court proceedings any agency that the court determines
10 has failed to meet a legal obligation to provide services to a minor,
11 for whom a petition has been filed under Section 601 or 602, to a
12 nonminor, as described in Section 303, or to a nonminor dependent,
13 as defined in subdivision (v) of Section 11400. In any proceeding
14 in which an agency is joined, the court shall not impose duties
15 upon the agency beyond those mandated by law. The purpose of
16 joinder under this section is to ensure the delivery and coordination
17 of legally mandated services to the minor. The joinder shall not
18 be maintained for any other purpose. Nothing in this section shall
19 prohibit agencies that have received notice of the hearing on joinder
20 from meeting prior to the hearing to coordinate services.

21 (2) The court has no authority to order services unless it has
22 been determined through the administrative process of an agency
23 that has been joined as a party, that the minor, nonminor, or
24 nonminor dependent is eligible for those services. With respect to
25 mental health assessment, treatment, and case management services
26 pursuant to Chapter 26.5 (commencing with Section 7570) of
27 Division 7 of Title 1 of the Government Code, the court's
28 determination shall be limited to whether the agency has complied
29 with that chapter.

30 (3) For the purposes of this subdivision, "agency" means any
31 governmental agency or any private service provider or individual
32 that receives federal, state, or local governmental funding or
33 reimbursement for providing services directly to a child, nonminor,
34 or nonminor dependent.

35 (c) If a minor has been adjudged a ward of the court on the
36 ground that he or she is a person described in Section 601 or 602,
37 and the court finds that notice has been given in accordance with
38 Section 661, and if the court orders that a parent or guardian shall
39 retain custody of that minor either subject to or without the
40 supervision of the probation officer, the parent or guardian may

1 be required to participate with that minor in a counseling or
2 education ~~program~~ *program*, including, but not limited to, parent
3 education and parenting programs operated by community colleges,
4 school districts, or other appropriate agencies designated by the
5 court.

6 (d) The juvenile court may direct any reasonable orders to the
7 parents and guardians of the minor who is the subject of any
8 proceedings under this chapter as the court deems necessary and
9 proper to carry out subdivisions (a), (b), and (c) including orders
10 to appear before a county financial evaluation officer, to ensure
11 the minor's regular school attendance, and to make reasonable
12 efforts to obtain appropriate educational services necessary to meet
13 the needs of the minor.

14 If counseling or other treatment services are ordered for the
15 minor, the parent, guardian, or foster parent shall be ordered to
16 participate in those services, unless participation by the parent,
17 guardian, or foster parent is deemed by the court to be inappropriate
18 or potentially detrimental to the minor.

19 *SEC. 4.5. Section 727 of the Welfare and Institutions Code is*
20 *amended to read:*

21 727. (a) (1) If a minor *or nonminor* is adjudged a ward of the
22 court on the ground that he or she is a person described by Section
23 601 or 602, the court may make any reasonable orders for the care,
24 supervision, custody, conduct, maintenance, and support of the
25 ~~minor~~, *minor or nonminor*, including medical treatment, subject
26 to further order of the court.

27 (2) In the discretion of the court, a ward may be ordered to be
28 on probation without supervision of the probation officer. The
29 court, in so ordering, may impose on the ward any and all
30 reasonable conditions of behavior as may be appropriate under
31 this disposition. A minor *or nonminor* who has been adjudged a
32 ward of the court on the basis of the commission of any of the
33 offenses described in subdivision (b) or paragraph (2) of
34 subdivision (d) of Section 707, Section 459 of the Penal Code, or
35 subdivision (a) of Section 11350 of the Health and Safety Code,
36 shall not be eligible for probation without supervision of the
37 probation officer. A minor *or nonminor* who has been adjudged a
38 ward of the court on the basis of the commission of any offense
39 involving the sale or possession for sale of a controlled substance,
40 except misdemeanor offenses involving marijuana, as specified in

1 Chapter 2 (commencing with Section 11053) of Division 10 of the
2 Health and Safety Code, or of an offense in violation of Section
3 32625 of the Penal Code, shall be eligible for probation without
4 supervision of the probation officer only when the court determines
5 that the interests of justice would best be served and states reasons
6 on the record for that determination.

7 (3) In all other cases, the court shall order the care, custody, and
8 control of the minor *or nonminor* to be under the supervision of
9 the probation officer who may place the minor *or nonminor* in any
10 of the following:

11 (A) The approved home of a relative or the approved home of
12 a nonrelative, extended family member, as defined in Section
13 362.7. If a decision has been made to place the minor in the home
14 of a relative, the court may authorize the relative to give legal
15 consent for the minor's medical, surgical, and dental care and
16 education as if the relative caretaker were the custodial parent of
17 the minor.

18 (B) A suitable licensed community care ~~facility facility~~, *except*
19 *a runaway and homeless youth shelter licensed by the State*
20 *Department of Social Services pursuant to Section 1502.35 of the*
21 *Health and Safety Code. A placement of a child in a community*
22 *care facility, as specified in Section 1530.8 of the Health and Safety*
23 *Code, shall be made in accordance with Section 319.2 or 319.3,*
24 *as applicable, and with paragraph (8) or (9) of subdivision (c) of*
25 *Section 361.2, as applicable.*

26 (C) With a foster family agency to be placed in a suitable
27 licensed foster family home or certified family home which has
28 been certified by the agency as meeting licensing standards.

29 (D) (i) Every minor adjudged a ward of the juvenile court who
30 is residing in a placement as defined in subparagraphs (A) to (C),
31 inclusive, shall be entitled to participate in age-appropriate
32 extracurricular, enrichment, and social activities. No state or local
33 regulation or policy may prevent, or create barriers to, participation
34 in those activities. Each state and local entity shall ensure that
35 private agencies that provide foster care services to wards have
36 policies consistent with this section and that those agencies promote
37 and protect the ability of wards to participate in age-appropriate
38 extracurricular, enrichment, and social activities. A group home
39 administrator, a facility manager, or his or her responsible designee,
40 and a caregiver, as defined in paragraph (1) of subdivision (a) of

1 Section 362.04, shall use a reasonable and prudent parent standard,
2 as defined in paragraph (2) of subdivision (a) of Section 362.04,
3 in determining whether to give permission for a minor residing in
4 foster care to participate in extracurricular, enrichment, and social
5 activities. A group home administrator, a facility manager, or his
6 or her responsible designee, and a caregiver shall take reasonable
7 steps to determine the appropriateness of the activity taking into
8 consideration the minor's age, maturity, and developmental level.

9 (ii) A group home administrator or a facility manager, or his or
10 her responsible designee, is encouraged to consult with social work
11 or treatment staff members who are most familiar with the minor
12 at the group home in applying and using the reasonable and prudent
13 parent standard.

14 (E) *For nonminors, an approved supervised independent living*
15 *setting as defined in Section 11400, including a residential housing*
16 *unit certified by a licensed transitional housing placement provider.*

17 (b) (1) To facilitate coordination and cooperation among
18 agencies, the court may, at any time after a petition has been filed,
19 after giving notice and an opportunity to be heard, join in the
20 juvenile court proceedings any agency that the court determines
21 has failed to meet a legal obligation to provide services to a minor,
22 for whom a petition has been filed under Section 601 or 602, to a
23 nonminor, as described in Section 303, or to a nonminor dependent,
24 as defined in subdivision (v) of Section 11400. In any proceeding
25 in which an agency is joined, the court shall not impose duties
26 upon the agency beyond those mandated by law. The purpose of
27 joinder under this section is to ensure the delivery and coordination
28 of legally mandated services to the minor. The joinder shall not
29 be maintained for any other purpose. Nothing in this section shall
30 prohibit agencies that have received notice of the hearing on joinder
31 from meeting prior to the hearing to coordinate services.

32 (2) The court has no authority to order services unless it has
33 been determined through the administrative process of an agency
34 that has been joined as a party, that the minor, nonminor, or
35 nonminor dependent is eligible for those services. With respect to
36 mental health assessment, treatment, and case management services
37 pursuant to Chapter 26.5 (commencing with Section 7570) of
38 Division 7 of Title 1 of the Government Code, the court's
39 determination shall be limited to whether the agency has complied
40 with that chapter.

1 (3) For the purposes of this subdivision, “agency” means any
2 governmental agency or any private service provider or individual
3 that receives federal, state, or local governmental funding or
4 reimbursement for providing services directly to a child, nonminor,
5 or nonminor dependent.

6 (c) If a minor has been adjudged a ward of the court on the
7 ground that he or she is a person described in Section 601 or 602,
8 and the court finds that notice has been given in accordance with
9 Section 661, and if the court orders that a parent or guardian shall
10 retain custody of that minor either subject to or without the
11 supervision of the probation officer, the parent or guardian may
12 be required to participate with that minor in a counseling or
13 education-program *program*, including, but not limited to, parent
14 education and parenting programs operated by community colleges,
15 school districts, or other appropriate agencies designated by the
16 court.

17 (d) The juvenile court may direct any reasonable orders to the
18 parents and guardians of the minor who is the subject of any
19 proceedings under this chapter as the court deems necessary and
20 proper to carry out subdivisions (a), (b), and (c) including orders
21 to appear before a county financial evaluation officer, to ensure
22 the minor’s regular school attendance, and to make reasonable
23 efforts to obtain appropriate educational services necessary to meet
24 the needs of the minor.

25 If counseling or other treatment services are ordered for the
26 minor, the parent, guardian, or foster parent shall be ordered to
27 participate in those services, unless participation by the parent,
28 guardian, or foster parent is deemed by the court to be inappropriate
29 or potentially detrimental to the minor.

30 SEC. 5. Section 11363 of the Welfare and Institutions Code is
31 amended to read:

32 11363. (a) Aid in the form of state-funded Kin-GAP shall be
33 provided under this article on behalf of any child under 18 years
34 of age and to any eligible youth under 19 years of age as provided
35 in Section 11403, who satisfies all of the following conditions:

36 (1) Has been adjudged a dependent child of the juvenile court
37 pursuant to Section 300, or, effective October 1, 2006, a ward of
38 the juvenile court pursuant to Section 601 or 602.

39 (2) Has been residing for at least six consecutive months in the
40 approved home of the prospective relative guardian while under

1 the jurisdiction of the juvenile court or a voluntary placement
2 agreement.

3 (3) Has had a kinship guardianship established pursuant to
4 Section 360 or 366.26.

5 (4) Has had his or her dependency jurisdiction terminated after
6 January 1, 2000, pursuant to Section 366.3, or his or her wardship
7 terminated pursuant to subdivision (d) of Section 728, concurrently
8 or subsequently to the establishment of the kinship guardianship.

9 (b) If the conditions specified in subdivision (a) are met and,
10 subsequent to the termination of dependency jurisdiction, any
11 parent or person having an interest files with the juvenile court a
12 petition pursuant to Section 388 to change, modify, or set aside an
13 order of the court, Kin-GAP payments shall continue unless and
14 until the juvenile court, after holding a hearing, orders the child
15 removed from the home of the guardian, terminates the
16 guardianship, or maintains dependency jurisdiction after the court
17 concludes the hearing on the petition filed under Section 388.

18 (c) A child or nonminor former dependent or ward shall be
19 eligible for Kin-GAP payments if he or she meets one of the
20 following age criteria:

21 (1) He or she is under 18 years of age.

22 (2) He or she is under 21 years of age and has a physical or
23 mental disability that warrants the continuation of assistance.

24 (3) Through December 31, 2011, he or she satisfies the
25 conditions of Section 11403, and on and after January 1, 2012, he
26 or she satisfies the conditions of Section 11403.01.

27 (4) He or she satisfies the conditions as described in subdivision
28 (d).

29 (d) Commencing January 1, 2012, state-funded Kin-GAP
30 payments shall continue for youths who have attained 18 years of
31 age and who are under 19 years of age, if they reached 16 years
32 of age before the Kin-GAP negotiated agreement payments
33 commenced, and as described in Section 10103.5. Effective January
34 1, 2013, Kin-GAP payments shall continue for youths who have
35 attained 18 years of age and are under 20 years of age, if they
36 reached 16 years of age before the Kin-GAP negotiated agreement
37 payments commenced, and as described in Section 10103.5.
38 Effective January 1, 2014, Kin-GAP payments shall continue for
39 youths who have attained 18 years of age and are under 21 years
40 of age, if they reached 16 years of age before the Kin-GAP

1 negotiated agreement payments commenced. To be eligible for
2 continued payments, the youth shall satisfy one or more of the
3 conditions specified in paragraphs (1) to (5), inclusive, of
4 subdivision (b) of Section 11403.

5 (e) Termination of the guardianship with a kinship guardian
6 shall terminate eligibility for Kin-GAP unless the conditions in
7 Section 11403 apply; provided, however, that if an alternate
8 guardian or coguardian is appointed pursuant to Section 366.3 who
9 is also a kinship guardian, the alternate or coguardian shall be
10 entitled to receive Kin-GAP on behalf of the child pursuant to this
11 article. A new period of six months of placement with the alternate
12 guardian or coguardian shall not be required if that alternate
13 guardian or coguardian has been assessed pursuant to Sections
14 361.3 and 361.4 and the court terminates dependency jurisdiction.
15 When a nonminor former dependent is receiving Kin-GAP after
16 18 years of age and the nonminor former dependent's former
17 guardian dies, the nonminor former dependent may petition the
18 court for a hearing pursuant to subdivision (e) of Section 388.

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

21 11400. For the purposes of this article, the following definitions
22 shall apply:

23 (a) "Aid to Families with Dependent Children-Foster Care
24 (AFDC-FC)" means the aid provided on behalf of needy children
25 in foster care under the terms of this division.

26 (b) "Case plan" means a written document that, at a minimum,
27 specifies the type of home in which the child shall be placed, the
28 safety of that home, and the appropriateness of that home to meet
29 the child's needs. It shall also include the agency's plan for
30 ensuring that the child receive proper care and protection in a safe
31 environment, and shall set forth the appropriate services to be
32 provided to the child, the child's family, and the foster parents, in
33 order to meet the child's needs while in foster care, and to reunify
34 the child with the child's family. In addition, the plan shall specify
35 the services that will be provided or steps that will be taken to
36 facilitate an alternate permanent plan if reunification is not possible.

37 (c) "Certified family home" means a family residence certified
38 by a licensed foster family agency and issued a certificate of
39 approval by that agency as meeting licensing standards, and used
40 only by that foster family agency for placements.

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

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

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

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

19 (h) “Group home” means a nondetention privately operated
20 residential home, organized and operated on a nonprofit basis only,
21 of any capacity, or a nondetention licensed residential care home
22 operated by the County of San Mateo with a capacity of up to 25
23 beds, that provides services in a group setting to children in need
24 of care and supervision, as required by paragraph (1) of subdivision
25 (a) of Section 1502 of the Health and Safety Code.

26 (i) “Periodic review” means review of a child’s status by the
27 juvenile court or by an administrative review panel, that shall
28 include a consideration of the safety of the child, a determination
29 of the continuing need for placement in foster care, evaluation of
30 the goals for the placement and the progress toward meeting these
31 goals, and development of a target date for the child’s return home
32 or establishment of alternative permanent placement.

33 (j) “Permanency planning hearing” means a hearing conducted
34 by the juvenile court in which the child’s future status, including
35 whether the child shall be returned home or another permanent
36 plan shall be developed, is determined.

37 (k) “Placement and care” refers to the responsibility for the
38 welfare of a child vested in an agency or organization by virtue of
39 the agency or organization having (1) been delegated care, custody,
40 and control of a child by the juvenile court, (2) taken responsibility,

1 pursuant to a relinquishment or termination of parental rights on
2 a child, (3) taken the responsibility of supervising a child detained
3 by the juvenile court pursuant to Section 319 or 636, or (4) signed
4 a voluntary placement agreement for the child's placement; or to
5 the responsibility designated to an individual by virtue of his or
6 her being appointed the child's legal guardian.

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

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

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

19 (o) "Voluntary placement" means an out-of-home placement
20 of a child by (1) the county welfare department, probation
21 department, or Indian tribe that has entered into an agreement
22 pursuant to Section 10553.1, after the parents or guardians have
23 requested the assistance of the county welfare department and have
24 signed a voluntary placement agreement; or (2) the county welfare
25 department licensed public or private adoption agency, or the
26 department acting as an adoption agency, after the parents have
27 requested the assistance of either the county welfare department,
28 the licensed public or private adoption agency, or the department
29 acting as an adoption agency for the purpose of adoption planning,
30 and have signed a voluntary placement agreement.

31 (p) "Voluntary placement agreement" means a written agreement
32 between either the county welfare department, probation
33 department, or Indian tribe that has entered into an agreement
34 pursuant to Section 10553.1, licensed public or private adoption
35 agency, or the department acting as an adoption agency, and the
36 parents or guardians of a child that specifies, at a minimum, the
37 following:

38 (1) The legal status of the child.

39 (2) The rights and obligations of the parents or guardians, the
40 child, and the agency in which the child is placed.

1 (q) “Original placement date” means the most recent date on
2 which the court detained a child and ordered an agency to be
3 responsible for supervising the child or the date on which an agency
4 assumed responsibility for a child due to termination of parental
5 rights, relinquishment, or voluntary placement.

6 (r) (1) “Transitional housing placement provider” means an
7 organization licensed by the State Department of Social Services
8 pursuant to Section 1559.110 of the Health and Safety Code, to
9 provide transitional housing to foster children at least 16 years of
10 age and not more than 18 years of age, and nonminor dependents,
11 as defined in subdivision (v). A transitional housing placement
12 provider shall be privately operated and organized on a nonprofit
13 basis.

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

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

21 (t) “Whole family foster home” means a new or existing family
22 home, approved relative caregiver or nonrelative extended family
23 member’s home, the home of a nonrelated legal guardian whose
24 guardianship was established pursuant to Section 360 or 366.26,
25 certified family home, or a host family home placement of a
26 transitional housing placement provider, that provides foster care
27 for a minor or nonminor dependent parent and his or her child,
28 and is specifically recruited and trained to assist the minor or
29 nonminor dependent parent in developing the skills necessary to
30 provide a safe, stable, and permanent home for his or her child.
31 The child of the minor or nonminor dependent parent need not be
32 the subject of a petition filed pursuant to Section 300 to qualify
33 for placement in a whole family foster home.

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

35 (1) A written voluntary agreement of consent for continued
36 placement and care in a supervised setting between a minor or, on
37 and after January 1, 2012, a nonminor dependent, and the county
38 welfare services or probation department or tribal agency
39 responsible for the foster care placement, that documents the
40 nonminor’s continued willingness to remain in supervised

1 out-of-home placement under the placement and care of the
2 responsible county, tribe, consortium of tribes, or tribal
3 organization that has entered into an agreement with the state
4 pursuant to Section 10553.1, remain under the jurisdiction of the
5 juvenile court as a nonminor dependent, and report any change of
6 circumstances relevant to continued eligibility for foster care
7 payments, and that documents the nonminor’s and social worker’s
8 or probation officer’s agreement to work together to facilitate
9 implementation of the mutually developed supervised placement
10 agreement and transitional independent living case plan.

11 (2) An agreement, as described in paragraph (1), between a
12 nonminor former dependent or ward in receipt of Kin-GAP
13 payments under Article 4.5 (commencing with Section 11360) or
14 Article 4.7 (commencing with Section 11385), and the agency
15 responsible for the Kin-GAP benefits, provided that the nonminor
16 former dependent or ward satisfies the conditions described in
17 Section 11403.01, or one or more of the conditions described in
18 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
19 11403. For purposes of this paragraph and paragraph (3),
20 “nonminor former dependent or ward” has the same meaning as
21 described in subdivision (aa).

22 (3) An agreement, as described in paragraph (1), between a
23 nonminor former dependent or ward in receipt of AFDC-FC
24 payments under subdivision (e) or (f) of Section 11405 and the
25 agency responsible for the AFDC-FC benefits, provided that the
26 nonminor former dependent or ward described in subdivision (e)
27 of Section 11405 satisfies one or more of the conditions described
28 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
29 11403, and the nonminor described in subdivision (f) of Section
30 11405 satisfies the secondary school or equivalent training or
31 certificate program conditions described in that subdivision.

32 (v) “Nonminor dependent” means, on and after January 1, 2012,
33 a foster child, as described in Section 675(8)(B) of Title 42 of the
34 United States Code under the federal Social Security Act who is
35 a current dependent child or ward of the juvenile court, or is a
36 nonminor under the transition jurisdiction of the juvenile court, as
37 described in Section 450, who satisfies all of the following criteria:

38 (1) He or she has attained 18 years of age while under an order
39 of foster care placement by the juvenile court, and is not more than
40 19 years of age on or after January 1, 2012, not more than 20 years

1 of age on or after January 1, 2013, or not more than 21 years of
2 age on or after January 1, 2014, and as described in Section
3 10103.5.

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

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

13 (w) “Supervised independent living placement” means, on and
14 after January 1, 2012, an independent supervised setting, as
15 specified in a nonminor dependent’s transitional independent living
16 case plan, in which the youth is living independently, pursuant to
17 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.
18 672(c)(2)).

19 (x) “Supervised independent living setting,” pursuant to Section
20 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
21 672(c)(2)), includes both a supervised independent living
22 placement, as defined in subdivision (w), and a residential housing
23 unit certified by the transitional housing placement provider
24 operating a Transitional Housing Placement-Plus Foster Care
25 program, as described in paragraph (2) of subdivision (a) of Section
26 16522.1.

27 (y) “Transitional independent living case plan” means, on or
28 after January 1, 2012, a child’s case plan submitted for the last
29 review hearing held before he or she reaches 18 years of age or
30 the nonminor dependent’s case plan, updated every six months,
31 that describes the goals and objectives of how the nonminor will
32 make progress in the transition to living independently and assume
33 incremental responsibility for adult decisionmaking, the
34 collaborative efforts between the nonminor and the social worker,
35 probation officer, or Indian tribal placing entity and the supportive
36 services as described in the transitional independent living plan
37 (TILP) to ensure active and meaningful participation in one or
38 more of the eligibility criteria described in paragraphs (1) to (5),
39 inclusive, of subdivision (b) of Section 11403, the nonminor’s
40 appropriate supervised placement setting, and the nonminor’s

1 permanent plan for transition to living independently, which
2 includes maintaining or obtaining permanent connections to caring
3 and committed adults, as set forth in paragraph (16) of subdivision
4 (f) of Section 16501.1.

5 (z) “Voluntary reentry agreement” means a written voluntary
6 agreement between a former dependent child or ward or a former
7 nonminor dependent, who has had juvenile court jurisdiction
8 terminated pursuant to Section 391, 452, or 607.2, and the county
9 welfare or probation department or tribal placing entity that
10 documents the nonminor’s desire and willingness to reenter foster
11 care, to be placed in a supervised setting under the placement and
12 care responsibility of the placing agency, the nonminor’s desire,
13 willingness, and ability to immediately participate in one or more
14 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
15 (b) of Section 11403, the nonminor’s agreement to work
16 collaboratively with the placing agency to develop his or her
17 transitional independent living case plan within 60 days of reentry,
18 the nonminor’s agreement to report any changes of circumstances
19 relevant to continued eligibility for foster care payments, and (1)
20 the nonminor’s agreement to participate in the filing of a petition
21 for juvenile court jurisdiction as a nonminor dependent pursuant
22 to subdivision (e) of Section 388 within 15 judicial days of the
23 signing of the agreement and the placing agency’s efforts and
24 supportive services to assist the nonminor in the reentry process,
25 or (2) if the nonminor meets the definition of a nonminor former
26 dependent or ward, as described in subdivision (aa), the nonminor’s
27 agreement to return to the care and support of his or her former
28 juvenile court-appointed guardian and meet the eligibility criteria
29 for AFDC-FC pursuant to subdivision (e) of Section 11405.

30 (aa) “Nonminor former dependent or ward” means, on and after
31 January 1, 2012, either of the following:

32 (1) A nonminor who reached 18 years of age while subject to
33 an order for foster care placement, and for whom dependency,
34 delinquency, or transition jurisdiction has been terminated, and
35 who is still under the general jurisdiction of the court.

36 (2) A nonminor who is over 18 years of age and, while a minor,
37 was a dependent child or ward of the juvenile court when the
38 guardianship was established pursuant to Section 360 or 366.26,
39 or subdivision (d), of Section 728 and the juvenile court

1 dependency or wardship was dismissed following the establishment
2 of the guardianship.

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

6 *SEC. 6.5. Section 11400 of the Welfare and Institutions Code*
7 *is amended to read:*

8 11400. For the purposes of this article, the following definitions
9 shall apply:

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

13 (b) “Case plan” means a written document that, at a minimum,
14 specifies the type of home in which the child shall be placed, the
15 safety of that home, and the appropriateness of that home to meet
16 the child’s needs. It shall also include the agency’s plan for
17 ensuring that the child receive proper care and protection in a safe
18 environment, and shall set forth the appropriate services to be
19 provided to the child, the child’s family, and the foster parents, in
20 order to meet the child’s needs while in foster care, and to reunify
21 the child with the child’s family. In addition, the plan shall specify
22 the services that will be provided or steps that will be taken to
23 facilitate an alternate permanent plan if reunification is not possible.

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

28 (d) “Family home” means the family ~~residency~~ *residence* of a
29 licensee in which 24-hour care and supervision are provided for
30 children.

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

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

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

8 (h) “Group home” means a nondetention privately operated
9 residential home, organized and operated on a nonprofit basis only,
10 of any capacity, or a nondetention licensed residential care home
11 operated by the County of San Mateo with a capacity of up to 25
12 beds, that ~~provides services in a group setting to~~ *accepts* children
13 in need of care and ~~supervision, as required by paragraph (1)~~
14 *supervision in a group home, as defined by paragraph (13) of*
15 subdivision (a) of Section 1502 of the Health and Safety Code.

16 (i) “Periodic review” means review of a child’s status by the
17 juvenile court or by an administrative review panel, that shall
18 include a consideration of the safety of the child, a determination
19 of the continuing need for placement in foster care, evaluation of
20 the goals for the placement and the progress toward meeting these
21 goals, and development of a target date for the child’s return home
22 or establishment of alternative permanent placement.

23 (j) “Permanency planning hearing” means a hearing conducted
24 by the juvenile court in which the child’s future status, including
25 whether the child shall be returned home or another permanent
26 plan shall be developed, is determined.

27 (k) “Placement and care” refers to the responsibility for the
28 welfare of a child vested in an agency or organization by virtue of
29 the agency or organization having (1) been delegated care, custody,
30 and control of a child by the juvenile court, (2) taken responsibility,
31 pursuant to a relinquishment or termination of parental rights on
32 a child, (3) taken the responsibility of supervising a child detained
33 by the juvenile court pursuant to Section 319 or 636, or (4) signed
34 a voluntary placement agreement for the child’s placement; or to
35 the responsibility designated to an individual by virtue of his or
36 her being appointed the child’s legal guardian.

37 (l) “Preplacement preventive services” means services that are
38 designed to help children remain with their families by preventing
39 or eliminating the need for removal.

1 (m) “Relative” means an adult who is related to the child by
2 blood, adoption, or affinity within the fifth degree of kinship,
3 including stepparents, stepsiblings, and all relatives whose status
4 is preceded by the words “great,” “great-great,” or “grand” or the
5 spouse of any of these persons even if the marriage was terminated
6 by death or dissolution.

7 (n) “Nonrelative extended family member” means an adult
8 caregiver who has an established familial or mentoring relationship
9 with the child, as described in Section 362.7.

10 (o) “Voluntary placement” means an out-of-home placement
11 of a child by (1) the county welfare department, probation
12 department, or Indian tribe that has entered into an agreement
13 pursuant to Section 10553.1, after the parents or guardians have
14 requested the assistance of the county welfare department and have
15 signed a voluntary placement agreement; or (2) the county welfare
16 department licensed public or private adoption agency, or the
17 department acting as an adoption agency, after the parents have
18 requested the assistance of either the county welfare department,
19 the licensed public or private adoption agency, or the department
20 acting as an adoption agency for the purpose of adoption planning,
21 and have signed a voluntary placement agreement.

22 (p) “Voluntary placement agreement” means a written agreement
23 between either the county welfare department, probation
24 department, or Indian tribe that has entered into an agreement
25 pursuant to Section 10553.1, licensed public or private adoption
26 agency, or the department acting as an adoption agency, and the
27 parents or guardians of a child that specifies, at a minimum, the
28 following:

29 (1) The legal status of the child.

30 (2) The rights and obligations of the parents or guardians, the
31 child, and the agency in which the child is placed.

32 (q) “Original placement date” means the most recent date on
33 which the court detained a child and ordered an agency to be
34 responsible for supervising the child or the date on which an agency
35 assumed responsibility for a child due to termination of parental
36 rights, relinquishment, or voluntary placement.

37 (r) (1) “Transitional housing placement provider” means an
38 organization licensed by the State Department of Social Services
39 pursuant to Section 1559.110 of the Health and Safety Code, to
40 provide transitional housing to foster children at least 16 years of

1 age and not more than 18 years of age, and nonminor dependents,
2 as defined in subdivision (v). A transitional housing placement
3 provider shall be privately operated and organized on a nonprofit
4 basis.

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

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

12 (t) “Whole family foster home” means a new or existing family
13 home, approved relative caregiver or nonrelative extended family
14 member’s home, the home of a nonrelated legal guardian whose
15 guardianship was established pursuant to Section 360 or 366.26,
16 certified family home, or a host family home placement of a
17 transitional housing placement provider, that provides foster care
18 for a minor or nonminor dependent parent and his or her child,
19 and is specifically recruited and trained to assist the minor or
20 nonminor dependent parent in developing the skills necessary to
21 provide a safe, stable, and permanent home for his or her child.
22 The child of the minor or nonminor dependent parent need not be
23 the subject of a petition filed pursuant to Section 300 to qualify
24 for placement in a whole family foster home.

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

26 (1) A written voluntary agreement of consent for continued
27 placement and care in a supervised setting between a minor or, on
28 and after January 1, 2012, a nonminor dependent, and the county
29 welfare services or probation department or tribal agency
30 responsible for the foster care placement, that documents the
31 nonminor’s continued willingness to remain in supervised
32 out-of-home placement under the placement and care of the
33 responsible county, tribe, consortium of tribes, or tribal
34 organization that has entered into an agreement with the state
35 pursuant to Section 10553.1, remain under the jurisdiction of the
36 juvenile court as a nonminor dependent, and report any change of
37 circumstances relevant to continued eligibility for foster care
38 payments, and that documents the nonminor’s and social worker’s
39 or probation officer’s agreement to work together to facilitate

1 implementation of the mutually developed supervised placement
2 agreement and transitional independent living case plan.

3 (2) An agreement, as described in paragraph (1), between a
4 nonminor former dependent or ward in receipt of Kin-GAP
5 payments under Article 4.5 (commencing with Section 11360) or
6 Article 4.7 (commencing with Section 11385), and the agency
7 responsible for the Kin-GAP benefits, provided that the nonminor
8 former dependent or ward satisfies the conditions described in
9 Section 11403.01, or one or more of the conditions described in
10 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
11 11403. For purposes of this paragraph and paragraph (3),
12 “nonminor former dependent or ward” has the same meaning as
13 described in subdivision (aa).

14 (3) An agreement, as described in paragraph (1), between a
15 nonminor former dependent or ward in receipt of AFDC-FC
16 payments under subdivision (e) or (f) of Section 11405 and the
17 agency responsible for the AFDC-FC benefits, provided that the
18 nonminor former dependent or ward described in subdivision (e)
19 of Section 11405 satisfies one or more of the conditions described
20 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
21 11403, and the nonminor described in subdivision (f) of Section
22 11405 satisfies the secondary school or equivalent training or
23 certificate program conditions described in that subdivision.

24 (v) “Nonminor dependent” means, on and after January 1, 2012,
25 a foster child, as described in Section 675(8)(B) of Title 42 of the
26 United States Code under the federal Social Security Act who is
27 a current dependent child or ward of the juvenile court, or *is* a
28 nonminor under the transition jurisdiction of the juvenile court, as
29 described in Section 450, who satisfies all of the following criteria:

30 (1) He or she has attained 18 years of age while under an order
31 of foster care placement by the juvenile court, and is not more than
32 19 years of age on or after January 1, 2012, not more than 20 years
33 of age on or after January 1, 2013, or not more than 21 years of
34 age on or after January 1, 2014, and as described in Section
35 10103.5.

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

1 (3) He or she ~~is participating in~~ *has* a transitional independent
2 living case plan pursuant to Section 475(8) of the federal Social
3 Security Act (42 U.S.C. Sec. 675(8)), as contained in the federal
4 Fostering Connections to Success and Increasing Adoptions Act
5 of 2008 (Public Law 110-351), as described in Section 11403.

6 (w) “Supervised independent living placement” means, on and
7 after January 1, 2012, an independent supervised setting, as
8 specified in a nonminor dependent’s transitional independent living
9 case plan, in which the youth is living independently, pursuant to
10 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.
11 672(c)(2)).

12 (x) “Supervised independent living setting,” pursuant to Section
13 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
14 672(c)(2)), includes both a supervised independent living
15 placement, as defined in subdivision (w), and a residential housing
16 unit certified by the transitional housing placement provider
17 operating a Transitional Housing Placement-Plus Foster Care
18 program, as described in paragraph (2) of subdivision (a) of Section
19 16522.1.

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

38 (z) “Voluntary reentry agreement” means a written voluntary
39 agreement between a former dependent child or ward or a former
40 nonminor dependent, who has had juvenile court jurisdiction

1 terminated pursuant to Section 391,~~452~~ 452, or 607.2, and the
2 county welfare or probation department or tribal placing entity
3 that documents the nonminor’s desire and willingness to reenter
4 foster care, to be placed in a supervised setting under the placement
5 and care responsibility of the placing agency, the nonminor’s
6 desire, willingness, and ability to immediately participate in one
7 or more of the conditions of paragraphs (1) to (5), inclusive, of
8 subdivision (b) of Section 11403, the nonminor’s agreement to
9 work collaboratively with the placing agency to develop his or her
10 transitional independent living case plan within 60 days of reentry,
11 the nonminor’s agreement to report any changes of circumstances
12 relevant to continued eligibility for foster care payments, and (1)
13 the nonminor’s agreement to participate in the filing of a petition
14 for juvenile court jurisdiction as a nonminor dependent pursuant
15 to subdivision (e) of Section 388 within 15 judicial days of the
16 signing of the agreement and the placing agency’s efforts and
17 supportive services to assist the nonminor in the reentry process,
18 or (2) if the nonminor meets the definition of a nonminor former
19 dependent or ward, as described in subdivision (aa), the nonminor’s
20 agreement to return to the care and support of his or her former
21 juvenile court-appointed guardian and meet the eligibility criteria
22 for AFDC-FC pursuant to subdivision (e) of Section 11405.

23 (aa) “Nonminor former dependent or ward” means, on and after
24 January 1, 2012, either of the following:

25 (1) A nonminor who reached 18 years of age while subject to
26 an order for foster care placement, and for whom dependency,
27 delinquency, or transition jurisdiction has been terminated, and
28 who is still under the general jurisdiction of the court.

29 (2) A nonminor who is over 18 years of age and, while a minor,
30 was a dependent child or ward of the juvenile court when the
31 guardianship was established pursuant to Section 360 or 366.26,
32 or subdivision (d), of Section 728 and the juvenile court
33 dependency or wardship was dismissed following the establishment
34 of the guardianship.

35 (ab) “Runaway and homeless youth shelter” means a type of
36 group home, as defined in paragraph (14) of subdivision (a) of
37 Section 1502 of the Health and Safety Code, that is not an eligible
38 placement option under Sections 319, 361.2, 450, and 727, and
39 that is not eligible for AFDC-FC funding pursuant to subdivision
40 (c) of Section 11402 or Section 11462.

1 (ac) “*Transition dependent*” is a minor between 17 years and
2 five months and 18 years of age who is subject to the court’s
3 transition jurisdiction under Section 450.

4 SEC. 7. Section 11403 of the Welfare and Institutions Code is
5 amended to read:

6 11403. (a) It is the intent of the Legislature to exercise the
7 option afforded states under Section 475(8) (42 U.S.C. Sec.
8 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
9 federal Social Security Act, as contained in the federal Fostering
10 Connections to Success and Increasing Adoptions Act of 2008
11 (Public Law 110-351), to receive federal financial participation
12 for nonminor dependents of the juvenile court who satisfy the
13 conditions of subdivision (b), consistent with their transitional
14 independent living case plan. Effective January 1, 2012, these
15 nonminor dependents shall be eligible to receive support up to 19
16 years of age, effective January 1, 2013, up to 20 years of age, and
17 effective January 1, 2014, up to 21 years of age, consistent with
18 their transitional independent living case plan and as described in
19 Section 10103.5. It is the intent of the Legislature both at the time
20 of initial determination of the nonminor dependent’s eligibility
21 and throughout the time the nonminor dependent is eligible for aid
22 pursuant to this section, that the social worker or probation officer
23 or Indian tribal placing entity and the nonminor dependent shall
24 work together to ensure the nonminor dependent’s ongoing
25 eligibility. All case planning shall be a collaborative effort between
26 the nonminor dependent and the social worker, probation officer,
27 or Indian tribe, with the nonminor dependent assuming increasing
28 levels of responsibility and independence.

29 (b) A nonminor dependent receiving aid pursuant to this chapter,
30 who satisfies the age criteria set forth in subdivision (a), shall meet
31 the legal authority for placement and care by being under a foster
32 care placement order by the juvenile court, or the voluntary reentry
33 agreement as set forth in subdivision (z) of Section 11400, and is
34 otherwise eligible for AFDC-FC payments pursuant to Section
35 11401. A nonminor who satisfies the age criteria set forth in
36 subdivision (a), and who is otherwise eligible, shall continue to
37 receive CalWORKs payments pursuant to Section 11253 or, as a
38 nonminor former dependent or ward, aid pursuant to Kin-GAP
39 under Article 4.5 (commencing with Section 11360) or Article 4.7
40 (commencing with Section 11385) or adoption assistance payments

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

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

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

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

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

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

23 (c) The county child welfare or probation department, Indian
24 tribe, consortium of tribes, or tribal organization that has entered
25 into an agreement pursuant to Section 10553.1, shall work together
26 with a nonminor dependent who is in foster care on his or her 18th
27 birthday and thereafter or a nonminor former dependent receiving
28 aid pursuant to Section 11405, to satisfy one or more of the
29 conditions described in paragraphs (1) to (5), inclusive, of
30 subdivision (b) and shall certify the nonminor's applicable
31 condition or conditions in the nonminor's six-month transitional
32 independent living case plan update, and provide the certification
33 to the eligibility worker and to the court at each six-month case
34 plan review hearing for the nonminor dependent. Relative
35 guardians who receive Kin-GAP payments and adoptive parents
36 who receive adoption assistance payments shall be responsible for
37 reporting to the county welfare agency that the nonminor does not
38 satisfy at least one of the conditions described in subdivision (b).
39 The social worker, probation officer, or tribal entity shall verify
40 and obtain assurances that the nonminor dependent continues to

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

1 pursuant to subdivision (e) of Section 11405 shall complete the
2 applicable portions of the voluntary reentry agreement, as described
3 in subdivision (z) of Section 11400.

4 (d) A nonminor dependent may receive all of the payment
5 directly provided that the nonminor is living independently in a
6 supervised placement, as described in subdivision (w) of Section
7 11400, and that both the youth and the agency responsible for the
8 foster care placement have signed a mutual agreement, as defined
9 in subdivision (u) of Section 11400, if the youth is capable of
10 making an informed agreement, that documents the continued need
11 for supervised out-of-home placement, and the nonminor's and
12 social worker's or probation officer's agreement to work together
13 to facilitate implementation of the mutually developed supervised
14 placement agreement and transitional independent living case plan.

15 (e) Eligibility for aid under this section shall not terminate until
16 the nonminor dependent attains the age criteria, as set forth in
17 subdivision (a), but aid may be suspended when the nonminor
18 dependent no longer resides in an eligible facility, as described in
19 Section 11402, or is otherwise not eligible for AFDC-FC benefits
20 under Section 11401, or terminated at the request of the nonminor,
21 or after a court terminates dependency jurisdiction pursuant to
22 Section 391, delinquency jurisdiction pursuant to Section 607.2,
23 or transition jurisdiction pursuant to Section 452. AFDC-FC
24 benefits to nonminor dependents, may be resumed at the request
25 of the nonminor by completing a voluntary reentry agreement
26 pursuant to subdivision (z) of Section 11400, before or after the
27 filing of a petition filed pursuant to subdivision (e) of Section 388
28 after a court terminates dependency or transitional jurisdiction
29 pursuant to Section 391, or delinquency jurisdiction pursuant to
30 Section 607.2. The county welfare or probation department or
31 Indian tribal entity that has entered into an agreement pursuant to
32 Section 10553.1 shall complete the voluntary reentry agreement
33 with the nonminor who agrees to satisfy the criteria of the
34 agreement, as described in subdivision (z) of Section 11400. The
35 county welfare department or tribal entity shall establish a new
36 child-only Title IV-E eligibility determination based on the
37 nonminor's completion of the voluntary reentry agreement pursuant
38 to Section 11401. The beginning date of aid for either federal or
39 state AFDC-FC for a reentering nonminor who is placed in foster
40 care is the date the voluntary reentry agreement is signed or the

1 nonminor is placed, whichever is later. The county welfare
2 department, county probation department, or tribal entity shall
3 provide a nonminor dependent who wishes to continue receiving
4 aid with the assistance necessary to meet and maintain eligibility.

5 (f) (1) The county having jurisdiction of the nonminor
6 dependent shall remain the county of payment under this section
7 regardless of the youth's physical residence. Nonminor former
8 dependents receiving aid pursuant to subdivision (e) of Section
9 11405 shall be paid by their county of residence. Counties may
10 develop courtesy supervision agreements to provide case
11 management and independent living services by the county of
12 residence pursuant to the nonminor dependent's transitional
13 independent living case plan. Placements made out of state are
14 subject to the applicable requirements of the Interstate Compact
15 on Placement of Children, pursuant to Part 5 (commencing with
16 Section 7900) of Division 12 of the Family Code.

17 (2) The county welfare department, county probation
18 department, or tribal entity shall notify all foster youth who attain
19 16 years of age and are under the jurisdiction of that county or
20 tribe, including those receiving Kin-GAP, and AAP, of the
21 existence of the aid prescribed by this section.

22 (3) The department shall seek any waiver to amend its Title
23 IV-E State Plan with the Secretary of the United States Department
24 of Health and Human Services necessary to implement this section.

25 (g) (1) Subject to paragraph (3), a county shall pay the
26 nonfederal share of the cost of extending aid pursuant to this
27 section to eligible nonminor dependents who have reached 18
28 years of age and who are under the jurisdiction of the county,
29 including AFDC-FC payments pursuant to Section 11401, aid
30 pursuant to Kin-GAP under Article 4.7 (commencing with Section
31 11385), adoption assistance payments as specified in Chapter 2.1
32 (commencing with Section 16115) of Part 4, and aid pursuant to
33 Section 11405 for nonminor dependents who are residing in the
34 county as provided in paragraph (1) of subdivision (f). A county
35 shall contribute to the CalWORKs payments pursuant to Section
36 11253 and aid pursuant to Kin-GAP under Article 4.5 (commencing
37 with Section 11360) at the statutory sharing ratios in effect on
38 January 1, 2012.

39 (2) Subject to paragraph (3), a county shall pay the nonfederal
40 share of the cost of providing permanent placement services

1 pursuant to subdivision (c) of Section 16508 and administering
2 the Aid to Families with Dependent Children Foster Care program
3 pursuant to Section 15204.9. For purposes of budgeting, the
4 department shall use a standard for the permanent placement
5 services that is equal to the midpoint between the budgeting
6 standards for family maintenance services and family reunification
7 services.

8 (3) (A) (i) Notwithstanding any other ~~provision~~ of law, a
9 county's required total contribution pursuant to paragraphs (1) and
10 (2), excluding costs incurred pursuant to Section 10103.5, shall
11 not exceed the amount of savings in Kin-GAP assistance grant
12 expenditures realized by the county from the receipt of federal
13 funds due to the implementation of Article 4.7 (commencing with
14 Section 11385), and the amount of funding specifically included
15 in the Protective Services Subaccount within the Support Services
16 Account within the Local Revenue Fund 2011, plus any associated
17 growth funding from the Support Services Growth Subaccount
18 within the Sales and Use Tax Growth Account to pay the costs of
19 extending aid pursuant to this section.

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

24 (B) Beginning in the 2011–12 fiscal year, and for each fiscal
25 year thereafter, funding and expenditures for programs and
26 activities under this section shall be in accordance with the
27 requirements provided in Sections 30025 and 30026.5 of the
28 Government Code. In addition, the following are available to the
29 counties for the purpose of funding costs pursuant to this section:

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

33 (ii) The savings realized from the change in federal funding for
34 adoption assistance resulting from the enactment of Public Law
35 110-351 and consistent with subdivision (d) of Section 16118.

36 (4) (A) The limit on the county's total contribution pursuant to
37 paragraph (3) shall be assessed by the State Department of Social
38 Services, in conjunction with the California State Association of
39 Counties, in 2015–16, to determine if it shall be removed. The
40 assessment of the need for the limit shall be based on a

1 determination on a statewide basis of whether the actual county
2 costs of providing extended care pursuant to this section, excluding
3 costs incurred pursuant to Section 10103.5, are fully funded by
4 the amount of savings in Kin-GAP assistance grant expenditures
5 realized by the counties from the receipt of federal funds due to
6 the implementation of Article 4.7 (commencing with Section
7 11385) and the amount of funding specifically included in the
8 Protective Services Subaccount within the Support Services
9 Account within the Local Revenue Fund 2011 plus any associated
10 growth funding from the Support Services Growth Subaccount
11 within the Sales and Use Tax Growth Account to pay the costs of
12 extending aid pursuant to this section.

13 (B) If the assessment pursuant to subparagraph (A) shows that
14 the statewide total costs of extending aid pursuant to this section,
15 excluding costs incurred pursuant to Section 10103.5, are fully
16 funded by the amount of savings in Kin-GAP assistance grant
17 expenditures realized by the counties from the receipt of federal
18 funds due to the implementation of Article 4.7 (commencing with
19 Section 11385) and the amount of funding specifically included
20 in the Protective Services Subaccount within the Support Services
21 Account within the Local Revenue Fund 2011 plus any associated
22 growth funding from the Support Services Growth Subaccount
23 within the Sales and Use Tax Growth Account to pay the costs of
24 extending aid pursuant to this section, the Department of Finance
25 shall certify that fact, in writing, and shall post the certification on
26 its Internet Web site, at which time subparagraph (A) of paragraph
27 (3) shall no longer be implemented.

28 (h) It is the intent of the Legislature that no county currently
29 participating in the Child Welfare Demonstration Capped
30 Allocation Project be adversely impacted by the department's
31 exercise of its option to extend foster care benefits pursuant to
32 Section 673(a)(4) and Section 675(8) of Title 42 of the United
33 States Code in the federal Social Security Act, as contained in the
34 federal Fostering Connections to Success and Increasing Adoptions
35 Act of 2008 (Public Law 110-351). Therefore, the department shall
36 negotiate with the United States Department of Health and Human
37 Services on behalf of those counties that are currently participating
38 in the demonstration project to ensure that those counties receive
39 reimbursement for these new programs outside of the provisions
40 of those counties' waiver under Subtitle IV-E (commencing with

1 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
2 670 et seq.).

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

1 nonminor of due process rights and how to access them shall be
 2 developed, using language consistent with the special needs of the
 3 nonminor dependent population.

4 (j) Notwithstanding the Administrative Procedure Act, Chapter
 5 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
 6 Title 2 of the Government Code, the department shall prepare for
 7 implementation of the applicable provisions of this section by
 8 publishing, after consultation with the stakeholders listed in
 9 subdivision (i), all-county letters or similar instructions from the
 10 director by October 1, 2011, to be effective January 1, 2012.
 11 Emergency regulations to implement the applicable provisions of
 12 this act may be adopted by the director in accordance with the
 13 Administrative Procedure Act. The initial adoption of the
 14 emergency regulations and one readoption of the emergency
 15 regulations shall be deemed to be an emergency and necessary for
 16 the immediate preservation of the public peace, health, safety, or
 17 general welfare. Initial emergency regulations and the first
 18 readoption of those emergency regulations shall be exempt from
 19 review by the Office of Administrative Law. The emergency
 20 regulations authorized by this section shall be submitted to the
 21 Office of Administrative Law for filing with the Secretary of State
 22 and shall remain in effect for no more than 180 days.

23 (k) This section shall become operative on January 1, 2012.

24 ~~SEC. 8.— Section 11405 of the Welfare and Institutions Code is~~
 25 ~~amended to read:~~

26 ~~11405. (a) Except for nonminors described in paragraph (2)~~
 27 ~~of subdivision (e) and in subdivision (f), AFDC-FC benefits shall~~
 28 ~~be paid to an otherwise eligible child living with a nonrelated legal~~
 29 ~~guardian, provided that the legal guardian cooperates with the~~
 30 ~~county welfare department in all of the following:~~

- 31 ~~(1) Developing a written assessment of the child's needs.~~
- 32 ~~(2) Updating the assessment no less frequently than once every~~
 33 ~~six months.~~
- 34 ~~(3) Carrying out the case plan developed by the county.~~

35 ~~(b) Except for nonminors described in paragraph (2) of~~
 36 ~~subdivision (e) and in subdivision (f), when AFDC-FC is applied~~
 37 ~~for on behalf of a child living with a nonrelated legal guardian the~~
 38 ~~county welfare department shall do all of the following:~~

- 39 ~~(1) Develop a written assessment of the child's needs.~~

1 ~~(2) Update those assessments no less frequently than once every~~
2 ~~six months.~~

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

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

7 ~~(e) Where the child is a parent and has a child living with him~~
8 ~~or her in the same eligible facility, the assessment required by~~
9 ~~paragraph (1) of subdivision (a) shall include the needs of his or~~
10 ~~her child.~~

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

16 ~~(e) (1) On and after January 1, 2012, a nonminor youth whose~~
17 ~~nonrelated guardianship was ordered in juvenile court pursuant to~~
18 ~~Section 360 or 366.26, and whose dependency was dismissed,~~
19 ~~shall remain eligible for AFDC-FC benefits until the youth attains~~
20 ~~19 years of age, effective January 1, 2013, until the youth attains~~
21 ~~20 years of age, and effective January 1, 2014, until the youth~~
22 ~~attains 21 years of age, provided that the youth enters into a mutual~~
23 ~~agreement with the agency responsible for his or her guardianship,~~
24 ~~and the youth is meeting the conditions of eligibility, as described~~
25 ~~in paragraphs (1) to (5), inclusive, of subdivision (b) of Section~~
26 ~~11403.~~

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

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

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

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

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

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

4 ~~(f) On or after January 1, 2012, a child whose nonrelated~~
5 ~~guardianship was ordered in probate court pursuant to Article 2~~
6 ~~(commencing with Section 1510) of Chapter 1 of Part 2 of Division~~
7 ~~4 of the Probate Code, who is attending high school or the~~
8 ~~equivalent level of vocational or technical training on a full-time~~
9 ~~basis, or who is in the process of pursuing a high school~~
10 ~~equivalency certificate prior to his or her 18th birthday may~~
11 ~~continue to receive aid following his or her 18th birthday as long~~
12 ~~as the child continues to reside in the guardian's home, remains~~
13 ~~otherwise eligible for AFDC-FC benefits and continues to attend~~
14 ~~high school or the equivalent level of vocational or technical~~
15 ~~training on a full-time basis, or continues to pursue a high school~~
16 ~~equivalency certificate, and the child may reasonably be expected~~
17 ~~to complete the educational or training program or to receive a~~
18 ~~high school equivalency certificate, before his or her 19th birthday.~~
19 ~~Aid shall be provided to an individual pursuant to this section~~
20 ~~provided that both the individual and the agency responsible for~~
21 ~~the foster care placement have signed a mutual agreement, if the~~
22 ~~individual is capable of making an informed agreement,~~
23 ~~documenting the continued need for out-of-home placement.~~

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

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

38 ~~(3) Beginning with the 2011-12 fiscal year, the AFDC-FC~~
39 ~~payments identified in this subdivision shall be adjusted annually~~

1 by the percentage change in the California Necessities Index rate
2 as set forth in paragraph (2) of subdivision (g) of Section 11461.

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

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

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

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

14 ~~SEC. 9.~~

15 *SEC. 8.* Section 16120 of the Welfare and Institutions Code is
16 amended to read:

17 16120. A child shall be eligible for Adoption Assistance
18 Program benefits if all of the conditions specified in subdivisions
19 (a) to (l), inclusive, are met or if the conditions specified in
20 subdivision (m) are met.

21 (a) It has been determined that the child cannot or should not
22 be returned to the home of his or her parents as evidenced by a
23 petition for termination of parental rights, a court order terminating
24 parental rights, or a signed relinquishment, or, in the case of a
25 tribal customary adoption, if the court has given full faith and
26 credit to a tribal customary adoption order as provided for pursuant
27 to paragraph (2) of subdivision (e) of Section 366.26, or, in the
28 case of a nonminor dependent the court has dismissed dependency
29 or transitional jurisdiction subsequent to the approval of the
30 nonminor dependent, adoption petition pursuant to subdivision (f)
31 of Section 366.31.

32 (b) The child has at least one of the following characteristics
33 that are barriers to his or her adoption:

34 (1) Adoptive placement without financial assistance is unlikely
35 because of membership in a sibling group that should remain intact
36 or by virtue of race, ethnicity, color, language, age of three years
37 or older, or parental background of a medical or behavioral nature
38 that can be determined to adversely affect the development of the
39 child.

1 (2) Adoptive placement without financial assistance is unlikely
2 because the child has a mental, physical, emotional, or medical
3 disability that has been certified by a licensed professional
4 competent to make an assessment and operating within the scope
5 of his or her profession. This paragraph shall also apply to children
6 with a developmental disability, as defined in subdivision (a) of
7 Section 4512, including those determined to require out-of-home
8 nonmedical care, as described in Section 11464.

9 (c) The need for an adoption subsidy is evidenced by an
10 unsuccessful search for an adoptive home to take the child without
11 financial assistance, as documented in the case file of the
12 prospective adoptive child. The requirement for this search shall
13 be waived when it would be against the best interest of the child
14 because of the existence of significant emotional ties with
15 prospective adoptive parents while in the care of these persons as
16 a foster child.

17 (d) The child satisfies any of the following criteria:

18 (1) He or she is under 18 years of age.

19 (2) He or she is under 21 years of age and has a mental or
20 physical handicap that warrants the continuation of assistance.

21 (3) Effective January 1, 2012, he or she is under 19 years of
22 age, effective January 1, 2013, he or she is under 20 years of age,
23 and effective January 1, 2014, he or she is under 21 years of age
24 and as described in Section 10103.5, and has attained 16 years of
25 age before the adoption assistance agreement became effective,
26 and one or more of the conditions specified in paragraphs (1) to
27 (5), inclusive, of subdivision (b) of Section 11403 applies.

28 (e) The adoptive family is responsible for the child pursuant to
29 the terms of an adoptive placement agreement or a final decree of
30 adoption and has signed an adoption assistance agreement.

31 (f) The adoptive family is legally responsible for the support of
32 the child and the child is receiving support from the adoptive
33 parent.

34 (g) The department or the county responsible for determining
35 the child's Adoption Assistance Program eligibility status and for
36 providing financial aid, and the prospective adoptive parent, prior
37 to or at the time the adoption decree is issued by the court, have
38 signed an adoption assistance agreement that stipulates the need
39 for, and the amount of, Adoption Assistance Program benefits.

1 (h) The prospective adoptive parent or any adult living in the
2 prospective adoptive home has completed the criminal background
3 check requirements pursuant to Section 671(a)(20)(A) and (C) of
4 Title 42 of the United States Code.

5 (i) To be eligible for state funding, the child is the subject of an
6 agency adoption, as defined in Section 8506 of the Family Code,
7 and was any of the following:

8 (1) Under the supervision of a county welfare department as
9 the subject of a legal guardianship or juvenile court dependency.

10 (2) Relinquished for adoption to a licensed California private
11 or public adoption agency, or another public agency operating a
12 Title IV-E program on behalf of the state, and would have
13 otherwise been at risk of dependency as certified by the responsible
14 public child welfare agency.

15 (3) Committed to the care of the department pursuant to Section
16 8805 or 8918 of the Family Code.

17 (4) The child is an Indian child and the subject of an order of
18 adoption based on tribal customary adoption of an Indian child,
19 as described in Section 366.24. Notwithstanding Section 8600.5
20 of the Family Code, for purposes of this subdivision a tribal
21 customary adoption shall be considered an agency adoption.

22 (j) To be eligible for federal funding, in the case of a child who
23 is not an applicable child for the federal fiscal year as defined in
24 subdivision (n), the child satisfies any of the following criteria:

25 (1) Prior to the finalization of an agency adoption, as defined
26 in Section 8506 of the Family Code, or an independent adoption,
27 as defined in Section 8524 of the Family Code, is filed, the child
28 has met the requirements to receive federal supplemental security
29 income benefits pursuant to Subchapter 16 (commencing with
30 Section 1381) of Chapter 7 of Title 42 of the United States Code,
31 as determined and documented by the federal Social Security
32 Administration.

33 (2) The child was removed from the home of a specified relative
34 and the child would have been AFDC eligible in the home of
35 removal according to Section 606(a) or 607 of Title 42 of the
36 United States Code, as those sections were in effect on July 16,
37 1996, in the month of the voluntary placement agreement or in the
38 month court proceedings are initiated to remove the child, resulting
39 in a judicial determination that continuation in the home would be
40 contrary to the child's welfare. The child must have been living

1 with the specified relative from whom he or she was removed
2 within six months of the month the voluntary placement agreement
3 was signed or the petition to remove was filed.

4 (3) The child was voluntarily relinquished to a licensed public
5 or private adoption agency, or another public agency operating a
6 Title IV-E program on behalf of the state, and there is a petition
7 to the court to remove the child from the home within six months
8 of the time the child lived with a specified relative and a subsequent
9 judicial determination that remaining in the home would be
10 contrary to the child’s welfare.

11 (4) Title IV-E foster care maintenance was paid on behalf of
12 the child’s minor parent and covered the cost of the minor parent’s
13 child while the child was in the foster family home or child care
14 institution with the minor parent.

15 (5) The child is an Indian child and the subject of an order of
16 adoption based on tribal customary adoption of an Indian child,
17 as described in Section 366.24.

18 (k) To be eligible for federal funding, in the case of a child who
19 is an applicable child for the federal fiscal year, as defined in
20 subdivision (n), the child meets any of the following criteria:

21 (1) At the time of initiation of adoptive proceedings was in the
22 care of a public or licensed private child placement agency or
23 Indian tribal organization pursuant to either of the following:

24 (A) An involuntary removal of the child from the home in
25 accordance with a judicial determination to the effect that
26 continuation in the home would be contrary to the welfare of the
27 child.

28 (B) A voluntary placement agreement or a voluntary
29 relinquishment.

30 (2) He or she meets all medical or disability requirements of
31 Title XVI with respect to eligibility for supplemental security
32 income benefits.

33 (3) He or she was residing in a foster family home or a child
34 care institution with the child’s minor parent, and the child’s minor
35 parent was in the foster family home or child care institution
36 pursuant to either of the following:

37 (A) An involuntary removal of the child from the home in
38 accordance with a judicial determination to the effect that
39 continuation in the home would be contrary to the welfare of the
40 child.

1 (B) A voluntary placement agreement or voluntary
2 relinquishment.

3 (4) The child is an Indian child and the subject of an order of
4 adoption based on tribal customary adoption of an Indian child,
5 as described in Section 366.24.

6 (5) The nonminor dependent, as described in subdivision (v) of
7 Section 11400, is the subject of an adoption pursuant to subdivision
8 (f) of Section 366.31.

9 (l) The child is a citizen of the United States or a qualified alien
10 as defined in Section 1641 of Title 8 of the United States Code. If
11 the child is a qualified alien who entered the United States on or
12 after August 22, 1996, and is placed with an unqualified alien, the
13 child must meet the five-year residency requirement pursuant to
14 Section 673(a)(2)(B) of Title 42 of the United States Code, unless
15 the child is a member of one of the excepted groups pursuant to
16 Section 1612(b) of Title 8 of the United States Code.

17 (m) A child or nonminor shall be eligible for Adoption
18 Assistance Program benefits if the following conditions are met:

19 (1) The child or nonminor received Adoption Assistance
20 Program benefits with respect to a prior adoption and the child or
21 nonminor is again available for adoption because the prior adoption
22 was dissolved and the parental rights of the adoptive parents were
23 terminated or because the child's or nonminor's adoptive parents
24 died and the child or nonminor meets the special needs criteria
25 described in subdivisions (a) to (c), inclusive. When a nonminor
26 is receiving Adoption Assistance Program benefits after 18 years
27 of age and the nonminor's adoptive parents die, the juvenile court
28 may resume dependency jurisdiction over the nonminor pursuant
29 to subdivision (e) of Section 388.

30 (2) To receive federal funding, the citizenship requirements in
31 subdivision (l).

32 (n) (1) Except as provided in this subdivision, "applicable child"
33 means a child for whom an adoption assistance agreement is
34 entered into under this section during any federal fiscal year
35 described in this subdivision if the child attained the applicable
36 age for that federal fiscal year before the end of that federal fiscal
37 year.

38 (A) For federal fiscal year 2010, the applicable age is 16 years.

39 (B) For federal fiscal year 2011, the applicable age is 14 years.

40 (C) For federal fiscal year 2012, the applicable age is 12 years.

1 (D) For federal fiscal year 2013, the applicable age is 10 years.

2 (E) For federal fiscal year 2014, the applicable age is eight years.

3 (F) For federal fiscal year 2015, the applicable age is six years.

4 (G) For federal fiscal year 2016, the applicable age is four years.

5 (H) For federal fiscal year 2017, the applicable age is two years.

6 (I) For federal fiscal year 2018 and thereafter, any age.

7 (2) Beginning with the 2010 federal fiscal year, the term
8 “applicable child” shall include a child of any age on the date on
9 which an adoption assistance agreement is entered into on behalf
10 of the child under this section if the child meets both of the
11 following criteria:

12 (A) He or she has been in foster care under the responsibility
13 of the state for at least 60 consecutive months.

14 (B) He or she meets the requirements of subdivision (k).

15 (3) Beginning with the 2010 federal fiscal year, an applicable
16 child shall include a child of any age on the date that an adoption
17 assistance agreement is entered into on behalf of the child under
18 this section, without regard to whether the child is described in
19 paragraph (2), if the child meets all of the following criteria:

20 (A) He or she is a sibling of a child who is an applicable child
21 for the federal fiscal year, under subdivision (n) or paragraph (2).

22 (B) He or she is to be placed in the same adoption placement
23 as an “applicable child” for the federal fiscal year who is their
24 sibling.

25 (C) He or she meets the requirements of subdivision (k).

26 ~~SEC. 10.~~

27 *SEC. 9.* Section 16501.1 of the Welfare and Institutions Code
28 is amended to read:

29 16501.1. (a) (1) The Legislature finds and declares that the
30 foundation and central unifying tool in child welfare services is
31 the case plan.

32 (2) The Legislature further finds and declares that a case plan
33 ensures that the child receives protection and safe and proper care
34 and case management, and that services are provided to the child
35 and parents or other caretakers, as appropriate, in order to improve
36 conditions in the parent’s home, to facilitate the safe return of the
37 child to a safe home or the permanent placement of the child, and
38 to address the needs of the child while in foster care.

39 (b) (1) A case plan shall be based upon the principles of this
40 section and shall document that a preplacement assessment of the

1 service needs of the child and family, and preplacement preventive
2 services, have been provided, and that reasonable efforts to prevent
3 out-of-home placement have been made.

4 (2) In determining the reasonable services to be offered or
5 provided, the child's health and safety shall be the paramount
6 concerns.

7 (3) Upon a determination pursuant to paragraph (1) of
8 subdivision (e) of Section 361.5 that reasonable services will be
9 offered to a parent who is incarcerated in a county jail or state
10 prison, detained by the United States Department of Homeland
11 Security, or deported to his or her country of origin, the case plan
12 shall include information, to the extent possible, about a parent's
13 incarceration in a county jail or the state prison, detention by the
14 United States Department of Homeland Security, or deportation
15 during the time that a minor child of that parent is involved in
16 dependency care.

17 (4) Reasonable services shall be offered or provided to make it
18 possible for a child to return to a safe home environment, unless,
19 pursuant to subdivisions (b) and (e) of Section 361.5, the court
20 determines that reunification services shall not be provided.

21 (5) If reasonable services are not ordered, or are terminated,
22 reasonable efforts shall be made to place the child in a timely
23 manner in accordance with the permanent plan and to complete
24 all steps necessary to finalize the permanent placement of the child.

25 (c) (1) If out-of-home placement is used to attain case plan
26 goals, the case plan shall include a description of the type of home
27 or institution in which the child is to be placed, and the reasons
28 for that placement decision. The decision regarding choice of
29 placement shall be based upon selection of a safe setting that is
30 the least restrictive or most family like and the most appropriate
31 setting that is available and in close proximity to the parent's home,
32 proximity to the child's school, and consistent with the selection
33 of the environment best suited to meet the child's special needs
34 and best interests. The selection shall consider, in order of priority,
35 placement with relatives, nonrelated extended family members,
36 tribal members, and foster family homes, certified homes of foster
37 family agencies, intensive treatment or multidimensional treatment
38 foster care homes, group care placements, such as group homes
39 and community treatment facilities, and residential treatment
40 pursuant to Section 7950 of the Family Code.

1 (2) If a group care placement is selected for a child, the case
2 plan shall indicate the needs of the child that necessitate this
3 placement, the plan for transitioning the child to a less restrictive
4 environment, and the projected timeline by which the child will
5 be transitioned to a less restrictive environment. This section of
6 the case plan shall be reviewed and updated at least semiannually.

7 (3) On or after January 1, 2012, for a nonminor dependent, as
8 defined in subdivision (v) of Section 11400, who is receiving
9 AFDC-FC benefits up to 21 years of age pursuant to Section 11403,
10 in addition to the above requirements, the selection of the
11 placement, including a supervised independent living placement,
12 as described in subdivision (w) of Section 11400, shall also be
13 based upon the developmental needs of young adults by providing
14 opportunities to have incremental responsibilities that prepare a
15 nonminor dependent to transition to independent living. If
16 admission to, or continuation in, a group home placement is being
17 considered for a nonminor dependent, the group home placement
18 approval decision shall include a youth-driven, team-based case
19 planning process, as defined by the department, in consultation
20 with stakeholders. The case plan shall consider the full range of
21 placement options, and shall specify why admission to, or
22 continuation in, a group home placement is the best alternative
23 available at the time to meet the special needs or well-being of the
24 nonminor dependent, and how the placement will contribute to the
25 nonminor dependent's transition to independent living. The case
26 plan shall specify the treatment strategies that will be used to
27 prepare the nonminor dependent for discharge to a less restrictive
28 and more family-like setting, including a target date for discharge
29 from the group home placement. The placement shall be reviewed
30 and updated on a regular, periodic basis to ensure that continuation
31 in the group home remains in the best interests of the nonminor
32 dependent and that progress is being made in achieving case plan
33 goals leading to independent living. The group home placement
34 planning process shall begin as soon as it becomes clear to the
35 county welfare department or probation office that a foster child
36 in group home placement is likely to remain in group home
37 placement on his or her 18th birthday, in order to expedite the
38 transition to a less restrictive and more family-like setting if he or
39 she becomes a nonminor dependent. The case planning process
40 shall include informing the youth of all of his or her options,

1 including, but not limited to, admission to or continuation in a
2 group home placement. Consideration for continuation of existing
3 group home placement for a nonminor dependent under 19 years
4 of age may include the need to stay in the same placement in order
5 to complete high school. After a nonminor dependent either
6 completes high school or attains his or her 19th birthday, whichever
7 is earlier, continuation in or admission to a group home is
8 prohibited unless the nonminor dependent satisfies the conditions
9 of paragraph (5) of subdivision (b) of Section 11403, and group
10 home placement functions as a short-term transition to the
11 appropriate system of care. Treatment services provided by the
12 group home placement to the nonminor dependent to alleviate or
13 ameliorate the medical condition, as described in paragraph (5) of
14 subdivision (b) of Section 11403, shall not constitute the sole basis
15 to disqualify a nonminor dependent from the group home
16 placement.

17 (4) In addition to the requirements of paragraphs (1) to (3),
18 inclusive, and taking into account other statutory considerations
19 regarding placement, the selection of the most appropriate home
20 that will meet the child's special needs and best interests shall also
21 promote educational stability by taking into consideration
22 proximity to the child's school of origin, and school attendance
23 area, the number of school transfers the child has previously
24 experienced, and the child's school matriculation schedule, in
25 addition to other indicators of educational stability that the
26 Legislature hereby encourages the State Department of Social
27 Services and the State Department of Education to develop.

28 (d) A written case plan shall be completed within a maximum
29 of 60 days of the initial removal of the child or of the in-person
30 response required under subdivision (f) of Section 16501 if the
31 child has not been removed from his or her home, or by the date
32 of the dispositional hearing pursuant to Section 358, whichever
33 occurs first. The case plan shall be updated, as the service needs
34 of the child and family dictate. At a minimum, the case plan shall
35 be updated in conjunction with each status review hearing
36 conducted pursuant to Sections 364, 366, 366.3, and 366.31, and
37 the hearing conducted pursuant to Section 366.26, but no less
38 frequently than once every six months. Each updated case plan
39 shall include a description of the services that have been provided

1 to the child under the plan and an evaluation of the appropriateness
2 and effectiveness of those services.

3 (1) It is the intent of the Legislature that extending the maximum
4 time available for preparing a written case plan from 30 to 60 days
5 will afford caseworkers time to actively engage families, and to
6 solicit and integrate into the case plan the input of the child and
7 the child's family, as well as the input of relatives and other
8 interested parties.

9 (2) The extension of the maximum time available for preparing
10 a written case plan from the 30 to 60 days shall be effective 90
11 days after the date that the department gives counties written notice
12 that necessary changes have been made to the Child Welfare
13 Services Case Management System to account for the 60-day
14 timeframe for preparing a written case plan.

15 (e) The child welfare services case plan shall be comprehensive
16 enough to meet the juvenile court dependency proceedings
17 requirements pursuant to Article 6 (commencing with Section 300)
18 of Chapter 2 of Part 1 of Division 2.

19 (f) The case plan shall be developed as follows:

20 (1) The case plan shall be based upon an assessment of the
21 circumstances that required child welfare services intervention.
22 The child shall be involved in developing the case plan as age and
23 developmentally appropriate.

24 (2) The case plan shall identify specific goals and the
25 appropriateness of the planned services in meeting those goals.

26 (3) The case plan shall identify the original allegations of abuse
27 or neglect, as defined in Article 2.5 (commencing with Section
28 11164) of Chapter 2 of Title 1 of Part 4 of the Penal Code, or the
29 conditions cited as the basis for declaring the child a dependent of
30 the court pursuant to Section 300, or all of these, and the other
31 precipitating incidents that led to child welfare services
32 intervention.

33 (4) The case plan shall include a description of the schedule of
34 the placement agency contacts with the child and the family or
35 other caretakers. The frequency of these contacts shall be in
36 accordance with regulations adopted by the State Department of
37 Social Services. If the child has been placed in foster care out of
38 state, the county social worker or probation officer, or a social
39 worker or probation officer on the staff of the agency in the state
40 in which the child has been placed, shall visit the child in a foster

1 family home or the home of a relative, consistent with federal law
2 and in accordance with the department’s approved state plan. For
3 children in out-of-state group home facilities, visits shall be
4 conducted at least monthly, pursuant to Section 16516.5. At least
5 once every six months, at the time of a regularly scheduled
6 placement agency contact with the foster child, the child’s social
7 worker or probation officer shall inform the child of his or her
8 rights as a foster child, as specified in Section 16001.9. The social
9 worker or probation officer shall provide the information to the
10 child in a manner appropriate to the age or developmental level of
11 the child.

12 (5) (A) When out-of-home services are used, the frequency of
13 contact between the natural parents or legal guardians and the child
14 shall be specified in the case plan. The frequency of those contacts
15 shall reflect overall case goals, and consider other principles
16 outlined in this section.

17 (B) Information regarding any court-ordered visitation between
18 the child and the natural parents or legal guardians, and the terms
19 and conditions needed to facilitate the visits while protecting the
20 safety of the child, shall be provided to the child’s out-of-home
21 caregiver as soon as possible after the court order is made.

22 (6) When out-of-home placement is made, the case plan shall
23 include provisions for the development and maintenance of sibling
24 relationships as specified in subdivisions (b), (c), and (d) of Section
25 16002. If appropriate, when siblings who are dependents of the
26 juvenile court are not placed together, the social worker for each
27 child, if different, shall communicate with each of the other social
28 workers and ensure that the child’s siblings are informed of
29 significant life events that occur within their extended family.
30 Unless it has been determined that it is inappropriate in a particular
31 case to keep siblings informed of significant life events that occur
32 within the extended family, the social worker shall determine the
33 appropriate means and setting for disclosure of this information
34 to the child commensurate with the child’s age and emotional
35 well-being. These significant life events shall include, but shall
36 not be limited to, the following:

37 (A) The death of an immediate relative.

38 (B) The birth of a sibling.

39 (C) Significant changes regarding a dependent child, unless the
40 child objects to the sharing of the information with his or her

1 siblings, including changes in placement, major medical or mental
2 health diagnoses, treatments, or hospitalizations, arrests, and
3 changes in the permanent plan.

4 (7) If out-of-home placement is made in a foster family home,
5 group home, or other child care institution that is either a
6 substantial distance from the home of the child's parent or out of
7 state, the case plan shall specify the reasons why that placement
8 is in the best interest of the child. When an out-of-state group home
9 placement is recommended or made, the case plan shall, in
10 addition, specify compliance with Section 7911.1 of the Family
11 Code.

12 (8) Effective January 1, 2010, a case plan shall ensure the
13 educational stability of the child while in foster care and shall
14 include both of the following:

15 (A) An assurance that the placement takes into account the
16 appropriateness of the current educational setting and the proximity
17 to the school in which the child is enrolled at the time of placement.

18 (B) An assurance that the placement agency has coordinated
19 with the person holding the right to make educational decisions
20 for the child and appropriate local educational agencies to ensure
21 that the child remains in the school in which the child is enrolled
22 at the time of placement or, if remaining in that school is not in
23 the best interests of the child, assurances by the placement agency
24 and the local educational agency to provide immediate and
25 appropriate enrollment in a new school and to provide all of the
26 child's educational records to the new school.

27 (9) (A) If out-of-home services are used, or if parental rights
28 have been terminated and the case plan is placement for adoption,
29 the case plan shall include a recommendation regarding the
30 appropriateness of unsupervised visitation between the child and
31 any of the child's siblings. This recommendation shall include a
32 statement regarding the child's and the siblings' willingness to
33 participate in unsupervised visitation. If the case plan includes a
34 recommendation for unsupervised sibling visitation, the plan shall
35 also note that information necessary to accomplish this visitation
36 has been provided to the child or to the child's siblings.

37 (B) Information regarding the schedule and frequency of the
38 visits between the child and siblings, as well as any court-ordered
39 terms and conditions needed to facilitate the visits while protecting

1 the safety of the child, shall be provided to the child's out-of-home
2 caregiver as soon as possible after the court order is made.

3 (10) If out-of-home services are used and the goal is
4 reunification, the case plan shall describe the services to be
5 provided to assist in reunification and the services to be provided
6 concurrently to achieve legal permanency if efforts to reunify fail.
7 The plan shall also consider in-state and out-of-state placements,
8 the importance of developing and maintaining sibling relationships
9 pursuant to Section 16002, and the desire and willingness of the
10 caregiver to provide legal permanency for the child if reunification
11 is unsuccessful.

12 (11) If out-of-home services are used, the child has been in care
13 for at least 12 months, and the goal is not adoptive placement, the
14 case plan shall include documentation of the compelling reason
15 or reasons why termination of parental rights is not in the child's
16 best interest. A determination completed or updated within the
17 past 12 months by the department when it is acting as an adoption
18 agency or by a licensed adoption agency that it is unlikely that the
19 child will be adopted, or that one of the conditions described in
20 paragraph (1) of subdivision (c) of Section 366.26 applies, shall
21 be deemed a compelling reason.

22 (12) (A) Parents and legal guardians shall have an opportunity
23 to review the case plan, and to sign it whenever possible, and then
24 shall receive a copy of the plan. In a voluntary service or placement
25 agreement, the parents or legal guardians shall be required to
26 review and sign the case plan. Whenever possible, parents and
27 legal guardians shall participate in the development of the case
28 plan. Commencing January 1, 2012, for nonminor dependents, as
29 defined in subdivision (v) of Section 11400, who are receiving
30 AFDC-FC or CalWORKs assistance up to 21 years of age pursuant
31 to Section 11403, the transitional independent living case plan, as
32 set forth in subdivision (y) of Section 11400, shall be developed
33 with, and signed by, the nonminor.

34 (B) Parents and legal guardians shall be advised that, pursuant
35 to Section 1228.1 of the Evidence Code, neither their signature on
36 the child welfare services case plan nor their acceptance of any
37 services prescribed in the child welfare services case plan shall
38 constitute an admission of guilt or be used as evidence against the
39 parent or legal guardian in a court of law. However, they shall also
40 be advised that the parent's or guardian's failure to cooperate,

1 except for good cause, in the provision of services specified in the
2 child welfare services case plan may be used in any hearing held
3 pursuant to Section 366.21, 366.22, or 366.25 as evidence.

4 (13) A child shall be given a meaningful opportunity to
5 participate in the development of the case plan and state his or her
6 preference for foster care placement. A child who is 12 years of
7 age or older and in a permanent placement shall also be given the
8 opportunity to review the case plan, sign the case plan, and receive
9 a copy of the case plan.

10 (14) The case plan shall be included in the court report and shall
11 be considered by the court at the initial hearing and each review
12 hearing. Modifications to the case plan made during the period
13 between review hearings need not be approved by the court if the
14 casework supervisor for that case determines that the modifications
15 further the goals of the plan. If out-of-home services are used with
16 the goal of family reunification, the case plan shall consider and
17 describe the application of subdivision (b) of Section 11203.

18 (15) If the case plan has as its goal for the child a permanent
19 plan of adoption or placement in another permanent home, it shall
20 include a statement of the child's wishes regarding their permanent
21 placement plan and an assessment of those stated wishes. The
22 agency shall also include documentation of the steps the agency
23 is taking to find an adoptive family or other permanent living
24 arrangements for the child; to place the child with an adoptive
25 family, an appropriate and willing relative, a legal guardian, or in
26 another planned permanent living arrangement; and to finalize the
27 adoption or legal guardianship. At a minimum, the documentation
28 shall include child-specific recruitment efforts, such as the use of
29 state, regional, and national adoption exchanges, including
30 electronic exchange systems, when the child has been freed for
31 adoption. If the plan is for kinship guardianship, the case plan shall
32 document how the child meets the kinship guardianship eligibility
33 requirements.

34 (16) (A) When appropriate, for a child who is 16 years of age
35 or older and, commencing January 1, 2012, for a nonminor
36 dependent, the case plan shall include the transitional independent
37 living plan ~~(TILP)~~ (TILP), a written description of the programs
38 and services that will help the child, consistent with the child's
39 best interests, to prepare for the transition from foster care to
40 independent living, and, in addition, whether the youth has an

1 in-progress application pending for Title XVI Supplemental
2 Security Income benefits or for Special Immigrant Juvenile Status
3 or other applicable application for legal residency and an active
4 dependency case is required for that application. When appropriate,
5 for a nonminor dependent, the transitional independent living case
6 plan, as described in subdivision (v) of Section 11400, shall include
7 the TILP, a written description of the programs and services that
8 will help the nonminor dependent, consistent with his or her best
9 interests, to prepare for transition from foster care and assist the
10 youth in meeting the eligibility criteria set forth in paragraphs (1)
11 to (5), inclusive, of subdivision (b) Section 11403. If applicable,
12 the case plan shall describe the individualized supervision provided
13 in the supervised independent living placement as defined in
14 subdivision (w) of Section 11400. The case plan shall be developed
15 with the child or nonminor dependent and individuals identified
16 as important to the child or nonminor dependent, and shall include
17 steps the agency is taking to ensure that the child or nonminor
18 dependent achieves permanence, including maintaining or
19 obtaining permanent connections to caring and committed adults.

20 (B) During the 90-day period prior to the participant attaining
21 18 years of age or older as the state may elect under Section
22 475(8)(B)(iii) of the federal Social Security Act (42 U.S.C. Sec.
23 675(8)(B)(iii)), whether during that period foster care maintenance
24 payments are being made on the child's behalf or the child is
25 receiving benefits or services under Section 477 of the federal
26 Social Security Act (42 U.S.C. Sec. 677), a caseworker or other
27 appropriate agency staff or probation officer and other
28 representatives of the participant, as appropriate, shall provide the
29 youth or nonminor with assistance and support in developing the
30 written 90-day transition plan, that is personalized at the direction
31 of the child, information as detailed as the participant elects that
32 shall include, but not be limited to, options regarding housing,
33 health insurance, education, local opportunities for mentors and
34 continuing support services, and workforce supports and
35 employment services, a power of attorney for health-care care,
36 and information regarding the advance health care directive form.

37 (C) For youth 16 years of age or older, the case plan shall
38 include documentation that a consumer credit report was requested
39 annually from each of the three major credit reporting agencies at
40 no charge to the youth and that any results were provided to the

1 youth. For nonminor dependents, the case plan shall include
2 documentation that the county assisted the nonminor dependent
3 in obtaining his or her reports. The case plan shall include
4 documentation of barriers, if any, to obtaining the credit reports.
5 If the consumer credit report reveals any accounts, the case plan
6 shall detail how the county ensured the youth received assistance
7 with interpreting the credit report and resolving any inaccuracies,
8 including any referrals made for the assistance.

9 (g) If the court finds, after considering the case plan, that
10 unsupervised sibling visitation is appropriate and has been
11 consented to, the court shall order that the child or the child's
12 siblings, the child's current caregiver, and the child's prospective
13 adoptive parents, if applicable, be provided with information
14 necessary to accomplish this visitation. This section does not
15 require or prohibit the social worker's facilitation, transportation,
16 or supervision of visits between the child and his or her siblings.

17 (h) The case plan documentation on sibling placements required
18 under this section shall not require modification of existing case
19 plan forms until the Child Welfare Services Case Management
20 System is implemented on a statewide basis.

21 (i) When a child is 10 years of age or older and has been in
22 out-of-home placement for six months or longer, the case plan
23 shall include an identification of individuals, other than the child's
24 siblings, who are important to the child and actions necessary to
25 maintain the child's relationship with those individuals, provided
26 that those relationships are in the best interest of the child. The
27 social worker or probation officer 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 or probation officer shall make efforts to identify other
33 individuals who are important to the child, consistent with the
34 child's best interests.

35 (j) The child's caregiver shall be provided a copy of a plan
36 outlining the child's needs and services. The nonminor dependent's
37 caregiver shall be provided with a copy of the nonminor's TILP.

38 (k) On or before June 30, 2008, the department, in consultation
39 with the County Welfare Directors Association of California and
40 other advocates, shall develop a comprehensive plan to ensure that

1 90 percent of foster children are visited by their caseworkers on a
2 monthly basis by October 1, 2011, and that the majority of the
3 visits occur in the residence of the child. The plan shall include
4 any data reporting requirements necessary to comply with the
5 provisions of the federal Child and Family Services Improvement
6 Act of 2006 (Public Law 109-288).

7 (l) The implementation and operation of the amendments to
8 subdivision (i) enacted at the 2005–06 Regular Session shall be
9 subject to appropriation through the budget process and by phase,
10 as provided in Section 366.35.

11 ~~SEC. 11.~~

12 *SEC. 10.* Section 16507.6 of the Welfare and Institutions Code
13 is amended to read:

14 16507.6. If a minor has been voluntarily placed with the county
15 welfare department subsequent to January 1, 1982, for out-of-home
16 placement by his or her parents or guardians pursuant to this
17 chapter and the minor has remained out of their physical custody
18 for a consecutive period not to exceed 180 days or at least 90 days
19 before the minor attains 18 years of age, the department shall do
20 one of the following:

21 (a) Return the minor to the physical custody of his or her parents
22 or guardians.

23 (b) Refer the minor to a licensed adoption agency for
24 consideration of adoptive planning and receipt of a permanent
25 relinquishment of care and custody rights from the parents pursuant
26 to Section 8700 of the Family Code.

27 (c) Apply for a petition pursuant to Section 332 and file the
28 petition with the juvenile court to have the minor declared a
29 dependent child of the court under Section 300, in that return to
30 the parental home would be contrary to the best interests of the
31 child. The petition shall be filed, and the juvenile court shall issue
32 a dispositional order in the case, if appropriate, prior to the minor
33 attaining 18 years of age.

34 (d) Refer the minor placed pursuant to paragraph (2) of
35 subdivision (a) of Section 16507.3 to an interagency administrative
36 review board as may be required in federal regulations. One
37 member of the board shall be a licensed mental health practitioner.
38 The review board shall review the appropriateness and continued
39 necessity of six additional months of voluntary placement, the
40 extent of the compliance with the voluntary placement plan, and

1 the adequacy of services to the family and child. If the minor
 2 cannot be returned home by the 12th month of voluntary placement
 3 services, the department shall proceed pursuant to subdivision (b)
 4 or (c).

5 (e) Refer the minor placed pursuant to paragraph (1) of
 6 subdivision (a) of Section 16507.3 to an administrative review
 7 board as may be required in federal regulations and as described
 8 in subdivision (b) of Section 16503. If the minor cannot be returned
 9 home by the 12th month of voluntary placement services, the
 10 department shall proceed as described in ~~paragraph subdivisions~~
 11 *subdivision (b), (c), or (d).*

12 *SEC. 11. (a) Section 4.5 of this bill incorporates amendments*
 13 *to Section 727 of the Welfare and Institutions Code proposed by*
 14 *both this bill and Assembly Bill 346. It shall only become operative*
 15 *if (1) both bills are enacted and become effective on or before*
 16 *January 1, 2014, (2) each bill amends Section 727 of the Welfare*
 17 *and Institutions Code, and (3) this bill is enacted after Assembly*
 18 *Bill 346, in which case Section 4 of this bill shall not become*
 19 *operative.*

20 *(b) Section 6.5 of this bill incorporates amendments to Section*
 21 *11400 of the Welfare and Institutions Code proposed by both this*
 22 *bill and Assembly Bill 346. It shall only become operative if (1)*
 23 *both bills are enacted and become effective on or before January*
 24 *1, 2014, (2) each bill amends Section 11400 of the Welfare and*
 25 *Institutions Code, and (3) this bill is enacted after Assembly Bill*
 26 *346, in which case Section 6 of this bill shall not become operative.*

27 SEC. 12. If the Commission on State Mandates determines
 28 that this act contains costs mandated by the state, reimbursement
 29 to local agencies and school districts for those costs shall be made
 30 pursuant to Part 7 (commencing with Section 17500) of Division
 31 4 of Title 2 of the Government Code.