

AMENDED IN ASSEMBLY APRIL 2, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 2454

Introduced by Assembly Member Quirk-Silva

February 21, 2014

An act to amend Section ~~11403~~ 388.1 of the Welfare and Institutions Code, relating to public social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2454, as amended, Quirk-Silva. Foster youth: nonminor dependents.

Existing law provides aid and services to children placed in out-of-home care through various public assistance programs, including Aid to Families with Dependent Children-Foster Care (AFDC-FC), Kinship Guardianship Assistance Payment Program (Kin-GAP), and the Adoption Assistance Program. 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 authorizes a nonminor who has not attained 21 years of age to petition the juvenile court for a hearing to determine whether to assume dependency jurisdiction over the nonminor 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. Prior to the hearing, existing law requires the court to order the county child welfare or probation department to

prepare a report for the court that addresses the nonminor's educational or vocational plans, as specified, and recommendations for his or her placement. Existing law requires the placement and care of a former dependent or ward to be under the responsibility of specified local agencies, including either the county welfare services department or probation department, and requires the agency made responsible for the nonminor's placement and care to prepare a new transitional independent living case plan, as specified.

This bill would additionally authorize a nonminor who has not attained 21 years of age to petition the court, as described above, if the nonminor received public assistance after attaining 18 years of age, as specified, and his or her former guardian or guardians or adoptive parent or parents fail to provide ongoing support, and the court determines that it is in the nonminor's best interest for the court to assume dependency jurisdiction. By expanding the number of persons who are eligible to petition the juvenile court to assume dependency jurisdiction, the bill would increase the duties of social workers and probation officers, thereby creating a state-mandated local program.

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

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

~~Existing law provides aid and services to children placed in out-of-home care through various social service programs, including California Work Opportunity and Responsibility to Kids (CalWORKs), Aid to Families with Dependent Children Foster Care (AFDC-FC), Kinship Guardianship Assistance Payment Program (Kin-Gap), and the Adoption Assistance Program. Under existing law, a nonminor dependent, defined to include a person between 18 and 21 years of age and still within the jurisdiction of the juvenile court, continues to be eligible for those social service programs until 21 years of age if he or she is otherwise eligible for that program and one or more other specified conditions are met, including, that the nonminor is employed for at least 80 hours per month or enrolled in an institution that provides postsecondary or vocational education.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

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

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

1 *SECTION 1. Section 388.1 of the Welfare and Institutions Code*
2 *is amended to read:*

3 388.1. (a) On and after January 1, 2014, a nonminor who has
4 not attained 21 years of age may petition the court in which he or
5 she was previously found to be a dependent or delinquent child of
6 the juvenile court for a hearing to determine whether to assume
7 dependency jurisdiction over the nonminor, if he or she meets
8 either any of the following descriptions:

9 (1) He or she is a nonminor former dependent, as defined in
10 subdivision (aa) of Section 11400, who received aid after attaining
11 18 years of age under Kin-GAP pursuant to Article 4.5
12 (commencing with Section 11360) or Article 4.7 (commencing
13 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
14 pursuant to subdivision (e) of Section 11405, and whose former
15 guardian or guardians died after the nonminor attained 18 years
16 of age, but before he or she attains 21 years of age.

17 (2) *He or she is a nonminor former dependent, as defined in*
18 *subdivision (aa) of Section 11400, who received aid after attaining*
19 *18 years of age under Kin-GAP pursuant to Article 4.5*
20 *(commencing with Section 11360) or Article 4.7 (commencing with*
21 *Section 11385) of Chapter 2 of Part 3 of Division 9, or pursuant*
22 *to subdivision (e) of Section 11405, and whose former guardian*
23 *or guardians are failing to provide ongoing support to the*
24 *nonminor after the nonminor attained 18 years of age, but before*
25 *he or she attains 21 years of age, and the court determines that it*
26 *is in the nonminor’s best interest for the court to assume*
27 *dependency jurisdiction.*

28 (2)
29 (3) He or she is a nonminor who received adoption assistance
30 payments after attaining 18 years of age pursuant to Chapter 2.1
31 (commencing with Section 16115) of Part 4 of Division 9 and his
32 or her adoptive parent or parents died after the nonminor attained
33 18 years of age, but before he or she attains 21 years of age.

1 (4) *He or she is a nonminor who received adoption assistance*
2 *payments after attaining 18 years of age pursuant to Chapter 2.1*
3 *(commencing with Section 16115) of Part 4 of Division 9 and his*
4 *or her adoptive parent or parents are failing to provide ongoing*
5 *support to the nonminor after the nonminor attained 18 years of*
6 *age, but before he or she attains 21 years of age, and the court*
7 *determines that it is in the nonminor's best interest for the court*
8 *to assume dependency jurisdiction.*

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

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

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

15 (2) A nonminor described in subdivision (a) may submit a
16 petition to assume dependency jurisdiction to the juvenile court
17 in the county where he or she resides. A petition submitted pursuant
18 to this paragraph shall, within five days of submission, be
19 forwarded to the court that had jurisdiction over the child at the
20 time of the guardianship or adoption. The clerk of the court that
21 had jurisdiction over the child at the time of the guardianship or
22 adoption shall file the petition within one judicial day of receipt.

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

27 (A) He or she was a minor under juvenile court jurisdiction at
28 the time of the establishment of a guardianship pursuant to Section
29 360, Section 366.26, or subdivision (d) of Section 728, or he or
30 she was a minor or nonminor dependent when his or her adoption
31 was finalized.

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

35 (ii) *His or her guardian or guardians, or adoptive parent or*
36 *parents, as applicable, are failing to provide ongoing support to*
37 *the nonminor after the nonminor attained 18 years of age, but*
38 *before he or she attained 21 years of age, and it is the nonminor's*
39 *best interest for the court to assume dependency jurisdiction.*

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

4 (D) He or she is requesting assistance in maintaining or securing
5 appropriate supervised placement, or needs immediate placement
6 and agrees to supervised placement pursuant to the voluntary
7 reentry agreement described in subdivision (z) of Section 11400.

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

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

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

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

22 (B) The appropriate placement setting for the nonminor. When
23 the recommendation is for the nonminor to be placed in a setting
24 where minor dependents also reside, the results of a background
25 check of the petitioning nonminor conducted pursuant to Section
26 16504.5 may be used by the placing agency to determine
27 appropriate placement options for him or her.

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

33 (A) The nonminor was a minor under juvenile court jurisdiction
34 at the time of the establishment of a guardianship pursuant to
35 Section 360, Section 366.26, or subdivision (d) of Section 728, or
36 he or she was a dependent at the time his or her adoption was
37 finalized.

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

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

1 (D) The nonminor intends to satisfy, and agrees to satisfy, at
 2 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
 3 of subdivision (b) of Section 11403, and demonstrates his or her
 4 agreement to placement in a supervised setting under the placement
 5 and care responsibility of the placing agency by signing the
 6 voluntary reentry agreement described in subdivision (z) of Section
 7 11400.

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

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

14 (d) The agency made responsible for the nonminor’s placement
 15 and care pursuant to paragraph (5) of subdivision (c) shall prepare
 16 a new transitional independent living case plan within 60 calendar
 17 days of the date the nonminor signs the voluntary reentry agreement
 18 and shall submit the plan to the court for the review hearing
 19 specified in Section 366.31, to be held within 70 days of the
 20 assumption of dependency jurisdiction. The review hearing under
 21 Section 366.31 shall not be held more than 170 calendar days from
 22 the date the nonminor signs the voluntary reentry agreement.

23 (e) (1) A nonminor described in subdivision (a) may enter into
 24 a voluntary reentry agreement as defined in subdivision (z) of
 25 Section 11400 in order to establish eligibility for foster care
 26 benefits under subdivision (e) of Section 11401 before or after
 27 filing a petition to assume dependency jurisdiction. If the nonminor
 28 enters into a voluntary reentry agreement prior to filing the petition,
 29 the nonminor is entitled to placement and supervision pending the
 30 court’s assumption of jurisdiction.

31 (2) If the nonminor completes a voluntary reentry agreement
 32 with a placing agency, the placing agency shall file the petition to
 33 assume dependency jurisdiction on behalf of the nonminor within
 34 15 judicial days of the date the agreement is signed, unless the
 35 nonminor elects to file the petition at an earlier date.

36 *SEC. 2. If the Commission on State Mandates determines that*
 37 *this act contains costs mandated by the state, reimbursement to*
 38 *local agencies and school districts for those costs shall be made*
 39 *pursuant to Part 7 (commencing with Section 17500) of Division*
 40 *4 of Title 2 of the Government Code.*

1 SECTION 1. Section 11403 of the Welfare and Institutions Code
2 is amended to read:

3 11403. (a) It is the intent of the Legislature to exercise the
4 option afforded states under Section 475(8) (42 U.S.C. Sec.
5 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
6 federal Social Security Act, as contained in the federal Fostering
7 Connections to Success and Increasing Adoptions Act of 2008
8 (Public Law 110-351), to receive federal financial participation
9 for nonminor dependents of the juvenile court who satisfy the
10 conditions of subdivision (b), consistent with their transitional
11 independent living case plan. Effective January 1, 2012, these
12 nonminor dependents shall be eligible to receive support up to 19
13 years of age, effective January 1, 2013, up to 20 years of age, and
14 effective January 1, 2014, up to 21 years of age, consistent with
15 their transitional independent living case plan and as described in
16 Section 10103.5. It is the intent of the Legislature both at the time
17 of initial determination of the nonminor dependent's eligibility
18 and throughout the time the nonminor dependent is eligible for aid
19 pursuant to this section, that the social worker or probation officer
20 or Indian tribal placing entity and the nonminor dependent shall
21 work together to ensure the nonminor dependent's ongoing
22 eligibility. All case planning shall be a collaborative effort between
23 the nonminor dependent and the social worker, probation officer,
24 or Indian tribe, with the nonminor dependent assuming increasing
25 levels of responsibility and independence.

26 (b) A nonminor dependent receiving aid pursuant to this chapter,
27 who satisfies the age criteria set forth in subdivision (a), shall meet
28 the legal authority for placement and care by being under a foster
29 care placement order by the juvenile court, or the voluntary reentry
30 agreement as set forth in subdivision (z) of Section 11400, and is
31 otherwise eligible for AFDC-FC payments pursuant to Section
32 11401. A nonminor who satisfies the age criteria set forth in
33 subdivision (a), and who is otherwise eligible, shall continue to
34 receive CalWORKs payments pursuant to Section 11253 or, as a
35 nonminor former dependent or ward, aid pursuant to Kin-GAP
36 under Article 4.5 (commencing with Section 11360) or Article 4.7
37 (commencing with Section 11385) or adoption assistance payments
38 as specified in Chapter 2.1 (commencing with Section 16115) of
39 Part 4. Effective January 1, 2012, a nonminor former dependent
40 child or ward of the juvenile court who is receiving AFDC-FC

1 benefits pursuant to Section 11405 and who satisfies the criteria
2 set forth in subdivision (a) shall be eligible to continue to receive
3 aid as long as the nonminor is otherwise eligible for AFDC-FC
4 benefits under this subdivision. This subdivision shall apply when
5 one or more of the following conditions exist:

6 (1) ~~The nonminor is completing secondary education or a~~
7 ~~program leading to an equivalent credential.~~

8 (2) ~~The nonminor is enrolled in an institution that provides~~
9 ~~postsecondary or vocational education.~~

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

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

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

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

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

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

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

1 provide a nonminor dependent who wishes to continue receiving
2 aid with the assistance necessary to meet and maintain eligibility.

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

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

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

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

37 ~~(2) Subject to paragraph (3), a county shall pay the nonfederal
38 share of the cost of providing permanent placement services
39 pursuant to subdivision (e) of Section 16508 and administering
40 the Aid to Families with Dependent Children Foster Care program~~

1 pursuant to Section 15204.9. For purposes of budgeting, the
2 department shall use a standard for the permanent placement
3 services that is equal to the midpoint between the budgeting
4 standards for family maintenance services and family reunification
5 services.

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

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

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

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

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

34 ~~(4) (A) The limit on the county's total contribution pursuant to~~
35 ~~paragraph (3) shall be assessed by the State Department of Social~~
36 ~~Services, in conjunction with the California State Association of~~
37 ~~Counties, in 2015-16, to determine if it shall be removed. The~~
38 ~~assessment of the need for the limit shall be based on a~~
39 ~~determination on a statewide basis of whether the actual county~~
40 ~~costs of providing extended care pursuant to this section, excluding~~

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

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

26 (h) It is the intent of the Legislature that no county currently
27 participating in the Child Welfare Demonstration Capped
28 Allocation Project be adversely impacted by the department's
29 exercise of its option to extend foster care benefits pursuant to
30 Section 673(a)(4) and Section 675(8) of Title 42 of the United
31 States Code in the federal Social Security Act, as contained in the
32 federal Fostering Connections to Success and Increasing Adoptions
33 Act of 2008 (Public Law 110-351). Therefore, the department shall
34 negotiate with the United States Department of Health and Human
35 Services on behalf of those counties that are currently participating
36 in the demonstration project to ensure that those counties receive
37 reimbursement for these new programs outside of the provisions
38 of those counties' waiver under Subtitle IV-E (commencing with
39 Section 470) of the federal Social Security Act (42 U.S.C. Sec.
40 670 et seq.).

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

1 developed, using language consistent with the special needs of the
2 nonminor dependent population.

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

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