

AMENDED IN SENATE FEBRUARY 4, 2015

SENATE BILL

No. 12

Introduced by Senator Beall

December 1, 2014

An act to amend Sections 303, 388, 388.1, 450, 607.2, 11400, 11401, 11403, and 11405 of the Welfare and Institutions Code, relating to foster youth.

LEGISLATIVE COUNSEL'S DIGEST

SB 12, as amended, Beall. Foster youth.

Existing law, the California Fostering Connections to Success Act, revises and expands the scope of various programs relating to cash assistance and other services to and for the benefit of certain foster and adopted children, and other children who have been placed in out-of-home care, including children who receive Aid to Families with Dependent Children-Foster Care (AFDC-FC), Adoption Assistance Program, California Work Opportunity and Responsibility to Kids (CalWORKs), and Kinship Guardianship Assistance Payment (Kin-GAP) benefits. Among other provisions, the act extends specified foster care benefits to youth up to 21 years of age, if specified conditions are met.

Existing law defines a nonminor dependent for these purposes as a foster child who is a current dependent child or ward of the juvenile court, or who is a nonminor under the transition jurisdiction of the juvenile court pursuant to a voluntary reentry agreement, and in accordance with a transitional independent living case plan who has attained 18 years of age while under an order of foster care placement by the juvenile court and is not older than 21 years of age. Existing law defines a nonminor former dependent or ward as a person who meets these criteria who reached 18 years of age while subject to an order

for foster care placement, for whom dependency, delinquency, or transition jurisdiction has been terminated, and who is still under the general jurisdiction of the court.

This bill would revise the definition of a nonminor dependent and former nonminor dependent to include a nonminor who was subject to an order for foster care placement at any time before he or she attained 12 years of age and who has not attained 21 years of age. This bill would make conforming changes to allow a court to assume or resume dependency jurisdiction or transition jurisdiction over a nonminor who satisfies this criteria. Because the bill would expand the application of the above county administered programs, the bill would impose a state-mandated local program.

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

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

~~Existing law provides that a minor who is found to have suffered abuse or neglect maybe adjudged a dependent child of the juvenile court. Existing law provides that a minor who is found to have committed a crime, who is truant, or who has violated an ordinance imposing a curfew, may be adjudged a ward of the juvenile court. Existing law authorizes the juvenile court to retain jurisdiction over a ward or dependent child until the person attains the age of 21 years. Existing law also authorizes the juvenile court to make reasonable orders for the placement of a ward or dependent child, including placement in a juvenile facility.~~

~~Existing law provides that nonminor dependent children and wards are eligible to receive foster youth benefits after 18 years of age, under specified circumstances, including that the person has attained 18 years of age while under an order of foster care placement by the juvenile court.~~

~~This bill would express the intent of the Legislature to enact legislation that would require that a placement order for a person who is in the custody of a juvenile facility remain in place until the person attains 18 years of age and is released from custody, in order to help ensure that~~

the person may remain eligible for foster youth benefits upon his or her release from custody.

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 303 of the Welfare and Institutions Code
2 is amended to read:

3 303. (a) The court may retain jurisdiction over any person who
4 is found to be a ward or a dependent child of the juvenile court
5 until the ward or dependent child attains the age of 21 years.

6 (b) ~~On and after January 1, 2012, the~~ The court shall have within
7 its jurisdiction any nonminor dependent, as defined in subdivision
8 (v) of Section 11400. The court may terminate its dependency,
9 delinquency, or transition jurisdiction over the nonminor dependent
10 between the time the nonminor reaches the age of majority and 21
11 years of age. If the court terminates dependency, delinquency, or
12 transition jurisdiction, the nonminor dependent shall remain under
13 the general jurisdiction of the court in order to allow for a petition
14 under subdivision (e) of Section 388.

15 (c) ~~On and after January 1, 2012, a~~ A nonminor who has not yet
16 attained 21 years of age and who ~~exited foster care at or after the~~
17 ~~age of majority, was previously under the jurisdiction of the~~
18 ~~juvenile court subject to an order for foster care placement at any~~
19 ~~time after attaining 12 years of age,~~ may petition the court pursuant
20 to subdivision (e) of Section 388 to resume dependency jurisdiction
21 over himself or herself or to assume transition jurisdiction over
22 himself or herself pursuant to Section 450.

23 (d) (1) Nothing in this code, including, but not limited to,
24 Sections 340, 366.27, and 369.5, shall be construed to provide
25 legal custody of a person who has attained 18 years of age to the
26 county welfare or probation department or to otherwise abrogate
27 any other rights that a person who has attained 18 years of age
28 may have as an adult under California law. A nonminor dependent
29 shall retain all of his or her legal decisionmaking authority as an
30 adult. The nonminor shall enter into a mutual agreement for
31 placement, as described in subdivision (u) of Section 11400, unless
32 the nonminor dependent is incapable of making an informed
33 agreement, or a voluntary reentry agreement, as described in

1 subdivision (z) of Section 11400, for placement and care in which
2 the nonminor consents to placement and care in a setting supervised
3 by, and under the responsibility of, the county child welfare
4 services department, the county probation department, or Indian
5 tribe, tribal organization, or consortium of tribes that entered into
6 an agreement pursuant to Section 10553.1.

7 (2) A nonminor dependent who remains under delinquency
8 jurisdiction in order to complete his or her rehabilitative goals and
9 is under a foster care placement order is not required to complete
10 the mutual agreement as described in subdivision (u) of Section
11 11400. His or her adult decisionmaking authority may be limited
12 by and subject to the care, supervision, custody, conduct, and
13 maintenance orders as described in Section 727.

14 (e) Unless otherwise specified, the rights of a dependent child
15 and the responsibilities of the county welfare or probation
16 department, or tribe, and other entities, toward the child and family,
17 shall also apply to nonminor dependents.

18 *SEC. 2. Section 388 of the Welfare and Institutions Code is*
19 *amended to read:*

20 388. (a) (1) Any parent or other person having an interest in
21 a child who is a dependent child of the juvenile court or a nonminor
22 dependent as defined in subdivision (v) of Section 11400, or the
23 child himself or herself or the nonminor dependent through a
24 properly appointed guardian may, upon grounds of change of
25 circumstance or new evidence, petition the court in the same action
26 in which the child was found to be a dependent child of the juvenile
27 court or in which a guardianship was ordered pursuant to Section
28 360 for a hearing to change, modify, or set aside any order of court
29 previously made or to terminate the jurisdiction of the court. The
30 petition shall be verified and, if made by a person other than the
31 child or the nonminor dependent shall state the petitioner's
32 relationship to or interest in the child or the nonminor dependent
33 and shall set forth in concise language any change of circumstance
34 or new evidence that is alleged to require the change of order or
35 termination of jurisdiction.

36 (2) When any party, including a child who is a dependent of the
37 juvenile court, petitions the court prior to an order terminating
38 parental rights, to modify the order that reunification services were
39 not needed pursuant to paragraphs (4), (5), and (6) of subdivision
40 (b) of Section 361.5, or to modify any orders related to custody or

visitation of the subject child, and the court orders a hearing pursuant to subdivision (d), the court shall modify the order that reunification services were not needed pursuant to paragraphs (4), (5), and (6) of subdivision (b) of Section 361.5, or any orders related to the custody or visitation of the child for whom reunification services were not ordered pursuant to paragraphs (4), (5), and (6) of subdivision (b) of Section 361.5, only if the court finds by clear and convincing evidence that the proposed change is in the best interests of the child.

(b) (1) Any person, including a child or a nonminor dependent who is a dependent of the juvenile court, may petition the court to assert a relationship as a sibling related by blood, adoption, or affinity through a common legal or biological parent to a child who is, or is the subject of a petition for adjudication as, a dependent of the juvenile court, and may request visitation with the dependent child, placement with or near the dependent child, or consideration when determining or implementing a case plan or permanent plan for the dependent child or make any other request for an order which may be shown to be in the best interest of the dependent child.

(2) A child or nonminor dependent who is a dependent of the juvenile court may petition the court to assert a relationship as a sibling related by blood, adoption, or affinity through a common legal or biological parent to a child who is in the physical custody of a common legal or biological parent, and may request visitation with the nondependent sibling in parental custody.

(3) Pursuant to subdivision (b) of Section 16002, a request for sibling visitation may be granted unless it is determined by the court that sibling visitation is contrary to the safety and well-being of any of the siblings.

(4) The court may appoint a guardian ad litem to file the petition for a dependent child asserting a sibling relationship pursuant to this subdivision if the court determines that the appointment is necessary for the best interests of the dependent child. The petition shall be verified and shall set forth the following:

- (A) Through which parent he or she is related to the sibling.
- (B) Whether he or she is related to the sibling by blood, adoption, or affinity.
- (C) The request or order that the petitioner is seeking.

1 (D) Why that request or order is in the best interest of the
2 dependent child.

3 (c) (1) Any party, including a child who is a dependent of the
4 juvenile court, may petition the court, prior to the hearing set
5 pursuant to subdivision (f) of Section 366.21 for a child described
6 by subparagraph (A) of paragraph (1) of subdivision (a) of Section
7 361.5, or prior to the hearing set pursuant to subdivision (e) of
8 Section 366.21 for a child described by subparagraph (B) or (C)
9 of paragraph (1) of subdivision (a) of Section 361.5, to terminate
10 court-ordered reunification services provided under subdivision
11 (a) of Section 361.5 only if one of the following conditions exists:

12 (A) It appears that a change of circumstance or new evidence
13 exists that satisfies a condition set forth in subdivision (b) or (e)
14 of Section 361.5 justifying termination of court-ordered
15 reunification services.

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

21 (2) In determining whether the parent or guardian has failed to
22 visit the child or participate regularly or make progress in the
23 treatment plan, the court shall consider factors that include but are
24 not limited to, the parent's or guardian's incarceration,
25 institutionalization, detention by the United States Department of
26 Homeland Security, deportation, or participation in a court-ordered
27 residential substance abuse treatment program.

28 (3) The court shall terminate reunification services during the
29 above-described time periods only upon a finding by a
30 preponderance of evidence that reasonable services have been
31 offered or provided, and upon a finding of clear and convincing
32 evidence that one of the conditions in subparagraph (A) or (B) of
33 paragraph (1) exists.

34 (4) Any party, including a nonminor dependent, as defined in
35 subdivision (v) of Section 11400, may petition the court prior to
36 the review hearing set pursuant to subdivision (d) of Section 366.31
37 to terminate the continuation of court-ordered family reunification
38 services for a nonminor dependent who has attained 18 years of
39 age. The court shall terminate family reunification services to the
40 parent or guardian if the nonminor dependent or parent or guardian

1 are not in agreement that the continued provision of court-ordered
2 family reunification services is in the best interests of the nonminor
3 dependent.

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

11 (d) If it appears that the best interests of the child or the
12 nonminor dependent may be promoted by the proposed change of
13 order, modification of reunification services, custody, or visitation
14 orders concerning a child for whom reunification services were
15 not ordered pursuant to paragraphs (4), (5), and (6) of subdivision
16 (b) of Section 361.5, recognition of a sibling relationship,
17 termination of jurisdiction, or clear and convincing evidence
18 supports revocation or termination of court-ordered reunification
19 services, the court shall order that a hearing be held and shall give
20 prior notice, or cause prior notice to be given, to the persons and
21 in the manner prescribed by Section 386, and, in those instances
22 in which the manner of giving notice is not prescribed by those
23 sections, then in the manner the court prescribes.

24 (e) ~~(1) On and after January 1, 2012, a~~ A nonminor who attained
25 ~~18~~ 12 years of age while subject to an order for foster care
26 ~~placement and, commencing January 1, 2012, and who has not~~
27 ~~attained 19 years of age, or, commencing January 1, 2013, 20 years~~
28 ~~of age, or, commencing January 1, 2014, 21 years of age, or as~~
29 ~~described in Section 10103.5, age~~ for whom the court has dismissed
30 dependency jurisdiction pursuant to Section 391, or delinquency
31 jurisdiction pursuant to Section 607.2, or transition jurisdiction
32 pursuant to Section 452, but has retained general jurisdiction under
33 subdivision (b) of Section 303, or the county child welfare services,
34 probation department, or tribal placing agency on behalf of the
35 nonminor, may petition the court in the same action in which the
36 child was found to be a dependent or delinquent child of the
37 juvenile court, for a hearing to resume the dependency jurisdiction
38 over a former dependent or to assume or resume transition
39 jurisdiction over a former delinquent ward pursuant to Section
40 450. The petition shall be filed within the period that the nonminor

1 is of the age described in this paragraph. If the nonminor has
2 completed the voluntary reentry agreement, as described in
3 subdivision (z) of Section 11400, with the placing agency, the
4 agency shall file the petition on behalf of the nonminor within 15
5 judicial days of the date the agreement was signed unless the
6 nonminor elects to file the petition at an earlier date.

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

20 (i) He or she was previously under juvenile court jurisdiction,
21 subject to an order for foster care placement ~~when he or she~~
22 ~~attained 18 years of age~~, *at any time after the youth attained 12*
23 *years of age*, and has not attained the age limits described in
24 paragraph (1).

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

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

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

39 (3) The Judicial Council, by January 1, 2012, shall adopt rules
40 of court to allow for telephonic appearances by nonminor former

dependents or delinquents in these proceedings, and for telephonic appearances by nonminor dependents in any proceeding in which the nonminor dependent is a party, and he or she declines to appear and elects a telephonic appearance.

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

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

(i) The nonminor was previously under juvenile court jurisdiction subject to an order for foster care placement ~~when he or she attained 18~~ *at any time after he or she attained 12 years of age.*

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

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

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

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

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

16 *SEC. 3. Section 388.1 of the Welfare and Institutions Code is*
17 *amended to read:*

18 388.1. (a) On and after January 1, 2014, a nonminor who has
19 not attained 21 years of age may petition the court in which he or
20 she was previously found to be a dependent or delinquent child of
21 the juvenile court for a hearing to determine whether to assume
22 dependency jurisdiction over the nonminor, if he or she meets any
23 of the following descriptions:

24 (1) He or she is a nonminor former dependent, as defined in
25 subdivision (aa) of Section 11400, who received aid after attaining
26 ~~18~~ 12 years of age under Kin-GAP pursuant to Article 4.5
27 (commencing with Section 11360) or Article 4.7 (commencing
28 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
29 pursuant to subdivision (e) of Section 11405, and whose former
30 guardian or guardians died after the nonminor attained 18 years
31 of age, but before he or she attains 21 years of age.

32 (2) He or she is a nonminor former dependent, as defined in
33 subdivision (aa) of Section 11400, who received aid after attaining
34 ~~18~~ 12 years of age under Kin-GAP pursuant to Article 4.5
35 (commencing with Section 11360) or Article 4.7 (commencing
36 with Section 11385) of Chapter 2 of Part 3 of Division 9, or
37 pursuant to subdivision (e) of Section 11405, and whose former
38 guardian or guardians no longer provide ongoing support to, and
39 ~~no longer receive aid on behalf of, to~~ the nonminor after the

1 nonminor attained 18 years of age, but before he or she attains 21
2 years of age.

3 (3) He or she is a nonminor who received adoption assistance
4 payments after attaining ~~18~~ 12 years of age pursuant to Chapter
5 2.1 (commencing with Section 16115) of Part 4 of Division 9 and
6 his or her adoptive parent or parents died after the nonminor
7 attained 18 years of age, but before he or she attains 21 years of
8 age.

9 (4) He or she is a nonminor who received adoption assistance
10 payments after attaining ~~18~~ 12 years of age pursuant to Chapter
11 2.1 (commencing with Section 16115) of Part 4 of Division 9 and
12 his or her adoptive parent or parents no longer provide ongoing
13 support ~~to, and no longer receive benefits on behalf of, to~~ the
14 nonminor after the nonminor attained 18 years of age, but before
15 he or she attains 21 years of age.

16 (5) *He or she is a nonminor who was previously under the*
17 *jurisdiction of the juvenile court subject to an order for foster care*
18 *placement at any time after he or she attained 12 years of age and*
19 *who has not attained 21 years of age.*

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

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

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

26 (2) A nonminor described in subdivision (a) may submit a
27 petition to assume dependency jurisdiction to the juvenile court
28 in the county where he or she resides. A petition submitted pursuant
29 to this paragraph shall, within five days of submission, be
30 forwarded to the court that had jurisdiction over the child at the
31 time of the guardianship or adoption. The clerk of the court that
32 had jurisdiction over the child at the time of the guardianship or
33 adoption shall file the petition within one judicial day of receipt.

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

38 (A) He or she was a minor under juvenile court jurisdiction at
39 the time of the establishment of a guardianship pursuant to Section
40 360, Section 366.26, or subdivision (d) of Section 728, or he or

1 she was a minor or nonminor dependent when his or her adoption
2 was finalized.

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

6 (ii) His or her guardian or guardians, or adoptive parent or
7 parents, as applicable, no longer provide ongoing support to, and
8 ~~no longer receive payment on behalf of,~~ to the nonminor after the
9 nonminor attained 18 years of age, but before he or she attained
10 21 years of age, and it may be in the nonminor's best interest for
11 the court to assume dependency jurisdiction.

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

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

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

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

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

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

33 (B) The appropriate placement setting for the nonminor. When
34 the recommendation is for the nonminor to be placed in a setting
35 where minor dependents also reside, the results of a background
36 check of the petitioning nonminor conducted pursuant to Section
37 16504.5 may be used by the placing agency to determine
38 appropriate placement options for him or her.

39 (5) The court shall assume dependency jurisdiction over a former
40 dependent or ward, and order his or her placement and care be

1 under the responsibility of the county child welfare services
2 department, the probation department, tribe, consortium of tribes,
3 or tribal organization, if the court finds all of the following:

4 (A) The nonminor was a minor under juvenile court jurisdiction
5 at the time of the establishment of a guardianship pursuant to
6 Section 360, Section 366.26, or subdivision (d) of Section 728, or
7 he or she was a dependent at the time his or her adoption was
8 finalized.

9 (B) The nonminor's guardian or guardians, or adoptive parent
10 or parents, as applicable, have died, or no longer provide ongoing
11 support to, and no longer receive payment on behalf of, to the
12 nonminor, and it is in the nonminor's best interests for the court
13 to assume dependency jurisdiction.

14 (C) The nonminor has not attained 21 years of age.

15 (D) Reentry and remaining in foster care are in the nonminor's
16 best interests.

17 (E) The nonminor intends to satisfy, and agrees to satisfy, at
18 least one of the criteria set forth in paragraphs (1) to (5), inclusive,
19 of subdivision (b) of Section 11403, and demonstrates his or her
20 agreement to placement in a supervised setting under the placement
21 and care responsibility of the placing agency by signing the
22 voluntary reentry agreement described in subdivision (z) of Section
23 11400.

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

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

30 (d) The agency made responsible for the nonminor's placement
31 and care pursuant to paragraph (5) of subdivision (c) shall prepare
32 a new transitional independent living case plan within 60 calendar
33 days of the date the nonminor signs the voluntary reentry agreement
34 and shall submit the plan to the court for the review hearing
35 specified in Section 366.31, to be held within 70 days of the
36 assumption of dependency jurisdiction. The review hearing under
37 Section 366.31 shall not be held more than 170 calendar days from
38 the date the nonminor signs the voluntary reentry agreement.

39 (e) (1) A nonminor described in subdivision (a) may enter into
40 a voluntary reentry agreement as defined in subdivision (z) of

1 Section 11400 in order to establish eligibility for foster care
2 benefits under subdivision (e) of Section 11401 before or after
3 filing a petition to assume dependency jurisdiction. If the nonminor
4 enters into a voluntary reentry agreement prior to filing the petition,
5 the nonminor is entitled to placement and supervision pending the
6 court's assumption of jurisdiction.

7 (2) If the nonminor completes a voluntary reentry agreement
8 with a placing agency, the placing agency shall file the petition to
9 assume dependency jurisdiction on behalf of the nonminor within
10 15 judicial days of the date the agreement is signed, unless the
11 nonminor elects to file the petition at an earlier date.

12 *SEC. 4. Section 450 of the Welfare and Institutions Code is*
13 *amended to read:*

14 450. (a) A minor or nonminor who satisfies all of the following
15 criteria is within the transition jurisdiction of the juvenile court:

16 (1) (A) The minor is a ward who is older than 17 years and 5
17 months of age and younger than 18 years of age and in foster care
18 placement, or the nonminor is a ward in foster care placement who
19 was a ward subject to an order for foster care placement ~~on the~~
20 ~~day he or she attained 18 years of age and on and after January 1,~~
21 ~~2012, has not attained 19 years of age, or, commencing January~~
22 ~~1, 2013, 20 years of age, or, commencing January 1, 2014, at any~~
23 ~~time after the youth attained 12 years of age and who has not~~
24 ~~attained 21 years of age.~~

25 (B) Notwithstanding subparagraph (A), the nonminor is a ward
26 who has been receiving aid pursuant to Article 5 (commencing
27 with Section 11400) of Chapter 2 of Part 3 of Division 9 between
28 January 1, 2012, and December 31, 2012, and attains 19 years of
29 age prior to January 1, 2013, or who has been receiving that aid
30 between January 1, 2013, and December 31, 2013, and attains 20
31 years of age prior to January 1, 2014, and who may continue to
32 receive aid under the applicable program, provided that the
33 nonminor dependent continues to meet all other applicable
34 eligibility requirements as specified in Section 11403.

35 (2) The ward meets either of the following conditions:

36 (A) The ward was removed from the physical custody of his or
37 her parents or legal guardian, adjudged to be a ward of the juvenile
38 court under Section 725, and ordered into foster care placement
39 as a ward.

1 (B) The ward was removed from the custody of his or her
2 parents or legal guardian as a dependent of the court with an order
3 for foster care placement as a dependent in effect at the time the
4 court adjudged him or her to be a ward of the juvenile court under
5 Section 725.

6 (3) The rehabilitative goals of the minor or nonminor, as set
7 forth in the case plan, have been met, and juvenile court jurisdiction
8 over the minor or nonminor as a ward is no longer required.

9 (4) (A) If the ward is a minor, reunification services have been
10 terminated; the matter has not been set for a hearing for termination
11 of parental rights pursuant to Section 727.3 or for the establishment
12 of guardianship pursuant to Section 728; the return of the child to
13 the physical custody of the parents or legal guardian would create
14 a substantial risk of detriment to the child's safety, protection, or
15 physical or emotional well-being; and the minor has indicated an
16 intent to sign a mutual agreement, as described in subdivision (u)
17 of Section 11400, with the responsible agency for placement in a
18 supervised setting as a nonminor dependent.

19 (B) If the ward is a nonminor, he or she has signed a mutual
20 agreement, as described in subdivision (u) of Section 11400, with
21 the responsible agency for placement in a supervised setting as a
22 nonminor dependent or has signed a voluntary reentry agreement,
23 as described in subdivision (z) of Section 11400 for placement in
24 a supervised setting as a nonminor dependent. A runaway and
25 homeless youth shelter licensed by the State Department of Social
26 Services pursuant to Section 1502.35 of the Health and Safety
27 Code shall not be a placement option pursuant to this section.

28 (b) A minor who is subject to the court's transition jurisdiction
29 shall be referred to as a transition dependent.

30 (c) A youth subject to the court's transition jurisdiction who is
31 18 years of age or older shall be referred to as a nonminor
32 dependent.

33 *SEC. 5. Section 607.2 of the Welfare and Institutions Code is*
34 *amended to read:*

35 607.2. (a) ~~On and after January 1, 2012, the~~ The court shall
36 hold a hearing prior to terminating jurisdiction over a ward who
37 satisfies any of the following criteria:

38 (1) Is a minor subject to an order for foster care placement
39 described in Section 11402 as a ward who has not previously been

1 subject to the jurisdiction of the court as a result of a petition filed
2 pursuant to Section 325.

3 (2) Is a nonminor who was subject to an order for foster care
4 placement described in Section 11402 ~~as a ward on the day he or~~
5 ~~she attained 18 at any time after he or she attained 12 years of age~~
6 *and who has not attained 21 years of age.*

7 (3) Is a ward who was subject to an order for foster care
8 placement described in Section 11402 as a dependent of the court
9 at the time the court adjudged the child to be a ward of the court
10 under Section 725.

11 (b) At a hearing during which termination of jurisdiction over
12 a ward described in subdivision (a) is being considered, the court
13 shall take one of the following actions:

14 (1) Modify its jurisdiction from delinquency jurisdiction to
15 transition jurisdiction, if the court finds the ward is a person
16 described in Section 450.

17 (2) (A) For a ward who was not previously subject to the
18 jurisdiction of the court as a result of a petition filed pursuant to
19 Section 325, order the probation department or the ward's attorney
20 to submit an application to the child welfare services department
21 pursuant to Section 329 to declare the minor a dependent of the
22 court and modify the court's jurisdiction from delinquency
23 jurisdiction to dependency jurisdiction, if the court finds all of the
24 following:

25 (i) The ward is a minor.

26 (ii) The ward does not come within the description in Section
27 450, but jurisdiction as a ward may no longer be required.

28 (iii) The ward appears to come within the description of Section
29 300 and cannot be returned home safely.

30 (B) The court shall set a hearing within 20 judicial days of the
31 date of the order described in subparagraph (A) to review the child
32 welfare services department's decision and may either affirm its
33 decision not to file a petition pursuant to Section 300 or order the
34 child welfare services department to file a petition pursuant to
35 Section 300.

36 (3) Vacate the order terminating jurisdiction over the minor as
37 a dependent of the court, resume jurisdiction pursuant to Section
38 300 based on the prior petition filed pursuant to Section 325, and
39 terminate the court's jurisdiction over the minor as a ward, if the
40 minor was subject to an order for foster care placement described

1 in Section 11402 as a dependent of the court at the time the court
2 adjudged the minor to be a ward and assumed jurisdiction over
3 the minor under Section 725.

4 (4) Continue its delinquency jurisdiction over a ward pursuant
5 to Section 303 as a nonminor dependent, as defined in subdivision
6 (v) of Section 11400, who is eligible to remain in foster care
7 pursuant to Section 11403, if the ward is a nonminor and the court
8 did not modify its jurisdiction as described in Section 450, unless
9 the court finds that after reasonable and documented efforts, the
10 ward cannot be located or does not wish to become a nonminor
11 dependent. In making this finding and prior to entering an order
12 terminating its delinquency jurisdiction, the court shall ensure that
13 the ward has had an opportunity to confer with his or her counsel
14 and has been informed of his or her options, including the right to
15 reenter foster care placement by completing a voluntary reentry
16 agreement as described in subdivision (z) of Section 11400 and to
17 file a petition pursuant to subdivision (e) of Section 388 for the
18 court to assume or resume transition jurisdiction over him or her
19 pursuant to Section 450. The fact that a ward declines to be a
20 nonminor dependent does not restrict the authority of the court to
21 maintain delinquency jurisdiction pursuant to Section 607.

22 (5) Continue its delinquency jurisdiction.

23 (6) Terminate its delinquency jurisdiction if the ward does not
24 come within the provisions of paragraphs (1) to (4), inclusive.

25 (c) If the court modifies jurisdiction, its order shall comply with
26 the requirements of subdivision (f) of Section 241.1.

27 (d) This section ~~shall not be construed as changing~~ *does not*
28 *change* the requirements of Section 727.2 or 727.3 with respect to
29 reunification of minors with their families or the establishment of
30 an alternative permanent plan for minors for whom reunification
31 is not pursued.

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

34 11400. For purposes of this article, the following definitions
35 shall apply:

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

39 (b) “Case plan” means a written document that, at a minimum,
40 specifies the type of home in which the child shall be placed, the

1 safety of that home, and the appropriateness of that home to meet
2 the child's needs. It shall also include the agency's plan for
3 ensuring that the child receive proper care and protection in a safe
4 environment, and shall set forth the appropriate services to be
5 provided to the child, the child's family, and the foster parents, in
6 order to meet the child's needs while in foster care, and to reunify
7 the child with the child's family. In addition, the plan shall specify
8 the services that will be provided or steps that will be taken to
9 facilitate an alternate permanent plan if reunification is not possible.

10 (c) "Certified family home" means a family residence certified
11 by a licensed foster family agency and issued a certificate of
12 approval by that agency as meeting licensing standards, and used
13 only by that foster family agency for placements.

14 (d) "Family home" means the family residence of a licensee in
15 which 24-hour care and supervision are provided for children.

16 (e) "Small family home" means any residential facility, in the
17 licensee's family residence, which provides 24-hour care for six
18 or fewer foster children who have mental disorders or
19 developmental or physical disabilities and who require special care
20 and supervision as a result of their disabilities.

21 (f) "Foster care" means the 24-hour out-of-home care provided
22 to children whose own families are unable or unwilling to care for
23 them, and who are in need of temporary or long-term substitute
24 parenting.

25 (g) "Foster family agency" means any individual or organization
26 engaged in the recruiting, certifying, and training of, and providing
27 professional support to, foster parents, or in finding homes or other
28 places for placement of children for temporary or permanent care
29 who require that level of care as an alternative to a group home.
30 Private foster family agencies shall be organized and operated on
31 a nonprofit basis.

32 (h) "Group home" means a nondetention privately operated
33 residential home, organized and operated on a nonprofit basis only,
34 of any capacity, or a nondetention licensed residential care home
35 operated by the County of San Mateo with a capacity of up to 25
36 beds, that accepts children in need of care and supervision in a
37 group home, as defined by paragraph (13) of subdivision (a) of
38 Section 1502 of the Health and Safety Code.

39 (i) "Periodic review" means review of a child's status by the
40 juvenile court or by an administrative review panel, that shall

1 include a consideration of the safety of the child, a determination
2 of the continuing need for placement in foster care, evaluation of
3 the goals for the placement and the progress toward meeting these
4 goals, and development of a target date for the child's return home
5 or establishment of alternative permanent placement.

6 (j) "Permanency planning hearing" means a hearing conducted
7 by the juvenile court in which the child's future status, including
8 whether the child shall be returned home or another permanent
9 plan shall be developed, is determined.

10 (k) "Placement and care" refers to the responsibility for the
11 welfare of a child vested in an agency or organization by virtue of
12 the agency or organization having (1) been delegated care, custody,
13 and control of a child by the juvenile court, (2) taken responsibility,
14 pursuant to a relinquishment or termination of parental rights on
15 a child, (3) taken the responsibility of supervising a child detained
16 by the juvenile court pursuant to Section 319 or 636, or (4) signed
17 a voluntary placement agreement for the child's placement; or to
18 the responsibility designated to an individual by virtue of his or
19 her being appointed the child's legal guardian.

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

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

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

32 (o) "Voluntary placement" means an out-of-home placement
33 of a child by (1) the county welfare department, probation
34 department, or Indian tribe that has entered into an agreement
35 pursuant to Section 10553.1, after the parents or guardians have
36 requested the assistance of the county welfare department and have
37 signed a voluntary placement agreement; or (2) the county welfare
38 department licensed public or private adoption agency, or the
39 department acting as an adoption agency, after the parents have
40 requested the assistance of either the county welfare department,

1 the licensed public or private adoption agency, or the department
2 acting as an adoption agency for the purpose of adoption planning,
3 and have signed a voluntary placement agreement.

4 (p) “Voluntary placement agreement” means a written agreement
5 between either the county welfare department, probation
6 department, or Indian tribe that has entered into an agreement
7 pursuant to Section 10553.1, licensed public or private adoption
8 agency, or the department acting as an adoption agency, and the
9 parents or guardians of a child that specifies, at a minimum, the
10 following:

11 (1) The legal status of the child.

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

14 (q) “Original placement date” means the most recent date on
15 which the court detained a child and ordered an agency to be
16 responsible for supervising the child or the date on which an agency
17 assumed responsibility for a child due to termination of parental
18 rights, relinquishment, or voluntary placement.

19 (r) (1) “Transitional housing placement provider” means an
20 organization licensed by the State Department of Social Services
21 pursuant to Section 1559.110 of the Health and Safety Code, to
22 provide transitional housing to foster children at least 16 years of
23 age and not more than 18 years of age, and nonminor dependents,
24 as defined in subdivision (v). A transitional housing placement
25 provider shall be privately operated and organized on a nonprofit
26 basis.

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

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

34 (t) “Whole family foster home” means a new or existing family
35 home, approved relative caregiver or nonrelative extended family
36 member’s home, the home of a nonrelated legal guardian whose
37 guardianship was established pursuant to Section 360 or 366.26,
38 certified family home, or a host family home placement of a
39 transitional housing placement provider, that provides foster care
40 for a minor or nonminor dependent parent and his or her child,

1 and is specifically recruited and trained to assist the minor or
2 nonminor dependent parent in developing the skills necessary to
3 provide a safe, stable, and permanent home for his or her child.
4 The child of the minor or nonminor dependent parent need not be
5 the subject of a petition filed pursuant to Section 300 to qualify
6 for placement in a whole family foster home.

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

8 (1) A written voluntary agreement of consent for continued
9 placement and care in a supervised setting between a minor or, on
10 and after January 1, 2012, a nonminor dependent, and the county
11 welfare services or probation department or tribal agency
12 responsible for the foster care placement, that documents the
13 nonminor’s continued willingness to remain in supervised
14 out-of-home placement under the placement and care of the
15 responsible county, tribe, consortium of tribes, or tribal
16 organization that has entered into an agreement with the state
17 pursuant to Section 10553.1, remain under the jurisdiction of the
18 juvenile court as a nonminor dependent, and report any change of
19 circumstances relevant to continued eligibility for foster care
20 payments, and that documents the nonminor’s and social worker’s
21 or probation officer’s agreement to work together to facilitate
22 implementation of the mutually developed supervised placement
23 agreement and transitional independent living case plan.

24 (2) An agreement, as described in paragraph (1), between a
25 nonminor former dependent or ward in receipt of Kin-GAP
26 payments under Article 4.5 (commencing with Section 11360) or
27 Article 4.7 (commencing with Section 11385), and the agency
28 responsible for the Kin-GAP benefits, provided that the nonminor
29 former dependent or ward satisfies the conditions described in
30 Section 11403.01, or one or more of the conditions described in
31 paragraphs (1) to (5), inclusive, of subdivision (b) of Section
32 11403. For purposes of this paragraph and paragraph (3),
33 “nonminor former dependent or ward” has the same meaning as
34 described in subdivision (aa).

35 (3) An agreement, as described in paragraph (1), between a
36 nonminor former dependent or ward in receipt of AFDC-FC
37 payments under subdivision (e) or (f) of Section 11405 and the
38 agency responsible for the AFDC-FC benefits, provided that the
39 nonminor former dependent or ward described in subdivision (e)
40 of Section 11405 satisfies one or more of the conditions described

1 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
2 11403, and the nonminor described in subdivision (f) of Section
3 11405 satisfies the secondary school or equivalent training or
4 certificate program conditions described in that subdivision.

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

12 (1) ~~He or she has attained 18 years of age while under an order~~
13 ~~of foster care placement by the juvenile court, and is not more than~~
14 ~~19 years of age on or after January 1, 2012, not more than 20 years~~
15 ~~of age on or after January 1, 2013, or not more than 21 years of~~
16 ~~age on or after January 1, 2014, and as described in Section~~
17 ~~10103.5: was subject to an order for foster care placement~~
18 ~~described in Section 11402 at any time after he or she attained 12~~
19 ~~years of age and who has not attained 21 years of age.~~

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

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

29 (w) “Supervised independent living placement” means, on and
30 after January 1, 2012, an independent supervised setting, as
31 specified in a nonminor dependent’s transitional independent living
32 case plan, in which the youth is living independently, pursuant to
33 Section 472(c)(2) of the Social Security Act (42 U.S.C. Sec.
34 672(c)(2)).

35 (x) “Supervised independent living setting,” pursuant to Section
36 472(c)(2) of the federal Social Security Act (42 U.S.C. Sec.
37 672(c)(2)), includes both a supervised independent living
38 placement, as defined in subdivision (w), and a residential housing
39 unit certified by the transitional housing placement provider
40 operating a Transitional Housing Placement-Plus Foster Care

1 program, as described in paragraph (2) of subdivision (a) of Section
2 16522.1.

3 (y) “Transitional independent living case plan” means, on or
4 after January 1, 2012, a child’s case plan submitted for the last
5 review hearing held before he or she reaches 18 years of age or
6 the nonminor dependent’s case plan, updated every six months,
7 that describes the goals and objectives of how the nonminor will
8 make progress in the transition to living independently and assume
9 incremental responsibility for adult decisionmaking, the
10 collaborative efforts between the nonminor and the social worker,
11 probation officer, or Indian tribal placing entity and the supportive
12 services as described in the transitional independent living plan
13 (TILP) to ensure active and meaningful participation in one or
14 more of the eligibility criteria described in paragraphs (1) to (5),
15 inclusive, of subdivision (b) of Section 11403, the nonminor’s
16 appropriate supervised placement setting, and the nonminor’s
17 permanent plan for transition to living independently, which
18 includes maintaining or obtaining permanent connections to caring
19 and committed adults, as set forth in paragraph (16) of subdivision
20 (f) of Section 16501.1.

21 (z) “Voluntary reentry agreement” means a written voluntary
22 agreement between a former dependent child or ward or a former
23 nonminor dependent, who has had juvenile court jurisdiction
24 terminated pursuant to Section 391, 452, or 607.2, and the county
25 welfare or probation department or tribal placing entity that
26 documents the nonminor’s desire and willingness to reenter foster
27 care, to be placed in a supervised setting under the placement and
28 care responsibility of the placing agency, the nonminor’s desire,
29 willingness, and ability to immediately participate in one or more
30 of the conditions of paragraphs (1) to (5), inclusive, of subdivision
31 (b) of Section 11403, the nonminor’s agreement to work
32 collaboratively with the placing agency to develop his or her
33 transitional independent living case plan within 60 days of reentry,
34 the nonminor’s agreement to report any changes of circumstances
35 relevant to continued eligibility for foster care payments, and (1)
36 the nonminor’s agreement to participate in the filing of a petition
37 for juvenile court jurisdiction as a nonminor dependent pursuant
38 to subdivision (e) of Section 388 within 15 judicial days of the
39 signing of the agreement and the placing agency’s efforts and
40 supportive services to assist the nonminor in the reentry process,

1 or (2) if the nonminor meets the definition of a nonminor former
2 dependent or ward, as described in subdivision (aa), the nonminor's
3 agreement to return to the care and support of his or her former
4 juvenile court-appointed guardian and meet the eligibility criteria
5 for AFDC-FC pursuant to subdivision (e) of Section 11405.

6 (aa) "Nonminor former dependent or ward" means, on and after
7 January 1, 2012, either of the following:

8 (1) A nonminor who ~~reached 18 years of age while subject to~~
9 ~~an order for foster care placement, was subject to an order for~~
10 ~~foster care placement described in Section 11402 at any time after~~
11 ~~he or she attained 12 years of age and who has not attained 21~~
12 ~~years of age, and for whom dependency, delinquency, or transition~~
13 ~~jurisdiction has been terminated, and who is still under the general~~
14 ~~jurisdiction of the court.~~

15 (2) A nonminor who is over 18 years of age and, while a minor,
16 was a dependent child or ward of the juvenile court when the
17 guardianship was established pursuant to Section 360 or 366.26,
18 or subdivision (d), of Section 728 and the juvenile court
19 dependency or wardship was dismissed following the establishment
20 of the guardianship.

21 (ab) "Runaway and homeless youth shelter" means a type of
22 group home, as defined in paragraph (14) of subdivision (a) of
23 Section 1502 of the Health and Safety Code, that is not an eligible
24 placement option under Sections 319, 361.2, 450, and 727, and
25 that is not eligible for AFDC-FC funding pursuant to subdivision
26 (c) of Section 11402 or Section 11462.

27 (ac) "Transition dependent" is a minor between 17 years and
28 five months and 18 years of age who is subject to the court's
29 transition jurisdiction under Section 450.

30 *SEC. 7. Section 11401 of the Welfare and Institutions Code is*
31 *amended to read:*

32 11401. Aid in the form of AFDC-FC shall be provided under
33 this chapter on behalf of any child under 18 years of age, ~~and, on~~
34 ~~and after January 1, 2012, age and~~ to any nonminor dependent
35 who meets the conditions of any of the following subdivisions:

36 (a) The child has been relinquished, for purposes of adoption,
37 to a licensed adoption agency, or the department, or the parental
38 rights of either or both of his or her parents have been terminated
39 after an action under the Family Code has been brought by a
40 licensed adoption agency or the department, provided that the

1 licensed adoption agency or the department, if responsible for
2 placement and care, provides to those children all services as
3 required by the department to children in foster care.

4 (b) The child has been removed from the physical custody of
5 his or her parent, relative, or guardian as a result of a voluntary
6 placement agreement or a judicial determination that continuance
7 in the home would be contrary to the child's welfare and that, if
8 the child was placed in foster care, reasonable efforts were made,
9 consistent with Chapter 5 (commencing with Section 16500) of
10 Part 4, to prevent or eliminate the need for removal of the child
11 from his or her home and to make it possible for the child to return
12 to his or her home, and any of the following applies:

13 (1) The child has been adjudged a dependent child of the court
14 on the grounds that he or she is a person described by Section 300.

15 (2) The child has been adjudged a ward of the court on the
16 grounds that he or she is a person described by Sections 601 and
17 ~~602, or, on or after January 1, 2012, 602~~ or the nonminor is under
18 the transition jurisdiction of the juvenile court pursuant to Section
19 450.

20 (3) The child has been detained under a court order, pursuant
21 to Section 319 or 636, that remains in effect.

22 (4) The child's or nonminor's dependency jurisdiction, or
23 transition jurisdiction pursuant to Section 450, has resumed
24 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

25 (c) The child has been voluntarily placed by his or her parent
26 or guardian pursuant to Section 11401.1.

27 (d) The child is living in the home of a nonrelated legal guardian.

28 (e) ~~On and after January 1, 2012, the~~ The child is a nonminor
29 dependent who is placed pursuant to a mutual agreement as set
30 forth in subdivision (u) of Section 11400, under the placement and
31 care responsibility of the county child welfare services department,
32 an Indian tribe that entered into an agreement pursuant to Section
33 10553.1, or the county probation department, or the child is a
34 nonminor dependent reentering foster care placement pursuant to
35 a voluntary agreement, as set forth in subdivision (z) of Section
36 11400.

37 (f) The child has been placed in foster care under the federal
38 Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall
39 not be construed as limiting payments to Indian children, as defined

1 in the federal Indian Child Welfare Act, placed in accordance with
2 that act.

3 (g) To be eligible for federal financial participation, the
4 conditions described in paragraph (1), (2), (3), or (4) shall be
5 satisfied:

6 (1) (A) The child meets the conditions of subdivision (b).

7 (B) The child has been deprived of parental support or care for
8 any of the reasons set forth in Section 11250.

9 (C) The child has been removed from the home of a relative as
10 defined in Section 233.90(c)(1) of Title 45 of the Code of Federal
11 Regulations, as amended.

12 (D) The requirements of Sections 671 and 672 of Title 42 of
13 the United States Code, as amended, have been met.

14 (2) (A) The child meets the requirements of subdivision (h).

15 (B) The requirements of Sections 671 and 672 of Title 42 of
16 the United States Code, as amended, have been met.

17 (C) This paragraph shall be implemented only if federal financial
18 participation is available for the children described in this
19 paragraph.

20 (3) (A) The child has been removed from the custody of his or
21 her parent, relative, or guardian as a result of a voluntary placement
22 agreement or a judicial determination that continuance in the home
23 would be contrary to the child's welfare and that, if the child was
24 placed in foster care, reasonable efforts were made, consistent with
25 Chapter 5 (commencing with Section 16500) of Part 4, to prevent
26 or eliminate the need for removal of the child from his or her home
27 and to make it possible for the child to return to his or her home,
28 or the child is a nonminor dependent who satisfies the removal
29 criteria in Section 472(a)(2)(A)(i) of the federal Social Security
30 Act (42 U.S.C. Sec. 672 (a)(2)(A)(i)) and agrees to the placement
31 and care responsibility of the placing agency by signing the
32 voluntary reentry agreement, as set forth in subdivision (z) of
33 Section 11400, and any of the following applies:

34 (i) The child has been adjudged a dependent child of the court
35 on the grounds that he or she is a person described by Section 300.

36 (ii) The child has been adjudged a ward of the court on the
37 grounds that he or she is a person described by Sections 601 and
38 602 ~~or, on or after January 1, 2012, or the nonminor is under the~~
39 transition jurisdiction of the juvenile court, pursuant to Section
40 450.

1 (iii) The child has been detained under a court order, pursuant
2 to Section 319 or 636, that remains in effect.

3 (iv) The child's or nonminor's dependency jurisdiction, or
4 transition jurisdiction pursuant to Section 450, has resumed
5 pursuant to Section 387, or subdivision (a) or (e) of Section 388.

6 (B) The child has been placed in an eligible foster care
7 placement, as set forth in Section 11402.

8 (C) The requirements of Sections 671 and 672 of Title 42 of
9 the United States Code have been satisfied.

10 (D) This paragraph shall be implemented only if federal financial
11 participation is available for the children described in this
12 paragraph.

13 (4) With respect to a nonminor dependent, in addition to meeting
14 the conditions specified in paragraph (1), the requirements of
15 Section 675(8)(B) of Title 42 of the United States Code have been
16 satisfied. With respect to a former nonminor dependent who
17 reenters foster care placement by signing the voluntary reentry
18 agreement, as set forth in subdivision (z) of Section 11400, the
19 requirements for AFDC-FC eligibility of Section 672(a)(3)(A) of
20 Title 42 of the United States Code are satisfied based on the
21 nonminor's status as a child-only case, without regard to the
22 parents, legal guardians, or others in the assistance unit in the home
23 from which the nonminor was originally removed.

24 (h) The child meets all of the following conditions:

25 (1) The child has been adjudged to be a dependent child or ward
26 of the court on the grounds that he or she is a person described in
27 Section 300, 601, or 602.

28 (2) The child's parent also has been adjudged to be a dependent
29 child or nonminor dependent of the court on the grounds that he
30 or she is a person described by Section 300, 450, 601, or 602 and
31 is receiving benefits under this chapter.

32 (3) The child is placed in the same licensed or approved foster
33 care facility in which his or her parent is placed and the child's
34 parent is receiving reunification services with respect to that child.

35 *SEC. 8. Section 11403 of the Welfare and Institutions Code is*
36 *amended to read:*

37 11403. (a) It is the intent of the Legislature to exercise the
38 option afforded states under Section 475(8) (42 U.S.C. Sec.
39 675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the
40 federal Social Security Act, as contained in the federal Fostering

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

20 (b) A nonminor dependent receiving aid pursuant to this chapter,
21 who satisfies the age criteria set forth in subdivision (a), shall meet
22 the legal authority for placement and care by being under a foster
23 care placement order by the juvenile court, or the voluntary reentry
24 agreement as set forth in subdivision (z) of Section 11400, and is
25 otherwise eligible for AFDC-FC payments pursuant to Section
26 11401. A nonminor who satisfies the age criteria set forth in
27 subdivision (a), and who is otherwise eligible, shall continue to
28 receive CalWORKs payments pursuant to Section 11253 or, as a
29 nonminor former dependent or ward, aid pursuant to Kin-GAP
30 under Article 4.5 (commencing with Section 11360) or Article 4.7
31 (commencing with Section 11385) or adoption assistance payments
32 as specified in Chapter 2.1 (commencing with Section 16115) of
33 Part 4. ~~Effective January 1, 2012, a~~ A nonminor former dependent
34 child or ward of the juvenile court who is ~~receiving~~ *otherwise*
35 *eligible to receive* AFDC-FC benefits pursuant to Section 11405
36 and who satisfies the criteria set forth in subdivision (a) shall
37 *continue to* be eligible ~~to continue~~ to receive aid as long as the
38 nonminor is otherwise eligible for AFDC-FC benefits under this
39 subdivision. This subdivision shall apply when one or more of the
40 following conditions exist:

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

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

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

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

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

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

1 former dependent receiving aid pursuant to subdivision (e) of
2 Section 11405, shall be informed of all due process requirements,
3 in accordance with state and federal law, prior to an involuntary
4 termination of aid, and shall simultaneously be provided with a
5 written explanation of how to exercise his or her due process rights
6 and obtain referrals to legal assistance. Any notices of action
7 regarding eligibility shall be sent to the nonminor dependent or
8 former dependent, his or her counsel, as applicable, and the placing
9 worker, in addition to any other payee. Payments of aid pursuant
10 to Kin-GAP under Article 4.5 (commencing with Section 11360)
11 or Article 4.7 (commencing with Section 11385), adoption
12 assistance payments as specified in Chapter 2.1 (commencing with
13 Section 16115) of Part 4, or aid pursuant to subdivision (e) of
14 Section 11405 that are made on behalf of a nonminor former
15 dependent shall terminate subject to the terms of the agreements.
16 Subject to federal approval of amendments to the state plan, aid
17 payments may be suspended and resumed based on changes of
18 circumstances that affect eligibility. Nonminor former dependents,
19 as identified in paragraph (2) of subdivision (aa) of Section 11400,
20 are not eligible for reentry under subdivision (e) of Section 388 as
21 nonminor dependents under the jurisdiction of the juvenile court,
22 unless (1) the nonminor former dependent was receiving aid
23 pursuant to Kin-GAP under Article 4.5 (commencing with Section
24 11360) or Article 4.7 (commencing with Section 11385), or the
25 nonminor former dependent was receiving aid pursuant to
26 subdivision (e) of Section 11405, or the nonminor was receiving
27 adoption assistance payments as specified in Chapter 2.1
28 (commencing with Section 16115) of Part 3 and (2) the nonminor's
29 former guardian or adoptive parent dies, or no longer provides
30 ongoing support to, and no longer receives benefits on behalf of,
31 to the nonminor after the nonminor turns 18 years of age but before
32 the nonminor turns 21 years of age. Nonminor former dependents
33 requesting the resumption of AFDC-FC payments pursuant to
34 subdivision (e) of Section 11405 shall complete the applicable
35 portions of the voluntary reentry agreement, as described in
36 subdivision (z) of Section 11400.

37 (d) A nonminor dependent may receive all of the payment
38 directly provided that the nonminor is living independently in a
39 supervised placement, as described in subdivision (w) of Section
40 11400, and that both the youth and the agency responsible for the

foster care placement have signed a mutual agreement, as defined in subdivision (u) of Section 11400, if the youth is capable of making an informed agreement, that documents the continued need for supervised out-of-home placement, and the nonminor's and social worker's or probation officer's agreement to work together to facilitate implementation of the mutually developed supervised placement agreement and transitional independent living case plan.

(e) Eligibility for aid under this section shall not terminate until the nonminor dependent attains the age criteria, as set forth in subdivision (a), but aid may be suspended when the nonminor dependent no longer resides in an eligible facility, as described in Section 11402, or is otherwise not eligible for AFDC-FC benefits under Section 11401, or terminated at the request of the nonminor, or after a court terminates dependency jurisdiction pursuant to Section 391, delinquency jurisdiction pursuant to Section 607.2, or transition jurisdiction pursuant to Section 452. AFDC-FC benefits to nonminor dependents, may be resumed at the request of the nonminor by completing a voluntary reentry agreement pursuant to subdivision (z) of Section 11400, before or after the filing of a petition filed pursuant to subdivision (e) of Section 388 after a court terminates dependency or transitional jurisdiction pursuant to Section 391, or delinquency jurisdiction pursuant to Section 607.2. The county welfare or probation department or Indian tribal entity that has entered into an agreement pursuant to Section 10553.1 shall complete the voluntary reentry agreement with the nonminor who agrees to satisfy the criteria of the agreement, as described in subdivision (z) of Section 11400. The county welfare department or tribal entity shall establish a new child-only Title IV-E eligibility determination based on the nonminor's completion of the voluntary reentry agreement pursuant to Section 11401. The beginning date of aid for either federal or state AFDC-FC for a reentering nonminor who is placed in foster care is the date the voluntary reentry agreement is signed or the nonminor is placed, whichever is later. The county welfare department, county probation department, or tribal entity shall provide a nonminor dependent who wishes to continue receiving aid with the assistance necessary to meet and maintain eligibility.

(f) (1) The county having jurisdiction of the nonminor dependent shall remain the county of payment under this section regardless of the youth's physical residence. Nonminor former

1 dependents receiving aid pursuant to subdivision (e) of Section
2 11405 shall be paid by their county of residence. Counties may
3 develop courtesy supervision agreements to provide case
4 management and independent living services by the county of
5 residence pursuant to the nonminor dependent's transitional
6 independent living case plan. Placements made out of state are
7 subject to the applicable requirements of the Interstate Compact
8 on Placement of Children, pursuant to Part 5 (commencing with
9 Section 7900) of Division 12 of the Family Code.

10 (2) The county welfare department, county probation
11 department, or tribal entity shall notify all foster youth who attain
12 16 years of age and are under the jurisdiction of that county or
13 tribe, including those receiving Kin-GAP, and AAP, of the
14 existence of the aid prescribed by this section.

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

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

32 (2) Subject to paragraph (3), a county shall pay the nonfederal
33 share of the cost of providing permanent placement services
34 pursuant to subdivision (c) of Section 16508 and administering
35 the Aid to Families with Dependent Children Foster Care program
36 pursuant to Section 15204.9. For purposes of budgeting, the
37 department shall use a standard for the permanent placement
38 services that is equal to the midpoint between the budgeting
39 standards for family maintenance services and family reunification
40 services.

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

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

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

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

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

(4) (A) The limit on the county's total contribution pursuant to paragraph (3) shall be assessed by the State Department of Social Services, in conjunction with the California State Association of Counties, in 2015–16, to determine if it shall be removed. The assessment of the need for the limit shall be based on a determination on a statewide basis of whether the actual county costs of providing extended care pursuant to this section, ~~excluding costs incurred pursuant to Section 10103.5,~~ *section* are fully funded by the amount of savings in Kin-GAP assistance grant expenditures realized by the counties from the receipt of federal funds due to the implementation of Article 4.7 (commencing with Section 11385) and the amount of funding specifically included in the

1 Protective Services Subaccount within the Support Services
2 Account within the Local Revenue Fund 2011 plus any associated
3 growth funding from the Support Services Growth Subaccount
4 within the Sales and Use Tax Growth Account to pay the costs of
5 extending aid pursuant to this section.

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

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

36 (i) The department, on or before July 1, 2013, shall develop
37 regulations to implement this section in consultation with
38 concerned stakeholders, including, but not limited to,
39 representatives of the Legislature, the County Welfare Directors
40 Association, the Chief Probation Officers of California, the Judicial

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

37 (j) Notwithstanding the Administrative Procedure Act, Chapter
38 3.5 (commencing with Section 11340) of Part 1 of Division 3 of
39 Title 2 of the Government Code, the department shall prepare for
40 implementation of the applicable provisions of this section by

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

16 *SEC. 9. Section 11405 of the Welfare and Institutions Code is*
17 *amended to read:*

18 11405. (a) Except for nonminors described in paragraph (2)
19 of subdivision (e), AFDC-FC benefits shall be paid to an otherwise
20 eligible child living with a nonrelated legal guardian, provided
21 that the legal guardian cooperates with the county welfare
22 department in all of the following:

23 (1) Developing a written assessment of the child's needs.
24 (2) Updating the assessment no less frequently than once every
25 six months.

26 (3) Carrying out the case plan developed by the county.

27 (b) Except for nonminors described in paragraph (2) of
28 subdivision (e), when AFDC-FC is applied for on behalf of a child
29 living with a nonrelated legal guardian the county welfare
30 department shall do all of the following:

31 (1) Develop a written assessment of the child's needs.
32 (2) Update those assessments no less frequently than once every
33 six months.

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

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

38 (c) Where the child is a parent and has a child living with him
39 or her in the same eligible facility, the assessment required by

1 paragraph (1) of subdivision (a) shall include the needs of his or
2 her child.

3 (d) Nonrelated legal guardians of eligible children who are in
4 receipt of AFDC-FC payments described in this section shall be
5 exempt from the requirement to register with the Statewide
6 Registry of Private Professional Guardians pursuant to Sections
7 2850 and 2851 of the Probate Code.

8 (e) (1) ~~On and after January 1, 2012, a~~ A nonminor youth whose
9 nonrelated guardianship was ordered in juvenile court pursuant to
10 Section 360 or 366.26, and whose dependency was dismissed,
11 shall remain eligible for AFDC-FC benefits until the youth attains
12 ~~19 years of age, effective January 1, 2013, until the youth attains~~
13 ~~20 years of age, and effective January 1, 2014, until the youth~~
14 attains 21 years of age, provided that the youth enters into a mutual
15 agreement with the agency responsible for his or her guardianship,
16 and the youth is meeting the conditions of eligibility, as described
17 in paragraphs (1) to (5), inclusive, of subdivision (b) of Section
18 11403.

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

23 (A) The nonminor former dependent or ward attained 18 years
24 of age while in receipt of Kin-GAP benefits pursuant to Article
25 4.7 (commencing with Section 11385).

26 (B) The nonminor's relationship to the kinship guardian is
27 defined in paragraph (2), (3), or (4) of subdivision (c) of Section
28 11391.

29 (C) The nonminor who was under 16 years of age at the time
30 the Kin-GAP negotiated agreement payments commenced.

31 (D) The guardian continues to be responsible for the support of
32 the nonminor.

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

36 (f) ~~On or after January 1, 2012, a~~ A child whose nonrelated
37 guardianship was ordered in probate court pursuant Article 2
38 (commencing with Section 1510) of Chapter 1 of Part 2 of Division
39 4 of the Probate Code, who is attending high school or the
40 equivalent level of vocational or technical training on a full-time

1 basis, or who is in the process of pursuing a high school
2 equivalency certificate prior to his or her 18th birthday may
3 continue to receive aid following his or her 18th birthday as long
4 as the child continues to reside in the guardian's home, remains
5 otherwise eligible for AFDC-FC benefits and continues to attend
6 high school or the equivalent level of vocational or technical
7 training on a full-time basis, or continues to pursue a high school
8 equivalency certificate, and the child may reasonably be expected
9 to complete the educational or training program or to receive a
10 high school equivalency certificate, before his or her 19th birthday.
11 Aid shall be provided to an individual pursuant to this section
12 provided that both the individual and the agency responsible for
13 the foster care placement have signed a mutual agreement, if the
14 individual is capable of making an informed agreement,
15 documenting the continued need for out-of-home placement.

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

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

30 (3) ~~Beginning with the 2011-12 fiscal year, the~~ *The* AFDC-FC
31 payments identified in this subdivision shall be adjusted annually
32 by the percentage change in the California Necessities Index rate
33 as set forth in paragraph (2) of subdivision (g) of Section 11461.

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

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

38 (2) A clothing allowance, as set forth in subdivision (f) of
39 Section 11461.

1 (3) For a child eligible for an AFDC-FC payment who is a teen
2 parent, the rate shall include the two hundred dollar (\$200) monthly
3 payment made to the relative caregiver in a whole family foster
4 home pursuant to paragraph (3) of subdivision (d) of Section
5 11465.

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

11 ~~SECTION 1. It is the intent of the Legislature to enact~~
12 ~~legislation that would require that a placement order for a person~~
13 ~~who is in the custody of a juvenile facility remain in place until~~
14 ~~the person attains 18 years of age and is released from custody, in~~
15 ~~order to help ensure that the person may remain eligible for foster~~
16 ~~youth benefits upon his or her release from custody.~~