

**SOLANO COUNTY  
Legislative Committee Meeting**

**Committee**  
Supervisor Erin Hannigan (Chair)  
Supervisor Linda J. Seifert

**Staff**  
Michelle Heppner

**March 2, 2015  
1:30 p.m. to 3:00 p.m.**

**Solano County Administration Center  
Sixth Floor Conference Center, Room 6003  
675 Texas Street  
Fairfield, CA 94533**

**AGENDA**

- I. **Public Comment** (Items not on the agenda)
- II. **Update from Solano County Legislative Delegation (Legislative representatives)**  
Updates to include proposed or already introduced legislation.
- III. **Federal Legislative Update (Waterman & Associates)**
  - Introduction of the *Berryessa Snow Mountain National Monument Act*
  - Senator Feinstein request for sex trafficking hearing in Senate
  - NACo conference debrief
- IV. **State Legislative Update and consider making a recommendation for a position on legislation (Paul Yoder)**

**Action Items:**

**Health & Social Services**

SB 12 (Beall D) Foster youth.
- V. **Next Meeting** – March 16, 2015
- VI. **Adjourn**

AMENDED IN SENATE FEBRUARY 4, 2015

**SENATE BILL**

**No. 12**

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**Introduced by Senator Beall**

December 1, 2014

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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

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

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

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

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

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

- 36 (A) Through which parent he or she is related to the sibling.
- 37 (B) Whether he or she is related to the sibling by blood,  
38 adoption, or affinity.
- 39 (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

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

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

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

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

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

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

34 (iv) The nonminor intends to satisfy, and agrees to satisfy, at  
35 least one of the criteria set forth in paragraphs (1) to (5), inclusive,  
36 of subdivision (b) of Section 11403, and demonstrates his or her  
37 agreement to placement in a supervised setting under the placement  
38 and care responsibility of the placing agency and to satisfy the  
39 criteria by signing the voluntary reentry agreement as described  
40 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

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

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

38 (f) (1) The county having jurisdiction of the nonminor  
39 dependent shall remain the county of payment under this section  
40 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.

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

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

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

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

26 (ii) The savings realized from the change in federal funding for  
27 adoption assistance resulting from the enactment of Public Law  
28 110-351 and consistent with subdivision (d) of Section 16118.

29 (4) (A) The limit on the county's total contribution pursuant to  
30 paragraph (3) shall be assessed by the State Department of Social  
31 Services, in conjunction with the California State Association of  
32 Counties, in 2015–16, to determine if it shall be removed. The  
33 assessment of the need for the limit shall be based on a  
34 determination on a statewide basis of whether the actual county  
35 costs of providing extended care pursuant to this section, ~~excluding~~  
36 ~~costs incurred pursuant to Section 10103.5,~~ *section* are fully funded  
37 by the amount of savings in Kin-GAP assistance grant expenditures  
38 realized by the counties from the receipt of federal funds due to  
39 the implementation of Article 4.7 (commencing with Section  
40 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 ~~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.~~