

AMENDED IN ASSEMBLY MARCH 23, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 12**

**Introduced by Assembly Members Beall and Bass**

*(Principal coauthor: Senator Liu)*

**(Coauthors: Assembly Members Ammiano, Tom Berryhill, Block, Chesbro, Coto, Davis, De La Torre, De Leon, Eng, Evans, Fletcher, Galgiani, Gilmore, Hall, Hernandez, Huffman, Jones, Krekorian, Ma, Monning, John A. Perez, Portantino, Salas, Saldana, Skinner, Solorio, and Swanson Swanson, Torlakson, Torrico, and Yamada)**

*(Coauthors: Senators DeSaulnier, Ducheny, and Wiggins)*

December 1, 2008

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An act to ~~add Section 11401.05 to,~~ amend Sections 1501.1 and 1505 of, and to add Section 1502.7 to, the Health and Safety Code, and to amend Sections 303, 361.2, 361.45, 366, 366.3, 366.4, 388, 10609.4, 11008.15, 11155.5, 11253, 11400, 11401, 11401.05, 11401.4, 11401.5, 11402, 11403.2, 11450, 11450.16, 11454.5, 11461, 11464, 11465, 11466.23, 11466.24, 16120, 16123, 16501, 16501.1, 16501.25, 16503, and 16508 of, to amend, repeal, and add Sections 391 and 11403 of, to add Sections 366.31 and 11401.05 to, to add Article 4.7 (commencing with Section 11385) to, and to repeal Article 4.5 (commencing with Section 11360) of, Chapter 2 of Part 3 of Division 9 of, the Welfare and Institutions Code, relating to foster children.

LEGISLATIVE COUNSEL'S DIGEST

AB 12, as amended, Beall. California Fostering Connections to Success Act.

*Existing law provides for the out-of-home placement of children who are unable to remain in the custody and care of their parent or parents,*

*and provides for a range of child welfare, foster care, and adoption assistance services for which these children may be eligible.*

*Existing federal law, the Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351; the federal act) revises and expands federal programs and funding for certain foster and adopted children.*

*Existing law, the California Community Care Facilities Act, provides for the licensure and regulation of community care facilities, including facilities that provide care for foster children, by the State Department of Social Services. A violation of these provisions is a misdemeanor.*

*Existing law authorizes the placement of children with varying designations and varying needs in the same facility under specified circumstances.*

*This bill would extend these provisions to also include nonminor dependents. The bill would define the term “nonminor dependent” and related terms for purposes of the bill.*

*This bill, commencing no later than July 1, 2011, would require the department, in consultation with specified government and other entities, to revise regulations regarding health and safety standards for licensing foster family homes and community care facilities in which nonminor dependents of the juvenile court are placed under the responsibility of the county welfare or probation department or an Indian tribe that has entered into a specified agreement with the department.*

*Under existing law, the California Community Care Facilities Act does not apply to designated categories of facilities, including, among others, the home of a relative caregiver or nonrelative extended family member of a child placed by a juvenile court, as specified.*

*This bill would include a supervised independent living setting for a nonminor dependent placed by the juvenile court on the list of facilities to which the act does not apply.*

*Existing law authorizes a juvenile court to retain jurisdiction over any person who is found to be a dependent child of the juvenile court until the ward or dependent child attains the age of 21 years.*

*This bill would extend the court’s jurisdiction to a ward who has been placed into foster care or a dependent who reaches the age of majority before jurisdiction is terminated until the nonminor reaches 21 years of age. The bill would, commencing October 1, 2010, allow a nonminor who left foster care at or after the age of majority to petition the court to have dependency jurisdiction resumed, in accordance with a provision of existing law.*

*Existing law authorizes a social worker to place a child whom the court has ordered to be removed from his or her home into one of 7 designated placements, including the home of a noncustodial parent or the approved home of a relative.*

*This bill would add to this list of approved placements a supervised independent living setting, as defined by the bill, for a nonminor dependent between 18 and 21 years of age.*

*Existing law authorizes a change in the placement of a child on an emergency basis due to the sudden unavailability of a foster caregiver.*

*This bill would require, under these emergency circumstances, when a nonminor dependent is placed in the home of a relative or nonrelative, that the home be approved using the health and safety standards established by the department for the placement of nonminor dependents, as required by the bill.*

*Existing law requires the status of dependent children to be periodically reviewed, and requires the court to consider the safety of the child and make certain determinations.*

*This bill similarly would require every nonminor dependent who is in foster care to be reviewed periodically as determined by the court, as specified. This bill would, commencing October 1, 2010, require the court to ensure that the child's transitional independent living case plan includes a plan for the child to meet one or more criteria that would allow the child to remain a nonminor dependent, and to ensure that the child has been informed of his or her right to seek the termination of dependency jurisdiction.*

*This bill, on and after October 1, 2010, would authorize a court to continue jurisdiction over a nonminor dependent with a permanent plan of long-term foster care, and would designate the responsibilities of the court in this regard.*

*Existing law places certain minors for whom a guardianship has been established within the jurisdiction of the juvenile court.*

*This bill would expand the court's jurisdiction to include a nonminor dependent who is eligible to receive specified kinship guardian assistance payments.*

*Existing law establishes procedures for a hearing to terminate the court's jurisdiction over a dependent child who has reached the age of majority.*

*This bill would delete the existing hearing procedures as of October 1, 2010, and would set forth revised hearing requirements for determining whether to terminate or continue dependency jurisdiction.*

*The bill would require the court to continue dependency jurisdiction for a child participating in certain educational or vocational activities. This bill would impose various duties on county welfare departments in connection with the hearing process, thereby creating a state-mandated local program.*

*Existing law requires the State Department of Social Services to develop statewide standards for the Independent Living Program for emancipated foster youth which is established and funded pursuant to federal law to assist these individuals in making the transition to self-sufficiency. Under existing law, the department is required to develop and adopt emergency regulations that counties are required to meet when administering the program, that are achievable within available resources.*

*This bill would require the department to develop and adopt the Independent Living Program regulations on or before July 1, 2011, and would specify that the regulations be achievable within both available program resources and available federal funds for case management and case plan review provided for in the federal act. The bill would require the department, on or before July 1, 2011, to review and develop modifications to the Independent Living Program, to also serve the needs of nonminor dependent youth, as specified.*

*Existing law prohibits benefits under the CalWORKs program from being paid to or on behalf of any child who has attained 18 years of age, unless the child is engaged in specified educational or training activities.*

*This bill would also authorize a nonminor dependent, as defined, to receive CalWORKs aid, as specified.*

*Existing law authorizes a child who is declared a ward or dependent child of the court who is 16 years of age or older, to retain specified cash resources and still remain eligible to receive public social services.*

*This bill would apply this provision to a current or former dependent child or ward of the court between 18 and 21 years of age, who is participating in a transitional independent living case plan pursuant to the federal act.*

*Existing law, through the Kinship Guardianship Assistance Payment Program (Kin-GAP), which is a part of the CalWORKs program, provides aid on behalf of eligible children who are placed in the home of a relative caretaker. The program is funded by state and county funding and available federal funds.*

This bill, ~~effective January 1, 2010,~~ would repeal the Kin-GAP Program and would require the state to exercise its option under specified federal law to establish a kinship guardianship assistance payment program, as specified. *The bill would make related conforming changes.*

Existing law establishes the Aid to Families with Dependent Children-Foster Care (AFDC-FC) program, under which counties provide payments to foster care providers on behalf of qualified children in foster care. The program is funded by a combination of federal, state, and county funds. Under existing law, AFDC-FC benefits are available, with specified exceptions, on behalf of qualified children under 18 years of age. ~~Moneys from the General Fund are continuously appropriated to pay for the state's share of AFDC-FC costs.~~

This bill would require the department to amend its foster care state plan required under specified federal law, to extend AFDC-FC benefits, commencing October 1, 2010, to specified individuals up to 21 years of age, in accordance with a designated provision of federal law.

*This bill would extend AFDC-FC benefits to nonminor dependents, as specified, including revising AFDC-FC rate provisions to apply to these individuals.*

*Under existing law, in order to be eligible for AFDC-FC benefits, a child must be placed in one of 8 designated placements.*

*This bill would add to the eligible AFDC-FC placements, with respect to an otherwise eligible youth over 18 years of age, an independent, supervised independent living setting. By increasing county duties in administering the AFDC-FC program, the bill would impose a state-mandated local program.*

*Under existing law, a minor between 16 and 18 years of age who is eligible for AFDC-FC benefits and who meets other specified requirements is eligible for certain transitional housing placement program services in a participating county.*

*This bill would, commencing October 1, 2010, make a nonminor dependent who is eligible for AFDC-FC benefits also eligible for transitional housing benefits.*

*This bill would revise existing provisions relating to the resolution of certain foster care overpayments to apply to Kin-GAP guardian homes and payments on behalf of nonminor dependents residing in supervised independent living settings.*

*Under existing law, a parent or caretaker relative is ineligible to receive CalWORKs aid when he or she has received aid for a cumulative*

*total of 60 months. Existing law excludes from this calculation months when designated conditions exist.*

*This bill, commencing October 1, 2010, would additionally exclude from the above calculation months when a recipient is a nonminor dependent participating in educational or training activities, as prescribed.*

*Moneys from the General Fund are continuously appropriated to pay for a portion of CalWORKs aid grant costs, and for the state's share of AFDC-FC costs.*

*This bill would provide that no appropriation from the General Fund would be made for the purposes of implementing these provisions.*

*By increasing duties of counties administering the AFDC-FC program, this bill also 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 for the Adoption Assistance Program (AAP), to be established and administered by the State Department of Social Services or the county, for the purpose of benefiting children residing in foster homes by providing the stability and security of permanent homes. The AAP provides for the payment by the department and counties, of cash assistance to eligible families that adopt eligible children, and bases the amount of the payment on the needs of the child and the resources of the family to meet those needs. Existing law sets forth eligibility requirements for the AAP, including that a child must be under 18 years of age, or under 21 years of age with a mental or physical disability that warrants continued assistance.*

*This bill would additionally include children under 21 years of age who turned 16 years of age before the adoption assistance agreement became effective, and is involved in designated education or employment activities, or is incapable of engaging in these activities due to a medical condition. Payment of adoption assistance would be available for these individuals commencing October 1, 2010, as long as specified federal funds remain available and the state continues to exercise its option to extend payments up to 21 years of age pursuant to the federal act.*

*Existing law requires the state, through the department and county welfare departments, to establish and support a public system of statewide child welfare services. Under existing law, the term “child welfare services” includes various services provided on behalf of children alleged to be the victims of child abuse, neglect, or exploitation. Existing law establishes the case plan as the foundation and central unifying tool in the provision of child welfare services.*

*This bill would revise the definition of child welfare services to include transitional independent living services, as needed in connection with the provision of other permanent placement services. The bill would revise the requirements for the case plan, effective October 1, 2010, with respect to nonminor dependents, to address the developmental needs of young adults, as specified. The bill would also require the case plan to specify why a group home placement, if made, is necessary for the nonminor dependent’s transition to independent living, and would require the nonminor dependent to participate and develop, and to sign, his or her case plan, commencing October 1, 2010. By increasing the duties of counties in preparing case plans, the bill would impose a state-mandated local program.*

*This bill would revise the definition of a whole family foster home, to include a home that provides foster care for a nonminor dependent parent and his or her child, for purposes of the AFDC-FC program. Effective October 1, 2010, the bill would require that the same rate be paid for the care and supervision of the child of a nonminor dependent as is paid for the child of a teen parent in a whole family foster home. The bill would make other provisions applicable to a teen parent, for purposes of the child welfare services program, also applicable to certain nonminor dependents living in a whole family foster home.*

*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 with regard to certain mandates no reimbursement is required by this act for a specified reason.*

*With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.*

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

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

1 SECTION 1. This act shall be known, and may be cited, as the  
2 “California Fostering Connections to Success Act.”

3 SEC. 2. *Section 1501.1 of the Health and Safety Code is*  
4 *amended to read:*

5 1501.1. (a) It is the policy of the state to facilitate the proper  
6 placement of every child in residential care facilities where the  
7 placement is in the best interests of the child. A county may require  
8 placement or licensing agencies, or both placement and licensing  
9 agencies, to actively seek out-of-home care facilities capable of  
10 meeting the varied needs of the child. Therefore, in placing children  
11 in out-of-home care, particular attention should be given to the  
12 individual child’s needs, the ability of the facility to meet those  
13 needs, the needs of other children in the facility, the licensing  
14 requirements of the facility as determined by the licensing agency,  
15 and the impact of the placement on the family reunification plan.

16 (b) Pursuant to this section, children with varying designations  
17 and varying needs, *including nonminor dependents, as defined in*  
18 *subdivision (v) of Section 11400 of the Welfare and Institutions*  
19 *Code, except as provided by statute, may be placed in the same*  
20 *facility provided the facility is licensed, complies with all licensing*  
21 *requirements relevant to the protection of the child, and has a*  
22 *special permit, if necessary, to meet the needs of each child so*  
23 *placed. A facility may not require, as a condition of placement,*  
24 *that a child be identified as an individual with exceptional needs*  
25 *as defined by Section 56026 of the Education Code.*

26 (c) Neither the requirement for any license nor any regulation  
27 shall restrict the implementation of the provisions of this section.  
28 Implementation of this section does not obviate the requirement  
29 for a facility to be licensed by the department.

30 (d) Pursuant to this section, children with varying designations  
31 and varying needs, *including nonminor dependents, except as*  
32 *provided by statute, may be placed in the same licensed foster*  
33 *family home or with a foster family agency for subsequent*  
34 *placement in a certified family home. Children with developmental*  
35 *disabilities, mental disorders, or physical disabilities may be placed*  
36 *in licensed foster family homes or certified family homes, provided*  
37 *that an appraisal of the child’s needs and the ability of the receiving*  
38 *home to meet those needs is made jointly by the placement agency*



1 and the licensee in the case of licensed foster family homes or the  
2 placement agency and the foster family agency in the case of  
3 certified family homes, and is followed by written confirmation  
4 prior to placement. The appraisal shall confirm that the placement  
5 poses no threat to any child in the home.

6 For purposes of this chapter, the placing of children by foster  
7 family agencies shall be referred to as “subsequent placement” to  
8 distinguish the activity from the placing by public agencies.

9 *SEC. 3. Section 1502.7 is added to the Health and Safety Code,*  
10 *to read:*

11 *1502.7. (a) On or before July 1, 2011, the department, in*  
12 *consultation with representatives of the Legislature, the County*  
13 *Welfare Directors Association, the Chief Probation Officers of*  
14 *California, the California Youth Connection, the Judicial Council,*  
15 *former foster youth, child advocacy organizations, dependency*  
16 *counsel for children, foster caregiver organizations, and*  
17 *representatives of tribes, shall revise regulations regarding health*  
18 *and safety standards for licensing foster family homes and*  
19 *community care facilities in which nonminor dependents, as defined*  
20 *in subdivision (v) of Section 11400 of the Welfare and Institutions*  
21 *Code, of the juvenile court are placed under the responsibility of*  
22 *the county welfare or probation department or an Indian tribe that*  
23 *entered into an agreement pursuant to Section 10553.1 of the*  
24 *Welfare and Institutions Code.*

25 *(b) The regulations shall recognize the status of nonminor*  
26 *dependents as legal adults. At a minimum, the regulations shall*  
27 *provide both of the following:*

28 *(1) That nonminors described in subdivision (a) shall have the*  
29 *greatest amount of freedom that will safely prepare them for*  
30 *self-sufficiency.*

31 *(2) That nonminors who remain in the same community care*  
32 *facility with children under 18 years of age need not be subject to*  
33 *criminal background clearances pursuant to Sections 1522 and*  
34 *1522.1.*

35 *(c) Notwithstanding the Administrative Procedure Act, Chapter*  
36 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*  
37 *Title 2 of the Government Code, the department shall, in*  
38 *consultation with the stakeholders listed in subdivision (a), prepare*  
39 *for implementation of the applicable provisions of this section by*  
40 *publishing all county letters or similar instructions from the*

1 *director by July 1, 2010, to apply from October 1, 2010 to June*  
2 *30, 2011, inclusive. Emergency regulations to implement this*  
3 *section may be adopted by the director in accordance with the*  
4 *Administrative Procedure Act. The initial adoption of the*  
5 *emergency regulations and one readoption of the initial regulations*  
6 *shall be deemed to be an emergency and necessary for the*  
7 *immediate preservation of the public peace, health, safety, or*  
8 *general welfare. Initial emergency regulations and the first*  
9 *readoption of those emergency regulations shall be exempt from*  
10 *review by the Office of Administrative Law. The emergency*  
11 *regulations authorized by this section shall be submitted to the*  
12 *Office of Administrative Law for filing with the Secretary of State*  
13 *and shall remain in effect for no more than 180 days.*

14 *SEC. 4. Section 1505 of the Health and Safety Code is amended*  
15 *to read:*

16 1505. This chapter does not apply to any of the following:

17 (a) Any health facility, as defined by Section 1250.

18 (b) Any clinic, as defined by Section 1202.

19 (c) Any juvenile placement facility approved by the California  
20 Youth Authority or any juvenile hall operated by a county.

21 (d) Any place in which a juvenile is judicially placed pursuant  
22 to subdivision (a) of Section 727 of the Welfare and Institutions  
23 Code.

24 (e) Any child day care facility, as defined in Section 1596.750.

25 (f) Any facility conducted by and for the adherents of any  
26 well-recognized church or religious denomination for the purpose  
27 of providing facilities for the care or treatment of the sick who  
28 depend upon prayer or spiritual means for healing in the practice  
29 of the religion of the church or denomination.

30 (g) Any school dormitory or similar facility determined by the  
31 department.

32 (h) Any house, institution, hotel, homeless shelter, or other  
33 similar place that supplies board and room only, or room only, or  
34 board only, provided that no resident thereof requires any element  
35 of care as determined by the director.

36 (i) Recovery houses or other similar facilities providing group  
37 living arrangements for persons recovering from alcoholism or  
38 drug addiction where the facility provides no care or supervision.

39 (j) Any alcoholism or drug abuse recovery or treatment facility  
40 as defined by Section 11834.11.

1 (k) Any arrangement for the receiving and care of persons by  
2 a relative or any arrangement for the receiving and care of persons  
3 from only one family by a close friend of the parent, guardian, or  
4 conservator, if the arrangement is not for financial profit and occurs  
5 only occasionally and irregularly, as defined by regulations of the  
6 department. For purposes of this chapter, arrangements for the  
7 receiving and care of persons by a relative shall include relatives  
8 of the child for the purpose of keeping sibling groups together.

9 (l) (1) Any home of a relative caregiver of children who are  
10 placed by a juvenile court, supervised by the county welfare or  
11 probation department, and the placement of whom is approved  
12 according to subdivision (d) of Section 309 of the Welfare and  
13 Institutions Code.

14 (2) Any home of a nonrelative extended family member, as  
15 described in Section 362.7 of the Welfare and Institutions Code,  
16 providing care to children who are placed by a juvenile court,  
17 supervised by the county welfare or probation department, and the  
18 placement of whom is approved according to subdivision (d) of  
19 Section 309 of the Welfare and Institutions Code.

20 (3) *Any supervised independent living setting for nonminor*  
21 *dependents, as defined in subdivision (v) of Section 11400 of the*  
22 *Welfare and Institutions Code, who are placed by the juvenile*  
23 *court, supervised by the county welfare department, probation*  
24 *department, or Indian tribe that entered into an agreement*  
25 *pursuant to Section 10553.1 of the Welfare and Institutions Code,*  
26 *and whose placement is approved pursuant to subdivision (k) of*  
27 *Section 11400 of the Welfare and Institutions Code.*

28 (m) Any supported living arrangement for individuals with  
29 developmental disabilities as defined in Section 4689 of the  
30 Welfare and Institutions Code.

31 (n) (1) Any family home agency, family home, or family  
32 teaching home as defined in Section 4689.1 of the Welfare and  
33 Institutions Code, that is vendored by the State Department of  
34 Developmental Services and that does any of the following:

35 (A) As a family home approved by a family home agency,  
36 provides 24-hour care for one or two adults with developmental  
37 disabilities in the residence of the family home provider or  
38 providers and the family home provider or providers' family, and  
39 the provider is not licensed by the State Department of Social  
40 Services or the State Department of Health Care Services or

1 certified by a licensee of the State Department of Social Services  
2 or the State Department of Health *Care* Services.

3 (B) As a family teaching home approved by a family home  
4 agency, provides 24-hour care for a maximum of three adults with  
5 developmental disabilities in independent residences, whether  
6 contiguous or attached, and the provider is not licensed by the  
7 State Department of Social Services or the State Department of  
8 Health *Care* Services or certified by a licensee of the State  
9 Department of Social Services or the State Department of Health  
10 *Care* Services.

11 (C) As a family home agency, engages in recruiting, approving,  
12 and providing support to family homes.

13 (2) No part of this subdivision shall be construed as establishing  
14 by implication either a family home agency or family home  
15 licensing category.

16 (o) Any facility in which only Indian children who are eligible  
17 under the federal Indian Child Welfare Act, Chapter 21  
18 (commencing with Section 1901) of Title 25 of the United States  
19 Code are placed and that is one of the following:

20 (1) An extended family member of the Indian child, as defined  
21 in Section 1903 of Title 25 of the United States Code.

22 (2) A foster home that is licensed, approved, or specified by the  
23 Indian child's tribe pursuant to Section 1915 of Title 25 of the  
24 United States Code.

25 (p) Any housing for elderly or disabled persons, or both, that is  
26 approved and operated pursuant to Section 202 of Public Law  
27 86-372 (12 U.S.C.A. Sec. 1701g), or Section 811 of Public Law  
28 101-625 (42 U.S.C.A. Sec. 8013), or whose mortgage is insured  
29 pursuant to Section 236 of Public Law 90-448 (12 U.S.C.A. Sec.  
30 1715z), or that receives mortgage assistance pursuant to Section  
31 221d (3) of Public Law 87-70 (12 U.S.C.A. Sec. 17151), where  
32 supportive services are made available to residents at their option,  
33 as long as the project owner or operator does not contract for or  
34 provide the supportive services. The project owner or operator  
35 may coordinate, or help residents gain access to, the supportive  
36 services, either directly, or through a service coordinator.

37 (q) Any similar facility determined by the director.

38 *SEC. 5. Section 303 of the Welfare and Institutions Code is*  
39 *amended to read:*

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

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

12 (c) *On and after October 1, 2010, a nonminor who has not yet*  
13 *attained 21 years of age and who exited foster care at or after the*  
14 *age of majority may petition the court pursuant to subdivision (e)*  
15 *of Section 388 to resume dependency or delinquency jurisdiction*  
16 *over the nonminor dependent.*

17 (d) *Nothing in this code, including, but not limited to, Sections*  
18 *340, 366.27, and 369.5, shall be construed to provide legal custody*  
19 *of a person who has attained 18 years of age to the county welfare*  
20 *or probation department or to otherwise abrogate any other rights*  
21 *that a person who has attained 18 years of age may have as an*  
22 *adult under California law. A nonminor dependent shall retain all*  
23 *of his or her legal decisionmaking authority as an adult.*

24 (e) *Unless otherwise specified the rights of a dependent child*  
25 *and the responsibilities of the county welfare or probation*  
26 *department, or tribe, and other entities, toward the child and*  
27 *family, shall also apply to nonminor dependents.*

28 SEC. 6. *Section 361.2 of the Welfare and Institutions Code is*  
29 *amended to read:*

30 361.2. (a) When a court orders removal of a child pursuant to  
31 Section 361, the court shall first determine whether there is a parent  
32 of the child, with whom the child was not residing at the time that  
33 the events or conditions arose that brought the child within the  
34 provisions of Section 300, who desires to assume custody of the  
35 child. If that parent requests custody, the court shall place the child  
36 with the parent unless it finds that placement with that parent would  
37 be detrimental to the safety, protection, or physical or emotional  
38 well-being of the child.

39 (b) If the court places the child with that parent it may do any  
40 of the following:

1 (1) Order that the parent become legal and physical custodian  
2 of the child. The court may also provide reasonable visitation by  
3 the noncustodial parent. The court shall then terminate its  
4 jurisdiction over the child. The custody order shall continue unless  
5 modified by a subsequent order of the superior court. The order  
6 of the juvenile court shall be filed in any domestic relation  
7 proceeding between the parents.

8 (2) Order that the parent assume custody subject to the  
9 jurisdiction of the juvenile court and require that a home visit be  
10 conducted within three months. In determining whether to take  
11 the action described in this paragraph, the court shall consider any  
12 concerns that have been raised by the child's current caregiver  
13 regarding the parent. After the social worker conducts the home  
14 visit and files his or her report with the court, the court may then  
15 take the action described in paragraph (1), (3), or this paragraph.  
16 However, nothing in this paragraph shall be interpreted to imply  
17 that the court is required to take the action described in this  
18 paragraph as a prerequisite to the court taking the action described  
19 in either paragraph (1) or paragraph (3).

20 (3) Order that the parent assume custody subject to the  
21 supervision of the juvenile court. In that case the court may order  
22 that reunification services be provided to the parent or guardian  
23 from whom the child is being removed, or the court may order that  
24 services be provided solely to the parent who is assuming physical  
25 custody in order to allow that parent to retain later custody without  
26 court supervision, or that services be provided to both parents, in  
27 which case the court shall determine, at review hearings held  
28 pursuant to Section 366, which parent, if either, shall have custody  
29 of the child.

30 (c) The court shall make a finding either in writing or on the  
31 record of the basis for its determination under subdivisions (a) and  
32 (b).

33 (d) Part 6 (commencing with Section 7950) of Division 12 of  
34 the Family Code shall apply to the placement of a child pursuant  
35 to paragraphs (1) and (2) of subdivision (e).

36 (e) When the court orders removal pursuant to Section 361, the  
37 court shall order the care, custody, control, and conduct of the  
38 child to be under the supervision of the social worker who may  
39 place the child in any of the following:

1 (1) The home of a noncustodial parent as described in  
2 subdivision (a).

3 (2) The approved home of a relative.

4 (3) The approved home of a nonrelative extended family  
5 member as defined in Section 362.7.

6 (4) A foster home in which the child has been placed before an  
7 interruption in foster care, if that placement is in the best interest  
8 of the child and space is available.

9 (5) A suitable licensed community care facility.

10 (6) With a foster family agency to be placed in a suitable  
11 licensed foster family home or certified family home which has  
12 been certified by the agency as meeting licensing standards.

13 (7) A home or facility in accordance with the federal Indian  
14 Child Welfare Act.

15 (8) *A supervised independent living setting, as described in*  
16 *Section 11400, for a nonminor dependent, as defined in subdivision*  
17 *(v) of Section 11400.*

18 ~~(8)~~

19 (9) A child under the age of six years may be placed in a  
20 community care facility licensed as a group home for children, or  
21 a temporary shelter care facility as defined in Section 1530.8 of  
22 the Health and Safety Code, only under any of the following  
23 circumstances:

24 (A) When a case plan indicates that placement is for purposes  
25 of providing specialized treatment to the child, the case plan  
26 specifies the need for, nature of, and anticipated duration of this  
27 treatment, and the facility meets the applicable regulations adopted  
28 under Section 1530.8 of the Health and Safety Code and standards  
29 developed pursuant to Section 11467.1. The specialized treatment  
30 period shall not exceed 120 days, unless additional time is needed  
31 pursuant to the case plan as documented by the caseworker and  
32 approved by the caseworker's supervisor.

33 (B) When a case plan indicates that placement is for purposes  
34 of providing family reunification services. In addition, the facility  
35 offers family reunification services that meet the needs of the  
36 individual child and his or her family, permits parents to have  
37 reasonable access to their children 24 hours a day, encourages  
38 extensive parental involvement in meeting the daily needs of their  
39 children, and employs staff trained to provide family reunification  
40 services. In addition, one of the following conditions exists:

- 1 (i) The child’s parent is also a ward of the court and resides in  
2 the facility.
- 3 (ii) The child’s parent is participating in a treatment program  
4 affiliated with the facility and the child’s placement in the facility  
5 facilitates the coordination and provision of reunification services.
- 6 (iii) Placement in the facility is the only alternative that permits  
7 the parent to have daily 24-hour access to the child in accordance  
8 with the case plan, to participate fully in meeting all of the daily  
9 needs of the child, including feeding and personal hygiene, and to  
10 have access to necessary reunification services.
- 11 (f) (1) If the child is taken from the physical custody of the  
12 child’s parent or guardian and unless the child is placed with  
13 relatives, the child shall be placed in foster care in the county of  
14 residence of the child’s parent or guardian in order to facilitate  
15 reunification of the family.
- 16 (2) In the event that there are no appropriate placements  
17 available in the parent’s or guardian’s county of residence, a  
18 placement may be made in an appropriate place in another county,  
19 preferably a county located adjacent to the parent’s or guardian’s  
20 community of residence.
- 21 (3) Nothing in this section shall be interpreted as requiring  
22 multiple disruptions of the child’s placement corresponding to  
23 frequent changes of residence by the parent or guardian. In  
24 determining whether the child should be moved, the social worker  
25 shall take into consideration the potential harmful effects of  
26 disrupting the placement of the child and the parent’s or guardian’s  
27 reason for the move.
- 28 (4) When it has been determined that it is necessary for a child  
29 to be placed in a county other than the child’s parent’s or guardian’s  
30 county of residence, the specific reason the out-of-county  
31 placement is necessary shall be documented in the child’s case  
32 plan. If the reason the out-of-county placement is necessary is the  
33 lack of resources in the sending county to meet the specific needs  
34 of the child, those specific resource needs shall be documented in  
35 the case plan.
- 36 (5) When it has been determined that a child is to be placed  
37 out-of-county either in a group home or with a foster family agency  
38 for subsequent placement in a certified foster family home, and  
39 the sending county is to maintain responsibility for supervision  
40 and visitation of the child, the sending county shall develop a plan



1 of supervision and visitation that specifies the supervision and  
2 visitation activities to be performed and specifies that the sending  
3 county is responsible for performing those activities. In addition  
4 to the plan of supervision and visitation, the sending county shall  
5 document information regarding any known or suspected dangerous  
6 behavior of the child that indicates the child may pose a safety  
7 concern in the receiving county. Upon implementation of the Child  
8 Welfare Services Case Management System, the plan of  
9 supervision and visitation, as well as information regarding any  
10 known or suspected dangerous behavior of the child, shall be made  
11 available to the receiving county upon placement of the child in  
12 the receiving county. If placement occurs on a weekend or holiday,  
13 the information shall be made available to the receiving county on  
14 or before the end of the next business day.

15 (6) When it has been determined that a child is to be placed  
16 out-of-county and the sending county plans that the receiving  
17 county shall be responsible for the supervision and visitation of  
18 the child, the sending county shall develop a formal agreement  
19 between the sending and receiving counties. The formal agreement  
20 shall specify the supervision and visitation to be provided the child,  
21 and shall specify that the receiving county is responsible for  
22 providing the supervision and visitation. The formal agreement  
23 shall be approved and signed by the sending and receiving counties  
24 prior to placement of the child in the receiving county. In addition,  
25 upon completion of the case plan, the sending county shall provide  
26 a copy of the completed case plan to the receiving county. The  
27 case plan shall include information regarding any known or  
28 suspected dangerous behavior of the child that indicates the child  
29 may pose a safety concern to the receiving county.

30 (g) Whenever the social worker must change the placement of  
31 the child and is unable to find a suitable placement within the  
32 county and must place the child outside the county, the placement  
33 shall not be made until he or she has served written notice on the  
34 parent or guardian at least 14 days prior to the placement, unless  
35 the child's health or well-being is endangered by delaying the  
36 action or would be endangered if prior notice were given. The  
37 notice shall state the reasons which require placement outside the  
38 county. The parent or guardian may object to the placement not  
39 later than seven days after receipt of the notice and, upon objection,  
40 the court shall hold a hearing not later than five days after the

1 objection and prior to the placement. The court shall order  
2 out-of-county placement if it finds that the child's particular needs  
3 require placement outside the county.

4 (h) Where the court has ordered removal of the child from the  
5 physical custody of his or her parents pursuant to Section 361, the  
6 court shall consider whether the family ties and best interest of the  
7 child will be served by granting visitation rights to the child's  
8 grandparents. The court shall clearly specify those rights to the  
9 social worker.

10 (i) Where the court has ordered removal of the child from the  
11 physical custody of his or her parents pursuant to Section 361, the  
12 court shall consider whether there are any siblings under the court's  
13 jurisdiction, the nature of the relationship between the child and  
14 his or her siblings, the appropriateness of developing or maintaining  
15 the sibling relationships pursuant to Section 16002, and the impact  
16 of the sibling relationships on the child's placement and planning  
17 for legal permanence.

18 (j) (1) When an agency has placed a child with a relative  
19 caregiver, a nonrelative extended family member, a licensed foster  
20 family home, or a group home, the agency shall ensure placement  
21 of the child in a home that, to the fullest extent possible, best meets  
22 the day-to-day needs of the child. A home that best meets the  
23 day-to-day needs of the child shall satisfy all of the following  
24 criteria:

25 (A) The child's caregiver is able to meet the day-to-day health,  
26 safety, and well-being needs of the child.

27 (B) The child's caregiver is permitted to maintain the least  
28 restrictive and most family-like environment that serves the  
29 day-to-day needs of the child.

30 (C) The child is permitted to engage in reasonable,  
31 age-appropriate day-to-day activities that promote the most  
32 family-like environment for the foster child.

33 (2) The foster child's caregiver shall use a reasonable and  
34 prudent parent standard, as defined in paragraph (2) of subdivision  
35 (a) of Section 362.04, to determine day-to-day activities that are  
36 age-appropriate to meet the needs of the child. Nothing in this  
37 section shall be construed to permit a child's caregiver to permit  
38 the child to engage in day-to-day activities that carry an  
39 unreasonable risk of harm, or subject the child to abuse or neglect.

1     *SEC. 7. Section 361.45 of the Welfare and Institutions Code*  
2     *is amended to read:*

3     361.45. (a) Notwithstanding any other provision of law, when  
4     the sudden unavailability of a foster caregiver requires a change  
5     in placement on an emergency basis for a child who is under the  
6     jurisdiction of the juvenile court pursuant to Section 300, if an able  
7     and willing relative, as defined in Section 319, or an able and  
8     willing nonrelative extended family member, as defined in Section  
9     362.7, is available and requests temporary placement of the child  
10    pending resolution of the emergency situation, the county welfare  
11    department shall initiate an assessment of the relative's or  
12    nonrelative extended family member's suitability, which shall  
13    include an in-home inspection to assess the safety of the home and  
14    the ability of the relative or nonrelative extended family member  
15    to care for the child's needs, and a consideration of the results of  
16    a criminal records check conducted pursuant to Section 16504.5  
17    and a check of allegations of prior child abuse or neglect  
18    concerning the relative or nonrelative extended family member  
19    and other adults in the home. Upon completion of this assessment,  
20    the child may be placed in the assessed home. For purposes of this  
21    paragraph, and except for the criminal records check conducted  
22    pursuant to Section 16504.5, the standards used to determine  
23    suitability shall be the same standards set forth in the regulations  
24    for the licensing of foster family homes.

25    (b) Immediately following the placement of a child in the home  
26    of a relative or a nonrelative extended family member, the county  
27    welfare department shall evaluate and approve or deny the home  
28    for purposes of AFDC-FC eligibility pursuant to Section 11402.  
29    The standards used to evaluate and grant or deny approval of the  
30    home of the relative and of the home of a nonrelative extended  
31    family member, as described in Section 362.7, shall be the same  
32    standards set forth in regulations for the licensing of foster family  
33    homes which prescribe standards of safety and sanitation for the  
34    physical plant and standards for basic personal care, supervision,  
35    and services provided by the caregiver.

36    (c) If a relative or nonrelative extended family member, and  
37    other adults in the home, as indicated, meets all other conditions  
38    for approval, except for the receipt of the Federal Bureau of  
39    Investigation's criminal history information for the relative or  
40    nonrelative extended family member, the county welfare

1 department may approve the home and document that approval,  
2 if the relative or nonrelative extended family member, and each  
3 adult in the home, has signed and submitted a statement that he or  
4 she has never been convicted of a crime in the United States, other  
5 than a traffic infraction as defined in paragraph (1) of subdivision  
6 (a) of Section 42001 of the Vehicle Code. If, after the approval  
7 has been granted, the department determines that the relative or  
8 nonrelative extended family member or other adult in the home  
9 has a criminal record, the approval may be terminated.

10 *(d) If a nonminor dependent, as defined in subdivision (v) of*  
11 *Section 11400, is placed in the home of a relative or nonrelative*  
12 *extended family member, the home shall be approved using the*  
13 *same standards set forth in regulations as described in Section*  
14 *1502.7 of the Health and Safety Code.*

15 *SEC. 8. Section 366 of the Welfare and Institutions Code is*  
16 *amended to read:*

17 366. (a) (1) The status of every dependent child in foster care  
18 shall be reviewed periodically as determined by the court but no  
19 less frequently than once every six months, as calculated from the  
20 date of the original dispositional hearing, until the hearing  
21 described in Section 366.26 is completed. The court shall consider  
22 the safety of the child and shall determine all of the following:

23 (A) The continuing necessity for and appropriateness of the  
24 placement.

25 (B) The extent of the agency's compliance with the case plan  
26 in making reasonable efforts, or, in the case of an Indian child,  
27 active efforts as described in Section 361.7, to return the child to  
28 a safe home and to complete any steps necessary to finalize the  
29 permanent placement of the child, including efforts to maintain  
30 relationships between a child who is 10 years of age or older and  
31 who has been in an out-of-home placement for six months or  
32 longer, and individuals other than the child's siblings who are  
33 important to the child, consistent with the child's best interests.

34 (C) Whether there should be any limitation on the right of the  
35 parent or guardian to make educational decisions for the child.  
36 That limitation shall be specifically addressed in the court order  
37 and may not exceed those necessary to protect the child. Whenever  
38 the court specifically limits the right of the parent or guardian to  
39 make educational decisions for the child, the court shall at the

1 same time appoint a responsible adult to make educational  
2 decisions for the child pursuant to Section 361.

3 (D) (i) Whether the child has other siblings under the court's  
4 jurisdiction, and, if any siblings exist, all of the following:

5 (I) The nature of the relationship between the child and his or  
6 her siblings.

7 (II) The appropriateness of developing or maintaining the sibling  
8 relationships pursuant to Section 16002.

9 (III) If the siblings are not placed together in the same home,  
10 why the siblings are not placed together and what efforts are being  
11 made to place the siblings together, or why those efforts are not  
12 appropriate.

13 (IV) If the siblings are not placed together, the frequency and  
14 nature of the visits between siblings.

15 (V) The impact of the sibling relationships on the child's  
16 placement and planning for legal permanence.

17 (VI) The continuing need to suspend sibling interaction, if  
18 applicable, pursuant to subdivision (c) of Section 16002.

19 (ii) The factors the court may consider in making a determination  
20 regarding the nature of the child's sibling relationships may  
21 include, but are not limited to, whether the siblings were raised  
22 together in the same home, whether the siblings have shared  
23 significant common experiences or have existing close and strong  
24 bonds, whether either sibling expresses a desire to visit or live with  
25 his or her sibling, as applicable, and whether ongoing contact is  
26 in the child's best emotional interests.

27 (E) The extent of progress ~~which~~ *that* has been made toward  
28 alleviating or mitigating the causes necessitating placement in  
29 foster care.

30 (F) *On and after October 1, 2010, if the review hearing is the*  
31 *last review hearing to be held before the child attains 18 years of*  
32 *age, the court shall ensure that the child's transitional independent*  
33 *living case plan includes a plan for the child to meet one or more*  
34 *of the criteria set forth in Section 11403, so that the child can*  
35 *remain a nonminor dependent, and that the child has been informed*  
36 *of his or her right to seek the termination of dependency*  
37 *jurisdiction pursuant to Section 391.*

38 (2) The court shall project a likely date by which the child may  
39 be returned to and safely maintained in the home or placed for

1 adoption, legal guardianship, or in another planned permanent  
2 living arrangement.

3 (b) Subsequent to the hearing, periodic reviews of each child  
4 in foster care shall be conducted pursuant to the requirements of  
5 Sections 366.3 and 16503.

6 (c) If the child has been placed out of state, each review  
7 described in subdivision (a) and any reviews conducted pursuant  
8 to Sections 366.3 and 16503 shall also address whether the  
9 out-of-state placement continues to be the most appropriate  
10 placement selection and in the best interests of the child.

11 (d) A child may not be placed in an out-of-state group home,  
12 or remain in an out-of-state group home, unless the group home  
13 is in compliance with Section 7911.1 of the Family Code.

14 (e) The implementation and operation of the amendments to  
15 subparagraph (B) of paragraph (1) of subdivision (a) enacted at  
16 the 2005–06 Regular Session shall be subject to appropriation  
17 through the budget process and by phase, as provided in Section  
18 366.35.

19 (f) *The status of every nonminor dependent, as defined in*  
20 *subdivision (v) of Section 11400, shall be reviewed periodically*  
21 *as determined by the court, but no less frequently than once every*  
22 *six months, as calculated from the date of the original dispositional*  
23 *hearing until dependency jurisdiction is terminated pursuant to*  
24 *Section 391. The review shall include all of the issues set forth in*  
25 *subdivision (a), except subparagraph (C) of paragraph (1) of*  
26 *subdivision (a), and shall be conducted in a manner that respects*  
27 *the nonminor dependent’s status as a legal adult, be focused on*  
28 *the goals and services described in the nonminor dependent’s*  
29 *transitional independent living case plan, including efforts made*  
30 *to maintain connections with caring and permanently committed*  
31 *adults, and attended as appropriate by additional participants*  
32 *invited by the nonminor dependent.*

33 *SEC. 9. Section 366.3 of the Welfare and Institutions Code is*  
34 *amended to read:*

35 366.3. (a) If a juvenile court orders a permanent plan of  
36 adoption or legal guardianship pursuant to Section 360 or 366.26,  
37 the court shall retain jurisdiction over the child until the child is  
38 adopted or the legal guardianship is established, except as provided  
39 for in Section 366.29 or Section 366.31. The status of the child  
40 shall be reviewed every six months to ensure that the adoption or

1 legal guardianship is completed as expeditiously as possible. When  
2 the adoption of the child has been granted, the court shall terminate  
3 its jurisdiction over the child. Following establishment of a legal  
4 guardianship, the court may continue jurisdiction over the child  
5 as a dependent child of the juvenile court or may terminate its  
6 dependency jurisdiction and retain jurisdiction over the child as a  
7 ward of the legal guardianship, as authorized by Section 366.4. If,  
8 however, a relative of the child is appointed the legal guardian of  
9 the child and the child has been placed with the relative for at least  
10 ~~12~~ *six* months, the court shall, except if the relative guardian  
11 objects, or upon a finding of exceptional circumstances, terminate  
12 its dependency jurisdiction and retain jurisdiction over the child  
13 as a ward of the guardianship, as authorized by Section 366.4.  
14 Following a termination of parental rights, the parent or parents  
15 shall not be a party to, or receive notice of, any subsequent  
16 proceedings regarding the child.

17 (b) If the court has dismissed dependency jurisdiction following  
18 the establishment of a legal guardianship, or no dependency  
19 jurisdiction attached because of the granting of a legal guardianship  
20 pursuant to Section 360, and the legal guardianship is subsequently  
21 revoked or otherwise terminated, the county department of social  
22 services or welfare department shall notify the juvenile court of  
23 this fact. The court may vacate its previous order dismissing  
24 dependency jurisdiction over the child.

25 Notwithstanding Section 1601 of the Probate Code, the  
26 proceedings to terminate a legal guardianship that has been granted  
27 pursuant to Section 360 or 366.26 shall be held either in the  
28 juvenile court that retains jurisdiction over the guardianship as  
29 authorized by Section 366.4 or the juvenile court in the county  
30 where the guardian and child currently reside, based on the best  
31 interests of the child, unless the termination is due to the  
32 emancipation or adoption of the child. The juvenile court having  
33 jurisdiction over the guardianship shall receive notice from the  
34 court in which the petition is filed within five calendar days of the  
35 filing. Prior to the hearing on a petition to terminate legal  
36 guardianship pursuant to this subdivision, the court shall order the  
37 county department of social services or welfare department having  
38 jurisdiction or jointly with the county department where the  
39 guardian and child currently reside to prepare a report, for the  
40 court's consideration, that shall include an evaluation of whether

1 the child could safely remain in, or be returned to, the legal  
2 guardian's home, without terminating the legal guardianship, if  
3 services were provided to the child or legal guardian. If applicable,  
4 the report shall also identify recommended family maintenance or  
5 reunification services to maintain the legal guardianship and set  
6 forth a plan for providing those services. If the petition to terminate  
7 legal guardianship is granted, either juvenile court may resume  
8 dependency jurisdiction over the child, and may order the county  
9 department of social services or welfare department to develop a  
10 new permanent plan, which shall be presented to the court within  
11 60 days of the termination. If no dependency jurisdiction has  
12 attached, the social worker shall make any investigation he or she  
13 deems necessary to determine whether the child may be within the  
14 jurisdiction of the juvenile court, as provided in Section 328.

15 Unless the parental rights of the child's parent or parents have  
16 been terminated, they shall be notified that the legal guardianship  
17 has been revoked or terminated and shall be entitled to participate  
18 in the new permanency planning hearing. The court shall try to  
19 place the child in another permanent placement. At the hearing,  
20 the parents may be considered as custodians but the child shall not  
21 be returned to the parent or parents unless they prove, by a  
22 preponderance of the evidence, that reunification is the best  
23 alternative for the child. The court may, if it is in the best interests  
24 of the child, order that reunification services again be provided to  
25 the parent or parents.

26 (c) If, following the establishment of a legal guardianship, the  
27 county welfare department becomes aware of changed  
28 circumstances that indicate adoption may be an appropriate plan  
29 for the child, the department shall so notify the court. The court  
30 may vacate its previous order dismissing dependency jurisdiction  
31 over the child and order that a hearing be held pursuant to Section  
32 366.26 to determine whether adoption or continued legal  
33 guardianship is the most appropriate plan for the child. The hearing  
34 shall be held no later than 120 days from the date of the order. If  
35 the court orders that a hearing shall be held pursuant to Section  
36 366.26, the court shall direct the agency supervising the child and  
37 the licensed county adoption agency, or the State Department of  
38 Social Services if it is acting as an adoption agency in counties  
39 that are not served by a county adoption agency, to prepare an  
40 assessment under subdivision (b) of Section 366.22.



1 (d) If the child *or nonminor dependent* is in a placement other  
2 than the home of a legal guardian and jurisdiction has not been  
3 dismissed, the status of the child shall be reviewed at least every  
4 six months. The review of the status of a child for whom the court  
5 has ordered parental rights terminated and who has been ordered  
6 placed for adoption shall be conducted by the court. The review  
7 of the status of a child *or nonminor dependent* for whom the court  
8 has not ordered parental rights terminated and who has not been  
9 ordered placed for adoption may be conducted by the court or an  
10 appropriate local agency. The court shall conduct the review under  
11 the following circumstances:

12 (1) Upon the request of the child's parents or legal guardians.

13 (2) Upon the request of the child *or nonminor dependent*.

14 (3) It has been 12 months since a hearing held pursuant to  
15 Section 366.26 or an order that the child remain in long-term foster  
16 care pursuant to Section 366.21, 366.22, 366.25, 366.26, or  
17 subdivision (h).

18 (4) It has been 12 months since a review was conducted by the  
19 court.

20 The court shall determine whether or not reasonable efforts to  
21 make and finalize a permanent placement for the child have been  
22 made.

23 (e) Except as provided in subdivision (g), at the review held  
24 every six months pursuant to subdivision (d), the reviewing body  
25 shall inquire about the progress being made to provide a permanent  
26 home for the child, shall consider the safety of the child, and shall  
27 determine all of the following:

28 (1) The continuing necessity for, and appropriateness of, the  
29 placement.

30 (2) Identification of individuals other than the child's siblings  
31 who are important to a child who is 10 years of age or older and  
32 has been in out-of-home placement for six months or longer, and  
33 actions necessary to maintain the child's relationship with those  
34 individuals, provided that those relationships are in the best interest  
35 of the child. The social worker shall ask every child who is 10  
36 years of age or older and who has been in out-of-home placement  
37 for six months or longer to identify individuals other than the  
38 child's siblings who are important to the child, and may ask any  
39 other child to provide that information, as appropriate. The social

1 worker shall make efforts to identify other individuals who are  
2 important to the child, consistent with the child's best interests.

3 (3) The continuing appropriateness and extent of compliance  
4 with the permanent plan for the child, including efforts to maintain  
5 relationships between a child who is 10 years of age or older and  
6 who has been in out-of-home placement for six months or longer  
7 and individuals who are important to the child and efforts to  
8 identify a prospective adoptive parent or legal guardian, including,  
9 but not limited to, child-specific recruitment efforts and listing on  
10 an adoption exchange.

11 (4) The extent of the agency's compliance with the child welfare  
12 services case plan in making reasonable efforts either to return the  
13 child to the safe home of the parent or to complete whatever steps  
14 are necessary to finalize the permanent placement of the child. If  
15 the reviewing body determines that a second period of reunification  
16 services is in the child's best interests, and that there is a significant  
17 likelihood of the child's return to a safe home due to changed  
18 circumstances of the parent, pursuant to subdivision (f), the specific  
19 reunification services required to effect the child's return to a safe  
20 home shall be described.

21 (5) Whether there should be any limitation on the right of the  
22 parent or guardian to make educational decisions for the child.  
23 That limitation shall be specifically addressed in the court order  
24 and may not exceed what is necessary to protect the child. If the  
25 court specifically limits the right of the parent or guardian to make  
26 educational decisions for the child, the court shall at the same time  
27 appoint a responsible adult to make educational decisions for the  
28 child pursuant to Section 361.

29 (6) The adequacy of services provided to the child. The court  
30 shall consider the progress in providing the information and  
31 documents to the child, as described in Section 391. The court  
32 shall also consider the need for, and progress in providing, the  
33 assistance and services described in ~~paragraphs (3) and (4) of~~  
34 ~~subdivision (b) of~~ Section 391.

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

38 (8) The likely date by which the child may be returned to, and  
39 safely maintained in, the home, placed for adoption, legal  
40 guardianship, or in another planned permanent living arrangement.

1 (9) Whether the child has any siblings under the court's  
2 jurisdiction, and, if any siblings exist, all of the following:

3 (A) The nature of the relationship between the child and his or  
4 her siblings.

5 (B) The appropriateness of developing or maintaining the sibling  
6 relationships pursuant to Section 16002.

7 (C) If the siblings are not placed together in the same home,  
8 why the siblings are not placed together and what efforts are being  
9 made to place the siblings together, or why those efforts are not  
10 appropriate.

11 (D) If the siblings are not placed together, the frequency and  
12 nature of the visits between siblings.

13 (E) The impact of the sibling relationships on the child's  
14 placement and planning for legal permanence.

15 The factors the court may consider as indicators of the nature of  
16 the child's sibling relationships include, but are not limited to,  
17 whether the siblings were raised together in the same home,  
18 whether the siblings have shared significant common experiences  
19 or have existing close and strong bonds, whether either sibling  
20 expresses a desire to visit or live with his or her sibling, as  
21 applicable, and whether ongoing contact is in the child's best  
22 emotional interests.

23 (10) For a child who is 16 years of age or older, *and, effective*  
24 *October 1, 2010, for a nonminor dependent*, the services needed  
25 to assist the child *or nonminor dependent* to make the transition  
26 from foster care to independent living.

27 The reviewing body shall determine whether or not reasonable  
28 efforts to make and finalize a permanent placement for the child  
29 have been made.

30 Each licensed foster family agency shall submit reports for each  
31 child in its care, custody, and control to the court concerning the  
32 continuing appropriateness and extent of compliance with the  
33 child's permanent plan, the extent of compliance with the case  
34 plan, and the type and adequacy of services provided to the child.

35 (f) Unless their parental rights have been permanently  
36 terminated, the parent or parents of the child are entitled to receive  
37 notice of, and participate in, those hearings. It shall be presumed  
38 that continued care is in the best interests of the child, unless the  
39 parent or parents prove, by a preponderance of the evidence, that  
40 further efforts at reunification are the best alternative for the child.

1 In those cases, the court may order that further reunification  
2 services to return the child to a safe home environment be provided  
3 to the parent or parents up to a period of six months, and family  
4 maintenance services, as needed for an additional six months in  
5 order to return the child to a safe home environment.

6 (g) At the review conducted by the court and held at least every  
7 six months, regarding a child for whom the court has ordered  
8 parental rights terminated and who has been ordered placed for  
9 adoption, the county welfare department shall prepare and present  
10 to the court a report describing the following:

11 (1) The child's present placement.

12 (2) The child's current physical, mental, emotional, and  
13 educational status.

14 (3) If the child has not been placed with a prospective adoptive  
15 parent or guardian, identification of individuals, other than the  
16 child's siblings, who are important to the child and actions  
17 necessary to maintain the child's relationship with those  
18 individuals, provided that those relationships are in the best interest  
19 of the child. The agency shall ask every child who is 10 years of  
20 age or older to identify any individuals who are important to him  
21 or her, consistent with the child's best interest, and may ask any  
22 child who is younger than 10 years of age to provide that  
23 information as appropriate. The agency shall make efforts to  
24 identify other individuals who are important to the child.

25 (4) Whether the child has been placed with a prospective  
26 adoptive parent or parents.

27 (5) Whether an adoptive placement agreement has been signed  
28 and filed.

29 (6) If the child has not been placed with a prospective adoptive  
30 parent or parents, the efforts made to identify an appropriate  
31 prospective adoptive parent or legal guardian, including, but not  
32 limited to, child-specific recruitment efforts and listing on an  
33 adoption exchange.

34 (7) Whether the final adoption order should include provisions  
35 for postadoptive sibling contact pursuant to Section 366.29.

36 (8) The progress of the search for an adoptive placement if one  
37 has not been identified.

38 (9) Any impediments to the adoption or the adoptive placement.

39 (10) The anticipated date by which the child will be adopted or  
40 placed in an adoptive home.

1 (11) The anticipated date by which an adoptive placement  
2 agreement will be signed.

3 (12) Recommendations for court orders that will assist in the  
4 placement of the child for adoption or in the finalization of the  
5 adoption.

6 The court shall determine whether or not reasonable efforts to  
7 make and finalize a permanent placement for the child have been  
8 made.

9 The court shall make appropriate orders to protect the stability  
10 of the child and to facilitate and expedite the permanent placement  
11 and adoption of the child.

12 (h) At the review held pursuant to subdivision (d) for a child in  
13 long-term foster care, the court shall consider all permanency  
14 planning options for the child including whether the child should  
15 be returned to the home of the parent, placed for adoption, or  
16 appointed a legal guardian, or, if compelling reasons exist for  
17 finding that none of the foregoing options are in the best interest  
18 of the child, whether the child should be placed in another planned  
19 permanent living arrangement. The court shall order that a hearing  
20 be held pursuant to Section 366.26, unless it determines by clear  
21 and convincing evidence that there is a compelling reason for  
22 determining that a hearing held pursuant to Section 366.26 is not  
23 in the best interest of the child because the child is being returned  
24 to the home of the parent, the child is not a proper subject for  
25 adoption, or no one is willing to accept legal guardianship. If the  
26 licensed county adoption agency, or the department when it is  
27 acting as an adoption agency in counties that are not served by a  
28 county adoption agency, has determined it is unlikely that the child  
29 will be adopted or one of the conditions described in paragraph  
30 (1) of subdivision (c) of Section 366.26 applies, that fact shall  
31 constitute a compelling reason for purposes of this subdivision.  
32 Only upon that determination may the court order that the child  
33 remain in foster care, without holding a hearing pursuant to Section  
34 366.26.

35 (i) If, as authorized by subdivision (h), the court orders a hearing  
36 pursuant to Section 366.26, the court shall direct the agency  
37 supervising the child and the licensed county adoption agency, or  
38 the State Department of Social Services when it is acting as an  
39 adoption agency in counties that are not served by a county  
40 adoption agency, to prepare an assessment as provided for in

1 subdivision (i) of Section 366.21 or subdivision (b) of Section  
2 366.22. A hearing held pursuant to Section 366.26 shall be held  
3 no later than 120 days from the date of the 12-month review at  
4 which it is ordered, and at that hearing the court shall determine  
5 whether adoption, legal guardianship, or long-term foster care is  
6 the most appropriate plan for the child.

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

11 (k) The reviews conducted pursuant to subdivision (a) or (d)  
12 may be conducted earlier than every six months if the court  
13 determines that an earlier review is in the best interests of the child  
14 or as court rules prescribe.

15 *(l) On and after October 1, 2010, the reviews conducted*  
16 *pursuant to subdivisions (e), (g), and (h) for any nonminor*  
17 *dependent shall be conducted in a manner that respects the*  
18 *nonminor's status as a legal adult, be focused on the goals and*  
19 *services described in the youth's transitional independent living*  
20 *case plan, including efforts made to maintain connections with*  
21 *caring and permanently committed adults, and attended as*  
22 *appropriate by additional participants invited by the nonminor*  
23 *dependent. The review shall include all the issues in subdivision*  
24 *(e), except paragraph (5) of subdivision (e). The county child*  
25 *welfare or probation department, or Indian tribe that has entered*  
26 *into an agreement pursuant to Section 10553.1 shall prepare and*  
27 *present to the court a report that addresses the youth's progress*  
28 *in meeting the goals in the transitional independent living case*  
29 *plan and propose modifications as necessary to further those goals.*  
30 *At the review hearing that occurs in the six-month period prior to*  
31 *the minor's attaining 18 years of age, the report shall describe the*  
32 *minor's plans to remain in foster care and plans to meet one or*  
33 *more of the criteria as described in Section 11403 to continue to*  
34 *receive AFDC-FC benefits. The report shall describe the efforts*  
35 *made and assistance provided to the minor by the social worker*  
36 *or the probation officer so that the minor will be able to meet the*  
37 *criteria. If the court is considering terminating dependency*  
38 *jurisdiction for a nonminor dependent it shall first hold a hearing*  
39 *pursuant to Section 391.*

1 (m) On and after October 1, 2010, if a review hearing pursuant  
2 to this section is the last review hearing to be held before the child  
3 attains 18 years of age, the court shall ensure that the child's  
4 transitional independent living case plan includes a plan for the  
5 child to meet one or more of the criteria in Section 11403 so that  
6 the child can become a nonminor dependent, and that the child  
7 has been informed of his or her right to seek the termination of  
8 dependency jurisdiction pursuant to Section 391.

9 SEC. 10. Section 366.31 is added to the Welfare and Institutions  
10 Code, to read:

11 366.31. (a) On and after October 1, 2010, with respect to a  
12 nonminor dependent, as defined in subdivision (v) of Section 11400,  
13 who has a permanent plan of long-term foster care that was  
14 ordered pursuant to Section 366.21, 366.22, 366.25, or 366.26 the  
15 court may continue jurisdiction of the nonminor as a dependent  
16 of the juvenile court or may dismiss dependency jurisdiction  
17 pursuant to Section 391.

18 (b) If the court continues dependency jurisdiction of the  
19 nonminor as a dependent of the juvenile court, the court shall  
20 order the development of a planned permanent living arrangement,  
21 which may include continued placement with the current caregiver  
22 or another licensed or approved caregiver or placement under a  
23 mutual agreement pursuant to Section 11403, or in supervised  
24 independent living, consistent with the youth's transitional  
25 independent living case plan.

26 (c) If the court terminates its dependency jurisdiction over a  
27 nonminor dependent pursuant to subdivision (a), it shall retain  
28 jurisdiction over the youth pursuant to Section 303. If the court  
29 has dismissed dependency jurisdiction pursuant to subdivision (d)  
30 of Section 391, the nonminor dependent, who has not attained 21  
31 years of age, may subsequently file a petition pursuant to  
32 subdivision (e) of Section 388 to have dependency jurisdiction  
33 resumed and the court may vacate its previous order dismissing  
34 dependency jurisdiction over the nonminor dependent.

35 SEC. 11. Section 366.4 of the Welfare and Institutions Code  
36 is amended to read:

37 366.4. (a) Any minor for whom a guardianship has been  
38 established resulting from the selection or implementation of a  
39 permanency plan pursuant to Section 360 or 366.26, or a nonminor  
40 who is eligible to receive Kin-GAP payments pursuant to Section

1 11363 or 11386 is within the jurisdiction of the juvenile court. For  
2 those minors, Part 2 (commencing with Section 1500) of Division  
3 4 of the Probate Code, relating to guardianship, shall not apply. If  
4 no specific provision of this code or the California Rules of Court  
5 is applicable, the provisions applicable to the administration of  
6 estates under Part 4 (commencing with Section 2100) of Division  
7 4 of the Probate Code govern so far as they are applicable to like  
8 situations.

9 (b) Nonrelated legal guardians of the person of a minor  
10 established as a result of a permanency plan selected pursuant to  
11 Section 360 or 366.26 shall be exempt from the provisions of  
12 Sections 2850 and 2851 of the Probate Code.

13 *SEC. 12. Section 388 of the Welfare and Institutions Code is*  
14 *amended to read:*

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

29 (b) Any person, including a child who is a dependent of the  
30 juvenile court, may petition the court to assert a relationship as a  
31 sibling related by blood, adoption, or affinity through a common  
32 legal or biological parent to a child who is, or is the subject of a  
33 petition for adjudication as, a dependent of the juvenile court, and  
34 may request visitation with the dependent child, placement with  
35 or near the dependent child, or consideration when determining  
36 or implementing a case plan or permanent plan for the dependent  
37 child or make any other request for an order which may be shown  
38 to be in the best interest of the dependent child. The court may  
39 appoint a guardian ad litem to file the petition for the dependent  
40 child asserting the sibling relationship if the court determines that



1 the appointment is necessary for the best interests of the dependent  
2 child. The petition shall be verified and shall set forth the  
3 following:

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

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

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

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

11 (c) (1) Any party, including a child who is a dependent of the  
12 juvenile court, may petition the court, prior to the hearing set  
13 pursuant to subdivision (f) of Section 366.21 for a child described  
14 by paragraph (1) of subdivision (a) of Section 361.5, or within six  
15 months of the initial dispositional hearing for a child described by  
16 paragraph (2) or (3) of subdivision (a) of Section 361.5, to  
17 terminate court-ordered reunification services provided under  
18 subdivision (a) of Section 361.5 only if one of the following  
19 conditions exists:

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

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

29 (2) In determining whether the parent or guardian has failed to  
30 visit the child or participate regularly or make progress in the  
31 treatment plan, the court shall consider factors including, but not  
32 limited to, the parent or guardian's incarceration,  
33 institutionalization, or participation in a residential substance abuse  
34 treatment program.

35 (3) The court shall terminate reunification services during the  
36 above-described time periods only upon a finding by a  
37 preponderance of evidence that reasonable services have been  
38 offered or provided, and upon a finding of clear and convincing  
39 evidence that one of the conditions in subparagraph (A) or (B) of  
40 paragraph (1) exists.

1 (4) If the court terminates reunification services, it shall order  
2 that a hearing pursuant to Section 366.26 be held within 120 days.

3 (d) If it appears that the best interests of the child may be  
4 promoted by the proposed change of order, recognition of a sibling  
5 relationship, termination of jurisdiction, or clear and convincing  
6 evidence supports revocation or termination of court-ordered  
7 reunification services, the court shall order that a hearing be held  
8 and shall give prior notice, or cause prior notice to be given, to the  
9 persons and by the means prescribed by Section 386, and, in those  
10 instances in which the means of giving notice is not prescribed by  
11 those sections, then by means the court prescribes.

12 (e) (1) *On and after October 1, 2010, a nonminor who has not*  
13 *attained 21 years of age for whom the court has dismissed*  
14 *dependency jurisdiction pursuant to Section 391 may petition the*  
15 *court in the same action in which the child was found to be a*  
16 *dependent child of the juvenile court for a hearing to resume the*  
17 *dependency jurisdiction of the court.*

18 (2) *The petition to resume dependency jurisdiction may be filed*  
19 *in the juvenile court that retains jurisdiction under subdivision (b)*  
20 *of Section 303 or the juvenile court in the county where the youth*  
21 *resides. The juvenile court having jurisdiction under Section 303*  
22 *shall receive the petition from the court in which the petition is*  
23 *filed within five court days of the filing if the petition is filed in the*  
24 *county of residence. Upon receipt of the petition, the court shall*  
25 *order that a hearing be held and shall give prior notice, or cause*  
26 *prior notice to be given, to the persons and by the means prescribed*  
27 *by Section 386, except that notice to parents or former guardian*  
28 *shall not be provided if the nonminor objects.*

29 (3) *The Judicial Council, by October 1, 2010, shall adopt rules*  
30 *of court to allow for telephonic appearances by nonminor former*  
31 *dependents in these proceedings.*

32 (4) *Prior to the hearing on a petition to resume dependency*  
33 *jurisdiction, the court shall order the county child welfare or*  
34 *probation department or Indian tribe that has entered into an*  
35 *agreement pursuant to Section 10553.1 to prepare a report for the*  
36 *court addressing whether the nonminor is able to meet at least*  
37 *one of the criteria set forth in Section 11403.*

38 (5) *The court, if it finds that the nonminor is able to meet at*  
39 *least one of the criteria set forth in Section 11403, shall resume*  
40 *dependency jurisdiction and order the county child welfare or*

1 *probation department or tribe to develop a new transitional*  
2 *independent living case plan with the youth, which shall be*  
3 *presented to the court within 60 days of the resumption of the*  
4 *dependency jurisdiction.*

5 *SEC. 13. Section 391 of the Welfare and Institutions Code is*  
6 *amended to read:*

7 391. (a) At any hearing to terminate jurisdiction over a  
8 dependent child who has reached the age of majority, the county  
9 welfare department shall do all of the following:

10 (1) Ensure that the child is present in court, unless the child  
11 does not wish to appear in court, or document efforts by the county  
12 welfare department to locate the child when the child is not  
13 available.

14 (2) Submit a report verifying that the following information,  
15 documents, and services have been provided to the child:

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

27 (B) The following documents:

28 (i) Social security card.

29 (ii) Certified birth certificate.

30 (iii) Health and education summary, as described in subdivision  
31 (a) of Section 16010.

32 (iv) Driver's license, as described in Section 12500 of the  
33 Vehicle Code, or identification card, as described in Section 13000  
34 of the Vehicle Code.

35 (v) A letter prepared by the county welfare department that  
36 includes the following information:

37 (I) The child's name and date of birth.

38 (II) The dates during which the child was within the jurisdiction  
39 of the juvenile court.

1 (III) A statement that the child was a foster youth in compliance  
2 with state and federal financial aid documentation requirements.

3 (vi) If applicable, the death certificate of the parent or parents.

4 (vii) If applicable, proof of the child's citizenship or legal  
5 residence.

6 (C) Assistance in completing an application for Medi-Cal or  
7 assistance in obtaining other health insurance; referral to  
8 transitional housing, if available, or assistance in securing other  
9 housing; and assistance in obtaining employment or other financial  
10 support.

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

14 (E) Assistance in maintaining relationships with individuals  
15 who are important to a child who has been in out-of-home  
16 placement for six months or longer from the date the child entered  
17 foster care, based on the child's best interests.

18 (3) The court may continue jurisdiction if it finds that the county  
19 welfare department has not met the requirements of paragraph (2)  
20 of subdivision (a) and that termination of jurisdiction would be  
21 harmful to the best interests of the child. If the court determines  
22 that continued jurisdiction is warranted pursuant to this section,  
23 the continuation shall only be ordered for that period of time  
24 necessary for the county welfare department to meet the  
25 requirements of paragraph (2) of subdivision (a). This section shall  
26 not be construed to limit the discretion of the juvenile court to  
27 continue jurisdiction for other reasons. The court may terminate  
28 jurisdiction if the county welfare department has offered the  
29 required services, and the child either has refused the services or,  
30 after reasonable efforts by the county welfare department, cannot  
31 be located.

32 (b) The Judicial Council shall develop and implement standards,  
33 and develop and adopt appropriate forms, necessary to implement  
34 this section.

35 (c) *This section shall remain in effect only until October 1, 2010,*  
36 *and as of that date is repealed, unless a later enacted statute, that*  
37 *is enacted before October 1, 2010, deletes or extends that date.*

38 *SEC. 14. Section 391 is added to the Welfare and Institutions*  
39 *Code, to read:*

1 391. (a) *The court shall not terminate jurisdiction over a*  
2 *dependent youth who has reached 18 years of age unless a hearing*  
3 *is conducted pursuant to this section.*

4 (b) *At any hearing for a dependent youth who has attained 18*  
5 *years of age at which the court is considering termination of the*  
6 *jurisdiction of the juvenile court and the accompanying foster care*  
7 *services as described in Section 11403, the county welfare*  
8 *department shall do all of the following:*

9 (1) *Ensure that the dependent is present in court, unless the*  
10 *dependent does not wish to appear in court, or document efforts*  
11 *by the county welfare department to locate the child when the child*  
12 *is not available.*

13 (2) *Submit a report describing whether it is in the youth's best*  
14 *interests to remain under the court's dependency jurisdiction,*  
15 *which includes a recommended transitional independent living*  
16 *case plan for any youth that the department determines would*  
17 *benefit from continued jurisdiction.*

18 (c) *The court shall continue dependency jurisdiction for a*  
19 *nonminor dependent, as defined in subdivision (v) of Section 11400*  
20 *of the Welfare and Institutions Code, who meets the criteria of*  
21 *Section 11403 unless the court finds that after reasonable and*  
22 *documented efforts the nonminor cannot be located or does not*  
23 *wish to remain subject to dependency jurisdiction. In making this*  
24 *finding, the court shall ensure that the nonminor has been informed*  
25 *of his or her options including the right to file a petition pursuant*  
26 *to Section 388 to resume dependency jurisdiction, and had an*  
27 *opportunity to confer with his or her counsel if counsel has been*  
28 *appointed pursuant to Section 317.*

29 (d) *If the court terminates dependency jurisdiction, the nonminor*  
30 *shall remain within the jurisdiction of the court until the nonminor*  
31 *attains 21 years of age, although no review proceedings shall be*  
32 *required. A nonminor may petition the court pursuant to*  
33 *subdivision (e) of Section 388 to resume dependency jurisdiction*  
34 *at any time before attaining 21 years of age.*

35 (e) *Before the court terminates dependency jurisdiction the*  
36 *department shall submit a report verifying that the following*  
37 *information, documents, and services have been provided to the*  
38 *child:*

39 (1) *Written information concerning the child's dependency case,*  
40 *including any known information regarding the child's Indian*

1 *heritage or tribal connections, if applicable, his or her family*  
2 *history and placement history, any photographs of the child or his*  
3 *or her family in the possession of the county welfare department,*  
4 *other than forensic photographs, the whereabouts of any siblings*  
5 *under the jurisdiction of the juvenile court, unless the court*  
6 *determines that sibling contact would jeopardize the safety or*  
7 *welfare of the sibling, directions on how to access the documents*  
8 *the child is entitled to inspect under Section 827, and the date on*  
9 *which the jurisdiction of the juvenile court would be terminated.*

10 (2) *The following documents:*

11 (A) *Social security card.*

12 (B) *Certified copy of his or her birth certificate.*

13 (C) *Health and education summary, as described in subdivision*  
14 *(a) of Section 16010.*

15 (D) *Driver's license, as described in Section 12500 of the*  
16 *Vehicle Code, or identification card, as described in Section 13000*  
17 *of the Vehicle Code.*

18 (E) *A letter prepared by the county welfare department that*  
19 *includes the following information:*

20 (i) *The child's name and date of birth.*

21 (ii) *The dates during which the child was within the jurisdiction*  
22 *of the juvenile court.*

23 (iii) *A statement that the child was a foster youth in compliance*  
24 *with state and federal financial aid documentation requirements.*

25 (F) *If applicable, the death certificate of the parent or parents.*

26 (G) *If applicable, proof of the child's citizenship or legal*  
27 *residence.*

28 (3) *Assistance in completing an application for Medi-Cal or*  
29 *assistance in obtaining other health insurance, referral to*  
30 *transitional housing, if available, or assistance in securing other*  
31 *housing, and assistance in obtaining employment or other financial*  
32 *support.*

33 (4) *Assistance in applying for admission to college or to a*  
34 *vocational training program or other educational institution and*  
35 *in obtaining financial aid, where appropriate.*

36 (5) *Assistance in maintaining relationships with individuals*  
37 *who are important to a child who has been in out-of-home*  
38 *placement for six months or longer from the date the child entered*  
39 *foster care, based on the child's best interests.*

1 (f) *The Judicial Council shall develop and implement standards,*  
2 *and develop and adopt appropriate forms necessary to implement*  
3 *this provision.*

4 (g) *This section shall become operative on October 1, 2010.*

5 SEC. 15. *Section 10609.4 of the Welfare and Institutions Code*  
6 *is amended to read:*

7 10609.4. (a) On or before July 1, 2000, the State Department  
8 of Social Services, in consultation with county and state  
9 representatives, foster youth, and advocates, shall do both of the  
10 following:

11 (1) Develop statewide standards for the implementation and  
12 administration of the Independent Living Program established  
13 pursuant to the federal Consolidated Omnibus Budget  
14 Reconciliation Act of 1985 (Public Law 99-272).

15 (2) Define the outcomes for the Independent Living Program  
16 and the characteristics of foster youth enrolled in the program for  
17 data collection purposes.

18 (b) Each county department of social services shall include in  
19 its annual Independent Living Program report both of the  
20 following:

21 (1) An accounting of federal and state funds allocated for  
22 implementation of the program. Expenditures shall be related to  
23 the specific purposes of the program. Program purposes may  
24 include, but are not limited to, all of the following:

25 (A) Enabling participants to seek a high school diploma or its  
26 equivalent or to take part in appropriate vocational training, and  
27 providing job readiness training and placement services, or building  
28 work experience and marketable skills, or both.

29 (B) Providing training in daily living skills, budgeting, locating  
30 and maintaining housing, and career planning.

31 (C) Providing for individual and group counseling.

32 (D) Integrating and coordinating services otherwise available  
33 to participants.

34 (E) Providing each participant with a written transitional  
35 independent living plan that will be based on an assessment of his  
36 or her needs, that includes information provided by persons who  
37 have been identified by the participant as important to the  
38 participant in cases in which the participant has been in  
39 out-of-home placement in a group home for six months or longer  
40 from the date the participant entered foster care, consistent with

1 the participant's best interests, and that will be incorporated into  
2 his or her case plan.

3 (F) Providing participants with other services and assistance  
4 designed to improve independent living.

5 (G) Convening persons who have been identified by the  
6 participant as important to him or her for the purpose of providing  
7 information to be included in his or her written transitional  
8 independent living plan.

9 (2) A detail of the characteristics of foster youth enrolled in  
10 their independent living programs and the outcomes achieved  
11 based on the information developed by the department pursuant  
12 to subdivision (a).

13 (c) The county department of social services in a county that  
14 provides transitional housing placement services pursuant to  
15 paragraph (2) of subdivision (a) of Section 11403.2 shall include  
16 in its annual Independent Living Program report a description of  
17 currently available transitional housing resources in relation to the  
18 number of emancipating pregnant or parenting foster youth in the  
19 county, and a plan for meeting any unmet transitional housing  
20 needs of the emancipating pregnant or parenting foster youth.

21 (d) In consultation with the department, a county may use  
22 different methods and strategies to achieve the standards and  
23 outcomes of the Independent Living Program developed pursuant  
24 to subdivision (a).

25 (e) In consultation with the County Welfare Directors  
26 Association, the California Youth Connection, and other  
27 stakeholders, the department shall develop and adopt emergency  
28 regulations, *no later than July 1, 2011*, in accordance with Section  
29 11346.1 of the Government Code that counties shall be required  
30 to meet when administering the Independent Living Program and  
31 that are achievable within existing program resources *and any*  
32 *federal funds available for case management and case plan review*  
33 *functions for nonminor dependents, as provided for in the federal*  
34 *Fostering Connections to Success and Increasing Adoptions Act*  
35 *of 2008 (Public Law 110-351). The initial adoption of emergency*  
36 *regulations and one readoption of the initial regulations shall be*  
37 *deemed to be an emergency and necessary for the immediate*  
38 *preservation of the public peace, health and safety, or general*  
39 *welfare. Initial emergency regulations and the first readoption of*  
40 *those regulations shall be exempt from review by the Office of*



1 Administrative Law. The initial emergency regulations and the  
2 first readoption of those regulations authorized by this subdivision  
3 shall be submitted to the Office of Administrative Law for filing  
4 with the Secretary of State and each shall remain in effect for no  
5 more than 180 days.

6 (f) *The department, in consultation with representatives of the*  
7 *Legislature, the County Welfare Directors Association, the Chief*  
8 *Probation Officers of California, the Judicial Council,*  
9 *representatives of tribes, the California Youth Connection, former*  
10 *foster youth, child advocacy organizations, dependency counsel*  
11 *for children, foster caregiver organizations, and researchers, shall*  
12 *review and develop modifications needed to the Independent Living*  
13 *Program to also serve the needs of nonminor dependents, as*  
14 *defined in subdivision (v) of Section 11400, eligible for services*  
15 *pursuant to Section 11403. Notwithstanding the Administrative*  
16 *Procedure Act, Chapter 3.5 (commencing with Section 11340) of*  
17 *Part 1 of Division 3 of Title 2 of the Government Code, through*  
18 *June 30, 2011, the department shall prepare for implementation*  
19 *of the applicable provisions of this section by publishing all-county*  
20 *letters or similar instructions from the director by July 1, 2010,*  
21 *which shall be applicable from October 1, 2010, to June 30, 2011,*  
22 *inclusive.*

23 *SEC. 16. Section 11008.15 of the Welfare and Institutions Code*  
24 *is amended to read:*

25 11008.15. Notwithstanding Sections 11008.14 and 11267, the  
26 department shall exercise the options of disregarding earned income  
27 of a dependent child *or ward of the juvenile court* derived from  
28 participation in the Job Training Partnership Act of 1982-~~(P.L.~~  
29 ~~(Public Law 97-300)~~, a dependent child *or ward of the juvenile*  
30 *court* who is a full-time student pursuant to the Deficit Reduction  
31 Act of 1984-~~(P.L.~~ ~~(Public Law 97-369)~~, ~~and~~ a dependent child *or*  
32 *ward of the juvenile court* 16 years of age or older who is a  
33 participant in the Independent Living Program pursuant to the  
34 Consolidated Omnibus Budget Reconciliation Act of 1985-~~(P.L.~~  
35 ~~(Public Law 99-272)~~, ~~providing~~ *and a nonminor dependent, as*  
36 *defined in subdivision (v) of Section 11400 who is participating*  
37 *in a transitional independent living case plan pursuant to the*  
38 *federal Fostering Connections to Success and Increasing Adoptions*  
39 *Act of 2008 (Public Law 110-351), provided that the child's*  
40 *Independent Living Program case plan states that the purpose of*

1 the employment is to enable the child to gain knowledge of needed  
2 work skills, work habits, and the responsibilities of maintaining  
3 employment.

4 *SEC. 17. Section 11155.5 of the Welfare and Institutions Code*  
5 *is amended to read:*

6 11155.5. (a) In addition to the personal property permitted by  
7 other provisions of this part, a child declared a ward or dependent  
8 child of the juvenile court, who is ~~age~~ 16 years of age or older, or  
9 a nonminor dependent, as defined in subdivision (v) of Section  
10 11400, who is participating in a transitional independent living  
11 case plan pursuant to the federal *Fostering Connections to Success*  
12 *and Increasing Adoptions Act of 2008 (Public Law 110-351)*, may  
13 retain resources with a combined value of not more than ten  
14 thousand dollars (\$10,000), consistent with Section 472(a) of the  
15 federal Social Security Act (42 U.S.C. Sec. 672(a)) as contained  
16 in the federal Foster Care Independence Act of 1999 (~~P.L.~~ (*Public*  
17 *Law 106-169*) and the child's transitional independent living plan.  
18 Any cash savings shall be the child's own money and shall be  
19 deposited by the child or on behalf of the child in any bank or  
20 savings and loan institution whose deposits are insured by the  
21 Federal Deposit Insurance Corporation or the Federal Savings and  
22 Loan Insurance Corporation. The cash savings shall be for the  
23 child's use for purposes directly related to emancipation pursuant  
24 to Part 6 (~~commencing with Section 7000~~) of Division 11 of the  
25 ~~Family Code~~ *the child's or nonminor dependents' transitional*  
26 *independent living case plan goals.*

27 (b) The withdrawal of the savings by a child shall require the  
28 written approval of the child's probation officer or social worker  
29 and shall be directly related to the goal of emancipation.

30 *SEC. 18. Section 11253 of the Welfare and Institutions Code*  
31 *is amended to read:*

32 11253. (a) Aid ~~may~~ shall not be granted under the provisions  
33 of this chapter to or ~~in~~ on behalf of any child who has attained the  
34 ~~age of~~ 18 years of age unless all of the following apply:

35 (a)

36 (1) The child is less than 19 years of age and is attending high  
37 school or the equivalent level of vocational or technical training  
38 on a full-time basis.

39 (b)

1 (2) The child can reasonably be expected to complete the  
2 educational or training program before his or her 19th birthday.

3 (b) *Aid shall be granted under this chapter to or on behalf of*  
4 *any nonminor dependent, as defined in subdivision (v) of Section*  
5 *11400, if the nonminor dependent is placed in the approved home*  
6 *of a relative under the supervision of the county child welfare or*  
7 *probation department or Indian tribe that has entered into an*  
8 *agreement pursuant to Section 10553.1, and the nonminor*  
9 *dependent otherwise meets the criteria of Section 11403.*

10 ~~SEC. 2:~~

11 ~~SEC. 19.~~ Article 4.5 (commencing with Section 11360) of  
12 Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions  
13 Code is repealed.

14 ~~SEC. 3:~~

15 ~~SEC. 20.~~ Article 4.7 (commencing with Section 11385) is added  
16 to Chapter 2 of Part 3 of Division 9 of the Welfare and Institutions  
17 Code, to read:

18  
19 Article 4.7. Kinship Guardianship Assistance Payments for  
20 Children  
21

22 11385. (a) Effective January 1, 2010, the State Department of  
23 Social Services shall exercise its option under Section 671(a)(28)  
24 of Title 42 of the United States Code to enter into kinship  
25 guardianship assistance agreements to provide kinship guardianship  
26 assistance payments on behalf of children to grandparents and  
27 other relatives who have assumed legal guardianship of the children  
28 for whom they have cared as foster parents and for whom they  
29 have committed to care on a permanent basis, as provided in  
30 Section 673(d) of Title 42 of the United States Code. All references  
31 to Article 4.5 (commencing with Section 11360) of the Kinship  
32 Guardianship Assistance Payment Program (Kin-GAP) shall be  
33 deemed to be references to this article.

34 (b) A kinship guardianship assistance payment made under this  
35 article on behalf of a child shall not exceed the rate for children  
36 placed in a licensed or approved home.

37 (c) It is the intent of the Legislature to ensure that relative  
38 guardians of children in long-term, stable placements who  
39 previously were receiving kinship guardianship assistance  
40 payments on behalf of those children under Article 4.5

1 (commencing with Section 11360) shall instead receive assistance  
2 under this article.

3 11386. Aid shall be provided under this article on behalf of a  
4 child under all of the following conditions:

5 (a) The child meets both of the following requirements:

6 (1) He or she has been removed from his or her home pursuant  
7 to a voluntary placement agreement, or as a result of judicial  
8 determination, including being adjudged a dependent child of the  
9 court, pursuant to Section 300, or a ward of the court, pursuant to  
10 Section 601 or 602, to the effect that continuation in the home  
11 would be contrary to the welfare of the child.

12 (2) He or she has been eligible for foster care maintenance  
13 payments under Article 5 (commencing with Section 11400) while  
14 residing for at least six consecutive months in the home of the  
15 relative guardian.

16 (b) Being returned to home or adopted are not appropriate  
17 permanency options for the child.

18 (c) The child demonstrates a strong attachment to the relative  
19 guardian, and the relative guardian has a strong commitment to  
20 caring permanently for the child.

21 11387. (a) In order to receive federal financial participation  
22 for payments under this article, the department shall negotiate and  
23 enter into a written, binding, kinship guardianship assistance  
24 agreement with the relative guardian of an eligible child, and  
25 provide the relative guardian with a copy of the agreement.

26 (b) The agreement shall specify, at a minimum, all of the  
27 following:

28 (1) The amount of and manner in which the kinship guardianship  
29 assistance payment will be provided under the agreement, and the  
30 manner in which the agreement may be adjusted periodically, in  
31 consultation with the relative guardian, based on the circumstances  
32 of the relative guardian and the needs of the child.

33 (2) Additional services and assistance for which the child and  
34 relative guardian will be eligible under the agreement.

35 (3) A procedure by which the relative guardian may apply for  
36 additional services, as needed.

37 (4) Subject to subdivision (d), that the state shall pay the total  
38 cost of nonrecurring expenses associated with obtaining legal  
39 guardianship of the child, to the extent that the total cost does not  
40 exceed two thousand dollars (\$2,000).

1 (c) The agreement shall provide that it shall remain in effect  
2 regardless of the state of residency of the relative guardian.

3 (d) Nothing in paragraph (4) of subdivision (b) shall be  
4 construed to affect the ability of the state to obtain reimbursement  
5 from the federal government for the costs described in that  
6 paragraph.

7 11388. If a child described in Section 11386 has one or more  
8 siblings who are not so described, the child and any sibling of the  
9 child may be placed in the same kinship guardianship arrangement,  
10 in accordance with Section 671(a)(31) of Title 42 of the United  
11 States Code, if the department and the relative agree on the  
12 appropriateness of the arrangement for the siblings. Kinship  
13 guardianship assistance payments may be paid on behalf of each  
14 sibling placed in accordance with this section.

15 *SEC. 21. Section 11400 of the Welfare and Institutions Code*  
16 *is amended to read:*

17 11400. For the purposes of this article, the following definitions  
18 shall apply:

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

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

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

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

39 (e) “Small family home” means any residential facility, in the  
40 licensee’s family residence, which provides 24-hour care for six

1 or fewer foster children who have mental disorders or  
2 developmental or physical disabilities and who require special care  
3 and supervision as a result of their disabilities.

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

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

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

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

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

33 (k) “Placement and care” refers to the responsibility for the  
34 welfare of a child vested in an agency or organization by virtue of  
35 the agency or organization having (1) been delegated care, custody,  
36 and control of a child by the juvenile court, (2) taken responsibility,  
37 pursuant to a relinquishment or termination of parental rights on  
38 a child, (3) taken the responsibility of supervising a child detained  
39 by the juvenile court pursuant to Section 319 or 636, or (4) signed  
40 a voluntary placement agreement for the child’s placement; or to

1 the responsibility designated to an individual by virtue of his or  
2 her being appointed the child’s legal guardian.

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

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

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

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

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

- 34 (1) The legal status of the child.  
35 (2) The rights and obligations of the parents or guardians, the  
36 child, and the agency in which the child is placed.

37 (q) “Original placement date” means the most recent date on  
38 which the court detained a child and ordered an agency to be  
39 responsible for supervising the child or the date on which an agency

1 assumed responsibility for a child due to termination of parental  
2 rights, relinquishment, or voluntary placement.

3 (r) “Transitional housing placement facility” means either of  
4 the following:

5 (1) A community care facility licensed by the State Department  
6 of Social Services pursuant to Section 1559.110 of the Health and  
7 Safety Code to provide transitional housing opportunities to persons  
8 at least 16 years of age, and not more than 18 years of age unless  
9 they satisfy the requirements of Section 11403, who are in  
10 out-of-home placement under the supervision of the county  
11 department of social services or the county probation department,  
12 and who are participating in an independent living program.

13 (2) A facility certified to provide transitional housing services  
14 pursuant to subdivision (e) of Section 1559.110 of the Health and  
15 Safety Code.

16 (s) “Transitional housing placement program” means a program  
17 that provides supervised housing opportunities to eligible youth  
18 *and nonminor dependents* pursuant to Article 4 (commencing with  
19 Section 16522) of Chapter 5 of Part 4.

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

32 ~~(u) This section shall become operative on January 1, 2008.~~

33 (u) “*Mutual agreement*” means an agreement between a  
34 *nonminor dependent and the agency responsible for the foster care*  
35 *placement.*

36 (v) “*Nonminor dependent*” means a current or former dependent  
37 *child or ward of the juvenile court who satisfies all of the following*  
38 *criteria:*

39 (1) *He or she has attained 18 years of age but is less than 21*  
40 *years of age.*



1 (2) *He or she is in foster care under the responsibility of the*  
2 *county welfare department, county probation department, or Indian*  
3 *tribe that entered into an agreement pursuant to Section 10553.1.*

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

9 (w) *“Supervised independent living setting” means a supervised*  
10 *setting, as specified in a nonminor dependent’s transitional*  
11 *independent living case plan, in which the youth is living*  
12 *independently, pursuant to Section 472(c)(2) of the Social Security*  
13 *Act (42 U.S.C. Sec. 672(c)(2)).*

14 *SEC. 22. Section 11401 of the Welfare and Institutions Code*  
15 *is amended to read:*

16 11401. Aid in the form of AFDC-FC shall be provided under  
17 this chapter on behalf of any child under the age of 18 years, ~~except~~  
18 *and to any nonminor dependent* as provided in Section 11403, who  
19 meets the conditions of subdivision (a), (b), (c), (d), (e), (f), ~~or~~ (g),  
20 *or (h):*

21 (a) The child has been relinquished, for purposes of adoption,  
22 to a licensed adoption agency, or the department, or the parental  
23 rights of either or both of his or her parents have been terminated  
24 after an action under the Family Code has been brought by a  
25 licensed adoption agency or the department, provided that the  
26 licensed adoption agency or the department, if responsible for  
27 placement and care, provides to those children all services as  
28 required by the department to children in foster care.

29 (b) The child has been removed from the physical custody of  
30 his or her parent, relative, or guardian as a result of a voluntary  
31 placement agreement or a judicial determination that continuance  
32 in the home would be contrary to the child’s welfare and that, if  
33 the child was placed in foster care, reasonable efforts were made,  
34 consistent with Chapter 5 (commencing with Section 16500) of  
35 Part 4, to prevent or eliminate the need for removal of the child  
36 from his or her home and to make it possible for the child to return  
37 to his or her home, and any of the following applies:

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

1 (2) The child has been adjudged a ward of the court on the  
2 grounds that he or she is a person described by Sections 601 and  
3 602.

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

6 (4) The child's dependency jurisdiction has resumed pursuant  
7 to Section 387 *or subdivision (a) or (e) of Section 388*.

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

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

11 (e) *The child is a nonminor dependent who is placed pursuant*  
12 *to Section 11403 under the responsibility of the county welfare*  
13 *department, an Indian tribe that entered into an agreement*  
14 *pursuant to Section 10553.1, or the county probation department.*

15 (e)

16 (f) The child has been placed in foster care under the federal  
17 Indian Child Welfare Act. Sections 11402, 11404, and 11405 shall  
18 not be construed as limiting payments to Indian children, as defined  
19 in the federal Indian Child Welfare Act, placed in accordance with  
20 that act.

21 (f)

22 (g) To be eligible for federal financial participation, ~~either any~~  
23 of the following conditions shall be satisfied:

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

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

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

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

32 (2) (A) The child meets the requirements of subdivision (g).

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

35 (C) This paragraph shall be implemented only if federal financial  
36 participation is available for the children described in this  
37 paragraph.

38 (3) *With respect to a nonminor dependent, in addition to meeting*  
39 *the conditions specified in paragraph (1), the requirements of*

1 *Section 675(8)(B) of Title 42 of the United States Code have also*  
2 *been met.*

3 ~~(g)~~

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

5 (1) The child has been adjudged to be a dependent child or ward  
6 of the court on the grounds that he or she is a person described in  
7 Section 300.

8 (2) The child's parent also has been adjudged to be a dependent  
9 child *or nonminor dependent* of the court on the grounds that he  
10 or she is a person described by Section 300 or Section 602 and is  
11 receiving benefits under this chapter.

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

15 ~~SEC. 4.~~

16 *SEC. 23.* Section 11401.05 is added to the Welfare and  
17 Institutions Code, to read:

18 11401.05. The department shall amend the foster care state  
19 plan required under Subtitle IV-E (commencing with Section 470  
20 of the federal Social Security Act (42 U.S.C. Sec. 670 et seq.)), to  
21 extend benefits under this article, commencing October 1, 2010,  
22 to an individual who is in foster care under the responsibility of  
23 the state, or with respect to whom an adoption assistance agreement  
24 or a kinship guardianship assistance agreement is in effect, in  
25 accordance with the federal Fostering Connections to Success and  
26 Increasing Adoptions Act of 2008 (Public Law 110-351).

27 *SEC. 24. Section 11401.4 of the Welfare and Institutions Code*  
28 *is amended to read:*

29 11401.4. A child living with his or her parent who is a minor  
30 *or a nonminor dependent* and a recipient of AFDC-FC benefits  
31 shall be deemed a child with respect to whom AFDC-FC payments  
32 are made.

33 *SEC. 25. Section 11401.5 of the Welfare and Institutions Code*  
34 *is amended to read:*

35 11401.5. (a) The county shall redetermine AFDC-FC eligibility  
36 annually and no less than required under federal law. This shall  
37 include an examination of any circumstances of a foster child that  
38 are subject to change and could effect the child's potential  
39 eligibility, including, but not limited to, deprivation, financial need,  
40 authority for placement, eligible facility, and age.

1 (b) At the time of the redetermination, the parent or legal  
 2 guardian from whom the child was removed shall complete a  
 3 statement of facts supporting continued eligibility. If the parent or  
 4 legal guardian is unavailable or uncooperative, the county shall  
 5 complete the statement of facts on the child’s behalf.

6 (c) *In the case of a nonminor dependent who is placed pursuant*  
 7 *to a mutual agreement, the nonminor dependent shall complete a*  
 8 *statement of facts supporting continued eligibility.*

9 SEC. 26. *Section 11402 of the Welfare and Institutions Code,*  
 10 *as amended by Section 7 of Chapter 288 of the Statutes of 2007,*  
 11 *is amended to read:*

12 11402. In order to be eligible for AFDC-FC, a child shall be  
 13 placed in one of the following:

14 (a) The approved home of a relative, provided the child is  
 15 otherwise eligible for federal financial participation in the  
 16 AFDC-FC payment.

17 (b) (1) The licensed family home of a nonrelative.

18 (2) The approved home of a nonrelative extended family  
 19 member as described in Section 362.7.

20 (c) A licensed group home, as defined in subdivision (h) of  
 21 Section 11400, provided that the placement worker has documented  
 22 that the placement is necessary to meet the treatment needs of the  
 23 child and that the facility offers those treatment services.

24 (d) The home of a nonrelated legal guardian or the home of a  
 25 former nonrelated legal guardian when the guardianship of a child  
 26 who is otherwise eligible for AFDC-FC has been dismissed due  
 27 to the child’s attaining 18 years of age.

28 (e) An exclusive-use home.

29 (f) A licensed transitional housing placement facility, as  
 30 described in Section 1559.110 of the Health and Safety Code, and  
 31 as defined in Section 11400.

32 (g) An out-of-state group home, provided that the placement  
 33 worker, in addition to complying with all other statutory  
 34 requirements for placing a minor in an out-of-state group home,  
 35 documents that the requirements of Section 7911.1 of the Family  
 36 Code have been met.

37 (h) A licensed crisis nursery, as described in Section 1516 of  
 38 the Health and Safety Code, and as defined in subdivision (a) of  
 39 Section 11400.1.

1 (i) A supervised independent living setting for nonminor  
2 dependents, as defined in Section 11400.

3 ~~(i)~~

4 (j) This section shall remain in effect only until July 1, 2011,  
5 and as of that date is repealed, unless a later enacted statute, that  
6 is enacted before July 1, 2011, deletes or extends that date.

7 SEC. 27. Section 11402 of the Welfare and Institutions Code,  
8 as amended by Section 8 of Chapter 288 of the Statutes of 2007,  
9 is amended to read:

10 11402. In order to be eligible for AFDC-FC, a child shall be  
11 placed in one of the following:

12 (a) The approved home of a relative, provided the child is  
13 otherwise eligible for federal financial participation in the  
14 AFDC-FC payment.

15 (b) (1) The licensed family home of a nonrelative.

16 (2) The approved home of a nonrelative extended family  
17 member as described in Section 362.7.

18 (c) A licensed group home, as defined in subdivision (h) of  
19 Section 11400, provided that the placement worker has documented  
20 that the placement is necessary to meet the treatment needs of the  
21 child and that the facility offers those treatment services.

22 (d) The home of a nonrelated legal guardian or the home of a  
23 former nonrelated legal guardian when the guardianship of a child  
24 who is otherwise eligible for AFDC-FC has been dismissed due  
25 to the child's attaining 18 years of age.

26 (e) An exclusive-use home.

27 (f) A licensed transitional housing placement facility as  
28 described in Section 1559.110 of the Health and Safety Code and  
29 as defined in Section 11400.

30 (g) An out-of-state group home, provided that the placement  
31 worker, in addition to complying with all other statutory  
32 requirements for placing a minor in an out-of-state group home,  
33 documents that the requirements of Section 7911.1 of the Family  
34 Code have been met.

35 (h) A supervised independent living setting for nonminor  
36 dependents, as defined in Section 11400.

37 ~~(h)~~

38 (i) This section shall become operative on July 1, 2011.

39 SEC. 28. Section 11403 of the Welfare and Institutions Code  
40 is amended to read:

1 11403. (a) A child who is in foster care and receiving aid  
2 pursuant to this chapter and who is attending high school or the  
3 equivalent level of vocational or technical training on a full-time  
4 basis, or who is in the process of pursuing a high school  
5 equivalency certificate, prior to his or her 18th birthday, may  
6 continue to receive aid following his or her 18th birthday so long  
7 as the child continues to reside in foster care placement, remains  
8 otherwise eligible for AFDC-FC payments, and continues to attend  
9 high school or the equivalent level of vocational or technical  
10 training on a full-time basis, or continues to pursue a high school  
11 equivalency certificate, and the child may reasonably be expected  
12 to complete the educational or training program or to receive a  
13 high school equivalency certificate, before his or her 19th birthday.  
14 Aid shall be provided to an individual pursuant to this section  
15 provided both the individual and the agency responsible for the  
16 foster care placement have signed a mutual agreement, if the  
17 individual is capable of making an informed agreement, which  
18 documents the continued need for out-of-home placement.

19 (b) *This section shall remain in effect only until October 1, 2010,*  
20 *and as of that date is repealed, unless a later enacted statute, that*  
21 *is enacted before October 1, 2010, deletes or extends that date.*

22 SEC. 29. *Section 11403 is added to the Welfare and Institutions*  
23 *Code, to read:*

24 11403. (a) *It is the intent of the Legislature to exercise the*  
25 *option afforded states under Section 475 (8) (42 U.S.C. Sec.*  
26 *675(8)), and Section 473(a)(4) (42 U.S.C. Sec. 673(a)(4)) of the*  
27 *Social Security Act, as contained in the Fostering Connections to*  
28 *Success and Increasing Adoptions Act of 2008 (Public Law*  
29 *110-351), to receive federal financial participation for current or*  
30 *former dependent children or wards of the juvenile court who meet*  
31 *the conditions of subdivision (b). These nonminor dependents shall*  
32 *be eligible to receive support up to 21 years of age, consistent with*  
33 *their transitional independent living case plan.*

34 (b) *A nonminor dependent receiving aid pursuant to this chapter*  
35 *shall continue to receive aid so long as the nonminor is otherwise*  
36 *eligible for AFDC-FC payments pursuant to Section 11401 or aid*  
37 *pursuant to Kin-GAP under Article 4.5 (commencing with Section*  
38 *11360) or Article 4.7 (commencing with Section 11385) or adoption*  
39 *assistance payments as specified in Chapter 2.1 (commencing with*

1 Section 16115) of Part 4. This subdivision shall apply when one  
2 or more of the following conditions exist:

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

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

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

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

10 (5) The nonminor is incapable of doing any of the activities  
11 described in subparagraphs (1) to (4), inclusive, due to a medical  
12 condition, and that incapability is supported by regularly updated  
13 information in the case plan of the child.

14 (c) The county child welfare or probation department or Indian  
15 tribe that has entered into an agreement pursuant to Section  
16 10553.1, shall actively assist a nonminor dependent who is in  
17 foster care on his or her 18th birthday to meet one or more of the  
18 conditions described in subparagraphs (1) to (5), inclusive, of  
19 subdivision (b) and shall certify the nonminor's applicable  
20 condition to the eligibility worker. The nonminor dependent shall  
21 be presumed to continuously meet one or more of the conditions  
22 described in subparagraphs (1) to (5), inclusive, of subdivision  
23 (b) unless and until the social worker or probation officer  
24 documents to the court that the nonminor dependent does not meet  
25 at least one of the conditions. In no case shall aid under this section  
26 be terminated unless the court terminates dependency jurisdiction  
27 over the nonminor pursuant to Section 391. The nonminor  
28 dependent shall be afforded all due process requirements in  
29 accordance with state and federal law prior to an involuntary  
30 termination of aid. Any notices of action regarding eligibility shall  
31 be sent to the nonminor dependent and his or her counsel, in  
32 addition to any other payee.

33 (d) A nonminor dependent may receive all or a portion of the  
34 payment directly provided that both the youth and the agency  
35 responsible for the foster care placement have signed a mutual  
36 agreement, if the youth is capable of making an informed  
37 agreement, which documents the continued need for out-of  
38 home-placement.

39 (e) Eligibility for aid under this section shall not terminate until  
40 the nonminor attains 21 years of age but aid may be suspended

1 and resumed at request of the nonminor pursuant to subdivision  
2 (e) of Section 388 or after a court terminates dependency  
3 jurisdiction pursuant to Section 391. The county welfare  
4 department, tribe, or county probation department shall provide  
5 a nonminor dependent who wishes to continue receiving aid with  
6 the assistance necessary to meet and maintain eligibility.

7 (f) (1) The county having jurisdiction of the nonminor dependent  
8 shall remain the county of payment under this section regardless  
9 of the youth's physical residence. Counties may develop courtesy  
10 supervision agreements to provide case management and  
11 independent living services by the county of residence pursuant  
12 to the youth's transitional independent living case plan. Placements  
13 made out-of-state are subject to the requirements of the Interstate  
14 Compact on Juveniles pursuant to Chapter 4 (commencing with  
15 Section 1300) of Part 1 of Division 2.

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

21 (3) Aid under this section shall be paid on the first of the month  
22 for that month. Notwithstanding any other provision of law, when  
23 a child attains 18 years of age those payments shall continue to  
24 the end of that calendar month and the AFDC-FC, Kin-GAP, or  
25 AAP payments under this section shall begin the first day of the  
26 following month.

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

30 (g) The department, on or before July 1, 2011, shall develop  
31 regulations to implement this section in consultation with  
32 concerned stakeholders, including, but not limited to,  
33 representatives of the Legislature, the County Welfare Directors  
34 Association, the Chief Probation Officers of California, the Judicial  
35 Council, representatives of Indian tribes, the California Youth  
36 Connection, former foster youth, child advocacy organizations,  
37 foster caregiver organizations, and researchers. The department,  
38 in its consultation, shall take into consideration the impact to the  
39 Automated Child Welfare Services Case Management Services  
40 (CWS-CMS) and required modifications needed to accommodate



1 *eligibility determination under this section, benefit issuance, case*  
2 *management across counties, and recognition of the legal status*  
3 *of nonminor dependents as adults, as well as changes to data*  
4 *tracking and reporting requirements as required by the Child*  
5 *Welfare System Improvement and Accountability Act as specified*  
6 *in Section 10601.2, and federal outcome measures as required by*  
7 *the John H. Chafee Foster Care Independence Program (42 U.S.C.*  
8 *Sec. 677(f)). In addition, the department, in its consultation, shall*  
9 *define the supervised independent living setting which shall*  
10 *include, but not be limited to, apartment living, room and board*  
11 *arrangements, college or university dormitories, and shared*  
12 *roommate settings, and define how those settings meet health and*  
13 *safety standards suitable for nonminors.*

14 *(h) Notwithstanding the Administrative Procedure Act, Chapter*  
15 *3.5 (commencing with Section 11340) of Part 1 of Division 3 of*  
16 *Title 2 of the Government Code, the department shall prepare for*  
17 *implementation of the applicable provisions of this section by*  
18 *publishing, after consultation with the stakeholders listed in*  
19 *subdivision (f), all county letters or similar instructions from the*  
20 *director by July 1, 2010, to apply from October 1, 2010, to June*  
21 *30, 2011, inclusive. Emergency regulations to implement the*  
22 *applicable provisions of this act may be adopted by the director*  
23 *in accordance with the Administrative Procedure Act. The initial*  
24 *adoption of the emergency regulations and one readoption of the*  
25 *emergency regulations shall be deemed to be an emergency and*  
26 *necessary for the immediate preservation of the public peace,*  
27 *health, safety, or general welfare. Initial emergency regulations*  
28 *and the first readoption of those emergency regulations shall be*  
29 *exempt from review by the Office of Administrative Law. The*  
30 *emergency regulations authorized by this section shall be submitted*  
31 *to the Office of Administrative Law for filing with the Secretary*  
32 *of State and shall remain in effect for no more than 180 days.*

33 *(i) This section shall become operative on October 1, 2010.*

34 *SEC. 30. Section 11403.2 of the Welfare and Institutions Code*  
35 *is amended to read:*

36 11403.2. (a) The following persons shall be eligible for  
37 transitional housing placement program services provided pursuant  
38 to Article 4 (commencing with Section 16522) of Chapter 5 of  
39 Part 4:

1 (1) Any minor at least 16 years of age and not more than 18  
2 years of age, ~~except as provided in Section 11403, who is eligible~~  
3 ~~for AFDC-Foster Care benefits under this chapter and who~~ *and,*  
4 *on or after October 1, 2010, any nonminor dependent who is less*  
5 *than 21 years of age, who is eligible for AFDC-FC benefits as*  
6 *provided in Section 11403, and who also meets the requirements*  
7 *in Section 16522.2.*

8 (2) Any person less than 24 years of age who has emancipated  
9 from a county that has elected to participate in a transitional  
10 housing placement program for youths who are at least 18 years  
11 of age and under 24 years of age, as described in subdivision (r)  
12 of Section 11400, provided he or she has not received services  
13 under this paragraph for more than a total of 24 months, whether  
14 or not consecutive. If the person participating in a transitional  
15 housing placement program is not receiving aid under Section  
16 11403.1, he or she, as a condition of participation, shall enter into,  
17 and execute the provisions of, a transitional independent living  
18 plan that shall be mutually agreed upon, and annually reviewed,  
19 by the emancipated foster youth and the county welfare or  
20 probation department or independent living program coordinator.  
21 The youth participating under this paragraph shall inform the  
22 county of any changes to conditions specified in the agreed-upon  
23 plan that affect eligibility, including changes in address, living  
24 circumstances, and the educational or training program.

25 (b) Payment on behalf of an eligible person receiving transitional  
26 housing services shall be made to the transitional housing  
27 placement program pursuant to the conditions and limitations set  
28 forth in Section 11403.3.

29 *SEC. 31. Section 11450 of the Welfare and Institutions Code*  
30 *is amended to read:*

31 11450. (a) (1) Aid shall be paid for each needy family, which  
32 shall include all eligible brothers and sisters of each eligible  
33 applicant or recipient child and the parents of the children, but  
34 shall not include unborn children, or recipients of aid under Chapter  
35 3 (commencing with Section 12000), qualified for aid under this  
36 chapter. In determining the amount of aid paid, and notwithstanding  
37 the minimum basic standards of adequate care specified in Section  
38 11452, the family's income, exclusive of any amounts considered  
39 exempt as income or paid pursuant to subdivision (e) or Section  
40 11453.1, averaged for the prospective quarter pursuant to Sections

1 11265.2 and 11265.3, and then calculated pursuant to Section  
 2 11451.5, shall be deducted from the sum specified in the following  
 3 table, as adjusted for cost-of-living increases pursuant to Section  
 4 11453 and paragraph (2). In no case shall the amount of aid paid  
 5 for each month exceed the sum specified in the following table,  
 6 as adjusted for cost-of-living increases pursuant to Section 11453  
 7 and paragraph (2), plus any special needs, as specified in  
 8 subdivisions (c), (e), and (f):

10 Number of 11 eligible needy 12 persons in 13 the same home	Maximum aid
14 1.....	\$ 326
15 2.....	535
16 3.....	663
17 4.....	788
18 5.....	899
19 6.....	1,010
20 7.....	1,109
21 8.....	1,209
22 9.....	1,306
23 10 or more.....	1,403

24  
 25 If, when, and during those times that the United States  
 26 government increases or decreases its contributions in assistance  
 27 of needy children in this state above or below the amount paid on  
 28 July 1, 1972, the amounts specified in the above table shall be  
 29 increased or decreased by an amount equal to that increase or  
 30 decrease by the United States government, provided that no  
 31 increase or decrease shall be subject to subsequent adjustment  
 32 pursuant to Section 11453.

33 (2) The sums specified in paragraph (1) shall not be adjusted  
 34 for cost of living for the 1990–91, 1991–92, 1992–93, 1993–94,  
 35 1994–95, 1995–96, 1996–97, and 1997–98 fiscal years, and through  
 36 October 31, 1998, nor shall that amount be included in the base  
 37 for calculating any cost-of-living increases for any fiscal year  
 38 thereafter. Elimination of the cost-of-living adjustment pursuant  
 39 to this paragraph shall satisfy the requirements of Section 11453.05,  
 40 and no further reduction shall be made pursuant to that section.

1 (b) When the family does not include a needy child qualified  
2 for aid under this chapter, aid shall be paid to a pregnant mother  
3 for the month in which the birth is anticipated and for the  
4 three-month period immediately prior to the month in which the  
5 birth is anticipated in the amount that would otherwise be paid to  
6 one person, as specified in subdivision (a), if the mother, and child,  
7 if born, would have qualified for aid under this chapter. Verification  
8 of pregnancy shall be required as a condition of eligibility for aid  
9 under this subdivision. Aid shall also be paid to a pregnant woman  
10 with no other children in the amount which would otherwise be  
11 paid to one person under subdivision (a) at any time after  
12 verification of pregnancy if the pregnant woman is also eligible  
13 for the Cal-Learn Program described in Article 3.5 (commencing  
14 with Section 11331) and if the mother, and child, if born, would  
15 have qualified for aid under this chapter.

16 (c) The amount of forty-seven dollars (\$47) per month shall be  
17 paid to pregnant mothers qualified for aid under subdivision (a)  
18 or (b) to meet special needs resulting from pregnancy if the mother,  
19 and child, if born, would have qualified for aid under this chapter.  
20 County welfare departments shall refer all recipients of aid under  
21 this subdivision to a local provider of the Women, Infants and  
22 Children program. If that payment to pregnant mothers qualified  
23 for aid under subdivision (a) is considered income under federal  
24 law in the first five months of pregnancy, payments under this  
25 subdivision shall not apply to persons eligible under subdivision  
26 (a), except for the month in which birth is anticipated and for the  
27 three-month period immediately prior to the month in which  
28 delivery is anticipated, if the mother, and the child, if born, would  
29 have qualified for aid under this chapter.

30 (d) For children receiving AFDC-FC under this chapter, there  
31 shall be paid, exclusive of any amount considered exempt as  
32 income, an amount of aid each month which, when added to the  
33 child's income, is equal to the rate specified in Section 11460,  
34 11461, 11462, 11462.1, or 11463. In addition, the child shall be  
35 eligible for special needs, as specified in departmental regulations.

36 (e) In addition to the amounts payable under subdivision (a)  
37 and Section 11453.1, a family shall be entitled to receive an  
38 allowance for recurring special needs not common to a majority  
39 of recipients. These recurring special needs shall include, but not  
40 be limited to, special diets upon the recommendation of a physician

1 for circumstances other than pregnancy, and unusual costs of  
2 transportation, laundry, housekeeping services, telephone, and  
3 utilities. The recurring special needs allowance for each family  
4 per month shall not exceed that amount resulting from multiplying  
5 the sum of ten dollars (\$10) by the number of recipients in the  
6 family who are eligible for assistance.

7 (f) After a family has used all available liquid resources, both  
8 exempt and nonexempt, in excess of one hundred dollars (\$100),  
9 with the exception of funds deposited in a restricted account  
10 described in subdivision (a) of Section 11155.2, the family shall  
11 also be entitled to receive an allowance for nonrecurring special  
12 needs.

13 (1) An allowance for nonrecurring special needs shall be granted  
14 for replacement of clothing and household equipment and for  
15 emergency housing needs other than those needs addressed by  
16 paragraph (2). These needs shall be caused by sudden and unusual  
17 circumstances beyond the control of the needy family. The  
18 department shall establish the allowance for each of the  
19 nonrecurring special need items. The sum of all nonrecurring  
20 special needs provided by this subdivision shall not exceed six  
21 hundred dollars (\$600) per event.

22 (2) Homeless assistance is available to a homeless family  
23 seeking shelter when the family is eligible for aid under this  
24 chapter. Homeless assistance for temporary shelter is also available  
25 to homeless families which are apparently eligible for aid under  
26 this chapter. Apparent eligibility exists when evidence presented  
27 by the applicant, or which is otherwise available to the county  
28 welfare department, and the information provided on the  
29 application documents indicate that there would be eligibility for  
30 aid under this chapter if the evidence and information were verified.  
31 However, an alien applicant who does not provide verification of  
32 his or her eligible alien status, or a woman with no eligible children  
33 who does not provide medical verification of pregnancy, is not  
34 apparently eligible for purposes of this section.

35 A family is considered homeless, for the purpose of this section,  
36 when the family lacks a fixed and regular nighttime residence; or  
37 the family has a primary nighttime residence that is a supervised  
38 publicly or privately operated shelter designed to provide temporary  
39 living accommodations; or the family is residing in a public or  
40 private place not designed for, or ordinarily used as, a regular

1 sleeping accommodation for human beings. A family is also  
2 considered homeless for the purpose of this section if the family  
3 has received a notice to pay rent or quit. The family shall  
4 demonstrate that the eviction is the result of a verified financial  
5 hardship as a result of extraordinary circumstances beyond their  
6 control, and not other lease or rental violations, and that the family  
7 is experiencing a financial crisis that could result in homelessness  
8 if preventative assistance is not provided.

9 (A) (i) A nonrecurring special need of sixty-five dollars (\$65)  
10 a day shall be available to families of up to four members for the  
11 costs of temporary shelter, subject to the requirements of this  
12 paragraph. The fifth and additional members of the family shall  
13 each receive fifteen dollars (\$15) per day, up to a daily maximum  
14 of one hundred twenty-five dollars (\$125). County welfare  
15 departments may increase the daily amount available for temporary  
16 shelter as necessary to secure the additional bedspace needed by  
17 the family.

18 (ii) This special need shall be granted or denied immediately  
19 upon the family's application for homeless assistance, and benefits  
20 shall be available for up to three working days. The county welfare  
21 department shall verify the family's homelessness within the first  
22 three working days and if the family meets the criteria of  
23 questionable homelessness established by the department, the  
24 county welfare department shall refer the family to its early fraud  
25 prevention and detection unit, if the county has such a unit, for  
26 assistance in the verification of homelessness within this period.

27 (iii) After homelessness has been verified, the three-day limit  
28 shall be extended for a period of time which, when added to the  
29 initial benefits provided, does not exceed a total of 16 calendar  
30 days. This extension of benefits shall be done in increments of one  
31 week and shall be based upon searching for permanent housing  
32 which shall be documented on a housing search form; good cause;  
33 or other circumstances defined by the department. Documentation  
34 of a housing search shall be required for the initial extension of  
35 benefits beyond the three-day limit and on a weekly basis thereafter  
36 as long as the family is receiving temporary shelter benefits. Good  
37 cause shall include, but is not limited to, situations in which the  
38 county welfare department has determined that the family, to the  
39 extent it is capable, has made a good faith but unsuccessful effort

1 to secure permanent housing while receiving temporary shelter  
2 benefits.

3 (B) A nonrecurring special need for permanent housing  
4 assistance is available to pay for last month's rent and security  
5 deposits when these payments are reasonable conditions of securing  
6 a residence, or to pay for up to two months of rent arrearages, when  
7 these payments are a reasonable condition of preventing eviction.

8 The last month's rent or monthly arrearage portion of the  
9 payment (i) shall not exceed 80 percent of the family's total  
10 monthly household income without the value of food stamps or  
11 special needs for a family of that size and (ii) shall only be made  
12 to families that have found permanent housing costing no more  
13 than 80 percent of the family's total monthly household income  
14 without the value of food stamps or special needs for a family of  
15 that size.

16 However, if the county welfare department determines that a  
17 family intends to reside with individuals who will be sharing  
18 housing costs, the county welfare department shall, in appropriate  
19 circumstances, set aside the condition specified in clause (ii) of  
20 the preceding paragraph.

21 (C) The nonrecurring special need for permanent housing  
22 assistance is also available to cover the standard costs of deposits  
23 for utilities which are necessary for the health and safety of the  
24 family.

25 (D) A payment for or denial of permanent housing assistance  
26 shall be issued no later than one working day from the time that a  
27 family presents evidence of the availability of permanent housing.  
28 If an applicant family provides evidence of the availability of  
29 permanent housing before the county welfare department has  
30 established eligibility for aid under this chapter, the county welfare  
31 department shall complete the eligibility determination so that the  
32 denial of or payment for permanent housing assistance is issued  
33 within one working day from the submission of evidence of the  
34 availability of permanent housing, unless the family has failed to  
35 provide all of the verification necessary to establish eligibility for  
36 aid under this chapter.

37 (E) (i) Except as provided in clauses (ii) and (iii), eligibility  
38 for the temporary shelter assistance and the permanent housing  
39 assistance pursuant to this paragraph shall be limited to one period  
40 of up to 16 consecutive calendar days of temporary assistance and

1 one payment of permanent assistance. Any family that includes a  
2 parent or nonparent caretaker relative living in the home who has  
3 previously received temporary or permanent homeless assistance  
4 at any time on behalf of an eligible child shall not be eligible for  
5 further homeless assistance. Any person who applies for homeless  
6 assistance benefits shall be informed that the temporary shelter  
7 benefit of up to 16 consecutive days is available only once in a  
8 lifetime, with certain exceptions, and that a break in the consecutive  
9 use of the benefit constitutes permanent exhaustion of the  
10 temporary benefit.

11 (ii) A family that becomes homeless as a direct and primary  
12 result of a state or federally declared natural disaster shall be  
13 eligible for temporary and permanent homeless assistance.

14 (iii) A family shall be eligible for temporary and permanent  
15 homeless assistance when homelessness is a direct result of  
16 domestic violence by a spouse, partner, or roommate; physical or  
17 mental illness that is medically verified that shall not include a  
18 diagnosis of alcoholism, drug addiction, or psychological stress;  
19 or, the uninhabitability of the former residence caused by sudden  
20 and unusual circumstances beyond the control of the family  
21 including natural catastrophe, fire, or condemnation. These  
22 circumstances shall be verified by a third-party governmental or  
23 private health and human services agency, except that domestic  
24 violence may also be verified by a sworn statement by the victim,  
25 as provided under Section 11495.25. Homeless assistance payments  
26 based on these specific circumstances may not be received more  
27 often than once in any 12-month period. In addition, if the domestic  
28 violence is verified by a sworn statement by the victim, the  
29 homeless assistance payments shall be limited to two periods of  
30 not more than 16 consecutive calendar days of temporary assistance  
31 and two payments of permanent assistance. A county may require  
32 that a recipient of homeless assistance benefits who qualifies under  
33 this paragraph for a second time in a 24-month period participate  
34 in a homelessness avoidance case plan as a condition of eligibility  
35 for homeless assistance benefits. The county welfare department  
36 shall immediately inform recipients who verify domestic violence  
37 by a sworn statement pursuant to clause (iii) of the availability of  
38 domestic violence counseling and services, and refer those  
39 recipients to services upon request.



1 (iv) If a county requires a recipient who verifies domestic  
2 violence by a sworn statement to participate in a homelessness  
3 avoidance case plan pursuant to clause (iii), the plan shall include  
4 the provision of domestic violence services, if appropriate.

5 (v) If a recipient seeking homeless assistance based on domestic  
6 violence pursuant to clause (iii) has previously received homeless  
7 avoidance services based on domestic violence, the county shall  
8 review whether services were offered to the recipient and consider  
9 what additional services would assist the recipient in leaving the  
10 domestic violence situation.

11 (vi) The county welfare department shall report to the  
12 department through a statewide homeless assistance payment  
13 indicator system, necessary data, as requested by the department,  
14 regarding all recipients of aid under this paragraph.

15 (F) The county welfare departments, and all other entities  
16 participating in the costs of the AFDC program, have the right in  
17 their share to any refunds resulting from payment of the permanent  
18 housing. However, if an emergency requires the family to move  
19 within the 12-month period specified in subparagraph (E), the  
20 family shall be allowed to use any refunds received from its  
21 deposits to meet the costs of moving to another residence.

22 (G) Payments to providers for temporary shelter and permanent  
23 housing and utilities shall be made on behalf of families requesting  
24 these payments.

25 (H) The daily amount for the temporary shelter special need for  
26 homeless assistance may be increased if authorized by the current  
27 year's Budget Act by specifying a different daily allowance and  
28 appropriating the funds therefor.

29 (I) No payment shall be made pursuant to this paragraph unless  
30 the provider of housing is a commercial establishment, shelter, or  
31 person in the business of renting properties who has a history of  
32 renting properties.

33 (g) The department shall establish rules and regulations ensuring  
34 the uniform application statewide of this subdivision.

35 (h) The department shall notify all applicants and recipients of  
36 aid through the standardized application form that these benefits  
37 are available and shall provide an opportunity for recipients to  
38 apply for the funds quickly and efficiently.

39 (i) Except for the purposes of Section 15200, the amounts  
40 payable to recipients pursuant to Section 11453.1 shall not

1 constitute part of the payment schedule set forth in subdivision  
2 (a).

3 The amounts payable to recipients pursuant to Section 11453.1  
4 shall not constitute income to recipients of aid under this section.

5 (j) For children receiving Kin-GAP pursuant to Article 4.5  
6 (commencing with Section 11360) ~~of Chapter 2, or Article 4.7~~  
7 (commencing with Section 11385) there shall be paid, exclusive  
8 of any amount considered exempt as income, an amount of aid  
9 each month, which, when added to the child's income, is equal to  
10 the rate specified in ~~Section 11364~~ Sections 11364 and 11387.

11 *SEC. 32. Section 11450.16 of the Welfare and Institutions Code*  
12 *is amended to read:*

13 11450.16. (a) For purposes of determining eligibility under  
14 this chapter, and for computing the amount of aid payment under  
15 Section 11450, families shall be grouped into assistance units.

16 (b) Every assistance unit shall include at least one of the  
17 following persons:

18 (1) One of each of the following:

19 (A) An eligible child.

20 (B) The caretaker relative of an otherwise eligible child who is  
21 not receiving aid under Section 11250 because that child is  
22 receiving benefits under Title XVI of the Social Security Act  
23 (Subchapter 16 (commencing with Section 1381), of Chapter 7 of  
24 Title 42 of the United States Code), or Kin-GAP payments under  
25 Section 11364 *or* 11387, or foster care payments under Section  
26 11461.

27 (2) A pregnant woman who is eligible for payments under  
28 subdivision (c) of Section 11450.

29 (c) Every assistance unit shall, in addition to the requirements  
30 of subdivision (b), include the eligible parents of the eligible child  
31 and the eligible siblings, including half-siblings, of the eligible  
32 child when those persons reside in the same home as the eligible  
33 child. This subdivision shall not apply to any convicted offender  
34 who is permitted to reside at the home of the eligible child as part  
35 of a court-imposed sentence and who is considered an absent parent  
36 under Section 11250.

37 (d) An assistance unit may, at the option of the family  
38 comprising the assistance unit, also include the nonparent caretaker  
39 relative of the eligible child, the spouse of the parent of the eligible  
40 child, otherwise eligible nonsibling children in the care of the

1 caretaker relative of the eligible child, and the alternatively  
2 sentenced offender parent exempted under subdivision (c).

3 (e) If two or more assistance units reside in the same home, they  
4 shall be combined into one assistance unit when any of the  
5 following circumstances occur:

6 (1) There is a common caretaker relative for the eligible  
7 children.

8 (2) One caretaker relative marries another caretaker relative.

9 (3) Two caretaker relatives are the parents of an eligible child.

10 (f) For purposes of this section, “caretaker relative” means the  
11 parent or other relative, as defined by regulations adopted by the  
12 department, who exercises responsibility and control of a child.

13 *SEC. 33. Section 11454.5 of the Welfare and Institutions Code*  
14 *is amended to read:*

15 11454.5. (a) Any month in which the following conditions  
16 exist shall not be counted as a month of receipt of aid for the  
17 purposes of subdivision (a) of Section 11454:

18 (1) The recipient is exempt from participation under Article 3.2  
19 (commencing with Section 11320) due to disability, or advanced  
20 age in accordance with paragraph (3) of subdivision (b) of Section  
21 11320.3, or due to caretaking responsibilities that impair the  
22 recipient’s ability to be regularly employed, in accordance with  
23 paragraph (4) or (5) of subdivision (b) of Section 11320.3.

24 (2) The recipient is eligible for, participating in, or exempt from,  
25 the Cal-Learn Program provided for pursuant to Article 3.5  
26 (commencing with Section 11331) ~~or~~, is participating in another  
27 teen parent program approved by the department, *or, on or after*  
28 *October 1, 2010, is a nonminor dependent under the supervision*  
29 *of the county child welfare or probation department who is placed*  
30 *in an approved relative’s home and is eligible for aid under this*  
31 *section because he or she satisfies the conditions described in*  
32 *Section 11403.*

33 (3) The cost of the cash aid provided to the recipient for the  
34 month is fully reimbursed by child support, whether collected in  
35 that month or any subsequent month.

36 (4) The family is a former recipient of cash aid under this chapter  
37 and currently receives only child care, case management, or  
38 supportive services pursuant to Section 11323.2 or Article 15.5  
39 (commencing with Section 8350) of Chapter 2 of Part 6 of the  
40 Education Code.

1 (5) To the extent provided by federal law, the recipient lived in  
2 Indian country, as defined by federal law, or an Alaskan native  
3 village in which at least 50 percent of the adults living in the Indian  
4 country or in the village are not employed.

5 (b) In cases where a lump-sum diversion payment is provided  
6 in lieu of cash aid under Section 11266.5, the month in which the  
7 payment is made or the months calculated pursuant to subdivision  
8 (f) of Section 11266.5 shall count against the limits specified in  
9 Section 11454.

10 SEC. 34. Section 11461 of the Welfare and Institutions Code  
11 is amended to read:

12 11461. (a) For children or nonminor dependents placed in a  
13 licensed or approved family home with a capacity of six or less,  
14 or in an approved home of a relative or nonrelated legal guardian,  
15 or the approved home of a nonrelative extended family member  
16 as described in Section 362.7, or a supervised independent living  
17 setting, as defined in subdivision (w) of Section 11400, the per  
18 child per month rates in the following schedule shall be in effect  
19 for the period July 1, 1989, through December 31, 1989:

20	Age	Basic rate
21	0-4.....	\$ 294
22	5-8.....	319
23	9-11.....	340
24	12-14.....	378
25	15-20.....	412

26  
27  
28 (b) (1) Any county that, as of October 1, 1989, has in effect a  
29 basic rate that is at the levels set forth in the schedule in subdivision  
30 (a), shall continue to receive state participation, as specified in  
31 subdivision (c) of Section 15200, at these levels.

32 (2) Any county that, as of October 1, 1989, has in effect a basic  
33 rate that exceeds a level set forth in the schedule in subdivision  
34 (a), shall continue to receive the same level of state participation  
35 as it received on October 1, 1989.

36 (c) The amounts in the schedule of basic rates in subdivision  
37 (a) shall be adjusted as follows:

38 (1) Effective January 1, 1990, the amounts in the schedule of  
39 basic rates in subdivision (a) shall be increased by 12 percent.

1 (2) Effective May 1, 1990, any county that did not increase the  
2 basic rate by 12 percent on January 1, 1990, shall do both of the  
3 following:

4 (A) Increase the basic rate in effect December 31, 1989, for  
5 which state participation is received by 12 percent.

6 (B) Increase the basic rate, as adjusted pursuant to subparagraph  
7 (A) by an additional 5 percent.

8 (3) (A) Except as provided in subparagraph (B), effective July  
9 1, 1990, for the 1990–91 fiscal year, the amounts in the schedule  
10 of basic rates in subdivision (a) shall be increased by an additional  
11 5 percent.

12 (B) The rate increase required by subparagraph (A) shall not be  
13 applied to rates increased May 1, 1990, pursuant to paragraph (2).

14 (4) Effective July 1, 1998, the amounts in the schedule of basic  
15 rates in subdivision (a) shall be increased by 6 percent.  
16 Notwithstanding any other provision of law, the 6-percent increase  
17 provided for in this paragraph shall, retroactive to July 1, 1998,  
18 apply to every county, including any county to which paragraph  
19 (2) of subdivision (b) applies, and shall apply to foster care for  
20 every age group.

21 (5) Notwithstanding any other provision of law, any increase  
22 that takes effect after July 1, 1998, shall apply to every county,  
23 including any county to which paragraph (2) of subdivision (b)  
24 applies, and shall apply to foster care for every age group.

25 (6) The increase in the basic foster family home rate shall apply  
26 only to children placed in a licensed foster family home receiving  
27 the basic rate or in an approved home of a relative or nonrelative  
28 extended family member, as described in Section 362.7, *a*  
29 *supervised independent living setting, as defined in subdivision*  
30 *(w) of Section 11400, or a nonrelated legal guardian receiving the*  
31 *basic rate. The increased rate shall not be used to compute the*  
32 *monthly amount that may be paid to licensed foster family agencies*  
33 *for the placement of children in certified foster homes.*

34 (d) (1) (A) Beginning with the 1991–92 fiscal year, the  
35 schedule of basic rates in subdivision (a) shall be adjusted by the  
36 percentage changes in the California Necessities Index, computed  
37 pursuant to the methodology described in Section 11453, subject  
38 to the availability of funds.

1 (B) In addition to the adjustment in subparagraph (A) effective  
2 January 1, 2000, the schedule of basic rates in subdivision (a) shall  
3 be increased by 2.36 percent rounded to the nearest dollar.

4 (C) Effective January 1, 2008, the schedule of basic rates in  
5 subdivision (a), as adjusted pursuant to subparagraph (B), shall be  
6 increased by 5 percent, rounded to the nearest dollar. The increased  
7 rate shall not be used to compute the monthly amount that may be  
8 paid to licensed foster family agencies for the placement of children  
9 in certified foster family homes, and shall not be used to recompute  
10 the foster care maintenance payment that would have been paid  
11 based on the age-related, state-approved foster family home care  
12 rate and any applicable specialized care increment, for any adoption  
13 assistance agreement entered into prior to October 1, 1992, or in  
14 any subsequent reassessment for adoption assistance agreements  
15 executed before January 1, 2008.

16 (2) (A) Any county that, as of the 1991–92 fiscal year, receives  
17 state participation for a basic rate that exceeds the amount set forth  
18 in the schedule of basic rates in subdivision (a) shall receive an  
19 increase each year in state participation for that basic rate of  
20 one-half of the percentage adjustments specified in paragraph (1)  
21 until the difference between the county’s adjusted state  
22 participation level for its basic rate and the adjusted schedule of  
23 basic rates is eliminated.

24 (B) Notwithstanding subparagraph (A), all counties for the  
25 1999–2000 fiscal year and the 2007–08 fiscal year shall receive  
26 an increase in state participation for the basic rate of the entire  
27 percentage adjustment described in paragraph (1).

28 (3) If a county has, after receiving the adjustments specified in  
29 paragraph (2), a state participation level for a basic rate that is  
30 below the amount set forth in the adjusted schedule of basic rates  
31 for that fiscal year, the state participation level for that rate shall  
32 be further increased to the amount specified in the adjusted  
33 schedule of basic rates.

34 (e) (1) As used in this section, “specialized care increment”  
35 means an approved amount paid with state participation on behalf  
36 of an AFDC-FC child requiring specialized care to a home listed  
37 in subdivision (a) in addition to the basic rate. On the effective  
38 date of this section, the department shall continue and maintain  
39 the current ratesetting system for specialized care.

1 (2) Any county that, as of the effective date of this section, has  
2 in effect specialized care increments that have been approved by  
3 the department, shall continue to receive state participation for  
4 those payments.

5 (3) Any county that, as of the effective date of this section, has  
6 in effect specialized care increments that exceed the amounts that  
7 have been approved by the department, shall continue to receive  
8 the same level of state participation as it received on the effective  
9 date of this section.

10 (4) (A) Except for subparagraph (B), beginning January 1,  
11 1990, specialized care increments shall be adjusted in accordance  
12 with the methodology for the schedule of basic rates described in  
13 subdivision (c) and (d). No county shall receive state participation  
14 for any increases in a specialized care increment which exceeds  
15 the adjustments made in accordance with this methodology.

16 (B) Notwithstanding subdivision (e) of Section 11460, for the  
17 1993–94 fiscal year, an amount equal to 5 percent of the State  
18 Treasury appropriation for family homes shall be added to the total  
19 augmentation for the AFDC-FC program in order to provide  
20 incentives and assistance to counties in the area of specialized  
21 care. This appropriation shall be used, but not limited to,  
22 encouraging counties to implement or expand specialized care  
23 payment systems, to recruit and train foster parents for the  
24 placement of children with specialized care needs, and to develop  
25 county systems to encourage the placement of children in family  
26 homes. It is the intent of the Legislature that in the use of these  
27 funds, federal financial participation shall be claimed whenever  
28 possible.

29 (f) (1) As used in this section, “clothing allowance” means the  
30 amount paid with state participation in addition to the basic rate  
31 for the provision of additional clothing for an AFDC-FC child,  
32 including, but not limited to, an initial supply of clothing and  
33 school or other uniforms.

34 (2) Any county that, as of the effective date of this section, has  
35 in effect clothing allowances, shall continue to receive the same  
36 level as it received on the effective date of this section.

37 (3) (A) Commencing in the 2007–08 fiscal year, for children  
38 whose foster care payment is the responsibility of Colusa, Plumas,  
39 and Tehama Counties, the amount of the clothing allowance may

1 be up to two hundred seventy-four dollars (\$274) per child per  
2 year.

3 (B) Each county listed in subparagraph (A) that elects to receive  
4 the clothing allowance shall submit a Clothing Allowance Program  
5 Notification to the department within 60 days after the effective  
6 date of the act that adds this paragraph.

7 (C) The Clothing Allowance Program Notification shall identify  
8 the specific amounts to be paid and the disbursement schedule for  
9 these clothing allowance payments.

10 (4) Beginning January 1, 1990, except as provided in paragraph  
11 (5), clothing allowances shall be adjusted annually in accordance  
12 with the methodology for the schedule of basic rates described in  
13 subdivision (c) and (d). No county shall be reimbursed for any  
14 increases in clothing allowances which exceed the adjustments  
15 made in accordance with this methodology.

16 (5) For the 2000–01 fiscal year and each fiscal year thereafter,  
17 without a county share of cost, notwithstanding subdivision (c) of  
18 Section 15200, each child shall be entitled to receive a  
19 supplemental clothing allowance of one hundred dollars (\$100)  
20 per year subject to the availability of funds. The clothing allowance  
21 shall be used to supplement, and not supplant, the clothing  
22 allowance specified in paragraph (1).

23 *SEC. 35. Section 11464 of the Welfare and Institutions Code*  
24 *is amended to read:*

25 11464. (a) The Legislature finds and declares all of the  
26 following:

27 (1) Children who are consumers of regional center services and  
28 also receiving Aid to Families with Dependent Children-Foster  
29 Care (AFDC-FC), *Kinship Guardianship Assistance Payments*  
30 (*Kin-GAP*), or Adoption Assistance Program (AAP) benefits have  
31 special needs that can require care and supervision beyond that  
32 typically provided to children in foster care. Clarifying the roles  
33 of the child welfare and developmental disabilities services systems  
34 will ensure that these children receive the services and support  
35 they need in a timely manner and encourage the successful adoption  
36 of these children, where appropriate.

37 (2) To address the extraordinary care and supervision needs of  
38 children who are consumers of regional center services and also  
39 receiving AFDC-FC, *Kin-GAP*, or AAP benefits, it is necessary  
40 to provide a rate for care and supervision of these children that is



1 higher than the average rate they would otherwise receive through  
2 the foster care system and higher than the rate other children with  
3 medical and other significant special needs receive.

4 (3) Despite the enhanced rate provided in this section, some  
5 children who are consumers of regional center services and also  
6 receiving AFDC-FC or AAP benefits may have care and  
7 supervision needs that are so extraordinary that they cannot be  
8 addressed within that rate. In these limited circumstances, a process  
9 should be established whereby a supplement may be provided in  
10 addition to the enhanced rate.

11 (4) Children who receive rates pursuant to this section shall be  
12 afforded the same due process rights as all children who apply for  
13 AFDC-FC, *Kin-GAP*, and AAP benefits pursuant to Section 10950.

14 (b) Rates for children who are both regional center consumers  
15 and recipients of AFDC-FC or *Kin-GAP* benefits under this chapter  
16 shall be determined as provided in Section 4684 and this section.

17 (c) (1) The rate to be paid for 24-hour out-of-home care and  
18 supervision provided to children who are both consumers of  
19 regional center services pursuant to subdivision (d) of Section  
20 4512 and recipients of AFDC-FC benefits under this chapter shall  
21 be two thousand six dollars (\$2,006) per child per month.

22 (2) (A) The county, at its sole discretion, may authorize a  
23 supplement of up to one thousand dollars (\$1,000) to the rate for  
24 children three years of age and older, if it determines the child has  
25 the need for extraordinary care and supervision that cannot be met  
26 within the rate established pursuant to paragraph (1). The State  
27 Department of Social Services and the State Department of  
28 Developmental Services, in consultation with stakeholders  
29 representing county child welfare agencies, regional centers, and  
30 children who are both consumers of regional center services and  
31 recipients of AFDC-FC, *Kin-GAP*, or AAP benefits, shall develop  
32 objective criteria to be used by counties in determining eligibility  
33 for and the level of the supplements provided pursuant to this  
34 paragraph. The State Department of Social Services shall issue an  
35 all-county letter to implement these criteria within 120 days of the  
36 effective date of this act. The criteria shall take into account the  
37 extent to which the child has any of the following:

- 38 (i) Severe impairment in physical coordination and mobility.
- 39 (ii) Severe deficits in self-help skills.
- 40 (iii) Severely disruptive or self-injurious behavior.

1 (iv) A severe medical condition.

2 (B) The caregiver may request the supplement described in  
3 subparagraph (A) directly or upon referral by a regional center.  
4 Referral by a regional center shall not create the presumption of  
5 eligibility for the supplement.

6 (C) When assessing a request for the supplement, the county  
7 shall seek information from the consumer's regional center to assist  
8 in the assessment. The county shall issue a determination of  
9 eligibility for the supplement within 90 days of receipt of the  
10 request. The county shall report to the State Department of Social  
11 Services the number and level of rate supplements issued pursuant  
12 to this paragraph.

13 (d) (1) The rate to be paid for 24-hour out-of-home care and  
14 supervision provided for children who are receiving services under  
15 the California Early Start Intervention Services Act, are not yet  
16 determined by their regional center to have a developmental  
17 disability, as defined in subdivisions (a) and (l) of Section 4512,  
18 and are receiving AFDC-FC *or Kin-GAP* benefits under this  
19 chapter, shall be eight hundred ninety-eight dollars (\$898) per  
20 child per month. If a regional center subsequently determines that  
21 the child is an individual with a developmental disability as that  
22 term is defined by subdivisions (a) and (l) of Section 4512, the  
23 rate to be paid from the date of that determination shall be  
24 consistent with subdivision (c).

25 (2) The rates to be paid for 24-hour out-of-home nonmedical  
26 care and supervision for children who are recipients of AFDC-FC  
27 *or Kin-GAP* and consumers of regional center services from a  
28 community care facility licensed pursuant to Chapter 3  
29 (commencing with Section 1500) of Division 2 of the Health and  
30 Safety Code and vendored by a regional center pursuant to Section  
31 56004 of Title 17 of the California Code of Regulations, shall be  
32 the facility rate established by the State Department of  
33 Developmental Services.

34 (e) Rates paid pursuant to this section are subject to all of the  
35 following requirements:

36 (1) The rates paid to the foster care provider under subdivision  
37 (c) and paragraph (1) of subdivision (d) are only for the care and  
38 supervision of the child, as defined in subdivision (b) of Section  
39 11460 and shall not be applicable to facilities described in  
40 paragraph (2) of subdivision (d).

1 (2) Regional centers shall separately purchase or secure the  
2 services that are contained in the child’s Individualized Family  
3 Service Plan (IFSP) or Individual Program Plan (IPP), pursuant  
4 to Section 4684.

5 (3) In the event that the schedule of basic foster care rates, as  
6 specified in Section 11461, is increased on or after July 1, 2008,  
7 the rates in subdivisions (c), (d), and (f) shall be similarly adjusted.  
8 No county shall be reimbursed for any increase in this rate that  
9 exceeds the adjustments made in accordance with this  
10 methodology.

11 (f) (1) The AFDC-FC rates paid on behalf of a regional center  
12 consumer who is a recipient of AFDC-FC prior to July 1, 2007,  
13 shall remain in effect unless a change in the placement warrants  
14 redetermination of the rate or if the child is no longer AFDC-FC  
15 eligible. However, AFDC-FC rates paid on behalf of these children  
16 that are lower than the rates specified in paragraph (1) of  
17 subdivision (c) or paragraph (1) of subdivision (d), respectively,  
18 shall be increased as appropriate to the amount set forth in  
19 paragraph (1) of subdivision (c) or paragraph (1) of subdivision  
20 (d), effective July 1, 2007, and shall remain in effect unless a  
21 change in the placement or a change in AFDC-FC eligibility of  
22 the child warrants redetermination of the rate.

23 (2) For a child who is receiving AFDC-FC benefits or for whom  
24 a foster care eligibility determination is pending, and for whom  
25 an eligibility determination for regional center services pursuant  
26 to subdivision (a) of Section 4512 is pending or approved, and for  
27 whom, prior to July 1, 2007, a State Department of Developmental  
28 Services facility rate determination request has been made and is  
29 pending, the rate shall be the State Department of Developmental  
30 Services facility rate determined by the regional center through an  
31 individualized assessment, or the rate established in paragraph (1)  
32 of subdivision (c), whichever is greater. The rate shall remain in  
33 effect until the child is no longer eligible to receive AFDC-FC, or,  
34 if still AFDC-FC eligible, is found ineligible for regional center  
35 services as an individual described in subdivision (a) of Section  
36 4512. Other than the circumstances described in this section,  
37 regional centers shall not establish facility rates for AFDC-FC  
38 purposes.

39 (g) (1) The department shall adopt emergency regulations in  
40 accordance with Chapter 3.5 (commencing with Section 11340)

1 of Part 1 of Division 3 of Title 2 of the Government Code, and for  
2 the purposes of that chapter, including Section 11349.6 of the  
3 Government Code, on or before July 1, 2009.

4 (2) The adoption of regulations pursuant to paragraph (1) shall  
5 be deemed an emergency and necessary for the immediate  
6 preservation of the public peace, health, safety, and general welfare.  
7 The regulations authorized by this subdivision shall remain in  
8 effect for no more than 180 days, by which time final regulations  
9 shall be adopted.

10 (h) (1) The State Department of Social Services and the State  
11 Department of Developmental Services shall provide to the Joint  
12 Legislative Budget Committee, on a semiannual basis, the data set  
13 forth in paragraph (2) to facilitate Legislative review of the  
14 outcomes of the changes made by the addition of this section and  
15 the amendments made to Sections 4684 and 16121 by the act  
16 adding this section. The first report shall be submitted on October  
17 1, 2007, with subsequent reports submitted on March 1 and October  
18 1 of each year.

19 (2) The following data shall be provided pursuant to this  
20 subdivision:

21 (A) The number of, and services provided to, children who are  
22 consumers of regional center services and who are receiving AAP,  
23 *Kin-GAP*, or AFDC-FC, broken out by children receiving the  
24 amount pursuant to paragraph (1) of subdivision (c), the amount  
25 pursuant to paragraph (1) of subdivision (d), and the level of  
26 supplement pursuant to subparagraph (A) of paragraph (2) of  
27 subdivision (c).

28 (B) A comparison of services provided to these children and  
29 similar children who are regional center consumers who do not  
30 receive AFDC-FC, *Kin-GAP*, or AAP benefits, broken out by  
31 children receiving the amount pursuant to paragraph (1) of  
32 subdivision (c), the amount pursuant to paragraph (1) of subdivision  
33 (d), and the level of supplement pursuant to subparagraph (A) of  
34 paragraph (2) of subdivision (c).

35 (C) The number and nature of appeals filed regarding services  
36 provided or secured by regional centers for these children,  
37 consistent with Section 4714, broken out by children receiving the  
38 amount pursuant to paragraph (1) of subdivision (c), the amount  
39 pursuant to paragraph (1) of subdivision (d), and the level of

1 supplement pursuant to subparagraph (A) of paragraph (2) of  
2 subdivision (c).

3 (D) The number of these children who are adopted before and  
4 after the act adding this section, broken out by children receiving  
5 the amount pursuant to paragraph (1) of subdivision (c), the amount  
6 pursuant to paragraph (1) of subdivision (d), and the level of  
7 supplement pursuant to subparagraph (A) of paragraph (2) of  
8 subdivision (c).

9 (E) The number and levels of supplements requested pursuant  
10 to subparagraph (B) of paragraph (2) of subdivision (c).

11 (F) The number of appeals requested of the decision by counties  
12 to deny the request for the supplement pursuant to subparagraph  
13 (A) of paragraph (2) of subdivision (c).

14 (G) The total number and levels of supplements authorized  
15 pursuant to subparagraph (A) of paragraph (2) of subdivision (c)  
16 and the number of these supplements authorized upon appeal.

17 (i) *Commencing October 1, 2010, the rate described in*  
18 *subdivision (c) shall be paid for an eligible nonminor dependent*  
19 *who is under 21 years of age, is receiving AFDC-FC or Kin-GAP*  
20 *benefits pursuant to Section 11403, and is a consumer of regional*  
21 *center services.*

22 *SEC. 36. Section 11465 of the Welfare and Institutions Code*  
23 *is amended to read:*

24 11465. (a) When a child is living with a parent who receives  
25 AFDC-FC or Kin-GAP benefits, the rate paid to the provider on  
26 behalf of the parent shall include an amount for care and  
27 supervision of the child.

28 (b) For each category of eligible licensed community care  
29 facility, as defined in Section 1502 of the Health and Safety Code,  
30 the department shall adopt regulations setting forth a uniform rate  
31 to cover the cost of care and supervision of the child in each  
32 category of eligible licensed community care facility.

33 (c) (1) On and after July 1, 1998, the uniform rate to cover the  
34 cost of care and supervision of a child pursuant to this section shall  
35 be increased by 6 percent, rounded to the nearest dollar. The  
36 resultant amounts shall constitute the new uniform rate.

37 (2) (A) On and after July 1, 1999, the uniform rate to cover the  
38 cost of care and supervision of a child pursuant to this section shall  
39 be adjusted by an amount equal to the California Necessities Index  
40 computed pursuant to Section 11453, rounded to the nearest dollar.

1 The resultant amounts shall constitute the new uniform rate, subject  
2 to further adjustment pursuant to subparagraph (B).

3 (B) In addition to the adjustment specified in subparagraph (A),  
4 on and after January 1, 2000, the uniform rate to cover the cost of  
5 care and supervision of a child pursuant to this section shall be  
6 increased by 2.36 percent, rounded to the nearest dollar. The  
7 resultant amounts shall constitute the new uniform rate.

8 (3) Subject to the availability of funds, for the 2000–01 fiscal  
9 year and annually thereafter, these rates shall be adjusted for cost  
10 of living pursuant to procedures in Section 11453.

11 (4) On and after January 1, 2008, the uniform rate to cover the  
12 cost of care and supervision of a child pursuant to this section shall  
13 be increased by 5 percent, rounded to the nearest dollar. The  
14 resulting amount shall constitute the new uniform rate.

15 (d) (1) Notwithstanding subdivisions (a) to (c), inclusive, the  
16 payment made pursuant to this section for care and supervision of  
17 a child who is living with a teen parent in a whole family foster  
18 home, as defined in Section 11400, shall equal the basic rate for  
19 children placed in a licensed or approved home as specified in  
20 subdivisions (a) to (d), inclusive, of Section 11461.

21 (2) The amount paid for care and supervision of a dependent  
22 infant living with a dependent teen parent receiving AFDC-FC  
23 benefits in a group home placement shall equal the infant  
24 supplement rate for group home placements.

25 (3) The caregiver shall provide the county child welfare agency  
26 or probation department with a copy of the shared responsibility  
27 plan developed pursuant to Section 16501.25 and shall advise the  
28 county child welfare agency or probation department of any  
29 subsequent changes to the plan. Once the plan has been completed  
30 and provided to the appropriate agencies, the payment made  
31 pursuant to this section shall be increased by an additional two  
32 hundred dollars (\$200) per month to reflect the increased care and  
33 supervision while he or she is placed in the whole family foster  
34 home.

35 (4) In any year in which the payment provided pursuant to this  
36 section is adjusted for the cost of living as provided in paragraph  
37 (1) of subdivision (c), the payments provided for in this subdivision  
38 shall also be increased by the same procedures.

39 (5) A Kin-GAP relative who, immediately prior to entering the  
40 Kin-GAP program, was designated as a whole family foster home

1 shall receive the same payment amounts for the care and  
2 supervision of a child who is living with a teen parent they received  
3 in foster care as a whole family foster home.

4 (6) *On and after October 1, 2010, the rate paid for a child living*  
5 *with a teen parent in a whole family foster home as defined in*  
6 *Section 11400 shall also be paid for a child living with a nonminor*  
7 *dependent parent who is eligible to receive AFDC-FC or Kin-GAP*  
8 *pursuant to Section 11403.*

9 SEC. 37. *Section 11466.23 of the Welfare and Institutions Code*  
10 *is amended to read:*

11 11466.23. (a) It is the intent of the Legislature to comply with  
12 the federal requirements of the Improper Payments Act of 2002  
13 with respect to the remittance of the federal share of foster care  
14 overpayments.

15 (b) For the purposes of this section, a federal foster care or  
16 adoption assistance overpayment is defined as any amount of aid  
17 paid to which a foster care provider or adoption assistance recipient  
18 was not entitled, including any overpayment identified by a foster  
19 care provider as described in Section 11400, or federal Adoption  
20 Assistance Program recipient as described in Chapter 2.1  
21 (commencing with Section 16115) of Part 4, *and on and after*  
22 *October 1, 2010, any federal Kin-GAP aid paid to which a related*  
23 *guardian was not entitled, including any overpayment identified*  
24 *by a federal Kin-GAP recipient as described in Article 4.7*  
25 *(commencing with Section 11385).*

26 (c) Counties shall be required to remit the appropriate amount  
27 of federal funds upon identification of the overpayment, following  
28 the completion of due process.

29 (1) Counties shall not be required to repay the overpayment  
30 when any of the following occurs:

31 (A) The amount is legally uncollectible, including any amount  
32 legally uncollectible pursuant to Section 11466.24.

33 (B) The cost of collection exceeds the overpayment.

34 (C) The foster family agency or group home is no longer in  
35 business or licensed by the department.

36 (2) Remittance of overpayments of federal AFDC-FC funds,  
37 *federal Kin-GAP*, and federal AAP funds not excluded by  
38 paragraph (1) shall be shared by the state and the counties based  
39 on a 40 percent state, 60 percent county sharing ratio. Upon actual  
40 collection of any overpayments from providers or recipients, the

1 county shall ensure that the total amount reimbursed to the state  
2 reflects the federal and state share of the overpayment costs, as  
3 specified. All overpayments of federal AFDC-FC funds, *federal*  
4 *Kin-GAP*, and federal AAP funds included in paragraph (1) shall  
5 be repaid completely with state funds.

6 (3) Nothing in this section shall inhibit existing county authority  
7 to collect overpayments.

8 (4) Nothing in this section shall inhibit existing county  
9 responsibility to remit voluntary overpayments upon collection.

10 (d) (1) The department shall adopt regulations to implement  
11 this section by December 31, 2008. Notwithstanding Chapter 3.5  
12 (commencing with Section 11340) of Part 1 of Division 3 of Title  
13 2 of the Government Code, the department, in consultation and  
14 coordination with the County Welfare Directors Association, may  
15 adopt emergency regulations to implement this section.

16 (2) The adoption of emergency regulations pursuant to  
17 subdivision (a) shall be deemed to be an emergency and necessary  
18 for the immediate preservation of the public peace, health, safety,  
19 or general welfare. The emergency regulations authorized by this  
20 section shall be submitted to the Office of Administrative Law for  
21 filing with the Secretary of State and shall remain in effect for no  
22 more than 180 days, by which time final regulations shall be  
23 adopted.

24 (e) The department may only require counties to remit payment  
25 of the federal share for overpayments upon identification that occur  
26 on or after the effective date of regulations adopted pursuant to  
27 this section.

28 *SEC. 38. Section 11466.24 of the Welfare and Institutions Code*  
29 *is amended to read:*

30 11466.24. (a) In accordance with this section, a county shall  
31 collect an overpayment, discovered on or after January 1, 1999,  
32 made to a foster family home, an approved home of a relative,  
33 *including the home of a Kin-GAP guardian*, an approved home of  
34 a nonrelative extended family member, or an approved home of a  
35 nonrelative legal guardian, *or the supervised independent living*  
36 *setting where a nonminor dependent resides*, for any period of  
37 time in which the foster child was not cared for in that home, unless  
38 any of the following conditions exist, in which case a county shall  
39 not collect the overpayment:



1 (1) The cost of the collection exceeds that amount of the  
2 overpayment that is likely to be recovered by the county. The cost  
3 of collecting the overpayment and the likelihood of collection shall  
4 be documented by the county. Costs that the county shall consider  
5 when determining the cost-effectiveness to collect are total  
6 administrative, personnel, legal filing fee, and investigative costs,  
7 and any other applicable costs.

8 (2) The child was temporarily removed from the home and  
9 payment was owed to the provider to maintain the child's  
10 placement, or the child was temporarily absent from the provider's  
11 home, or on runaway status and subsequently returned, and  
12 payment was made to the provider to meet the child's needs.

13 (3) The overpayment was exclusively the result of a county  
14 administrative error or both the county welfare department and  
15 the provider *or nonminor dependent* were unaware of the  
16 information that would establish that the foster child *or nonminor*  
17 *dependent* was not eligible for foster care benefits.

18 (4) The provider *or nonminor dependent* did not have knowledge  
19 of, and did not contribute to, the cause of the overpayment.

20 (b) (1) After notification by a county of an overpayment to a  
21 foster family home, an approved home of a relative, *including the*  
22 *home of a Kin-GAP guardian*, or a nonrelative extended family  
23 member, ~~or an~~ approved home of a nonrelative legal guardian, *or*  
24 *the supervised independent living setting where the nonminor*  
25 *dependent resides*, and a demand letter for repayment, the foster  
26 parent, approved relative, ~~or~~ approved nonrelative legal guardian,  
27 *or nonminor dependent* may request the county welfare department  
28 to review the overpayment determination in an informal hearing,  
29 or may file with the department a request for a hearing to appeal  
30 the overpayment determination. Requesting an informal hearing  
31 shall not preclude a payee from seeking a formal hearing at a later  
32 date. The county welfare department shall dismiss the overpayment  
33 repayment request if it determines the action to be incorrect through  
34 an initial review prior to a state hearing, or through a review in an  
35 informal hearing held at the request of the foster parent, relative,  
36 ~~or~~ nonrelative legal guardian, *or nonminor dependent*.

37 (2) If an informal hearing does not result in the dismissal of the  
38 overpayment, or a formal appeal hearing is not requested, or on  
39 the 30th day following a formal appeal hearing decision, whichever

1 is later, the foster family provider overpayment shall be sustained  
 2 for collection purposes.

3 (3) The department shall adopt regulations that ensure that the  
 4 best interests of the child *or nonminor dependent* shall be the  
 5 primary concern of the county welfare director in any repayment  
 6 agreement.

7 (c) (1) The department shall develop regulations for recovery  
 8 of overpayments made to any foster family home, approved home  
 9 of a relative, ~~or~~ approved home of a nonrelative legal guardian, *or*  
 10 *supervised independent living setting where a nonminor dependent*  
 11 *resides*. The regulations shall prioritize collection methods, that  
 12 shall include voluntary repayment agreement procedures and  
 13 involuntary overpayment collection procedures. These procedures  
 14 shall take into account the amount of the overpayment and a  
 15 minimum required payment amount.

16 (2) A county shall not collect an overpayment through the use  
 17 of an involuntary payment agreement unless a foster family home,  
 18 an approved home of a relative, ~~or an~~ approved home of a  
 19 nonrelative legal guardian, *or supervised independent living setting*  
 20 *where a nonminor dependent resides* has rejected the offer of a  
 21 voluntary overpayment agreement, or has failed to comply with  
 22 the terms of the voluntary overpayment agreement.

23 (3) A county shall not be permitted to collect an overpayment  
 24 through the offset of payments due to a foster family home, an  
 25 approved home of a relative, ~~or an~~ approved home of a nonrelative  
 26 legal guardian *or supervised independent living setting where a*  
 27 *nonminor dependent resides*, unless this method of repayment is  
 28 requested by the provider *or nonminor dependent* in a voluntary  
 29 repayment agreement, or other circumstances defined by the  
 30 department by regulation.

31 (d) If a provider *or nonminor dependent* is successful in its  
 32 appeal of a collected overpayment, it shall be repaid the collected  
 33 overpayment plus simple interest based on the Surplus Money  
 34 Investment Fund.

35 (e) A county may not collect interest on the repayment of an  
 36 overpayment.

37 (f) There shall be a one-year statute of limitations from the date  
 38 upon which the county determined that there was an overpayment.

39 *SEC. 39. Section 16120 of the Welfare and Institutions Code*  
 40 *is amended to read:*

1 16120. A child shall be eligible for Adoption Assistance  
2 Program benefits if all of the conditions specified in subdivisions  
3 (a) through (g), inclusive, are met or if the conditions specified in  
4 subdivision (h) are met.

5 (a) The child has at least one of the following characteristics  
6 that are barriers to his or her adoption:

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

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

21 (b) The need for adoption subsidy is evidenced by an  
22 unsuccessful search for an adoptive home to take the child without  
23 financial assistance, as documented in the case file of the  
24 prospective adoptive child. The requirement for this search shall  
25 be waived when it would be against the best interest of the child  
26 because of the existence of significant emotional ties with  
27 prospective adoptive parents while in the care of these persons as  
28 a foster child.

29 (c) The child ~~meets~~ *satisfies* either of the following criteria:

30 (1) At the time a petition for an agency adoption, as defined in  
31 Section 8506 of the Family Code, or an independent adoption, as  
32 defined in Section 8524 of the Family Code, is filed, the child has  
33 met the requirements to receive federal supplemental security  
34 income benefits pursuant to Subchapter 16 (commencing with  
35 Section 1381) of Chapter 7 of Title 42 of the United States Code,  
36 as determined and documented by the federal Social Security  
37 Administration.

38 (2) The child is the subject of an agency adoption as defined in  
39 Section 8506 of the Family Code and was any of the following:

- 1 (A) Under the supervision of a county welfare department as  
2 the subject of a legal guardianship or juvenile court dependency.
- 3 (B) Relinquished for adoption to a licensed California private  
4 or public adoption agency, or the department, and would have  
5 otherwise been at risk of dependency as certified by the responsible  
6 public child welfare agency.
- 7 (C) Committed to the care of the department pursuant to Section  
8 8805 or 8918 of the Family Code.
- 9 (d) ~~The child is under 18 years of age, or under 21 years of age~~  
10 ~~and has a mental or physical handicap that warrants the~~  
11 ~~continuation of assistance. satisfies any of the following criteria:~~
- 12 (1) *He or she is under 18 years of age.*
- 13 (2) *He or she is under 21 years of age and has a mental or*  
14 *physical handicap that warrants the continuation of assistance.*
- 15 (3) *He or she is under 21 years of age and attained 16 years of*  
16 *age before the adoption assistance agreement became effective,*  
17 *and one or more of the following applies:*
- 18 (A) *The youth is completing secondary education or a program*  
19 *leading to an equivalent credential.*
- 20 (B) *The youth is enrolled in an institution that provides*  
21 *postsecondary or vocational education.*
- 22 (C) *The youth is participating in a program or activity designed*  
23 *to promote, or remove barriers to employment.*
- 24 (D) *The youth is employed for at least 80 hours per month.*
- 25 (E) *The youth is incapable of doing any of the activities*  
26 *described in subparagraphs (A) to (D), inclusive, due to a medical*  
27 *condition, and that incapability is supported by regularly updated*  
28 *information in the case plan of the child.*
- 29 (e) The adoptive family is responsible for the child pursuant to  
30 the terms of an adoptive placement agreement or a final decree of  
31 adoption and has signed an adoption assistance agreement.
- 32 (f) The adoptive family is legally responsible for the support of  
33 the child and the child is receiving support from the adoptive  
34 parent.
- 35 (g) The department or the county responsible for determining  
36 the child's Adoption Assistance Program eligibility status and for  
37 providing financial aid, and the prospective adoptive parent, prior  
38 to or at the time the adoption decree is issued by the court, have  
39 signed an adoption assistance agreement that stipulates the need  
40 for, and the amount of, Adoption Assistance Program benefits.

1 (h) A child shall be eligible for Adoption Assistance Program  
2 benefits if the child received Adoption Assistance Program benefits  
3 with respect to a prior adoption and the child is again available for  
4 adoption because the prior adoption was dissolved and the parental  
5 rights of the adoptive parents were terminated or because the  
6 child's adoptive parents died.

7 *SEC. 40. Section 16123 of the Welfare and Institutions Code*  
8 *is amended to read:*

9 16123. The provisions of Section 16120, permitting the  
10 payment of adoption assistance until a child attains the age of 18  
11 or 21 if the child has mental or physical handicaps, *or effective*  
12 *October 1, 2010, up to 21 years of age, if the child meets the*  
13 *criteria specified in paragraph (3) of subdivision (d) of Section*  
14 *16120, shall be effective as long as federal funds are available*  
15 *under Title IV-E of the federal Social Security Act (Part E*  
16 *(commencing with Section 670) of Subchapter 4 of Chapter 7 of*  
17 *Title 42 of the United States Code), and the state continues to*  
18 *exercise its option to extend payments up to 21 years of age,*  
19 *pursuant to Section 473(a)(4) of the federal Social Security Act*  
20 *(42 U.S.C. Sec. 673(a)(4)). When those funds cease to be available*  
21 *the maximum length for payment of the Adoption Assistance*  
22 *Program shall be five years except in instances in which there is*  
23 *a continuing need, related to a chronic health condition of the child*  
24 *which necessitated the initial financial assistance. In those cases,*  
25 *a parent may, until October 1, 1992, petition the department or*  
26 *licensed adoption agency to continue financial assistance up to*  
27 *age of majority. On and after October 1, 1992, the parent may*  
28 *petition the department or the responsible county to continue*  
29 *financial assistance up to the age of majority.*

30 *SEC. 41. Section 16501 of the Welfare and Institutions Code*  
31 *is amended to read:*

32 16501. (a) As used in this chapter, "child welfare services"  
33 means public social services which are directed toward the  
34 accomplishment of any or all the following purposes: protecting  
35 and promoting the welfare of all children, including handicapped,  
36 homeless, dependent, or neglected children; preventing or  
37 remedying, or assisting in the solution of problems which may  
38 result in, the neglect, abuse, exploitation, or delinquency of  
39 children; preventing the unnecessary separation of children from  
40 their families by identifying family problems, assisting families

1 in resolving their problems, and preventing breakup of the family  
2 where the prevention of child removal is desirable and possible;  
3 restoring to their families children who have been removed, by  
4 the provision of services to the child and the families; identifying  
5 children to be placed in suitable adoptive homes, in cases where  
6 restoration to the biological family is not possible or appropriate;  
7 and assuring adequate care of children away from their homes, in  
8 cases where the child cannot be returned home or cannot be placed  
9 for adoption.

10 “Child welfare services” also means services provided on behalf  
11 of children alleged to be the victims of child abuse, neglect, or  
12 exploitation. The child welfare services provided on behalf of each  
13 child represent a continuum of services, including emergency  
14 response services, family preservation services, family maintenance  
15 services, family reunification services, and permanent placement  
16 services, *including transitional independent living services*. The  
17 individual child’s case plan is the guiding principle in the provision  
18 of these services. The case plan shall be developed within ~~30~~ *a*  
19 *maximum of 60* days of the initial removal of the child or of the  
20 in-person response required under subdivision (f) of Section ~~16501~~  
21 if the child has not been removed from his or her home, or by the  
22 date of the ~~jurisdictional~~ *dispositional* hearing pursuant to Section  
23 ~~356~~ 358, whichever comes first.

24 (1) Child welfare services may include, but are not limited to,  
25 a range of service-funded activities, including case management,  
26 counseling, emergency shelter care, emergency in-home caretakers,  
27 temporary in-home caretakers, respite care, therapeutic day  
28 services, teaching and demonstrating homemakers, parenting  
29 training, substance abuse testing, and transportation. These  
30 service-funded activities shall be available to children and their  
31 families in all phases of the child welfare program in accordance  
32 with the child’s case plan and departmental regulations. Funding  
33 for services is limited to the amount appropriated in the annual  
34 Budget Act and other available county funds.

35 (2) Service-funded activities to be provided may be determined  
36 by each county, based upon individual child and family needs as  
37 reflected in the service plan.

38 (3) As used in this chapter, “emergency shelter care” means  
39 emergency shelter provided to children who have been removed  
40 pursuant to Section 300 from their parent or parents or their

1 guardian or guardians. The department may establish, by  
2 regulation, the time periods for which emergency shelter care shall  
3 be funded. For the purposes of this paragraph, “emergency shelter  
4 care” may include “transitional shelter care facilities” as defined  
5 in paragraph (11) of subdivision (a) of Section 1502 of the Health  
6 and Safety Code.

7 (b) As used in this chapter, “respite care” means temporary care  
8 for periods not to exceed 72 hours. This care may be provided to  
9 the child’s parents or guardians. This care shall not be limited by  
10 regulation to care over 24 hours. These services shall not be  
11 provided for the purpose of routine, ongoing child care.

12 (c) The county shall provide child welfare services as needed  
13 pursuant to an approved service plan and in accordance with  
14 regulations promulgated, in consultation with the counties, by the  
15 department. Counties may contract for service-funded activities  
16 as defined in paragraph (1) of subdivision (a). Each county shall  
17 use available private child welfare resources prior to developing  
18 new county-operated resources when the private child welfare  
19 resources are of at least equal quality and lesser or equal cost as  
20 compared with county-operated resources. Counties shall not  
21 contract for needs assessment, client eligibility determination, or  
22 any other activity as specified by regulations of the State  
23 Department of Social Services, except as specifically authorized  
24 in Section 16100.

25 (d) Nothing in this chapter shall be construed to affect duties  
26 which are delegated to probation officers pursuant to Sections 601  
27 and 654.

28 (e) Any county may utilize volunteer individuals to supplement  
29 professional child welfare services by providing ancillary support  
30 services in accordance with regulations adopted by the State  
31 Department of Social Services.

32 (f) As used in this chapter, emergency response services consist  
33 of a response system providing in-person response, 24 hours a day,  
34 seven days a week, to reports of abuse, neglect, or exploitation, as  
35 required by Article 2.5 (commencing with Section 11164) of  
36 Chapter 2 of Title 1 of Part 4 of the Penal Code for the purpose of  
37 investigation pursuant to Section 11166 of the Penal Code and to  
38 determine the necessity for providing initial intake services and  
39 crisis intervention to maintain the child safely in his or her own  
40 home or to protect the safety of the child. County welfare

1 departments shall respond to any report of imminent danger to a  
2 child immediately and all other reports within 10 calendar days.  
3 An in-person response is not required when the county welfare  
4 department, based upon an evaluation of risk, determines that an  
5 in-person response is not appropriate. This evaluation includes  
6 collateral, contacts, a review of previous referrals, and other  
7 relevant information, as indicated.

8 (g) As used in this chapter, family maintenance services are  
9 activities designed to provide in-home protective services to  
10 prevent or remedy neglect, abuse, or exploitation, for the purposes  
11 of preventing separation of children from their families.

12 (h) As used in this chapter, family reunification services are  
13 activities designed to provide time-limited foster care services to  
14 prevent or remedy neglect, abuse, or exploitation, when the child  
15 cannot safely remain at home, and needs temporary foster care,  
16 while services are provided to reunite the family.

17 (i) As used in this chapter, permanent placement services are  
18 activities designed to provide an alternate permanent family  
19 structure for children who because of abuse, neglect, or exploitation  
20 cannot safely remain at home and who are unlikely to ever return  
21 home. These services shall be provided on behalf of children for  
22 whom there has been a judicial determination of a permanent plan  
23 for adoption, legal guardianship, or long-term foster care, *and, as*  
24 *needed, shall include transitional independent living services.*

25 (j) As used in this chapter, family preservation services include  
26 those services specified in Section 16500.5 to avoid or limit  
27 out-of-home placement of children, and may include those services  
28 specified in that section to place children in the least restrictive  
29 environment possible.

30 (k) (1) (A) In any county electing to implement this  
31 subdivision, all county welfare department employees who have  
32 frequent and routine contact with children shall, by February 1,  
33 1997, and all welfare department employees who are expected to  
34 have frequent and routine contact with children and who are hired  
35 on or after January 1, 1996, and all such employees whose duties  
36 change after January 1, 1996, to include frequent and routine  
37 contact with children, shall, if the employees provide services to  
38 children who are alleged victims of abuse, neglect, or exploitation,  
39 sign a declaration under penalty of perjury regarding any prior



1 criminal conviction, and shall provide a set of fingerprints to the  
2 county welfare director.

3 (B) The county welfare director shall secure from the  
4 Department of Justice a criminal record to determine whether the  
5 employee has ever been convicted of a crime other than a minor  
6 traffic violation. The Department of Justice shall deliver the  
7 criminal record to the county welfare director.

8 (C) If it is found that the employee has been convicted of a  
9 crime, other than a minor traffic violation, the county welfare  
10 director shall determine whether there is substantial and convincing  
11 evidence to support a reasonable belief that the employee is of  
12 good character so as to justify frequent and routine contact with  
13 children.

14 (D) No exemption shall be granted pursuant to subparagraph  
15 (C) if the person has been convicted of a sex offense against a  
16 minor, or has been convicted of an offense specified in Section  
17 220, 243.4, 264.1, 273d, 288, or 289 of the Penal Code, or in  
18 paragraph (1) of Section 273a of, or subdivision (a) or (b) of  
19 Section 368 of, the Penal Code, or has been convicted of an offense  
20 specified in subdivision (c) of Section 667.5 of the Penal Code.  
21 The county welfare director shall suspend such a person from any  
22 duties involving frequent and routine contact with children.

23 (E) Notwithstanding subparagraph (D), the county welfare  
24 director may grant an exemption if the employee or prospective  
25 employee, who was convicted of a crime against an individual  
26 specified in paragraph (1) or (7) of subdivision (c) of Section 667.5  
27 of the Penal Code, has been rehabilitated as provided in Section  
28 4852.03 of the Penal Code and has maintained the conduct required  
29 in Section 4852.05 of the Penal Code for at least 10 years and has  
30 the recommendation of the district attorney representing the  
31 employee's or prospective employee's county of residence, or if  
32 the employee or prospective employee has received a certificate  
33 of rehabilitation pursuant to Chapter 3.5 (commencing with Section  
34 4852.01) of Title 6 of Part 3 of the Penal Code. In that case, the  
35 county welfare director may give the employee or prospective  
36 employee an opportunity to explain the conviction and shall  
37 consider that explanation in the evaluation of the criminal  
38 conviction record.

1 (F) If no criminal record information has been recorded, the  
2 county welfare director shall cause a statement of that fact to be  
3 included in that person's personnel file.

4 (2) For purposes of this subdivision, a conviction means a plea  
5 or verdict of guilty or a conviction following a plea of nolo  
6 contendere. Any action which the county welfare director is  
7 permitted to take following the establishment of a conviction may  
8 be taken when the time for appeal has elapsed, or the judgment of  
9 conviction has been affirmed on appeal or when an order granting  
10 probation is made suspending the imposition of sentence,  
11 notwithstanding a subsequent order pursuant to Sections 1203.4  
12 and 1203.4a of the Penal Code permitting the person to withdraw  
13 his or her plea of guilty and to enter a plea of not guilty, or setting  
14 aside the verdict of guilty, or dismissing the accusation,  
15 information, or indictment. For purposes of this subdivision, the  
16 record of a conviction, or a copy thereof certified by the clerk of  
17 the court or by a judge of the court in which the conviction  
18 occurred, shall be conclusive evidence of the conviction.

19 *SEC. 42. Section 16501.1 of the Welfare and Institutions Code*  
20 *is amended to read:*

21 16501.1. (a) (1) The Legislature finds and declares that the  
22 foundation and central unifying tool in child welfare services is  
23 the case plan.

24 (2) The Legislature further finds and declares that a case plan  
25 ensures that the child receives protection and safe and proper care  
26 and case management, and that services are provided to the child  
27 and parents or other caretakers, as appropriate, in order to improve  
28 conditions in the parent's home, to facilitate the safe return of the  
29 child to a safe home or the permanent placement of the child, and  
30 to address the needs of the child while in foster care.

31 (b) (1) A case plan shall be based upon the principles of this  
32 section and shall document that a preplacement assessment of the  
33 service needs of the child and family, and preplacement preventive  
34 services, have been provided, and that reasonable efforts to prevent  
35 out-of-home placement have been made.

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

39 (3) Reasonable services shall be offered or provided to make it  
40 possible for a child to return to a safe home environment, unless,

1 pursuant to subdivisions (b) and (e) of Section 361.5, the court  
2 determines that reunification services shall not be provided.

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

7 (c) (1) If out-of-home placement is used to attain case plan  
8 goals, the decision regarding choice of placement shall be based  
9 upon selection of a safe setting that is the least restrictive or most  
10 familylike and the most appropriate setting that is available and  
11 in close proximity to the parent's home, proximity to the child's  
12 school, consistent with the selection of the environment best suited  
13 to meet the child's special needs and best interests, or both. The  
14 selection shall consider, in order of priority, placement with  
15 relatives, tribal members, and foster family, group care, and  
16 residential treatment pursuant to Section 7950 of the Family Code.  
17 *On or after October 1, 2010, for a nonminor dependent, as defined*  
18 *in subdivision (v) of Section 11400, who is receiving AFDC-FC*  
19 *up to 21 years of age pursuant to Section 11403, in addition to the*  
20 *above requirements, the selection of the placement shall also be*  
21 *based upon the developmental needs of young adults by providing*  
22 *opportunities to have incremental responsibilities that prepare a*  
23 *nonminor dependent to transition to independent living. When a*  
24 *nonminor dependent is placed in a group home, the case plan shall*  
25 *also specify why that placement is necessary for the nonminor*  
26 *dependent's transition to independent living.*

27 (2) In addition to the requirements of paragraph (1), and taking  
28 into account other statutory considerations regarding placement,  
29 the selection of the most appropriate home that will meet the child's  
30 special needs and best interests shall also promote educational  
31 stability by taking into consideration proximity to the child's school  
32 attendance area.

33 (d) A written case plan shall be completed within a maximum  
34 of 60 days of the initial removal of the child or of the in-person  
35 response required under subdivision (f) of Section 16501 if the  
36 child has not been removed from his or her home, or by the date  
37 of the dispositional hearing pursuant to Section 358, whichever  
38 occurs first. The case plan shall be updated, as the service needs  
39 of the child and family dictate. At a minimum, the case plan shall  
40 be updated in conjunction with each status review hearing

1 conducted pursuant to Section 366.21, and the hearing conducted  
2 pursuant to Section 366.26, but no less frequently than once every  
3 six months. Each updated case plan shall include a description of  
4 the services that have been provided to the child under the plan  
5 and an evaluation of the appropriateness and effectiveness of those  
6 services.

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

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

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

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

24 (1) The case plan shall be based upon an assessment of the  
25 circumstances that required child welfare services intervention.  
26 The child shall be involved in developing the case plan as age and  
27 developmentally appropriate.

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

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

37 (4) The case plan shall include a description of the schedule of  
38 the social worker contacts with the child and the family or other  
39 caretakers. The frequency of these contacts shall be in accordance  
40 with regulations adopted by the State Department of Social

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

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

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

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

39 (A) The death of an immediate relative.

40 (B) The birth of a sibling.

1 (C) Significant changes regarding a dependent child, unless the  
2 child objects to the sharing of the information with his or her  
3 siblings, including changes in placement, major medical or mental  
4 health diagnoses, treatments, or hospitalizations, arrests, and  
5 changes in the permanent plan.

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

14 (8) (A) If out-of-home services are used, or if parental rights  
15 have been terminated and the case plan is placement for adoption,  
16 the case plan shall include a recommendation regarding the  
17 appropriateness of unsupervised visitation between the child and  
18 any of the child's siblings. This recommendation shall include a  
19 statement regarding the child's and the siblings' willingness to  
20 participate in unsupervised visitation. If the case plan includes a  
21 recommendation for unsupervised sibling visitation, the plan shall  
22 also note that information necessary to accomplish this visitation  
23 has been provided to the child or to the child's siblings.

24 (B) Information regarding the schedule and frequency of the  
25 visits between the child and siblings, as well as any court-ordered  
26 terms and conditions needed to facilitate the visits while protecting  
27 the safety of the child, shall be provided to the child's out-of-home  
28 caregiver as soon as possible after the court order is made.

29 (9) If out-of-home services are used and the goal is reunification,  
30 the case plan shall describe the services to be provided to assist in  
31 reunification and the services to be provided concurrently to  
32 achieve legal permanency if efforts to reunify fail. The plan shall  
33 also consider in-state and out-of-state placements, the importance  
34 of developing and maintaining sibling relationships pursuant to  
35 Section 16002, and the desire and willingness of the caregiver to  
36 provide legal permanency for the child if reunification is  
37 unsuccessful.

38 (10) If out-of-home services are used, the child has been in care  
39 for at least 12 months, and the goal is not adoptive placement, the  
40 case plan shall include documentation of the compelling reason

1 or reasons why termination of parental rights is not in the child's  
2 best interest. A determination completed or updated within the  
3 past 12 months by the department when it is acting as an adoption  
4 agency or by a licensed adoption agency that it is unlikely that the  
5 child will be adopted, or that one of the conditions described in  
6 paragraph (1) of subdivision (c) of Section 366.26 applies, shall  
7 be deemed a compelling reason.

8 (11) (A) Parents and legal guardians shall have an opportunity  
9 to review the case plan, and to sign it whenever possible, and then  
10 shall receive a copy of the plan. In any voluntary service or  
11 placement agreement, the parents or legal guardians shall be  
12 required to review and sign the case plan. Whenever possible,  
13 parents and legal guardians shall participate in the development  
14 of the case plan. *Commencing October 1, 2010, for nonminor*  
15 *dependents, as defined in subdivision (v) of Section 11400, who*  
16 *are receiving AFDC-FC up to 21 years of age pursuant to Section*  
17 *11403, the case plan shall be developed with, and signed by, the*  
18 *nonminor.*

19 (B) Parents and legal guardians shall be advised that, pursuant  
20 to Section 1228.1 of the Evidence Code, neither their signature on  
21 the child welfare services case plan nor their acceptance of any  
22 services prescribed in the child welfare services case plan shall  
23 constitute an admission of guilt or be used as evidence against the  
24 parent or legal guardian in a court of law. However, they shall also  
25 be advised that the parent's or guardian's failure to cooperate,  
26 except for good cause, in the provision of services specified in the  
27 child welfare services case plan may be used in any hearing held  
28 pursuant to Section 366.21 or 366.22 as evidence.

29 (12) A child shall be given a meaningful opportunity to  
30 participate in the development of the case plan and state his or her  
31 preference for foster care placement. A child who is 12 years of  
32 age or older and in a permanent placement shall also be given the  
33 opportunity to review the case plan, sign the case plan, and receive  
34 a copy of the case plan.

35 (13) The case plan shall be included in the court report and shall  
36 be considered by the court at the initial hearing and each review  
37 hearing. Modifications to the case plan made during the period  
38 between review hearings need not be approved by the court if the  
39 casework supervisor for that case determines that the modifications  
40 further the goals of the plan. If out-of-home services are used with

1 the goal of family reunification, the case plan shall consider and  
2 describe the application of subdivision (b) of Section 11203.

3 (14) If the case plan has as its goal for the child a permanent  
4 plan of adoption or placement in another permanent home, it shall  
5 include a statement of the child's wishes regarding their permanent  
6 placement plan and an assessment of those stated wishes. The  
7 agency shall also include documentation of the steps the agency  
8 is taking to find an adoptive family or other permanent living  
9 arrangements for the child; to place the child with an adoptive  
10 family, an appropriate and willing relative, a legal guardian, or in  
11 another planned permanent living arrangement; and to finalize the  
12 adoption or legal guardianship. At a minimum, the documentation  
13 shall include child-specific recruitment efforts, such as the use of  
14 state, regional, and national adoption exchanges, including  
15 electronic exchange systems, when the child has been freed for  
16 adoption.

17 (15) When appropriate, for a child who is 16 years of age or  
18 older *and, commencing October 1, 2010, for a nonminor*  
19 *dependent*, the case plan shall include a written description of the  
20 programs and services that will help the child, consistent with the  
21 child's best interests, prepare for the transition from foster care to  
22 independent living, *and whether the youth has an in-progress*  
23 *application pending for Title XVI Supplemental Security Income*  
24 *benefits or for Special Juvenile Immigration Status or other*  
25 *applicable application for legal residency and an active*  
26 *dependency case is required for that application. When*  
27 *appropriate, for a nonminor dependent, the case plan shall include*  
28 *a written description of the program and services that will help*  
29 *the nonminor dependent, consistent with the his or her best*  
30 *interests, to prepare for transition from foster care and assist the*  
31 *youth in meeting the eligibility criteria set forth in Section 11403.*  
32 *If applicable, the case plan shall describe the individualized*  
33 *supervision provided in the supervised independent living setting*  
34 *as defined, in subdivision (w) of Section 11400.* The case plan shall  
35 be developed with the child *or nonminor dependent* and individuals  
36 identified as important to the child, *or nonminor dependent*, and  
37 shall include steps the agency is taking to ensure that the child *or*  
38 *nonminor dependent* has a connection to a caring adult.

39 (g) If the court finds, after considering the case plan, that  
40 unsupervised sibling visitation is appropriate and has been



1 consented to, the court shall order that the child or the child's  
2 siblings, the child's current caregiver, and the child's prospective  
3 adoptive parents, if applicable, be provided with information  
4 necessary to accomplish this visitation. This section does not  
5 require or prohibit the social worker's facilitation, transportation,  
6 or supervision of visits between the child and his or her siblings.

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

11 (i) When a child who is 10 years of age or older and who has  
12 been in out-of-home placement for six months or longer, the case  
13 plan shall include an identification of individuals, other than the  
14 child's siblings, who are important to the child and actions  
15 necessary to maintain the child's relationship with those  
16 individuals, provided that those relationships are in the best interest  
17 of the child. The social worker shall ask every child who is 10  
18 years of age or older and who has been in out-of-home placement  
19 for six months or longer to identify individuals other than the  
20 child's siblings who are important to the child, and may ask any  
21 other child to provide that information, as appropriate. The social  
22 worker shall make efforts to identify other individuals who are  
23 important to the child, consistent with the child's best interests.

24 (j) The child's caregiver shall be provided a copy of a plan  
25 outlining the child's needs and services.

26 (k) On or before June 30, 2008, the department, in consultation  
27 with the County Welfare Directors Association and other  
28 advocates, shall develop a comprehensive plan to ensure that 90  
29 percent of foster children are visited by their caseworkers on a  
30 monthly basis by October 1, 2011, and that the majority of the  
31 visits occur in the residence of the child. The plan shall include  
32 any data reporting requirements necessary to comply with the  
33 provisions of the federal Child and Family Services Improvement  
34 Act of 2006 (Public Law 109-288).

35 (l) The implementation and operation of the amendments to  
36 subdivision (i) enacted at the 2005-06 Regular Session shall be  
37 subject to appropriation through the budget process and by phase,  
38 as provided in Section 366.35.

39 *SEC. 43. Section 16501.25 of the Welfare and Institutions Code*  
40 *is amended to read:*

1 16501.25. (a) For the purposes of this section, “teen parent”  
2 means a child who has been adjudged to be a dependent child or  
3 ward of the court on the grounds that he or she is a person described  
4 under Section 300 or Section 602, or a ward of a nonrelated legal  
5 guardian whose guardianship was established pursuant to Section  
6 366.26 or 360, living in out-of-home placement in a whole family  
7 foster home, as defined in subdivision (u) of Section 11400, who  
8 is a parent. *Commencing October 1, 2010, “teen parent” also*  
9 *means a nonminor dependent, as defined in subdivision (v) of*  
10 *Section 11400, is living in a whole family foster home, as defined*  
11 *in subdivision (t) of Section 11400, and is eligible for AFDC-FC*  
12 *or Kin-GAP payments pursuant to Section 11403.*

13 (b) (1) When the child of a teen parent is not subject to the  
14 jurisdiction of the dependency court but is in the full or partial  
15 physical custody of the teen parent, a written shared responsibility  
16 plan shall be developed. The plan shall be developed between the  
17 teen parent, caregiver, and a representative of the county child  
18 welfare agency or probation department, and in the case of a  
19 certified home, a representative of the agency providing direct and  
20 immediate supervision to the caregiver. Additional input may be  
21 provided by any individuals identified by the teen parent, the other  
22 parent of the child, if appropriate, and other extended family  
23 members. The plan shall be developed as soon as is practicably  
24 possible. However, if one or more of the above stakeholders are  
25 not available to participate in the creation of the plan within the  
26 first 30 days of the teen parent’s placement, the teen parent and  
27 caregiver may enter into a plan for the purposes of fulfilling the  
28 requirements of paragraph (2) of subdivision (d) of Section 11465,  
29 which may be modified at a later time when the other individuals  
30 become available.

31 (2) The plan shall be designed to preserve and strengthen the  
32 teen parent family unit, as described in Section 16002.5, to assist  
33 the teen parent in meeting the goals outlined in Section 16002.5,  
34 to facilitate a supportive home environment for the teen parent and  
35 the child, and to ultimately enable the teen parent to independently  
36 provide a safe, stable, and permanent home for the child. The plan  
37 shall in no way limit the teen parent’s legal right to make decisions  
38 regarding the care, custody, and control of the child.

39 (3) The plan shall be written for the express purpose of aiding  
40 the teen parent and the caregiver to reach agreements aimed at

1 reducing conflict and misunderstandings. The plan shall outline,  
2 with as much specificity as is practicable, the duties, rights, and  
3 responsibilities of both the teen parent and the caregiver with regard  
4 to the child, and identify supportive services to be offered to the  
5 teen parent by the caregiver or, in the case of a certified home, the  
6 agency providing direct and immediate supervision to the caregiver,  
7 or both. The plan shall be updated, as needed, to account for the  
8 changing needs of infants and toddlers, and in accordance with  
9 the teen parent’s changing school, employment, or other outside  
10 responsibilities. The plan shall not conflict with the teen parent’s  
11 case plan. Areas to be addressed by the plan include, but are not  
12 limited to, all of the following:

13 (A) Feeding.

14 (B) Clothing.

15 (C) Hygiene.

16 (D) Purchase of necessary items, including, but not limited to,  
17 safety items, food, clothing, and developmentally appropriate toys  
18 and books. This includes both one-time purchases and items needed  
19 on an ongoing basis.

20 (E) Health care.

21 (F) Transportation to health care appointments, child care, and  
22 school, as appropriate.

23 (G) Provision of child care and babysitting.

24 (H) Discipline.

25 (I) Sleeping arrangements.

26 (J) Visits among the child, his or her noncustodial parent, and  
27 other appropriate family members, including the responsibilities  
28 of the teen parent, the caregiver, and the foster family agency, as  
29 appropriate, for facilitating the visitation. The shared responsibility  
30 plan shall not conflict with the teen parent’s case plan and any  
31 visitation orders made by the court.

32 (c) Upon completion of the shared responsibility plan and any  
33 subsequent updates to the plan, a copy shall be provided to the  
34 teen parent and his or her attorney, the caregiver, the county child  
35 welfare agency or probation department and, in the case of a  
36 certified home, the agency providing direct and immediate  
37 supervision to the caregiver.

38 (d) The shared responsibility plan requirements shall no longer  
39 apply when the two hundred dollar (\$200) monthly payment is  
40 made under the Kin-GAP program *pursuant to Article 4.5*

1 (*commencing with Section 11360*) of Chapter 2 of Part 3 to a  
2 former whole family foster home pursuant to subdivision (a) of  
3 Section 11465.

4 *SEC. 44. Section 16503 of the Welfare and Institutions Code*  
5 *is amended to read:*

6 16503. (a) Subsequent to completion of the hearing conducted  
7 pursuant to Section ~~366.25~~ or 366.26, the agency responsible for  
8 placement and care of a minor, as defined in subdivision ~~(e)~~ (k) of  
9 Section 11400, shall ensure that a child in foster care shall receive  
10 administrative reviews periodically but no less frequently than  
11 once every six months. The administrative review shall determine  
12 the appropriateness of the placement, the continuing  
13 appropriateness and extent of compliance with the permanent plan  
14 for the child, the extent of compliance with the case plan, and  
15 adequacy of services provided to the child.

16 (b) The term “administrative review” means a review open to  
17 the participation of the parents of a child in foster care conducted  
18 by a panel of appropriate persons at least one of whom is not  
19 responsible for the case management of, or the delivery of services  
20 to either the child or the parents who are the subject of the review.

21 (c) The department shall develop and implement regulations  
22 establishing processes, procedures and standards for the conduct  
23 of administrative reviews that conform to Section 675.6 of Title  
24 42 of the United States Code.

25 (d) The requirements of this section shall not be interpreted as  
26 requiring duplicate concurrent court and administrative reviews.

27 *SEC. 45. Section 16508 of the Welfare and Institutions Code*  
28 *is amended to read:*

29 16508. Permanent placement services shall be provided or  
30 arranged for by county welfare department staff for children who  
31 cannot safely live with their parents and are not likely to return to  
32 their own homes. Permanent placement services shall be available  
33 without regard to income to the following children:

34 (a) Children judged dependent under Section 300 where a review  
35 has determined that reunification, adoption, or guardianship is  
36 inappropriate.

37 (b) Recipients of public assistance under *the* nonfederally funded  
38 Aid to Families with Dependent Children ~~programs~~ *Foster Care*  
39 *program* who are wards of a legal guardian pursuant to Section

1 11405, where a review has determined that reunification or  
2 adoption is inappropriate.

3 (c) *Nonminor dependents, as defined in subdivision (v) of Section*  
4 *11400, who are receiving AFDC-FC pursuant to Section 11403.*

5 ~~SEC. 5.~~

6 *SEC. 46.* No appropriation pursuant to Section 15200 of the  
7 Welfare and Institutions Code shall be made for the purpose of  
8 implementing this act.

9 *SEC. 47.* *No reimbursement is required by this act pursuant*  
10 *to Section 6 of Article XIII B of the California Constitution for*  
11 *certain costs that may be incurred by a local agency or school*  
12 *district because, in that regard, this act creates a new crime or*  
13 *infraction, eliminates a crime or infraction, or changes the penalty*  
14 *for a crime or infraction, within the meaning of Section 17556 of*  
15 *the Government Code, or changes the definition of a crime within*  
16 *the meaning of Section 6 of Article XIII B of the California*  
17 *Constitution.*

18 *However, if the Commission on State Mandates determines that*  
19 *this act contains other costs mandated by the state, reimbursement*  
20 *to local agencies and school districts for those costs shall be made*  
21 *pursuant to Part 7 (commencing with Section 17500) of Division*  
22 *4 of Title 2 of the Government Code.*

23 ~~SEC. 6.~~ ~~If the Commission on State Mandates determines that~~  
24 ~~this act contains costs mandated by the state, reimbursement to~~  
25 ~~local agencies and school districts for those costs shall be made~~  
26 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
27 ~~4 of Title 2 of the Government Code.~~