

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Annotated California Codes
Welfare and Institutions Code (Refs & Annos)
Division 9. Public Social Services (Refs & Annos)
Part 3. Aid and Medical Assistance (Refs & Annos)
Chapter 2. California Work Opportunity and Responsibility to Kids Act (Refs & Annos)
Article 5. Aid to Families with Dependent Children--Foster Care (Refs & Annos)

West's Ann.Cal.Welf. & Inst.Code § 11400

§ 11400. Definitions

Effective: January 1, 2021

[Currentness](#)

For purposes of this article, and Article 6 (commencing with [Section 11450](#)), the following definitions shall apply:

- (a) “Aid to Families with Dependent Children-Foster Care (AFDC-FC)” means the aid provided on behalf of needy children in foster care under the terms of this division.
- (b) “Case plan” means a written document that, at a minimum, specifies the type of home in which the child shall be placed, the safety of that home, and the appropriateness of that home to meet the child's needs. It shall also include the agency's plan for ensuring that the child receive proper care and protection in a safe environment, and shall set forth the appropriate services to be provided to the child, the child's family, and the foster parents, in order to meet the child's needs while in foster care, and to reunify the child with the child's family. In addition, the plan shall specify the services that will be provided or steps that will be taken to facilitate an alternate permanent plan if reunification is not possible.
- (c) “Certified family home” means an individual or family certified by a licensed foster family agency and issued a certificate of approval by that agency as meeting licensing standards, and used exclusively by that foster family agency for placements.
- (d) “Family home” means the family residence of a licensee in which 24-hour care and supervision are provided for children.
- (e) “Small family home” means any residential facility, in the licensee's family residence, which provides 24-hour care for six or fewer foster children who have mental disorders or developmental or physical disabilities and who require special care and supervision as a result of their disabilities.
- (f) “Foster care” means the 24-hour out-of-home care provided to children whose own families are unable or unwilling to care for them, and who are in need of temporary or long-term substitute parenting.

(g) “Foster family agency” means a licensed community care facility, as defined in [paragraph \(4\) of subdivision \(a\) of Section 1502 of the Health and Safety Code](#). Private foster family agencies shall be organized and operated on a nonprofit basis.

(h) “Group home” means a nondetention privately operated residential home, organized and operated on a nonprofit basis only, of any capacity, or a nondetention licensed residential care home operated by the County of San Mateo with a capacity of up to 25 beds, that accepts children in need of care and supervision in a group home, as defined by [paragraph \(13\) of subdivision \(a\) of Section 1502 of the Health and Safety Code](#).

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

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

(k) “Placement and care” refers to the responsibility for the welfare of a child vested in an agency or organization by virtue of the agency or organization having (1) been delegated care, custody, and control of a child by the juvenile court, (2) taken responsibility, pursuant to a relinquishment or termination of parental rights on a child, (3) taken the responsibility of supervising a child detained by the juvenile court pursuant to [Section 319 or 636](#), or (4) signed a voluntary placement agreement for the child's placement; or to the responsibility designated to an individual by virtue of the individual being appointed the child's legal guardian.

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

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

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

(o) “Voluntary placement” means an out-of-home placement of a child by (1) the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to [Section 10553.1](#), after the parents or guardians have requested the assistance of the county welfare department and have signed a voluntary placement agreement, or (2) the county welfare department licensed public or private adoption agency, or the department acting as an adoption agency, after the parents have requested the assistance of either the county welfare department, the licensed public or private adoption agency, or the department acting as an adoption agency for the purpose of adoption planning, and have signed a voluntary placement agreement.

(p) “Voluntary placement agreement” means a written agreement between either the county welfare department, probation department, or Indian tribe that has entered into an agreement pursuant to [Section 10553.1](#), licensed public or private adoption

agency, or the department acting as an adoption agency, and the parents or guardians of a child that specifies, at a minimum, the following:

(1) The legal status of the child.

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

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

(r)(1) “Transitional housing placement provider” means an organization licensed by the State Department of Social Services pursuant to [Section 1559.110 of the Health and Safety Code](#) to provide supervised transitional housing services to foster children who are at least 16 years of age. A transitional housing placement provider shall be privately operated and organized on a nonprofit basis.

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

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

(t) “Whole family foster home” means a resource family, licensed foster family home, approved relative caregiver or nonrelative extended family member's home, the home of a nonrelated legal guardian whose guardianship was established pursuant to [Section 360](#) or [366.26](#), certified family home, or a host family of a transitional housing placement provider, that provides foster care for a minor or nonminor dependent parent and their child, and is specifically recruited and trained to assist the minor or nonminor dependent parent in developing the skills necessary to provide a safe, stable, and permanent home for the child. The child of the minor or nonminor dependent parent need not be the subject of a petition filed pursuant to [Section 300](#) to qualify for placement in a whole family foster home.

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

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

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

(3) An agreement, as described in paragraph (1), between a nonminor former dependent or ward in receipt of AFDC-FC payments under [subdivision \(e\) or \(f\) of Section 11405](#) and the agency responsible for the AFDC-FC benefits, provided that the nonminor former dependent or ward described in [subdivision \(e\) of Section 11405](#) satisfies one or more of the conditions described in [paragraphs \(1\) to \(5\), inclusive, of subdivision \(b\) of Section 11403](#), and the nonminor described in [subdivision \(f\) of Section 11405](#) satisfies the secondary school or equivalent training or certificate program conditions described in that subdivision.

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

(1) The nonminor dependent has attained 18 years of age while under an order of foster care placement by the juvenile court, and is not more than 19 years of age on or after January 1, 2012, not more than 20 years of age on or after January 1, 2013, or not more than 21 years of age on or after January 1, 2014, and as described in [Section 10103.5](#).

(2) The nonminor dependent is in foster care under the placement and care responsibility of the county welfare department, county probation department, Indian tribe, consortium of tribes, or tribal organization that entered into an agreement pursuant to [Section 10553.1](#).

(3) The nonminor dependent has a transitional independent living case plan pursuant to Section 475(8) of the federal Social Security Act ([42 U.S.C. Sec. 675\(8\)](#)), as contained in the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 ([Public Law 110-351](#)),¹ as described in [Section 11403](#).

(w) “Supervised independent living placement” means, on and after January 1, 2012, an independent supervised setting in which the nonminor dependent is living independently, pursuant to Section 472(c) of the federal Social Security Act ([42 U.S.C. Sec. 672\(c\)](#)).

(x) “Supervised independent living setting,” pursuant to Section 472(c) of the federal Social Security Act ([42 U.S.C. Sec. 672\(c\)](#)), includes all of the following:

(1) A supervised independent living placement, as defined in subdivision (w), and as specified in a nonminor dependent's transitional independent living case plan.

(2) A residential housing unit certified by the transitional housing placement provider operating a Transitional Housing Placement program for nonminor dependents, as described in [paragraph \(2\) of subdivision \(a\) of Section 16522.1](#).

(3) A transitional living setting approved by the county to support youth who are entering or reentering foster care or transitioning between placements. The short-term independent living setting shall not include a youth homelessness prevention center or an adult homeless shelter. A transitional living setting approved by the county for purposes of this paragraph is not subject to licensing pursuant to [paragraph \(4\) of subdivision \(l\) of Section 1505 of the Health and Safety Code](#).

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

(z) “Voluntary reentry agreement” means a written voluntary agreement between a former dependent child or ward or a former nonminor dependent, who has had juvenile court jurisdiction terminated pursuant to [Section 391, 452, or 607.2](#), and the county welfare or probation department or tribal placing entity that documents the nonminor's desire and willingness to reenter foster care, to be placed in a supervised setting under the placement and care responsibility of the placing agency, the nonminor's desire, willingness, and ability to immediately participate in one or more of the conditions of [paragraphs \(1\) to \(5\), inclusive, of subdivision \(b\) of Section 11403](#), the nonminor's agreement to work collaboratively with the placing agency to develop their transitional independent living case plan within 60 days of reentry, the nonminor's agreement to report any changes of circumstances relevant to continued eligibility for foster care payments, and (1) the nonminor's agreement to participate in the filing of a petition for juvenile court jurisdiction as a nonminor dependent pursuant to [subdivision \(e\) of Section 388](#) within 15 judicial days of the signing of the agreement and the placing agency's efforts and supportive services to assist the nonminor in the reentry process, or (2) if the nonminor meets the definition of a nonminor former dependent or ward, as described in subdivision (aa), the nonminor's agreement to return to the care and support of their former juvenile court-appointed guardian and meet the eligibility criteria for AFDC-FC pursuant to [subdivision \(e\) of Section 11405](#).

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

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

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

(ab) “Youth homelessness prevention center” means a type of group home, as defined in paragraph (14) of [subdivision \(a\) of Section 1502 of the Health and Safety Code](#), that is not an eligible placement option under [Sections 319, 361.2, 450, and 727](#), and that is not eligible for AFDC-FC funding pursuant to [subdivision \(c\) of Section 11402](#) or [Section 11462](#).

(ac) “Transition dependent” is a minor between 17 years and five months and 18 years of age who is subject to the court's transition jurisdiction under [Section 450](#).

(ad) “Short-term residential therapeutic program” means a nondetention, licensed community care facility, as defined in paragraph (18) of [subdivision \(a\) of Section 1502 of the Health and Safety Code](#), that provides an integrated program of specialized and intensive care and supervision, services and supports, and treatment for the child or youth, when the child's or youth's case plan specifies the need for, nature of, and anticipated duration of this specialized treatment. Short-term residential therapeutic programs shall be organized and operated on a nonprofit basis.

(ae) “Resource family” means an approved caregiver, as defined in [subdivision \(c\) of Section 16519.5](#).

(af) “Core Services” mean services, made available to children, youth, and nonminor dependents either directly or secured through agreement with other agencies, which are trauma informed and culturally relevant as specified in [Sections 11462 and 11463](#).

Credits

(Added by [Stats.2004, c. 664 \(S.B.855\)](#), § 7, operative Jan. 1, 2008. Amended by [Stats.2005, c. 268 \(S.B.679\)](#), § 2, operative Jan. 1, 2008; [Stats.2005, c. 630 \(S.B.500\)](#), § 4.5, operative Jan. 1, 2008; [Stats.2007, c. 475 \(S.B.720\)](#), § 2, operative Jan. 1, 2008; [Stats.2010, c. 559 \(A.B.12\)](#), § 38; [Stats.2011, c. 459 \(A.B.212\)](#), § 29, eff. Oct. 4, 2011; [Stats.2012, c. 35 \(S.B.1013\)](#), § 79, eff. June 27, 2012; [Stats.2012, c. 846 \(A.B.1712\)](#), § 41; [Stats.2013, c. 485 \(A.B.346\)](#), § 7; [Stats.2013, c. 487 \(A.B.787\)](#), § 6.5; [Stats.2014, c. 71 \(S.B.1304\)](#), § 191, eff. Jan. 1, 2015; [Stats.2015, c. 773 \(A.B.403\)](#), § 64, eff. Jan. 1, 2016; [Stats.2016, c. 612 \(A.B.1997\)](#), § 84, eff. Jan. 1, 2017; [Stats.2017, c. 731 \(S.B.612\)](#), § 7, eff. Jan. 1, 2018; [Stats.2017, c. 732 \(A.B.404\)](#), § 60.5, eff. Jan. 1, 2018; [Stats.2019, c. 341 \(A.B.1235\)](#), § 16, eff. Jan. 1, 2020; [Stats.2020, c. 141 \(A.B.1979\)](#), § 2, eff. Jan. 1, 2021.)

[Notes of Decisions \(16\)](#)

Footnotes

¹ For public law sections classified to the U.S.C.A., see USCA-Tables.
West's Ann. Cal. Welf. & Inst. Code § 11400, CA WEL & INST § 11400
Current with urgency legislation through Ch. 83 of 2021 Reg.Sess