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AB-2830 County agencies: interns and student assistants: hiring preference. (2017-2018)

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Assembly Bill No. 2830

CHAPTER 878

An act to add Section 31000.11 to the Government Code, and to amend Section 391 of the Welfare and Institutions Code, relating to public employees.

[Approved by Governor September 28, 2018. Filed with Secretary of State September 28, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2830, Reyes. County agencies: interns and student assistants: hiring preference.

Existing law authorizes state and local agencies to establish procedures governing employment within their respective jurisdictions, subject to applicable civil service rules. Existing law requires state agencies, when hiring for internships and student assistant positions, to give preference to a qualified applicant who is, or has been, a dependent child in foster care, a homeless youth, or a formerly incarcerated youth. Existing law requires the preference to be granted to applicants up to 26 years of age and requires county welfare departments, in connection with termination of dependency proceedings, to provide dependent children with information notifying them that they may be eligible for this preference.

This bill would similarly require each county to develop a hiring preference program for disadvantaged groups, as defined, when hiring for internship and student assistant positions. The bill would also require county welfare departments to notify dependent children, who are subject to termination of dependency proceedings, that they may be eligible for the program. By imposing new duties on counties, the bill would create 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 the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 31000.11 is added to the Government Code, to read:

31000.11. (a) Each county shall develop a program that gives a preference to qualified applicants who are members of a disadvantaged group for the hiring of internship and student positions. The county shall determine the criteria for county agencies to participate in the program in accordance with this section.

(b) Any application for an internship or student assistant position with a county agency participating in the hiring preference program shall allow the applicant to identify that the applicant is eligible for a preference under this section, but the application shall not require the applicant to identify the specific category that entitles him or her for eligibility.

(c) The preferred selection process shall include an assessment of the applicant's ability to perform the duties of the desired position.

(d) For the purpose of this section, the following terms apply:

(1) "Disadvantaged groups" includes, but is not limited to, foster youth, homeless youth, formerly homeless youth, and formerly incarcerated youth.

(2) "Foster youth" means any individual who meets, or has ever met, either of the following criteria:

(A) A child who was the subject of a petition filed pursuant to Section 300 of the Welfare and Institutions Code and was removed from his or her home by the juvenile court pursuant to Section 319 or 361 of the Welfare and Institutions Code.

(B) A child who was the subject of a petition filed pursuant to Section 602 of the Welfare and Institutions Code and was removed from his or her home by the juvenile court pursuant to Section 727 of the Welfare and Institutions Code.

(3) "Homeless youth" means an applicant up to 26 years of age who has been verified as a homeless child or youth, as defined in subsection (2) of Section 725 of the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), by a homeless services provider, as defined in paragraph (3) of subdivision (d) of Section 103577 of the Health and Safety Code.

(4) "Formerly homeless youth" means an individual up to 26 years of age who was previously a homeless youth.

(5) "Formerly incarcerated youth" means an individual who has been sentenced to be incarcerated in, or in the custody of, the Division of Adult Operations in the Department of Corrections and Rehabilitation, Division of Juvenile Justice in the Department of Corrections and Rehabilitation, or county jail and released from that incarceration or custody before the individual attained 21 years of age.

(6) "Preference" means priority over similarly qualified applicants for placement in the position.

(e) Nothing in this section creates a right to, or hiring preference for, a permanent civil service position.

(f) This section shall not apply to a charter county.

SEC. 2. Section 391 of the Welfare and Institutions Code is amended to read:

391. (a) The dependency court shall not terminate jurisdiction over a nonminor unless a hearing is conducted pursuant to this section.

(b) At any hearing for a nonminor at which the court is considering termination of the jurisdiction of the juvenile court, the county welfare department shall do all of the following:

(1) Ensure that the dependent nonminor is present in court, unless the nonminor does not wish to appear in court, and elects a telephonic appearance, or document reasonable efforts made by the county welfare department to locate the nonminor when the nonminor is not available.

(2) Submit a report describing whether it is in the nonminor's best interests to remain under the court's dependency jurisdiction, which includes a recommended transitional independent living case plan for the nonminor when the report describes continuing dependency jurisdiction as being in the nonminor's best interest.

(3) If the county welfare department recommends termination of the court's dependency jurisdiction, submit documentation of the reasonable efforts made by the department to provide the nonminor with the assistance needed to meet or maintain eligibility as a nonminor dependent, as defined in paragraphs (1) to (5), inclusive, of subdivision (b) of Section 11403.

(4) If the nonminor has indicated that he or she does not want dependency jurisdiction to continue, the report shall address the manner in which the nonminor was advised of his or her options, including the benefits of remaining in foster care, and of his or her right to reenter foster care and to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction prior to attaining 21 years of age.

(c) (1) The court shall continue dependency jurisdiction over a nonminor who meets the definition of a nonminor dependent as described in subdivision (v) of Section 11400 unless the court finds either of the following:

(A) That the nonminor does not wish to remain subject to dependency jurisdiction.

(B) That the nonminor is not participating in a reasonable and appropriate transitional independent living case plan.

(2) In making the findings pursuant to paragraph (1), the court shall also find that the nonminor has been informed of his or her options including the benefits of remaining in foster care and the right to reenter foster care by filing a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction and by completing a voluntary reentry agreement pursuant to subdivision (z) of Section 11400, and has had an opportunity to confer with his or her counsel if counsel has been appointed pursuant to Section 317.

(d) (1) The court may terminate its jurisdiction over a nonminor if the court finds after reasonable and documented efforts the nonminor cannot be located.

(2) When terminating dependency jurisdiction, the court shall maintain general jurisdiction over the nonminor to allow for the filing of a petition to resume dependency jurisdiction under subdivision (e) of Section 388 until the nonminor attains 21 years of age, although no review proceedings shall be required. A nonminor may petition the court pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction at any time before attaining 21 years of age.

(e) The court shall not terminate dependency jurisdiction over a nonminor who has attained 18 years of age until a hearing is conducted pursuant to this section and the department has submitted a report verifying that the following information, documents, and services have been provided to the nonminor, or in the case of a nonminor who, after reasonable efforts by the county welfare department, cannot be located, verifying the efforts made to make the following available to the nonminor:

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

(2) The following documents:

(A) Social security card.

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

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

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

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

(i) The nonminor's name and date of birth.

(ii) The dates during which the nonminor was within the jurisdiction of the juvenile court.

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

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

(G) If applicable, proof of the nonminor's citizenship or legal residence.

(H) An advance health care directive form.

(I) The Judicial Council form that the nonminor would use to file a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.

(J) The written 90-day transition plan prepared pursuant to Section 16501.1.

(K) Written verification that the eligible nonminor is enrolled in Medi-Cal and the nonminor's Medi-Cal Benefits Identification Card.

(3) Continued and uninterrupted enrollment in Medi-Cal for eligible nonminors pursuant to Section 14005.28 or 14005.285.

(4) Referrals to transitional housing, if available, or assistance in securing other housing.

(5) Assistance in obtaining employment or other financial support.

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

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

(8) For nonminors between 18 and 21 years of age, assistance in accessing the Independent Living Aftercare Program in the nonminor's county of residence, and, upon the nonminor's request, assistance in completing a voluntary reentry agreement for care and placement pursuant to subdivision (z) of Section 11400 and in filing a petition pursuant to subdivision (e) of Section 388 to resume dependency jurisdiction.

(9) Written information notifying the child that current or former dependent children who are or have been in foster care are granted a preference for student assistant or internship positions with state agencies pursuant to Section 18220 of the Government Code or participating county agencies pursuant to Section 31000.11 of the Government Code. The preference shall be granted to applicants up to 26 years of age.

(f) At the hearing closest to and before a dependent minor's 18th birthday and every review hearing thereafter for nonminors, the department shall submit a report describing efforts toward completing the items described in paragraph (2) of subdivision (e).

(g) The Judicial Council shall develop and implement standards, and develop and adopt appropriate forms necessary to implement this provision.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.