



ASSEMBLYWOMAN

Blanca E. Rubio

DISTRICT 48

AB 373 (B. Rubio): Client Directed Representation for Nonminor Dependents

SUMMARY

Assembly Bill 373 seeks to amend California Welfare and Institutions Code ("WIC") Section 317(e) to clarify that when counsel is appointed to represent a nonminor dependent, the counsel's primary responsibility is to represent the **stated** wishes of the nonminor dependent, rather than advocating for their best interests, disregarding the nonminor dependent's request.

BACKGROUND

In California, nonminor dependents are individuals who have reached the age of majority (18 years or older) but are still receiving services from the foster care system under the jurisdiction of the court. Under current law, Section 317(e) of the Welfare and Institutions Code outlines the appointment of counsel for children and nonminor dependents in dependency proceedings.

PROBLEM

Under current law, counsel appointed to represent a minor in dependency proceedings are expected to advocate for the minor's best interests. However, applying this standard to nonminor dependents effectively usurps the rights they have in all other legal proceedings as adults. While nonminor dependents have greater autonomy and the ability to express their wishes about court proceedings, currently, counsel are still able to substitute their judgment and act according to what is perceived to be in the nonminor dependent's best interest.

SOLUTION

AB 373 will ensure that the legal rights of nonminor dependents are fully respected by clarifying the responsibility of appointed counsel to represent the expressed wishes of the nonminor. By providing this clarity, California can support the independence and decision-making of nonminor dependents while ensuring they receive the legal advocacy they deserve.

Clarification of Counsel's Role:

The bill amends Section 317(e) to specify that when counsel is appointed for a nonminor dependent, counsel must advocate for the nonminor's expressed wishes.

Nonminor Autonomy:

This bill reaffirms the rights of nonminor dependents to have an active role in their legal proceedings, including decisions about housing, education, and employment, and ensures that their voices are heard in court.

Minors and Nonminor Distinction:

The bill makes a clear distinction between minors and nonminor dependents regarding the role of appointed counsel. For minors, counsel will still be able to advocate for their best interests, while for nonminors, the focus will be on representing their expressed wishes.

SUPPORT

California Youth Connection (Co-Sponsor)
Children's Law Center of California (Co-Sponsor)

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