

AMENDED IN ASSEMBLY APRIL 21, 2014

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2035**

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**Introduced by Assembly Member Chesbro**

February 20, 2014

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An act to amend ~~Section 6217 of the Public Resources Code, relating to state lands~~. Sections 1522.41 and 1529.2 of the Health and Safety Code, and to amend Sections 300, 16003, and 16540 of, and to add Chapter 4 (commencing with Section 2200) to Division 2.5 of, the Welfare and Institutions Code, relating to minors.

LEGISLATIVE COUNSEL'S DIGEST

AB 2035, as amended, Chesbro. ~~State lands: revenue. Sexually exploited and trafficked minors.~~

*Existing law provides that a child may come within the jurisdiction of the juvenile court and become a dependent child of the court in certain cases, including when the child is abused, a parent or guardian fails to adequately supervise or protect the child, as specified, or a parent or guardian fails to provide the child with adequate food, clothing, shelter, or medical treatment.*

*This bill, in addition, would provide that a minor may come within the jurisdiction of the juvenile court and become a dependent child of the court if the minor is a victim of human trafficking or sexual exploitation, or received food or shelter in exchange for, or was paid to perform, sexual acts, and the parent or guardian failed or was unable to protect the child.*

*This bill would enact the State Plan to Serve and Protect Sexually Exploited and Trafficked Minors, and would require the California Health and Human Services Agency to, no later than January 30, 2015,*

*convene an interagency workgroup, as prescribed, to develop the plan. The bill would require the plan to include, among other things, at a minimum, an evaluation of juvenile court jurisdiction pertaining to child trafficking, and the identification of training needs for child welfare staff, law enforcement, and probation staff regarding child trafficking response protocols. The bill would require the workgroup to submit the plan to the Legislature, Judicial Council, and Governor no later than January 30, 2016.*

*Existing law establishes the California Child Welfare Council, which serves as the advisory body responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems.*

*This bill would require the California Child Welfare Council to provide recommendations and updates to the State Plan to Serve and Protect Sexually Exploited and Trafficked Minors.*

*Existing law, the California Community Care Facilities Act, requires the State Department of Social Services to license and regulate community care facilities, including foster family agencies and other facilities that provide foster care services for children. Existing law requires the department to develop, and an administrator of a group home facility to complete, a certification program that includes training in various areas. Existing law requires a foster family agency to provide, and a licensed foster parent to complete, prescribed preplacement training and additional annual training. Existing law requires a community college district with a foster care education program to make orientation and training available to a relative or nonrelative extended family member caregiver of a foster child, as specified.*

*This bill would require the training for an administrator of a group home facility, licensed foster parent, or relative or nonrelative extended family member caregiver to include instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to a sexually exploited and trafficked minor in out-of-home care. By expanding the duties of community college districts, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,*

*reimbursement for those costs shall be made pursuant to these statutory provisions.*

~~Existing law requires the State Lands Commission to deposit in the General Fund all revenue, money, and remittances received by the commission, with the exception of revenue derived from state school lands and other specified sources. Existing law requires that the moneys be made available each fiscal year for specified purposes, including refunds, commission expenses, and payments to cities and counties.~~

~~This bill would require that an unspecified amount of those moneys be made available for deposit into the State Coastal Conservancy Fund, out of an appropriation for that purpose, for expenditure for the preservation and protection of coastal lands.~~

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

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

1     SECTION 1. Section 1522.41 of the Health and Safety Code  
2     is amended to read:

3     1522.41. (a) The director, in consultation and collaboration  
4     with county placement officials, group home provider  
5     organizations, the Director of Health Care Services, and the  
6     Director of Developmental Services, shall develop and establish  
7     a certification program to ensure that administrators of group home  
8     facilities have appropriate training to provide the care and services  
9     for which a license or certificate is issued.

10    (b) (1) In addition to any other requirements or qualifications  
11    required by the department, an administrator of a group home  
12    facility shall successfully complete a department-approved  
13    certification program, pursuant to subdivision (c), prior to  
14    employment. An administrator employed in a group home on the  
15    effective date of this section shall meet the requirements of  
16    paragraph (2) of subdivision (c).

17    (2) In those cases where the individual is both the licensee and  
18    the administrator of a facility, the individual shall comply with all  
19    of the licensee and administrator requirements of this section.

20    (3) Failure to comply with this section shall constitute cause for  
21    revocation of the license of the facility.

22    (4) The licensee shall notify the department within 10 days of  
23    any change in administrators.

1 (c) (1) The administrator certification programs shall require  
2 a minimum of 40 hours of classroom instruction that provides  
3 training on a uniform core of knowledge in each of the following  
4 areas:

5 (A) Laws, regulations, and policies and procedural standards  
6 that impact the operations of the type of facility for which the  
7 applicant will be an administrator.

8 (B) Business operations.

9 (C) Management and supervision of staff.

10 (D) Psychosocial and educational needs of the facility residents.

11 (E) Community and support services.

12 (F) Physical needs for facility residents.

13 (G) Administration, storage, misuse, and interaction of  
14 medication used by facility residents.

15 (H) Resident admission, retention, and assessment procedures,  
16 including the right of a foster child to have fair and equal access  
17 to all available services, placement, care, treatment, and benefits,  
18 and to not be subjected to discrimination or harassment on the  
19 basis of actual or perceived race, ethnic group identification,  
20 ancestry, national origin, color, religion, sex, sexual orientation,  
21 gender identity, mental or physical disability, or HIV status.

22 (I) Instruction on cultural competency and sensitivity relating  
23 to, and best practices for, providing adequate care to lesbian, gay,  
24 bisexual, and transgender youth in out-of-home care.

25 *(J) Instruction on cultural competency and sensitivity relating*  
26 *to, and best practices for, providing adequate care to a sexually*  
27 *exploited and trafficked minor in out-of-home care.*

28 ~~(J)~~

29 (K) Nonviolent emergency intervention and reporting  
30 requirements.

31 ~~(K)~~

32 (L) Basic instruction on the existing laws and procedures  
33 regarding the safety of foster youth at school and the ensuring of  
34 a harassment- and violence-free school environment contained in  
35 the School Safety and Violence Prevention Act (Article 3.6  
36 commencing with Section 32228) of Chapter 2 of Part 19 of  
37 Division 1 of Title 1 of the Education Code).

38 (2) The department shall adopt separate program requirements  
39 for initial certification for persons who are employed as group  
40 home administrators on the effective date of this section. A person

1 employed as an administrator of a group home facility on the  
2 effective date of this section shall obtain a certificate by completing  
3 the training and testing requirements imposed by the department  
4 within 12 months of the effective date of the regulations  
5 implementing this section. After the effective date of this section,  
6 these administrators shall meet the requirements imposed by the  
7 department on all other group home administrators for certificate  
8 renewal.

9 (3) Individuals applying for certification under this section shall  
10 successfully complete an approved certification program, pass a  
11 written test administered by the department within 60 days of  
12 completing the program, and submit to the department the  
13 documentation required by subdivision (d) within 30 days after  
14 being notified of having passed the test. The department may  
15 extend these time deadlines for good cause. The department shall  
16 notify the applicant of his or her test results within 30 days of  
17 administering the test.

18 (d) The department shall not begin the process of issuing a  
19 certificate until receipt of all of the following:

20 (1) A certificate of completion of the administrator training  
21 required pursuant to this chapter.

22 (2) The fee required for issuance of the certificate. A fee of one  
23 hundred dollars (\$100) shall be charged by the department to cover  
24 the costs of processing the application for certification.

25 (3) Documentation from the applicant that he or she has passed  
26 the written test.

27 (4) Submission of fingerprints pursuant to Section 1522. The  
28 department may waive the submission for those persons who have  
29 a current clearance on file.

30 (5) That person is at least 21 years of age.

31 (e) It shall be unlawful for any person not certified under this  
32 section to hold himself or herself out as a certified administrator  
33 of a group home facility. Any person willfully making any false  
34 representation as being a certified administrator or facility manager  
35 is guilty of a misdemeanor.

36 (f) (1) Certificates issued under this section shall be renewed  
37 every two years and renewal shall be conditional upon the  
38 certificate holder submitting documentation of completion of 40  
39 hours of continuing education related to the core of knowledge  
40 specified in subdivision (c). No more than one-half of the required

1 40 hours of continuing education necessary to renew the certificate  
2 may be satisfied through online courses. All other continuing  
3 education hours shall be completed in a classroom setting. For  
4 purposes of this section, an individual who is a group home facility  
5 administrator and who is required to complete the continuing  
6 education hours required by the regulations of the State Department  
7 of Developmental Services, and approved by the regional center,  
8 may have up to 24 of the required continuing education course  
9 hours credited toward the 40-hour continuing education  
10 requirement of this section. Community college course hours  
11 approved by the regional centers shall be accepted by the  
12 department for certification.

13 (2) Every administrator of a group home facility shall complete  
14 the continuing education requirements of this subdivision.

15 (3) Certificates issued under this section shall expire every two  
16 years on the anniversary date of the initial issuance of the  
17 certificate, except that any administrator receiving his or her initial  
18 certification on or after July 1, 1999, shall make an irrevocable  
19 election to have his or her recertification date for any subsequent  
20 recertification either on the date two years from the date of issuance  
21 of the certificate or on the individual's birthday during the second  
22 calendar year following certification. The department shall send  
23 a renewal notice to the certificate holder 90 days prior to the  
24 expiration date of the certificate. If the certificate is not renewed  
25 prior to its expiration date, reinstatement shall only be permitted  
26 after the certificate holder has paid a delinquency fee equal to three  
27 times the renewal fee and has provided evidence of completion of  
28 the continuing education required.

29 (4) To renew a certificate, the certificate holder shall, on or  
30 before the certificate expiration date, request renewal by submitting  
31 to the department documentation of completion of the required  
32 continuing education courses and pay the renewal fee of one  
33 hundred dollars (\$100), irrespective of receipt of the department's  
34 notification of the renewal. A renewal request postmarked on or  
35 before the expiration of the certificate shall be proof of compliance  
36 with this paragraph.

37 (5) A suspended or revoked certificate shall be subject to  
38 expiration as provided for in this section. If reinstatement of the  
39 certificate is approved by the department, the certificate holder,  
40 as a condition precedent to reinstatement, shall submit proof of

1 compliance with paragraphs (1) and (2) ~~of subdivision (f)~~, and  
2 shall pay a fee in an amount equal to the renewal fee, plus the  
3 delinquency fee, if any, accrued at the time of its revocation or  
4 suspension. Delinquency fees, if any, accrued subsequent to the  
5 time of its revocation or suspension and prior to an order for  
6 reinstatement, shall be waived for a period of 12 months to allow  
7 the individual sufficient time to complete the required continuing  
8 education units and to submit the required documentation.  
9 Individuals whose certificates will expire within 90 days after the  
10 order for reinstatement may be granted a three-month extension  
11 to renew their certificates during which time the delinquency fees  
12 shall not accrue.

13 (6) A certificate that is not renewed within four years after its  
14 expiration shall not be renewed, restored, reissued, or reinstated  
15 except upon completion of a certification training program, passing  
16 any test that may be required of an applicant for a new certificate  
17 at that time, and paying the appropriate fees provided for in this  
18 section.

19 (7) A fee of twenty-five dollars (\$25) shall be charged for the  
20 reissuance of a lost certificate.

21 (8) A certificate holder shall inform the department of his or  
22 her employment status and change of mailing address within 30  
23 days of any change.

24 (g) Unless otherwise ordered by the department, the certificate  
25 shall be considered forfeited under either of the following  
26 conditions:

27 (1) The department has revoked any license held by the  
28 administrator after the department issued the certificate.

29 (2) The department has issued an exclusion order against the  
30 administrator pursuant to Section 1558, 1568.092, 1569.58, or  
31 1596.8897, after the department issued the certificate, and the  
32 administrator did not appeal the exclusion order or, after the appeal,  
33 the department issued a decision and order that upheld the  
34 exclusion order.

35 (h) (1) The department, in consultation and collaboration with  
36 county placement officials, provider organizations, the State  
37 Department of Health Care Services, and the State Department of  
38 Developmental Services, shall establish, by regulation, the program  
39 content, the testing instrument, the process for approving  
40 certification training programs, and criteria to be used in

1 authorizing individuals, organizations, or educational institutions  
2 to conduct certification training programs and continuing education  
3 courses. The department may also grant continuing education hours  
4 for continuing courses offered by accredited educational institutions  
5 that are consistent with the requirements in this section. The  
6 department may deny vendor approval to any agency or person in  
7 any of the following circumstances:

8 (A) The applicant has not provided the department with evidence  
9 satisfactory to the department of the ability of the applicant to  
10 satisfy the requirements of vendorization set out in the regulations  
11 adopted by the department pursuant to subdivision (j).

12 (B) The applicant person or agency has a conflict of interest in  
13 that the person or agency places its clients in group home facilities.

14 (C) The applicant public or private agency has a conflict of  
15 interest in that the agency is mandated to place clients in group  
16 homes and to pay directly for the services. The department may  
17 deny vendorization to this type of agency only as long as there are  
18 other vendor programs available to conduct the certification  
19 training programs and conduct education courses.

20 (2) The department may authorize vendors to conduct the  
21 administrator's certification training program pursuant to this  
22 section. The department shall conduct the written test pursuant to  
23 regulations adopted by the department.

24 (3) The department shall prepare and maintain an updated list  
25 of approved training vendors.

26 (4) The department may inspect certification training programs  
27 and continuing education courses, including online courses, at no  
28 charge to the department, to determine if content and teaching  
29 methods comply with regulations. If the department determines  
30 that any vendor is not complying with the requirements of this  
31 section, the department shall take appropriate action to bring the  
32 program into compliance, which may include removing the vendor  
33 from the approved list.

34 (5) The department shall establish reasonable procedures and  
35 timeframes not to exceed 30 days for the approval of vendor  
36 training programs.

37 (6) The department may charge a reasonable fee, not to exceed  
38 one hundred fifty dollars (\$150) every two years, to certification  
39 program vendors for review and approval of the initial 40-hour  
40 training program pursuant to subdivision (c). The department may

1 also charge the vendor a fee, not to exceed one hundred dollars  
2 (\$100) every two years, for the review and approval of the  
3 continuing education courses needed for recertification pursuant  
4 to this subdivision.

5 (7) (A) A vendor of online programs for continuing education  
6 shall ensure that each online course contains all of the following:

7 (i) An interactive portion in which the participant receives  
8 feedback, through online communication, based on input from the  
9 participant.

10 (ii) Required use of a personal identification number or personal  
11 identification information to confirm the identity of the participant.

12 (iii) A final screen displaying a printable statement, to be signed  
13 by the participant, certifying that the identified participant  
14 completed the course. The vendor shall obtain a copy of the final  
15 screen statement with the original signature of the participant prior  
16 to the issuance of a certificate of completion. The signed statement  
17 of completion shall be maintained by the vendor for a period of  
18 three years and be available to the department upon demand. Any  
19 person who certifies as true any material matter pursuant to this  
20 clause that he or she knows to be false is guilty of a misdemeanor.

21 (B) Nothing in this subdivision shall prohibit the department  
22 from approving online programs for continuing education that do  
23 not meet the requirements of subparagraph (A) if the vendor  
24 demonstrates to the department's satisfaction that, through  
25 advanced technology, the course and the course delivery meet the  
26 requirements of this section.

27 (i) The department shall establish a registry for holders of  
28 certificates that shall include, at a minimum, information on  
29 employment status and criminal record clearance.

30 (j) Subdivisions (b) to (i), inclusive, shall be implemented upon  
31 regulations being adopted by the department, by January 1, 2000.

32 (k) Notwithstanding any provision of law to the contrary,  
33 vendors approved by the department who exclusively provide  
34 either initial or continuing education courses for certification of  
35 administrators of a group home facility as defined by regulations  
36 of the department, an adult residential facility as defined by  
37 regulations of the department, or a residential care facility for the  
38 elderly as defined in subdivision (k) of Section 1569.2, shall be  
39 regulated solely by the department pursuant to this chapter. No

1 other state or local governmental entity shall be responsible for  
2 regulating the activity of those vendors.

3 *SEC. 2. Section 1529.2 of the Health and Safety Code is*  
4 *amended to read:*

5 1529.2. (a) In addition to the foster parent training provided  
6 by community colleges, foster family agencies shall provide a  
7 program of training for their certified foster families.

8 (b) (1) Every licensed foster parent shall complete a minimum  
9 of 12 hours of foster parent training, as prescribed in paragraph  
10 (3), before the placement of any foster children with the foster  
11 parent. In addition, a foster parent shall complete a minimum of  
12 eight hours of foster parent training annually, as prescribed in  
13 paragraph (4). No child shall be placed in a foster family home  
14 unless these requirements are met by the persons in the home who  
15 are serving as the foster parents.

16 (2) (A) Upon the request of the foster parent for a hardship  
17 waiver from the postplacement training requirement or a request  
18 for an extension of the deadline, the county may, at its option, on  
19 a case-by-case basis, waive the postplacement training requirement  
20 or extend any established deadline for a period not to exceed one  
21 year, if the postplacement training requirement presents a severe  
22 and unavoidable obstacle to continuing as a foster parent. Obstacles  
23 for which a county may grant a hardship waiver or extension are:

- 24 (i) Lack of access to training due to the cost or travel required.
- 25 (ii) Family emergency.

26 (B) Before a waiver or extension may be granted, the foster  
27 parent should explore the opportunity of receiving training by  
28 video or written materials.

29 (3) The initial preplacement training shall include, but not be  
30 limited to, training courses that cover all of the following:

- 31 (A) An overview of the child protective system.
- 32 (B) The effects of child abuse and neglect on child development.
- 33 (C) Positive discipline and the importance of self-esteem.
- 34 (D) Health issues in foster care.
- 35 (E) Accessing education and health services available to foster  
36 children.

37 (F) The right of a foster child to have fair and equal access to  
38 all available services, placement, care, treatment, and benefits, and  
39 to not be subjected to discrimination or harassment on the basis  
40 of actual or perceived race, ethnic group identification, ancestry,

1 national origin, color, religion, sex, sexual orientation, gender  
2 identity, mental or physical disability, or HIV status.

3 (G) Instruction on cultural competency and sensitivity relating  
4 to, and best practices for, providing adequate care to lesbian, gay,  
5 bisexual, and transgender youth in out-of-home care.

6 (H) *Instruction on cultural competency and sensitivity relating*  
7 *to, and best practices for, providing adequate care to a sexually*  
8 *exploited and trafficked minor in out-of-home care.*

9 (H)

10 (I) Basic instruction on the existing laws and procedures  
11 regarding the safety of foster youth at school and the ensuring of  
12 a harassment and violence free school environment contained in  
13 the ~~California~~ Student Safety and Violence Prevention Act of 2000  
14 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
15 Part 19 of Division 1 of Title 1 of the Education Code).

16 (4) The postplacement annual training shall include, but not be  
17 limited to, training courses that cover all of the following:

18 (A) Age-appropriate child development.

19 (B) Health issues in foster care.

20 (C) Positive discipline and the importance of self-esteem.

21 (D) Emancipation and independent living skills if a foster parent  
22 is caring for youth.

23 (E) The right of a foster child to have fair and equal access to  
24 all available services, placement, care, treatment, and benefits, and  
25 to not be subjected to discrimination or harassment on the basis  
26 of actual or perceived race, ethnic group identification, ancestry,  
27 national origin, color, religion, sex, sexual orientation, gender  
28 identity, mental or physical disability, or HIV status.

29 (F) Instruction on cultural competency and sensitivity relating  
30 to, and best practices for, providing adequate care to lesbian, gay,  
31 bisexual, and transgender youth in out-of-home care.

32 (G) *Instruction on cultural competency and sensitivity relating*  
33 *to, and best practices for, providing adequate care to a sexually*  
34 *exploited and trafficked minor in out-of-home care.*

35 (5) Foster parent training may be attained through a variety of  
36 sources, including community colleges, counties, hospitals, foster  
37 parent associations, the California State Foster Parent Association's  
38 Conference, adult schools, and certified foster parent instructors.

39 (6) A candidate for placement of foster children shall submit a  
40 certificate of training to document completion of the training

1 requirements. The certificate shall be submitted with the initial  
2 consideration for placements and provided at the time of the annual  
3 visit by the licensing agency thereafter.

4 (c) Nothing in this section shall preclude a county from requiring  
5 county-provided preplacement or postplacement foster parent  
6 training in excess of the requirements in this section.

7 *SEC. 3. Section 300 of the Welfare and Institutions Code is*  
8 *amended to read:*

9 300. Any child who comes within any of the following  
10 descriptions is within the jurisdiction of the juvenile court which  
11 may adjudge that person to be a dependent child of the court:

12 (a) The child has suffered, or there is a substantial risk that the  
13 child will suffer, serious physical harm inflicted nonaccidentally  
14 upon the child by the child's parent or guardian. For the purposes  
15 of this subdivision, a court may find there is a substantial risk of  
16 serious future injury based on the manner in which a less serious  
17 injury was inflicted, a history of repeated inflictions of injuries on  
18 the child or the child's siblings, or a combination of these and other  
19 actions by the parent or guardian which indicate the child is at risk  
20 of serious physical harm. For purposes of this subdivision, "serious  
21 physical harm" does not include reasonable and age-appropriate  
22 spanking to the buttocks where there is no evidence of serious  
23 physical injury.

24 (b) The child has suffered, or there is a substantial risk that the  
25 child will suffer, serious physical harm or illness, as a result of the  
26 failure or inability of his or her parent or guardian to adequately  
27 supervise or protect the child, or the willful or negligent failure of  
28 the child's parent or guardian to adequately supervise or protect  
29 the child from the conduct of the custodian with whom the child  
30 has been left, or by the willful or negligent failure of the parent or  
31 guardian to provide the child with adequate food, clothing, shelter,  
32 or medical treatment, or by the inability of the parent or guardian  
33 to provide regular care for the child due to the parent's or  
34 guardian's mental illness, developmental disability, or substance  
35 abuse. No child shall be found to be a person described by this  
36 subdivision solely due to the lack of an emergency shelter for the  
37 family. Whenever it is alleged that a child comes within the  
38 jurisdiction of the court on the basis of the parent's or guardian's  
39 willful failure to provide adequate medical treatment or specific  
40 decision to provide spiritual treatment through prayer, the court

1 shall give deference to the parent’s or guardian’s medical treatment,  
2 nontreatment, or spiritual treatment through prayer alone in  
3 accordance with the tenets and practices of a recognized church  
4 or religious denomination, by an accredited practitioner thereof,  
5 and shall not assume jurisdiction unless necessary to protect the  
6 child from suffering serious physical harm or illness. In making  
7 its determination, the court shall consider (1) the nature of the  
8 treatment proposed by the parent or guardian, (2) the risks to the  
9 child posed by the course of treatment or nontreatment proposed  
10 by the parent or guardian, (3) the risk, if any, of the course of  
11 treatment being proposed by the petitioning agency, and (4) the  
12 likely success of the courses of treatment or nontreatment proposed  
13 by the parent or guardian and agency. The child shall continue to  
14 be a dependent child pursuant to this subdivision only so long as  
15 is necessary to protect the child from risk of suffering serious  
16 physical harm or illness.

17 (c) The child is suffering serious emotional damage, or is at  
18 substantial risk of suffering serious emotional damage, evidenced  
19 by severe anxiety, depression, withdrawal, or untoward aggressive  
20 behavior toward self or others, as a result of the conduct of the  
21 parent or guardian or who has no parent or guardian capable of  
22 providing appropriate care. No child shall be found to be a person  
23 described by this subdivision if the willful failure of the parent or  
24 guardian to provide adequate mental health treatment is based on  
25 a sincerely held religious belief and if a less intrusive judicial  
26 intervention is available.

27 (d) The child has been sexually abused, or there is a substantial  
28 risk that the child will be sexually abused, as defined in Section  
29 11165.1 of the Penal Code, by his or her parent or guardian or a  
30 member of his or her household, or the parent or guardian has  
31 failed to adequately protect the child from sexual abuse when the  
32 parent or guardian knew or reasonably should have known that  
33 the child was in danger of sexual abuse.

34 (e) The child is under ~~the age of~~ five years *of age* and has  
35 suffered severe physical abuse by a parent, or by any person known  
36 by the parent, if the parent knew or reasonably should have known  
37 that the person was physically abusing the child. For the purposes  
38 of this subdivision, “severe physical abuse” means any of the  
39 following: any single act of abuse which causes physical trauma  
40 of sufficient severity that, if left untreated, would cause permanent

1 physical disfigurement, permanent physical disability, or death;  
2 any single act of sexual abuse which causes significant bleeding,  
3 deep bruising, or significant external or internal swelling; or more  
4 than one act of physical abuse, each of which causes bleeding,  
5 deep bruising, significant external or internal swelling, bone  
6 fracture, or unconsciousness; or the willful, prolonged failure to  
7 provide adequate food. A child may not be removed from the  
8 physical custody of his or her parent or guardian on the basis of a  
9 finding of severe physical abuse unless the social worker has made  
10 an allegation of severe physical abuse pursuant to Section 332.

11 (f) The child's parent or guardian caused the death of another  
12 child through abuse or neglect.

13 (g) The child has been left without any provision for support;  
14 physical custody of the child has been voluntarily surrendered  
15 pursuant to Section 1255.7 of the Health and Safety Code and the  
16 child has not been reclaimed within the 14-day period specified  
17 in subdivision ~~(e)~~ (g) of that section; the child's parent has been  
18 incarcerated or institutionalized and cannot arrange for the care of  
19 the child; or a relative or other adult custodian with whom the child  
20 resides or has been left is unwilling or unable to provide care or  
21 support for the child, the whereabouts of the parent are unknown,  
22 and reasonable efforts to locate the parent have been unsuccessful.

23 (h) The child has been freed for adoption by one or both parents  
24 for 12 months by either relinquishment or termination of parental  
25 rights or an adoption petition has not been granted.

26 (i) The child has been subjected to an act or acts of cruelty by  
27 the parent or guardian or a member of his or her household, or the  
28 parent or guardian has failed to adequately protect the child from  
29 an act or acts of cruelty when the parent or guardian knew or  
30 reasonably should have known that the child was in danger of  
31 being subjected to an act or acts of cruelty.

32 (j) The child's sibling has been abused or neglected, as defined  
33 in subdivision (a), (b), (d), (e), or (i), and there is a substantial risk  
34 that the child will be abused or neglected, as defined in those  
35 subdivisions. The court shall consider the circumstances  
36 surrounding the abuse or neglect of the sibling, the age and gender  
37 of each child, the nature of the abuse or neglect of the sibling, the  
38 mental condition of the parent or guardian, and any other factors  
39 the court considers probative in determining whether there is a  
40 substantial risk to the child.

1     (k) *The child is a victim of human trafficking, as described in*  
2 *Section 236.1 of the Penal Code, is a victim of sexual exploitation,*  
3 *as described in Section 11165.1 of the Penal Code, or receives*  
4 *food or shelter in exchange for, or is paid to perform, sexual acts*  
5 *described in Section 236.1 or 11165.1 of the Penal Code, and the*  
6 *parent or guardian failed or was unable to protect the child.*

7     It is the intent of the Legislature that nothing in this section  
8 disrupt the family unnecessarily or intrude inappropriately into  
9 family life, prohibit the use of reasonable methods of parental  
10 discipline, or prescribe a particular method of parenting. Further,  
11 nothing in this section is intended to limit the offering of voluntary  
12 services to those families in need of assistance but who do not  
13 come within the descriptions of this section. To the extent that  
14 savings accrue to the state from child welfare services funding  
15 obtained as a result of the enactment of the act that enacted this  
16 section, those savings shall be used to promote services which  
17 support family maintenance and family reunification plans, such  
18 as client transportation, out-of-home respite care, parenting  
19 training, and the provision of temporary or emergency in-home  
20 caretakers and persons teaching and demonstrating homemaking  
21 skills. The Legislature further declares that a physical disability,  
22 such as blindness or deafness, is no bar to the raising of happy and  
23 well-adjusted children and that a court's determination pursuant  
24 to this section shall center upon whether a parent's disability  
25 prevents him or her from exercising care and control. The  
26 Legislature further declares that a child whose parent has been  
27 adjudged a dependent child of the court pursuant to this section  
28 shall not be considered to be at risk of abuse or neglect solely  
29 because of the age, dependent status, or foster care status of the  
30 parent.

31     As used in this section, "guardian" means the legal guardian of  
32 the child.

33     *SEC. 4. Chapter 4 (commencing with Section 2200) is added*  
34 *to Division 2.5 of the Welfare and Institutions Code, to read:*

1        *CHAPTER 4. STATE PLAN TO SERVE AND PROTECT SEXUALLY*  
2                    *EXPLOITED AND TRAFFICKED MINORS*

3  
4        2200. *This chapter shall be known, and may be cited, as the*  
5 *State Plan to Serve and Protect Sexually Exploited and Trafficked*  
6 *Minors.*

7        2201. (a) *The purpose of this chapter is to establish the*  
8 *framework for a coordinated effort and plan to serve and protect*  
9 *sexually exploited and trafficked minors.*

10        (b) *The California Health and Human Services Agency shall,*  
11 *no later than January 30, 2015, convene an interagency*  
12 *workgroup, in accordance with Section 2202, in consultation with*  
13 *the California Child Welfare Council created by Section 16540,*  
14 *for this purpose.*

15        (c) *For purposes of this chapter, “child trafficking victim”*  
16 *means an individual under 18 years of age who meets any of the*  
17 *following conditions:*

18        (1) *Is a victim of human trafficking, as defined in Section 236.1*  
19 *of the Penal Code.*

20        (2) *Is involved in prostitution, pornography, or stripping.*

21        (3) *Is engaged in survival sex, which is the exchange of sex for*  
22 *money or other consideration, including food or shelter, in order*  
23 *to ensure his or her survival.*

24        2202. (a) *The interagency workgroup shall be comprised of*  
25 *representatives from the State Department of Health Care Services,*  
26 *the Children and Family Services Division of the State Department*  
27 *of Social Services, the Division of Juvenile Justice in the*  
28 *Department of Corrections and Rehabilitation, and the State*  
29 *Department of Education, and shall include a broad spectrum of*  
30 *stakeholders who are responsible for addressing the needs of this*  
31 *population, including, but not limited to, local government*  
32 *agencies, human trafficking service providers, the California*  
33 *Mental Health Directors Association, county probation officers,*  
34 *the County Welfare Directors Association of California, youth*  
35 *advocates, court representatives, and human trafficking survivors.*

36        (b) *The workgroup shall conduct a thorough review of existing*  
37 *programs and services for child trafficking victims to identify areas*  
38 *of need. The workgroup shall develop strategies and*  
39 *recommendations for policies, interagency response protocols,*  
40 *and services that will ensure that child trafficking victims have*

1 *access to the services and supports needed for their safety and*  
2 *recovery.*

3 *(c) The workgroup shall develop a comprehensive state plan to*  
4 *serve and protect sexually exploited and trafficked minors,*  
5 *including recommendations and a timeline for implementation.*  
6 *The plan shall include, at a minimum, all of the following:*

7 *(1) An evaluation of juvenile court jurisdiction pertaining to*  
8 *child trafficking, including the adequacy of existing jurisdictional*  
9 *statuses under Sections 241.1, 300, 601, and 602, and*  
10 *recommendations for necessary changes.*

11 *(2) A multiagency-coordinated child trafficking response*  
12 *protocol and guidelines for local implementation that addresses*  
13 *identification, screening, assessment, immediate and safe shelter,*  
14 *and clear lines of ongoing responsibility to ensure that child*  
15 *trafficking victims have access to the necessary continuum of*  
16 *treatment options, as determined by the workgroup.*

17 *(3) Whether new specialized services and programs are needed*  
18 *to ensure that child trafficking victims have access to safe and*  
19 *appropriate services, the identification of funding sources and a*  
20 *timeline for the creation of those services and programs.*

21 *(4) The identification of training needs for child welfare staff,*  
22 *law enforcement, and probation staff regarding child trafficking*  
23 *response protocols, and a plan and timeline to implement necessary*  
24 *training.*

25 *(5) The development of data collection and sharing protocols*  
26 *among agencies.*

27 *(d) In developing the plan, the workgroup shall consider both*  
28 *of the following:*

29 *(1) Existing laws and practices in other states and jurisdictions*  
30 *that have developed response protocols and policies to respond*  
31 *to sexual exploitation of minors and child trafficking, and the*  
32 *outcomes and unintended consequences of those protocols and*  
33 *policies.*

34 *(2) The adequacy of existing response protocols and services,*  
35 *including identification, screening, assessment, immediate and*  
36 *safe shelter, and the range of treatment options for child trafficking*  
37 *victims.*

38 *(e) The workgroup, in collaboration with the Child Welfare*  
39 *Council, shall submit the plan, including implementation*

1 *recommendations, and a timeline, to the Legislature, Judicial*  
 2 *Council, and the Governor, no later than January 30, 2016.*

3 *(f) Reports submitted to the Legislature pursuant to this section*  
 4 *shall be submitted in compliance with Section 9795 of the*  
 5 *Government Code.*

6 *SEC. 5. Section 16003 of the Welfare and Institutions Code is*  
 7 *amended to read:*

8 16003. (a) In order to promote the successful implementation  
 9 of the statutory preference for foster care placement with a relative  
 10 caretaker as set forth in Section 7950 of the Family Code, each  
 11 community college district with a foster care education program  
 12 shall make available orientation and training to the relative or  
 13 nonrelative extended family member caregiver into whose care  
 14 the county has placed a foster child pursuant to Section 1529.2 of  
 15 the Health and Safety Code, including, but not limited to, courses  
 16 that cover the following:

17 (1) The role, rights, and responsibilities of a relative or  
 18 nonrelative extended family member caregiver caring for a child  
 19 in foster care, including the right of a foster child to have fair and  
 20 equal access to all available services, placement, care, treatment,  
 21 and benefits, and to not be subjected to discrimination or  
 22 harassment on the basis of actual or perceived race, ethnic group  
 23 identification, ancestry, national origin, color, religion, sex, sexual  
 24 orientation, gender identity, mental or physical disability, or HIV  
 25 status.

26 (2) An overview of the child protective system.

27 (3) The effects of child abuse and neglect on child development.

28 (4) Positive discipline and the importance of self-esteem.

29 (5) Health issues in foster care.

30 (6) Accessing education and health services that are available  
 31 to foster children.

32 (7) Relationship and safety issues regarding contact with one  
 33 or both of the birth parents.

34 (8) Permanency options for relative or nonrelative extended  
 35 family member caregivers, including legal guardianship, the  
 36 Kinship Guardianship Assistance Payment Program, and kin  
 37 adoption.

38 (9) Information on resources available for those who meet  
 39 eligibility criteria, including out-of-home care payments, the

1 Medi-Cal program, in-home supportive services, and other similar  
2 resources.

3 (10) Instruction on cultural competency and sensitivity relating  
4 to, and best practices for, providing adequate care to lesbian, gay,  
5 bisexual, and transgender youth in out-of-home care.

6 *(11) Instruction on cultural competency and sensitivity relating*  
7 *to, and best practices for, providing adequate care to a sexually*  
8 *exploited and trafficked minor in out-of-home care.*

9 ~~(11)~~

10 (12) Basic instruction on the existing laws and procedures  
11 regarding the safety of foster youth at school and the ensuring of  
12 a harassment and violence free school environment contained in  
13 the ~~California~~ Student Safety and Violence Prevention Act of 2000  
14 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
15 Part 19 of Division 1 of Title 1 of the Education Code).

16 (b) In addition to training made available pursuant to subdivision  
17 (a), each community college district with a foster care education  
18 program shall make training available to a relative or nonrelative  
19 extended family member caregiver that includes, but need not be  
20 limited to, courses that cover all of the following:

21 (1) Age-appropriate child development.

22 (2) Health issues in foster care.

23 (3) Positive discipline and the importance of self-esteem.

24 (4) Emancipation and independent living.

25 (5) Accessing education and health services available to foster  
26 children.

27 (6) Relationship and safety issues regarding contact with one  
28 or both of the birth parents.

29 (7) Permanency options for relative or nonrelative extended  
30 family member caregivers, including legal guardianship, the  
31 Kinship Guardianship Assistance Payment Program, and kin  
32 adoption.

33 (8) Basic instruction on the existing laws and procedures  
34 regarding the safety of foster youth at school and the ensuring of  
35 a harassment and violence free school environment contained in  
36 the ~~California~~ Student Safety and Violence Prevention Act of 2000  
37 (Article 3.6 (commencing with Section 32228) of Chapter 2 of  
38 Part 19 of Division 1 of Title 1 of the Education Code).

39 (c) In addition to the requirements of subdivisions (a) and (b),  
40 each community college district with a foster care education

1 program, in providing the orientation program, shall develop  
2 appropriate program parameters in collaboration with the counties.

3 (d) Each community college district with a foster care education  
4 program shall make every attempt to make the training and  
5 orientation programs for relative or nonrelative extended family  
6 member caregivers highly accessible in the communities in which  
7 they reside.

8 (e) When a child is placed with a relative or nonrelative extended  
9 family member caregiver, the county shall inform the caregiver  
10 of the availability of training and orientation programs and it is  
11 the intent of the Legislature that the county shall forward the names  
12 and addresses of relative or nonrelative extended family member  
13 caregivers to the appropriate community colleges providing the  
14 training and orientation programs.

15 (f) This section shall not be construed to preclude counties from  
16 developing or expanding existing training and orientation programs  
17 for foster care providers to include relative or nonrelative extended  
18 family member caregivers.

19 *SEC. 6. Section 16540 of the Welfare and Institutions Code is*  
20 *amended to read:*

21 16540. The California Child Welfare Council is hereby  
22 established, which shall serve as an advisory body responsible for  
23 improving the collaboration and processes of the multiple agencies  
24 and the courts that serve the children and youth in the child welfare  
25 and foster care systems. The council shall monitor and report the  
26 extent to which child welfare and foster care programs and the  
27 courts are responsive to the needs of children in their joint care.  
28 The council shall issue advisory reports whenever it deems  
29 appropriate, but in any event, no less frequently than annually, to  
30 the Governor, the Legislature, the Judicial Council, and the public.  
31 A report of the Child Welfare Council shall, at a minimum, include  
32 recommendations for all of the following:

33 (a) Ensuring that all state child welfare, foster care, and judicial  
34 funding and services for children, youth, and families is, to the  
35 greatest extent possible, coordinated to eliminate fragmentation  
36 and duplication of services provided to children or families who  
37 would benefit from integrated multiagency services.

38 (b) Increasing the quality, appropriateness, and effectiveness  
39 of program services and judicial processes delivered to children,  
40 youth, and families who would benefit from integrated multiagency

1 services to achieve better outcomes for these children, youth, and  
2 families.

3 (c) Promoting consistent program and judicial excellence across  
4 counties to the greatest extent possible while recognizing the  
5 demographic, geographic, and financial differences among the  
6 counties.

7 (d) Increasing collaboration and coordination between county  
8 agencies, state agencies, federal agencies, and the courts.

9 (e) Ensuring that all state Title IV-E plans, program  
10 improvement plans, and court improvement plans demonstrate  
11 effective collaboration between public agencies and the courts.

12 (f) Assisting the Secretary of California Health and Human  
13 Services and the chief justice in formulating policies for the  
14 effective administration of the child welfare and foster care  
15 programs and judicial processes.

16 (g) Modifying program practices and court processes, rate  
17 structures, and other system changes needed to promote and support  
18 relative caregivers, family foster parents, therapeutic placements,  
19 and other placements for children who cannot remain in the family  
20 home.

21 (h) Developing data- and information-sharing agreements and  
22 protocols for the exchange of aggregate data across program and  
23 court systems that are providing services to children and families  
24 in the child welfare system. These data-sharing agreements shall  
25 allow child welfare agencies and the courts to access data  
26 concerning the health, mental health, special education, and  
27 educational status and progress of children served by county child  
28 welfare systems subject to state and federal confidentiality laws  
29 and regulations. They shall be developed in tandem with the  
30 establishment of judicial case management systems as well as  
31 additional or enhanced performance measures described in  
32 subdivision (b) of Section 16544.

33 (i) Developing systematic methods for obtaining policy  
34 recommendations from foster youth about the effectiveness and  
35 quality of program services and judicial processes, and ensuring  
36 that the interests of foster youth are adequately addressed in all  
37 policy development.

38 (j) Implementing legislative enactments in the child welfare and  
39 foster care programs and the courts, and reporting to the Legislature  
40 on the timeliness and consistency of the implementation.

1 (k) Monitoring the adequacy of resources necessary for the  
2 implementation of existing programs and court processes, and the  
3 prioritization of program and judicial responsibilities.

4 (l) Strengthening and increasing the independence and authority  
5 of the foster care ombudsperson.

6 (m) Coordinating available services for former foster youth and  
7 improving outreach efforts to those youth and their families.

8 (n) *Providing recommendations and updates to the State Plan*  
9 *to Serve and Protect Sexually Exploited and Trafficked Minors,*  
10 *as described in Chapter 4 (commencing with Section 2200) of*  
11 *Division 2.5.*

12 *SEC. 7. If the Commission on State Mandates determines that*  
13 *this act contains costs mandated by the state, reimbursement to*  
14 *local agencies and school districts for those costs shall be made*  
15 *pursuant to Part 7 (commencing with Section 17500) of Division*  
16 *4 of Title 2 of the Government Code.*

17 ~~SECTION 1. Section 6217 of the Public Resources Code is~~  
18 ~~amended to read:~~

19 ~~6217. With the exception of revenue derived from state school~~  
20 ~~lands and from sources described in Sections 6217.6, 6301.5,~~  
21 ~~6301.6, 6855, and Sections 8551 to 8558, inclusive, and Section~~  
22 ~~6404 (insofar as the proceeds are from property that has been~~  
23 ~~distributed or escheated to the state in connection with unclaimed~~  
24 ~~estates of deceased persons), the commission shall deposit all~~  
25 ~~revenue, money, and remittances received by the commission~~  
26 ~~under this division, and under Chapter 138 of the Statutes of 1964,~~  
27 ~~First Extraordinary Session, in the General Fund. Out of those~~  
28 ~~funds deposited in the General Fund, sufficient moneys shall be~~  
29 ~~made available each fiscal year for the following purposes:~~

30 ~~(a) Payment of refunds, authorized by the commission, out of~~  
31 ~~appropriations made for that purpose.~~

32 ~~(b) Payment of expenditures of the commission as provided in~~  
33 ~~the annual Budget Act.~~

34 ~~(c) Payments to cities and counties of the amounts specified in~~  
35 ~~Section 6817 for the purposes specified in that section, out of~~  
36 ~~appropriations made for that purpose.~~

37 ~~(d) Payments to cities and counties of the amounts agreed to~~  
38 ~~pursuant to Section 6875, out of appropriations made for that~~  
39 ~~purpose.~~

1     ~~(e) At least \_\_\_\_\_ dollars shall be made available from those~~  
2     ~~moneys for deposit into the State Coastal Conservancy Fund, out~~  
3     ~~of an appropriation for that purpose, for expenditure for the~~  
4     ~~preservation and protection of coastal lands.~~

O