

Assembly Bill No. 2668

Passed the Assembly August 25, 2014

Chief Clerk of the Assembly

Passed the Senate August 21, 2014

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2014, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 11465 and 16501.25 of, and to add Sections 16501.26, 16501.27, and 16501.28 to, the Welfare and Institutions Code, relating to social services.

LEGISLATIVE COUNSEL'S DIGEST

AB 2668, Quirk-Silva. Foster care: nonminor dependent parents.

Existing law provides aid and services to children placed in out-of-home care through various social service programs, including Aid to Families with Dependent Children-Foster Care (AFDC-FC) and the Kinship Guardianship Assistance Payment Program (Kin-GAP). Existing law provides that, when a child is living with a parent who receives AFDC-FC or Kin-GAP benefits, the rate paid to the provider on behalf of the parent include an amount for care and supervision of the child, as specified. Existing law provides for specified payments in instances in which a child is living with a teen parent in a whole family foster home, as defined, and requires the same rate to be paid for a child living with a nonminor dependent parent who is eligible to receive AFDC-FC or Kin-GAP benefits, as specified. Existing law provides that a nonminor dependent may receive all of his or her AFDC-FC or Kin-GAP payments directly, provided that he or she is living independently in a supervised placement.

Existing law requires, in instances in which a child is living with a teen parent in a whole family foster home, that a written shared responsibility plan be developed between the parent, his or her caregiver, and a representative of the county or other agency providing direct supervision to the caregiver. Existing law requires that, once this plan has been completed and provided to the appropriate agencies, the payment made to the caregiver be increased by an additional \$200 per month to reflect the increased care and supervision of the child.

This bill, on or after July 1, 2015, would similarly authorize the development of a parenting support plan between a nonminor dependent parent who resides in a supervised independent living placement, an identified responsible adult who has agreed to act as a parenting mentor, and a representative of the county child

welfare agency or probation department. The bill would require a nonminor dependent who develops a parenting support plan pursuant to these provisions to provide a copy of the plan to the county child welfare agency or probation department and to inform these entities of any subsequent changes to the plan. The bill would require that after the completion and approval of the plan and a determination by the county agency that the identified responsible adult meets specified criteria, the payment to the nonminor dependent parent be increased by an additional \$200 per month.

The bill would require the State Department of Social Services to convene a working group to develop and issue an all-county letter that specifies the minimum criteria a person must meet in order to serve as an identified responsible adult to a nonminor dependent parent, as specified. The bill would require a person who wishes to become an identified responsible adult to meet the minimum criteria described above, be at least 21 years of age, and undergo a criminal records check and a Child Abuse Central Index check, as specified. By increasing the duties of counties providing child welfare services, 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.

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

SECTION 1. Section 11465 of the Welfare and Institutions Code is amended to read:

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

(b) For each category of eligible licensed community care facility, as defined in Section 1502 of the Health and Safety Code, the department shall adopt regulations setting forth a uniform rate

to cover the cost of care and supervision of the child in each category of eligible licensed community care facility.

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

(2) (A) On and after July 1, 1999, the uniform rate to cover the cost of care and supervision of a child pursuant to this section shall be adjusted by an amount equal to the California Necessities Index computed pursuant to Section 11453, rounded to the nearest dollar. The resultant amounts shall constitute the new uniform rate, subject to further adjustment pursuant to subparagraph (B).

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

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

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

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

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

(3) (A) The caregiver shall provide the county child welfare agency or probation department with a copy of the shared responsibility plan developed pursuant to Section 16501.25 and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. Once the plan

has been completed and provided to the appropriate agencies, the payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month to reflect the increased care and supervision while he or she is placed in the whole family foster home.

(B) A nonminor dependent parent residing in a supervised independent living placement, as defined in subdivision (w) of Section 11400, who develops a written parenting support plan pursuant to Section 16501.26 shall provide the county child welfare agency or probation department with a copy of the plan and shall advise the county child welfare agency or probation department of any subsequent changes to the plan. The payment made pursuant to this section shall be increased by an additional two hundred dollars (\$200) per month after all of the following have been satisfied:

(i) The plan has been completed and provided to the appropriate county agency.

(ii) The plan has been approved by the appropriate county agency.

(iii) The county agency has determined that the identified responsible adult meets the criteria specified in Section 16501.27.

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

(5) A Kin-GAP relative who, immediately prior to entering the Kin-GAP program, was designated as a whole family foster home shall receive the same payment amounts for the care and supervision of a child who is living with a teen parent they received in foster care as a whole family foster home.

(6) On and after January 1, 2012, the rate paid for a child living with a teen parent in a whole family foster home as defined in Section 11400 shall also be paid for a child living with a nonminor dependent parent who is eligible to receive AFDC-FC or Kin-GAP pursuant to Section 11403.

SEC. 2. Section 16501.25 of the Welfare and Institutions Code is amended to read:

16501.25. (a) For the purposes of this section, “teen parent” means a child who has been adjudged to be a dependent child or ward of the court on the grounds that he or she is a person described

under Section 300 or 602, or a ward of a nonrelated legal guardian whose guardianship was established pursuant to Section 360 or 366.26, living in out-of-home placement in a whole family foster home, as defined in subdivision (u) of Section 11400, who is a parent. Commencing January 1, 2012, “teen parent” also means a nonminor dependent, as defined in subdivision (v) of Section 11400, who is living in a whole family foster home, as defined in subdivision (t) of Section 11400, and is eligible for AFDC-FC or Kin-GAP payments pursuant to Section 11403.

(b) (1) When the child of a teen parent is not subject to the jurisdiction of the dependency court but is in the full or partial physical custody of the teen parent, a written shared responsibility plan shall be developed. The plan shall be developed between the teen parent, caregiver, and a representative of the county child welfare agency or probation department, and in the case of a certified home, a representative of the agency providing direct and immediate supervision to the caregiver. Additional input may be provided by any individuals identified by the teen parent, the other parent of the child, if appropriate, and other extended family members. The plan shall be developed as soon as is practicably possible. However, if one or more of the above stakeholders are not available to participate in the creation of the plan within the first 30 days of the teen parent’s placement, the teen parent and caregiver may enter into a plan for the purposes of fulfilling the requirements of subparagraph (A) of paragraph (3) of subdivision (d) of Section 11465, which may be modified at a later time when the other individuals become available.

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

(3) The plan shall be written for the express purpose of aiding the teen parent and the caregiver to reach agreements aimed at reducing conflict and misunderstandings. The plan shall outline, with as much specificity as is practicable, the duties, rights, and responsibilities of both the teen parent and the caregiver with regard

to the child, and identify supportive services to be offered to the teen parent by the caregiver or, in the case of a certified home, the agency providing direct and immediate supervision to the caregiver, or both. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the teen parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the teen parent's case plan. Areas to be addressed by the plan include, but are not limited to, all of the following:

(A) Feeding.

(B) Clothing.

(C) Hygiene.

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

(E) Health care.

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

(G) Provision of child care and babysitting.

(H) Discipline.

(I) Sleeping arrangements.

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

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

(d) The shared responsibility plan requirements shall no longer apply when the two hundred-dollar (\$200) monthly payment is made under the Kin-GAP program pursuant to Article 4.5 (commencing with Section 11360) or Article 4.7 (commencing with Section 11385) of Chapter 2 of Part 3 to a former whole family foster home pursuant to subdivision (a) of Section 11465.

SEC. 3. Section 16501.26 is added to the Welfare and Institutions Code, to read:

16501.26. (a) For the purposes of this section, “nonminor dependent parent” means a nonminor dependent as described in subdivision (v) of Section 11400, residing in a supervised independent living placement as defined in subdivision (w) of Section 11400, who is a parent.

(b) When the child of a nonminor dependent parent is not subject to the jurisdiction of the dependency court, but is in the full or partial custody of the nonminor dependent, a written parenting support plan may be developed between the nonminor dependent parent and an identified responsible adult who has agreed to act as a parenting mentor to the nonminor dependent parent. The plan, if developed, shall be developed between the nonminor dependent parent, the identified responsible adult, and a representative of the county child welfare agency or probation department. Additional input may be provided by any individuals identified by the nonminor dependent parent, the other parent of the child, if appropriate, and other extended family members. The plan shall be developed as soon as is practicably possible. However, if one or more of the above stakeholders are not available to participate in the creation of the plan within the first 30 days of the nonminor dependent parent’s request to enter into the plan, the nonminor dependent parent and the identified responsible adult may enter into a plan for the purposes of fulfilling the requirements of subparagraph (B) of paragraph (3) of subdivision (d) of Section 11465, which may be modified at a later time when the other individuals become available.

(1) The plan shall be designed to preserve and strengthen the nonminor dependent parent family unit, as described in Section 16002.5, to assist the nonminor dependent parent in meeting the goals outlined in Section 16002.5, to assist the nonminor dependent parent in maintaining a safe, stable, and permanent home for the child, and to support the nonminor dependent parent’s educational and employment goals. The plan shall in no way limit the nonminor dependent parent’s legal right to make decisions regarding the care, custody, and control of the child.

(2) The plan shall be written for the express purpose of identifying additional support and assisting the nonminor dependent parent in providing the best care plan for his or her child. The plan

shall outline, with as much specificity as is practicable, the ways in which the identified responsible adult will assist the nonminor dependent parent with regard to the child, and identify supportive services to be offered to the nonminor dependent parent by the identified responsible adult. The plan shall be updated, as needed, to account for the changing needs of infants and toddlers, and in accordance with the nonminor dependent parent's changing school, employment, or other outside responsibilities. The plan shall not conflict with the nonminor dependent parent's transitional independent living case plan or any visitation orders made by the court. Areas to be addressed by the plan may include, but are not limited to, all of the following:

(A) Transportation to health care appointments, child care, and school, as appropriate.

(B) Providing child care and babysitting.

(c) Upon completion of the parenting support plan and any subsequent updates to the plan, a copy shall be provided to the nonminor dependent parent and his or her attorney, the identified responsible adult, and the county child welfare agency or probation department.

(d) This section shall become operative on July 1, 2015.

SEC. 4. Section 16501.27 is added to the Welfare and Institutions Code, to read:

16501.27. (a) For purposes of Section 16501.26, a person who wishes to become an identified responsible adult to a nonminor dependent parent shall comply with all of the following requirements:

(1) Meet the minimum criteria established pursuant to Section 16501.28.

(2) Be at least 21 years of age.

(3) Undergo a criminal records check in accordance with Section 1522 of the Health and Safety Code.

(4) Undergo a Child Abuse Central Index check pursuant to Section 11170 of the Penal Code.

(b) An identification card from a foreign consulate or foreign passport shall be considered a valid form of identification for purposes of conducting a criminal records check and fingerprint clearance check pursuant to subdivision (a).

(c) This section shall become operative on July 1, 2015.

SEC. 5. Section 16501.28 is added to the Welfare and Institutions Code, to read:

16501.28. Notwithstanding the rulemaking provisions of the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), the department shall convene a working group no later than February 1, 2015, that includes representatives of the County Welfare Directors Association and child welfare advocates to develop an all-county letter that specifies the minimum criteria a person must meet in order to serve as an identified responsible adult to a nonminor dependent parent. The working group shall issue the letter to all counties by June 30, 2015.

SEC. 6. 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.

Approved _____, 2014

Governor